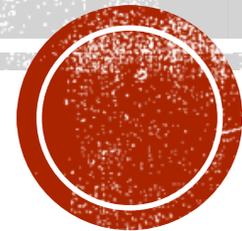


CHANGING LANDSCAPE: LEGISLATION, OPINIONS, & REFERENDUM

Maricopa County Elections Department
Community Network Meeting
September 25th, 2013



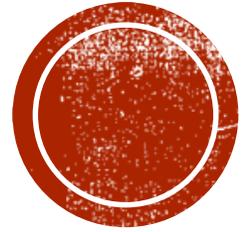
AGENDA

- Supreme Court Ruling Implementations & AG Opinions
- Passed Legislation: Implemented
- Passed Legislation: Referendum for 2014

There's a lot happening, so we won't be going over EVERY bill. You will want to do that at

www.azleg.gov

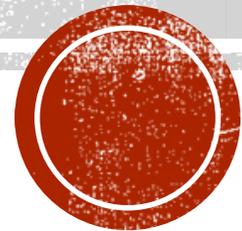




SUPREME COURT RULING IMPLEMENTATIONS & AG OPINIONS

AZ VS. ITCA

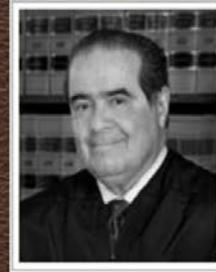
Use of the Federal Voter Registration Form



THE SUPREME COURT DEEMED CITIZENSHIP DOCUMENTATION UNNECESSARY ON THE FEDERAL VOTER REGISTRATION FORM

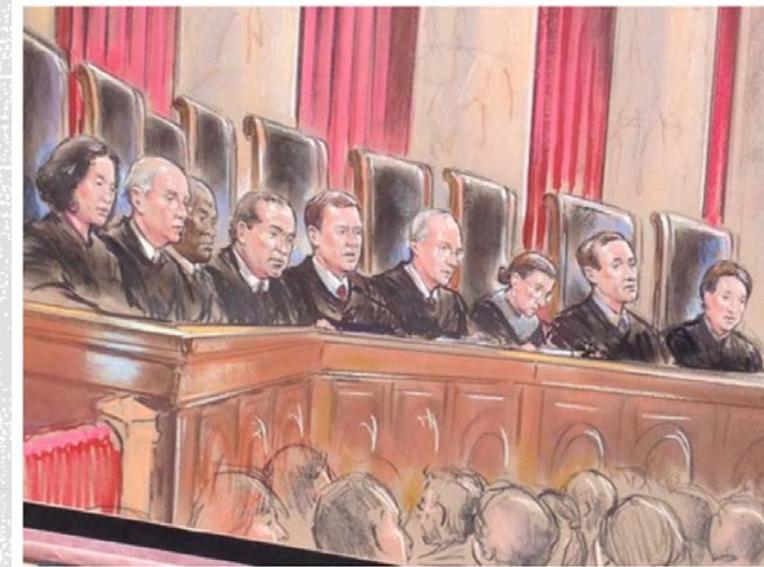
12-71 AZ v ITCA et al

Supreme Court Decision: 7-2



The Ninth Circuit affirmed in part but reversed as relevant here, holding that the state law's documentary-proof-of-citizenship requirement is pre-empted by the NVRA.

Held: Arizona's evidence-of-citizenship requirement, as applied to Federal Form applicants, is pre-empted by the NVRA's mandate that States "accept and use" the Federal Form. Pp. 4-18.



INFORMATION DEMONSTRATING THAT THE APPLICANT IS NOT ELIGIBLE PROHIBITS THEIR REGISTRATION:

12-71 AZ v ITCA et al

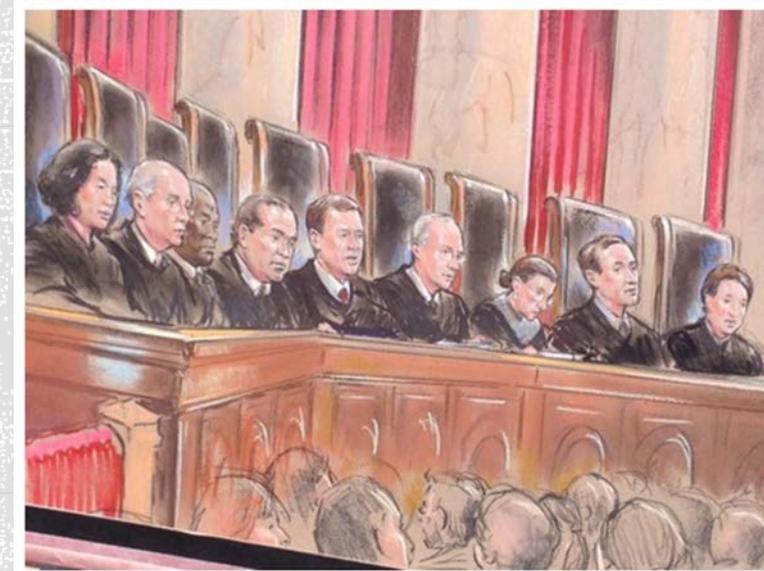
What does that mean?

Plaintiffs' Legal Comm., 531 U.S. 341, 347 (2001). In sum, there is no compelling reason not to read Elections Clause legislation simply to mean what it says.

We conclude that the fairest reading of the statute is that a state-imposed requirement of evidence of citizenship not required by the Federal Form is "inconsistent with" the NVRA's mandate that States "accept and use" the Federal Form. *Siebold, supra*, at 397. If this reading prevails, the Elections Clause requires that Arizona's rule give way.

We note, however, that while the NVRA forbids States to demand that an applicant submit additional information beyond that required by the Federal Form, it does not preclude States from "deny[ing] registration based on information in their possession establishing the applicant's ineligibility."⁷ Brief for United States as *Amicus*

It does not mean an automatic registration—if there is evidence presented that demonstrates ineligibility (age, citizenship, civil rights status/felony conviction, etc.)



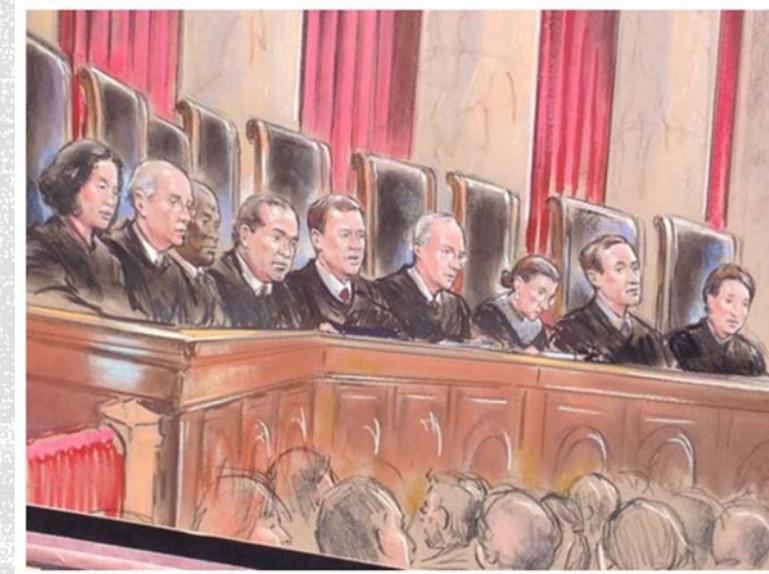
THE RULING LAID OUT THAT THE STATE COULD REQUEST THE REQUIREMENT BE ADDED TO THE FEDERAL FORM INSTRUCTIONS BY THE EAC:

12-71 AZ v ITCA et al

What does that mean?

Since, pursuant to the Government's concession, a State may request that the EAC alter the Federal Form to include information the State deems necessary to determine eligibility, see §1973gg-7(a)(2); Tr. of Oral Arg. 55 (United States), and may challenge the EAC's rejection of that request in a suit under the Administrative Procedure Act, see 5 U. S. C. §701-706, no constitutional doubt is raised by giving the "accept and use" provision of the NVRA its fairest reading. That alternative means of enforcing its constitutional power to determine voting qualifications remains open to Arizona here. In 2005, the EAC divided 2-to-2 on the request by Arizona to include the evidence-of-citizenship requirement among the state-specific instructions on the Federal Form, App. 225, which meant that no action could be taken, see 42 U. S. C. §15328 ("Any action

The decision lays out the method for requesting the information be included by the EAC in the Federal Form State Instructions, and how to proceed if that is denied.



113TH CONGRESS
1ST SESSION

H. R. 2409

To amend the National Voter Registration Act of 1993 to permit a State to require an applicant for voter registration in the State who uses the Federal mail voter registration application form developed by the Election Assistance Commission under such Act to provide documentary evidence of citizenship as a condition of the State's acceptance of the form.

IN THE HOUSE OF REPRESENTATIVES

JUNE 18, 2013

Mr. SALMON (for himself, Mr. FRANKS of Arizona, Mr. SCHWEIKERT, and Mr. GOSAR) introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend the National Voter Registration Act of 1993 to permit a State to require an applicant for voter registration in the State who uses the Federal mail voter registration application form developed by the Election Assistance Commission under such Act to provide documentary evidence of citizenship as a condition of the State's acceptance of the form.

- **HR 2409**
requires the federal form to have the same requirements as each state determines for its own form.



H.R.2409 -- State Sovereignty in Voting Act (Introduced in House - IH)

HR 2409 IH

113th CONGRESS

1st Session

H. R. 2409

To amend the National Voter Registration Act of 1993 to permit a State to require an applicant for voter registration in the State who uses the Federal mail voter registration application form developed by the Election Assistance Commission under such Act to provide documentary evidence of citizenship as a condition of the State's acceptance of the form.

IN THE HOUSE OF REPRESENTATIVES

June 18, 2013

Mr. SALMON (for himself, Mr. FRANKS of Arizona, Mr. SCHWEIKERT, and Mr. GOSAR) introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend the National Voter Registration Act of 1993 to permit a State to require an applicant for voter registration in the State who uses the Federal mail voter registration application form developed by the Election Assistance Commission under such Act to provide documentary evidence of citizenship as a condition of the State's acceptance of the form.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'State Sovereignty in Voting Act'.

SEC. 2. PERMITTING STATES TO REQUIRE VOTER REGISTRATION APPLICANTS USING FEDERAL MAIL FORM TO SUBMIT DOCUMENTARY EVIDENCE OF CITIZENSHIP AS CONDITION OF ACCEPTANCE OF APPLICATION.

(a) In General- Section 6(a)(1) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4(a)(1)) is amended by striking the period at the end and inserting the following: ', except that a State may require an applicant who submits such form to provide documentary evidence of the applicant's citizenship as a condition of the State's acceptance of the form.'

(b) Effective Date- The amendment made by subsection (a) shall apply with respect to elections for Federal office held after the date of the enactment of this Act.

HR 2409

Introduced by Congressman Matt Salmon, it was referred to House Administration on 6/18





KEN BENNETT
SECRETARY OF STATE
STATE OF ARIZONA



June 19, 2013

The U.S. Election Assistance Commission
Ms. Alice P. Miller
1201 New York Avenue, N.W., Suite 300
Washington, DC 20005

Re: State-specific identification requirements for Arizona.

Dear Acting Director Miller:

In the case of *Arizona v. Inter Tribal Council of Arizona, Inc.*, the United States Supreme Court held that "Arizona may ... request anew that the EAC include such a requirement [i.e., the state requirement that applicants submit some evidence of citizenship] among the federal form's state-specific instructions, and may seek judicial review of the EAC's decision under the Administrative Procedures Act." Opinion at 18. The Court also stated:

Since the power to establish voting requirements is of little value without the power to enforce those requirements, Arizona is correct that it would raise serious constitutional doubts if a federal statute precluded a State from obtaining the information necessary to enforce its voter qualification.

Opinion at 15.

In light of the Supreme Court's opinion, Arizona is renewing its request that you include Arizona-specific instructions in the federal form that instruct Arizona voters about Arizona's requirement in A.R.S. § 16-166(F) as follows:

If this is your first time registering to vote in Arizona or you have moved to another county in Arizona, your voter registration form must also include proof of citizenship or the form will be rejected. If you have an Arizona driver license or non-operating identification issued after October 1, 1996, write the number in box 6 on the front of the federal form. This will serve as proof of citizenship and no additional documents are needed. If not, you must attach proof of citizenship to the form. Only one acceptable form of proof is needed to register to vote.

1700 W. Washington Street, 7th Floor
Phoenix, Arizona 85007-2808
Telephone (602) 542-4285 Fax (602) 542-1575
www.azsos.gov

- A legible photocopy of a birth certificate that verifies citizenship and supporting legal documentation (i.e. marriage certificate) if the name on the birth certificate is not the same as your current legal name
- A legible photocopy of the pertinent pages of your passport
- Presentation to the County Recorder of U.S. naturalization documents or fill in your Allen Registration Number in box 6
- Your Indian Census Number, Bureau of Indian Affairs Card Number, Tribal Treaty Card Number, or Tribal Enrollment Number in box 6
- A legible photocopy of your Tribal Certificate of Indian Blood or Tribal or Bureau of Indian Affairs Affidavit of Birth.

Thank you in advance for your assistance in this matter.

Sincerely,

Ken Bennett
Arizona Secretary of State

**THE SECRETARY OF
STATE SENT A
LETTER TO THE
EAC REQUESTING
THE ARIZONA
REQUIREMENTS BE
ADDED TO THE
FEDERAL FORM
STATE-SPECIFIC
INSTRUCTION
PAGES.**



THE EAC HAS DENIED THE REQUEST TO INCLUDE THE INFORMATION IN THE FEDERAL FORM INSTRUCTIONS.

ARIZONA & KANSAS FILED SUIT AGAINST THE EAC IN LATE AUGUST TO INCLUDE THE DOCUMENTATION REQUIREMENTS FOR THE FEDERAL FORM.





KEN BENNETT
SECRETARY OF STATE
STATE OF ARIZONA



August 20, 2013

Office of the Attorney General
Mr. Tom Horne
1275 West Washington St.
Phoenix, AZ 85007-2926

Dear Attorney General Horne:

The United States Supreme Court issued its opinion in *Arizona v. Inter Tribal Council of Arizona, Inc.*, on June 17, 2013. While affirming the 9th Circuit Court of Appeals decision finding preemption, the Court made it abundantly clear that the National Voter Registration Act of 1993 (NVRA) requires states "to permit prospective voters to register to vote in elections for *Federal office* (emphasis added) . . ." using the federal form.

In 2004, Arizona voters approved the initiative measure Proposition 200. Among other things, Proposition 200 requires Recorders to "reject any application for registration that is not accompanied by satisfactory evidence of United States citizenship."

While Arizona may be preempted from asking voters to attach additional documentation to the federal form that demonstrates citizenship absent EAC approval, using the federal form does not preclude Arizona from using information in our possession to establish eligibility for state elections. Indeed, approximately ninety percent of applicants using the federal form provide an Arizona driver license number or social security number that is compared against databases and establishes satisfactory evidence of citizenship.

Could you answer the following questions per 41-193, Arizona Revised Statutes:

- 1) For the other ten percent of applicants, who use the federal form and who do not provide sufficient information to determine citizenship, are those applicants permitted, under Arizona law, to be registered to vote in state and local elections?
- 2) If the answer to question 1 is "no" then is there sufficient authority and is the state required, per Proposition 200 and the recent Supreme Court opinion, to issue "federal election only" ballots to those applicants?
- 3) If the answer to question 1 is "no" then are individuals who registered using the federal form, and who failed to provide a driver license number or SSN, qualified to sign candidate, initiative, referendum and recall petitions for state and local matters?

Sincerely,

Ken Bennett
Secretary of State

1700 W. Washington Street, 7th Floor
Phoenix, Arizona 85007-2808
Telephone (602) 542-4285 Fax (602) 542-1575
www.azsos.gov

**THE SECRETARY OF
STATE HAS ASKED
THE AG FOR AN
OPINION ON IF
VOTERS REGISTER
USING THE FEDERAL
FORM ARE THEY
THEN *ONLY*
ELIGIBLE FOR
FEDERAL
ELECTIONS?
IF SO, THEN ARE
THEY ELIGIBLE TO
SIGN PETITIONS?**



Could you answer the following questions per 41-193, Arizona Revised Statutes:

- 1) For the other ten percent of applicants, who use the federal form and who do not provide sufficient information to determine citizenship, are those applicants permitted, under Arizona law, to be registered to vote in state and local elections?
- 2) If the answer to question 1 is “no” then is there sufficient authority and is the state required, per Proposition 200 and the recent Supreme Court opinion, to issue “federal election only” ballots to those applicants?
- 3) If the answer to question 1 is “no” then are individuals who registered using the federal form, and who failed to provide a driver license number or SSN, qualified to sign candidate, initiative, referendum and recall petitions for state and local matters?

We are awaiting this opinion, but have a good idea of where this is heading.

SECTION ONE - PARTISAN BALLOT		COUNTY	
FEDERAL		COUNTY ATTORNEY (VOTE FOR NOT MORE THAN 1)	
PRESIDENTIAL ELECTORS (VOTE FOR NOT MORE THAN 1)		MONTGOMERY, BILL (REP)	
ROMNEY, RYAN (REP)		KIELSKY, MICHAEL (LBT)	
OSAMA, BOWEN (DEM)		COUNTY RECORDER (VOTE FOR NOT MORE THAN 1)	
JOHNSON, GRAY (LBT)		PURCELL, HELEN (REP)	
STEIN, STEVEN (GRN)		COUNTY SCHOOL SUPERINTENDENT (VOTE FOR NOT MORE THAN 1)	
UNITED STATES SENATOR		COVEY, DON (REP)	
DISTRICT 1		SHERIFF (VOTE FOR NOT MORE THAN 1)	
FLAKE, JEFF (REP)		ARPAIO, JOE (REP)	
CARMONA, RICHARD (DEM)		PENZONE, PAUL (DEM)	
VICTOR, MARC (LBT)		STAUFFER, MIKE (IND)	
U.S. REPRESENTATIVE IN CONGRESS		COUNTY TREASURER (VOTE FOR NOT MORE THAN 1)	
DISTRICT 1		HOSKINS, CHARLES "HOS" (REP)	
SCHWEIKERT, DAVID (REP)		JUSTICE OF THE PEACE	
JETTE, MATT (DEM)		DREAMY DRAV (VOTE FOR NOT MORE THAN 1)	
ANDERSON, JACK (LBT)		CONIT, FRANK J. (REP)	
BALAZAR, MARK (GRN)		CONSTABLE	
STATE SENATOR		DREAMY DRAV (VOTE FOR NOT MORE THAN 1)	
DISTRICT 28		MIDDLETON, DOUG (REP)	
ORIGOS, ADAM (REP)		SECTION TWO - NONPARTISAN BALLOT	
SHELLEY, ERIC (DEM)		CENTRAL AZ WATER CNDRV DIST (VOTE FOR NOT MORE THAN 1)	
STATE REPRESENTATIVE		BURNS, GAYLE J. (LBT)	
DISTRICT 2		CARPENTER, GUY (LBT)	
BROPHY MCGEE, KATE (REP)		GOODARD, TERRY (LBT)	
REEVE, AMANDA (DEM)		HAMSTRA, CARRIE L. (LBT)	
MEYER, ERIC (DEM)		MACRE, HEATHER (LBT)	
IANIZZO, JIM (LBT)		MCGRATH, JEAN (LBT)	
CORPORATION COMMISSIONER		MECUM, BRETT (LBT)	
(VOTE FOR NOT MORE THAN 3)		MINIERI, JOHN P. (LBT)	
BITTER SMITH, SUSAN (REP)		PICKARD, PAMELA L. (LBT)	
BURNS, ROBERT "BOB" (REP)		THOM, JANIE (LBT)	
STUMP, BOB (REP)		ATKINS, LISA A. (LBT)	
BUSCHING, MARCIA (DEM)		BAIN, ROBIN ELIZABETH (LBT)	
KENNEDY, SANDRA (DEM)		BRICKMAN, LINDA S. (LBT)	
NEWMAN, PAUL (DEM)		WESTMEX	
GOHL, CHRISTOPHER (LBT)		BOND APPROVAL, YES	
POUT, DANIEL (GRN)		BOND APPROVAL, NO	
MEADOWS, THOMAS (GRN)		PARADISE VALLEY UNIT NO. 69	
COUNTY		SCHOOL CONFIRMING BOARD MEMBER	
BOARD OF SUPERVISORS		PARADISE VALLEY UNIT NO. 69 (VOTE FOR NOT MORE THAN 2)	
DISTRICT 1		SKIDMORE, SUE (LBT)	
KUNASEK, ANDY (REP)		CASE, NANCY (LBT)	
ALVAREZ, LILIA (DEM)		DAVIS, CYNTHIA L. (LBT)	
COUNTY ASSESSOR		GREENBERG, ANNE (LBT)	
(VOTE FOR NOT MORE THAN 1)		RUSSELL, KEITH E. (REP)	

VOTE BOTH SIDES OF BALLOT

Refer to full text of propositions and questions posted in the polling place printed on the sample ballot and provided with all mailed early ballots.

JUSTICE OF THE SUPREME COURT		JUDGES OF THE SUPERIOR COURT		PROPOSITION 116	
Should the following Justices of the Supreme Court be retained in office?		Should the following Judges of the Superior Court be retained in office?		PROPOSED AMENDMENT TO THE CONSTITUTION BY THE LEGISLATURE RELATIVE TO THE STATE SENATE	
PELANDER, JOHN	YES	LECLARE, THOMAS L.	YES	YES	NO
Division 1	NO	Division 79	NO	NO	NO
JUDGES OF THE COURT OF APPEALS, DIVISION 1		Division 5		PROPOSITION 117	
Should the following Judges of the Court of Appeals, Division 1, be retained in office?		Should the following Judges of the Superior Court be retained in office?		PROPOSED AMENDMENT TO THE CONSTITUTION BY THE LEGISLATURE RELATIVE TO THE STATE SENATE	
Division 1	YES	Division 31	YES	YES	NO
Division 1	NO	Division 31	NO	NO	NO
Division 1	NO	Division 51	YES	YES	NO
Division 1	NO	Division 51	NO	NO	NO
Division 1	NO	Division 7	YES	YES	NO
Division 1	NO	Division 7	NO	NO	NO
Division 1	NO	Division 24	YES	YES	NO
Division 1	NO	Division 24	NO	NO	NO
Division 1	NO	Division 25	YES	YES	NO
Division 1	NO	Division 25	NO	NO	NO
Division 1	NO	Division 55	YES	YES	NO
Division 1	NO	Division 55	NO	NO	NO
Division 1	NO	Division 47	YES	YES	NO
Division 1	NO	Division 47	NO	NO	NO
Division 1	NO	Division 29	YES	YES	NO
Division 1	NO	Division 29	NO	NO	NO
Division 1	NO	Division 23	YES	YES	NO
Division 1	NO	Division 23	NO	NO	NO
Division 1	NO	Division 27	YES	YES	NO
Division 1	NO	Division 27	NO	NO	NO
Division 1	NO	Division 80	YES	YES	NO
Division 1	NO	Division 80	NO	NO	NO
Division 1	NO	Division 30	YES	YES	NO
Division 1	NO	Division 30	NO	NO	NO
Division 1	NO	Division 56	YES	YES	NO
Division 1	NO	Division 56	NO	NO	NO
Division 1	NO	Division 81	YES	YES	NO
Division 1	NO	Division 81	NO	NO	NO
Division 1	NO	Division 72	YES	YES	NO
Division 1	NO	Division 72	NO	NO	NO
Division 1	NO	Division 73	YES	YES	NO
Division 1	NO	Division 73	NO	NO	NO
Division 1	NO	Division 85	YES	YES	NO
Division 1	NO	Division 85	NO	NO	NO
Division 1	NO	Division 81	YES	YES	NO
Division 1	NO	Division 81	NO	NO	NO
Division 1	NO	Division 85	YES	YES	NO
Division 1	NO	Division 85	NO	NO	NO
Division 1	NO	Division 45	YES	YES	NO
Division 1	NO	Division 45	NO	NO	NO
Division 1	NO	Division 42	YES	YES	NO
Division 1	NO	Division 42	NO	NO	NO
Division 1	NO	Division 78	YES	YES	NO
Division 1	NO	Division 78	NO	NO	NO
Division 1	NO	Division 28	YES	YES	NO
Division 1	NO	Division 28	NO	NO	NO

VOTE BOTH SIDES OF BALLOT

THIS WOULD MEAN THAT THE COUNTIES (AND STATE) WOULD HAVE TO HAVE TWO SEPARATE VOTER REGISTRATION LISTS SO THAT VOTERS WOULD GET EITHER A FULL BALLOT,



FINAL JUDGMENT

- Meanwhile the Courts have been clarifying the conditions of process in the Final Judgment.

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA	
Maria M. Gonzalez, et al.,	No. CV-06-1268-PHX-ROS
Plaintiffs, and	
Inter Tribal Council of Arizona, et al.,	FINAL JUDGMENT
Plaintiffs,	
v.	
State of Arizona, et al.,	
Defendants.	



SPECIFIES STATE CANNOT ASK FOR MORE INFORMATION THAN THE FEDERAL FORM REQUIRES

3. The Court finds that Plaintiffs are entitled to permanent injunctive relief.

Accordingly, **IT IS FURTHER ORDERED** that:

- a. Defendants are permanently enjoined from implementing A.R.S. §§ 16-166(F)-(J) with respect to individuals applying to register to vote in elections for Federal office using the Federal Form, to the extent that Defendants require applicants to provide more information than that required by the Federal Form.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Maria M. Gonzalez, et al.,

Plaintiffs, and

Inter Tribal Council of Arizona, et al.,

Plaintiffs,

v.

State of Arizona, et al.,

Defendants.

No. CV-06-1268-PHX-ROS

FINAL JUDGMENT



FEDERAL FORM EQUALLY AVAILABLE AND MUST ADVISE THAT DOCUMENTATION OF CITIZENSHIP IS NOT NECESSARY

b. Defendants shall make the Federal Form (and the applicable instructions) available through all reasonable channels, including all channels Defendants use to make the State registration form available (including websites). Defendants also shall ensure that all written materials regarding the process for registering to vote, that Defendants distribute or make available to the public (including websites), include a statement that individuals may apply to register to vote in elections for Federal office using the Federal Form, and that, in using the Federal

Form, applicants are not required to provide the documentary proof of citizenship information set forth in A.R.S. §§ 16-166(F)-(J) in order to register to vote.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Maria M. Gonzalez, et al.,

Plaintiffs, and

Inter Tribal Council of Arizona, et al.,

Plaintiffs,

v.

State of Arizona, et al.,

Defendants.

No. CV-06-1268-PHX-ROS

FINAL JUDGMENT



& THAT THE VOTER IS THEREFORE ELIGIBLE TO VOTE IN FEDERAL ELECTIONS...

c. For each voter registration applicant who submits a Federal Form that meets the requirements of the Federal Form, but does not contain the information required by A.R.S. § 16-166(F), Defendants shall create a record for a successful registration of that individual and promptly notify that registrant of his or her eligibility to vote in elections for Federal office.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Maria M. Gonzalez, et al.,

Plaintiffs, and

Inter Tribal Council of Arizona, et al.,

Plaintiffs,

v.

State of Arizona, et al.,

Defendants.

No. CV-06-1268-PHX-ROS

FINAL JUDGMENT



PATH IF EAC CHANGES ARIZONA INSTRUCTIONS:

4. If the Election Assistance Commission changes the Federal Form's Arizona state-specific instructions as to the application of A.R.S. §§ 16–166(F)-(J), this Court may revisit the relief ordered in this Judgment.
5. This Court shall retain jurisdiction to enforce the terms of this Final Judgment and to award such other relief as may be appropriate.

DATED this 11th day of September, 2013.



Roslyn O. Silver
Senior United States District Judge



September 11, 2013



THE NEXT DAY:

Arizona judge steps down from top federal post

BY: The Associated Press

Published: September 12, 2013 at 7:17 am

7:17 am Thu, September 12, 2013



The first woman to hold the top federal judicial post in the District of Arizona has stepped down.

Court officials announced Wednesday that U.S. District Court Chief Judge Roslyn Silver relinquished her leadership role on Sept. 3.

Silver assumed the position after Chief Judge John Roll and five others were killed in the 2011 Tucson shooting that left former Congresswoman Gabrielle Giffords and 12 others wounded.

Silver was appointed to the federal bench in 1994 by President Bill Clinton.

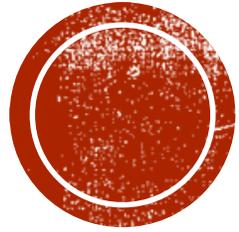
Judge Raner C. Collins will take over the position.

Collins lives in Tucson and was appointed to the court in 1998.

Officials say the leadership change comes as the district aims to fill six judicial vacancies.

September 12, 2013





VOTER REGISTRATION UPDATES

How will this change the process that we use, which is presented in our Voter Registration Workshop?

Assuming this is the direction the AG goes, here will be the process...



Federal Registration Form:

- Accepted by all 50 states & territories.
- Does not require documentation of citizenship, but does require identifying information (field #6).
- Unidentified voters must vote in person the first time they vote.

Voter Registration Application
Before completing this form, review the General, Application, and State specific instructions.

Are you a citizen of the United States of America? Will you be 18 years old on or before election day? <i>If you checked "No" in response to either of these questions, do not complete form.</i> <small>(Please see state-specific instructions for rules regarding eligibility to register prior to age 18.)</small>		This space for office use only.	
1	Last Name	First Name	Middle Name(s)
2	Home Address	Apt. or Lot #	City/Town State Zip Code
3	Address Where You Get Your Mail If Different From Above		City/Town State Zip Code
4	Date of Birth Month Day Year	5 Telephone Number (optional)	6 ID Number - (See item 6 in the instructions for your state)
7	Choice of Party <small>(See item 7 in the instructions for your State)</small>	8 Race or Ethnic Group <small>(See item 8 in the instructions for your State)</small>	
9 I have reviewed my state's instructions and I swear/affirm that: • I am a United States citizen • I meet the eligibility requirements of my state and subscribe to any oath required. • The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be fined, imprisoned, or (if not a U.S. citizen) deported from or refused entry to the United States.		Please sign full name (or put mark) _____ Date: _____ Month Day Year	

If you are registering to vote for the first time: please refer to the application instructions for information on submitting copies of valid identification documents with this form.

Please fill out the sections below if they apply to you.

If this application is for a **change of name**, what was your name before you changed it?

A	Last Name	First Name	Middle Name(s)	
---	-----------	------------	----------------	--

If you were **registered before** but this is the **first time you are registering from the address in Box 2**, what was your address where you were registered before?

B	Street (or route and box number)	Apt. or Lot #	City/Town/County	State	Zip Code
---	----------------------------------	---------------	------------------	-------	----------

If you live in a rural area but do not have a street number, or if you have no address, please show on the map where you live.

C		NORTH ↑	
• Write in the names of the crossroads (or streets) nearest to where you live. • Draw an X to show where you live. • Use a dot to show any schools, churches, stores, or other landmarks near where you live, and write the name of the landmark.			
Example	Public School ●	● Grocery Store Woodchuck Road	X

If the applicant is unable to sign, who helped the applicant fill out this application? Give name, address and phone number (phone number optional).

D	
---	--

Mail this application to the address provided for your State.

Information Required on the Federal Registration Form



Voter Registration Application

Before completing this form, review the General, Application, and State specific instructions.

Are you a citizen of the United States of America? Will you be 18 years old on or before election day? If you checked "No" in response to either of these questions, do not complete form. (Please see state-specific instructions for rules regarding eligibility to register prior to age 18.)				This space for office use only.	
1	Last Name	First Name	Middle Name(s)		
2	Home Address	Apt. or Lot #	City/Town	State	Zip Code
3	Address Where You Get Your Mail If Different From Above		City/Town	State	Zip Code
4	Date of Birth Month Day Year	5 Telephone Number (optional)	6 ID Number - (See item 6 in the instructions for your state)		
7	Choice of Party (see item 7 in the instructions for your State)	8 Race or Ethnic Group (see item 8 in the instructions for your State)			
9	I have reviewed my state's instructions and I swear/affirm that: <input type="checkbox"/> I am a United States citizen <input type="checkbox"/> I meet the eligibility requirements of my state and subscribe to any oath required. <input type="checkbox"/> The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be fined, imprisoned, or (if not a U.S. citizen) deported from or refused entry to the United States.		Please sign full name (or put mark) ^ Date: _____ Month Day Year		

If you are registering to vote for the first time: please refer to the application instructions for information on submitting copies of valid identification documents with this form.

Please fill out the sections below if they apply to you.

If this application is for a **change of name**, what was your name before you changed it?

A	Last Name	First Name	Middle Name(s)	
---	-----------	------------	----------------	--

If you were **registered before** but this is the first time you are registering from the address in Box 2, what was your address where you were registered before?

B	Street (or route and box number)	Apt. or Lot #	City/Town/County	State	Zip Code
---	----------------------------------	---------------	------------------	-------	----------

If you live in a rural area but do not have a street number, or if you have no address, please show on the map where you live.

C	<ul style="list-style-type: none"> Write in the names of the crossroads (or streets) nearest to where you live. Draw an X to show where you live. Use a dot to show any schools, churches, stores, or other landmarks near where you live, and write the name of the landmark. 	<table border="1"> <tr> <td>Example</td> <td>Route #2</td> <td>● Grocery Store</td> <td></td> </tr> <tr> <td></td> <td></td> <td>Woodchuck Road</td> <td>X</td> </tr> <tr> <td>Public School ●</td> <td></td> <td></td> <td></td> </tr> </table>	Example	Route #2	● Grocery Store				Woodchuck Road	X	Public School ●				
Example	Route #2	● Grocery Store													
		Woodchuck Road	X												
Public School ●															

If the applicant is unable to sign, who helped the applicant fill out this application? Give name, address and phone number (phone number optional).

D	
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Mail this application to the address provided for your State.

#6: Proof of Identity



- NEW registrants to Maricopa County must provide *proof* of identification when using the Federal Registration Form to establish they are eligible to register to vote.
- If a voter is registered in the county and is updating registration (with new name, address, political party, etc.) they DO NOT have to provide documentation.
- If the registrant is unsure if they are already registered, it is to their benefit to include the documentation in case they are not registered.



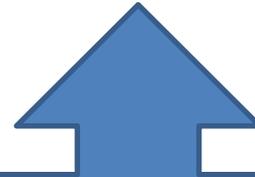
Proper *Identification* Numbers to provide:

- AZ Driver License *or* Non-operating Identification *or*
- Bureau of Indian Affairs Number, Indian Census number, Tribal Treaty Card Number, or Tribal Enrollment Number *or*
- Alien Registration Number off of Naturalization Certificate *or*
- *The last four digits of their Social Security Number—this will aid in identifying the voter and is acceptable on the Federal Form.*
- *If the voter does not have a unique ID number, write “NONE” in field #6 and the Secretary of State’s office will assign one.*



Proper *Identification* Numbers to provide:

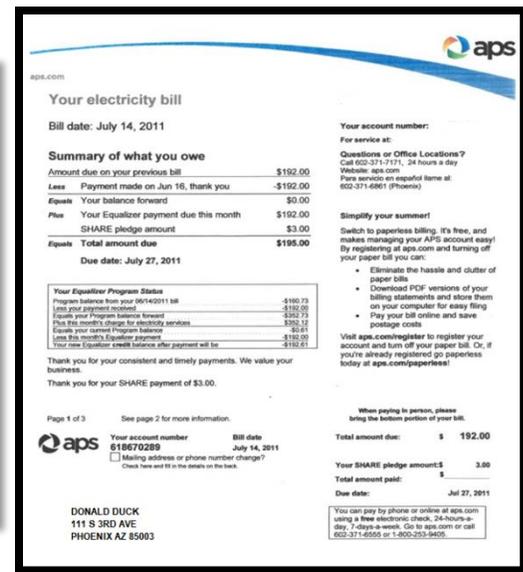
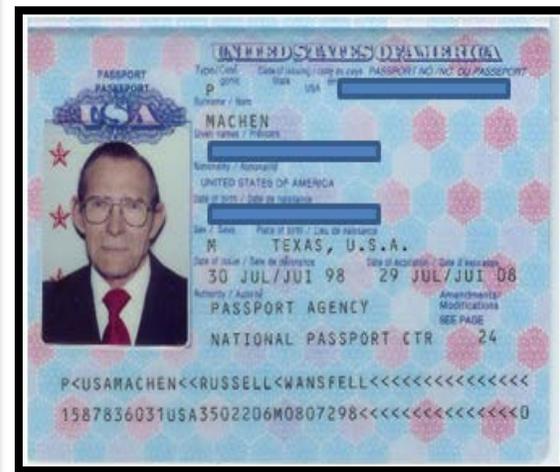
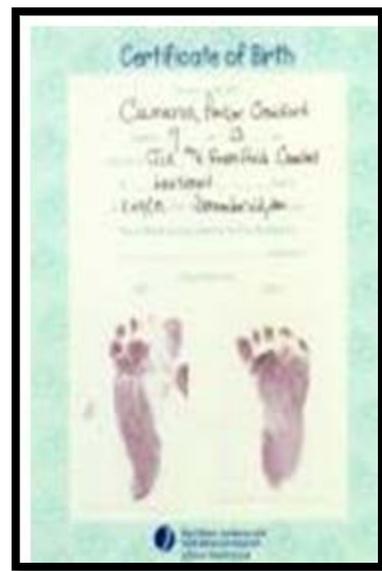
- *The last four digits of their Social Security Number—this will aid in identifying the voter and is acceptable on the Federal Form.*



This is an available option for the Federal Form, but NOT for the State Form

Proper *Identification* to provide:

- Birth Certificate *or* Applicable pages of a United States Passport *or* Current Utility bill, Bank Statement, Government check, paycheck *or* Government document that shows the name and address.



Proper *Identification* to provide:

- *or Current Utility bill, Bank Statement, Government check, paycheck or Government document that shows the name and address.*

These are available options for the Federal Form, but NOT for the State Form



What changes?

- Federal forms submitted *lacking identification information* in field 6 will be keyed into the system and an attempted match with MVD will be made.
- If the voter is identified they are put on the active voter file.
 - If the voter is identified & ineligible, they receive a letter.
 - If the voter is not identified they will be mailed the Recorder's Certificate letter & they will have to vote in person the first time they vote if they do not resolve.

This is the process established last fall after the Judge Silver ruling from the Ninth Circuit

THIS IS WHAT WE DISCUSSED PREVIOUSLY, NOW THERE ARE CHANGES



What changes?

Federal forms submitted *lacking identification information* in field 6 will be keyed into the system and an attempted match with MVD will be made.

- If the voter is identified they are put on the active voter file.
- If the voter is identified & ineligible, they receive a letter.
- If the voter is not identified they will be mailed the Recorder's Certificate letter & they will have to vote in person the first time they vote if they do not resolve.

This is the
process

Now, if the voter is identified AND their citizenship is documented they will be eligible for a full ballot.

If they are identified and citizenship is NOT documented (which would be rare since sources notate this information) they would only receive the federal ballot.

N
Circuit



What changes?

- Federal forms submitted *lacking identification information* in field 6 will be keyed into the system and an attempted match with MVD will be made.
- If the voter is identified they are put on the active voter file.
 - If the voter is identified & ineligible, they receive a letter.
 - If the voter is not identified they will be mailed the Recorder's Certificate letter & they will have to vote in person the first time they vote if they do not resolve.

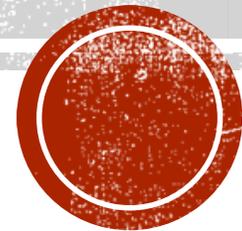
This is the process established last fall after the Judge Silver ruling

Now, the unidentified voter will only receive the Recorder's Certificate in an election with either a federal candidate or issue on the ballot.
They will only be eligible for a Federal Ballot.



SHELBY VS. HOLDER

Section 5 Coverage



- Jurisdictions covered under Section 5 of the Voting Rights Act were required to submit changes for preclearance.
- Those submissions were either:
 - Pulled from submission by the jurisdiction
 - In which case the process was not implemented
 - If statute, would be unenforceable & new legislation necessary to remove
 - Precleared by DOJ & implemented
 - Denied preclearance by DOJ
 - In which case the process was not implemented
 - If statute, would be unenforceable & new legislation necessary to remove

HISTORICAL PRACTICES UNDER SECTION 5



- Arizona is no longer required to submit changes to our electoral process to the Department of Justice with the striking of the formula outlined in Section 4 of the Voting Rights Act which placed jurisdictions under Section 5.
- No more preclearance necessary.
- Which we discussed in our previous meetings.

THE OBVIOUS



In the end, what does that all mean?

Maricopa County

• Although we will no longer be writing and sending in voting changes to the Civil Rights Division, we will:

- Continue to make all changes with potential retrogression and discriminatory impact in mind, with all possible mitigations.
- Continue to prepare all reports, data collection & analysis as we always have.
- Continue our partnership with voter coalitions

It is important to note that every single submission by MCED was precleared, & rarely after the request for additional information.

**THE (HOPEFULLY)
OBVIOUS**



In the end, what does that all mean?

Issues to address:

- In the past when a statutory submission was withdrawn or denied, the language was removed in the subsequent legislative session.
- Some states have already moved to enact those pieces of legislation:

Texas to immediately enact voter ID law following Supreme Court ruling

**BUT THERE'S
MORE**



- As it turns out there are 2 pieces of legislation which were submitted and then withdrawn from preclearance when DOJ asked for additional information.
- These statutes were never removed in subsequent legislative sessions...they were unenforceable when AZ was still under Section 5.
- But what about now?

**THE NOT SO
OBVIOUS**



- One bill directly impacts Maricopa County as it will add 2 at-large districts to the Maricopa County Community College Board

**THE NOT SO
OBVIOUS**

In the end, what does that all mean?

Issues to address:

- There is an issue however in that the language relating to the MCCC at-large districts were never removed from statute in subsequent sessions:

[ARS TITLE PAGE](#) [NEXT DOCUMENT](#) [PREVIOUS DOCUMENT](#)

[15-1441](#). [Selection of precincts; district board members; terms; qualifications; vacancies](#)

I. Beginning July 1, 2012, in addition to the governing board members who are elected from each of the five precincts in a community college district, a county with a population of at least three million persons shall elect two additional governing members from the district at large. At the first general election held to elect at-large governing board members, the two candidates having the most votes shall be declared elected, if each candidate is a qualified elector who resides in that county. The elected member who receives the highest number of votes of the at-large candidates shall serve a four year term and the elected member who receives the next highest number of votes shall serve a two year term. Thereafter each member's term is four years.



- The Secretary of State asked the AG for an opinion on what becomes of these statutes.

AG OPINION


OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

TOM HORNE
ATTORNEY GENERAL

TO: The Honorable Janice Brewer, Governor
The Honorable Ken Bennett, Secretary of State
The Honorable Andy Biggs, President of the Senate
The Honorable Andy Tobin, Speaker of the House of Representatives

FROM: Thomas C. Horne, Attorney General

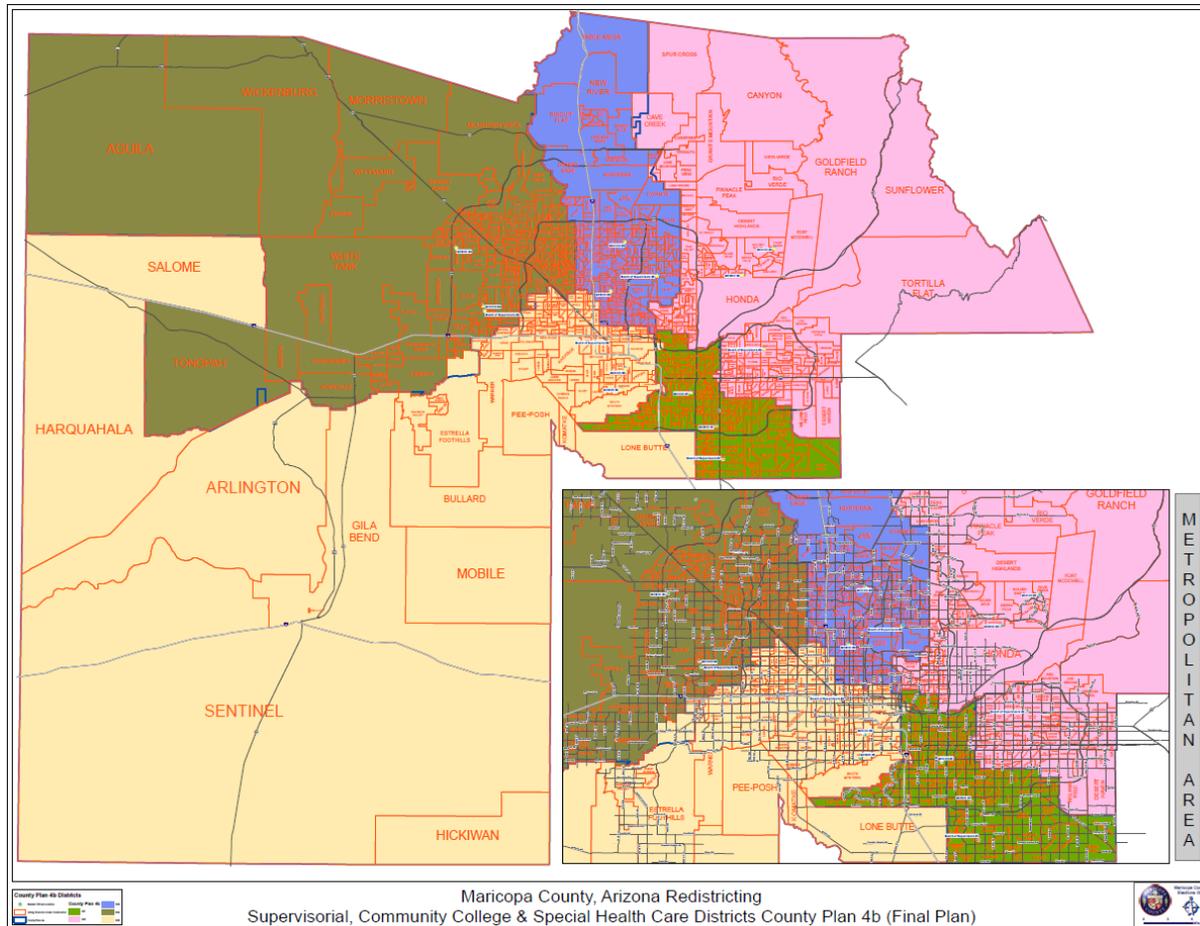
DATE: August 29, 2013

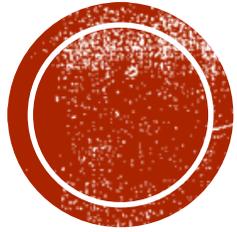
RE: Attorney General Opinion I13-008



- The AG declared the statutes enforceable.
- The 2 seats will be on the ballot in 2014.
- One term will be 4 yrs., the other 2 yrs.

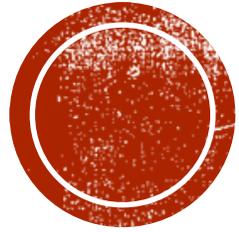
AG OPINION





IMPORTANT TO NOTE THAT DOJ HAS HISTORICALLY GIVEN A LOT OF ATTENTION TO THE ADDITION OF AT-LARGE DISTRICTS AS THEY ARE TRADITIONALLY A MINORITY-VOTE DILUTION METHOD

This could trigger a Section 2 or a Section 3 case.



PASSED LEGISLATION: IMPLEMENTED

Lets review the SOS presentation on some of the legislation that passed this last session.

Statutory Changes

Related to Elections

Fifty-first Legislature
First Regular Session 2013

House Bill 2156

Relating to Elections
Received 11th of April, 2013

Fifty-first Legislature
First Regular Session 2013

House Bill 2156

Changes made to:

- § 9-500.14. Use of city or town resources or employees to influence elections; prohibition; civil penalty; definitions
 - (A). A city or town shall not **SPEND OR** use its **RESOURCES, INCLUDING THE USE OR EXPENDITURE OF MONIES, ACCOUNTS, CREDIT, FACILITIES, VEHICLES, POSTAGE, TELECOMMUNICATIONS, COMPUTER HARDWARE AND SOFTWARE, WEBPAGES**, personnel, equipment, materials, buildings or ~~other resources~~ **ANY OTHER THING OF VALUE OF THE CITY OR TOWN**, for the purpose of influencing the outcomes of elections. Notwithstanding this section, a city or town may distribute informational ~~reports~~ **PAMPHLETS** on a proposed bond election as provided in section 35-454 **IF THOSE INFORMATIONAL PAMPHLETS PRESENT FACTUAL INFORMATION IN A NEUTRAL MANNER**. Nothing in this section precludes a city or town from reporting on official actions of the government body.

What this Means:

- The list of items that a city or town is restricted from using to influence elections has been expanded into a more detailed and specific list and now includes such items as money, credit, or anything of value to the city or town.
- Informational reports allowed to be distributed are now more specifically called pamphlets and now must present factual information in a neutral manner.

Senate Bill 1454

Relating to Elections

Not Yet Received by Secretary of State's office

Fifty-first Legislature

First Regular Session 2013

Senate Bill 1454

Changes made to:

- § 16-411. Designation of election precincts and polling places; voting centers; electioneering; wait times
 - (H). ...any facility that is used as a polling place on election day or that is used as an early voting site during the period of early voting shall allow persons to electioneer and engage in other political activity outside of the seventy-five foot limit prescribed by section 16-515... The county recorder **OR OTHER OFFICER IN CHARGE OF ELECTIONS** shall post on its website at least two weeks before election day a list of those polling places in which emergency conditions prevent electioneering and shall specify the reason that the emergency **exemption DESIGNATION** was granted **AND THE NUMBER OF ATTEMPTS THAT WERE MADE TO FIND A POLLING PLACE BEFORE GRANTING AN EMERGENCY DESIGNATION**. If the polling place is not on the website list of polling places with emergency **conditions DESIGNATIONS**, electioneering and other political activity shall be permitted outside of the seventy-five foot limit. If an emergency arises after the county **recorder's RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS**' initial website posting, the county recorder **OR OTHER OFFICER IN CHARGE OF ELECTIONS** shall update the website as soon as is practicable to include any new polling places, shall highlight the polling place location on the website and shall specify the reason the emergency **exemption DESIGNATION** was granted **AND THE NUMBER OF ATTEMPTS THAT WERE MADE TO FIND A POLLING PLACE BEFORE GRANTING AN EMERGENCY DESIGNATION**.

What this Means:

- County recorders and/or the officer in charge of elections are now both governed by this section
- In addition to posting the reason for designating an emergency polling place, the person responsible must now include in that post the number of attempts made to find a new polling place

Summary Answers

1. Yes, a candidate committee may accept up to the maximum contributions for both the primary and general elections prior to the primary election.
2. Yes, a candidate committee must establish two separate accounting systems for primary and general election contributions and expenditures. The best practice might be to set up two separate candidate committees, but the statutes do not necessarily require it.
3. Yes, a candidate committee may spend general election contributions for the purpose of influencing the outcome of the primary election, subject to the contribution limits.
4. Yes, a candidate committee may accept contributions for the primary election up to the contribution limits after the primary election has occurred for the purpose of retiring outstanding debts incurred by the primary election committee.

HB 2593

This one is still getting the “kinks” worked out...



STATE OF ARIZONA
OFFICE OF THE ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
by
ERIC J. BISTROW*
CHIEF DEPUTY ATTORNEY GENERAL
August 27, 2013

No. I13-007
(R13-015)
Re: Campaign Finance

To: Ken Bennett
Arizona Secretary of State

Questions Presented

You have asked for an opinion on the following questions regarding 2013 Laws Ch. 98 (H.B. 2593), which amended various campaign finance statutes:

1. May a candidate's committee accept up to the maximum contributions for both the primary and general elections prior to the primary election?
2. Must there be two different accounting systems for primary contributions and general contributions?
3. If a candidate's committee may accept general election contributions in the primary election period, may a candidate's committee spend general election contributions for the purpose of influencing the outcome of the primary election?



IT'S A GAME CALLED UNINTENDED CONSEQUENCES

Article Posted: 09.17.2013 | 4:27 pm 4:27 pm Tue, September 17, 2013



Mesnard, who sponsored Laws 2013, Chapter 98 (H2593: campaign finance; contribution limit), is perplexed by the secretary allowed to take effect on Friday. Mesnard said lawmakers' intention in passing H2593 was to mirror the federal system – where primary and general elections are deliberately separated, but candidates can roll over unlimited unused primary amounts to fund a general election campaign. Mesnard explained that this won't be the case under H2593. The secretary of state's office says candidates must open up two separate committees – one for primary and one for general – and, if candidates already have an existing 2014 committee, they must designate it as either their primary or general.

HB 2593

Has been the
topic of the
Yellow Sheets
for days now.

LEGISLATE AT YOUR OWN PERIL

Article Posted: 09.17.2013 | 4:26 pm 4:26 pm Tue, September 17, 2013

Mesnard said candidates are now scrambling to understand the nuances in the secretary's interpretation. He expects it to become this type of process – it's so cumbersome. The [law's] intention was to make the secretary's office raises more questions, since he believes some of its answers conflict with a secretary's interpretation of existing funds prior to H2593's effective date are subject to the old campaign finance rules for primary and general campaigns. "If I understand the secretary's interpretation of a general committee. That presupposes that we have to split it up. I thought I read the AG opinion that in the primary phase, candidates must designate their existing

BENNETT'S OFFICE: YOU WROTE IT THAT WAY

Article Posted: 09.17.2013 | 4:26 pm 4:26 pm Tue, September 17, 2013

Mesnard and company may have made a mistake by altering the definition of "election" in H2593 without looking at other statutes. Roberts said the secretary of state's interpretation of H2593 basically comes down to one statute. ARS 16-903 states that a candidate must serve as the candidate's campaign committee. "That is the word that guides our office," Roberts said. While the secretary's interpretation of campaign finance rules, Roberts said other statutes need to be changed for that to happen. "If that was the legislative intent, it would be in the Legislature. Maybe this could be something that they revisit to clear up, so the filing officer has direction to do that. But the secretary's interpretation is not. And our office reads that on its face," he said. The conclusion that candidates are limited in transferring more than \$2,000



LANGHOFER: IT'S NON-BINDING

Article Posted: 09.17.2013 | 4:25 pm 4:25 pm Tue, September 17, 2013

Election attorney Kory Langhofer surmised that the secretary of state's office has been "rushed" to get its guidance on Mesnard, Langhofer disagreed that the new law requires two candidate committees for the same election cycle. He also said that unused primary amounts to his general campaign, if the transfer exceeds \$2,000. Langhofer said he views the \$2,000 limit as a committee may not transfer someone's contribution from the primary to the general committee if doing so would exceed the limit. He would agree that the limitation applies to the transfer of funds between a candidate's two committees. "It can't possibly be the state's letter. Langhofer has previously advised his clients to only form one committee – because it's more efficient than having two. Contributors mistakenly sending money that is intended for the other campaign. A single committee avoids the hassles of determining whether an individual has exceeded his contribution limits. Langhofer also emphasized that, unless the secretary of state's regulations, it isn't binding. The same is true for the AG opinion, Langhofer said, adding, "If someone does not comply with the regulations of state or attorney general, to bring any enforcement action." Langhofer plans to speak with Bennett's office and ask for clarification.

HAUSER: 'TIS THE SEASON FOR MISTAKES

Article Posted: 09.17.2013 | 4:25 pm 4:25 pm Tue, September 17, 2013



Election attorney Lisa Hauser said the secretary of state's interpretation of the new campaign finance laws is correct – much they can use from previous committees. But she also quickly added that people will make a lot of mistakes during the "grace period" to get people accustomed to the new system. "Otherwise, it could get a little ugly," she told our reporter. "The secretary of state's guidance nor the AG's opinion is legally binding, she said Bennett's conclusions on these two points are correct. The requirements in 16-905 about committee transfers. Specifically, 16-905(F)(2) says a candidate may transfer funds from a primary committee to a general committee, subject to the contribution limits of the general committee." She said that new law both individual and political committees can't

HB 2593

Has been the
topic of the
Yellow Sheets
for days now.



SO MUCH FOR THOSE WAR CHESTS

Article Posted: 09.18.2013 | 4:24 pm

WHY DETAILS MATTER IN LEGISLATING

Article Posted: 09.18.2013 | 4:23 pm

THAT'S THEIR PROBLEM

Article Posted: 09.23.2013 | 4:14 pm 4:14 pm Mon, September 23, 2013

As the fundraising season kicks in, many lobbyists find themselves asking the same question: does one comply with Laws 2013, Chapter 98 (H2593: campaign finance; contribution limits) in light of the disparate views from the secretary of state and some election attorneys? But unlike other states that they are letting candidates sort out how to account for their contributions. Veteran lobbyist said one question is whether to give a full amount for the primary and general, or give a

TAKING A SECOND LOOK

Article Posted: 09.18.2013 | 4:24 pm

The AG's Office's said today that it may change its analysis on whether H2593 requires candidates to create separate committees for the primary and general elections, in light of the secretary of state's legal analysis and guidance to candidates. An Aug. 27 AG's opinion said candidates are not required to have two committees for one election cycle, but Bennett's office reached the opposite conclusion. Now, Home spokeswoman Stephanie Grisham said the AG's office is re-evaluating its opinion. "We are re-examining the law on the 'separate committee' question in light of the questions raised in the wake of our opinion and the [secretary of state's] guidance. If we feel it is appropriate, we will amend our opinion or provide additional analysis," she told our reporter via email. Meanwhile, attorney Kory Langhofer disputed the secretary of state's analysis that ARS 16-903 requires the creation of separate committees for the primary and general elections. Though the statute says candidates must create a committee for each election, Langhofer argued that it doesn't say a *separate* committee is required for each election. "What it boils down to is whether a campaign is the same thing as an election. I don't think it is. I think of a campaign as being from start to finish," Langhofer said. He agreed with the Seventh Floor's analysis that candidates are prohibited from transferring more than \$2,000 between their primary and general committees. The AG's opinion also agreed that the \$2,000 limit applies to transfers between primary and general committees. But Langhofer said that's really only a relevant point if candidates are required to create separate committees in the first place.

HB 2593

Has been the topic of the Yellow Sheets for days now.



Campaign finance changes' unintended consequences

Hoping to raise more cash, lawmakers instead face new limits

By Luige del Puerto - Luige.delpuerto@azcapitolimes.com, jeremy.duda@azcapitolimes.com
Published: September 20, 2013 at 9:46 am
9:46 am Fri, September 20, 2013



An oversight during the legislative session has made Arizona's new campaign finance system much more complicated than anyone intended, leaving incumbent legislators and potential candidates scrambling to grasp its implications and comply with its provisions.

Already, the law's author is calling these unintended consequences "a nightmare."

New law sets off fundraising flurry

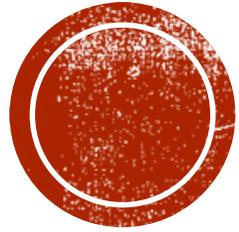
The first week of Arizona's higher new campaign contribution limits was met with a slew of fundraisers.

Several statewide candidates and a handful of lawmakers scheduled fundraisers for the week beginning Sept. 16, and more are on the horizon. Some of invitations reminded people of the new limits and urged them to contribute accordingly.

HB 2593

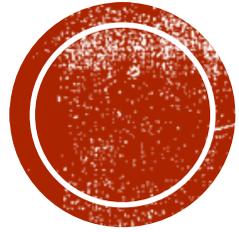
Has been the topic of the Yellow Sheets for days now.





STAY TUNED ON THIS ONE!





PASSED LEGISLATION: REFERENDUM

The election bills that passed were mainly relating to campaign finance, reporting of polling place administration, with the exception of that which has signatures currently being verified.

House Bill 2305

Relating to Elections

Not Yet Received by Secretary of State's office

Fifty-first Legislature

First Regular Session 2013



SENATE BILL 1261

read:

16-184. Additional violations: classification

A. Any person who knowingly swears falsely to an affidavit required under the provisions of this chapter is guilty of a class 5 felony unless another classification is specifically prescribed in this chapter.

B. An officer of an election who knowingly fails or refuses to perform any duty required of him under this chapter is guilty of a class 2 misdemeanor unless another classification is specifically prescribed in this chapter.

C. ANY PERSON WHO KNOWINGLY ALTERS A VOTER REGISTRATION FORM WITHOUT THE CONSENT OF THE PERSON WHO IS THE REGISTRANT ON THAT FORM IS GUILTY OF A CLASS 6 FELONY.

Sec. 2. Section 16-544, Arizona Revised Statutes, is amended to read:

- The key here is “without the consent of the person who is the registrant”.
- Political party preference, addition to the PEVL— these are all things that occur currently without the voter’s consent.
- Voters should verify their Voter ID Card to ensure accuracy & notify MCED regarding any corrections.

House Bill 2305

A combination of multiple bills.

Registration forms cannot be altered without the consent of the person registering.

Election law opponents claim 146,000 signatures, say they will force referendum

By Hank Stephenson - hank.stephenson@azcapitoltimes.com

Published: September 11, 2013 at 5:13 pm

5:13 pm Wed, September 11, 2013



Boxes of signature petitions line the walls of the the State Capitol executive tower, as the Protect Your Right To Vote ballot initiative committee prepared to submit them to the Secretary of State. (Photo by Evan Wyloge/Arizona Capitol Times)

The Protect Your Right to Vote committee today announced they had collected more than 146,000 signatures in their quest to refer the election reform bill, HB2305, to the ballot.

Organizers packed the lobby of the Executive Tower with more than 60 members of the diverse political groups that had banded together to put the wide-ranging election law changes up for the “people’s veto.”

Julie Erfle, chair of the campaign, stood in front of dozens of boxes of petition sheets as she announced the campaign had collected enough valid signatures, she believed, to put the law on hold and force a referendum election against it.

“From Libertarians to Green to Democrats from Latino advocacy groups to non-profit organizations, HB2305 and the politicians who voted for it managed to galvanize one of the largest and most diverse coalitions in our state history,” she said.

But forcing the law to the ballot is still not a sure thing.

FILING OF THE REFERENDUM HALTS IMPLEMENTATION

If sufficient signatures are verified then the referendum will go to the ballot for the voters to decide.

If there are insufficient signatures then the statute is enforceable.





KEN BENNETT
SECRETARY OF STATE
STATE OF ARIZONA



REFERENDUM PETITION
FACT SHEET

R-03-2014 PROTECT YOUR RIGHT TO VOTE COMMITTEE (OPPOSING R-03-2014)

Application for initiative petition serial number R-03-2014 was filed in the office of the Secretary of State on July 1, 2013 by Julie Erfle, Chairman of Protect Your Right to Vote Committee (Opposing R-03-2014), 530 East McDowell Road, #107-203, Phoenix, Arizona 85004.

86,405 valid signatures are required. [Az. Const., Article IV, Part 1, §§ 1 (3) & (7)]

The deadline for filing the petition signature sheets is September 12, 2013. [Az. Const., Article IV, Part 1, § 1 (4)]

The Secretary of State's office has 20 days (excluding Saturdays, Sundays and legal holidays) to issue a receipt to the applicant of the total number of signatures eligible for verification and to complete a random selection of 5% of the signatures. [A.R.S. § 19-121.01(A)(B)]

Copies of the petition signature sheets on which the random selection of signatures is marked are mailed or delivered to the appropriate County Recorder. [A.R.S. § 19-121.01(C)]

County Recorders have 15 days (excluding Saturdays, Sundays and legal holidays) to verify that randomly selected petition signers are or are not qualified electors. [A.R.S. § 19-121.02(A)]

After the certifications from each County Recorder are received, the Secretary of State's office has 72 hours (excluding Saturdays, Sundays and legal holidays) to tabulate the number of valid signatures. [A.R.S. § 19-121.04(A)]

If the random sampling tabulation establishes that the valid signatures are equal to or exceeds 100% (86,405) of the number required, the initiative measure would qualify for the 2014 General Election ballot. [A.R.S. § 19-121.04(B)]

If the tabulation establishes that the number of valid signatures is less than 100% (86,405) of the signatures required, the petition signature sheets would be returned to the person or committee who had submitted them and the initiative measure would not appear on the 2014 General Election ballot. [A.R.S. § 19-121.04(C)]

- Valid signatures required: **86,405**
- Deadline for filing: **September 12, 2013**



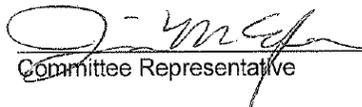


KEN BENNETT
 SECRETARY OF STATE
 STATE OF ARIZONA



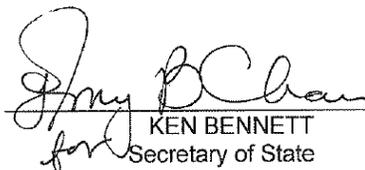
INITIAL RECEIPT

Received from **PROTECT YOUR RIGHT TO VOTE COMMITTEE (OPPOSING R-03-2014)** this 17 day of September, 2013 a purported total of 11,398 sheets containing what purport to be 146,028 signatures to referendum petition serial number R-03-2014. This receipt does not constitute an acknowledgment or determination by the Secretary of State that any of those sheets are in compliance with the legal requirements for placing a measure on the General Election ballot on November 4, 2014. That determination can only be made after the Secretary of State and the County Recorders have performed their duties with respect to referendum petitions as required by law.



 Committee Representative


 Telephone Number



 KEN BENNETT
 Secretary of State

SECRETARY OF STATE
 2013 SEP 11 PM 2:44

- Date of filing:
September 11, 2013

- Initial receipt shows:

- **11398 petition sheets**

- **146,028 potential signatures**



Election bill referendum will be held to higher standard

By Jeremy Duda - jeremy.duda@azcapitoltimes.com
Published: September 23, 2013 at 8:14 am



The referendum drive against an elections bill passed by the Legislature in June will have a tough standard to meet if it goes to court.

Referendums in Arizona are subject to a judicial standard known as strict compliance, which requires absolute adherence to the letter of the law. Initiatives and recalls, on the other hand, have historically been held to a standard called substantial compliance, which allows more leeway for technical errors.

Maricopa County Elections Director Karen Osborne said the higher standard has little effect on the examination of signatures by her office. The county generally uses a high standard when it conducts its analysis of signatures for initiatives, referendums and recalls alike.

Where it really matters is if the referendum against HB2305 ends up in court. Court battles are a common feature in signature drives, either from supporters who are trying to get rejected signatures reinstated or opponents who want them stricken from the petitions.

Elections attorney Tom Ryan said strict compliance can lead to signatures or entire pages of signatures being rejected because of minor variances with the law. For example, if a petition circulator doesn't write down his or her address, or puts down an old address on the petition, all of that circulator's petitions could be thrown out. If voters put down an old address or use an illegible signature, their signatures could be rejected as well.

Ryan said petition gatherers on referendum drives should expect invalidity rates of at least 40 percent, and possibly as high as 50 percent. The Protect Your Right to Vote Committee needs 86,405 valid signatures of registered voters and submitted 146,028, meaning it needs a validity rate of just under 59.2 percent.

"Any variance will cause that item to be struck," Ryan said. "There's not a whole lot of leeway."

According to a 2012 article in the Arizona Law Review, a journal published by the University of Arizona's James E. Rogers College of Law, the Arizona Supreme Court formally introduced the strict compliance standard for referendums in the early 1980s, though it had informally used similar requirements in the past.

In 1982, the court rejected a referendum against a zoning ordinance in Pima County because the petitions did not include a copy of the resolution they were trying to refer to the ballot, according to the article. In 1991, a referendum drive against a measure passed by the Scottsdale City Council was rejected by the Supreme Court because the affidavits signed by petition gatherers affirmed that they believed each signer to be a qualified elector of the state of Arizona instead of the city of Scottsdale.

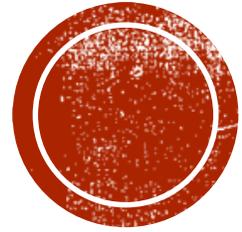
"The strict compliance standard allows technical failures to doom a referendum effort, even when the petitioners followed the required procedures overall and presumably had valid signatures," wrote David Potts, author of the Arizona Law Review article. "Even when independent evidence suggests that the alleged defect caused no confusion or deception, the court will still, when applying the strict compliance standard, strike down petitions that do not perfectly comply with constitutional and statutory requirements."

Robbie Sherwood, a spokesman for the Protect Your Right to Vote Committee, said the committee took strict compliance into consideration during its signature drive. The committee had petition gatherers use a standard, approved version of the ballot that was attached to signature sheets. The committee also educated signature gatherers on the proper way to have petitions filled out and notarized, and the ways in which signatures might be

REFERENDUM= STRICT COMPLIANCE

Initiatives and recalls are held to
substantial compliance, more
"leeway for technical errors"





**LETS TAKE A MINUTE TO
DISCUSS PETITION
VERIFICATION**

- Back in 2011 we went over the signature verification process at our June 29th meeting.
- In 2012 Maricopa County received a Best Professional Practice Award for its Petition Verification System from the National Association of Election Officials.
- Lets review the “highlights”.



NATIONAL AWARD



Petition Verification Process

Maricopa County Elections Department
Community Network Meeting
June 29th, 2011

- For other types of petitions a percentage is verified:
 - Party Recognition: 100%
 - Recall: 100%
 - Initiative: 5% random
 - Referendum: 5% random



So we are
checking 5%

Petition Verification

Petition Verification Initiative, Referendum and Recall



Jasper Altaha
Maricopa County
Voter Registration Manager

Petition Verification

What is a valid signature?

- Signature matches voter registration signature
- Address is within electoral district
- Date signed is on or after the date of registration

Petition Verification

Reasons to disqualify a signature...

- § 19-121.02.
- No residence address or description of residence
- No date of signing
- Signer is not identifiable
- Address provided is illegible or nonexistent

Petition Verification

More reasons to disqualify a signature...

- Signer was not a qualified elector on date of signing
- Signer was not 18 years of age on date of signing
- Signature does not match voter registration signature
- Signed more than once - *All but one is disqualified*
- *County Recorder or Justice of the Peace circulated the petition - § 19-114*

Petition Verification

Timeframe for verification...

Initiative and Referendum –

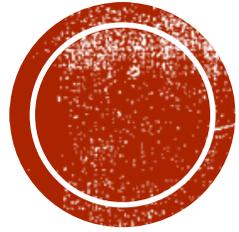
10 days, excluding weekends and legal holidays

■ § 19-121.02.

Recall –

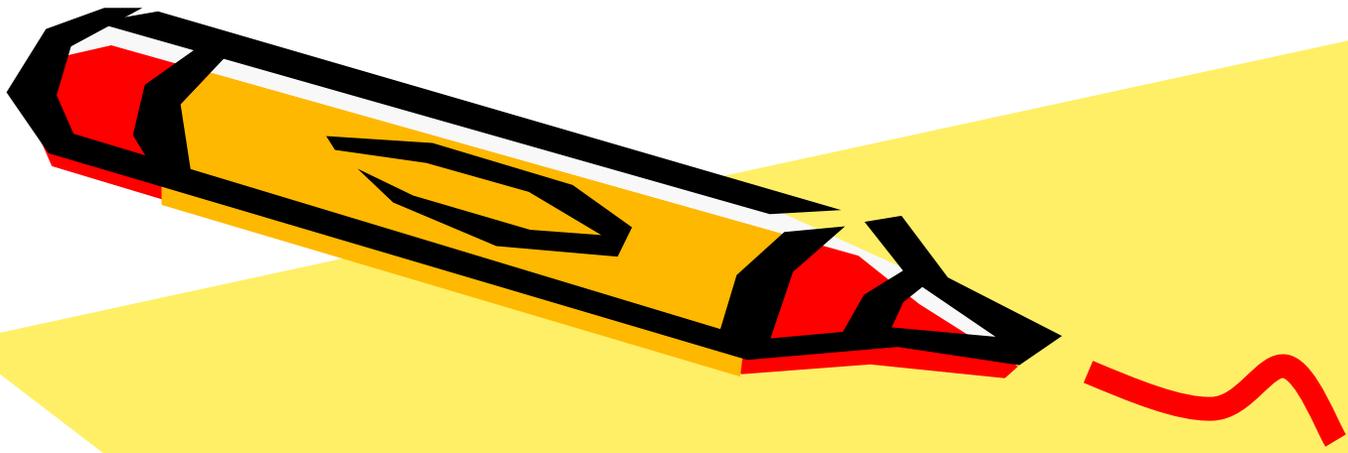
60 days, including weekends and legal holidays for

■ § 19-208.02.



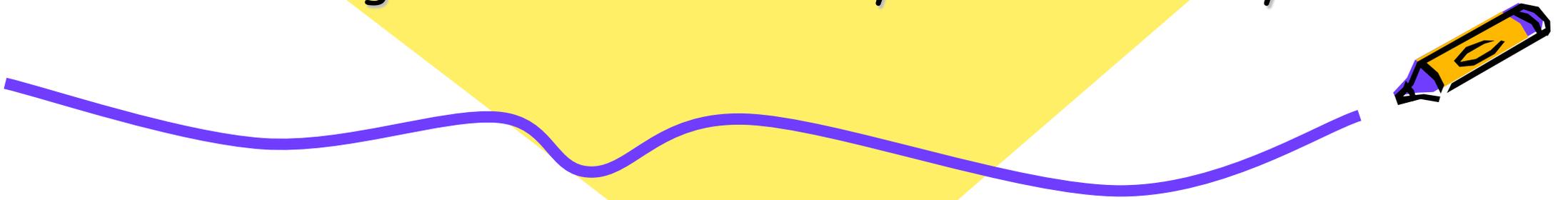
ALSO IN THAT 2011 PRESENTATION ARE THE TRAINING MATERIALS OF THE PROCESS

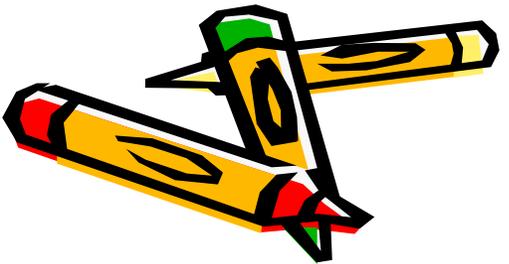
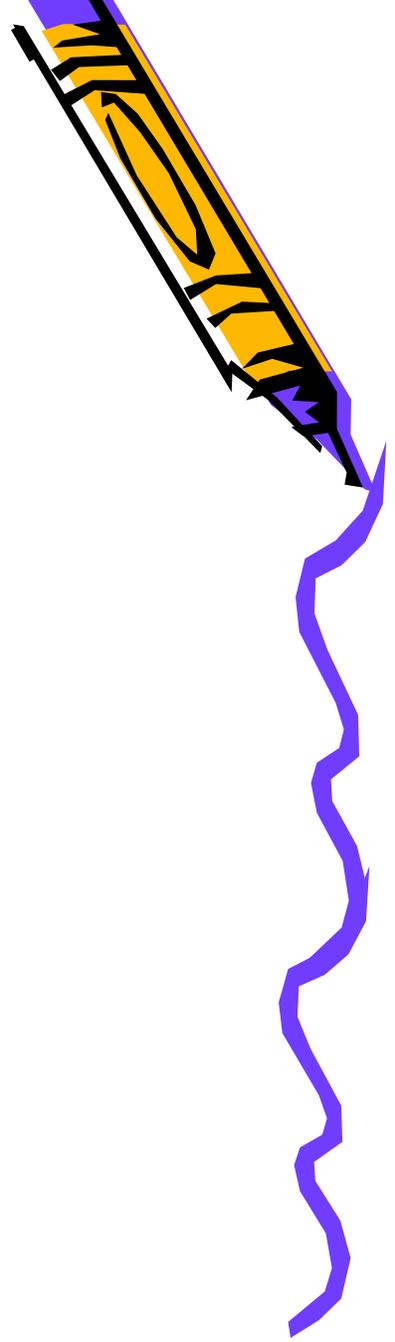
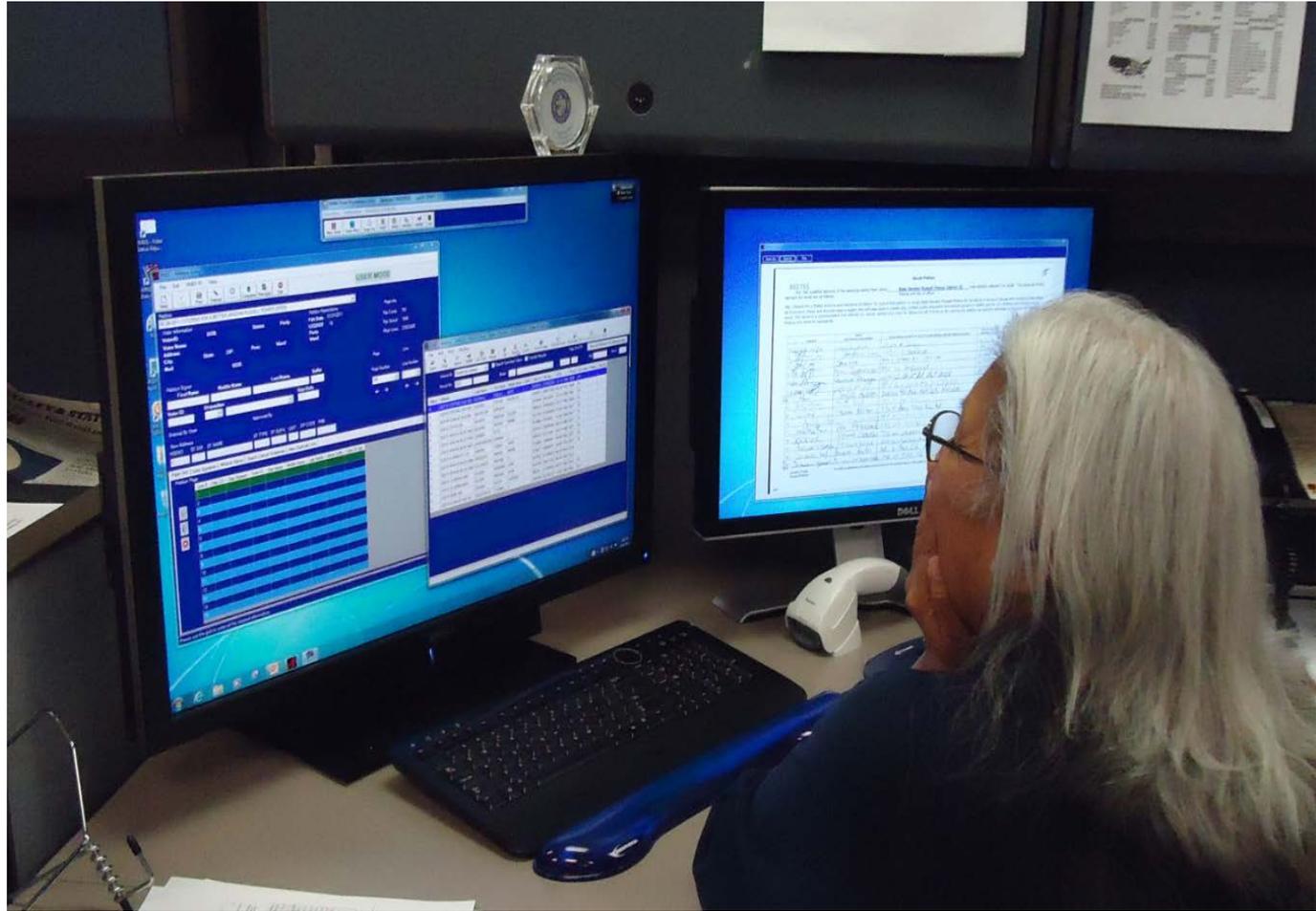
(Again, see the website for the full presentation.)



Petition Verification Procedures

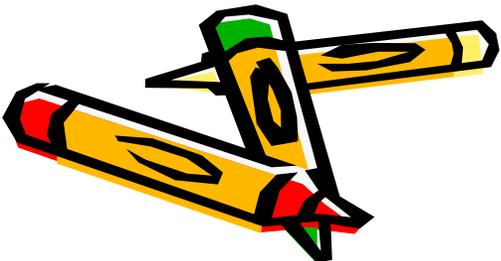
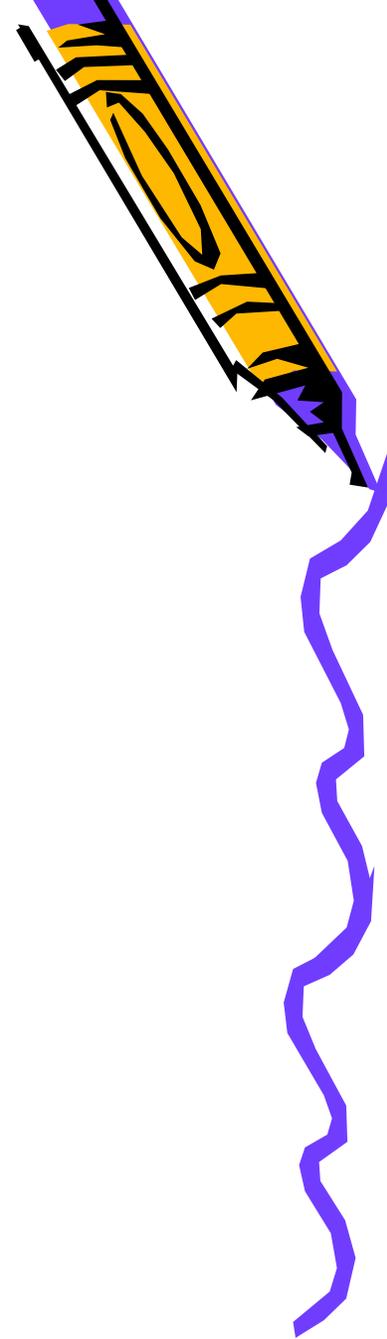
Learning to Work Efficiently and Accurately





PV07 - Petition Entry

- This system was created internally by our Voter Registration Department and our IT programming staff.
- It mechanizes the handling of the petitions and streamlines the disposition of the signatures.



PV07 - Petition Entry

- **Petition box:** will listed all the petitions that are open or close.
- **Voter Information:** will display the signers current voter registration file.
- **Petition Restrictions:** Displays the qualifications that each signer must meet in order to sign the petition.

- **Page Info:**
- **Pgs Comp (pages completed)** listed the total number pages that have been completed.
- **Pgs Scand: (pages scanned)** listed the total number of pages that have been scanned for each petition.
- **Mngr Lines: (manager lines) 0/0** The first number list the total number of completed invalid signers and the second number is to total number of invalid signers to be second checked.

PV07 - Petition Entry

File Exit VM07-F1 Help

Next Save Delete Print Reload Exit Complete Manager

USER MODE

Petition:
1-04-2010 | ARIZONA MEDICAL MARIJUANA (OPEN)

Voter Information:

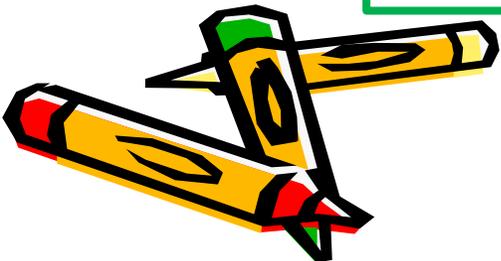
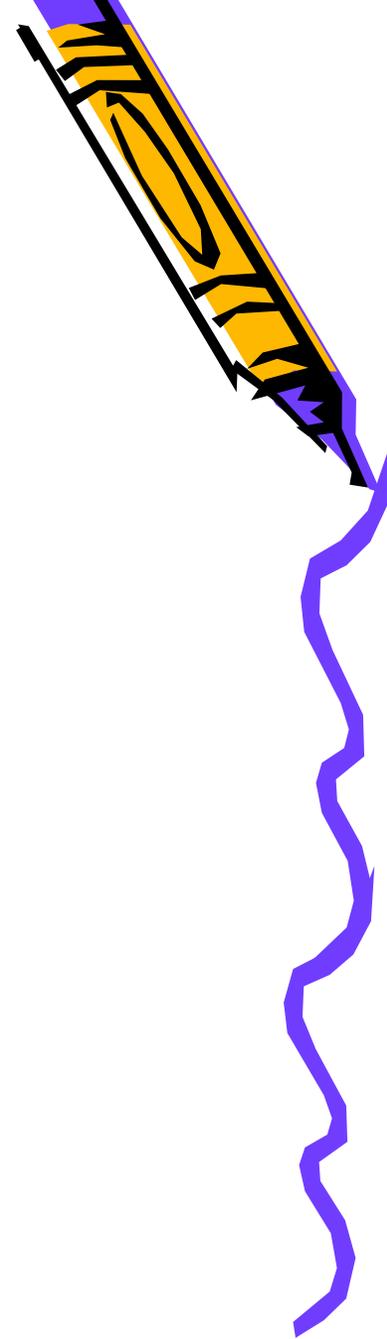
VoterID:	DOB:	Status:	Party:
Voter Name:			
Address:			
City:	State:	ZIP:	Prec:
Mail:			Ward:
	DOR:		

Petition Restrictions:

File Date:	05/15/2009
Party:	
Ward:	

Page Info

Pgs Comp:	196
Pgs Scand:	2348
Mngr Lines:	100/100



PV07 -PETITION TABS

Page Grid:

List all signers that have been entered on that page.

Page Grid

Petition Page:

Line #	Disp CD	Disp Reason	Voter ID	First Name	Middle Name	Last Name	Name Suffix	Date Of Sign
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12	AV	VALID - DIFFE...	31			ON		09/04/2009
13								
14								
15								

Voter Signature:

List the most current registration image for the signer.

Voter Signature

1/1

[1] Are you registered to vote at another address? Yes No Not Sure
List the former address, including county and state

MARICOPA

[2] Last Name: [REDACTED] [3] First Name: [REDACTED] [4] Middle Name: [REDACTED] [5] Date of Birth: [REDACTED]

[6] Address where you live - If no street address, describe residence location using mileage, cross streets, or landmarks. Do not use post office box or business address. Draw a map below if located in rural area. [7] Apt./Unit/Space No.: [REDACTED]

3711 [REDACTED] LN

[8] City: GILBERT [9] County: MARICOPA [10] Zip: 85237-5245 [11] Address where you get your mail, if mail is not delivered to your home: [REDACTED]

[12] Birth Date (Month/Day/Year): [REDACTED] [13] State or Country of Birth: [REDACTED] [14] Telephone number: [REDACTED] [15] Father's name or mother's maiden name: [REDACTED]

[16] AZ Driver license number or AZ Nonresiding license number: [REDACTED] [17] AZ Driver license number or AZ Nonresiding license number issue date: 06/26/2008 [18] Last four digits of social security number: [REDACTED] [19] Optional - Check ID type and write number in box: Indian census number, Bureau of Indian Affairs card number, Tribal treaty card number, or Tribal enrollment number. No.

[20] Specify Party Preference: REPUBLICAN [21] Occupation: [REDACTED] [22] If your name was different the last time you registered, list former name: [REDACTED] [23] Certificate of Naturalization number: [REDACTED]

[24] Are you a citizen of the United States of America? Yes No If you checked 'No' to either one of these questions, do not submit this form. Will you be 18 years of age on or before election day? Yes No

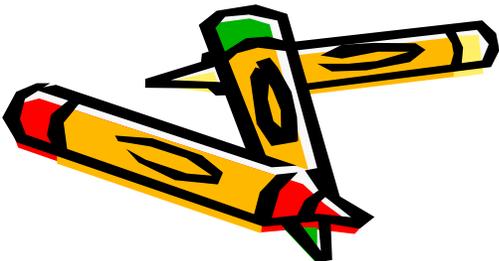
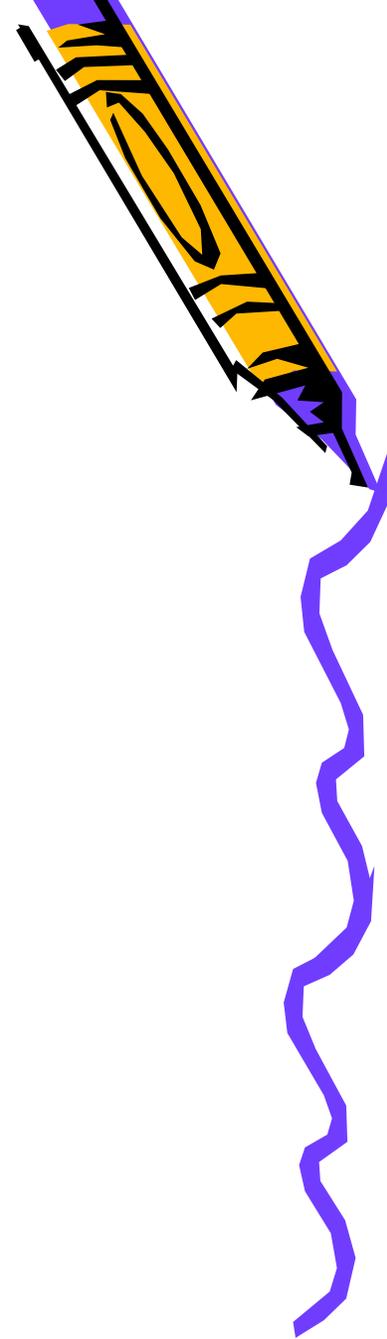
[25] If no street address draw a map here: [REDACTED]

VOTER DECLARATION - By signing below, I swear or affirm that the above information is true, that I am a RESIDENT of Arizona, I am NOT a convicted felon, and I have NOT been adjudicated INCOMPETENT. This is a printed representation of the completed ServiceArizona web form 20080226R2005 M 6/26/2008 8:20:06 AM

SIGN HERE [REDACTED] DATE [REDACTED]

[26] If you are unable to sign the form, the form can be completed at your direction. The person who assisted you must sign here. SIGNATURE OF PERSON ASSISTING [REDACTED] DATE [REDACTED]

[27] Will you be willing to work at a polling place on election day? Yes No



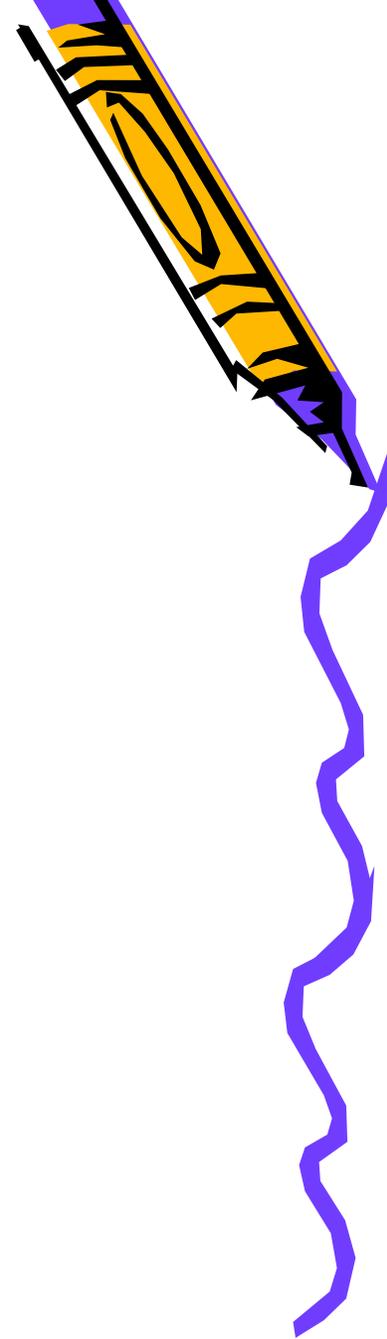
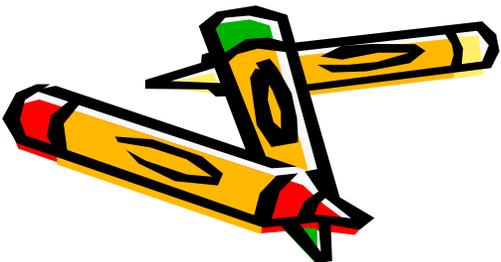
Researching Petition Signers

- The petition is selected and a page of the petition is opened for verification:
- Research all signers by name, address, mailing address and/or true address.
- After selecting the voter, double click on the selected signer then the system will transfer the signer's information to the PV07 screen.
- Verify the signers information then enter the disposition code and sign date and press the "SAVE" button.
- After all signers have been entered press the "Complete" button.

The screenshot displays the PV07 - Petition Entry application. The top window shows a list of petitions, with 'AZGRN2010 | ARIZONA GREEN PARTY (OPEN)' selected. A pink arrow points to this selection. The bottom window shows the 'USER MODE' interface with the following sections:

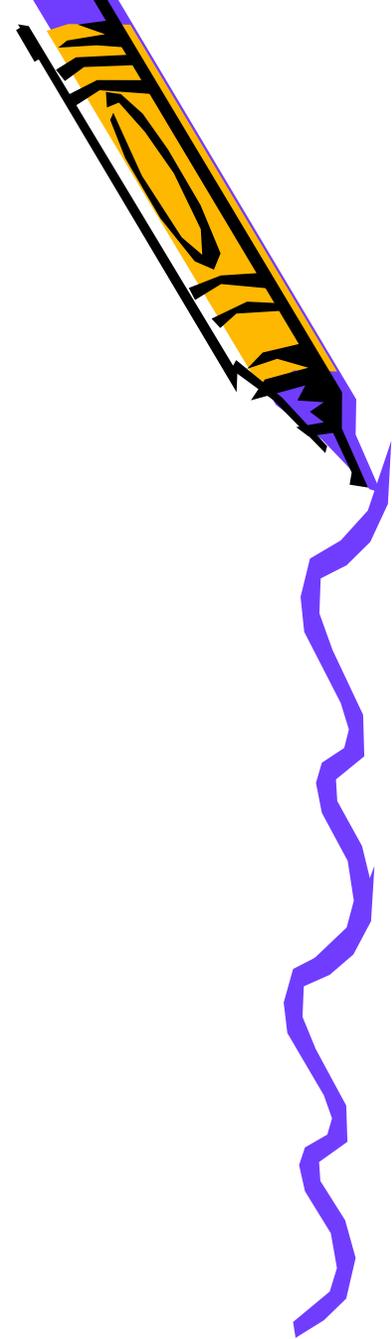
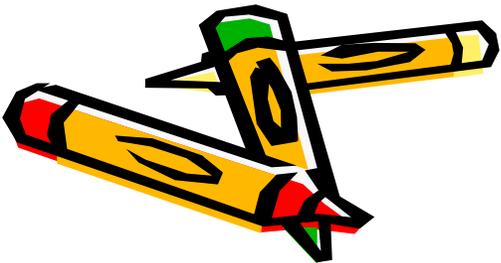
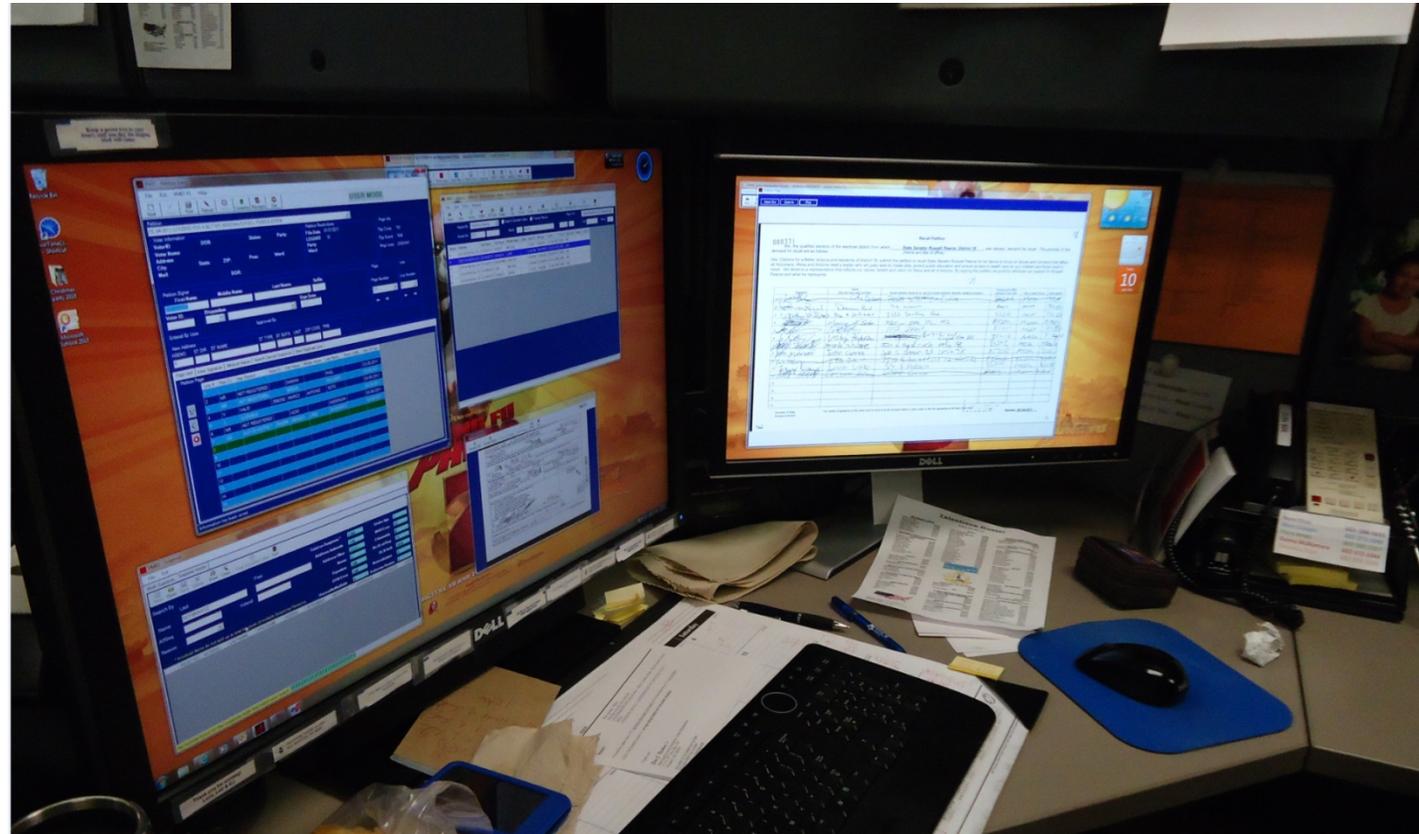
- Petition:** AZGRN2010 | ARIZONA GREEN PARTY (OPEN)
- Voter Information:** Voter ID, DOB, Party, Address, City, State, ZIP, Prec, Ward.
- Petition Restrictions:** File Date: 11/04/2008
- Page Info:** Pgs Comp: 1, Pgs Scond: 714, Mngr Lines: 8/8
- Petition Signer:** Name, Voter ID, Disposition, Sign Date, Entered By User, Approved By.
- New Address:** HSEND, ST DIR, ST NAME, ST TYPE, ST SURF, UNIT, ZIP CODE, PMG, AUTO CODE.
- Page Grid:** A table with columns: Line #, Disp CD, Disp Reason, Voter ID, First Name, Middle Name, Last Name, Name Suffix, Date Of Sign.

Line #	Disp CD	Disp Reason	Voter ID	First Name	Middle Name	Last Name	Name Suffix	Date Of Sign
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								



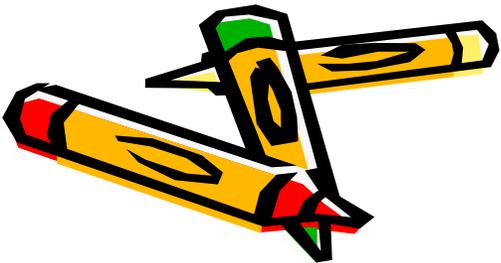
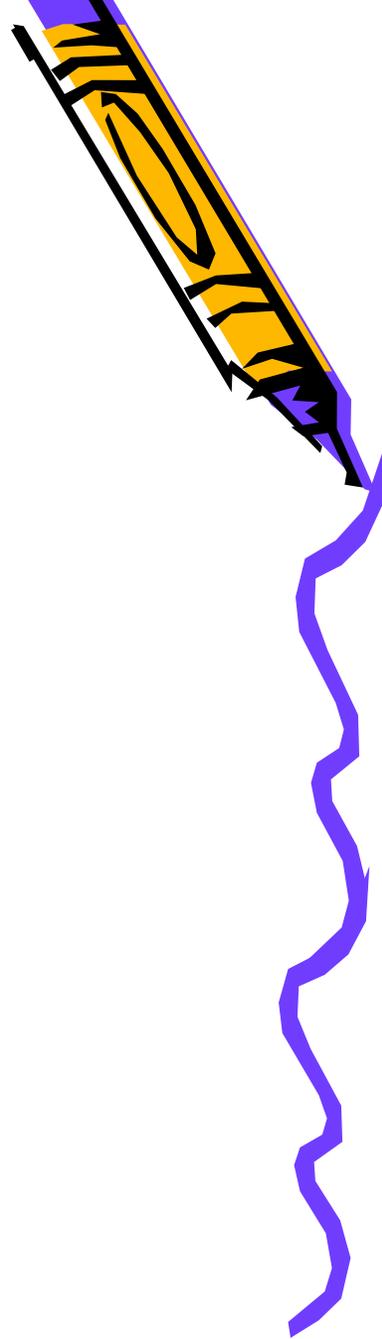
Second Verification Check

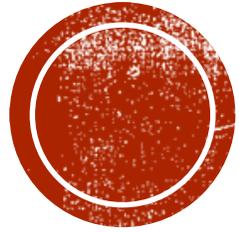
- Then system will only bring up pages that are invalid that need to be second checked.



DISPOSITION CODES AND DEFINITIONS

- V VALID**
Registered at the same address within the jurisdictional boundaries, qualified to sign the petition.
- AV REGISTERED AT DIFFERENT ADDRESS (VALID)**
Registered at an address different from the address given on the petition and is within jurisdictional boundaries.
- D DUPLICATE**
Signed the petition more than once.
- E REGISTERED AFTER SIGNING PETITION**
Registered to vote after signing the petition.
- L ILLEGIBLE**
Signer unidentifiable or not legible
- NP DIFFERENT PARTY**
Party not qualified to sign partisan nomination petition.
- NR NOT REGISTERED**
Not registered to vote.
- O OTHER**
Other reason pursuant to Arizona Revised Statutes.
- OD OUT OF DISTRICT**
Not registered to vote in the district or address given on the petition is not in the district.
- S STATUTORY REQUIREMENT**
Signer did not supply required information, pursuant to ARS §19-121.02.A.
NOTE: Statutory requirement will be used only if the signer is a registered voter and did not provide any of the following:
- * NO SIGNATURE
 - * NO SIGN DATE
 - * NO RESIDENTIAL ADDRESS OR DESCRIPTION
 - * **NOT SIGNED BY SIGNER (NEW)**
- U UNDERAGE**
Not eighteen years of age on the date the petition was signed.
- X SIGNATURE COMPARISON**
The name and address must be identical on the petition and database. Only used when the petition signature does not match the voter registration signature.
- OC OUT OF COUNTY**
Signer's address is not located in Maricopa County.





**REVISIT THE COMMUNITY
NETWORK ARCHIVE PAGE FOR
THE FULL PRESENTATION**



HB 2305:

**THIS WILL BE
THE ONLY
REFERENDUM**

Anti Medicaid expansion referendum falls short

By Jeremy Duda - jeremy.duda@azcapitoltimes.com

Published: September 11, 2013 at 6:13 pm

6:13 pm Wed, September 11, 2013



Arizona Republican Gov. Jan Brewer signs the Medicaid expansion law. Photo by Evan Wyloge/Arizona Capitol Times)

The writing has been on the wall for a while, but now it's official – Medicaid expansion won't be on the ballot next November.

The United Republican Alliance of Principled Conservatives didn't turn in signatures from its citizen referendum drive by the end of Wednesday, the deadline for submitting petitions. The group, spearheaded by grassroots conservative activists and two former Republican legislators, needed 86,405 valid signatures to refer Gov. Jan Brewer's Medicaid expansion plan to the November 2014 ballot.

URAPC chair Christine Bauserman said the campaign only collected 81,349 signatures.



WAIT, THERE'S MORE!

UNITED STATES DISTRICT COURT DISTRICT OF ARIZONA	
Arizona State Legislature, Plaintiff, v. Arizona Independent Redistricting Commission, et al., Defendants.	No. 2:12-cv-01211-PGR PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION AND FOR A CONSOLIDATED HEARING AND TRIAL ON THE MERITS AND REQUEST FOR JUDICIAL NOTICE ORAL ARGUMENT REQUESTED

- This suit challenges the existing lines and would ask the court to put the lines back to disregard any map created by the IRC...



0 MEMORANDUM OF POINTS AND AUTHORITIES

1 Summary

2
3 The Elections Clause grants authority over the times, places and manner of
4 congressional elections in each state to “the Legislature thereof.” U.S. Const. art. I, § 4.
5 Accordingly, the Arizona State Legislature (hereinafter the “Legislature”) conducted the
6 periodic redrawing of congressional district lines from Arizona’s entry into the Union until
7 2000. In 2000, a voter-generated referendum, Proposition 106 (hereinafter “Prop. 106”),
8 removed the Legislature’s constitutional role in that process and granted it instead to the
9 Arizona Independent Redistricting Commission (hereinafter “IRC”), an unelected,
0 nonrepresentative body. The Elections Clause of the United States Constitution requires that
1 the state legislatures ultimately draw and approve congressional district lines. Prop.
2 106 impermissibly removes the Legislature from its constitutionally-mandated role in the
3 redistricting process. Under Prop. 106, the IRC, not the Legislature, has the authority to
4 draft and approve congressional maps. The Legislature’s role is reduced to recommending
5 revisions once the IRC has submitted its draft of the redistricting map. The Legislature’s
6
7
8

**THE
ELECTIONS
CLAUSE IS
BACK!**



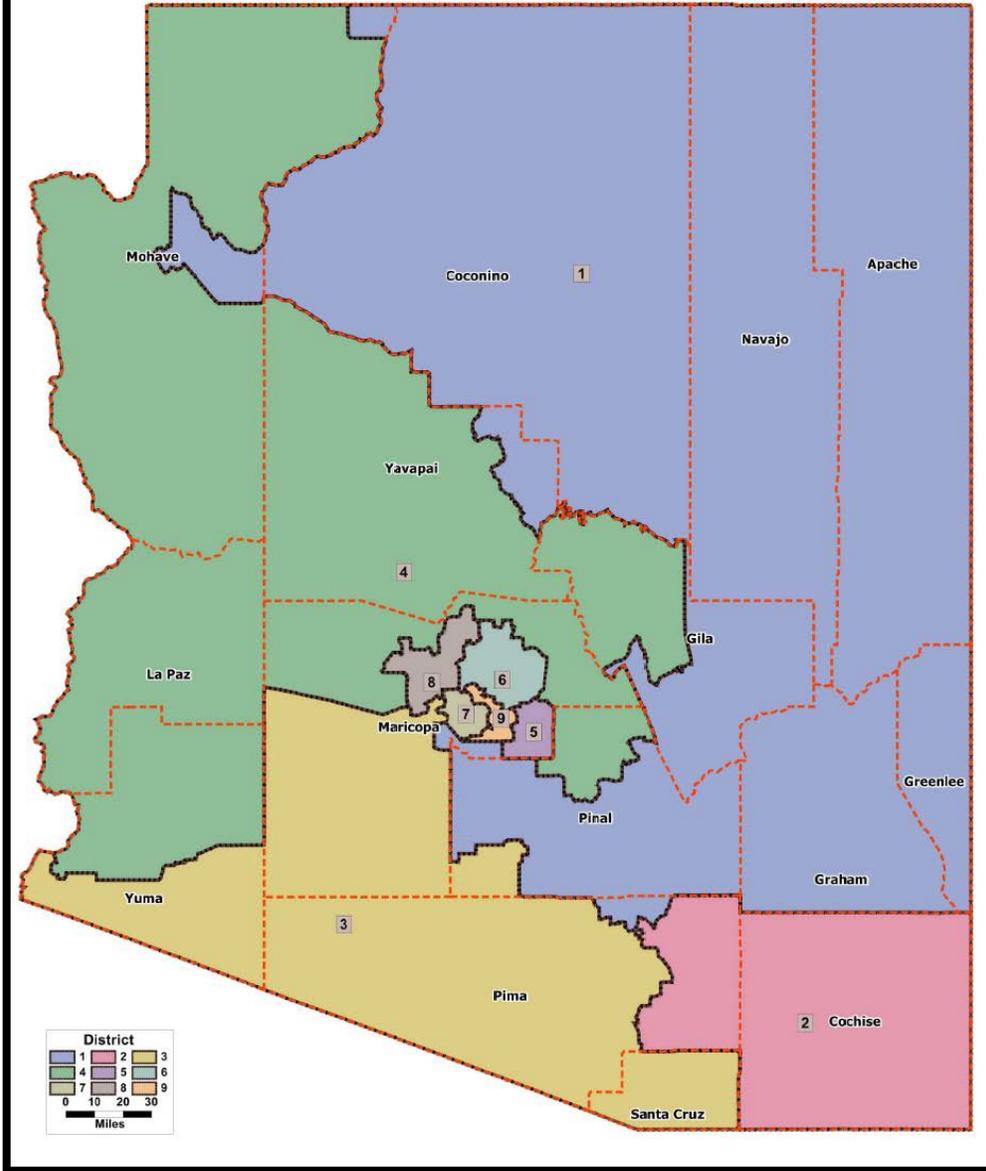
“AND ANY CONGRESSIONAL MAP CREATED” BY THE IRC...

18	II. Procedural Background
19	The Legislature first filed a Complaint on June 7, 2012, requesting declaratory and
20	injunctive relief to invalidate Prop. 106 and any congressional map created under Prop. 106
21	by the IRC. (Doc. 1). Because the 2012 Arizona General Election was well underway, the
22	Complaint did not seek injunctive relief as to 2012, but did seek relief as to the 2014
23	election. (Doc. 1 at 9). On June 8, 2012, the Legislature filed a formal motion requesting a
24	
25	

- Which would appear to include the one done based on 2000 census data of the 8 Districts, but there isn't any information on just what map WOULD be in place.
- (& no longer under Section 5 preclearance obligation)



Final Congressional Districts - Approved 1/17/12

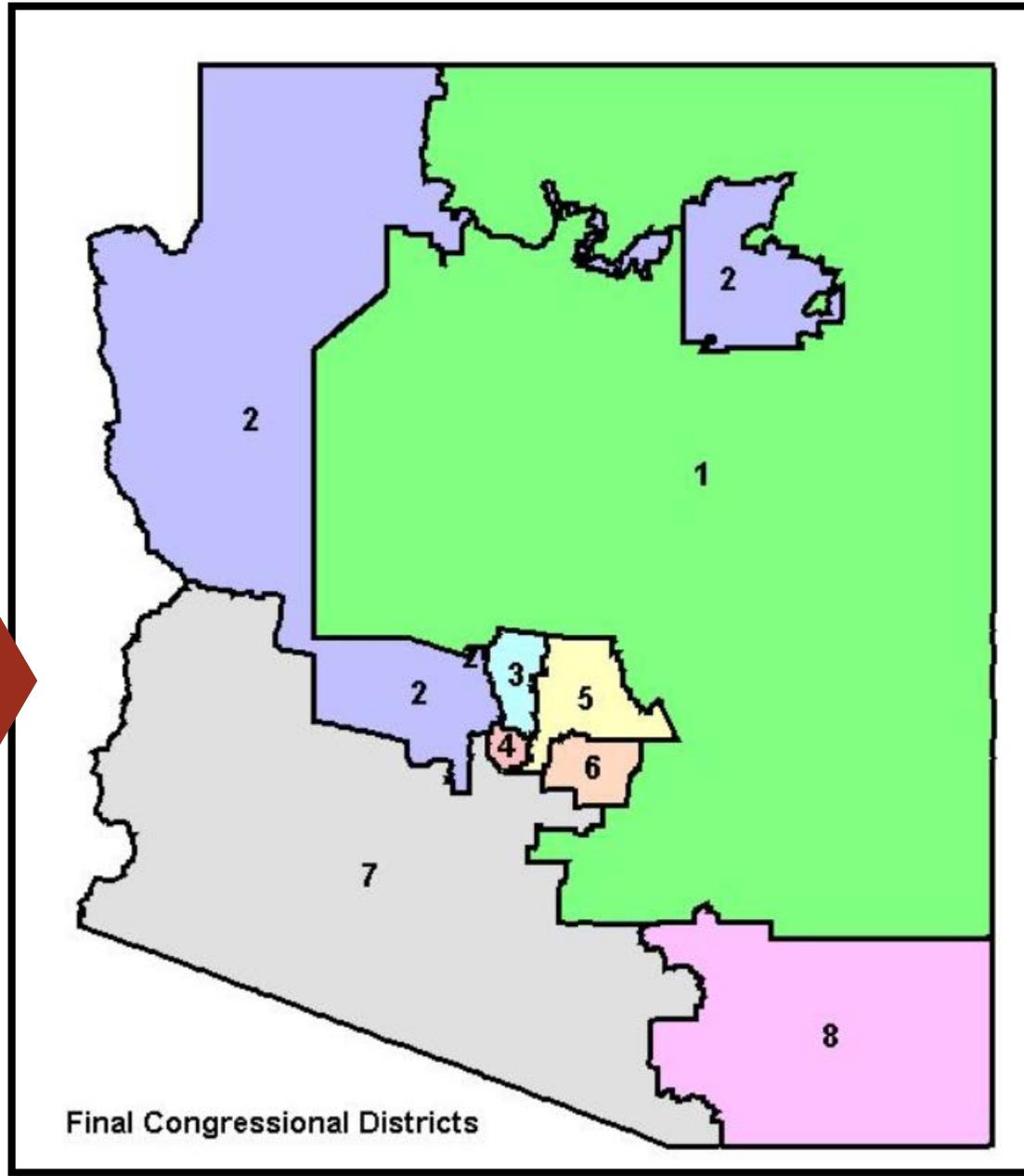


**HMMMM.
WOULD AZ LOSE A
SEAT IN CONGRESS?**

**9
Districts**



But also created
by the IRC

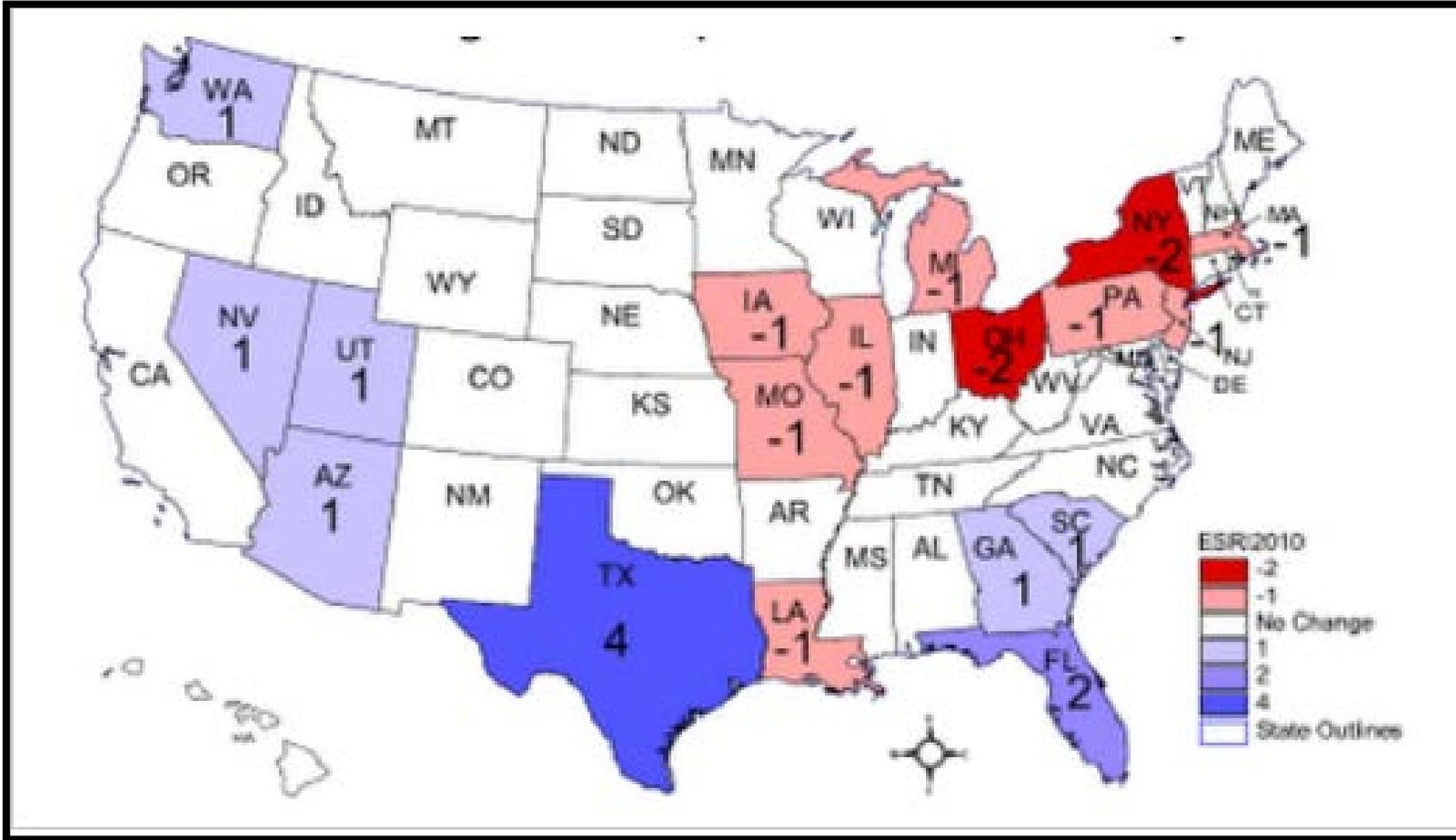


**PREVIOUS MAP IN
PLACE**

8

Districts





WHICH WOULD MEAN THAT CONGRESS WOULD NOT HAVE ALL SEATS

The district would conceivably not go back to a state that LOST one.

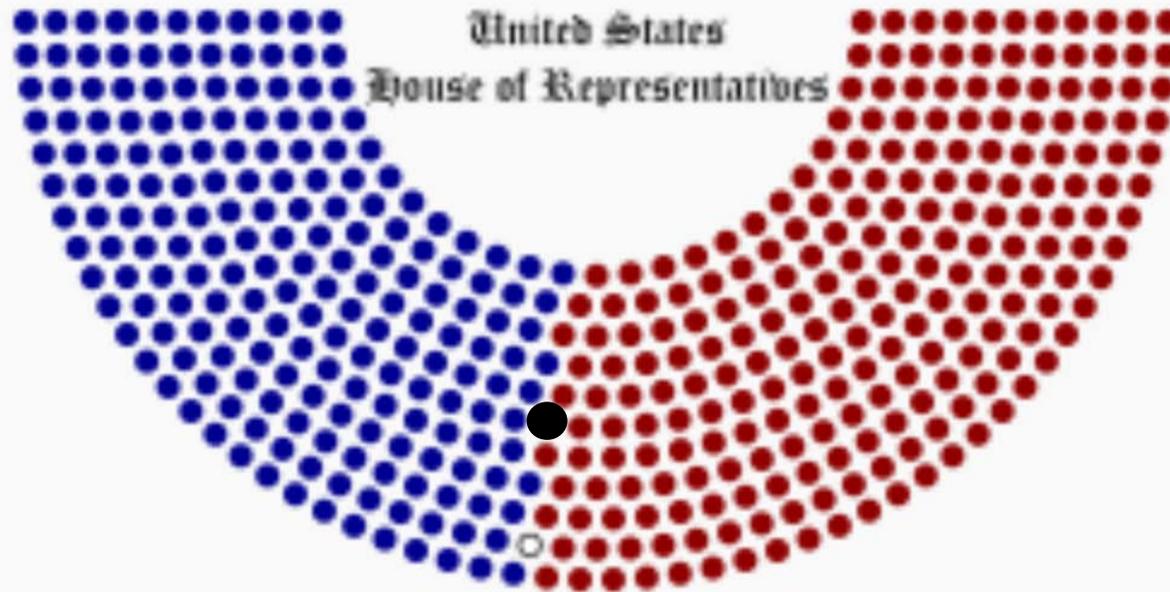


Structure

Seats

435 voting members

6 non-voting members



Political groups

Republican (233)

Democratic (200)

vacant (2)

Length of term 2 years

**IT WOULDN'T BE
THAT THERE WAS A
VACANCY IN A
DISTRICT, BUT
THAT AZ DELETED
A DISTRICT**



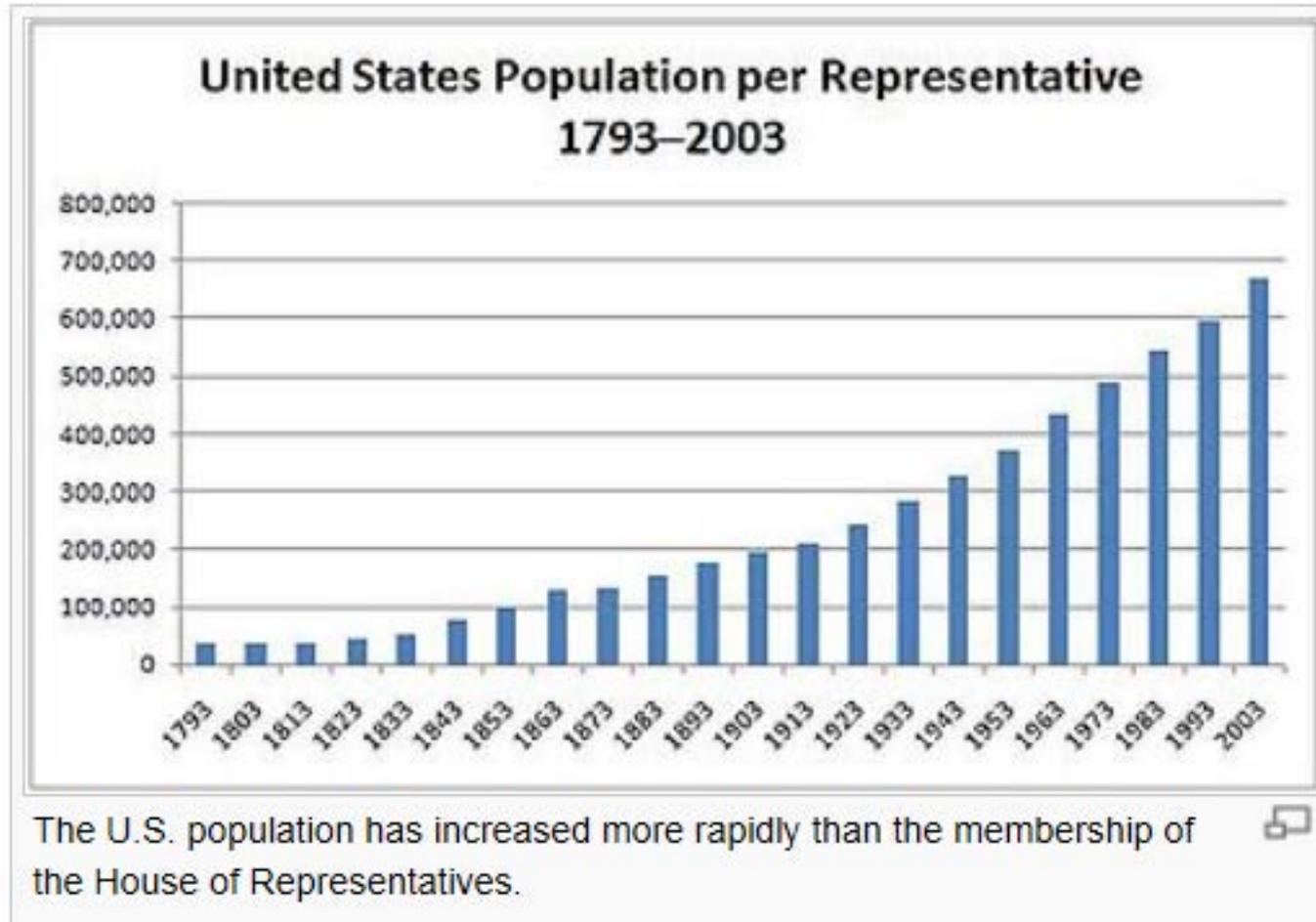


COULD CONGRESS BE SEATED WITHOUT 435 DISTRICTS?

Remember, this would not mean that there was a vacancy of a seat, it would mean that there wasn't a district designated so no seat to vacate.



- According to Wikipedia:
- “The current size of 435 seats means one member represents on average about **709,760** people”
- If AZ goes to 8, then it will roughly have 1 Representative per **799,001**

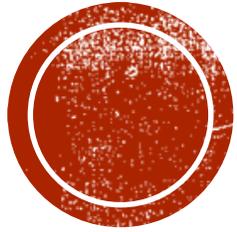


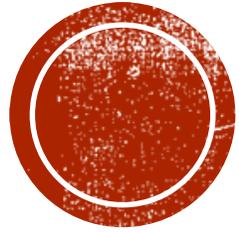
**ONE MAN,
ONE VOTE?**

**NOT FOR AZ
IF THIS
HAPPENS.**



**OR IS THERE
ALREADY A MAP
CREATED BY THE
LEGISLATURE
WAITING?**





STAY TUNED ON THAT ONE!



QUESTIONS?

