



LEY DE DERECHO AL VOTO(VRA) SECCIÓN CINCO

Reunión de la Red de la Comunidad del Condado Maricopa
29 de Julio, 2009

Ley de Derecho al Voto

- Historia del paso inicial
- Secciones del VRA
- Presentación para Pre-Certificación
- Proceso de “Liberación”
- Re-autorización en el 2006
- El Caso de Texas & La decisión del Tribunal Supremo



HISTORIA DETRÁS DEL VRA

Sacado de la clase de trabajador electoral bilingüe.

1865:

Fin de la Guerra Civil

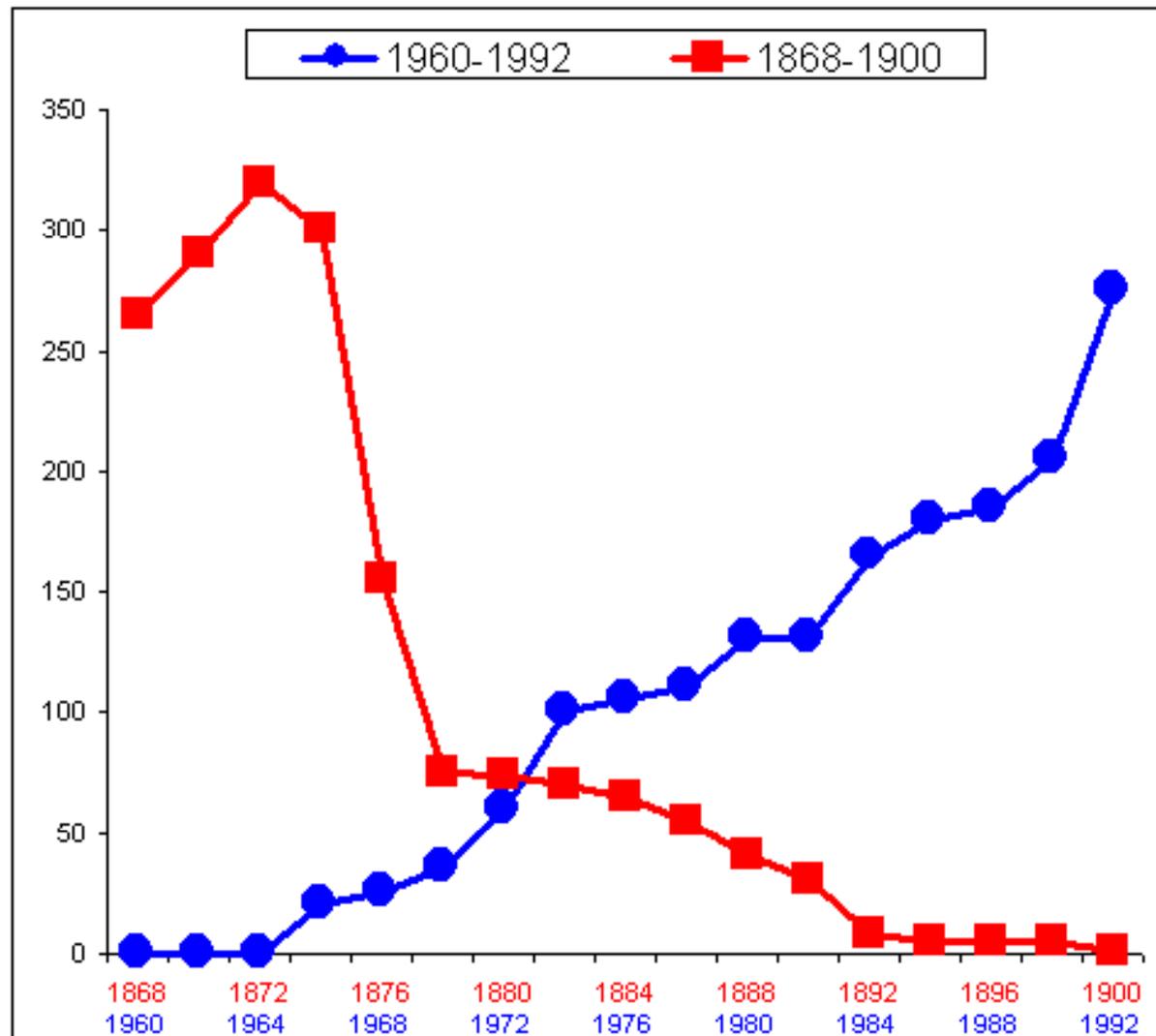
1870:

Enmienda 15

1870+:

Nuevas
Constituciones de
Estados del Sur
Pruebas de
Alfabetización &
la "Cláusula del
Abuelo"

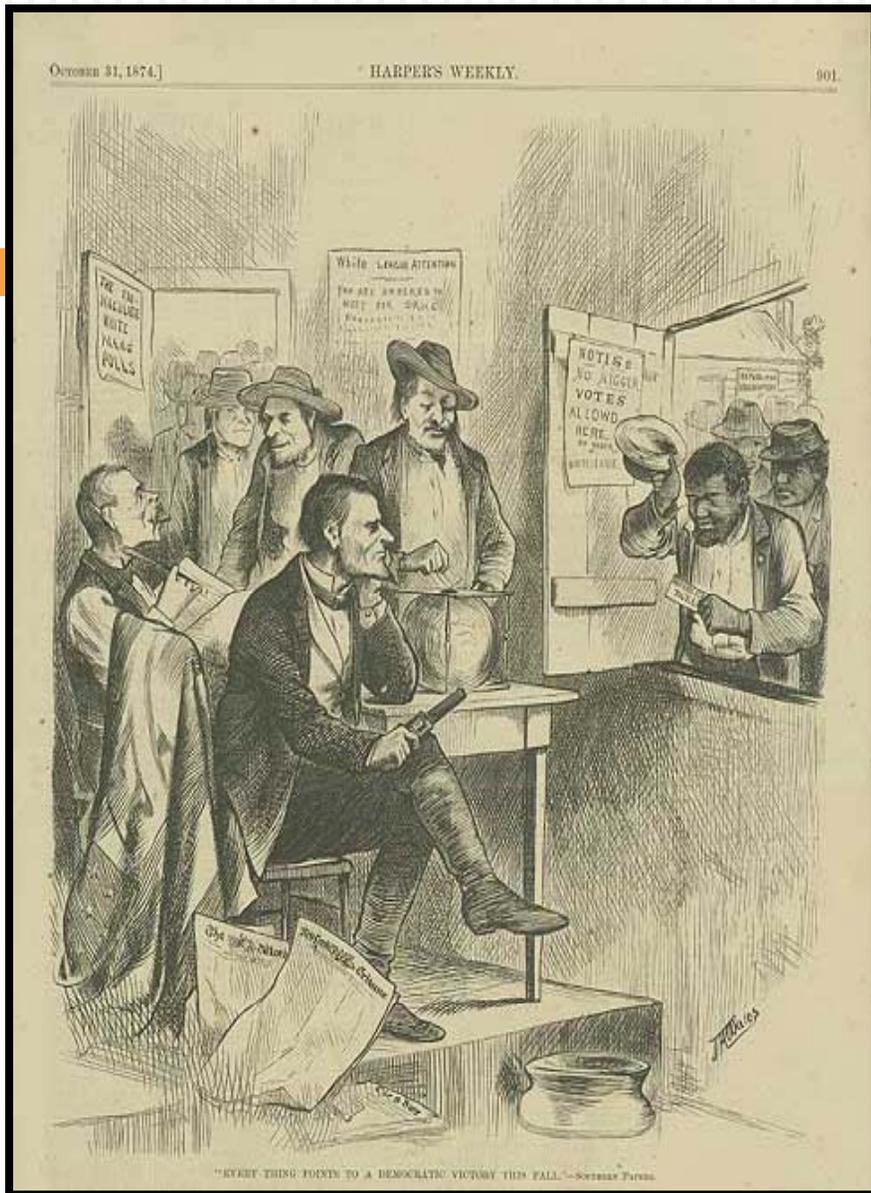
Number of Black Southern Legislators, 1868-1900 and 1960-1992



Totales de Inscripción de Votante siguen ésta misma tendencia



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



1874

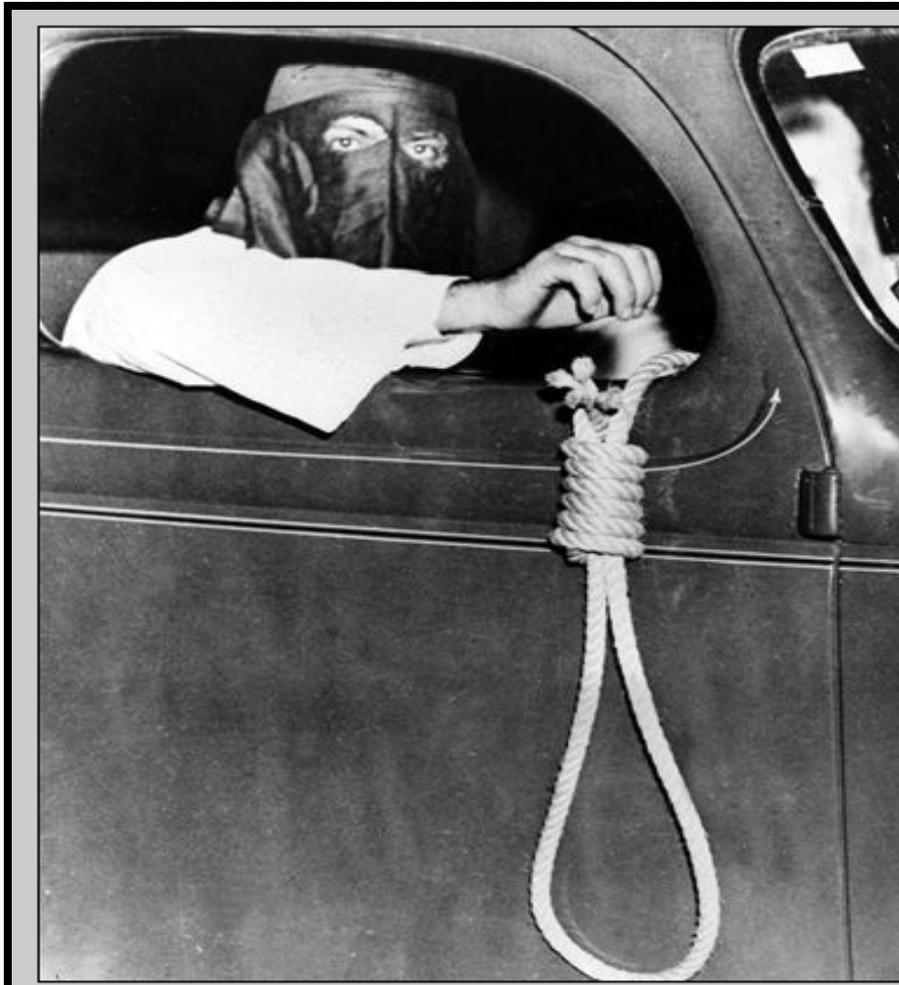


"By the way, what's the big word?"

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

1964

Alguna intimidación a los votantes fué flagrante



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

AP

Alguna mas sutil.

Pruebas de Alfabetización: El Ejemplo de Alabama

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

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

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

Who passes laws dealing with piracy? _____

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

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

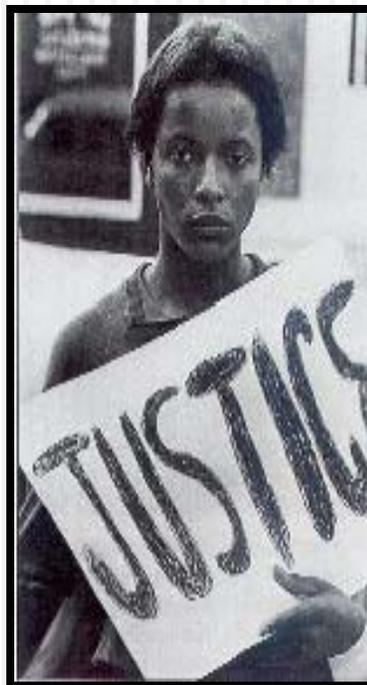
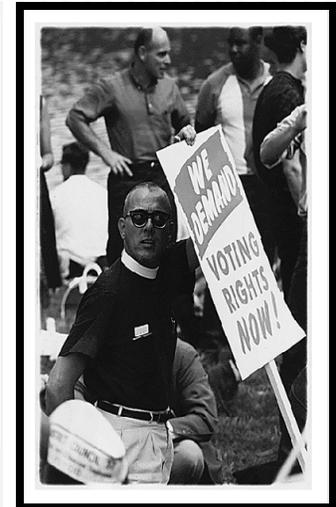
“Pruebas” Adicionales en las Urnas:

“Yo aún no tenía ningun temor. Yo quería ir a votar. Y cuando fuí allá a votar, me preguntaron, ‘Cuantos granos de maíz hay en una mazorca? Cuantas semillas en una sandía?’ Yo dije, ‘Como se sabe, al menos que las corte y los cuente?’”



ANTECEDENTES HISTÓRICOS & LEGALES

Derechos civiles en los 1960's



Verano de Libertad 1964

Estudiantes de todo el país se dirigen hacia el Sur a inscribir a votantes.



Los estudiantes fueron entrenados sobre los requisitos de inscripción de votante...y defensa personal.



Sin darse cuenta cuán importante serían los dos...



No todos estaban por la expansión/aplicación de derechos civiles





MISSING CALL FBI

The FBI is seeking information concerning the whereabouts of the following students of these three colleges in order to determine whether they are being subjected to undue pressure, threats, or coercion, and are therefore in jeopardy.

ANDREW GOODMAN	JAMES EARL RAYNES	ROBERT WOOD BURNETT
		
Name: Goodman, Andrew Sex: Male Date of Birth: November 27, 1941 Age: 20 years Height: 5'10" Weight: 150 lbs. Eyes: Blue Hair: Brown Complexion: Fair Occupation: Student	Name: Raynes, James Earl Sex: Male Date of Birth: May 14, 1941 Age: 20 years Height: 5'10" Weight: 150 lbs. Eyes: Blue Hair: Brown Complexion: Fair Occupation: Student	Name: Burnett, Robert Wood Sex: Male Date of Birth: November 27, 1941 Age: 20 years Height: 5'10" Weight: 150 lbs. Eyes: Blue Hair: Brown Complexion: Fair Occupation: Student

SHOULD YOU HAVE OR IN THE FUTURE RECEIVE ANY INFORMATION CONCERNING THE WHEREABOUTS OF THESE INDIVIDUALS, YOU ARE REQUESTED TO NOTIFY ME OR THE NEAREST OFFICE OF THE FBI. TELEPHONE NUMBER IS LISTED BELOW.

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535
TELEPHONE: AN FORD, 8-1007

JUN 29 1962

SOURCE: FBI

La Nación se dió cuenta de la violencia ocurrida en el Sur ése verano con la desaparición y mas tarde el descubrimiento del asesinato de 3 estudiantes del Norte que fueron muertos en Mississippi por inscribir a votantes.

(La película "Mississippi en Llamas" fué basada en ésta historia.)



Cobertura de lo que estaba pasando fué traída a las salas a través del país en las noticias nocturnas

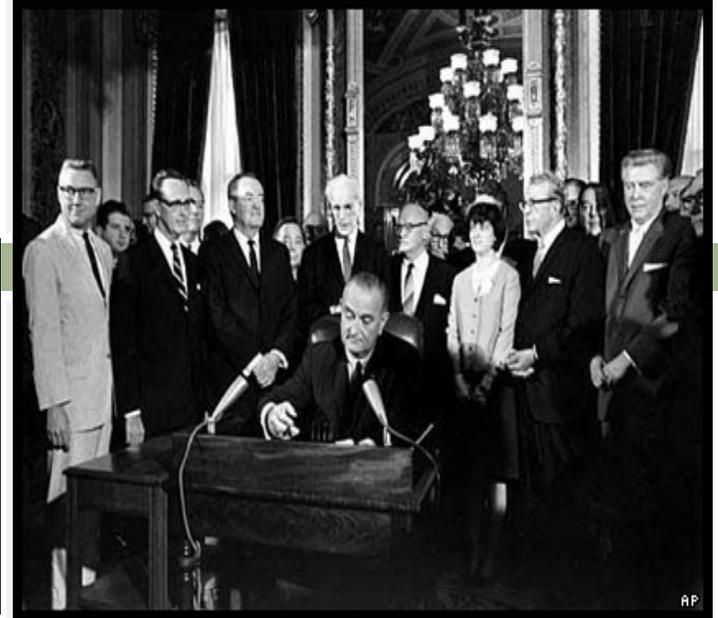


Marzo 25, 1965

Domingo Sangriento



1965 Ley de Derecho al Voto



Visión General:

- Promulgado por el Presidente Lyndon B Johnson
- Proscribe tales medidas como la alfabetización y otras pruebas usadas como pre-requisito para obtener una boleta.
 - Cualquier votante que requiera ayuda puede recibirla de la persona de su elección excepto el empleador del votante o agente de éste empleador u oficial o agente de la unión del votante. (EXCEPCIÓN: La Ley Estatal de Arizona prohíbe que candidatos ayuden a los votantes a emitir sus votos.)
- **Secciones de la ley en lugar por 10 años** (*ésto será importante después...*)

Muchos Americanos votaron por primera vez después del paso del VRA



Flip Schulke / Corbis

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



© AP Images

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

Aplicación

- El Departamento de Justicia (DOJ) aplica la VRA.
- DOJ tiene diferentes divisiones y la aplicación de la VRA cae bajo la Sección de Votación de la División de Derechos Civiles



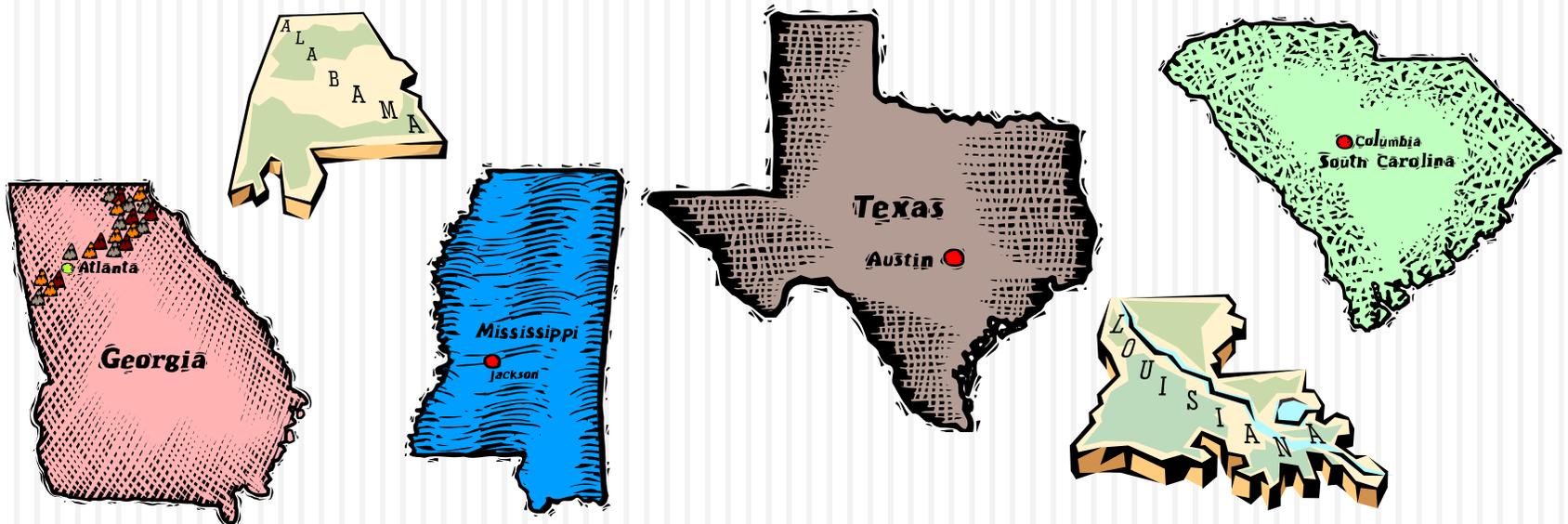


PARTES DE LA VRA

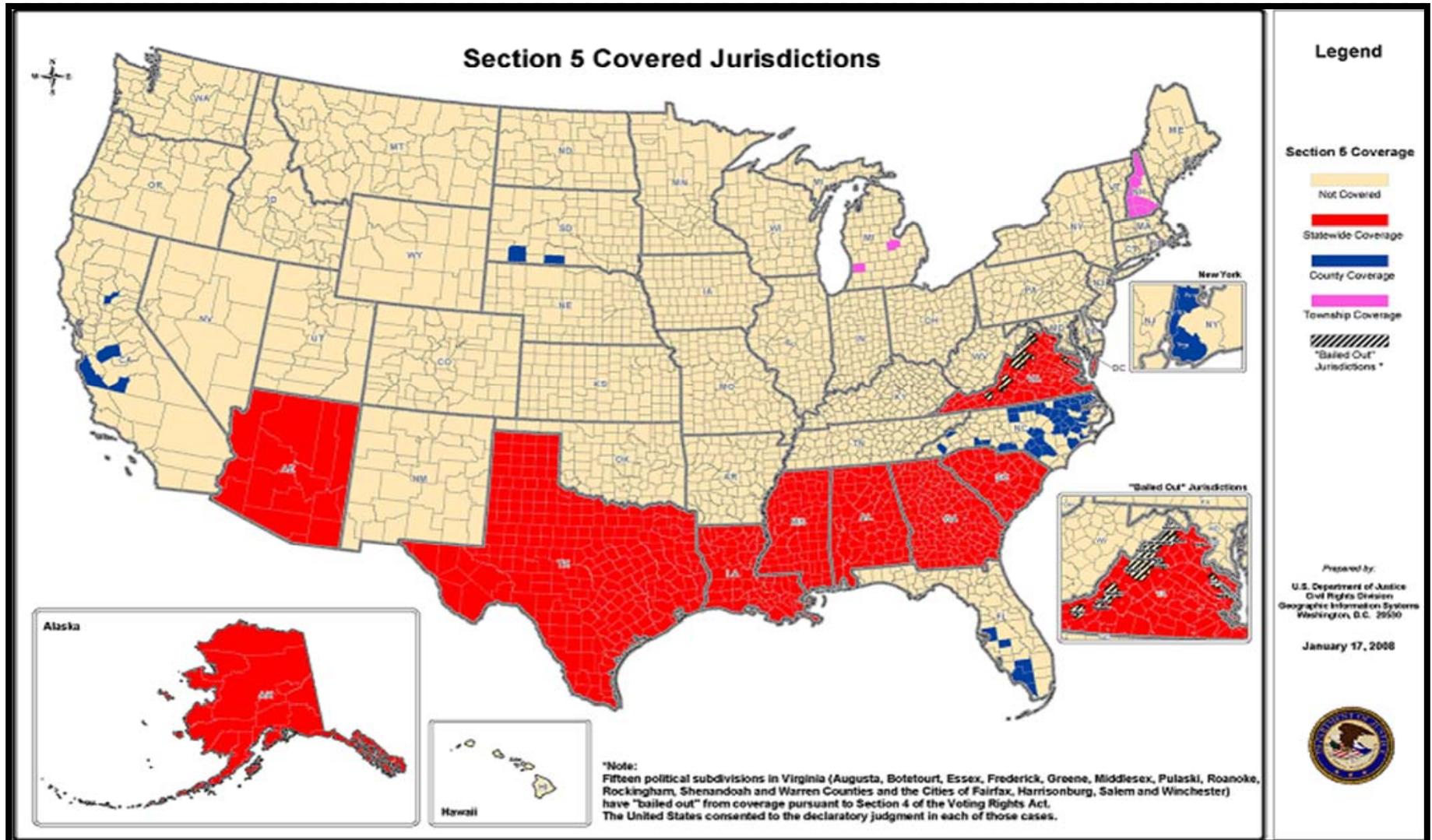
Sacada también de la clase de trabajador electoral bilingüe.



Sección 5: Todo o parte de 16 estados cubrieron que todos los cambios a los procesos de votación tienen que tener certificación previa de la División de Derechos Civiles del Departamento de Justicia para asegurar que cualquier cambio no afectará adversamente a un segmento de la población o privará del derecho al voto a cualquier votante teniendo un efecto discriminatorio.



12,000 Jurisdicciones Cubiertas



Porqué está Arizona en ésa lista?

Porter v. Hall

En 1928, El Tribunal Supremo de Arizona consideró el voto indígena en el caso de *Porter v. Hall* [34 Ariz. 308, 271 P. 211 (1928)].

La corte encontró que los indios en la reservación estaban bajo una “tutela federal” lo cual era equivalente a personas con discapacidades,“ un estatus que les impedía votar.



Harrison v. Laveen

Veinte años mas tarde el Tribunal de Arizona revirtió su posición en *Harrison v. Laveen* [67 Ariz. 337, 196 P.2d 456 (1948)], finalmente concediendo el derecho al voto a la población Nativo Americana del estado.



Porqué está Arizona en ésa lista?

“El Estado de Arizona desafía el poder del Congreso a imponer una prohibición a nivel nacional, hasta el 6 de Agosto de 1975, en el uso de alfabetización y ciertas otras pruebas que limitan el derecho al voto en cualquier elección.”

Caso del Tribunal Supremo
Oregon v Mitchell



Enmiendas en 1975



- En 1975 La Ley de Derecho al Voto no solo fué extendida, sino enmendada para incluir protección a votantes de minorías del idioma.
- Asegura que miembros de una minoría de lenguaje debe tener la capacidad para participar efectivamente en el proceso electoral, y que ésto incluya el lenguaje de la boleta.

5022-00-00

PPNO 2 - CARTWRIGHT



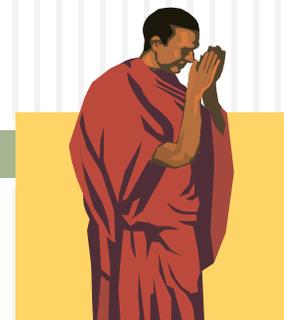
CARTWRIGHT ELEMENTARY
SCHOOL DISTRICT NO. 83
SPECIAL ELECTION



DISTRITO ESCOLAR PRIMARIO
NO. 83 DE CARTWRIGHT
ELECCIÓN ESPECIAL

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

TO VOTE: Complete the arrow(s)   pointing to your choice with a single line, like this 
PARA VOTAR: Complete la flecha(s)   apuntando hacia su selección con una línea, como ésta 



Sección 203: Condados y poblados con población significativa de ciudadanos con habilidad limitada en Inglés (cuyo idioma de preferencia es Español, Nativo Americano, Nativo de Alaska, o uno de los lenguajes asiáticos) deben proporcionar ayuda con el lenguaje a esos votantes en todas las etapas del proceso electoral.

Ciudad de
Nueva York



1300854209BAR

VOTE

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

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

General Election: Tuesday, November 7, 2006

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

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

WHERE TO VOTE: Your Election/Assembly District is:

ED: 087

AD: 68 DEM

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



Ciudad de Nueva York



Ballot Marking Device
Mecanismo de Marcar Papeletas
填票機
투표 기표기

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

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

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

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

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

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

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

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

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

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

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

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

Condado de Los Angeles



MULTILINGUAL VOTER SERVICES

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

ԼՈՍ ԱՆՋԵԼԵՍԻ ՇՐՋԱՆ
 ՇՐՋԱՆԻ ՔԱՐՏՈՒՂԱՐ/
 ՄԱՏԵՆԱԿԱՐ



2006 Թ.

ՔԿԵԱՐԿՈՂԻ
 ՏԵՂԵԿԱԳԻՐ

한국어



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

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

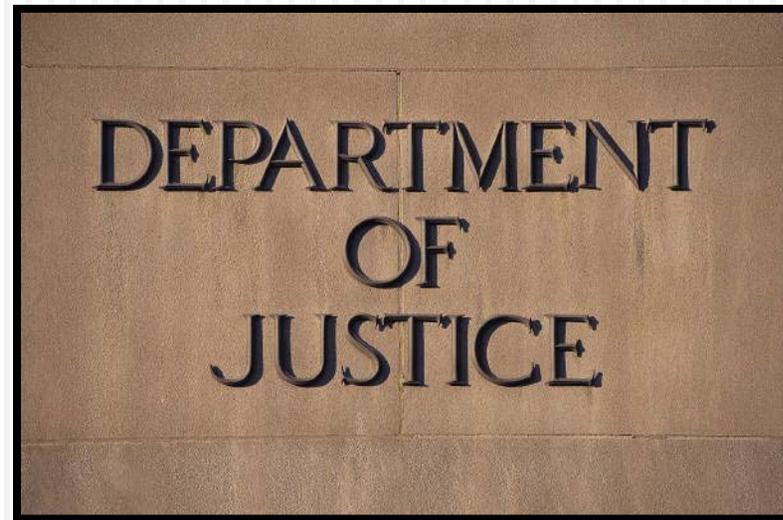
양식 및 신청서

Condado de LA

- Es interesante notar que el Condado de LA incluye información al votante en idiomas que no son cubiertos bajo la VRA.
- Ellos reconocen que tienen un gran número de votantes para los cuales el Inglés no es su primer idioma y quieren asegurarse que todos los votantes están haciendo decisiones informadas.



Secciones 6-9: Establece la práctica de Observadores Federales para jurisdicciones cubiertas bajo la Sección 5.



No confundirlos con observadores locales que tienen acceso limitado

Observadores en Maricopa

- El Condado Maricopa tuvo observadores federales para las Elecciones Generales en el 2004 & 2006.
- En la Elección General del 2006 tuvimos 35 abogados federales visitando nuestros lugares de votación para asegurar el cumplimiento con la VRA y otras leyes federales.
- Aunque hubo observadores del DOJ en Arizona en el 2008, ninguno estuvo aquí en el Condado Maricopa





PRESENTACIÓN PARA PRE- CERTIFICACIÓN



Qué se presenta?

“Mientras reafirmando *Allen en Presley v. Etowah County Com'n*, 502 U.S. 491, 492 (1992), el Tribunal Supremo enfatizó que cambios cubiertos bajo la Sección 5 deben tener una relación directa a la votación. La corte proporcionó una lista no exclusiva de cuatro categorías en la cual cambios en la votación cubiertos bajo la Sección 5 normalmente caerían en:

- cambios en la manera de votar;
- cambios en los requisitos y calificaciones de candidatura;
- cambios en la composición del electorado que puede votar por candidatos para un puesto dado; y
- cambios afectando la creación o abolición de un puesto electivo.”

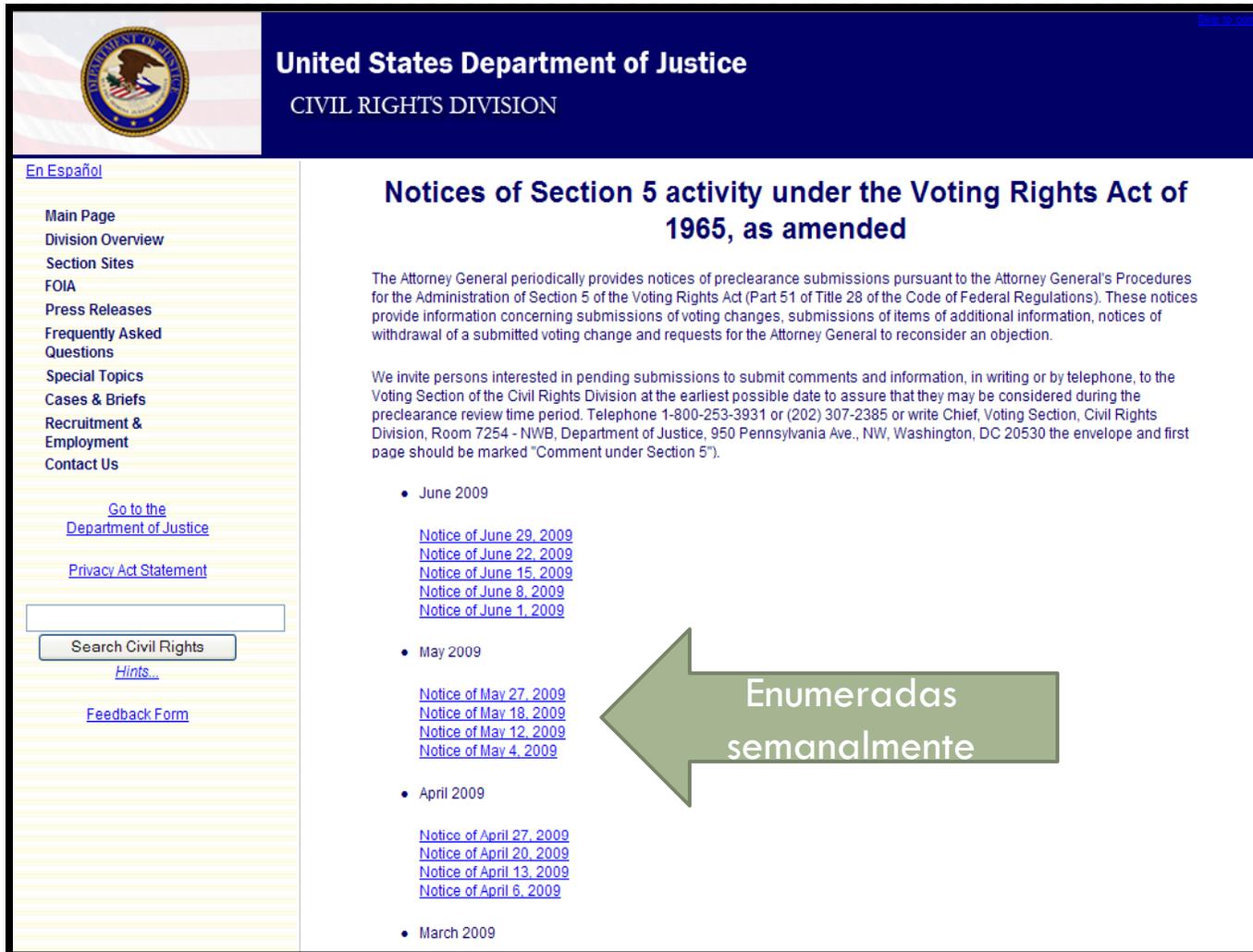
www.usdoj.gov/crt/voting/sec_5/types.php

51.13 Ejemplos de cambios.

Cambios que afectan el voto incluyen, pero no están limitados a, los siguientes ejemplos:

- (a) Cualquier cambio en *calificaciones o elegibilidad para votar*.
- (b) Cualquier cambio referente a *inscripción, votación y el recuento de votos* y cualquier cambio referente a *publicidad para o ayuda en la inscripción o votación*.
- (c) Cualquier cambio con respecto al *uso de un idioma distinto al Inglés en cualquier aspecto del proceso electoral*.
- (d) Cualquier cambio en los *límites de recintos de votación* o en la *ubicación de lugares de votación*.
- (e) Cualquier cambio en el *distrito electoral de un funcionario o los límites de una unidad de votación* (e.i., a través de la división nueva de distritos, anexión, des-anexión, incorporación, redistribución, cambios de elecciones de distrito a elecciones en general, o cambios de elecciones en general a elecciones de distrito).
- (f) Cualquier cambio en el *método para determinar el resultado de una elección* (e.i., requiriendo una mayoría de votos para la elección o el uso de un sistema designado de puesto o lugar).
- (g) Cualquier cambio que afecte la *elegibilidad de personas a convertirse o seguir siendo candidatos*, para obtener una posición en la boleta en elecciones primarias o generales, o convertirse o seguir siendo titulares de cargos electivos.
- (h) Cualquier cambio en los *procedimientos de elegibilidad y calificaciones para candidatos independientes*.
- (i) Cualquier cambio en el *término de un cargo electivo o un funcionario electo o en los cargos que son electivos* (e.i., acortando el término de un cargo, cambiando de elección a nombramiento o escaloneando los términos de cargos).
- (j) Cualquier cambio que afecte la *necesidad de o métodos para ofrecer cuestiones y proposiciones* para aprobación por referéndum.
- (k) Cualquier cambio que afecte el *derecho o capacidad de personas a participar en campañas políticas* que son efectuadas por una jurisdicción sujeta al requisito de la Sección 5. www.usdoj.gov/crt/voting/28cfr/51/28cfr51.php#anchor51_13

Las Presentaciones están enumeradas en el sitio web del DOJ:



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CIVIL RIGHTS DIVISION

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

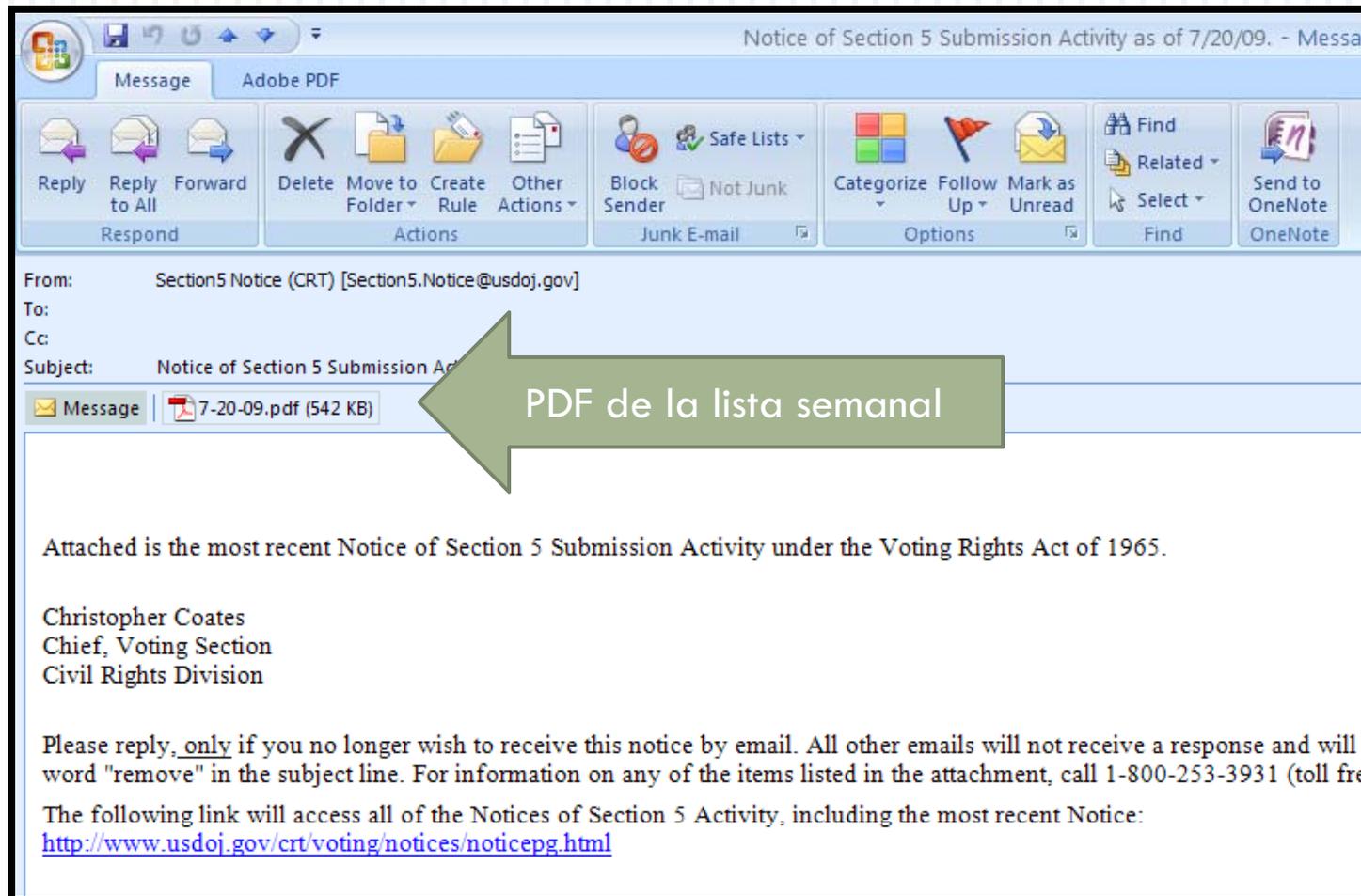
The Attorney General periodically provides notices of preclearance submissions pursuant to the Attorney General's Procedures for the Administration of Section 5 of the Voting Rights Act (Part 51 of Title 28 of the Code of Federal Regulations). These notices provide information concerning submissions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

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

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

Enumeradas semanalmente

Usted también puede registrarse para obtener una notificación por correo electrónico de todas las presentaciones:



Ésta es una presentación hecha por el Estado:

	<p>County:</p> <p>Subjurisdiction:</p> <p>Submission Number: 2009-1603</p> <p>Action Date: 05/06/2009</p> <p>Voter registration Submission received</p>
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Observe que el condado & sub-jurisdicción están en blanco.

Ésta es una presentación hecha por el Condado Maricopa

ARIZONA

County: Maricopa

Subjurisdiction:

Submission Number: 2009-1674

Action Date: 05/15/2009

Voter registration
Submission received

2009-1674
Presentación
Original

2009-1674
Materiales
Adicionales

ARIZONA

County: Maricopa

Subjurisdiction:

Submission Number: 2009-1674

Action Date: 06/02/2009

Voter registration
Additional information received

ARIZONA

County: Maricopa

Subjurisdiction:

Submission Number: 2009-1674

Action Date: 06/04/2009

Voter registration
Additional information received

Ésta es una presentación hecha por la Ciudad de
Goodyear:

ARIZONA

County: Maricopa

Subjurisdiction: Goodyear

Submission Number: 2009-1771

Action Date: 05/27/2009

Annexation

Submission received

Cómo se ve una presentación?



Maricopa County Elections Department
Karen Osborne Director

DATE: June 21, 2007

VOTING RIGHTS ACT SUBMISSION

OVERNIGHT DELIVERY TO:

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

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

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

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

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

51.27(a) ENACTMENT EMBODYING CHANGE AFFECTING VOTING

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

51.27(b) ENACTMENT EMBODYING VOTING PRACTICE PROPOSED CHANGE

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

1

- Vamos a ver qué es lo que se incluye en una presentación.
- Usando la pre-autorización de la implementación de la Lista Permanente de Votación Temprana (PEVL) del Condado Maricopa como un ejemplo, vamos a recorrer una presentación la cual es implementada en respuesta a un cambio en la ley.

Vamos a mirar una presentación tradicional, pero el DOJ no aceptará declaraciones en línea:



UNITED STATES DEPARTMENT OF JUSTICE CIVIL RIGHTS DIVISION
SECTION 5 VOTING SUBMISSION

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

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

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

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



Maricopa County Elections Department
Karen Osborne Director

DATE: June 21, 2007

VOTING RIGHTS ACT SUBMISSION

OVERNIGHT DELIVERY TO:

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

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

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

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

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

- El comienzo de una presentación necesita dirigirse a cual cambio está siendo presentado y sobre qué bases.

51.27(a) ENACTMENT EMBODYING CHANGE AFFECTING VOTING

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

51.27(b) ENACTMENT EMBODYING VOTING PRACTICE PROPOSED CHANGE

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

- Luego los eventos desencadenantes son documentados.
- En el caso de PEVL fué pasado por el Proyecto de Ley de la Cámara 2106.

51.27(c) EXPLANATION OF CHANGES

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

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

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

- 51.27(c) incluye la narración de los cambios.
- Documentos específicos bajo revisión son enumerados como exposiciones a lo largo de documentación de apoyo al esfuerzo.

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

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

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

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

- Obligaciones de los estatutos son incluidos para demostrar porqué está ocurriendo un proceso o evento particular.

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

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

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

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

51.27(d) PERSONS MAKING THE SUBMISSION

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

kosborne@risc.maricopa.gov

Tammy Patrick
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Colleen Connor
Deputy County Attorney
Maricopa County Attorney's Office
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Phoenix, AZ 85004
connorc@mcao.maricopa.gov

51.27(e) SUBMITTING AUTHORITY

Maricopa County, Arizona

51.27(f) COUNTY OF SUBMITTING AUTHORITY

Maricopa County, Arizona

- Enseguida, se proporciona información de contacto de individuos haciendo la presentación.
- Ellos son a los que DOJ contactará con preguntas y solicitudes si información adicional es necesaria...y sí lo hacen!

51.27(g) PARTY RESPONSIBLE FOR CHANGE

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

51.27(h) AUTHORITY FOR MAKING CHANGE

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

51.27(i) DATE OF ADOPTION

Sine di of the Fourty-eighth Legislature convening.

51.27(j) EFFECTIVE DATE

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

- Las siguientes secciones explican en detalle quién es responsable por el cambio y que autoridad tienen para hacerlo.
- Así como las fechas que éste cambio entrará en efecto.

51.27(k) ENFORCEMENT OF CHANGE

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

51.27(l) SCOPE OF CHANGE

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

51.27(m) REASONS FOR THE CHANGE

Passage of HB 2106.

- Quien hará cumplir el cambio, el alcance del cambio, y las razones para él están incluidos en 51.27 subsecciones (k)-(m).

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

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

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

51.27(o) PAST OR PENDING LITIGATION

None.

- 51.27(n) proporciona el foro para discutir si podría haber algún potencial para un efecto sobre un grupo minoritario racial o de idioma.
- Para la PEVL, no vimos, ni anticipamos consecuencias de retroceso no intencionales.

51.27(p) PRE-CLEARANCE OF PRIOR PRACTICE

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

- Se a pre-certificado ésta práctica anteriormente?
- Ésta presentación impacta algunas otras actualmente bajo consideración?
- (Usted observará que los números de las presentaciones son el año y luego se les designa un número consecutivo basado en su recepción al DOJ.)

51.28(e) LANGUAGE USAGE

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

- Enseguida es la porción del uso de lenguaje. Para la PEVL ésta fué una sección corta ya que la información fué traducida en el documento para revisión del DOJ.
- Vamos a mirar una presentación con una sección de uso de lenguaje completo aplicable—la presentación sobre lugar de votación del Otoño del 2008.

51.28(e) LANGUAGE USAGE

§§ 55.18 Provisions of Minority Language Materials and Assistance

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

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

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

55.18(c) Registration: NA

55.18(d) Polling Place Activities: NA

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

- 55.18 (a-b) es el área donde materiales enviados por correo y aviso público son explicados y presentados.

§§ 55.19 Written Materials:

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

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

55.19(d) Ballots: NA

55.19(e) Voting Machines: NA

- Tipos de materiales escritos son enumerados en 55.19

§§ 55.20 Oral Assistance and Publicity

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

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

Exhibit 5: Community Network Email notifications of meeting and list for review

Exhibit 6: Community Network Presentation June 25th, 2008

Exhibit 7: Community Network email of meeting summary and presentation for those unable to attend.

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

- 55.20 profundiza sobre asistencia oral

51.28 (h)

MINORITY GROUP CONTACTS

- 51.28 (h) es donde enumeramos individuos dentro de la comunidad que el DOJ puede contactar con preguntas respecto a la presentación.
- Para la mayoría de nuestras presentaciones ellos llaman para obtener aportación sobre los cambios que proponemos.

Por último, la lista de exhibiciones

- Para algunas presentaciones ésto puede ser largo.
- Aquí está la presentación de la PEVL:

Attachments:

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

Algunas mas largas que otras! Aquí está la Prop 200:

Attachments:

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

Exhibit 29: Clerk Meeting 10/12/2005 Handout / Copy of letter regarding SOS submission
 Exhibit 30: Email follow up for Clerk Meeting sent 10/17/2005
 Exhibit 31: Synopsis of Clerk Meeting sent to Clerks via 10/17/2005 email.
 Exhibit 32: Follow-up email regarding Municipal Employee Bilingual Boardworker Survey 10/17/2005
 Exhibit 33: Email Correspondence with City of Phoenix 11/28/2005
 Exhibit 34: Email Correspondence with City of Phoenix 11/29/2005
 Exhibit 35: Email Correspondence regarding leadership role in coordinating ID at the Polls Meeting of all Clerks, Recorders, and Election Officials 11/23/2005
 Exhibit 36: Email Correspondence with Peoria City Clerk Mary Jo Keif 12/1/2005
 Exhibit 37: Email Correspondence with Peoria City Clerk, Mary Jo Keif, Laurie Justman, Navajo County Recorder and President of Arizona Association of County Recorders, and Brad Nelson, Pima County Elections Director and President of Election Officials of Arizona
 Exhibit 38: Email Invitation for ID at the Polls Meeting of all Clerks, Recorders, and Election Officials 12/3/2005
 Exhibit 39: Agenda for ID at Polls Public Education & Outreach Planning Session
 Exhibit 40: Boardworker training reminder for March 2005 Election
 Exhibit 41: Boardworker training reminder for May 2005 Election
 Exhibit 42: Draft of Standard Boardworker Training Manual for Spring 2006
 Exhibit 43: Draft of Bilingual Boardworker Training Power Point for Spring 2006
 Exhibit 44: Email Correspondence Regarding Univision Meeting 7/22-8/9/2005
 Exhibit 45: Email Correspondence with Radio Campensina 8/30-9/30/2005
 Exhibit 46: Email Correspondence with Radio Campensina 9/30/2005
 Exhibit 47: Email Correspondence with Radio Campensina 9/30/2005
 Exhibit 48: Email Correspondence from Radio Campensina 10/7/2005
 Exhibit 49: Email Correspondence from Radio Campensina 10/11/2005
 Exhibit 50: Email Correspondence from Radio Campensina 10/11/2005
 Exhibit 51: Email Correspondence from Radio Campensina 10/11/2005
 Exhibit 52: Community Network Media Memorandum 12/1/2005
 Exhibit 53: Community Network Media Memorandum 12/1/2005
 Exhibit 54: Memorandum from Clerk of the County of Maricopa regarding the Ceremonies
 Exhibit 55: Email Correspondence with Que
 Exhibit 56: Email Correspondence with Joy
 Exhibit 57: Email Correspondence with Chi
 Exhibit 58: Email Correspondence with Chi
 Exhibit 59: Email Correspondence to the Ind
 Exhibit 60: Email Correspondence to Yvon
 Exhibit 61: Email Correspondence from 11/7/2005
 Exhibit 62: Advisory Board Email Correspondence
 Exhibit 63: Advisory Board Agenda 10/25/2005
 Exhibit 64: Community Network Inception Meeting
 Exhibit 65: Community Network Member list
 Exhibit 66: Community Network Meeting Syn
 Exhibit 67: Community Network Meeting Ha
 Exhibit 68: Community Network Meeting Re 11/28/2005
 Exhibit 69: Community Network Meeting Qu
 Exhibit 70: Community Network Meeting Synopsis Email 12/1/2005
 Exhibit 71: Email Correspondence from Tolleson Town Clerk requesting meeting handouts
 Exhibit 72: Community Network Meeting Handout & Bilingual Boardworker Program Synopsis Email 12/1/2005

Exhibit 73: Community Network Email Correspondence 10/3/2005
 Exhibit 74: Email Correspondence 10/3/2005
 Exhibit 75: Email Correspondence with Alberto Olivas, Voter Outreach Coordinator for Maricopa County Community Colleges Center for Civic Participation, 10/14/2005
 Exhibit 76: Email Correspondence with Alberto Olivas 11/2/2005
 Exhibit 77: Maricopa County Community College Advisory Group Agenda 11/7/2005
 Exhibit 78: Maricopa County Community College Advisory Group Meeting Notes
 Exhibit 79: Maricopa County Community College Advisory Group Presentation Handouts 11/7/2005
 Exhibit 80: Email Correspondence with Alberto Olivas 12/2/2005
 Exhibit 81: Email Correspondence with Anita Luera of Valle del Sol 9/30/2005
 Exhibit 82: Email Correspondence with Anita Luera of Valle del Sol 10/4/2005
 Exhibit 83: Email Correspondence with Anita Luera of Valle del Sol 10/6/2005
 Exhibit 84: Agenda from Valle del Sol Employee Meeting 10/11/2005
 Exhibit 85: Email Correspondence to County Chairs of the Republican, Democratic, and Libertarian Parties 10/25/2005
 Exhibit 86: Email Correspondence with Catherine Miller of AZVOTES, and LD 22 9/19/2005-9/30/2005
 Exhibit 87: Maricopa County Democratic Party County Convention Workshop Schedule 11/5/2005
 Exhibit 88: Email Correspondence with Arizona Latino Research Enterprise 10/31/2005
 Exhibit 89: Information Page from Arizona Latino Research Enterprise Website
 Exhibit 90: Deaf Link Informational Brochure
 Exhibit 91: Email Correspondence with Mike Houston, Deaf Link Spokesperson for Deaf America
 Exhibit 92: English Text of Tohono O'odham Toll Free Line
 Exhibit 93: CD of Tohono O'odham Toll Free Line

Presentaciones de Distrito

- Siempre que cambian las líneas, ya sea una línea de recinto, distrito de Juez de Paz, etc. todos los mapas, fotografías, y aportación pública también son incluidos en la presentación.



Reunión pública para cambios de líneas para Juez de Paz en el 2007 (hubo una GRAN aportación pública)

51.28(f) PUBLICITY AND PARTICIPATION

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

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

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

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

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

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

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

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

- La transparencia del proyecto está demostrada junto con la inclusión de contribución pública.

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

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

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

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

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

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

□ El cambio de línea de distrito de Juez de Paz en el 2007 (**DOJ 2007-3406**) también incluyó información adicional

51.27(q) REDISTRICTING ITEMIZATION

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

51.28 SUPPLEMENTAL CONTENTS

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

51.28(a) DEMOGRAPHIC INFORMATION:

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

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

Exhibit 72: CD of Demographic Data

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

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

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

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

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

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

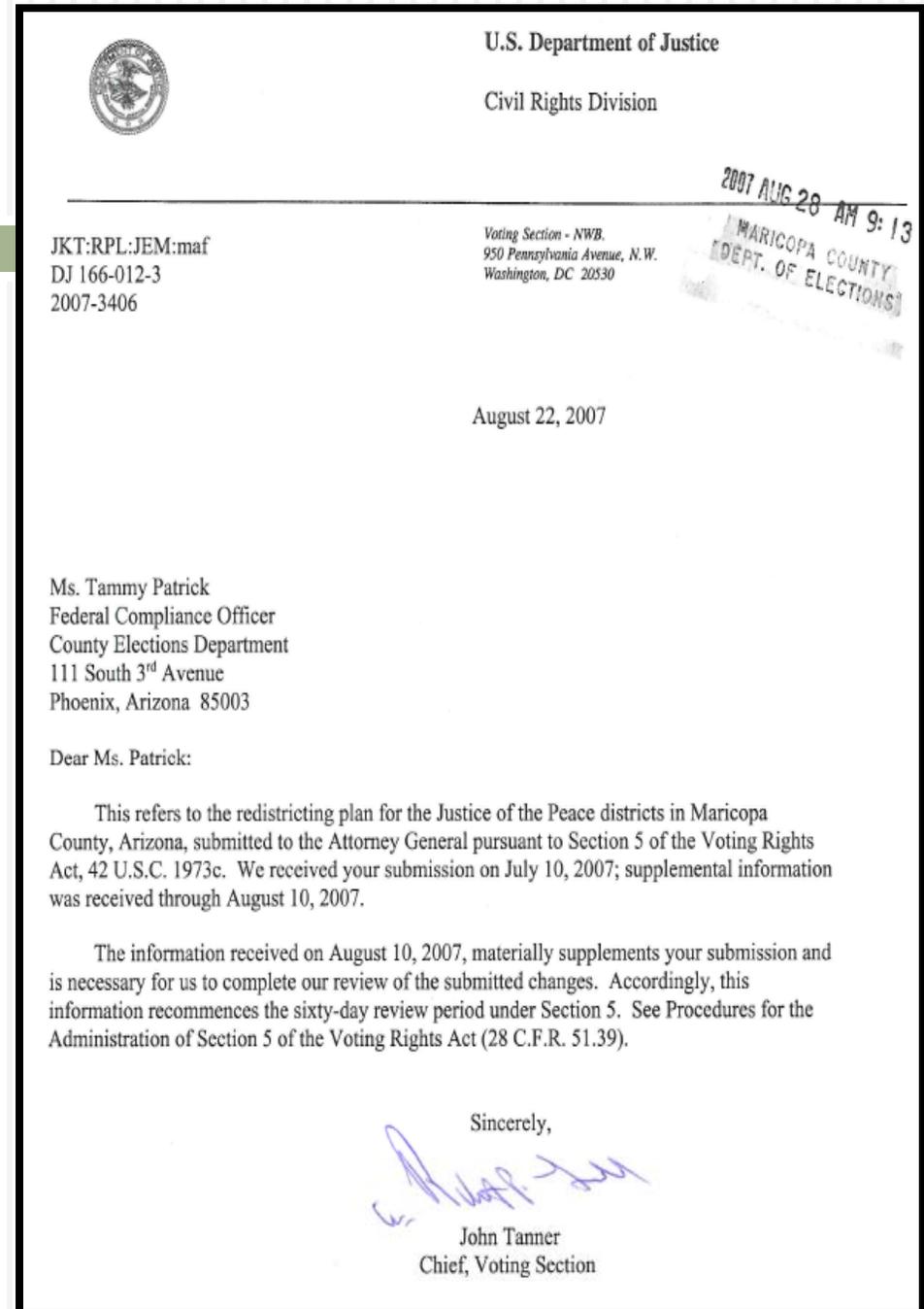
51.28(a)(4) MAGNETIC MEDIA DEMOGRAPHIC DATA

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

- Datos demográficos son proporcionados de ambas líneas a como están y como están propuestas.

Escala de Tiempo

- En general, una vez que el DOJ recibe una presentación ellos tienen 60 días para considerar si se aprueba el cambio.
- Si el DOJ solicita información adicional entonces la ventana de 60 días empieza una nueva tras el recibo de los materiales solicitados. (Ellos no siempre envían una extensión formal.)



Adición

- Información Adicional puede ser presentada en línea también.
- Ésto es particularmente útil para presentaciones tales como cambios de lugares de votación en los que la conveniencia es crítica.

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

Regarding Submission 2008-3655

Attention: John Powers

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



Precinct 0877
Tempe 14.pdf



precinct 877.docx



Memo regarding
Tempe 14 -1.pdf...



Memo regarding
Tempe 14 -2.pdf...



Memo regarding
Tempe 14 -3.pdf...

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



Reuse of precinct
number 0327....

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

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

51.34 Expedited consideration.

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

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

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

- No siempre tenemos 60 días.
- En esos casos una jurisdicción puede solicitar consideración acelerada.



PROCESO DE LIBERACIÓN



51.64 Bar to termination of coverage (bailout).

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

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

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

Entonces, qué significa éso?

- “Un estado o subdivisión política buscando liberarse debe buscar un juicio declaratorio de un panel de tres jueces en una Corte de Distrito de los Estados Unidos para el Distrito de Columbia que amerite la liberación solicitada.
- La Ley de Derecho al Voto define una “subdivisión política” a cualquier condado o parroquia excepto donde hay otra entidad, tal como ciudades independientes en Virginia, que conduce inscripción de votantes. *En esas circunstancias, tal municipio es el equivalente funcional de un condado, y posee la misma autoridad sobre la inscripción de votantes y elecciones.* A diferencia del diseño estatutorio original, que no permitió a condados individuales en esos estados cubiertos en su totalidad obtener la liberación, el nuevo procedimiento permite a los condados hacerlo.”
- http://www.usdoj.gov/crt/voting/misc/sec_4.php

Qué se tiene que demostrar?

El solicitante de liberación exitoso debe demostrar que durante los últimos diez años :

- No prueba o dispositivo ha sido usado dentro del estado o subdivisión política;
- Todos los cambios que afecten el voto han sido revisados bajo la Sección 5 antes de su implementación;
- Ningún cambio que afecte el voto ha sido sujeto a una objeción por el Procurador General o la denegación de un juicio declaratorio de la Sección 5 de la corte de distrito del Distrito de Columbia;
- No ha habido juicios adversos en demandas alegando discriminación en la votación;
- No ha habido decretos de consentimiento o acuerdos que resultaron en el abandono de una práctica discriminatoria de votación;
- No hay demandas pendientes que aleguen discriminación en la votación; y
- Examinadores Federales no han sido asignados.

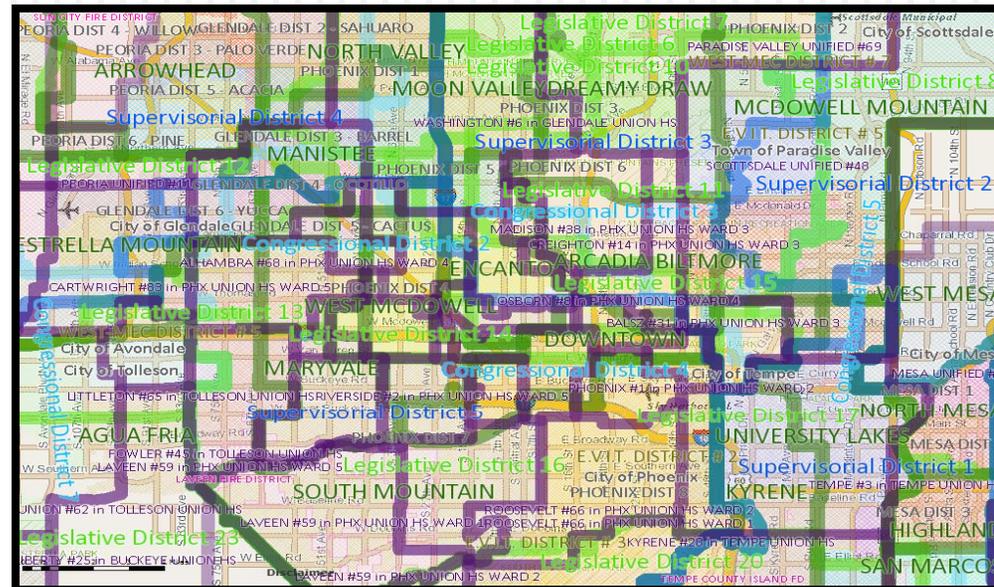
Adicionalmente:

- “La jurisdicción debe haber eliminado esos procedimientos de votación y métodos de elecciones que inhiben o diluyen la igualdad de acceso al proceso electoral.
- También debe demostrar que ha hecho esfuerzos constructivos para eliminar la intimidación y acoso a personas buscando inscribirse y votar y expandir oportunidades para la participación de votantes, tales como oportunidades para inscripción y votación, y designar funcionarios minoritarios por toda la jurisdicción y a todos los niveles de las etapas del proceso electoral.
- La jurisdicción también debe presentar evidencia de participación electoral de minorías.”

www.usdoj.gov/crt/voting/misc/sec_4.php

No sólo eso, pero:

- “Además, éstos requisitos aplican a todas las unidades gubernamentales dentro de los límites geográficos de la jurisdicción. Así que, si un condado está buscando liberarse, debe establecer cada criterio para cada ciudad, poblado, distrito escolar, u otra entidad dentro de sus límites.”



Solicitará Maricopa la Liberación?

- Algunos han preguntado si MCED ha considerado la presentación para la liberación:
 - 1) Hemos tenido Observadores Federales en el 2004 & 2006.
 - 2) Fuimos nombrados (junto con todos los otros condados en AZ) en la demanda de desafío de la iniciativa de votación Prop 200 la cual está bajo apelación.
 - 3) Necesitaríamos demostrar que todas las jurisdicciones dentro del condado han cumplido con la sección 5 y no tenemos la jurisdicción para poder verificar si ése es el caso.
- Así que éste es un punto mudo hasta al menos...





2006 RE-AUTORIZACIÓN



2007 Fecha Límite

- Porciones de la VRA estaban programadas a expirar en Agosto del 2007.
- El Congreso celebró audiencias y reunió datos a través de todo el país en un esfuerzo para determinar si, de hecho, aún había necesidad de las Secciones programadas a expirar

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

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



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

Julio 13, 2006 Voto de la Cámara 390-33-9

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

Washington/Politics Inside News = Cars =

House renews 1965 Voting Rights Act

Updated 7/13/2006 9:51 PM ET E-mail | Save | Print | Reprints & Permissions | **RSS**



Enlarge By Evan Vuoci, AP

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

FINAL VOTE RESULTS FOR ROLL CALL 374

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

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

QUESTION: On Passage

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

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

Julio 20, 2006 Senado Unánime

Senate votes for renewal of Voting Rights Act

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



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

Chip Somodevilla / Getty Images

Julio 27, 2006 Firma Presidencial

Bush signs Voting Rights Act extension

Historic 1965 law renewed for 25 years



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

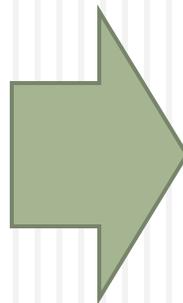
Pool / Getty Images



EL CASO DE TEXAS & LA DESICIÓN DEL TRIBUNAL SUPREMO

Qué provocó la demanda?

- El Distrito de Utilidad del Noroeste Austin #1 quería mover su lugar de votación de un garage residencial a la escuela primaria cercana (que es comunmente usada por el Condado Travis para todas las otras elecciones).
- Estando en un estado cubierto, el Distrito necesitaba presentar el cambio para pre-autorización.
- Fué pre-autorizado por el DOJ.



Don Zimmerman, un miembro de la Junta de Utilidad desde el 2002, no estuvo de acuerdo con el proceso de solicitar pre-autorización.



Don Zimmerman

Northwest Austin Municipal Utility Board, District #1

HOME: JANUARY 16, 2009: NEWS

TEXT SIZE - / + / ++

Point Austin: MUD Rising

Canyon Creek voting-rights lawsuit goes to the Supremes

BY MICHAEL KING

“...el ex abogado de Texas General Gregory Coleman (y el ex empleado de Justicia Clarence Thomas) generosamente se puso a sí mismo y su empresa Austin of Yetter, Warden & Coleman al servicio de Northwest MUD”

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

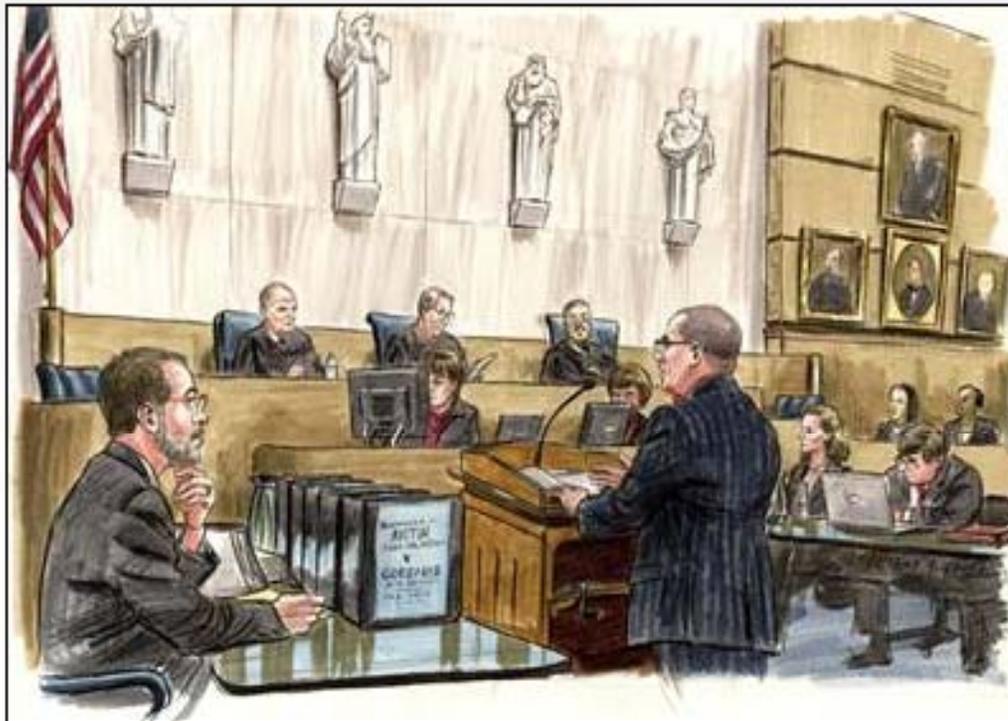
Resumen del Diario Yale Law:

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

El Tribunal de Distrito confirmó la Sección 5 & la decisión fué apelada por el Tribunal Supremo

Officials challenge voting rights law

Texans say Justice Department role could impact minorities at the polls



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

Art Lien/nbc News / Art Lien/NBC News

Sobre lo que el Tribunal Supremo estaba decidiendo:

SUPREME COURT OF THE UNITED STATES

Syllabus

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

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

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

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

Pregunta 1: RE Liberación

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

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

Pregunta 2: RE Constitucionalidad

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

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

It is so ordered.

La “Tarjeta de Puntuación” Judicial

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



Por eso, nos quedamos donde estamos!

