



# VOTING RIGHTS ACT (VRA) SECTION FIVE

Maricopa County Community Network Meeting  
July 29<sup>th</sup>, 2009

# Voting Rights Act



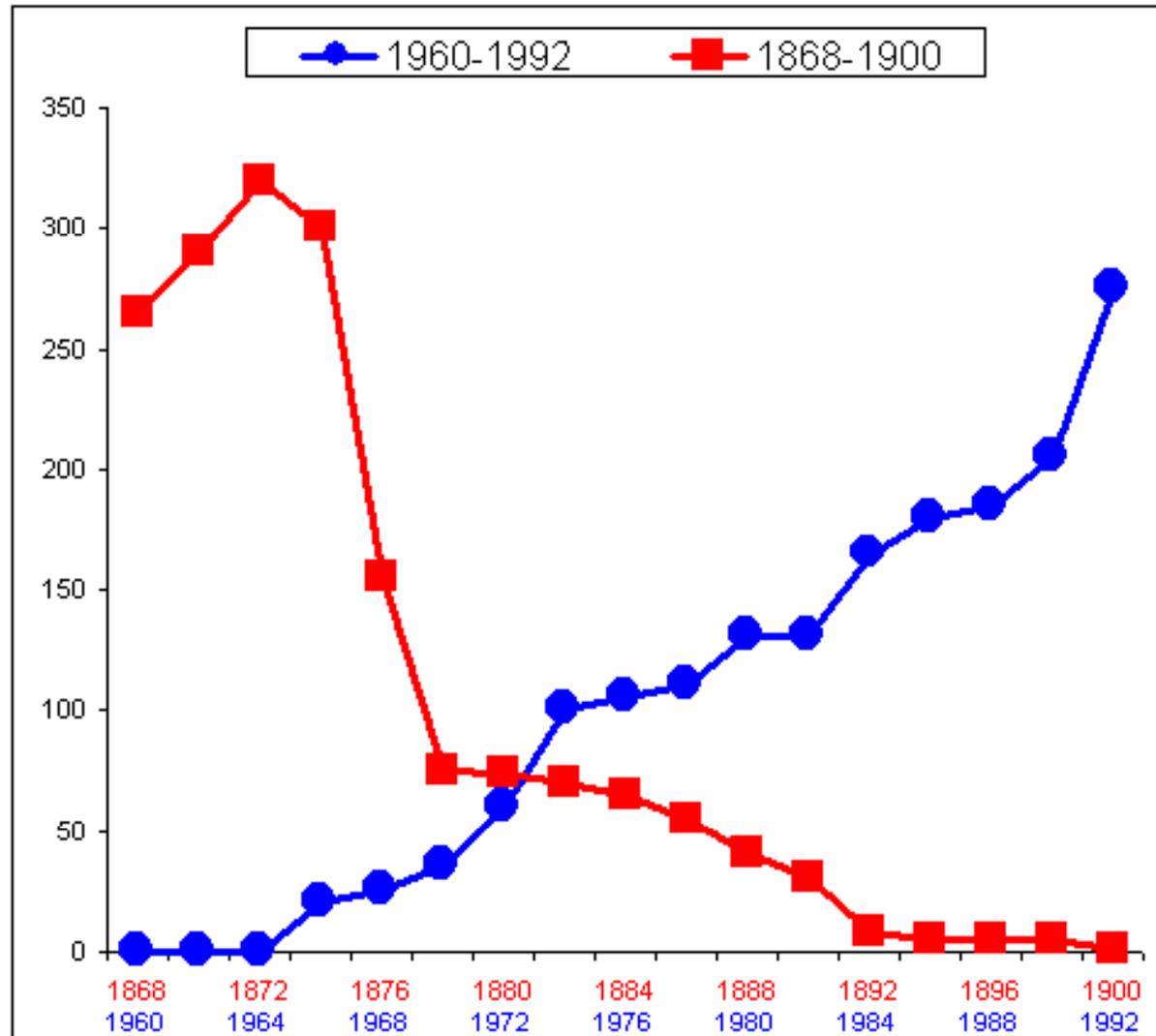
- History of initial passage
- Sections of the VRA
- Submission for Preclearance
- “Bail-out” Process
- Re-authorization in 2006
- The Texas Case & Supreme Court Ruling



# HISTORY BEHIND THE VRA

Drawn from bilingual boardworker class.

Number of Black Southern Legislators, 1868-1900 and 1960-1992



1865:

End of Civil War

1870:

15<sup>th</sup> Amendment

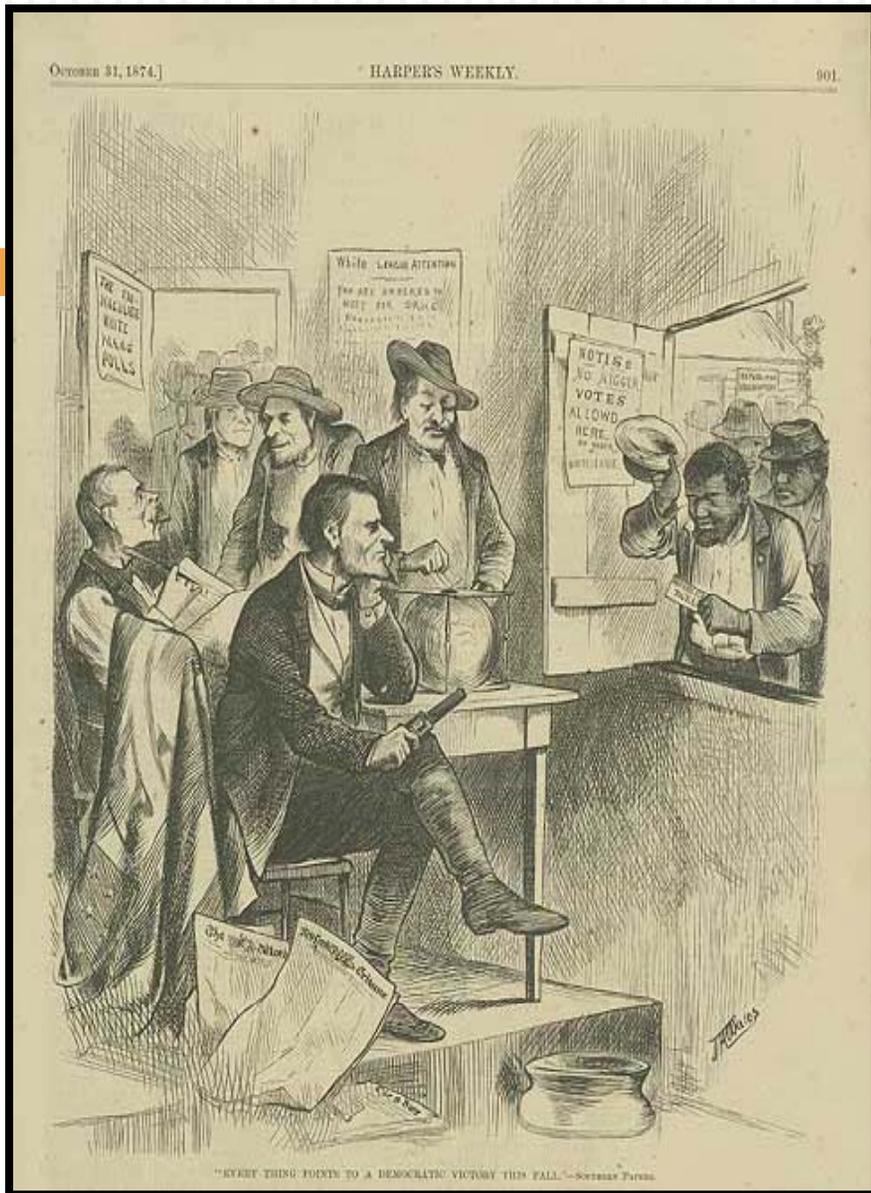
1870+:

New Southern  
State Constitutions  
Literacy Tests & the  
“Grandfather  
Clause”

Voter Registration totals follow this same trend



THE FIRST COLORED SENATOR AND REPRESENTATIVES.  
In the 41<sup>st</sup> and 42<sup>nd</sup> Congress of the United States.



1874

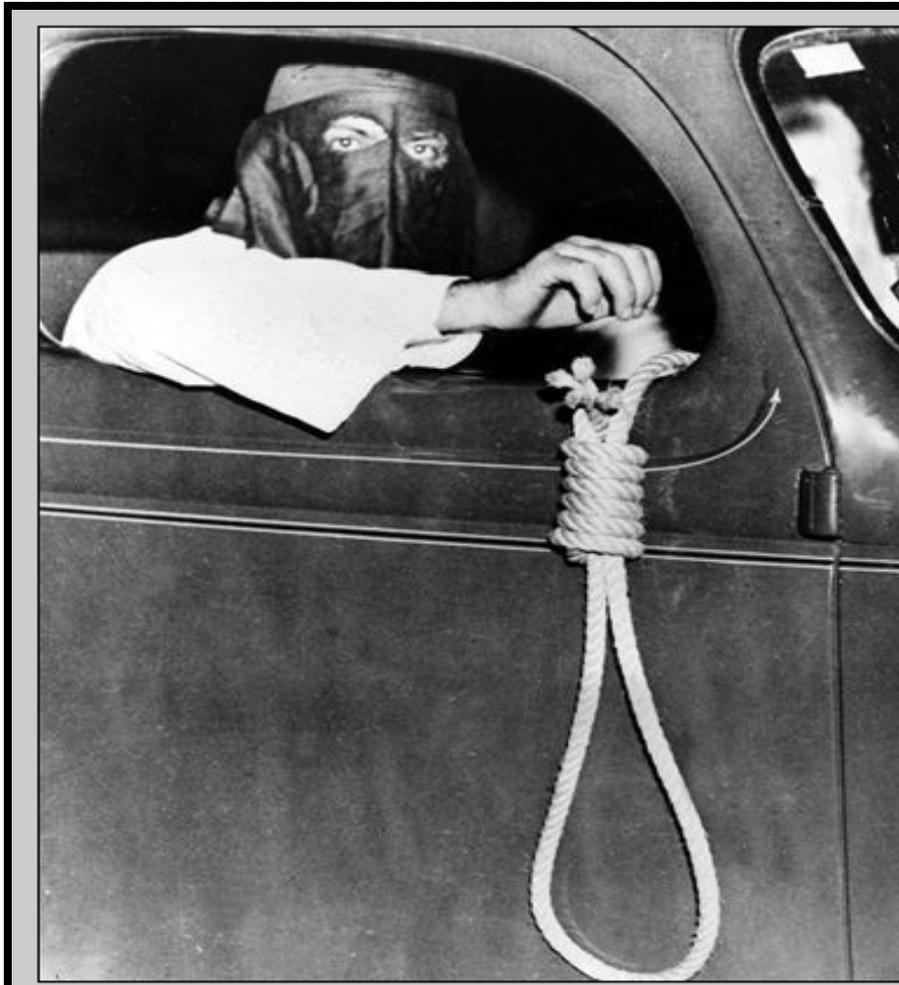


"By the way, what's the big word?"

Bill Mauldin, St. Louis Post-Dispatch (1964)

1964

# Some voter intimidation was blatant:



A hangman's noose dangling from an automobile driven by a hooded Ku Klux Klan member is among the grim warnings to blacks to stay away from polling places in the municipal primary in Miami on May 3, 1939. Despite the threats, 616 blacks voted.

AP

Some more subtle.

## Literacy Tests: The Alabama Example

When the Constitution was approved by the original colonies, how many states had to ratify it in order for it to be in effect? \_\_\_\_\_

Does enumeration affect the income tax levied on citizens in various states? \_\_\_\_\_

Person opposed to swearing in an oath may say, instead:  
(solemnly) \_\_\_\_\_

Who passes laws dealing with piracy? \_\_\_\_\_  
\_\_\_\_\_

The only laws which can be passed to apply to an area in a federal arsenal are those passed by \_\_\_\_\_ provided consent for the purchase of the land is given by the \_\_\_\_\_.

How many votes must a person receive in order to become President if the election is decided by the U.S. House of Representatives? \_\_\_\_\_

# Additional “Tests” at the Polls:

*“I didn't ever have any fear. I wanted to go vote. And when I did go over there to vote, they asked me, ‘How many grains of corn on a cob? How many seeds in a watermelon?’ I said, ‘How do you know unless you cut it open and count it?’”*



# HISTORICAL & LEGAL BACKGROUND

## Civil Rights in the 1960's



# Freedom Summer 1964

Students from all over the country head South to register voters.



Students were trained in voter registration requirements...and self defense.



Not realizing how important both would be...



# Not everyone was for expansion/enforcement of civil rights





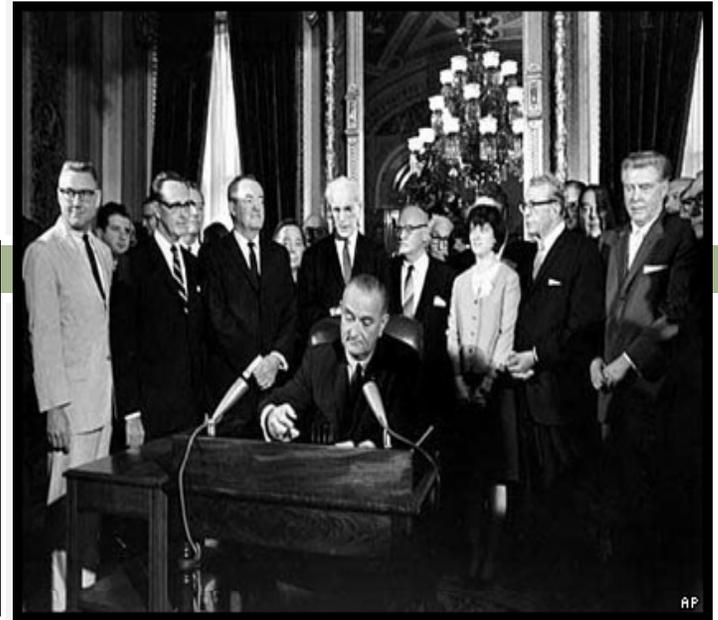
Coverage of what was happening was brought into living rooms across the country on the nightly news



# March 25, 1965 Bloody Sunday



# 1965 Voting Rights Act



## Overview:

- Enacted by President Lyndon B Johnson
- Outlaws such measures as literacy or other tests used as prerequisite for obtaining a ballot.
- Any voter requiring assistance may receive it from the person of their choice other than the voter's employer or agent of that employer or officer or agent of the voter's union. (EXCEPTION: Arizona State Law prohibits candidates from assisting the voters in casting their ballots.)
- **Sections of the law in place for 10 years** *(this will be important later...)*

# Many Americans voted for the first time after passage of the VRA



Flip Schulke / Corbis

An elderly black woman holds a sample ballot during a class for newly registered voters in Alabama in 1966. Civil rights activists held the classes for blacks who would be voting for the first time in their lives following passage of the Voting Rights Act.



© AP Images

A newly registered voter in Selma, Alabama, in August 1965.

# Enforcement

- The Department of Justice (DOJ) enforces the VRA.
- DOJ has different divisions and VRA enforcement falls under the Civil Rights Division's Voting Section



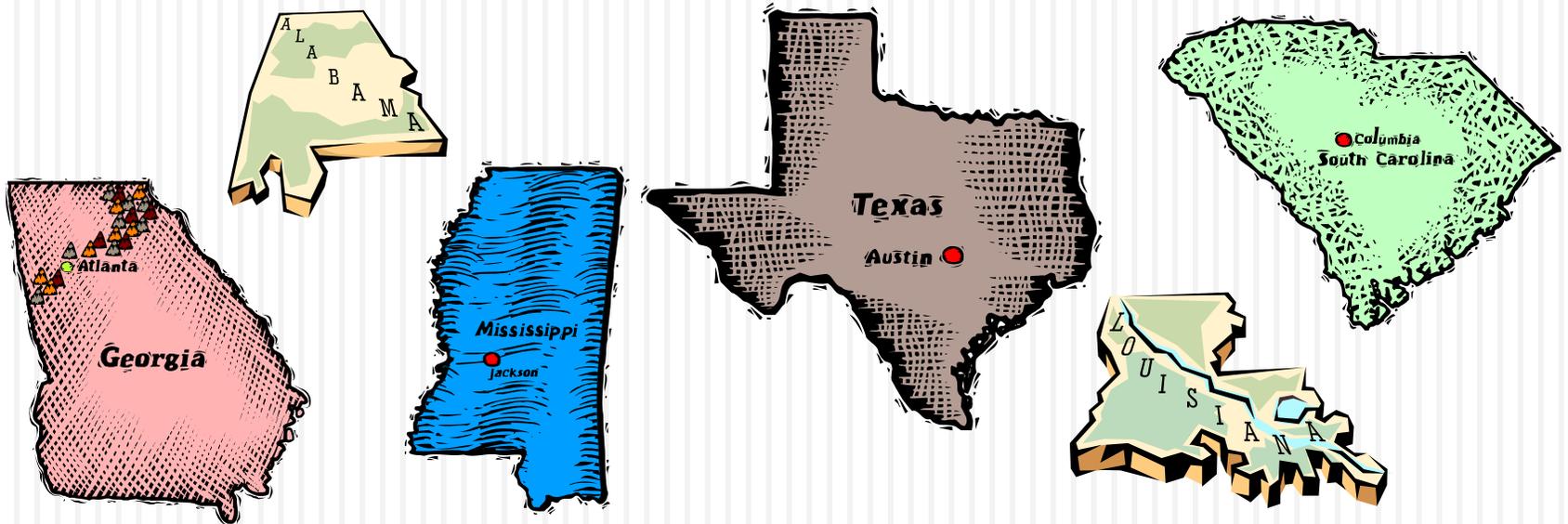


# PARTS OF THE VRA

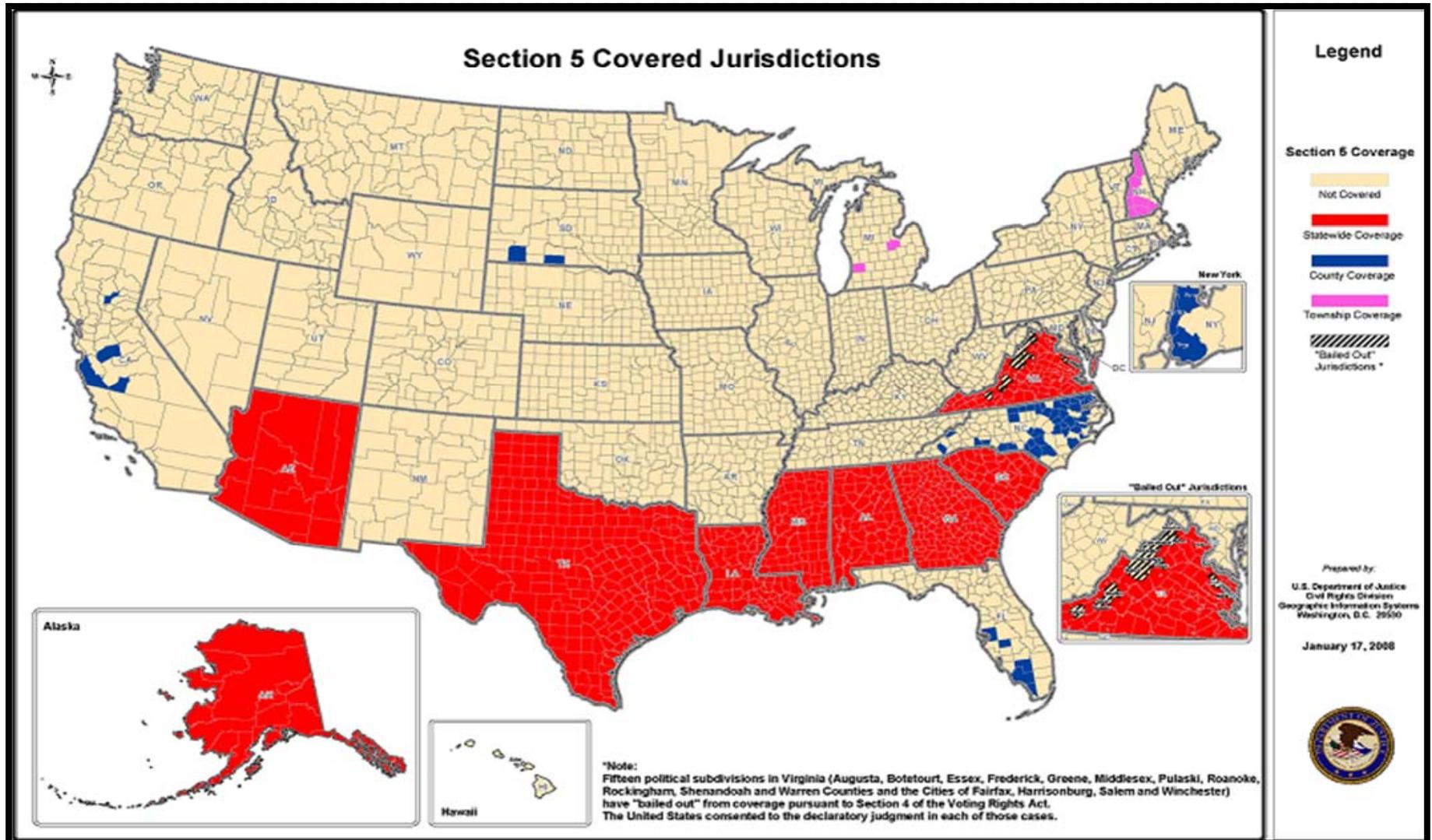
Also drawn from bilingual boardworker class.



**Section 5:** All or part of 16 states covered that all changes to voting processes must be pre-cleared by the Department of Justice Civil Rights Division to ensure that any change will not adversely effect a segment of the population or disenfranchise any voters by having a discriminatory effect.



# 12,000 Covered Jurisdictions



# Why is Arizona on that list?

## ***Porter v. Hall***

In 1928, the Arizona Supreme Court considered the Indian vote in the case of *Porter v. Hall* [34 Ariz. 308, 271 P. 211 (1928)].

The court found that Indians on the reservation were under a "federal guardianship" which was equivalent to "persons under disability," a status which barred them from voting.



## ***Harrison v. Laveen***

Twenty years later the Arizona court reversed its position in *Harrison v. Laveen* [67 Ariz. 337, 196 P.2d 456 (1948)], finally enfranchising the state's Native American population.



# Why is Arizona on that list?

“The State of Arizona challenges the power of Congress to impose a nationwide ban, until August 6, 1975, on the use of literacy and certain other tests to limit the franchise in any election.”

Supreme Court Case  
*Oregon v Mitchell*



# 1975 Amendments

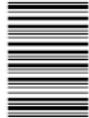


- In 1975 the Voting Rights Act was not only extended, but amended to include protection to voters of language minorities.
- Ensures that members of a language minority must have the ability to participate effectively in the electoral process, and that this includes ballot language.

5022-00-00

PPNO 2 - CARTWRIGHT

**OFFICIAL BALLOT / BOLETA OFICIAL**

 **CARTWRIGHT ELEMENTARY  
SCHOOL DISTRICT NO. 83  
SPECIAL ELECTION**

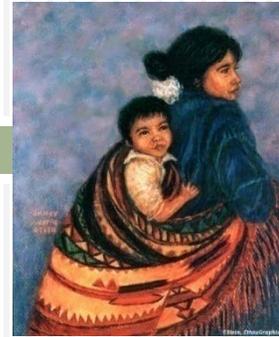


**DISTRITO ESCOLAR PRIMARIO  
NO. 83 DE CARTWRIGHT  
ELECCIÓN ESPECIAL**

MARCH 13, 2007, MARICOPA COUNTY, ARIZONA  
13 DE MARZO, 2007, CONDADO DE MARICOPA, ARIZONA

TO VOTE: Complete the arrow(s)  pointing to your choice with a single line, like this 

PARA VOTAR: Complete la flecha(s)  apuntando hacia su selección con una línea, como ésta 



**Section 203:** Counties and townships with significant populations of citizens with limited English proficiency (whose language of choice is either Spanish, Native American, Native Alaskan, or one of the Asian languages) must provide language assistance to those voters at all stages of the electoral process.

New York City



1300854209BAR

VOTE

**Official Voting Information from the  
Board of Elections in the City of New York**

***WHEN TO VOTE:*** Primary Election: Tuesday, September 12, 2006

**General Election: Tuesday, November 7, 2006**

Primaria: 12 de septiembre de 2006 初選日 2006年9月12日 예비선거일 2006년9월12일, 화요일

General: 7 de noviembre de 2006 普選日 2006年11月7日 본선거일 2006년11월7일, 화요일

***WHERE TO VOTE:*** Your Election/Assembly District is:

ED: 087

AD: 68 DEM

**Your Pollsite is: Su lugar de votar es: 您的投票處: 귀하의 투표소는:**



# New York City



**Ballot Marking Device**  
**Mecanismo de Marcar Papeletas**  
**填票機**  
**투표 기표기**

In accordance with the Help America Vote Act (HAVA), and a Federal court order, there will be an additional way to cast a ballot in the 2006 Primary and General Elections. Voters will have the following options:

1. Vote at your regular pollsite;
2. If you currently vote by absentee ballot, you may continue to do so;
3. If you want to vote by absentee ballot, you must apply by September 5, 2006;
4. Use accessible BMDs at your borough office located at:

**200 VARICK STREET, 10TH FLOOR**  
**NEW YORK, NY 10014**  
**(212) 886-2100**

根據“協助美國投票法案”(HAVA)以及一項聯邦法院命令，2006年初選與普選將會增多一種方式投票。選民會有以下選擇：

1. 前往常規的投票站投票；
2. 如果您一貫以缺席選票投票，可以繼續以缺席選票投票；
3. 如果您想以缺席選票投票，必須在2006年9月5日前申請；
4. 前往您所居住行政區的選舉局區辦事處以填票機投票。地址為：

**200 VARICK STREET, 10TH FLOOR**  
**NEW YORK, NY 10014**  
**(212) 886-2100**

En acuerdo con la Ley Ayuda a América a Votar (HAVA), y una orden de la corte Federal, habrán maneras adicionales de emitir su voto en las elecciones primarias y general del 2006. Los votantes tendrán las siguientes opciones:

1. Votar en el sitio de votación regular;
2. Si actualmente vota por papeleta de voto en ausencia, puede continuar haciéndolo;
3. Si desea votar por papeleta de voto en ausencia, tiene que solicitar antes del 5 de septiembre de 2006;
4. Use MMPs accesible en la oficina de su condado localizada en:

**200 VARICK STREET, 10TH FLOOR**  
**NEW YORK, NY 10014**  
**(212) 886-2100**

미국 투표후원법(HAVA)과 연방법정 지시에 따라, 2006년 예비선거와 본선거에서 투표할 수 있는 방법이 추가로 생겼습니다. 투표자는 다음과 같은 선택이 있습니다.

1. 귀하의 지정된 투표소에서 투표하십시오;
2. 현재 부재자 투표로 투표하고 있으면, 계속해서 부재자 투표를 할 수 있습니다;
3. 부재자 투표를 원한다면, 2006년 9월 5일 까지 신청해야 합니다;
4. 사용할 수 있는 투표 기표기는 귀하의 보조 선거사무실에서 이용하십시오;

**200 VARICK STREET, 10TH FLOOR**  
**NEW YORK, NY 10014**

# Los Angeles County



## MULTILINGUAL VOTER SERVICES

- ENGLISH • CHINESE 中文 • JAPANESE 日本語 • KOREAN 한국어
- SPANISH español • TAGALOG / FILIPINO • VIETNAMESE Tiếng Việt
- ARMENIAN Հայերեն • CAMBODIAN ភាសាខ្មែរ • RUSSIAN Русский

ԼՈՍ ԱՆՋԵԼԵՍԻ ՇՐՋԱՆ  
ՇՐՋԱՆԻ ՔԱՐՏՈՒՂԱՐ/  
ՍԱՏԵՆԱԿԱՐ



2006 Թ.

ՔԿԵԱՐԿՈՂԻ  
ՏԵՂԵԿԱԳԻՐ

## 한국어



**연** 방법과 지방법령에 따라 중국어, 일본어, 한국어, 스페인어, 타갈로그어 및 베트남어 지원이 필요한 유권자에게 서비스를 제공하고 있습니다. 이 서비스에는 (1) 전화 통역지원 서비스, (2) 번역된 선거자료 및 (3) 투표소에서 통역 지원 등이 포함됩니다.

1-800-481-8683. 전화 통역지원 서비스의 전화는 수신자 부담 전화이며, 번역된 유권자 등록양식, 견본 투표지 책자 등을 요청할 수 있고 유권자의 투표소 위치를 확인할 수 있습니다. 원하시는 언어로 도움을 받으시려면 통역관을 대어 달라고 말씀하십시오.

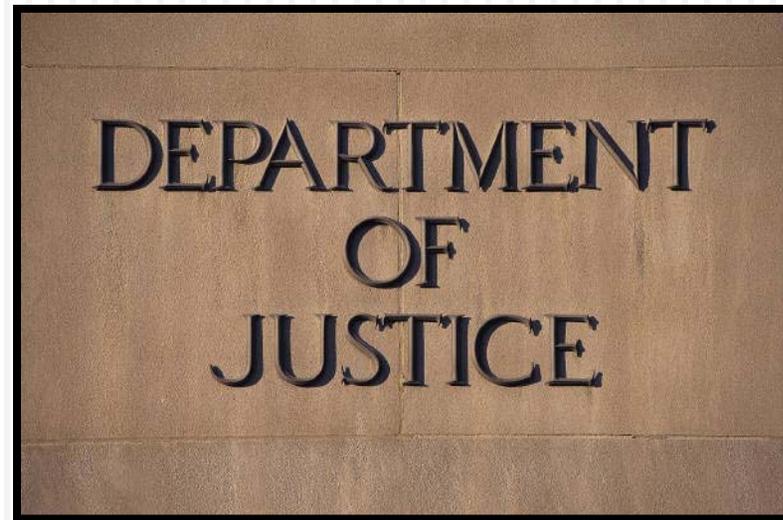
**양식 및 신청서**

# LA County

- It is interesting to note that LA County includes voter information in languages which are not covered under the VRA.
- They recognize that they have a large number of voters for which English is not their first language and they want to ensure that all voters are making informed decisions.



# Sections 6-9: Establishes the practice of Federal Observers for jurisdictions covered under Section 5.



Not to be confused with local observers who have limited access

# Observers in Maricopa

- Maricopa County had federal observers for the General Elections in 2004 & 2006.
- In the 2006 General Election we had 35 federal lawyers visiting our polling places to ensure compliance with the VRA and other federal laws.
- Although there were DOJ observers in Arizona in 2008, none were here in Maricopa County





**SUBMISSION FOR  
PRECLEARANCE**



# What is submitted?

“While reaffirming *Allen* in *Presley v. Etowah County Com'n*, 502 U.S. 491, 492 (1992), the Supreme Court emphasized that changes covered under Section 5 must have a direct relation to voting. The court provided a nonexclusive list of four categories in which voting changes covered under Section 5 would normally fall:

- changes in the manner of voting;
- changes in candidacy requirements and qualifications;
- changes in the composition of the electorate that may vote for candidates for a given office; and
- changes affecting the creation or abolition of an elective office.”

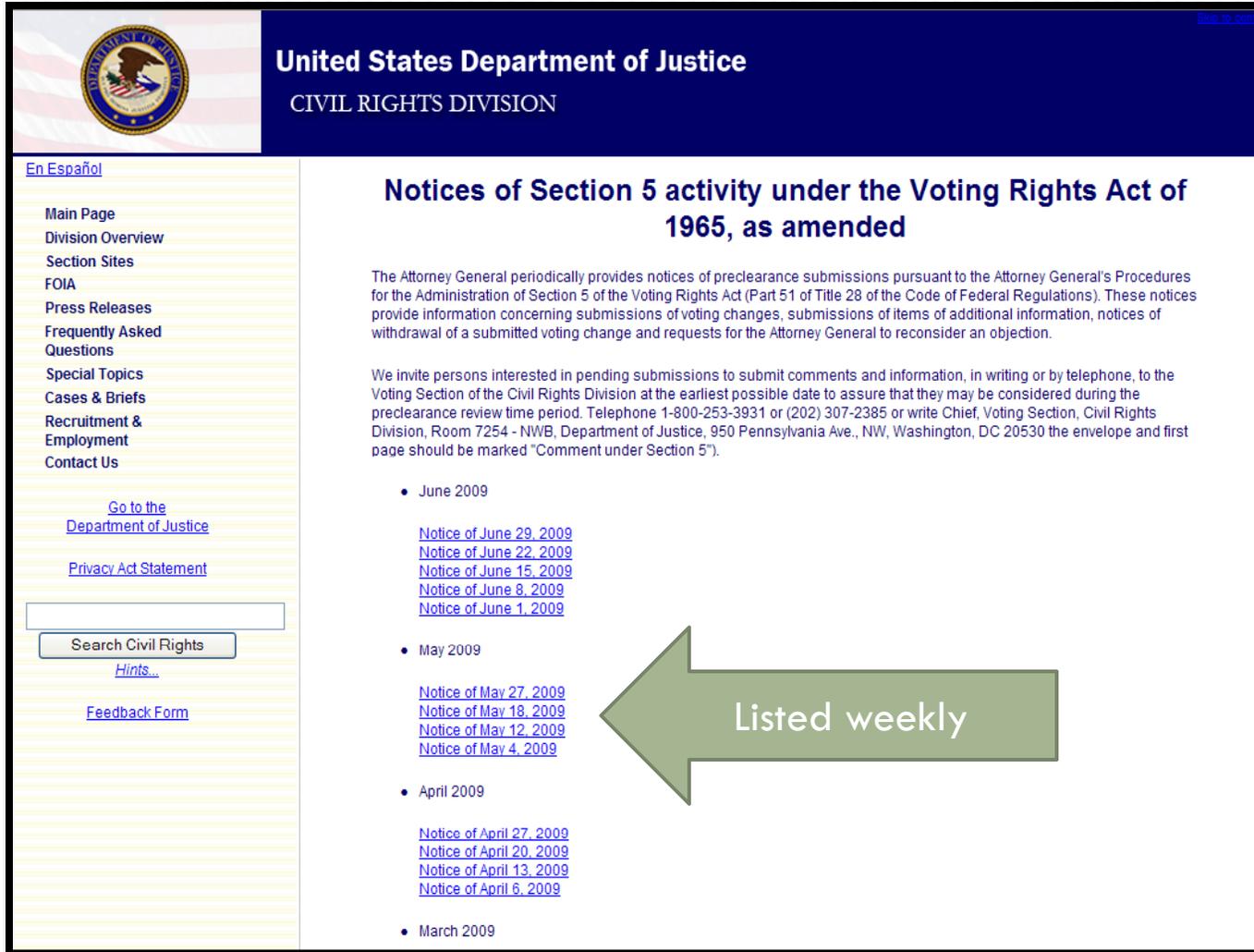
[www.usdoj.gov/crt/voting/sec\\_5/types.php](http://www.usdoj.gov/crt/voting/sec_5/types.php)

## 51.13 Examples of changes.

Changes affecting voting include, but are not limited to, the following examples:

- (a) Any change in *qualifications or eligibility for voting*.
- (b) Any change concerning *registration, balloting and the counting of votes* and any change concerning *publicity for or assistance in registration or voting*.
- (c) Any change with respect to the *use of a language other than English in any aspect of the electoral process*.
- (d) Any change in the *boundaries of voting precincts* or in the *location of polling places*.
- (e) Any change in the *constituency of an official or the boundaries of a voting unit* (e.g., through redistricting, annexation, de-annexation, incorporation, reapportionment, changing to at-large elections from district elections, or changing to district elections from at-large elections).
- (f) Any change in the *method of determining the outcome of an election* (e.g., by requiring a majority vote for election or the use of a designated post or place system).
- (g) Any change affecting the *eligibility of persons to become or remain candidates*, to obtain a position on the ballot in primary or general elections, or to become or remain holders of elective offices.
- (h) Any change in the *eligibility and qualification procedures for independent candidates*.
- (i) Any change in the *term of an elective office or an elected official or in the offices that are elective* (e.g., by shortening the term of an office, changing from election to appointment or staggering the terms of offices).
- (j) Any change effecting the *necessity of or methods for offering issues and propositions* for approval by referendum.
- (k) Any change affecting the *right or ability of persons to participate in political campaigns* which is effected by a jurisdiction subject to the requirement of Section 5. [www.usdoj.gov/crt/voting/28cfr/51/28cfr51.php#anchor51\\_13](http://www.usdoj.gov/crt/voting/28cfr/51/28cfr51.php#anchor51_13)

# Submissions are listed on DOJ website:



 **United States Department of Justice**  
CIVIL RIGHTS DIVISION

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## Notices of Section 5 activity under the Voting Rights Act of 1965, as amended

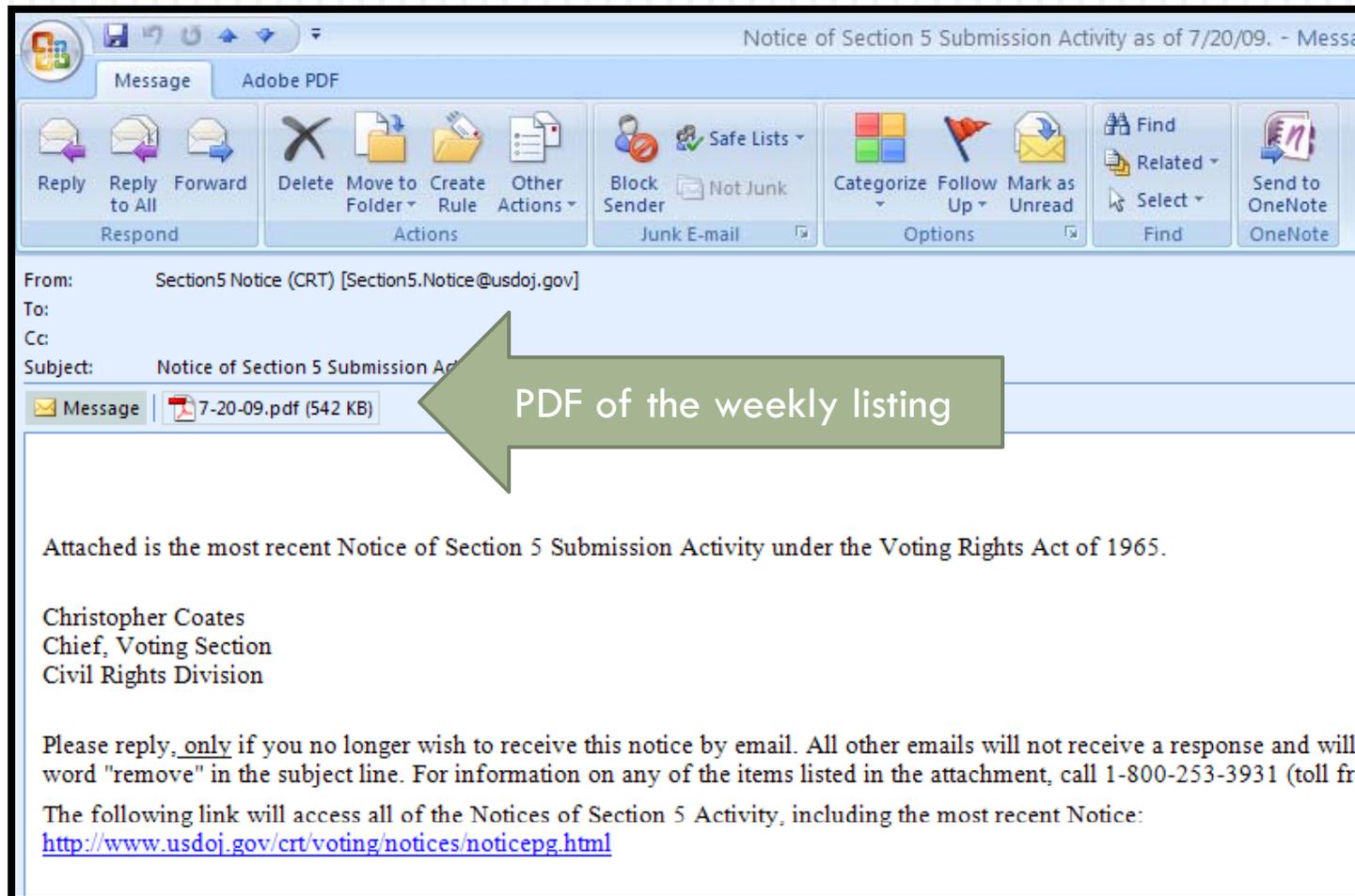
The Attorney General periodically provides notices of preclearance submissions pursuant to the Attorney General's Procedures for the Administration of Section 5 of the Voting Rights Act (Part 51 of Title 28 of the Code of Federal Regulations). These notices provide information concerning submissions of voting changes, submissions of items of additional information, notices of withdrawal of a submitted voting change and requests for the Attorney General to reconsider an objection.

We invite persons interested in pending submissions to submit comments and information, in writing or by telephone, to the Voting Section of the Civil Rights Division at the earliest possible date to assure that they may be considered during the preclearance review time period. Telephone 1-800-253-3931 or (202) 307-2385 or write Chief, Voting Section, Civil Rights Division, Room 7254 - NWB, Department of Justice, 950 Pennsylvania Ave., NW, Washington, DC 20530 the envelope and first page should be marked "Comment under Section 5").

- June 2009
  - [Notice of June 29, 2009](#)
  - [Notice of June 22, 2009](#)
  - [Notice of June 15, 2009](#)
  - [Notice of June 8, 2009](#)
  - [Notice of June 1, 2009](#)
- May 2009
  - [Notice of May 27, 2009](#)
  - [Notice of May 18, 2009](#)
  - [Notice of May 12, 2009](#)
  - [Notice of May 4, 2009](#)
- April 2009
  - [Notice of April 27, 2009](#)
  - [Notice of April 20, 2009](#)
  - [Notice of April 13, 2009](#)
  - [Notice of April 6, 2009](#)
- March 2009

Listed weekly

# You can also sign up to get an email notification of all submissions:



# This is a submission by the State:

	<p><b>County:</b></p> <p><b>Subjurisdiction:</b></p> <p><b>Submission Number:</b> 2009-1603</p> <p><b>Action Date:</b> 05/06/2009</p> <p>Voter registration Submission received</p>
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Notice that the county & sub-jurisdiction are blank.

# This is a submission by Maricopa County:

ARIZONA

County: Maricopa

Subjurisdiction:

Submission Number: 2009-1674

Action Date: 05/15/2009

Voter registration  
Submission received

2009-1674  
Original  
Submission

2009-1674  
Additional  
Materials

ARIZONA

County: Maricopa

Subjurisdiction:

Submission Number: 2009-1674

Action Date: 06/02/2009

Voter registration  
Additional information received

ARIZONA

County: Maricopa

Subjurisdiction:

Submission Number: 2009-1674

Action Date: 06/04/2009

Voter registration  
Additional information received

# This is a submission by the City of Goodyear:

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**ARIZONA**

**County:** Maricopa

**Subjurisdiction:** Goodyear

**Submission Number:** 2009-1771

**Action Date:** 05/27/2009

**Annexation**

**Submission received**

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# What does a submission look like?



Maricopa County Elections Department  
Karen Osborne Director

DATE: June 21, 2007

#### VOTING RIGHTS ACT SUBMISSION

#### OVERNIGHT DELIVERY TO:

John K. Tanner Chief, Voting Section  
Civil Rights Division  
Department of Justice  
Room 7254-N  
Washington, D.C. 20035-6128

Re: Submission under Section 5 of the Voting Rights Act of 1965, as amended;  
Maricopa County, Arizona Early Voter Notification Letters

#### SUBMISSION PURSUANT TO 28 C.F.R. §§ 51.1 TO 51.67

Pursuant to 28 C.F.R. §§ 51.1 to 51.67, the County requests Department preclearance for establishing and administering a permanent Early Voting list. The County was established under the laws of the State of Arizona and its elections are called and conducted pursuant to the powers granted to the County under state law, A.R.S. §§ 48-802 et seq and A.R.S. §§ 16-561 through 16-581.

Pursuant to 28 C.F.R. §§ 51.27 to 51.28, the County submits the following information in support of this request:

#### 51.27(a) ENACTMENT EMBODYING CHANGE AFFECTING VOTING

Passage of House Bill 2106 (Exhibit 1) by the Forty-Eighth Legislature amending Section 16-242, 16-245, 16-246 and 16-312 and by adding Section 16-544 relating to early voting.

#### 51.27(b) ENACTMENT EMBODYING VOTING PRACTICE PROPOSED CHANGE

Passage of House Bill 2106 by the Forty-Eighth Legislature amending Section 16-242, 16-245, 16-246 and 16-312 and by adding Section 16-544 relating to early voting.

1

- Lets take a look at what is included in a submission.
- Using the preclearance of Maricopa County's implementation of the Permanent Early Voting List (PEVL) as an example, lets walk through a submission which is implemented in response to a change in law.

We are going to look at a traditional submission, but the DOJ will now accept online filings:



**UNITED STATES DEPARTMENT OF JUSTICE CIVIL RIGHTS DIVISION**

**SECTION 5 VOTING SUBMISSION**

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**How To File An Electronic Submission Under Section 5 of the Voting Rights Act**

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*Format and Means of Filing.* A submission under Section 5 must be in writing and must contain all of the information specified in the Department's regulations. The procedures governing the submission and processing of changes affecting voting that are submitted to the Attorney General for administrative review under Section 5 are set forth in [Procedures for the Administration of Section 5 of the Voting Rights Act \(28 C.F.R. Part 51\)](#). Guidance on the contents of submissions is set forth in "Subpart C - Contents of Submissions." The required contents of submissions are set forth in Section 51.27, and submitting jurisdictions must ensure that all required information is provided. Guidance on supplemental contents of submissions, depending on the type of change(s), is set forth in Section 51.28. The Attorney General's interpretation of the provisions of the Voting Rights Act which require certain States and political subdivisions to conduct elections in the language of certain "language minority groups" in addition to English are set forth in [Implementation of the Provisions of the Voting Right Act Regarding Language Minority Groups \(28 C.F.R. Part 55\)](#).

*Where to File an Electronic Submission.* An electronically-filed Section 5 submission must be submitted to the Chief, Voting Section, Civil Rights Division from 8:00 am Monday to 10:00 pm Friday (Eastern Time) excluding federal holidays by using the forms available from this page. These forms will not be available at other times.

Select the "New Submission" button below to file an electronic submission.



Maricopa County Elections Department  
Karen Osborne Director

DATE: June 21, 2007

VOTING RIGHTS ACT SUBMISSION

OVERNIGHT DELIVERY TO:

John K. Tanner Chief, Voting Section  
Civil Rights Division  
Department of Justice  
Room 7254-N  
Washington, D.C. 20035-6128

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Pursuant to 28 C.F.R. §§ 51.27 to 51.28, the County submits the following information in support of this request. This submission is not to be construed as a waiver of the right of the County to file a subsequent action in the Federal Court in the District of Columbia pursuant to Section 5 of the Voting Rights Act should you deny the requested changes.

- The beginning of a submission needs to address what change is being submitted and on what basis.

**51.27(a) ENACTMENT EMBODYING CHANGE AFFECTING VOTING**

Passage of House Bill 2106 (Exhibit 1) by the Forty-Eighth Legislature amending Section 16-242, 16-245, 16-246 and 16-312 and by adding Section 16-544 relating to early voting.

**51.27(b) ENACTMENT EMBODYING VOTING PRACTICE PROPOSED CHANGE**

Passage of House Bill 2106 by the Forty-Eighth Legislature amending Section 16-242, 16-245, 16-246 and 16-312 and by adding Section 16-544 relating to early voting.

- Next the triggering events are documented.
- In the case of PEVL it was passage of House Bill 2106.

## 51.27(c) EXPLANATION OF CHANGES

On May 8<sup>th</sup>, 2007 Arizona Governor Janet Napolitano signed House Bill 1206 (**Exhibit 2**) into law enabling voters to request to have their name placed on a permanent early voting list thus nullifying their requirement to request an early ballot for each election. The bill clearly outlines the requirements on the materials to be provided to the voters and we are submitting those documents for preclearance in addition to our procedures for implementation. Maricopa County has decided to take an aggressive approach to public education and will be exceeding the statutory obligations regarding voter notification and access to participation of the new program (**Exhibit 3**). We are including the permanent voting list information on our Voter ID cards (**Exhibit 4-5**), our alternative format brochure (**Exhibit 6-9**), and will be doing an initial mailing to all 1.6 million registered voters announcing the creation of the permanent list (**Exhibit 10-11**). This mailing will go out in Braille to all voters on our file who have requested that format in the past (**Exhibit 12-13**).

Exhibit 2:	House Bill 2106 History
Exhibit 3:	Permanent Early Voting Procedures
Exhibit 4:	Proposed Voter ID Card Mailer including permanent EV list information
Exhibit 5:	Current Voter ID Card Mailer
Exhibit 6:	Proposed Alternative Format brochure in Large Print English
Exhibit 7:	Current Alternative Format brochure in Large Print English
Exhibit 8:	Proposed Alternative Format brochure in Large Print Spanish
Exhibit 9:	Current Alternative Format brochure in Large Print Spanish
Exhibit 10:	Initial Mailing Non-partisan
Exhibit 11:	Initial Mailing Partisan
Exhibit 12:	Text of Braille Initial Notice
Exhibit 13:	Braille Initial Notice

The permanent early voting list will increase participation without adding additional strain at the polls on Election Day, alleviate voter confusion between permanent city lists and the previous need to request per election to the county, notifications will be utilized as additional mailings in maintaining accurate voter roles as prescribed by the NVRA, and will potentially increase the voting by mail of our Large Print and Braille voters who will not have to request a ballot in the alternative format for each election (we are anticipating two to three times as many alternative format ballots in 2008).

- 51.27(c) includes the narrative of the changes.
- Specific documents under review are listed as exhibits along with supporting documentation of effort.

Our materials must fulfill numerous requirements. For the initial request from the voter to be added to the list (**Exhibit 14-15**) the mailing must adhere to the following:

B. IN ORDER TO BE INCLUDED ON THE PERMANENT EARLY VOTING LIST, THE VOTER SHALL MAKE A WRITTEN REQUEST SPECIFICALLY REQUESTING THAT THE VOTER'S NAME BE ADDED TO THE PERMANENT EARLY VOTING LIST FOR ALL ELECTIONS IN WHICH THE APPLICANT IS ELIGIBLE TO VOTE. THE APPLICATION SHALL ALLOW FOR THE VOTER TO PROVIDE THE VOTER'S NAME, RESIDENCE ADDRESS, MAILING ADDRESS IN THE VOTER'S COUNTY OF RESIDENCE, DATE OF BIRTH AND SIGNATURE. THE VOTER SHALL NOT LIST A MAILING ADDRESS THAT IS OUTSIDE OF THE VOTER'S COUNTY OF RESIDENCE FOR THE PURPOSE OF THE PERMANENT EARLY VOTING LIST UNLESS THE VOTER IS AN ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS VOTER AS DEFINED IN THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT OF 1986

(P.L. 99-410; 42 UNITED STATES CODE SECTION 1973ff). IN LIEU OF THE APPLICATION, THE APPLICANT MAY SUBMIT A WRITTEN REQUEST THAT CONTAINS THE REQUIRED INFORMATION.

C. ON RECEIPT OF A REQUEST TO BE INCLUDED ON THE PERMANENT EARLY VOTING LIST, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL COMPARE THE SIGNATURE ON THE REQUEST FORM WITH THE VOTER'S SIGNATURE ON THE VOTER'S REGISTRATION FORM AND, IF THE REQUEST IS FROM THE VOTER, SHALL MARK THE VOTER'S REGISTRATION FILE AS A PERMANENT EARLY BALLOT REQUEST.

- Statutory obligations are included to demonstrate why a particular process or event is occurring.

A notification must be mailed 120 days out (**Exhibit 16**) to each voter on the list and must fulfill the following requirements:

D. NOT LESS THAN ONE HUNDRED TWENTY DAYS BEFORE ANY ELECTION SCHEDULED IN MARCH OR SEPTEMBER, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL MAIL TO ALL VOTERS WHO ARE ELIGIBLE FOR THE ELECTION AND WHO ARE INCLUDED ON THE PERMANENT EARLY VOTING LIST AN ELECTION NOTICE BY NONFORWARDABLE MAIL THAT IS MARKED WITH THE STATEMENT REQUIRED BY THE POSTMASTER TO RECEIVE AN ADDRESS CORRECTION NOTIFICATION. THE NOTICE SHALL INCLUDE THE DATES OF THE ELECTIONS THAT ARE THE SUBJECT OF THE NOTICE, THE DATES THAT THE VOTER'S BALLOT IS EXPECTED TO BE MAILED AND THE ADDRESS WHERE THE BALLOT WILL BE MAILED. IF THE UPCOMING ELECTION IS A PARTISAN OPEN PRIMARY ELECTION AND THE VOTER IS NOT REGISTERED AS A MEMBER OF ONE OF THE POLITICAL PARTIES THAT IS RECOGNIZED FOR PURPOSES OF THAT PRIMARY, THE NOTICE SHALL INCLUDE INFORMATION ON THE PROCEDURE FOR THE VOTER TO DESIGNATE A POLITICAL PARTY BALLOT. THE NOTICE SHALL BE DELIVERED WITH RETURN POSTAGE PREPAID AND SHALL ALSO INCLUDE A MEANS FOR THE VOTER TO DO ANY OF THE FOLLOWING:

1. CHANGE THE MAILING ADDRESS FOR THE VOTER'S BALLOT TO ANOTHER LOCATION IN THE VOTER'S COUNTY OF RESIDENCE.
2. UPDATE THE VOTER'S RESIDENCE ADDRESS IN THE VOTER'S COUNTY OF RESIDENCE.
3. REQUEST THAT THE VOTER NOT BE SENT A BALLOT FOR THE UPCOMING ELECTION OR ELECTIONS INDICATED ON THE NOTICE.

Because voters have to sign the request we are unable to accept requests via our website. However, we will make the request forms available for printing and completion as well as the information regarding what the voter needs to provide us with in order to fulfill their request.

**51.27(d) PERSONS MAKING THE SUBMISSION**

Karen Osborne  
Director of Elections  
Maricopa County Elections  
111 S. 3<sup>rd</sup> Avenue  
Phoenix, Arizona 85003

[kosborne@risc.maricopa.gov](mailto:kosborne@risc.maricopa.gov)

Tammy Patrick  
Federal Compliance Officer  
Maricopa County Elections  
111 S. 3<sup>rd</sup> Avenue  
Phoenix, Arizona 85003  
[tpatrick@risc.maricopa.gov](mailto:tpatrick@risc.maricopa.gov)

Colleen Connor  
Deputy County Attorney  
Maricopa County Attorney's Office  
222 N. Central Avenue, Ste. 1100  
Phoenix, AZ 85004  
[connorc@mcao.maricopa.gov](mailto:connorc@mcao.maricopa.gov)

**51.27(e) SUBMITTING AUTHORITY**

Maricopa County, Arizona

**51.27(f) COUNTY OF SUBMITTING AUTHORITY**

Maricopa County, Arizona

- Next, contact information is provided of the submitting individuals.
- This is who the DOJ will contact with questions and requests if additional information is necessary...and they do!

**51.27(g) PARTY RESPONSIBLE FOR CHANGE**

Arizona Legislature with Governor approval; application of the new law upon administrative decision by the County Recorder, Helen Purcell.

**51.27(h) AUTHORITY FOR MAKING CHANGE**

These procedures are authorized to be implemented by the County conducting the election pursuant to its statutory obligations listed under state law, A.R.S. §§ 48-802 et seq and A.R.S. §§ 16-561 through 16-581.

**51.27(i) DATE OF ADOPTION**

Sine di of the Fourty-eighth Legislature convening.

**51.27(j) EFFECTIVE DATE**

Maricopa County will conduct our Presidential Preference Election in February and jurisdictional elections on March 11<sup>th</sup> and May 20<sup>th</sup>, 2008. We would like to do an initial mailing mid November of 2007.

- The next sections elaborate on who is responsible for the change and what authority they have for doing so.
- As well as the dates that this change will go into effect.

**51.27(k) ENFORCEMENT OF CHANGE**

The election administration and procedures will be enforced when they have been pre-cleared by the Department of Justice.

**51.27(l) SCOPE OF CHANGE**

The changes discussed in Section **51.27(c)** are all as authorized by the applicable state law, and departmental agreement.

**51.27(m) REASONS FOR THE CHANGE**

Passage of HB 2106.

- Who will enforce the change, the scope of the change, and reasons for it are included in 51.27 subsections (k)-(m).

**51.27(n) ANTICIPATED EFFECT ON MEMBERS OF RACIAL OR LANGUAGE MINORITY GROUPS**

The proposed addition of a permanent early voting list will have no discriminatory effect on members of racial or language minority groups as presented in **51.27 (m)** and were made without discriminatory intent. All materials will be reviewed at the June 27<sup>th</sup> meeting of the Community Network (**Exhibits 17-20**).

- Exhibit 17: Community Network email correspondence pertaining to topic change to address the new Permanent Early Voting materials and processes  
Exhibit 18: Community Network email correspondence pertaining to topic change to address the new Permanent Early Voting materials and processes  
Exhibit 19: Meeting reminder with PDFs of materials  
Exhibit 20: Community Network presentation

**51.27(o) PAST OR PENDING LITIGATION**

None.

- 51.27(n) provides the forum to discuss if there could be any potential for an effect on members of a racial or language minority group.
- For PEVL, we did not see, nor anticipate, any retrogressive unintended consequences.

**51.27(p) PRE-CLEARANCE OF PRIOR PRACTICE**

Former Early Voting voter notification materials were precleared May 9<sup>th</sup>, 2007 (DOJ 2007-1579) and December 21<sup>st</sup>, 2005 (DOJ 2005-3957). Currently under review are Voter Registration Verification Letters and procedures (DOJ 2007-2977) included as a reference here since the Early Voting mailings included here will also be utilized as in registration verification.

- Has this practice been precleared previously?
- Does this submission impact any others currently under consideration?
- (You will notice that submission numbers are the year and then they are assigned a consecutive number based on their reception at DOJ.)

51.28(e) LANGUAGE USAGE

Implementation of the new notification will have no discriminatory effect on members of racial or language minority groups as all items will be translated as required and is made without discriminatory intent.

- Next is the language usage portion. For the PEVL this was a short section as the information was translated on the document for DOJ review.
- Lets look at a submission with an applicable full Language Usage section—the polling place submission from Fall 2008.

51.28(e) LANGUAGE USAGE

§§ 55.18 Provisions of Minority Language Materials and Assistance

**55.18(a) Materials Provided by Mail:** Adequate sample ballots in English and Spanish will be mailed to each household sufficient to accommodate all registered voters within that address. As precleared in **2007-0389** (addendum materials sent via email on January 15, 2008) informational materials are provided to the voter either to the household or to the individual voter depending on the election. For the Primary Election in September households containing voters of all one political party will receive just that party's sample ballot. Households containing multiple party affiliations will receive a sample ballot to accommodate each party registration of record. If the voter(s) have no party affiliation they will receive a Democratic, Republican, and Green Party sample ballot as that will be their selection from which to choose on Election Day. (Libertarian is no longer an option unless the voter is registered as a Libertarian.)

Should a polling place change after the initial notice to voters they will receive a Polling Place Change Notification Card and a sign will be posted at the previous facility on Election Day redirecting voters to the new location.

**55.18(b) Public Notices:** Voting locations are available online at [www.recorder.maricopa.gov](http://www.recorder.maricopa.gov) in both English and Spanish. Outreach materials contain contact numbers, the online url, and the physical addresses of our offices where the public can obtain the list of voting locations.

**55.18(c) Registration:** NA

**55.18(d) Polling Place Activities:** NA

**55.18(e) Publicity:** Media appearances on Univision and Telemundo, the Spanish radio stations (Radio Campensina and KNUV 1190AM), and print media interviews (La Voz, Prensa Hispana, etc.) will all contain and emphasize how to obtain polling place locations. General public presentations as well as those done specifically for the Hispanic and Native American communities are also available. Documentation of these efforts is included in the recent submission of Early Voting Locations (**DOJ 2008-3068**) and not duplicated here.

- 55.18 (a-b) is the area where materials sent via mail and public notice are explained and presented.

**§§ 55.19 Written Materials:**

**55.19(a) Types of Materials:** sample ballot, polling place change cards, online polling place locator.

**55.19(b) Accuracy, Completeness:** all translations are done by bonded, certified translator and reviewed by our Bilingual Coordinator, Leticia Ramos.

**55.19(d) Ballots:** NA

**55.19(e) Voting Machines:** NA

- Types of written materials are listed in 55.19

## §§ 55.20 Oral Assistance and Publicity

**55.20(a) General:** voter information line is staffed with bilingual representatives able to answer the public's questions on voting locations and hours. The website contains audio files of voter information on how to locate polling places and early voting in English, Spanish, and O'dham. This information is also available on CD and DVDs of Sign Language Videos.

**55.20(b) Assistance:** voting sites will be staffed with a bilingual representative able to assist voters who may need it in Spanish as determined by the staffing formula agreed upon with Justice. Based on the estimated 200,000+ voter registration forms that we will receive before the final registration deadline and the anticipated historical turnout at the polls, we are increasing our staffing by not filtering the base numbers solely on LEP (now 8 years old) and turnout. We have sent the list to the Community Network for review (**Exhibit 5**) with no response. We did a final analysis and presented the staffing proposal to the group on June 25<sup>th</sup> (**Exhibit 6**). As well as sent it out to the group's email list so that all individuals unable to attend could review the presentation (**Exhibit 7**).

**Exhibit 5:** Community Network Email notifications of meeting and list for review  
**Exhibit 6:** Community Network Presentation June 25<sup>th</sup>, 2008  
**Exhibit 7:** Community Network email of meeting summary and presentation for those unable to attend.

**55.20(c) Helpers:** voters unable to go to the polls who do not have anyone available to help them cast an early ballot can always request a Special Election Board to visit their residence and assist them in casting their ballot.

- 55.20 elaborates on oral assistance

**51.28 (h)**

**MINORITY GROUP CONTACTS**

- 51.28 (h) is where we list individuals within the community that the DOJ can contact with questions regarding the submission.
- For most of our submissions they do call to get input on the changes we propose.

# Lastly, the list of exhibits

- For some submissions this can get lengthy.
- Here is the PEVL submission:

## Attachments:

- |             |   |
|-------------|---|
| Exhibit 1:  | Text of House Bill 2106   |
| Exhibit 2:  | House Bill 2106 History   |
| Exhibit 3:  | Permanent Early Voting Procedures   |
| Exhibit 4:  | Proposed Voter ID Card Mailer including permanent EV list information   |
| Exhibit 5:  | Current Voter ID Card Mailer  |
| Exhibit 6:  | Proposed Alternative Format brochure in Large Print English   |
| Exhibit 7:  | Current Alternative Format brochure in Large Print English  |
| Exhibit 8:  | Proposed Alternative Format brochure in Large Print Spanish   |
| Exhibit 9:  | Current Alternative Format brochure in Large Print Spanish  |
| Exhibit 10: | Initial Mailing Non-partisan  |
| Exhibit 11: | Initial Mailing Partisan  |
| Exhibit 12: | Text of Braille Initial Notice  |
| Exhibit 13: | Braille Initial Notice  |
| Exhibit 14: | Early Voting Request Card-- Non Partisan  |
| Exhibit 15: | Early Voting Request Card—Partisan  |
| Exhibit 16: | 120 Day Notification mailing  |
| Exhibit 17: | Community Network email correspondence pertaining to topic change to address the new Permanent Early Voting materials and processes |
| Exhibit 18: | Community Network email correspondence pertaining to topic change to address the new Permanent Early Voting materials and processes |
| Exhibit 19: | Meeting reminder with PDFs of materials   |
| Exhibit 20: | Community Network presentation  |

# Some more lengthy than others! Here is Prop 200:

## Attachments:

Exhibit 1: Signature Roster Duty Card & Voter Instruction Card /  
 Exhibit 2: Signature Roster Voter Instruction Card / Revised Page  
 Exhibit 3: List of acceptable forms of identification  
 Exhibit 4: Registered Voter Polling Place Location Card / Revised  
 Exhibit 5: Household Mailing Polling Place Location Card / Original  
 Exhibit 6: Polling Place Informational Sign  
 Exhibit 7: Provisional Ballot Form & Envelope / Original  
 Exhibit 8: Provisional Ballot Table Duty Card & Voter Instruction  
 Exhibit 9: Provisional Ballot Form / Revised  
 Exhibit 10: Provisional Ballot Table Duty Card & Voter Instruction  
 Exhibit 11: ID Proof Provided at Polls  
 Exhibit 12: Provisional Ballot Identification Log  
 Exhibit 13: "Governor erred in vetoing" Arizona Republic Article  
 Exhibit 14: "Voter ID rules for Prop. 200 delayed" Arizona Republic  
 Exhibit 15: MALDEF letter to Arizona Attorney General 8/17/2005  
 Exhibit 16: MALDEF letter to Maricopa County Elections Director K  
 Exhibit 17: Letter from Tohono O'odham Chair Woman Vivian Ju  
 Exhibit 18: Letter from League of Women Voters of Arizona 2/3/2005  
 Exhibit 19: "Voters tangled in new ID law" Arizona Republic Article  
 Exhibit 20: Email correspondence to tribal leadership 12/21/2004  
 Exhibit 21: Arizona County Recorder Association Agenda 2/2/2005  
 Exhibit 22: Arizona Association of Counties Annual Conference 11/17-11/18  
 Exhibit 23: Election Officials of Arizona AACo Agenda 11/17-11/18  
 Exhibit 24: Invitation to Clerks for Informational meeting 10/12/2005  
 Exhibit 25: Clerk Meeting 10/12/2005 Sign in Sheet  
 Exhibit 26: Clerk Meeting 10/12/2005 Handout / Draft of Provisional  
 Exhibit 27: Clerk Meeting 10/12/2005 Handout / Draft of Proof of Ide  
 Exhibit 28: Clerk Meeting 10/12/2005 Handout / Draft of Page 2 Sign

Exhibit 29: Clerk Meeting 10/12/2005 Handout / Copy of letter regarding SOS submission  
 Exhibit 30: Email follow up for Clerk Meeting sent 10/17/2005  
 Exhibit 31: Synopsis of Clerk Meeting sent to Clerks via 10/17/2005 email.  
 Exhibit 32: Follow-up email regarding Municipal Employee Bilingual Boardworker Survey 10/17/2005  
 Exhibit 33: Email Correspondence with City of Phoenix 11/28/2005  
 Exhibit 34: Email Correspondence with City of Phoenix 11/29/2005  
 Exhibit 35: Email Correspondence regarding leadership role in coordinating ID at the Polls Meeting of all Clerks, Recorders, and Election Officials 11/23/2005  
 Exhibit 36: Email Correspondence with Peoria City Clerk Mary Jo Keif 12/1/2005  
 Exhibit 37: Email Correspondence with Peoria City Clerk, Mary Jo Keif, Laurie Justman, Navajo County Recorder and President of Arizona Association of County Recorders, and Brad Nelson, Pima County Elections Director and President of Election Officials of Arizona  
 Exhibit 38: Email Invitation for ID at the Polls Meeting of all Clerks, Recorders, and Election Officials 12/3/2005  
 Exhibit 39: Agenda for ID at Polls Public Education & Outreach Planning Session  
 Exhibit 40: Boardworker training reminder for March 2005 Election  
 Exhibit 41: Boardworker training reminder for May 2005 Election  
 Exhibit 42: Draft of Standard Boardworker Training Manual for Spring 2006  
 Exhibit 43: Draft of Bilingual Boardworker Training Power Point for Spring 2006  
 Exhibit 44: Email Correspondence Regarding Univision Meeting 7/22-8/9/2005  
 Exhibit 45: Email Correspondence with Radio Campensina 8/30-9/30/2005  
 Exhibit 46: Email Correspondence with Radio Campensina 9/30/2005  
 Exhibit 47: Email Correspondence with Radio Campensina 9/30/2005  
 Exhibit 48: Email Correspondence from Radio Campensina 10/7/2005  
 Exhibit 49: Email Correspondence from Radio Campensina 10/11/2005  
 Exhibit 50: Email Correspondence from Radio Campensina 10/11/2005  
 Exhibit 51: Email Correspondence from Radio Campensina 10/11/2005  
 Exhibit 52: Community Network Media Memorandum 12/1/2005  
 Exhibit 53: Community Network Media Memorandum 12/1/2005  
 Exhibit 54: Memorandum from Clerk of the County of Maricopa regarding the ID Ceremonies  
 Exhibit 55: Email Correspondence with Que Pasa 12/1/2005  
 Exhibit 56: Email Correspondence with Joy 12/1/2005  
 Exhibit 57: Email Correspondence with Chik 12/1/2005  
 Exhibit 58: Email Correspondence with Chik 12/1/2005  
 Exhibit 59: Email Correspondence to the Ind 12/1/2005  
 Exhibit 60: Email Correspondence to Yvonn 12/1/2005  
 Exhibit 61: Email Correspondence from 11/28/2005  
 Exhibit 62: Advisory Board Email Correspondence 12/1/2005  
 Exhibit 63: Advisory Board Agenda 10/25/2005  
 Exhibit 64: Community Network Inception Meeting 12/1/2005  
 Exhibit 65: Community Network Member list 12/1/2005  
 Exhibit 66: Community Network Meeting Synops 12/1/2005  
 Exhibit 67: Community Network Meeting Handout 12/1/2005  
 Exhibit 68: Community Network Meeting Handout 12/1/2005  
 Exhibit 69: Community Network Meeting Qu 12/1/2005  
 Exhibit 70: Community Network Meeting Synopsis Email 12/1/2005  
 Exhibit 71: Email Correspondence from Tolleson Town Clerk requesting meeting handouts 12/1/2005  
 Exhibit 72: Community Network Meeting Handout & Bilingual Boardworker Program Synopsis Email 12/1/2005  
 Exhibit 73: Community Network Email Correspondence 10/3/2005  
 Exhibit 74: Email Correspondence 10/3/2005  
 Exhibit 75: Email Correspondence with Alberto Olivas, Voter Outreach Coordinator for Maricopa County Community Colleges Center for Civic Participation, 10/14/2005  
 Exhibit 76: Email Correspondence with Alberto Olivas 11/2/2005  
 Exhibit 77: Maricopa County Community College Advisory Group Agenda 11/7/2005  
 Exhibit 78: Maricopa County Community College Advisory Group Meeting Notes  
 Exhibit 79: Maricopa County Community College Advisory Group Presentation Handouts 11/7/2005  
 Exhibit 80: Email Correspondence with Alberto Olivas 12/2/2005  
 Exhibit 81: Email Correspondence with Anita Luera of Valle del Sol 9/30/2005  
 Exhibit 82: Email Correspondence with Anita Luera of Valle del Sol 10/4/2005  
 Exhibit 83: Email Correspondence with Anita Luera of Valle del Sol 10/6/2005  
 Exhibit 84: Agenda from Valle del Sol Employee Meeting 10/11/2005  
 Exhibit 85: Email Correspondence to County Chairs of the Republican, Democratic, and Libertarian Parties 10/25/2005  
 Exhibit 86: Email Correspondence with Catherine Miller of AZVOTES, and LD 22 9/19/2005-9/30/2005  
 Exhibit 87: Maricopa County Democratic Party County Convention Workshop Schedule 11/5/2005  
 Exhibit 88: Email Correspondence with Arizona Latino Research Enterprise 10/31/2005  
 Exhibit 89: Information Page from Arizona Latino Research Enterprise Website  
 Exhibit 90: Deaf Link Informational Brochure  
 Exhibit 91: Email Correspondence with Mike Houston, Deaf Link Spokesperson for Deaf America  
 Exhibit 92: English Text of Tohono O'odham Toll Free Line  
 Exhibit 93: CD of Tohono O'odham Toll Free Line

# District Submissions

- Whenever lines are changed, whether it's a precinct line, Justice of the Peace district, etc. all maps, photographs, and public input is also included in the submission.



Public meeting for Justice of the Peace line changes in 2007 (there was GREAT public input)

## **51.28(f) PUBLICITY AND PARTICIPATION**

Public hearing occurred on April 25<sup>th</sup> 2007 (**Exhibits 74-77**) with press releases and advertisements placed to notify the public (**Exhibits 78-81**) and email notices to interested parties (**Exhibits 82-86**). In addition to the public hearing, solicitation of stakeholder (**Exhibits 87-89**) review and recommendations was done at a meeting on February 23<sup>rd</sup>, 2007 with the political parties (**Exhibits 90-91**); information on the redistricting was included in a meeting with the city and town clerks on January 30<sup>th</sup>, 2007 (**Exhibit 92-95**), and the Maricopa County Community Network representing the Hispanic, Native American, and Persons with Disabilities' interests, was notified of the public hearing in addition to being informed of the opportunity to view the changes on the website (**Exhibit 96**). The Community Network reviewed the criteria used in re-districting at our March 30<sup>th</sup>, 2007 meeting (**Exhibits 97-100**) with a follow-up email to all members (**Exhibit 101**). A personal invitation was extended to all attendees of the April Community Network Meeting to stay and attend the Public Hearing held at the same facility (**Exhibit 83**). These efforts have had the cumulative effect of a participatory evaluation of the proposal by anyone desiring to contribute and express comment.

- Exhibit 74: Sign in Sheet from Public Hearing
- Exhibit 75: Hand out from Public Hearing
- Exhibit 76: Transcript Public Hearing
- Exhibit 77: Photographs from Public Hearing
- Exhibit 78: Press release regarding Public Hearing
- Exhibit 79: Email of public notice placement
- Exhibit 80: *West Valley* Notice on April 17<sup>th</sup>
- Exhibit 81: *Prensa Hispana* Notice on April 18<sup>th</sup>
- Exhibit 81: *La Voz* Notice on April 18<sup>th</sup>
- Exhibit 82: Email announcing Public Hearing to JPs and Constables
- Exhibit 83: Preliminary announcement of Public Hearing sent to Community Network March 28<sup>th</sup>
- Exhibit 84: Ad for Public Hearing sent to Community Network April 3<sup>rd</sup>
- Exhibit 85: Correction to previous email
- Exhibit 86: Reminder of Public Hearing sent to Community Network April 17<sup>th</sup>
- Exhibit 86: Reminder of Public Hearing sent to Community Network April 20<sup>th</sup>
- Exhibit 87: Email identifying stakeholders and corresponding attachment February 7<sup>th</sup>
- Exhibit 88: Email amending stakeholders February 7<sup>th</sup>
- Exhibit 89: Email amending stakeholders and corresponding attachment February 7<sup>th</sup>
- Exhibit 90: Notes from meeting with State & County Democratic Party leadership February 23<sup>rd</sup>
- Exhibit 91: Notes from meeting with State & County Republican Party leadership February 23<sup>rd</sup>
- Exhibit 92: Email planning meeting of City and Town Clerks December 29<sup>th</sup>, 2006
- Exhibit 93: Invitation to City and Town Clerks for informational meeting January 2
- Exhibit 94: Agenda from City and Town Clerks meeting January 30<sup>th</sup>
- Exhibit 95: Sign in sheet from City and Town Clerks meeting January 30<sup>th</sup>
- Exhibit 96: Community Network email of March 8<sup>th</sup> with website URL
- Exhibit 97: Community Network email of March 12<sup>th</sup> with website instruction
- Exhibit 98: Email to Community Network meeting reminder May 23<sup>rd</sup>
- Exhibit 99: Community Network presentation from May 30<sup>th</sup>
- Exhibit 100: Community Network sign-in sheet from May 30<sup>th</sup>
- Exhibit 101: Community Network email summary of May 30<sup>th</sup> meeting

Maps of precincts affected were provided to the Justices and their familiarity with their constituents and regions utilized in making additional modifications (**Exhibits 102-106**).

- Exhibit 102: Picture of poster board mounted map submitted of San Tan
- Exhibit 103: Xerox copy of poster board mounted map submitted of San Tan
- Exhibit 104: Picture of poster board mounted map submitted of East Mesa & Highland
- Exhibit 105: Xerox of poster board mounted map submitted of East Mesa
- Exhibit 106: Xerox of poster board mounted map submitted of Highland

Individuals who requested a private meeting or phone conference regarding the lines were allocated time to express their concerns (**Exhibits 107-110**).

- Exhibit 107: Phone messages
- Exhibit 108: Email regarding conversation with Judge McVay 2/21/07
- Exhibit 109: Email conversation with Judge McVay 3/8/-3/12/07
- Exhibit 110: Email of requested information to Judge McVay 3/12/07.

The proposed changes were made available to the general public on our website (**Exhibits 111-118**) and received 87 hits from the time it was posted on February 27<sup>th</sup> until 10:00 AM when the public hearing was held on March 25<sup>th</sup>. Viewers had the ability to rate the proposals and send comments via email (**Exhibits 119-125**).

- Exhibit 111: Email to IT regarding posting of redistricting information 3/8/07
- Exhibit 112: Email to IT regarding posting of redistricting information 3/8/07
- Exhibit 113: Email to IT regarding posting of redistricting information 3/8/07
- Exhibit 114: Email to IT regarding posting of redistricting information 3/8/07
- Exhibit 115: Email to IT regarding posting of redistricting information 5/4/07
- Exhibit 116: Screen shot of website posting of maps
- Exhibit 117: Screen shot of website Reprecincting Comment Form
- Exhibit 118: Reprecincting Web Comment from
- Exhibit 119: Email regarding online map submission 4/27/07
- Exhibit 120: Email regarding online map submission 4/27/07
- Exhibit 121: Email regarding online map submission 4/27/07
- Exhibit 122: Email regarding online map submission 4/27/07
- Exhibit 123: Email regarding online map submission 4/27/07 including map
- Exhibit 124: Mapcomment email 4/20/2007
- Exhibit 125: Mapcomment email 4/25/2007
- Exhibit 126: Mapcomment email 5/10/2007

- The transparency of the project is demonstrated along with the inclusion of public input.

In addition to neutral redistricting criteria, the following objectives influenced the changes to justice court precincts, to:

1. **Minimize disparities in justice court workloads** by redistributing among areas of heavy traffic and commercial activity taking development and growth into account (**Exhibits 48-66**).

Exhibit 48: Newspaper article regarding Maricopa's largest population increase in US  
Exhibit 49: Email 2/15/07 re additional district  
Exhibit 50: Email 2/26/07 soliciting information from Constables  
Exhibit 51: Email 2/28/07 McDowell Mountain district feedback  
Exhibit 52: Email 3/05/07 regarding newly opened freeway  
Exhibit 53: Email 3/5/07 regarding scheduled freeway openings  
Exhibit 54: Email 3/5/07 regarding developments, freeways, and photo radar  
Exhibit 55: Email 3/13/07 from Constable Coordinator  
Exhibit 56: Email 3/15/07 regarding Northwest Courts  
Exhibit 57: Email 3/15/07 regarding Ahwatukee  
Exhibit 58: Email 3/26/07 regarding East Valley  
Exhibit 59: Email 4/04/07 ADOT announcements  
Exhibit 60: Email 4/24/07 regarding Manistee  
Exhibit 61: Email 4/24/07 regarding map 7  
Exhibit 62: Email 4/26/07 from Judge Williams  
Exhibit 63: Email 4/26/07 regarding Manistee  
Exhibit 64: Email 4/27/07 from Judge McBeth  
Exhibit 65: Map of Hassayampa and corresponding developments  
Exhibit 66: Letter and corresponding newspaper article regarding growth in Hassayampa 3/28/07

2. **Minimize geographical barriers** affecting the public's access to courts;
3. **Minimize burdens on local law enforcement agencies and political subdivisions** caused by the following: (a) placing too many precinct courts within a single political subdivision and (b) requiring a political subdivision to use a distant precinct courthouse.
4. **Preserve the qualifications of incumbent Justices of the Peace and Constables** by including their residences (**Exhibits 67-70**) within their new precincts (represented on the maps as red stars for the domiciles of the Justices and blue stars for the domiciles of the Constables).

Exhibit 67: Email correspondence 2/21/07 regarding residency of Justices and Constables  
Exhibit 68: Email correspondence 2/27/07 regarding residency of Justices and Constables  
Exhibit 69: Email correspondence 2/27/07 regarding residency of Justices and Constables  
Exhibit 70: List of offices up in 2008

5. **Realign as needed so that precinct are reasonably compact.**
6. **Increase the number of precincts by two.** Board of Supervisors agreed to the creation of two additional precincts to alleviate the system strain on existing courts.

□ The Justice of the Peace district line change in 2007 (**DOJ 2007-3406**) also included additional information

**51.27(q) REDISTRICTING ITEMIZATION**

See items listed in Section **51.28(a)(1)** and **(b)(1)** below.

**51.28 SUPPLEMENTAL CONTENTS**

The following information is offered as supporting documentation to the changes requested.

**51.28(a) DEMOGRAPHIC INFORMATION:**

The demography of the impacted areas was evaluated to ensure that the precinct integrity was maintained and that there were not retrogressive effects on racial or linguistic minorities. This information is attached as exhibits and is also available on CD (**Exhibits 71-72**).

Exhibit 71: Maricopa County 2006 Justice Precinct Redistricting demographics—Plan 9

Exhibit 72: CD of Demographic Data

**51.28(a)(1) TOTAL AND VOTING AGE POPULATION BEFORE AND AFTER CHANGE**

Please see attached Summary Demographics of proposed Plan 9 with historical data on existing district lines available electronically on CD (see **Exhibit 71**).

**51.28(a)(2) REGISTERED VOTERS BY RACE AND LANGUAGE GROUP BEFORE AND AFTER CHANGE**

Please see attached **Exhibit 71** for Summary Demographics of proposed precincts with historical data on existing precinct lines available electronically on CD (see **Exhibit 72**).

**51.28(a)(3) ESTIMATES OF POPULATION BASED UPON AVAILABLE CENSUS DATA**

Please see attached **Exhibit 71** for Summary Demographics of proposed precincts with historical data on existing precinct lines available electronically on CD (see **Exhibit 72**).

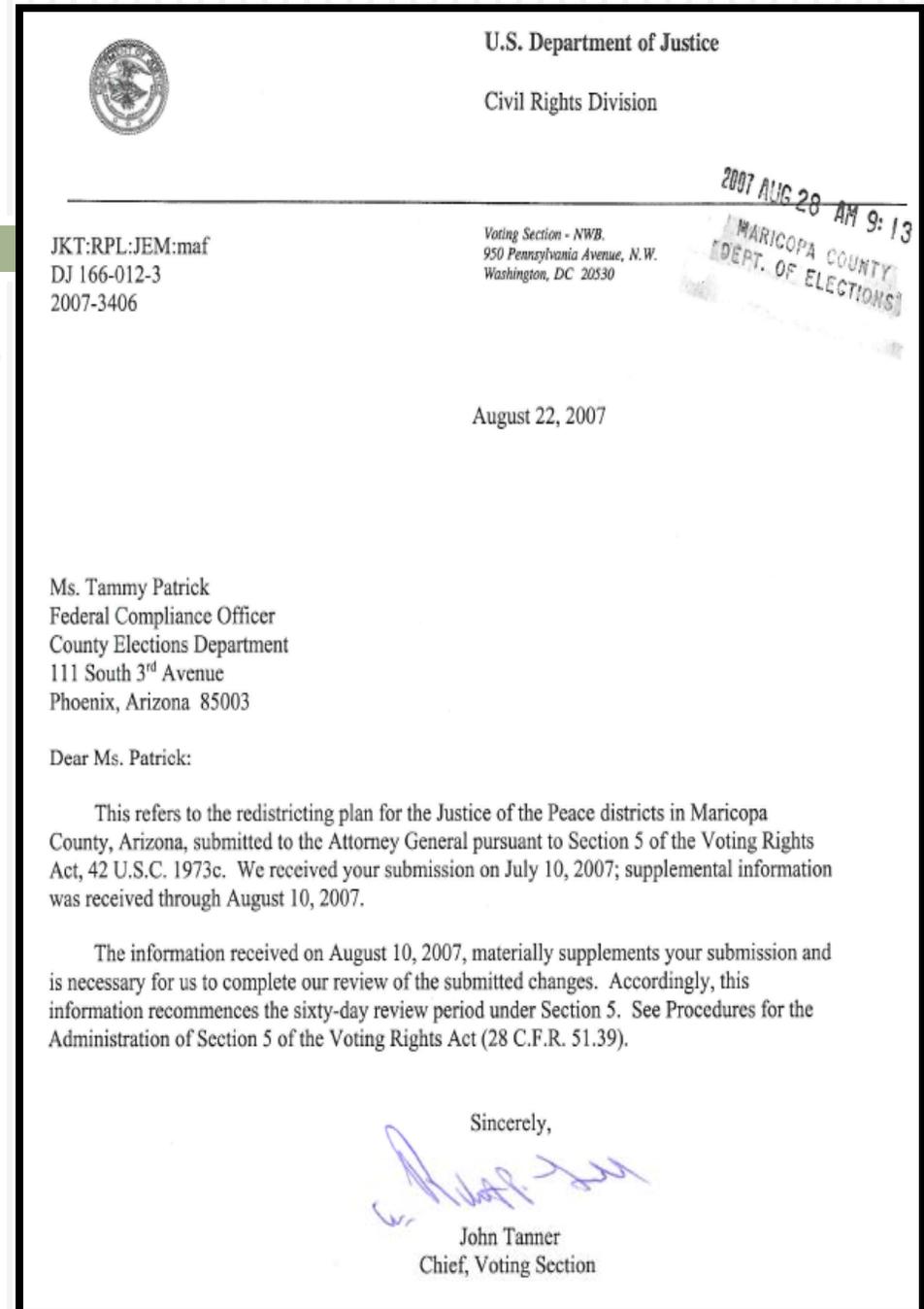
**51.28(a)(4) MAGNETIC MEDIA DEMOGRAPHIC DATA**

Demographic data is provided on magnetic media based upon the Bureau of the Census

- Demographic data is provided for both the lines as they stand and as they are proposed.

# Timeline

- In general, once DOJ receives a submission they have 60 days to weigh in on whether or not the change is approved.
- If DOJ requests additional information then the 60 day window begins a new upon reception of the requested materials. (They don't always send a formal extension.)



# Addendum

- Additional information can be submitted online as well.
- This is particularly helpful for submissions such as polling place changes in which expediency is critical.

**From:** Tammy Patrick - RISCX  
**Sent:** Wednesday, July 23, 2008 5:50 PM  
**To:** 'vot1973c (CRT)'  
**Subject:** Submission 2008-3655

Regarding Submission 2008-3655

Attention: John Powers

Please find attached supporting documentation of our change for Precinct 0877 Tempe 14 based on a voter complaint to their local Representative and Congressman:



Precinct 0877  
Tempe 14.pdf



precinct 877.docx



Memo regarding  
Tempe 14 -1.pdf...



Memo regarding  
Tempe 14 -2.pdf...



Memo regarding  
Tempe 14 -3.pdf...

I reviewed precinct 0327 Dobbins Ranch which we discussed on the phone. This number was formerly Burlington and the number was reused when we redrew precinct lines for submission 2007-3334:



Reuse of precinct  
number 0327....

I will send the comprehensive list of changes and the corrected change codes on Friday, our Polling Place staff has been in the field doing evaluations and will not have it proofed until then.

*Tammy Patrick*  
Federal Compliance Officer  
Maricopa County Elections  
111 S 3rd Avenue  
Phoenix, AZ 85003

### 51.34 Expedited consideration.

(a) When a submitting authority is required under State law or local ordinance or otherwise finds it necessary to implement a change within the 60-day period following submission, it may request that the submission be given expedited consideration. The submission should explain why such consideration is needed and provide the date by which a determination is required.

(b) Jurisdictions should endeavor to plan for changes in advance so that expedited consideration will not be required and should not routinely request such consideration. When a submitting authority demonstrates good cause for expedited consideration the Attorney General will attempt to make a decision by the date requested. However, the Attorney General cannot guarantee that such consideration can be given.

(c) Notice of the request for expedited consideration will be given to interested parties registered under S 51.32

- We don't always have 60 days.
- In those cases a jurisdiction can request expedited consideration.



# BAIL-OUT PROCESS



## 51.64 Bar to termination of coverage (bailout).

(a) Section 4(a) of the Act sets out the requirements for the termination of coverage (bailout) under Section 5. See § 51.5. Among the requirements for bailout is compliance with Section 5, as described in Section 4(a), during the ten years preceding the filing of the bailout action and during its pendency.

(b) In defending bailout actions, the Attorney General will not consider as a bar to bailout under Section 4(a)(1)(E) a Section 5 objection to a submitted voting standard, practice, or procedure if the objection was subsequently withdrawn on the basis of a determination by the Attorney General that it had originally been interposed as a result of the Attorney General's misinterpretation of fact or mistake in the law, or if the unmodified voting standard, practice, or procedure that was the subject of the objection received Section 5 preclearance by means of a declaratory judgment from the U.S. District Court for the District of Columbia.

(c) Notice will be given to interested parties registered under § 51.32 when bailout actions are filed or decided.

# So, what does that mean?

- “A state or political subdivision seeking to bail out must seek a declaratory judgment from a three-judge panel in the United States District Court for the District of Columbia that it merits the requested relief.
- The Voting Rights Act defines a "political subdivision" as any county or parish except where there is another entity, such as independent cities in Virginia, that conducts voter registration. *In those circumstances, such a municipality is the functional equivalent of a county, and possesses the same authority over voter registration and elections.* Unlike the original statutory design, which did not allow individual counties in those states covered in their entirety to obtain bailout, the new procedure allows counties to do so.”
- [http://www.usdoj.gov/crt/voting/misc/sec\\_4.php](http://www.usdoj.gov/crt/voting/misc/sec_4.php)

# What must be demonstrated?

## **The successful bailout applicant must demonstrate that during the past ten years:**

- No test or device has been used within the state or political subdivision;
- All changes affecting voting have been reviewed under Section 5 prior to their implementation;
- No change affecting voting has been the subject of an objection by the Attorney General or the denial of a Section 5 declaratory judgment from the District of Columbia district court;
- There have been no adverse judgments in lawsuits alleging voting discrimination;
- There have been no consent decrees or agreements that resulted in the abandonment of a discriminatory voting practice;
- There are no pending lawsuits that allege voting discrimination; and
- Federal examiners have not been assigned.

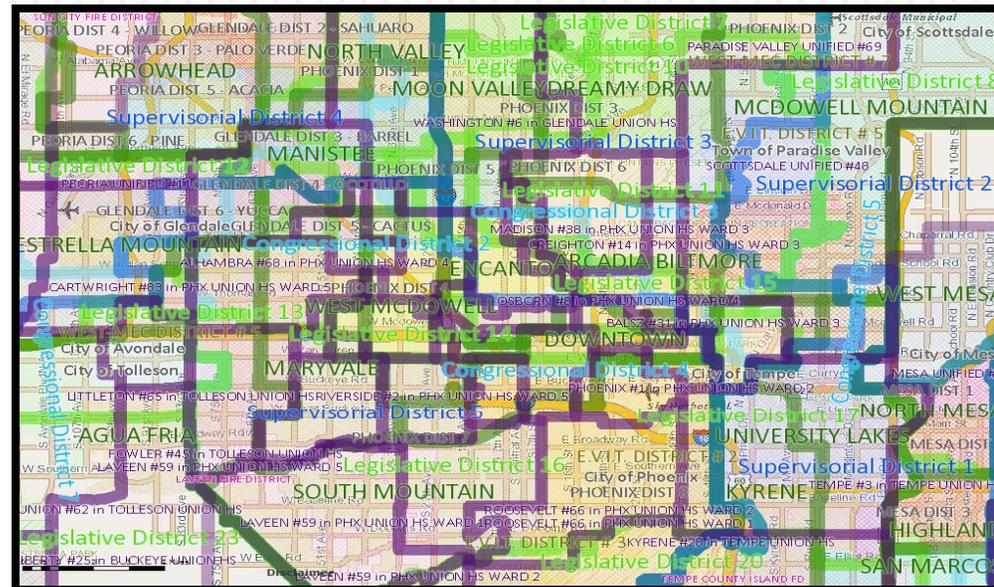
# Additionally:

- “The jurisdiction must have eliminated those voting procedures and methods of elections that inhibit or dilute equal access to the electoral process.
- It also must demonstrate that it has made constructive efforts to eliminate intimidation and harassment of persons seeking to register and vote and expand opportunities for voter participation, such as opportunities for registration and voting, and to appoint minority officials throughout the jurisdiction and at all levels of the stages of the electoral process.
- The jurisdiction must also present evidence of minority electoral participation.”

[www.usdoj.gov/crt/voting/misc/sec\\_4.php](http://www.usdoj.gov/crt/voting/misc/sec_4.php)

# Not only that, but:

- “In addition, these requirements apply to all governmental units within the geographical boundaries of the jurisdiction. **Thus, if a county is seeking to bailout, it must establish each criteria for every city, town, school district, or other entity within its boundaries.**”



# Will Maricopa request a bailout?

- Some have asked if MCED has considered submitting for bailout but:
  - 1) We have had Federal Observers in 2004 & 2006.
  - 2) We were named (along with all other AZ counties) in the voter initiative Prop 200 challenge lawsuit which is under appeal.
  - 3) We would need to demonstrate that all jurisdictions within the county have complied with Section 5 and we do not have the jurisdiction to be able to verify if that is the case.
- So this is a mute point until at least ...





# 2006 RE-AUTHORIZATION



# 2007 Deadline

- Portions of the VRA were scheduled to sunset in August of 2007.
- Congress held hearings and gathered data from all across the country in an effort to determine if, in fact, there was still a need for the Sections slated to sunset

WASHINGTON, Sept. 23 /U.S. Newswire/ -- House Judiciary Committee Chairman F. James Sensenbrenner, Jr. (R-Wis.) today announced an extensive and detailed Committee examination of the **Voting Rights Act** will begin later this year, including plans for more than a half-dozen Committee **hearings**.

Chairman Sensenbrenner stated, "The **Voting Rights Act** has brought **voting rights** to millions of Americans previously denied their right to vote. While some sections of the law will not expire until 2007, I strongly believe now is the time for the Judiciary Committee to begin a thorough examination to reauthorize this critical legislation. Therefore, after extensive consultations with Ranking Member ...



August 6, 2005: Activists in Atlanta rally to urge reauthorization of the Voting Rights Act. The

# July 13<sup>th</sup>, 2006 House Vote 390-33-9

**USA TODAY** ■ Home ■ News ■ Travel ■ Money ■ Sports ■ Life ■ Tech ■ V

Washington/Politics Inside News » Cars

## House renews 1965 Voting Rights Act

Updated 7/13/2006 9:51 PM ET [E-mail](#) | [Save](#) | [Print](#) | [Reprints & Permissions](#) | [RSS](#)



Enlarge By Evan Vuoci, AP

Rep. Mel Watt, D-N.C., says the voting act enabled black participation in the political process.

### FINAL VOTE RESULTS FOR ROLL CALL 374

(Republicans in roman; Democrats in *italic*; Independents underlined)

HR 9 RECORDED VOTE 13-Jul-2006 5:38 PM

QUESTION: On Passage

BILL TITLE: Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act

	<u>AYES</u>	<u>NOES</u>	PRES	<u>NV</u>
REPUBLICAN	192	33		5
DEMOCRATIC	197			4
INDEPENDENT	1			
TOTALS	390	33		9

# July 20<sup>th</sup>, 2006 Unanimous Senate

## Senate votes for renewal of Voting Rights Act

98-0 vote sends legislation to Bush, who says he looks forward to signing it



Sen. Patrick Leahy, Sen. Edward Kennedy, Sen. Charles Schumer and Rep. John Lewis talk Thursday during a press conference at the Capitol in Washington. The congressmen were celebrating the Senate's passage of the Voting Rights Reauthorization Act.

Chip Somodevilla / Getty Images

# July 27, 2006 Presidential Signing

## Bush signs Voting Rights Act extension

Historic 1965 law renewed for 25 years



President Bush signs H.R. 9, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act as Reps. John Conyers and James Sensenbrenner, House Minority Leader Nancy Pelosi, and Senators Harry Reid and Bill Frist look on at the White House ceremony on Thursday.

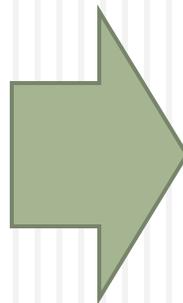
Pool / Getty Images



# THE TEXAS CASE & SUPREME COURT RULING

# What triggered the suit?

- The Northwest Austin Utility District #1 wanted to move its polling place from a residential garage to the nearby elementary school (that is commonly used by Travis County for all other elections).
- Being in a covered state, the District needed to submit the change for preclearance.
- It was precleared by DOJ.



Don Zimmerman, a member of the Utility Board since 2002, disagreed with the process of requesting preclearance.



Don Zimmerman

Northwest Austin Municipal Utility Board, District #1

HOME: JANUARY 16, 2009: NEWS

TEXT SIZE - / + / ++

## Point Austin: MUD Rising

*Canyon Creek voting-rights lawsuit goes to the Supremes*

BY MICHAEL KING

“...former Texas Solicitor General Gregory Coleman (and former clerk to Justice Clarence Thomas) generously put himself and his Austin firm of Yetter, Warden & Coleman at the service of the Northwest MUD”

Here is Don holding the United Nations flag while it is being burned protesting U.N. Day by defending the Sovereignty of the United States of America

# Yale Law Journal Summary:

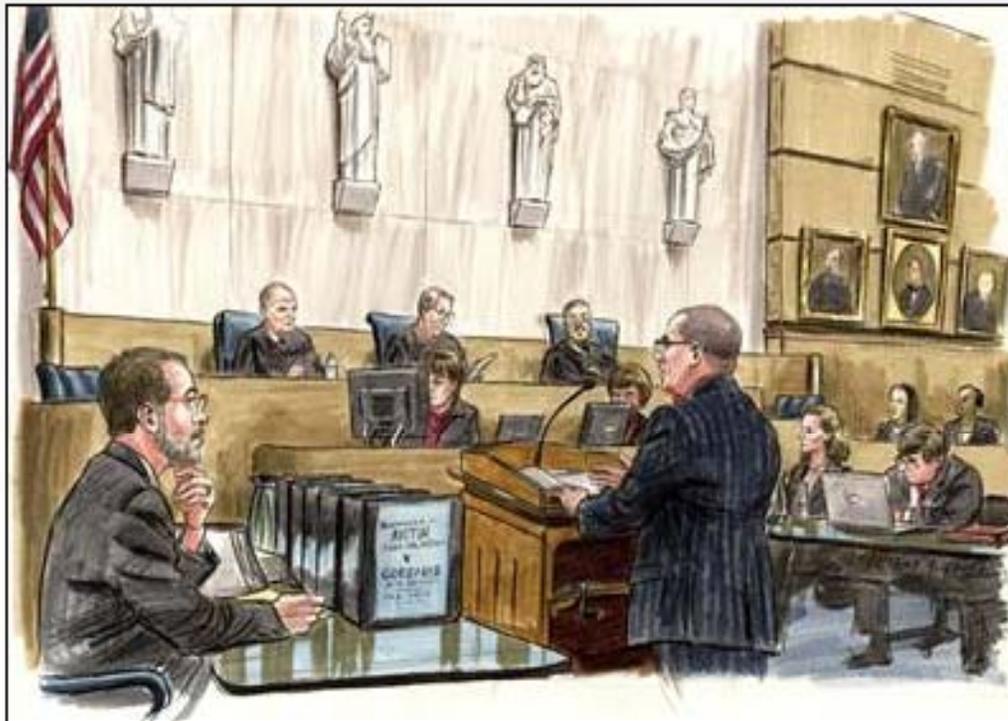
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The plaintiff in the case, a Texas utility district covered by section 5 of the VRA, argues that the requirement that it obtain federal preclearance for changes to its election practices is not a congruent and proportional response to current voting rights problems - and therefore that it exceeds Congress's enforcement powers under the Fourteenth and Fifteenth Amendments. The Justice Department and defendant-intervenors argue that section 5 is a valid exercise of Congress's enforcement powers, and that evidence of ongoing voting rights violations demonstrates the continued need for section 5.

# District Court upheld Section 5 & ruling was appealed to the Supreme Court

## Officials challenge voting rights law

Texans say Justice Department role could impact minorities at the polls



Art Lien/nbc News / Art Lien/NBC News

Chris Ward, a lawyer for the plaintiff Northeast Austin Municipal Utility District #1, argues, Monday, before Circuit Judge Tatel and District Judges Friedman and Sullivan.

# What the Supreme Court was ruling on:

## SUPREME COURT OF THE UNITED STATES

Syllabus

NORTHWEST AUSTIN MUNICIPAL UTILITY  
DISTRICT NUMBER ONE *v.* HOLDER,  
ATTORNEY GENERAL, ET AL.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF COLUMBIA

No. 08–322. Argued April 29, 2009—Decided June 22, 2009

The appellant is a small utility district with an elected board. Because it is located in Texas, it is required by §5 of the Voting Rights Act of 1965 (Act) to seek federal preclearance before it can change anything about its elections, even though there is no evidence it has ever discriminated on the basis of race in those elections. The district filed suit seeking relief under the “bailout” provision in §4(a) of the Act, which allows a “political subdivision” to be released from the preclearance requirements if certain conditions are met. The district argued in the alternative that, if §5 were interpreted to render it ineligible for bailout, §5 was unconstitutional. The Federal District Court rejected both claims. It concluded that bailout under §4(a) is available only to counties, parishes, and subunits that register voters, not to an entity like the district that does not register its own voters. It also concluded that a 2006 amendment extending §5 for 25 years was constitutional.

# Question 1: RE Bailout

The Government's contrary interpretation has helped to render the bailout provision all but a nullity. Since 1982, only 17 jurisdictions—out of the more than 12,000 covered political subdivisions—have successfully bailed out of the Act. App. to Brief for Jurisdictions That Have Bailed Out as *Amici Curiae* 3; Dept. of Commerce, Bureau of Census, 2002 Census of Governments, Vol. 1, No. 1, pp. 1, 22–60. It is unlikely that Congress intended the provision to have such limited effect. See *United States v. Hayes*, 555 U. S. \_\_\_\_\_, (2009) (slip op., at 10).

We therefore hold that all political subdivisions—not only those described in §14(c)(2)—are eligible to file a bailout suit.

## Question 2: RE Constitutionality

More than 40 years ago, this Court concluded that “exceptional conditions” prevailing in certain parts of the country justified extraordinary legislation otherwise unfamiliar to our federal system. *Katzenbach*, 383 U. S., at 334. In part due to the success of that legislation, we are now a very different Nation. Whether conditions continue to justify such legislation is a difficult constitutional question we do not answer today. We conclude instead that the Voting Rights Act permits all political subdivisions, including the district in this case, to seek relief from its preclearance requirements.

The judgment of the District Court is reversed, and the case is remanded for further proceedings consistent with this opinion.

*It is so ordered.*

# The Judicial “Score Card”

ROBERTS, C. J., delivered the opinion of the Court, in which STEVENS, SCALIA, KENNEDY, SOUTER, GINSBURG, BREYER, and ALITO, JJ., joined. THOMAS, J., filed an opinion concurring in the judgment in part and dissenting in part.



So, we're stayin' right where we are!

