ACTUALIZACIONES DE LEGISLACIÓN Y LITIGIOS

REUNIÓN DE LA RED DE LA COMUNIDAD DEL DEPARTAMENTO DE ELECCIONES DEL CONDADO MARICOPA

25 DE FEBRERO, 2014

TEMAS

- Legislación Federal
- Legislación Estatal
- Actualización de Litigios

LEGISLACIÓN FEDERAL

FEDERAL

- Enmienda al Derecho al Voto
- Ley SENTRI
- Potenciales Proyectos de Ley
- Otras actividades del Congreso

ENMIENDA A LA LEY DE DERECHOS ELECTORALES: HR 3899

113TH CONGRESS
2D SESSION

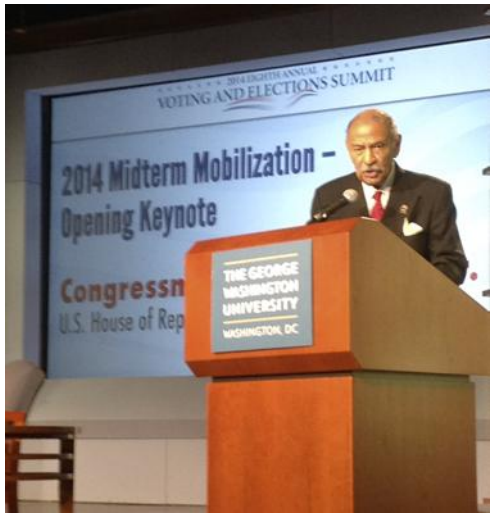
H. R. 3899

To amend the Voting Rights Act of 1965 to revise the criteria for determining which States and political subdivisions are subject to section 4 of the Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 2014

Mr. SENSENBRENNER (for himself, Mr. CONYERS, Mr. LEWIS, Mr. SCOTT of Virginia, Mr. BACHUS, Mr. CHABOT, Ms. JACKSON LEE, Mr. DUFFY, and Mr. HOYER) introduced the following bill; which was referred to the Committee on the Judiciary



El Representante Conyers fue el orador principal en la reciente Cumbre OVF en DC

ENMIENDA A LA LEY DE DERECHOS ELECTORALES: HR 3899

- El Proyecto de Ley recorta la excepción de la Sección 2
- El Proyecto de Ley propone un nuevo método para determinar la cobertura de la Sección 5 y un nuevo período de aplicación.
- El Proyecto de Ley también crea una nueva Sección que se aplica a todo el país con respecto a las elecciones relacionadas con la actividad de divulgación y presentación de informes.

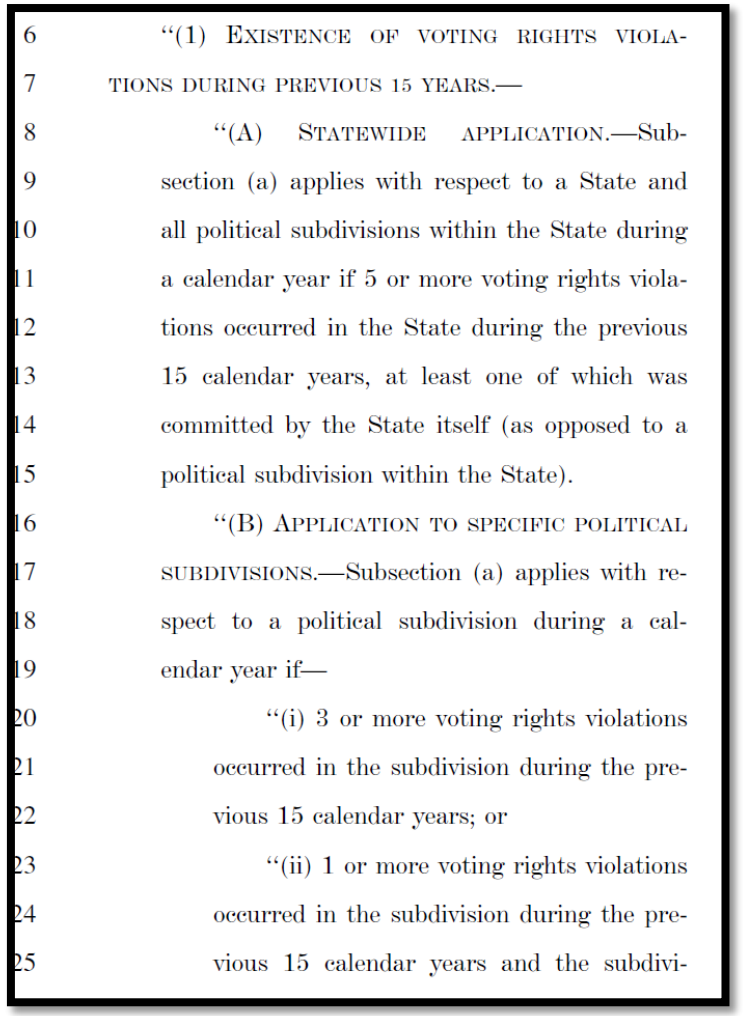
ENMIENDA A LA LEY DE DERECHOS ELECTORALES: HR 3899 SECCIÓN 2

SEC. 2. VIOLATIONS TRIGGERING AUTHORITY OF COURT TO RETAIN JURISDICTION.

(a) TYPES OF VIOLATIONS.—Section 3(c) of the Voting Rights Act of 1965 (42 U.S.C. 1973a(c)) is amended by striking "violations of the fourteenth or fifteenth amendment" and inserting "violations of the 14th or 15th Amendment; violations of this Act (other than a violation of section 2(a) which is based on the imposition of a requirement that an individual provide a photo identification as a condition of receiving a ballot for voting in an election for Federal, State, or local office); or violations of any Federal voting rights law that prohibits discrimination on the basis of race, color, or membership in a language minority group,".

- La aplicación de Identificación de votante se indica específicamente para no violar la Sección 2.

ENMIENDA A LA LEY DE DERECHOS ELECTORALES: HR 3899 SECCIÓN 3 (ANTERIORMENTE SECCIÓN 4)



"(1) EXISTENCE OF VOTING RIGHTS VIOLATIONS DURING PREVIOUS 15 YEARS.—

"(A) STATEWIDE APPLICATION.—Subsection (a) applies with respect to a State and all political subdivisions within the State during a calendar year if 5 or more voting rights violations occurred in the State during the previous 15 calendar years, at least one of which was committed by the State itself (as opposed to a political subdivision within the State).

"(B) APPLICATION TO SPECIFIC POLITICAL SUBDIVISIONS.—Subsection (a) applies with respect to a political subdivision during a calendar year if—

"(i) 3 or more voting rights violations occurred in the subdivision during the previous 15 calendar years; or

"(ii) 1 or more voting rights violations occurred in the subdivision during the previous 15 calendar years and the subdivi-

- Cobertura Estatal:
  - 5 o más violaciones de los derechos electorales en los 15 años de calendario anteriores—al menos 1 por el estado.
- Subdivisiones Políticas:
  - 3 o más violaciones de los derechos electorales en los 15 años del candelario anteriores o
  - 1 o más violaciones a los derechos electorales en los 15 años anteriores y la subdivisión tuvieron participación minoritaria baja persistente.

ENMIENDA A LA LEY DE DERECHOS ELECTORALES: HR 3899 SECCIÓN 3 (ANTERIORMENTE SECCIÓN 4)

- El juicio final de Violaciones al Derecho al Voto en cualquier tribunal de los Estados Unidos ha determinado que:
  - Una denegación o limitación del derecho de cualquier ciudadano de los Estados Unidos a votar por razones de raza, color, o ser miembro de un grupo de idioma minoritario *ocurrió*,
  - Una calificación de votación o requisito previo a la votación o una norma, práctica, o procedimiento con respecto a la votación fue impuesta o aplicada *que hubiera resultado* en la denegación o restricción al voto,
  - Una solicitud fue denegada bajo la Sección 5 de ser forzada
  - El Fiscal General interpuso una objeción bajo la Sección 5

ENMIENDA A LA LEY DE DERECHOS ELECTORALES: HR 3899 SECCIÓN 3 (ANTERIORMENTE SECCIÓN 4)

"(A) With respect to the general elections for the office of President which were held in the political subdivision during the previous 15 calendar years—

"(i) in the majority of such elections, the minority turnout rate in the political subdivision was below—

"(I) the minority turnout rate for the entire Nation,

"(II) the nonminority turnout rate for the entire Nation,

"(III) the minority turnout rate for the State in which the political subdivision is located,

"(IV) the nonminority turnout rate for the State in which the political subdivision is located, and

"(V) the nonminority turnout rate for the political subdivision; and

- Determinación de la Participación en Elecciones Federales basado en:
- Participación monoritaria en subdivisión política está por debajo de:
  - Tasa de participación minoritaria de la Nación
  - Tasa de participación no minoritaria de la Nación
  - Tasa de participación minoritaria del Estado
  - Tasa de participación no minoritaria del Estado
  - Tasa de participación no minoritaria de subdivisión y
- Promedio de la tasa de participación minoritaria fue más del 10% por debajo de la tasa promedio no minoritario de la Nación.

ENMIENDA A LA LEY DE DERECHOS ELECTORALES: HR 3899 SECCIÓN 3 (ANTERIORMENTE SECCIÓN 4)

"(D) The term 'turnout rate' means, with respect to a demographic group and an election, the amount (expressed as a percentage) equal to the quotient of—

"(i) the number of individuals in that group who are citizens of the United States, who are 18 years of age or older on the date of the election, and who cast ballots in the election; divided by

"(ii) the total number of individuals in that group who are citizens of the United States and who are 18 years of age or older on the date of the election.".

- Tasa de Participación:
  - # de votos emitidos en la elección dividido por
  - # Población de Ciudadano en Edad de Votar (CVAP)

Esto será difícil de determinar al menos que el Censo proporcione un estimado

ENMIENDA A LA LEY DE DERECHOS ELECTORALES: HR 3899 SECCIÓN 3 (ANTERIORMENTE SECCIÓN 4)

- Las determinaciones se harán por el Procurador General cada año:
  - Determinación de Violaciones de los Derechos de Voto
  - Tasas de Participación
- Se publicarán en el Registro Federal.
- Estarán vigentes durante 10 años.

ENMIENDA A LA LEY DE DERECHOS ELECTORALES: HR 3899 SECCIÓN 4 (NUEVA SECCIÓN)

SEC. 4. PROMOTING TRANSPARENCY TO ENFORCE THE VOTING RIGHTS ACT.

(a) TRANSPARENCY.—

(1) IN GENERAL.—The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) is amended by inserting after section 5 the following new section:

"TRANSPARENCY REGARDING CHANGES TO PROTECT VOTING RIGHTS

"SEC. 6. (a) NOTICE OF ENACTED CHANGES.—

"(1) NOTICE OF CHANGES.—If a State or political subdivision makes any change in any prerequisite to voting or standard, practice, or procedure affecting voting in any election for Federal office that will result in the prerequisite, standard,

- Los cambios deben hacerse disponibles públicamente dentro de 48 hrs de aplicación para:
  - Requisito previo para la votación
  - Estándar, práctica, procedimiento que afecta la votación
- Aviso público y en línea para incluir:
  - Descripción del cambio
  - Diferencia con la práctica anterior

ENMIENDA A LA LEY DE DERECHOS ELECTORALES: HR 3899 SECCIÓN 4 (NUEVA SECCIÓN)

"(b) TRANSPARENCY REGARDING POLLING PLACE RESOURCES.—

"(1) IN GENERAL.—In order to identify any changes that may impact the right to vote of any person, prior to the 30th day before the date of an election for Federal office, each State or political subdivision with responsibility for allocating registered voters, voting machines, and official poll workers to particular precincts and polling places shall provide reasonable public notice in such State or political subdivision and on the Internet, in a rea-

- Registro de Asignación de Recursos de Lugar de Votación:
  - Nombre y número de Recinto
  - Nombre y dirección de la instalación
  - Fechas y horas de operación
  - Población en Edad de Votar (VAP) por demográfica
  - # de Votantes Inscritos por demográfica
  - # de Máquinas de votación
  - # de Trabajadores Electorales pagados
  - # de Trabajadores Electorales Voluntarios

ENMIENDA A LA LEY DE DERECHOS ELECTORALES: HR 3899 SECCIÓN 4 (NUEVA SECCIÓN)

"(c) TRANSPARENCY OF CHANGES RELATING TO DEMOGRAPHICS AND ELECTORAL DISTRICTS.—

"(1) REQUIRING PUBLIC NOTICE OF CHANGES.—Not later than 10 days after making any change in the constituency that will participate in an election for Federal, State, or local office or the boundaries of a voting unit or electoral district in an election for Federal, State, or local office (including through redistricting, reapportionment, changing from at-large elections to district-based

- La redistribución de distritos y redistribución de recintos requerirá la misma publicación pública dentro de 10 días del cambio de lo siguiente:
  - Cambio en la circunscripción
  - Población en Edad de Votar (VAP) por grupo demográfico
  - Población de Ciudadano en Edad de Votar (CVAP) por grupo demográfico
  - # de Votantes Inscritos
  - # de Votos recibidos por cada candidato en cada elección durante los últimos 5 años en el área impactada

ENMIENDA A LA LEY DE DERECHOS ELECTORALES: HR 3899 SECCIÓN 4 (NUEVA SECCIÓN)

"(A) A county or parish.

"(B) A municipality with a population greater than 10,000, as determined under the most recent decennial census.

"(C) A school district with a population greater than 10,000, as determined under the most recent decennial census. For purposes of this paragraph, the term 'school district' means the geographic area under the jurisdiction of a local educational agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965).

- El mandato se aplica a todos:
  - Estados
  - Condados o Parroquias
  - Municipios con población >10,000
  - Distritos escolares con población >10,000

ENMIENDA A LA LEY DE DERECHOS ELECTORALES: HR 3899 SECCIÓN 4 (NUEVA SECCIÓN)

"(A) A county or parish.

"(B) A municipality with a population greater than 10,000, as determined under the most recent decennial census.

"(C) A school district with a population greater than 10,000, as determined under the most recent decennial census. For purposes of this paragraph, the term 'school district' means the geographic area under the jurisdiction of a local educational agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965).

- >10,000 (Datos del Censo de 2010):
  - Carefree
  - Cave Creek
  - Gila Bend
  - Guadalupe
  - Litchfield Park
  - Tolleson
  - Wickenburg
  - Youngtown

Estaría exento

UOCAVA AMENDMENT: S 1728 / HR 3576

- Audiencia en la Cámara el 20 de Noviembre, 2013:
  - Revisión de la General 2012
  - SOS Recorrido por instalaciones militares
  - Resultados de la encuesta FVAP

Hearing on: "Military and Overseas Voting in 2012"

Full Committee | 1310 Longworth House Office Building Washington, D.C. | Nov 20, 2013 11:30am

Witnesses

Witness testimony

The Honorable Ross Miller
Secretary of State, Nevada

Mr. Matt Boehmer
Director, Federal Voting Assistance Program

ENMIENDA UOCAVA: S 1728 / HR 3576
LEY SENTRI

- Audiencia en el Senado el 29 de Enero
  - Matt Boehmer, FVAP
  - Kevin Kennedy, WI GAB
  - Don Palmer, VA BOE

ENMIENDA UOCAVA : S 1728/ HR 3576
LEY SENTRI

- Senado: Senadores Cornyn y Schumer
- Cámara: Representantes McCarthy y Davis

ENMIENDA UOCAVA: S 1728/ HR 3576
LEY SENTRI

- Crea una función de presentación de informes que los Estados tienen que informar al Fiscal General:
  - 43 Días Antes del Día de Elección:
    - # de solicitudes UOCAVA recibidas por el día 46 antes de la elección y
    - Si fueron transmitidas oportunamente.
  - 90 Días Después del Día de la Elección:
  - # de boletas transmitidas
    - # de boletas recibidas de regreso

ENMIENDA UOCAVA: S 1728/ HR 3576
LEY SENTRI

- Mueve la fecha de envío por correo de 45 días a 46 días antes del Día de la Elección que ya no cae en Sábado.
- Las solicitudes se deben cumplir dentro de 3 días de recibo.
- No se puede negar una solicitud por ser "demasiado temprano"

ENMIENDA UOCAVA: S 1728/ HR 3576 LEY SENTRI

- La aplicación de Tarjeta Postal Federal (FPCA) para solicitar una boleta en ausencia es válida hasta la siguiente elección general programada regularmente para un cargo Federal al menos que:
  - El votante sea eliminado debido al cambio de ***registro de acuerdo con el NVRA***
  - La boleta es devuelta como no entregable

Al parecer esto podría detener los estados de cancelar el registro de votantes UOCAVA al final del período de FPCA, pero se sigue trabajando en conseguir ese lenguaje clarificado.

ENMIENDA UOCAVA: S 1728/ HR 3576
LEY SENTRI

- Boletas en Ausencia Federales por Escrito para todas las elecciones federales, no sólo la General

SEC. 103. TECHNICAL CLARIFICATIONS TO CONFORM TO 2009 MOVE ACT AMENDMENTS RELATED TO THE FEDERAL WRITE-IN ABSENTEE BALLOT.

(a) IN GENERAL.—Section 102(a)(3) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1(a)(3)) is amended by striking "general elections" and inserting "general, special, primary, and runoff elections".

ENMIENDA UOCAVA: S 1728/ HR 3576
LEY SENTRI

- Mejora de asistencia de Votación por:
  - Ofrecimiento anual a través de un nuevo sistema en línea
    - Integrado con otros sistemas militares
    - Información llena previamente

  Especifica Formulario de VR Federal, no FPCA

Esto debe ser corregido en una enmienda

- Requisitos de información Adicional al Congreso por FVAP

ENMIENDA UOCAVA: S 1728/ HR 3576
LEY SENTRI

- Clarifica cobertura a la familia, no sólo la esposa

TITLE IV—RESIDENCY OF MILITARY FAMILY MEMBERS

SEC. 401. EXTENDING GUARANTEE OF RESIDENCY FOR VOTING PURPOSES TO FAMILY MEMBERS OF ABSENT MILITARY PERSONNEL.

(a) IN GENERAL.—Subsection (b) of section 705 of the Servicemembers Civil Relief Act (50 U.S.C. App. 595) is amended—

(1) by striking "a person who is absent from a State because the person is accompanying the persons's spouse who is absent from that same State in compliance with military or naval orders shall not, solely by reason of that absence" and inserting "a dependent of a person who is absent from a State in compliance with military orders shall not, solely by reason of absence, whether or not accompanying that person"; and

(2) in the heading by striking "SPOUSES" and inserting "DEPENDENTS".

(b) CONFORMING AMENDMENT.—The heading of section 705 of such Act (50 U.S.C. App. 595) is amended by striking "**SPOUSES**" and inserting "**DEPENDENTS**".

OTRA ACCIÓN DEL CONGRESO

- 11 de Diciembre, 2013
- Audiencias de Nominación para 2 Comisionados de la EAC (Tom Hicks y Myrna Perez) celebrada en el Senado.

OTROS POSIBLES PROYECTOS DE LEY?

- Audiencia del Senado en la Comisión Presidencial sobre el Informe de la Administración Electoral el 12 de Marzo, Co-Presidentes Bob Bauer y Ben Ginsburg testificaron:

OTRA ACCIÓN DEL CONGRESO

- Audiencia en el Senado el 12 de Marzo: Tentativo
- "Administración Electoral: Innovación, Mejoras Administrativas y Ahorros de Costo":
  - Inscripción de Votante en Línea y Modernización
  - Eficiencias de Libros de Votación Electrónicos

LEGISLACIÓN ESTATAL

CANTIDAD…

- Hay tantos proyectos de ley en esta sesión que revisaremos sólo un breve resumen de algunos de ellos.

H2014

Aprobado por la Cámara 2/10/2014 36-23

H2014	BALLOT MEASURES; PROP 105 DISCLOSURE

For ballot propositions that make statutory changes, a statement that the measure can never be changed except by a 3/4 vote of the Legislature or by referring the change to the ballot must be printed on the official ballot, included in the publicity pamphlet printed by the Secretary of State, and included on any advertisement or literature to support or oppose the measure. Severability clause.

ARS Titles Affected: 16 19

First sponsor: Rep. Ugenti

H2064

Referido a Jud
1/28/2014

H2064	EARLY VOTING CENTERS; EXTENDED HOURS

On-site early voting locations are required to be open until 7:00 PM each business day during the early voting period through the Monday preceding election day (instead of until 5:00 PM through the Friday preceding election day), and must also be open on Saturdays and Sundays until 7:00 PM during the two weekends immediately preceding election day.

ARS Titles Affected: 16

First sponsor: Rep. Quezada
Others: Rep. Cardenas, Sen. Gallardo, Rep. Mendez, Rep. Sherwood

H2065

Referido a Jud
1/28/2014

H2065	VOTER REGISTRATION; SAME DAY

A person who is otherwise qualified to vote may register on Election Day at the polling place for the precinct in which that person maintains residence. Election day registration does not qualify a person to vote in a partisan primary election until at least 29 days after the date of registration.

ARS Titles Affected: 16

First sponsor: Rep. Quezada
Others: Sen. Gallardo, Rep. Mendez, Rep. Sherwood

H2067

Referido a Jud
1/28/2014

H2067	VOTER REGISTRATION; FEDERAL FORMS

The county recorder is required to register voters who use federal forms for voter registration if the forms comply with the National Voter Registration Act of 1993, and are prohibited from requiring the registrant to provide information or documentation that is not required by the Act. Due to voter protection, this bill requires the affirmative vote of at least 3/4 of each house of the Legislature for passage.

ARS Titles Affected: 16

First sponsor: Rep. Quezada
Others: Sen. Gallardo, Rep. Mendez, Rep. Sherwood

H2102

Aprobado pot la Cámara 2/18/2014
57-3
Referido al Senado Gov-env

H2102	LEGISLATIVE VACANCIES; DISTRICT RESIDENCY; QUORUM

The qualified electors nominated by a legislative district's precinct committeemen to fill a legislative vacancy are no longer required to reside in the same county as the person who held the office immediately before the vacancy. For the purpose of the nomination, 50 percent or more of all precinct committeemen in the legislative district, instead of in the district and county, in which the vacancy occurred must be present.

ARS Titles Affected: 41

First sponsor: Rep. Townsend
Others: Rep. Barton, Rep. Borrelli, Rep. Boyer, Rep. Coleman, Rep. Forese, Rep. Livingston, Rep. Miranda, Rep. Mitchell, Rep. Olson, Rep. Petersen, Rep. Seel, Rep. Smith, Rep. Steele, Rep. Ugenti

H2107

H2107	ELECTIONS; CANDIDATE, BALLOT MEASURE SIGNATURES

The Secretary of State is required to provide a system for registered voters to sign a nomination petition and a citizens clean elections five dollar donation qualification form for candidates for statewide and legislative offices by way of a secure internet portal. Requirements for the system are specified. Candidates may collect up to one-half of the number of required signatures using the online system. The Secretary of State is required to create and make available to each person or organization circulating a statewide initiative, referendum or recall petition training materials for circulators, and each person who is a statewide circulator must acknowledge receipt of the materials in writing before circulating a petition.

Specified change
chapter 209 faili
general election
Due to voter p
affirmative vote
Legislature for p

ARS Titles Affect

sponsor: Rep. K

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Cámara COW aprobado con enmienda 2/20/2014

H2132

Referido a Jud
1/28/2014

H2132	VOTING RIGHTS; RESTORATION; FELONIES

For a person who has been convicted of two or more felonies, the person's right to vote is automatically restored on completion of probation or absolute discharge from imprisonment.

Titles Affected: 13

sponsor: Rep. Quezada

H2194

Referido a Jud
1/28/2014

H2194	PERMANENT EARLY VOTING LIST; NOTARIZATION

The signature on early ballot request forms and permanent early voter request forms must be notarized. For voters already on the permanent early voting list, a notarized renewal must be submitted to the county recorder within four years after the effective date. Notaries cannot charge a fee to notarize a permanent early voter request form.

ARS Titles Affected: 16 41

sponsor: Rep. Seel

H2196 Y S1270

S1270	ELECTION LAW AMENDMENTS; REPEAL

Repeals Laws 2013, Chapter 209, which made numerous changes relating to election law, including modifying requirements for initiative, referendum and recall petitions, petition circulators, and signature sheets; modifying the number of signatures required to qualify for the ballot for various elected offices; requiring voters on the permanent early voting list (PEVL) who did not vote an early ballot in both the primary and general election for the two most recent general elections for federal office to confirm with the county in order to remain on the PEVL; and allowing voters to designate any person to return an early ballot.
ARS Titles Affected: 16

First sponsor: Sen. Biggs
Others: Sen. Barto, Sen. Crandell, Sen. Driggs, Sen. D. Farnsworth, Sen. Griffin, Sen. McComish, Sen. Reagan, Sen. Shooter, Sen. Ward, Sen. Worsley, Sen. Yarbrough, Sen. Yee

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ARS Titles Affected: 16

First sponsor: Rep. E. Farnsworth

H2196 Y S1270

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Sen. Yee

Aprobado
2/20/2014
17-12
Listo para el
Gobernador

ELECTION LAW AMENDMENTS; REPEAL

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ffected: 16

: Rep. E. Farnsworth

H2246

Referido a Jud
1/28/2014

H2246	ELECTION REFORM STUDY COMMITTEE

Establishes a 9-member Election Reform Study Committee to research and report on various election-related items, and to recommend legislation to address problems identified and to meet specified goals. The Committee must submit a report to the Speaker of the House of Representatives and the President of the Senate by March 1, 2014. Self-repeals October 1, 2014. Emergency clause.

ARS Titles Affected: 41

First sponsor: Rep. Campbell

H2344

H2344	U.S. SENATE CNADIDATES; LEGISLATIVE NOMINATION

Any person who is otherwise qualified by law to serve as a U.S. Senator and who has not been nominated for that office by a political party nomination, nomination other than by political party or a delegate convention may be nominated as a candidate by filing a petition with the presiding officers of the State House of Representatives and State Senate that is signed by at least 20 percent of the members of the Legislature then holding office. Within 30 days after the nomination petition is filed, a committee of the whole in each chamber of the Legislature must simultaneously vote on each candidate so nominated, and the candidate receiving the greatest number of votes for that office must be printed on the official ballot for the office of U.S. Senator at the next general or special election.

ARS Titles Affected: 16

First sponsor: Rep. Barton
Others: Sen. Crandell, Rep. Livingston, Rep. Mitchell, Sen. Murphy, Rep. Petersen, Rep. Thorpe, Rep. Townsend

H2344

H2344	U.S. SENATE CNADIDATES; LEGISLATIVE NOMINATION

Any person who is otherwise qualified by law to serve as a U.S. Senator and who has not been nominated for that office by a political party nomination, nomination other than by political party or a delegate convention may be nominated as a candidate by filing a petition with the presiding officers of the State House of Representatives and State Senate that is signed by at least 20 percent of the members of the Legislature then holding office. Within 30 days after the nomination petition is filed, a committee of the whole in each chamber of the Legislature must simultaneously vote on each candidate so nominated, and the candidate receiving the greatest number of

Referido a Fed-fiscal
1/28/2014

H2364

Referido a Jud
1/28/2014

H2364 **RANKED CHOICE VOTING**

Establishes a system of ranked choice voting, including methods for tabulating ranked choice votes. The list of capabilities a voting machine or device must have is expanded to include implementing ranked choice voting when ranking for contests is possible.

ARS Titles Affected: 16

First sponsor: Rep. Mendez

H2407

De la Cámara Jud con enmienda 2/20/2014

H2407	CAMPAIGN FINANCE; CENTRAL FILINGS; ENFORCEMENT

The statements, designations and reports required to be filed under campaign finance law are required to be filed with the Secretary of State for all candidates, instead of only candidates for statewide or legislative offices. Campaign finance reports are no longer filed with county or municipal officers. The county attorney is authorized to use enforcement authority otherwise prescribed for the Attorney General for enforcement of campaign finance law violations referred to the county attorney. Due to voter protection, some sections of this bill require the affirmative vote of at least 3/4 of each house of the Legislature for passage.

ARS Titles Affected: 15 16

First sponsor: Rep. Stevens
Others: Rep. Gowan, Sen. Griffin

H2643

Referido a Jud
2/13/2014

H2643	PETITIONS; SIGNATURE ASSISTANCE

If a voter is physically unable to sign a petition and requires assitance, on the voter's request, a person other than the petition circulator is permitted to assist the voter. The person assisting is required to state in writing on the petition that he assisted the voter and must sign the statement and write his name and address on the petition.

ARS Titles Affected: 19

First sponsor: Rep. Boyer

H2651

H2651 **CLEAN ELECTIONS FUNDING**

A taxpayer who files on a state income tax return form is permitted to designate a $5 voluntary contribution to the Clean Elections Fund and receive a $5 reduction in the amount of tax. Any taxpayer may make a voluntary donation to the Fund and receive a dollar-for-dollar tax credit of up to 20 percent of the tax amount on the return ~~or $500 per taxpayer, whichever is higher~~. At the discretion of the Clean Elections Commission, monies received from these donations may be transferred to an Election Equipment Refreshment Account in the Fund and used for updating and replacing election equipment used for county elections, with a county providing $3 of county matching monies for every $1 from the Account. Beginning January 1, 2015, the Commission is authorized to expend voter ~~eduction monies to annually fund officeholder expense~~ accounts with specified amounts for statewide officeholders and legislators.

Officeholders are permitted to spend monies from an officeholder account until 90 days before a primary election, instead of April 30 in an election year. Any monies remaining in the officeholder account on that day must be returned to the Commission. Nonseverability clause. Due to voter protection, this bill requires the affirmative vote of at least 3/4 of each house of the Legislature for passage. Emergency clause.

ARS Titles Affected: 16 41 43

First sponsor: Rep. Kavanagh

H2651

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A taxpayer who files on a state income tax return form is permitted to designate a $5 voluntary contribution to the Clean Elections Fund and receive a $5 reduction in the amount of tax. Any taxpayer may make a voluntary donation to the Fund and receive a dollar-for-dollar tax credit of up to 20 percent of the tax amount on the return ~~or $500 per taxpayer, whichever is higher. At the discretion~~ of the Clean Elections Commission, monies received from these donations may be transferred to an Election Equipment Refreshment Account in the Fund and used for updating and replacing election equipment used for county elections, with a county providing $3 of county matching monies for every $1 from the Account. Beginning January 1, 2015, the Commission is authorized to expend voter ~~eduction monies to annually fund officeholder expense~~ accounts with specified amounts for statewide officeholders and legislators.

De la Cámara
Gov con
enmienda
2/19/2014
Todavía en Appro

H2657

Referido a Jud
2/17/2014

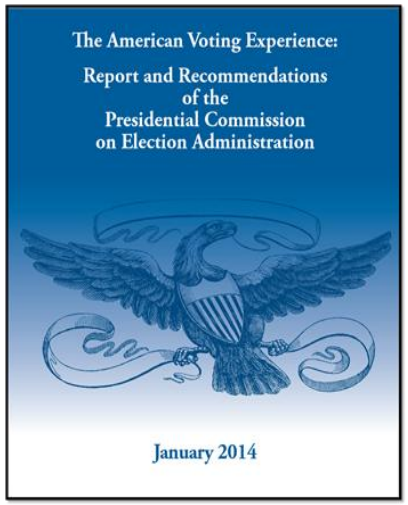
H2657	PERMANENT EARLY VOTING; BALLOTS; VERIFICATION

A ballot voted by a voter listed as having applied for an early ballot but who states that he/she has not voted and will not vote an early ballot or or who surrenders the early ballot to the precinct inspector must be labeled permanent early voting list verification ballots.

ARS Titles Affected: 16

First sponsor: Rep. Quezada
Others: Rep. Steele

H2658 / H2596 MANEJO DE PLAGAS



Ahora una enmienda delantera H2596 por el Rep Ugenti y Quezada
Reglas Aprobadas 2/24/2014

H2658	ELECTION DAY; TEACHER IN-SERVICE DAY

If a school district schedules teacher in-service training days during a school year, they must be conducted on days that correspond to an election date.

ARS Titles Affected: 15

First sponsor: Rep. Quezada
Others: Rep. Steele

H2667

De la Cámara Hel
hacer pasar
2/19/2014

H2667	PERSONS WITH DISABILITIES

The state is required to use the term "persons with disabilities" in all laws, rules, publications, orders, actions, programs, policies and signage. Statutory terminology is changed to "a person with a disability" or a "person with a developmental disability" instead of "disabled" or "developmentally disabled," and the term "disability" replaces the term "handicap." Contains a legislative intent section.

ARS Titles Affected: 6 8 11 12 13 14 15 16 17 20 23 25 28 30 31 32 33 35 36 37 38 40 41 42 43 44 45 46 48

First sponsor: Rep. Mach

Others: Rep. Alston, Rep. Brophy McGee, Rep. Cardenas, Rep. Carter, Rep. Clinco, Rep. Contreras, Rep. Escamilla, Rep. Gonzales, Rep. Goodale, Rep. Larkin, Rep. Lesko, Rep. McCune Davis, Rep. Meyer, Rep. Miranda, Rep. Montenegro, Rep. Orr, Rep. Otondo, Rep. Saldate, Rep. Tobin, Sen. Tovar, Rep. Wheeler

HCR2030

De la Cámara
Gov hacer pasar
2/19/2014

HCR2030	LEGISLATURE; FOUR-YEAR TERMS; TWO TERMS

The 2014 general election ballot is to carry the question of whether to amend the state Constitution to change the terms of office for state legislators to four-year terms and limit the number of terms a legislator may serve to two, beginning with the 52nd Legislature in 2015. Specifies application of the increase to a four-year term for current legislators.

ARS Titles Affected: 98

First sponsor: Rep. Contreras

Others: Rep. Cardenas, Rep. Escamilla, Rep. Gabaldon, Rep. Mendez, Rep. Meyer, Rep. Steele

HCR2011

Referida a Jud
2/13/2014

HCR2011	PRIMARY ELECTIONS; CAUCUS; CONVENTION

The 2014 general election ballot is to carry the question of whether to amend the state Constitution to allow the nomination of candidates to occur at a political party caucus, convention or by some other method instead of a direct primary election. Political parties that choose to nominate a candidate for public office may also determine whether to allow persons who are not members of that party to participate in the nomination process.

ARS Titles Affected: 98

First sponsor: Rep. Seel

HCR 2013Y S1186

HCR2031	VOTING AGE; SIXTEEN YEARS

The 2014 general election ballot is to carry the question of whether to amend the state Constitution to decrease the minimum voting age to 16 years of age, from 18.

ARS Titles Affected: 98

First sponsor: Rep. Mendez

S1186	VOTER REGISTRATION; YOUTH REGISTRANTS

Arizona residents who otherwise qualify to vote and are at least 16 years of age may register to vote, but are eligible to vote at an election only after the registrant is at least 18 years of age.

ARS Titles Affected: 16

First sponsor: Sen. Ableser
Others: Sen. Gallardo, Rep. Mach

HCR 2013 & S1186

HCR2031	VOTING AGE; SIXTEEN YE

The 2014 general election ballot is to carry th
whether to amend the state Constitution to
minimum voting age to 16 years of age, from

ARS Titles Affected: 98

First sponsor: Rep. Mendez

Referido a la Cámara Jud 2/13/2014 y Senado Electo, Gov-env 1/27/2014

86	VOTER REGISTRATION; YOUTH REGISTRANTS

na residents who otherwise qualify to vote and are at
16 years of age may register to vote, but are eligible
e at an election only after the registrant is at least
ars of age.

itles Affected: 16

sponsor: Sen. Ableser
s: Sen. Gallardo, Rep. Mach

S1189

Referido Electo, Gov-env 1/27/2014

S1189	INTERSTATE AGREEMENT; NATIONAL POPULAR VOTE

Establishes an agreement among the states to elect the U.S. President by national popular vote.

ARS Titles Affected: 16

First sponsor: Sen. Ableser
Others: Sen. Dalessandro, Sen. Gallardo, Sen. Hobbs

S1232

Senado Electo hacer pasar 2/12/2014

El Senado determina okay 2/18/2014

S1232	BALLOT MEASURES; PAID CIRCULATORS; REGISTRATION

The required registration with the Secretary of State for petition circulators who are not Arizona residents must include that the circulator consents to the jurisdiction of Arizona courts in resolving any disputes concerning the circulation of petitions. If a registered circulator is properly served with a subpoena to provide evidence in an action regarding circulation of petitions and fails to appear or produce documents, all signatures collected by that circulator are deemed invalid. Any person is authorized to challenge the lawful registration of circulators in the superior court.

ARS Titles Affected: 19
First sponsor: Sen. Reagan

S1257 Y 1254

S1257	SCHOOL DISTRICTS; BUDGET REQUESTS; ELECTIONS

In statutes relating to school district budgets that exceed the aggregate budget limit for the budget year, the term "override" is replaced with the term "budget request." At an election to approve the budget, the ballot is no longer required to contain the words "budget increase, yes" and "budget increase, no" but instead must contain the words "budget request, yes" and "budget request, no." The maximum number of years for which a budget request can be authorized is increased to ten, from seven. Budget request elections may be held on any general election date or special election date allowed by law, and are exempt from statute requiring consolidated election dates.
ARS Titles Affected: 15 16

First sponsor: Sen. Tovar
Others: Sen. Ableser, Sen. Begay, Sen. Dalessandro, Sen. Farley, Sen. Gallardo, Sen. Hobbs, Sen. McGuire, Sen. Pancrazi

S1254	ELECTION DATES; SCHOOL BONDS; OVERRIDES

School district budget override elections and bond elections may be held only in even-numbered years.

ARS Titles Affected: 15

First sponsor: Sen. Crandell
Others: Sen. Biggs, Sen. D. Farnsworth, Sen. Griffin, Sen. Murphy, Sen. Yarbrough

S1254 Y 1254

S1257	SCHOOL DISTRICTS; BUDGET REQUESTS; ELECTIONS

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ARS Titles Affected: 15 16

First sponsor: Sen. Tovar
Others: Sen. Ableser, Sen. Begay, Sen ... Farley, Sen. Gallardo, Sen. Hobbs, Sen ... Pancrazi

Referido al Senado Ed 1/29/2014

S1254	ELECTION DATES; SCHOOL BONDS; OVERRIDES

School district budget override elections and bond elections may be held only in even-numbered years.

ARS Titles Affected: 15

First sponsor: Sen. Crandell
Others: Sen. Biggs, Sen. D. Farnsworth, Sen. Murphy, Sen. Yarbrough

Falló en pasar el Senado 13-16 2/20/2014

S1293

Senado COW aprobado con enmienda 2/20/2014

S1293	PUBLICITY PAMPHLETS; DISCLOSURE

Municipalities and counties are required to include specified information in the publicity pamphlet for an election for a bond approval, sales tax levy or property tax levy. These requirements preempt all local laws and ordinances to the contrary. The information that must be included in the publicity pamphlet for school district budget override and bond elections is modified. The publicity pamphlet for an election for a bond approval or property tax levy for any special taxing district is required to include specified information.

ARS Titles Affected: 9 11 15 35 48

First sponsor: Sen. Griffin

S1344

Senado Electo
Hacer pasar
2/19/2014

S1344	CONTRIBUTION LIMITS; CLEAN ELECTIONS AUTHORITY

For any statewide or legislative candidate who is not participating in clean elections, complaints and investigations relating to an alleged violation of campaign contribution limits are subject only to the jurisdiction, penalties and procedures established in statute and the enforcement and investigative authority of the Secretary of State and Attorney General. The Citizens Clean Elections Commission has no authority to accept, investigate or otherwise act on any complaint involving an alleged violation of campaign contribution limits.

ARS Titles Affected: 16
First sponsor: Sen. S. Pierce
Others: Sen. Biggs

S1403

S1403	CAMPAIGN FINANCE; INDEPENDENT EXPENDITURES; DISCLOSURE

Campaign literature or advertisements that are independent expenditures must include the names of the three "identifiable contributors" (defined) making the largest cumulative contributions to the political committee making the expenditure during the preceding 18 month period, instead of the names of the three political committees making the largest contributions during the calendar year. Campaign literature or advertisements to support or oppose a ballot proposition must include the names of the three largest identifiable contributors, instead of the names of the four largest major funding sources. Specifies relevant factors to be used in determining whether an entity's primary purpose is influencing an election for the purpose of requiring that entity to file as a political committee.

ARS Titles Affected: 16
First sponsor: Sen. Reagan
Others: Sen. Barto, Sen. Begay, Sen. Bradley, Sen. Burges, Sen. Cajero Bedford, Sen. Farley, Sen. Gallardo, Sen. Landrum Taylor, Sen. Meza, Sen. Ward, Sen. Yarbrough

S1403

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Campaign literature or advertisements that are independent expenditures must include the names of the three "identifiable contributors" (defined) making the largest cumulative contributions to the political committee making the expenditure during the preceding 18 month period, instead of the names of the three political committees making the largest contributions during the calendar year. Campaign literature or advertisements to support or oppose a ballot proposition must include the names of the three largest identifiable contributors, instead of the names of the four largest major funding sources. Specifies relevant factors to be used in determining whether an entity's primary purpose is influencing an election for the purpose of requiring that entity to file as a political committee.

Senado Electo, con enmienda 2/19/2014

S1415

Senado Electo
Hacer pasar
2/19/2014

S1415	MUNICIPAL ELECTIONS; MAJORITY VOTE CALCULATION

Establishes a formula for determining the majority of votes cast in municipal elections for the office of mayor or city council. If more candidates receive a majority of votes cast than there are seats to be filled for that office, the candidates who receive the highest number of votes shall be declared elected to that office. If no candidates or not enough candidates receive the majority of votes cast, the number of candidates who advance to the general or runoff election must be equal to twice the number of seats to be filled.

ARS Titles Affected: 9

First sponsor: Sen. Yarbrough
Others: Sen. Crandell, Rep. Fann, Rep. Kavanagh

S1416

Referido a Educ, 2/5/2014

S1416	COMMUNITY COLLEGE BDS; MEMBERSHIP; REDUCTION

Eliminates the additional two governing members of community college district boards in counties with a population of at least 3 million (Maricopa County) who are elected from the district at large. Session law provides that current board members continue to serve until the expiration of their normal terms.

ARS Titles Affected: 15

First sponsor: Sen. Gallardo

H2656 Y S1419

H2656 **PROVISIONAL BALLOTS; TALLY; VERIFICATION**

For a voter who casts a provisional ballot in an incorrect precinct, the county recorder is required to count that person's votes for candidates and ballot measures for which the person was entitled to vote but cannot count the votes for which that person was not entitled to vote, as determined by that person's residence.

ARS Titles Affected: 16

First sponsor: Rep. Quezada
Others: Rep. Steele

S1419 **PROVISIONAL BALLOTS; VERIFICATION; TALLY**

For any prospective voter who appears at an incorrect polling place, the board worker at that polling place is required to complete a form in duplicate that contains the name of the precinct where the voter appeared and the name and location of the voter's correct precinct and polling place, keep a copy of the form and provide a copy to the voter. The voter must present the form at the polling place where s/he was directed to appear and vote a provisional ballot. On completion of the verification process for that voter's provisional ballot, if the voter was directed to the incorrect precinct, the ballot is counted only for those candidates that are not precinct specific.

ARS Titles Affected: 16

First sponsor: Sen. Gallardo

H2656 Y S1419

H2656 — **PROVISIONAL BALLOTS; TALLY; VERIFICATION**

For a voter who casts a provisional ballot in an incorrect precinct, the county recorder is required to count that person's votes for candidates and ballot measures for which the person was entitled to vote but cannot count the votes for which that person was not entitled to vote, as determined by that person's residence.

ARS Titles Affected: 16

First sponsor: Rep. Quezada
Others: Rep. Steele

Referido a la Cámara Jud 2/17/2014

S1419 — **PROVISIONAL BALLOTS; VERIFICATION; TALLY**

For any prospective voter who appears at an incorrect polling place, the board worker at that polling place is required to complete a form in duplicate that contains the name of the precinct where the voter appeared and the name and location of the voter's correct precinct and polling place, keep a copy of the form and provide a copy to the voter. The voter must present the form at t
where s/he was directed to appear and vo
ballot. On completion of the verification p
voter's provisional ballot, if the voter was
incorrect precinct, the ballot is counted
candidates that are not precinct specific.

ARS Titles Affected: 16

First sponsor: Sen. Gallardo

Referido al Senado Elect, Gov-env 2/5/2014

S1420

Referido a Elec, 2/5/2014

S1420 **SAMPLE BALLOTS; VOTER'S NAME**

Sample ballots must be mailed in an envelope on which the voter's name is printed and the mailing face of the envelope must be imprinted with the seal of the state of Arizona or the appropriate local jurisdiction and the words "official voting materials."

ARS Titles Affected: 16

First sponsor: Sen. Gallardo

S1421

Referido a Elec, 2/5/2014

S1421	VOTER REGISTRATION; SOCIAL SECURITY NUMBER

The list of items that constitute satisfactory evidence of U.S. citizenship for voter registration is expanded to include verification of the last four digits of the applicant's social security number. Due to voter protection, this bill requires the affirmative vote of at least 3/4 of each house of the Legislature for passage.

ARS Titles Affected: 16

First sponsor: Sen. Gallardo

S1423

Referido a Elec, Gov-env 2/5/2014

S1423	VOTER REGISTRATION; SAME DAY

A person who is otherwise qualified to vote may register on Election Day at the polling place for the precinct in which that person maintains residence. Election day registration does not qualify a person to vote in a partisan primary election until at least 29 days after the date of registration.

ARS Titles Affected: 16

First sponsor: Sen. Gallardo
Others: Rep. Quezada

S1424

Referido a Elec, Gov-env 2/5/2014

S1424	VOTER REGISTRATION; ID; FEDERAL FORM

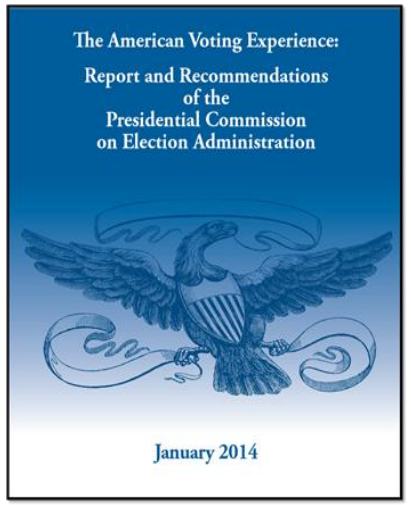
The county recorder is prohibited from requiring an applicant for voter registration to provide information or documentation that is not required by the National Voter Registration Act of 1993. Deletes requirements for applications for voter registration to be accompanied by satisfactory evidence of U.S. citizenship. Due to voter protection, this bill requires the affirmative vote of at least 3/4 of each house of the Legislature for passage.

ARS Titles Affected: 16

First sponsor: Sen. Gallardo
Others: Rep. Quezada

S1425

- No es EXACTAMENTE lo que el PCEA dijo en el Informe



Referido a Elec, Gov-env 2/5/2014

S1425	ELECTION PROCEDURES; WORKERS; PRECINCTS; PROVISIONALS

Various changes relating to election procedures. County boards of supervisors are required to designate at least 1/2 of the total number of the county's precincts for the use of electronic media poll lists, registers and signature rosters, and are required, instead of permitted, to authorize the use of voting centers in place of or in addition to specifically designated polling places. Each polling place is required to provide a separate line for voters who are voting by provisional ballot. Before the appointment of election workers, the county officer in charge of elections is required to ~~determine whether each precinct is likely to~~ comply with a 30 minute maximum allowable wait time and consider implementing a plan to comply that incorporates bilingual board workers and revisions to precinct lines and locations of polling places.

ARS Titles Affected: 16
First sponsor: Sen. Gallardo
Others: Rep. Quezada

S1426

Referido a Elec, Gov-env 2/5/2014

S1426	VOTER IDENTIFICATION; PROOF OF CITIZENSHIP

Deletes the requirement for applications for voter registration to be accompanied by satisfactory evidence of U.S. citizenship. Deletes the requirement for a voter to present specified identification at a polling place. Due to voter protection, this bill requires the affirmative vote of at least 3/4 of each house of the Legislature for passage.

ARS Titles Affected: 16

First sponsor: Sen. Gallardo

S1427

Referido a Elec, Gov-env 2/5/2014

S1427	PRESIDENTIAL PREFERENCE ELECTION; INDEPENDENT VOTERS

Voters registered without a political party designation may vote in the presidential preference election and may select the ballot of any political party at that election.

ARS Titles Affected: 16

First sponsor: Sen. Gallardo
Others: Rep. Quezada

S1429

Referido a Elec, Gov-env 2/5/2014

S1429	EARLY BALLOT SIGNATURES; VERIFICATION; NOTICE

If the signature on a voter's affidavit on the envelope containing an early ballot does not appear to match the voter's signature on the voter registration record, the officer in charge of elections is required to send notice to the voter that requests the voters response regarding the signature. If the voter does not respond within four days, the affidavit is otherwise sufficient and the vote must be allowed.

ARS Titles Affected: 16

First sponsor: Sen. Gallardo
Others: Rep. Quezada

S1430

Referido a Elec, Gov-env 2/5/2014

S1430	MAIL BALLOT ELECTIONS; COUNTIES

On approval of the county board of supervisors, a county is authorized to conduct a mail ballot election for all elections administered by that county, including elections for statewide and legislative office.

ARS Titles Affected: 16

First sponsor: Sen. Gallardo
Others: Rep. Quezada

S1433

Referido a Elec, Gov-env 2/5/2014

S1433	VOTER ID; STUDENT ID CARDS

The list of valid forms of identification that voters may present in order to obtain a ballot is expanded to include a valid university, college or community college student identification card. Due to voter protection, this bill requires the affirmative vote of at least 3/4 of each house of the Legislature for passage.

ARS Titles Affected: 16

First sponsor: Sen. Gallardo
Others: Rep. Mendez, Rep. Quezada, Sen. Tovar

S1435

Referred Elec, Gov-env 2/5/2014

S1435	MUNICIPAL ELECTIONS; COUNTY ADMIN

Municipalities are required to contract with the county officer in charge of elections to conduct and administer all municipal elections except for a mail ballot election.

ARS Titles Affected: 9

First sponsor: Sen. Gallardo

S1436

Referido a Elec, 2/5/2014

S1436	INITIATIVE; REFERENDUM; RECALL; NOTARY RQUIREMENT

A circulator of initiative or referendum petitions is no longer required to swear to the validity of signatures before a notary public. Requirements for petitions relating to the notarized affidavit are replaced with a signed statement of verification.

ARS Titles Affected: 19

First sponsor: Sen. Gallardo

SCR1003

Del Senado Electo hacer pasar 2/19/2014

SCR1003	INITIATIVES; REFERENDUM MEASURES; PERIODIC REAUTHORIZATION

The 2014 general election ballot is to carry the question of whether to amend Article IV, Part 1, of the state Constitution to place an eight-year limit on any statewide initiative or referendum that affects general fund revenues or expenditures. After the eight-year period expires, the measure must be re-referred to the ballot for a vote of the people. Applies retroactively to all ballot measures approved on or after November 3, 1998, and those ballot measures must be referred for reauthorization according to a specified schedule.
ARS Titles Affected: 98

First sponsor: Sen. Crandell
Others: Sen. Biggs, Sen. Burges, Sen. Driggs, Sen. D. Farnsworth, Sen. Griffin, Rep. Kwasman, Sen. McComish, Sen. Melvin, Rep. Mesnard, Rep. Petersen, Rep. J. Pierce, Rep. Seel, Sen. Shooter, Rep. Smith, Rep. Townsend, Sen. Ward, Sen. Worsley, Sen. Yarbrough

ACTUALIZACIÓN DE LITIGIOS

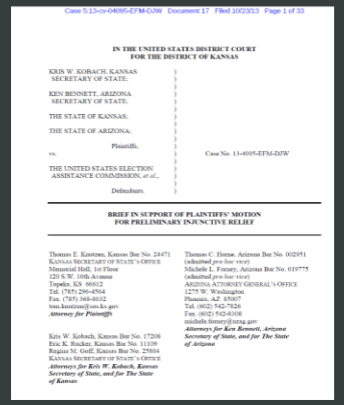
KOBACH V. EAC, NO. 5:13-CV-4095

- La última vez que hablamos sobre esto el 4 de Diciembre en la vista previa del 2014, así que vamos a ponernos al día desde entonces.

2014 Preview

MARICOPA COUNTY ELECTIONS DEPARTMENT
COMMUNITY NETWORK MEETING
DECEMBER 4TH, 2013

KS/AZ vs. The EAC Litigation



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

KRIS W. KOBACH, KANSAS SECRETARY OF STATE;
KEN BENNETT, ARIZONA SECRETARY OF STATE;
THE STATE OF KANSAS;
THE STATE OF ARIZONA;
Plaintiffs,
vs.
Case No. 13-4095-EFM-DJW
THE UNITED STATES ELECTION ASSISTANCE COMMISSION, *et al.*,
Defendants.

BRIEF IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTIVE RELIEF

- A Federal judge will hear the case regarding the inclusion of the AZ and KS citizenship requirements in the EAC federal form instructions.
- Here is some information provided relating to how federal forms are used in Maricopa County, and how much we estimate the costs to be to implement a bifurcated system.

KOBACH V. EAC, NO. 5:13-CV-4095

- El 13 de Diciembre el Juez del Tribunal Federal remitió el tema a la EAC para tomar una decisión para el 17 de Enero def 2014.

KOBACH V. EAC, NO. 5:13-CV-4095

- El 20 de Diciembre, 2013 la EAC publicó un Aviso de Registro Federal solicitando comentarios del público sobre el tema.
- Abierto del 24 de Diciembre, 2013- 3 de Enero, 2014.

UNITED STATES
ELECTION ASSISTANCE COMMISSION

EAC Requests Public Comments on State Requests for NVRA Proof-of-Citizenship Instructions

The U.S. Election Assistance Commission (EAC) seeks public comment on whether to amend the State-specific instructions applicable to Arizona, Kansas, and Georgia on the National Mail Voter Registration Form ("Federal Form"). Those States have requested that the EAC modify their State-specific instructions on the Federal Form to include State law requirements that, as a precondition to registering to vote in Federal elections, voter registration applicants provide additional proof of their United States citizenship beyond that already required by the Federal Form. EAC is voluntarily soliciting public comment on these requests from Arizona, Kansas, and Georgia.

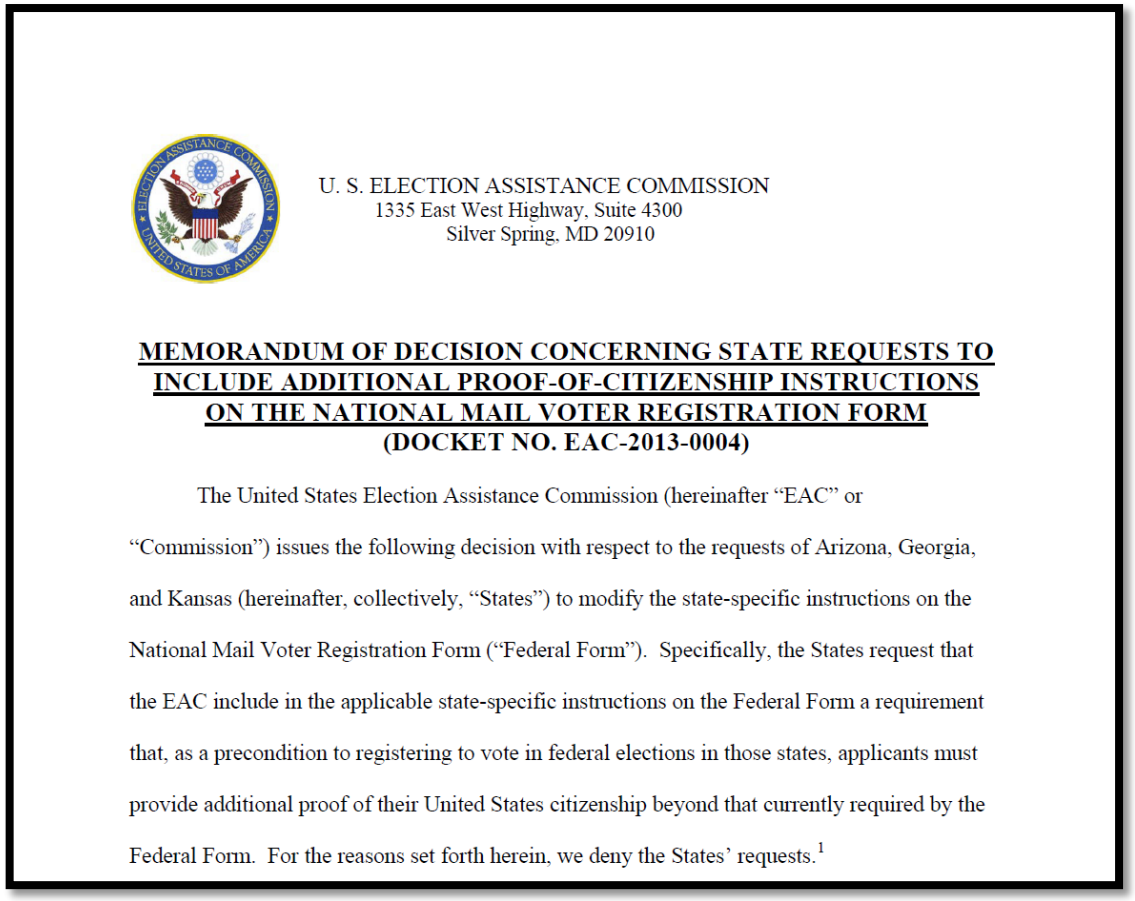
Instructions for Submitting Comments
View the Federal Register Notice for specific details on how to submit your comment.

Open for Comments
Notice and Request for Public Comment on State Requests to Include Additional Proof-of-Citizenship Instructions on the National Mail Voter Registration Form

NOTE: You may submit comments, identified by docket number EAC-2013-0004 and title, using one of two methods: (1) Federal eRulemaking Portal online at regulations.gov; available beginning Tuesday, December 24, 2013; or (2) Mail or Courier Delivery. Comments must be in writing and must be submitted no later than 5:00 p.m. EST on Friday, January 3, 2014. Please do not send duplicate copies via mail or courier of comments that were submitted electronically via the Federal eRulemaking Portal.

KOBACH V. EAC, NO. 5:13-CV-4095

- El 17 de Enero, 2014 la EAC emitió un Memorando de Decisión.
- Negó la adición de los requisitos específicos en cada estado para la Forma Federal de Arizona, Georgia, y Kansas.



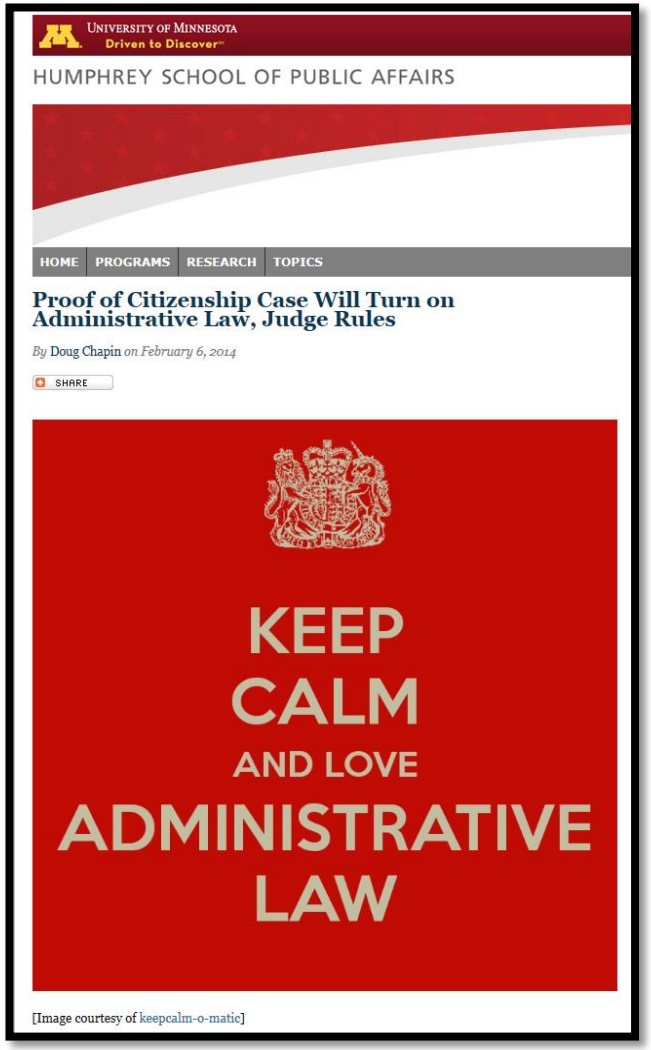
U. S. ELECTION ASSISTANCE COMMISSION
1335 East West Highway, Suite 4300
Silver Spring, MD 20910

MEMORANDUM OF DECISION CONCERNING STATE REQUESTS TO INCLUDE ADDITIONAL PROOF-OF-CITIZENSHIP INSTRUCTIONS ON THE NATIONAL MAIL VOTER REGISTRATION FORM
(DOCKET NO. EAC-2013-0004)

The United States Election Assistance Commission (hereinafter "EAC" or "Commission") issues the following decision with respect to the requests of Arizona, Georgia, and Kansas (hereinafter, collectively, "States") to modify the state-specific instructions on the National Mail Voter Registration Form ("Federal Form"). Specifically, the States request that the EAC include in the applicable state-specific instructions on the Federal Form a requirement that, as a precondition to registering to vote in federal elections in those states, applicants must provide additional proof of their United States citizenship beyond that currently required by the Federal Form. For the reasons set forth herein, we deny the States' requests.[1]

KOBACH V. EAC, NO. 5:13-CV-4095

- 5 de Febrero, 2014
- Juez Federal dictamina que el caso puede proceder pero el alcance se limita a la decisión de la EAC de no permitir las instrucciones, no tendrá en cuenta si el formulario ofrece suficientes protecciones contra solicitantes no elegibles se registren correctamente.



KOBACH V. EAC, NO. 5:13-CV-4095

- 11 de Febrero 11-12, 2014 audiencia probatoria
- El juez lo toma en consideración…

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Judge questions feds' role in Kansas, Arizona voting laws

By Dion Lefler
The Wichita Eagle

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A judge strongly questioned Tuesday whether a federal commission has the authority to prevent Kansas and Arizona from demanding proof-of-citizenship documents from people trying to register to vote using federal forms.

Judge Eric Melgren repeatedly pressed Department of Justice lawyer Bradley Heard to explain how a Supreme Court decision last year on Arizona's proof-of-citizenship law allows the federal Election Assistance Commission to reject requests from Arizona and Kansas to add state-law requirements to the instructions for filling out the voting form.

"The single pivotal question in this case is who gets to decide … what's necessary" to establish citizenship for voting, Melgren said.

Heard said that decision lies with the EAC under the federal National Voter Registration Act, also known as the motor-voter law. He said the law empowers the commission to decide what questions and proofs are necessary to include in the federal registration form.

Photos

1 of 1

Secretary of State Kris Kobach now wants the state to compare the names on the suspended registration list with state birth records.

- Judge rejects bid to toss Kansas voting lawsuit
- Kansas, Arizona rekindle voter citizenship lawsuit
- Kobach: Birth-records scan helps 7,700 Kansas voters meet citizenship requirement
- Kansas lawmakers have voter law in their sights

While the law doesn't explicitly state the EAC can overrule states on proof of citizenship, Heard said the legislative history shows that requiring document proof was considered and rejected by Congress.

"I've read the legislative history, and I'm not very impressed by it," Melgren responded.

Kansas Secretary of State Kris Kobach represented both Kansas and Arizona in the hearing. He's seeking a ruling that would require all new registrants in those states to provide document proof of citizenship regardless of whether they use a state or federal form.

Melgren pressed Kobach at one point, on whether the commission has to automatically add anything to the federal form that a state legislature and governor might approve.

Melgren gave the hypothetical example of Kansas passing a law denying the right to vote to people of Swedish descent, and asked Kobach whether the EAC would have to add that to the federal form.

"Yes, yeah, they would," Kobach responded.

- Demanda desestimada.
- "La Corte Suprema de EE.UU. En dos ocasiones "rechazó la noción de que cuando se trata de redistribución de distritos congresionales la Cláusula de elecciones solo inviste en las responsabilidades de la legislatura relativas a la redistribución de distritos."

SPLIT FEDERAL PANEL DISMISSES LEGE SUIT VS IRC

Article Posted: 02.21.2014 | 8:42 pm 8:42 pm Fri, February 21, 2014

A federal three-judge panel late this afternoon dismissed the Legislature's lawsuit against the IRC, concluding that the US Constitution does not prohibit Arizona from delegating redistricting powers to an independent panel. The Legislature's argument hinged on its interpretation of the Elections Clause, which states that the "Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators." Legislative attorneys argued that the word "Legislature" meant only the elected body that makes laws can draw congressional district lines, while the IRC argued that it referred to the general legislative power of the state, which can be designated to other entities if voters so choose. Writing for the court, Judge Murray Snow said that the US Supreme Court has on two occasions "rejected the notion that when it comes to congressional redistricting the Elections Clause vests only in the legislature responsibilities relating to redistricting." In addition, SCOTUS has given state courts authority to draw congressional lines in some instances, Snow wrote. He also rejected the legislative argument that Arizona voters impermissibly excluded the Legislature from redistricting. Judge Mary Schroeder concurred with Snow's opinion. Judge Paul Rosenblatt wrote his own opinion, concurring in part and dissenting in part. While he agreed that the case was justiciable and sided with the majority in rejecting the IRC's motion to dismiss on laches – the argument was that too much time had passed between the IRC's creation and the lawsuit – he disagreed that the Elections Clause allows Arizona to vest redistricting authority in the IRC. "That the Supreme Court has concluded that the Election Clause properly permits a state to include some other state entity or official in the redistricting process as a limiting check on its legislature's role in that process does not mean that the Elections Clause places no limit on a state's authority to define the legislative process it uses to regulate redistricting," he wrote. None of the previous cases "directly held that the Elections Clause can be so broadly interpreted as to permit a state to remove all substantive redistricting authority from its legislature," Rosenblatt concluded, adding that Prop 106 "overreaches…because the initiative's acknowledged and undisputed purpose was to supplant Plaintiff's constitutionally delegated authority to redistrict." He characterized the Legislature's involvement in the process – selecting the four partisan IRC members and the ability to provide input on the maps – as "minor procedural influences" because the commissioners are first screened by the Commission on Appellate Court Appointments and the IRC has the authority to disregard legislative advice on the maps. "What Plaintiff does not have under Proposition 106 is the ability to have any outcome-defining effect on the congressional redistricting process. I believe that Proposition 106's evisceration of that ability is repugnant to the Elections Clause's grant of legislative authority," Rosenblatt wrote. Because the case was heard by a three-judge panel, any appeals are made directly to the Supreme Court. A copy of the ruling in *Arizona State Legislature v. AIRC* can be viewed in the "documents" section.

PREGUNTAS?