



# ***Helping Voters Register Under Arizona Law***

**Important:** Voter registration drives in Arizona have to follow certain state laws and rules, such as a requirement that people who complete the form for an applicant who is unable to sign it put certain information on the application, and rules about providing incentives to register to vote. It is important to review **all** relevant information regarding voter registration drives before beginning a voter registration program.

**About this guide:** The guide is broken up into five parts: 1) Who is Eligible, 2) Frequently Asked Eligibility/Residency Questions, 3) Filling out an Application, 4) Voter Registration Deadline, and 5) Voter Registration Drive Rules. Voter Registration Drive laws and rules are often more complicated than the summary table used for quick reference, so, if appropriate, a more detailed explanation is below the table. Sometimes the detailed explanation may not answer all the questions. Therefore, as a best practice, Project Vote recommends that voter registration drive organizers meet with their local election officials before beginning their programs. Election officials may be able to clarify rules and may also have their own interpretation or perspective that you will want to understand when starting your drive.

**Need assistance?** Project Vote offers training in running voter registration programs and best practices. Contact us at (202) 546-4173, [www.projectvote.org](http://www.projectvote.org), [info@projectvote.org](mailto:info@projectvote.org).

## **PART 1: ELIGIBILITY**

In Arizona, an individual may register to vote in Arizona if the person:<sup>1</sup>

- Is a U.S. citizen;
- Will have been a resident of Arizona for at least 29 days before the election;
- Will be at least 18 years of age on or before the date of the next general election;
- Has not been judged incapacitated;<sup>2</sup>
- Is able to write the person's name or make the person's mark, unless prevented from doing so by physical disability;<sup>3</sup>
- Has not been convicted of treason or a felony, unless restored to civil rights
  - First-time felony offenders who are convicted of only one felony count have voting rights restored automatically upon completion of a term of probation or absolute discharge from imprisonment, along with payment of any fine or restitution imposed; otherwise, rights are restored by application to the sentencing court after any applicable waiting period.<sup>4</sup>

As of 2014, Arizona established a dual registration system in which individuals who do not provide documentary proof of citizenship with the federal form are allowed to vote only in federal elections, and not in state and local elections. Applicants who provide documentary proof of citizenship with either the federal or state forms are allowed to vote in all elections.<sup>5</sup>

## PART 2: FREQUENTLY ASKED ELIGIBILITY/RESIDENCY QUESTIONS:

- **Homeless Applicants:** If a person does not reside at a permanent or private structure, the person may provide the address of the homeless shelter to which he or she regularly returns, the place at which he or she is a resident, the county courthouse in the county where he or she resides, or a general delivery address for a post office covering the location where he or she is a resident. A person who is otherwise qualified to register may not be refused registration or declared not qualified to vote because the person does not live in a permanent, private or fixed structure.<sup>6</sup>
- **Felony Convictions:** Persons who have been convicted of a felony cannot register and vote unless they have been restored to civil rights. First-time felony offenders who are convicted of only one felony count have voting rights restored automatically upon completion of a term of probation or absolute discharge from imprisonment, along with payment of any fine or restitution imposed; otherwise, rights are restored by application to the sentencing court after any applicable waiting period.<sup>7</sup> An FAQ which addresses restoration of rights is available at <https://www.maricopa.gov/opa/pdf/RightsFAQ.pdf>.
- **College Students:** Generally, a person's residence is the place in which the person's habitation is fixed and to which the person intends to return when absent. Arizona law does not specifically address college students differently, except that the statute indicates a person does not gain or lose his residence by reason of his presence at or absence from a place while a student at an institution of learning.<sup>8</sup>

## PART 3: FILLING OUT AN APPLICATION

Arizona law requires the following information for a registration application to be processed:<sup>9</sup>

- Name
- Date of birth
- Legal residence address
  - A mailing address, if different from the residence address, is required to receive the notices provided for by law.<sup>10</sup>
- Checkmark answering "yes" to questions verifying U.S. citizenship
- At least one of the following:
  - Arizona driver's license number or nonoperating identification license;
  - Last four digits of social security number;<sup>11</sup> or
  - An attestation that the applicant has none of the above.
- Signature or mark attesting to the statements on the form
  - If the registrant is unable to sign the form, the application must be signed by the person who assisted the applicant.<sup>12</sup>
- Proof of citizenship:
  - Arizona has a statute that requires documentary proof of citizenship for voter registration (see below); however, under the Supreme Court's ruling in *Arizona v. Inter Tribal Council of Arizona, Inc.*,<sup>13</sup> the state cannot require applicants who register using the *federal* voter registration form to provide proof of citizenship.<sup>14</sup>
  - As of 2014, Arizona established a dual registration system in which individuals who do not provide documentary proof of citizenship with the federal form are allowed to vote only in federal elections, and not in state and local elections. Applicants who provide proof of citizenship with either the federal or state form are allowed to vote in all elections.<sup>15</sup>
  - Arizona states that acceptable documents to fulfill the documentary proof requirement for new registrants or existing registrants moving from one Arizona county to another include one of the following:<sup>16</sup>

- A driver's license number or nonoperating identification license number issued after October 1, 1996 if the issuing agency indicates that the person has provided proof of citizenship
  - An Arizona driver license or nonoperating identification license issued to a citizen after October 1, 1996 fulfills this requirement
- Legible photocopy of 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 the applicant's current legal name
- Legible photocopy of pertinent pages of the applicant's US passport identifying the applicant and including passport number
- Alien Number from Certificate of Naturalization: The number on the certificate of naturalization can be written on the Arizona voter registration form.
  - The number should have the letter A, followed by 8 or 9 numbers. This is the only number on the right-hand corner of the Naturalization Certificate. This is known as the Alien Registration Number or Alien Number.
- Presentation of Naturalization documents (not a copy) to the county recorder
  - Naturalization certificates state that it is illegal to copy the certificate without lawful authority. Arizona requires presentment of this document or use of the certificate number (see above) for use as proof of citizenship, and does not allow for a photocopy.
- Indian Census number, Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number
- A legible photocopy of applicant's Tribal Certificate of Indian Blood or Tribal or Bureau of Indian Affairs Affidavit of Birth.
- Other documents and methods of proof established pursuant to the Immigration Reform and Control Act of 1986

#### **PART 4: VOTER REGISTRATION DEADLINE**

Applications must be submitted 29 days prior to an election for an applicant to be able to vote in that election.<sup>17</sup> If the applicant has registered by mail, a registration is also valid if it is postmarked at least 29 days before an election and was received by the county recorder by 7:00 PM on Election Day OR if the registration is dated at least 29 days before an election and is received by the county recorder via first class mail within 5 days of the deadline to register to vote in the upcoming election.<sup>18</sup>

#### **PART 5: SUMMARY OF STATE VOTER REGISTRATION DRIVE RULES**

<b><i>Does the state require organizations conducting voter registration drives to register or file other information detailing their voter registration activities?</i></b>	No.
<b><i>Are there restrictions on getting voter registration forms?</i></b>	No. There are some requirements for election officials to provide forms. See question A below for details.

<b><i>Does the state have any restrictions on using pre-filled voter registration forms or other rules for mailing forms to potential applicants?</i></b>	Arizona law does not address this issue.
<b><i>Does the state require any training in order to conduct voter registration drives?</i></b>	No.
<b><i>Does the state have restrictions on who may help others register to vote?</i></b>	Arizona law does not address that issue.
<b><i>Does the state have restrictions on paying drive workers?</i></b>	There are rules for deputy registrars, but it is not mandatory that registration drives involve deputy registrars. See question B below for details.
<b><i>Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?</i></b>	Yes. See question C below for details.
<b><i>Must the registration drive worker sign her name to the completed voter registration application, and/or must the drive or canvasser place other information on applications?</i></b>	If the applicant is unable to sign the application and the voter registration drive worker filled it out at the applicant's direction, the voter registration drive worker must sign his or her name to a completed voter registration application. <sup>19</sup>
<b><i>Does the state have a rule requiring a receipt or other tracking information to be provided to the applicant?</i></b>	There is a law that requires a duplicate receipt to be provided with the state form that has space for certain information. Arizona law does not address the use of the receipt by voter registration drives. See question D below for details.
<b><i>Are voter registration groups prohibited from putting identifying marks on completed voter registration applications or subject to other rules regarding information added to registration applications?</i></b>	Arizona law does not address this issue.

<b><i>Are there restrictions on copying completed voter registration applications prior to submitting them to the election official, or other restrictions on data entry or disclosure?</i></b>	Arizona law does not address copying of completed applications, however, there are restrictions related to distributing, posting, or providing access to information derived from voter registration forms, and restrictions related to use of that information. See question E below for details.
<b><i>Is there a time limit for voter registration groups to submit the voter registration applications they collect?</i></b>	No, but groups must submit applications by the deadline for applicants to be able to vote in that election.
<b><i>What are the consequences for failing to submit applications on time?</i></b>	Arizona election law does not address this issue. However, it is a class 2 misdemeanor for any authorized person to intentionally fail to submit completed registration materials as provided by the election law. <sup>20</sup>
<b><i>If an application is incomplete, may the voter registration drive write the missing information on the application with the applicant's consent?</i></b>	Arizona law does not generally address this issue. If the applicant is unable to sign the form, the form can be completed according to the applicant's direction, and the registration drive worker must sign box 24 on the state voter registration form. <sup>21</sup>
<b><i>How will an applicant know whether the election official received the application?</i></b>	County election officials will send notice within 30 days to applicants whose registrations are accepted. See question F below for details.
<b><i>How may an applicant correct an incomplete application after it has been submitted to election officials?</i></b>	County recorders must provide notice of incomplete information. Different time periods appear to apply for the applicant to supply incomplete information and proof of citizenship. See question G below for details.
<b><i>Who investigates and enforces the state rules?</i></b>	The attorney general and appropriate local county, city, or town attorneys, depending on the election in which a violation occurred. See question H below for details.

## State Voter Registration Drive Rules: Detailed Explanations

### BEFORE THE DRIVE

**A. *Are there restrictions on getting voter registration forms?***

No. The county recorder may provide voter registration forms in quantity to groups and individuals that request forms for conducting voter registration drives.<sup>22</sup> The secretary of state is also required to make the federal voter registration form available for distribution through governmental and private entities.<sup>23</sup>

**B. *Does the state have restrictions on paying drive workers?***

Deputy registrars appointed by county recorders to distribute registration forms, to assist in registering voters and to accept completed forms must serve without pay.<sup>24</sup> However, it is not mandatory that registration drives involve deputy registrars. There are no other restrictions on whether voter registration workers may be paid.

**C. *Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?***

Federal law states that whoever "pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years."<sup>25</sup> At least one federal appellate court has interpreted "payment" as "intended to include forms of pecuniary value offered or given directly to an individual voter, and indicated the value should be based on "an assessment of the monetary worth of an item from the perspective of the voter receiving the item." That case held that food vouchers could be "payment."<sup>26</sup>

Another example is California's Secretary of State's interpretation of the federal law to mean that "[a]ny type of incentive is considered 'payment,' even things as seemingly innocent as cookies or admission to an entertainment event."<sup>27</sup>

### DURING THE DRIVE

**D. *Does the state have a rule requiring a receipt or other tracking information to be provided to the applicant?***

Arizona law states that a duplicate voter receipt shall be provided with the state form that provides space for the name, street address and city of residence of the applicant, party preference and the date of signing. The voter receipt is evidence of valid registration for the purpose of casting a provisional ballot as prescribed in § 16-584, subsection B.<sup>28</sup> Arizona law does not address the use of the receipt by voter registration drives.

**E. *Are there restrictions on copying completed voter registration applications prior to submitting them to the registrar, or other restrictions on data entry or disclosure?***

Arizona law does not address copying of completed applications. However, it is a class 6 felony to distribute, post, or otherwise provide access through the internet to information derived from voter registration forms, except as authorized by the section of law regarding the county recorder's and secretary of state's protection of access to voter registration information. Information derived from registration forms may be used only for purposes relating to a political or political party activity, political campaign or election, for revising election district boundaries, or for any other purpose specifically authorized by law and may not be used for a commercial purpose as defined by law; violation is a class 6 felony.<sup>29</sup>

**F. *How will an applicant know whether the election official received the application?***

If the registration is proper, the county recorder must notify the elector within thirty days in writing that the elector's name appears in the general register. If the notice that is sent is returned undeliverable, the

county recorder may send an additional notice as prescribed by § 16-166, subsection A and that notice must indicate that the elector must respond no later than thirty-five days after the mailing of the notice to prevent change of status to inactive.<sup>30</sup>

**G. *How may an applicant correct an incomplete application after it has been submitted to county election officials?***

If the information on the registration form is incomplete or illegible and the county recorder is not able to process the registration form, the county recorder must notify the applicant within ten business days of receipt of the registration form, must specify the missing or illegible information and, if the missing or illegible information includes any of the required information prescribed by § 16-121.01, subsection A (see information required by Arizona law), must state that the registration cannot be completed until the information is provided. Such applicants have until 7:00 pm on Election Day to supply the missing information in order for them to be considered to have registered on the date when the registration form was first received and to be able to vote.<sup>31</sup>

However, 29 days before the election (the voter registration deadline) is the last date that proof of citizenship can be provided in order for the voter to be eligible for a full state ballot.<sup>32</sup> Arizona's elections manual states that if the state (non-federal) voter registration form is not accompanied by proper proof of citizenship, the voter registration form is not valid and either will not be entered into the system or if it was entered into the system, the record shall be canceled. If the registrant subsequently provides proof of citizenship, it must be accompanied by a new voter registration form and a new registration date.<sup>33</sup>

**H. *Who is responsible for investigating and enforcing the state rules?***

The Attorney General is responsible for enforcing Arizona election law regarding statewide elections, elections for members of the court of appeals, and for members of the legislature through appropriate civil and criminal action. The appropriate local county, city, or town attorneys may enforce the election law regarding local elections.<sup>34</sup>

## **WEB PAGE WITH STATUTE**

<http://www.azleg.gov/ArizonaRevisedStatutes.asp?Title=16>

For more information, contact:

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## **DISCLAIMER**

The information contained in this document is for general guidance only. It should not be used as a substitute for consultation with professional legal or other competent advisers. Project Vote is not responsible for any errors or omissions, or for the results obtained from the use of this information.

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<sup>1</sup> Ariz. Rev. Stat. § 16-101

<sup>2</sup> Ariz. Rev. Stat. § 16-101

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<sup>3</sup> Ariz. Sec. of State, *Election Procedures Election Manual* 10 (rev. June 2014), available at [https://www.azsos.gov/sites/azsos.gov/files/election\\_procedure\\_manual\\_2014.pdf](https://www.azsos.gov/sites/azsos.gov/files/election_procedure_manual_2014.pdf). (“Arizona Elections Manual”)

<sup>4</sup> Ariz. Rev. Stat. §§ 16-101, 13-905, 13-912

<sup>5</sup> Arizona Elections Manual at 10-16.

<sup>6</sup> Ariz. Rev. Stat. § 16-121(B) –(C)

<sup>7</sup> Ariz. Rev. Stat. §§ 16-101, 13-905, 13-912

<sup>8</sup> Ariz. Rev. Stat. Ann. § 16-593

<sup>9</sup> Ariz. Rev. Stat. §§ 16-121.01, 16-152

<sup>10</sup> Ariz. Rev. Stat. § 16-163

<sup>11</sup> Ariz. Rev. Stat. §§ 16-121.01, 16-152

<sup>12</sup> Ariz. Rev. Stat. § 16-152(A)(20); Arizona Voter Registration Form, available at <http://apps.azsos.gov/election/Forms/voterregistrationform.pdf>.

<sup>13</sup> 570 U.S. \_\_\_, 133 S. Ct. 2247 (2013)

<sup>14</sup> *Id.* Note that Project Vote cannot provide legal advice; instead, organizations seeking legal advice should consult counsel regarding the applicable laws and regulations.

<sup>15</sup> Arizona Elections Manual at 10-16.

<sup>16</sup> Ariz. Rev. Stat. § 16-166 (F), (G); Arizona Voter Registration Form, available at <http://apps.azsos.gov/election/Forms/voterregistrationform.pdf>

<sup>17</sup> Ariz. Rev. Stat. § 16-120

<sup>18</sup> Ariz. Rev. Stat. § 16-134(c)

<sup>19</sup> Ariz. Rev. Stat. § 16-152; Arizona Voter Registration Form, available at <http://apps.azsos.gov/election/Forms/voterregistrationform.pdf>.

<sup>20</sup> Ariz. Rev. Stat. § 16-181

<sup>21</sup> Ariz. Rev. Stat. § 16-152; Arizona Voter Registration Form, available at <http://apps.azsos.gov/election/Forms/voterregistrationform.pdf>.

<sup>22</sup> Ariz. Rev. Stat. Ann. § 16-131

<sup>23</sup> Ariz. Rev. Stat. Ann. § 16-151

<sup>24</sup> Ariz. Rev. Stat. § 16-131(d)

<sup>25</sup> 52 U.S.C. § 10307(c)

<sup>26</sup> *United States v. Garcia*, 719 F.2d 99, 102-03 (5th Cir. 1983).

<sup>27</sup> California Secretary of State, Guide to Voter Registration Drives 11, available at <http://elections.cdn.sos.ca.gov/guides/guide-to-vr-drives.pdf> (revised February 2015)

<sup>28</sup> Ariz. Rev. Stat. § 16-152

<sup>29</sup> Ariz. Rev. Stat. § 16-168 (E), (F)

<sup>30</sup> Ariz. Rev. Stat. § 16-163

<sup>31</sup> Ariz. Rev. Stat. § 16-134

<sup>32</sup> Arizona Elections Manual at 13.

<sup>33</sup> Arizona Elections Manual at 17.

<sup>34</sup> Ariz. Rev. Stat. § 16-1021