

**In the
Supreme Court of the United States**

REPUBLICAN NATIONAL COMMITTEE, ET AL.,
Applicants,

v.

MI FAMILIA VOTA, ET AL.,
Respondents.

**STATE OF ARIZONA AND ARIZONA ATTORNEY GENERAL'S
APPENDIX TO RESPONSE TO EMERGENCY APPLICATION FOR STAY**

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¹ This document was an exhibit at trial below.

² This document was part of an exhibit at trial below.

³ This document is part of a larger document available online at <https://azsos.gov/elections/about-elections/elections-procedures/epm>.

⁴ This document is part of a larger document available online at <https://azsos.gov/elections/about-elections/elections-procedures/epm>.

⁵ This document is part of a larger document available online at <https://elections.maricopa.gov/news-and-information/election-plans.html>.

⁶ This document is part of a larger document available online at <https://azsos.gov/elections/about-elections/elections-procedures/epm>.

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

League of United Latin American Citizens
of Arizona; Arizona Students’ Association,

No. CV17-4102-PHX DGC

Plaintiffs,

CONSENT DECREE

v.

Michele Reagan, in her official capacity as
Secretary of State of Arizona; Adrian
Fontes, in his official capacity as Maricopa
County Recorder,

Defendants.



Before the Court is the Joint Motion Requesting Entry of Consent Decree, filed by Plaintiff League of United Latin American Citizens of Arizona (“LULAC-Arizona”), Plaintiff Arizona Students’ Association (“ASA”), Defendant Michele Reagan, in her official capacity as Secretary of State of Arizona (the “Secretary”), and Defendant Adrian Fontes, in his official capacity as Maricopa County Recorder (“Recorder Fontes”). Doc. 36. All Plaintiffs and Defendants shall hereafter be referred to as the “Parties.”

On November 7, 2017, LULAC-Arizona and ASA initiated this action against the Secretary and Recorder Fontes. The complaint alleged that Arizona’s dual voter registration policies violate the First and Fourteenth Amendments to the United States Constitution. Specifically, LULAC-Arizona and ASA alleged that Arizona treats voter

1 registration applicants differently depending on whether they use Arizona’s state
2 registration form (the “State Form”) or the national registration form (the “Federal
3 Form”). At the time the lawsuit was filed, fourteen of Arizona’s County Recorders
4 rejected State Form applications submitted without valid documentary proof of
5 citizenship (“DPOC”). Federal law required the County Recorders to accept Federal
6 Form applications, even when they are submitted without DPOC. The Motor Vehicles
7 Department (“MVD”) Proxy Table was then electronically checked through an
8 automated process to determine whether the Federal Form applicants had a valid driver’s
9 license, which indicates that DPOC is supposed to be on file with the MVD. Those with
10 DPOC on file are eligible to vote in both state and federal elections (“Full Ballot Voter”).
11 Those who did not have DPOC on file with the MVD were only able to vote in federal
12 elections (“Fed Only Voter”).

13 As a result, whether one who does not present valid DPOC is registered to vote in
14 federal elections is entirely dependent on which form the applicant uses to register.
15 Those using the Federal Form but not providing DPOC, are registered to vote in federal
16 elections; and, depending on the results of the Secretary’s automated review of the MVD
17 database, may be registered to vote in state elections as well. But those using the State
18 Form, and not providing valid DPOC, are not registered to vote in any elections because
19 the application is rejected in its entirety. LULAC-Arizona and ASA alleged that this dual
20 voter registration process violated the First and Fourteenth Amendments.

21 The Secretary denies that Arizona’s voter registration policies violate the First
22 and Fourteenth Amendments or are otherwise illegal under state or federal law. The
23 Secretary asserts that Federal and State Form applicants are not similarly situated for
24 equal protection purposes. The Secretary asserts that Arizona is constitutionally
25 permitted to require those applying to register to vote using the State Form to personally
26 provide DPOC at the time that they submit their State Form. The Secretary further
27 asserts that there is no constitutional or statutory requirement that Arizona election
28 officials register applicants for federal elections when they have chosen to use the State
Form to register to vote rather than the Federal Form.

1 which is established pursuant to A.R.S. § 36-2902. AHCCCS is Arizona’s Medicaid
2 agency that offers health care programs to serve Arizona residents.

3 3. “Applicant” means an individual who has submitted an application to
4 register to vote in the State of Arizona.

5 4. “AVID Database” means the voter registration database, currently being
6 developed for the state of Arizona and intended to replace the current Database. The
7 AVID Database is projected to be operational sometime in 2019 or early 2020, but shall
8 be operational no later than July 1, 2020 except as provided in subparagraph (a), below.

9 (a) The date of July 1, 2020, contemplated for the operational function of the
10 AVID Database, is contingent on the vendor with whom the Secretary has contracted to
11 develop AVID fulfilling its obligations to have AVID operational in 2019 or early 2020
12 at the latest. Should the vendor be unable to meet this contingency, or should the
13 implementation of the AVID Database otherwise be delayed, the Secretary shall notify
14 the Court and the Parties to this Consent Decree, in writing, and shall indicate in writing
15 the date by which the vendor believes that AVID will be operational. Plaintiffs retain the
16 right to seek a remedy from the Court to enforce this agreement if the implementation of
17 the AVID database is unduly delayed.

18 (b) The provisions in this consent decree that apply to the AVID database will
19 also apply to any future voter registration system adopted by the Secretary of State’s
20 office.

21 5. “County Recorder” means the County Recorder of each of Arizona’s
22 fifteen counties, and includes all county election officials working in or in conjunction
23 with their offices.

24 6. “Database” means the existing electronic storage system developed and
25 administered by the Secretary that contains the official voter registration record for every
26 voter in the state. *See* A.R.S. § 16-168(J).

27 7. “DES” means the Arizona Department of Economic Security, which is
28 established pursuant to A.R.S. § 41-1952.

8. “Designated voter registration agencies” are agencies that are required to

1 provide voter registration services pursuant to the National Voter Registration Act.

2 9. “DHS” means the Arizona Department of Health Services, which is
3 established pursuant to A.R.S. § 36-102.

4 10. “DPOC” means documentary proof of citizenship, and is limited to the
5 forms of satisfactory evidence of citizenship listed in A.R.S. § 16-166(F).

6 11. “F-type License” means the designation that the MVD uses in its database
7 to distinguish Arizona driver’s license holders who, at the time that their driver’s licenses
8 were issued, were presumed by MVD to not be United States citizens.

9 12. “Fed Only Voter” means an individual who is registered to vote solely in
10 Arizona elections for federal office.

11 13. “Federal Form” means the National Mail Voter Registration Form,
12 provided by the U.S. Elections Assistance Commission and used to register to vote in
13 elections for federal office, as well as the Federal Write-in Absentee Ballot and Federal
14 Post Card Application as those terms are used in 52 U.S.C. §§ 20302 and 20303.

15 14. “Federal Office” means the office of President or Vice President; or of
16 Senator or Representative in, or Delegate or Resident Commissioner to, the United States
17 Congress. 52 U.S.C. § 20502(2).

18 15. “Full Ballot Voter” means an individual who is registered to vote in
19 Arizona elections for federal, state, and local office.

20 16. “Guidance” means formal guidance on voter registration procedures that
21 the Secretary of State will provide to the County Recorders pursuant to her role as chief
22 election official responsible for prescribing uniform procedures for voting. *See* A.R.S. §
23 16-142. The Secretary will provide Plaintiffs’ counsel with copies of her Guidance
24 before it is sent to the County Recorders.

25 17. “MVD” means the Arizona Motor Vehicles Division.

26 18. “MVD database” means the electronic storage system developed and
27 administered by the Arizona Motor Vehicle Department.

28 19. “MVD Proxy Table” means the MVD data provided to the Secretary of
State that includes the nightly updates of MVD transactions that occurred in the past

1 twenty-four hours that MVD sends to the Secretary in batch form.

2 20. “Procedures Manual” means the State of Arizona Elections Procedures
3 Manual, which provides the rules related to voting and the conduct of elections. A.R.S. §
4 16-452. The Secretary is required to develop the Procedures Manual in conjunction with
5 the fifteen County Recorders. *Id.* The Procedures Manual has the force of law. A.R.S. §
6 16-452(C). The Procedures Manual, 2018 Edition, has been drafted by the Secretary and
7 submitted to the Governor and Attorney General as required by law for their review. *Id.*

8 21. “Protected Voter Registration” means the program to ensure anonymity to
9 survivors of stalking, domestic violence, and sexual assault through the Address
10 Confidentiality Program provided by A.R.S. § 41-161, et seq., and certain other
11 individuals pursuant to A.R.S. § 16-153.

12 22. “Secretary” means the Arizona Secretary of State and her office, as well as
13 successors in office.

14 23. “State Form” means the options for voter registration created and provided
15 by the State of Arizona and its agencies, including but not limited to the online
16 registration available through Service Arizona, the paper application available on the
17 Secretary of State’s website, the paper application available at all County Recorder
18 offices, and the Protected Voter Registration process.

19 24. “State Office” means any elected statewide, county-wide, or municipal
20 public office, other than a Federal Office, for which a voter registered in the State of
21 Arizona is eligible to vote.

22 **ORDER**

23 Accordingly, the Parties having freely given their consent, and the terms of the
24 Consent Decree being fair, reasonable, and consistent with the requirements of state and
25 federal law,

26 **IT IS ORDERED** as follows:

- 27 1. The Joint Motion for Approval of Consent Judgment (Doc. 36) is **granted**.
28 2. **The Procedures Manual.** The Parties are aware that the draft Procedures
Manual, 2018 Edition has been submitted by the Secretary to Arizona’s Governor

1 and Attorney General for their review as required by statute. *See* A.R.S. § 16-
2 452(B). Within thirty days after entry of this Consent Decree, the Secretary shall
3 revise the Procedures Manual to incorporate the terms of this Consent Decree
4 (“Procedures Manual Revisions”) and send the Procedures Manual Revisions,
5 together with the Secretary’s recommendation of approval, to the Governor and
6 Attorney General for their review, *see* A.R.S. § 16-452(B), and also to Plaintiffs’
7 counsel. If Plaintiffs determine that the Procedures Manual Revisions do not
8 comply with this Consent Decree, Plaintiffs may seek review by this Court
9 through the Court’s procedures for motions. If the Governor and Attorney General
10 do not approve the Procedures Manual Revisions or request modifications, the
11 Secretary will send the Attorney General and/or Governor’s rejections or
12 proposed modifications to Plaintiffs’ counsel. If those rejections or proposed
13 modifications are in any respect inconsistent with this Consent Decree, Plaintiffs
14 may use any available legal remedies to secure compliance with this Consent
15 Decree.

16 2. **State Form Applications Submitted Without DPOC.** Within thirty days
17 after entry of this Consent Decree, the Secretary shall, in writing:

- 18 a. provide guidance to the County Recorders to accept State Form
19 applications submitted without DPOC;
- 20 b. provide guidance to the County Recorders to enter all such
21 applications in the Database (or, in the case of Maricopa County and
22 Pima County, to enter all such applications in their county voter
23 registration databases and transmit such entries to the Database);
- 24 c. provide guidance to the County Recorders to immediately register
25 the applicants for federal elections, provided the applicant is
26 otherwise qualified and the voter registration form is sufficiently
27 complete; and
- 28 d. check all State Form applications submitted without DPOC against
the MVD database Proxy Table, via the automated processes in the

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Database, to determine whether the MVD has DPOC on file for the applicants. If DPOC is located, the Secretary shall promptly notify the applicable County Recorder via the automated processes in the Database that the State Form applicant has DPOC on file with the MVD and so must be made a Full Ballot Voter via the automated process in the Database.

i. if the Secretary’s check performed by the automated processes in the Database against the MVD database Proxy Table indicates that a State Form applicant holds an F-Type License, the Secretary shall promptly notify the applicable County Recorder of that fact via the automated processes of the Database. The automated processes of the Database will also flag this issue so that the County Recorder will know to change that applicant’s voter registration status to “not eligible.” The Secretary shall provide guidance to the County Recorders that the County Recorders shall notify the applicant by U.S. Mail within ten business days after receiving notice via the automated process in the database, according to information on file with the MVD database, that the applicant holds an F-Type License indicating non-citizenship and so will not be registered to vote. The notification from the County Recorder shall also inform the applicant that the applicant can provide valid DPOC to the County Recorder in order to become a Full Ballot Voter. The notification will be accompanied by the form described in Paragraph 3 (the “DPOC Submission Form”). The applicant may submit DPOC to the County Recorder through the process described in Paragraph 3 to become a Full Ballot Voter.

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ii. if the Secretary’s check via the automated features of the Database determines that a State Form applicant does not hold an F-Type License, but also does not have DPOC on file with the MVD, the Secretary shall promptly notify the applicable County Recorder of that result via the automated processes of the Database. The County Recorder shall notify these applicants by U.S. Mail within ten business days after receiving notice from the Secretary that (1) the County Recorder does not have the requisite DPOC to process their application; (2) they must submit DPOC if they wish to be a Full Ballot Voter; and, (3) until such time as they submit DPOC, they will be a Fed Only Voter and so will only be eligible to vote in Federal elections. The notification shall be accompanied by the form described in Paragraph 3 (the “DPOC Submission Form”). The applicant may submit DPOC to the County Recorder through the process described in Paragraph 3 to become a Full Ballot Voter. Until and unless the applicant submits valid DPOC, the County Recorders shall cause those voter registration applicants to be made Fed Only Voters.

3. Provision of DPOC After the Submission of a State Form Application.

Applicants who do not submit DPOC with their State Form application and do not have DPOC on file with MVD, and are notified by the applicable County Recorder that they will be Fed Only Voters unless and until they submit DPOC, may submit valid DPOC to become a Full Ballot Voter. To do so, they shall submit their DPOC to the County Recorder with a form provided to them by that official. This form (the “DPOC Submission Form”), which shall be developed by the Secretary and the County Recorders within thirty days after entry of this Consent Decree, shall contain sufficient information to allow the County Recorder to link the voter registration applicant’s DPOC

1 with his or her State Form application already on file in the Database.

2 A. Applicants who submit their State Form application at least twenty-nine
3 days before an election as required by statute, A.R.S. §§ 16-120(A), -134(C), and whose
4 valid DPOC with the DPOC Submission Form is received by their County Recorder by 5
5 p.m. local time on the Thursday before the election, will be made Full Ballot Voters by
6 the County Recorder and may vote in the upcoming election as a Full Ballot Voter. The
7 registrations of such applicants shall be deemed to have occurred on the date that they
8 originally submitted their State Form application. If the County Recorder has already
9 transmitted a Fed Only early ballot to that voter, the voter will have the option to vote
10 either that Fed Only early ballot or else vote a provisional Full Ballot at the polling place
11 or vote center and comply with the rules regarding provisional ballots.

12 B. Applicants who submit their State Form application at least twenty-nine
13 days before an election, and whose valid DPOC is received by 5 p.m. local time on the
14 Thursday before the election, but who do not submit the DPOC Submission Form, may
15 be made Full Ballot Voters by the County Recorder if the County Recorder has sufficient
16 information to link the voter registration applicant's DPOC with the applicant's State
17 Form application already on file in the Database. If the County Recorder makes such an
18 applicant a Full Ballot Voter, and if the County Recorder has already transmitted a Fed
19 Only early ballot to that voter, the voter will have the option to vote either that Fed Only
20 early ballot or else vote a provisional Full Ballot at the polling place or vote center and
21 comply with the rules regarding provisional ballots.

22 C. Applicants who do not submit their State Form application at least twenty-
23 nine days before an election as provided by statute, or whose valid DPOC is received by
24 their County Recorder after 5 p.m. local time on the Thursday before the election, will
25 not be made Full Ballot Voters for the upcoming election. The County Recorder shall
26 make such applicants Full Ballot Voters within five business days after processing
27 provisional ballots, and they shall be Full Ballot Voters for subsequent elections.

28 D. For all applicants who submit State Form applications without valid
DPOC, but subsequently submit valid DPOC and do not submit the DPOC Submission

1 Form, the County Recorder may make the applicant a Full Ballot Voter if the County
2 Recorder has sufficient information to link the voter registration applicant's DPOC with
3 the applicant's State Form application already on file in the Database. If the County
4 Recorder lacks sufficient information to link the DPOC to the voter's application in
5 order to make the applicant a Full Ballot Voter, the County Recorder may follow up with
6 the applicant to seek the missing information if the County Recorder has sufficient
7 information to do so. Applicants who subsequently provide the missing information
8 necessary to link their DPOC to their applications shall be made Full Ballot Voters by
9 the County Recorder within ten business days.

10 **4. State Form Applications Submitted On or After January 1, 2017.** This
11 Consent Decree will govern all voter registration applications submitted after entry of
12 this Consent Decree, including applications submitted within thirty days after entry of
13 this Consent Decree. However, within thirty days after entry of this Consent Decree, the
14 Secretary shall also provide written guidance to all County Recorders except the
15 Maricopa County Recorder that, pursuant to the Consent Decree, they may, at their
16 discretion, implement the new procedures outlined in Paragraphs 2–3 of this Consent
17 Decree for State Form applications dating back to January 1, 2017, provided that they
18 have the capability to ensure that such applicants have not moved, become deceased, or
19 otherwise subsequently already registered to vote. Any applicants whose applications
20 were filed before entry of this Consent Decree who are newly registered as Fed Only or
21 Full Ballot Voters as a result of that process will be given the proper notice of their new
22 registration status by U.S. Mail.

23 Within ninety days of entry of this Consent Decree, the Maricopa County
24 Recorder shall implement the new procedures outlined in Paragraphs 2–3 of this Consent
25 Decree for State Form applications dating back to January 1, 2017. This process shall
26 include: (1) entering all State Forms submitted without DPOC into the database and
27 immediately registering those applicants for federal elections, (2) checking the
28 applicants' status against the MVD database, and (3) sending the applicants notification
of their new registration status.

1 5. **Federal Form Applications.** Within thirty days after entry of this Consent
2 Decree, the Secretary shall provide written guidance to the County Recorders to
3 promptly register all applicants who submit their Federal Form application with valid
4 DPOC as Full Ballot Voters and promptly register all applicants who submit their
5 Federal Form application without valid DPOC as Fed Only Voters. From the date of the
6 entry of the Consent Decree, the Secretary shall also cause all new Federal Form
7 applications submitted without DPOC to be checked against the MVD Proxy Table
8 promptly upon entry into the Database, via the automated processes in the Database, to
9 determine whether the MVD has DPOC on file for such Federal Form applicants, and
10 take the following steps:

11 a. If this check determines that the MVD Proxy Table has DPOC on file for
12 any Federal Form applicant, the Secretary shall promptly notify the applicable County
13 Recorder via the automated process in the Database that the applicant has DPOC on file
14 with MVD and so must be made a Full Ballot Voter via the automated process in the
15 Database.

16 b. If this check determines that the MVD Proxy Table has information
17 indicating that any Federal Form applicant holds an F-Type License, the Secretary shall
18 promptly notify the applicable County Recorder of that fact via the automated processes
19 of the Database and flag this record for the County Recorder to change that applicant's
20 voter registration status to "not eligible." The County Recorder shall notify the applicant
21 by U.S. Mail within ten business days after receiving notice from the Secretary that,
22 according to information on file with the MVD database, the applicant holds an F-Type
23 License indicating non-citizenship and so will not be registered to vote. The County
24 Recorder's notice shall also inform the applicant that, if this information is not correct,
25 the applicant may provide valid DPOC in order to become a Full Ballot Voter. The
26 notification will be accompanied by the DPOC Submission Form described in Paragraph
27 3. The applicant may submit valid DPOC to the County Recorder through the process
28 described in Paragraph 3 to become a Full Ballot Voter.

 c. If this check determines for any applicant that the MVD database does not

1 have DPOC on file and also that the applicant does not hold an F-Type License, the
2 Secretary shall promptly notify the applicable County Recorder of that result via the
3 automated processes of the Database. The County Recorder shall notify these applicants
4 by U.S. Mail within ten business days after receiving notice from the Secretary that (1)
5 the County Recorder does not have the requisite DPOC to process their application; (2)
6 they must submit valid DPOC if they wish to be a Full Ballot Voter; and, (3) until such
7 time as they submit valid DPOC, they will be a Fed Only Voter and so will only be
8 eligible to vote in Federal elections. The notification will be accompanied by the DPOC
9 Submission Form described in Paragraph 3. The applicant may submit valid DPOC to
10 the County Recorder through the process described in Paragraph 3 to become a Full
11 Ballot Voter. Until and unless the applicant submits valid DPOC, the County Recorders
12 shall cause those voter registration applicants to be made Fed Only Voters.

13 d. Federal Form applicants who subsequently submit valid DPOC shall be
14 made Full Ballot Voters according to and in conformity with the process described in
15 Paragraph 3.

16 **6. Registered Voters Who Move From One Arizona County to Another.**
17 The AVID Database or another voter registration database similar to the AVID Database
18 shall be operational as described, and according to the terms set forth, in the Definitions
19 section of this consent decree. When the AVID Database is operational, the Secretary
20 and County Recorders will be able to verify DPOC and append that information to
21 applicants' voting records when those applicants change voter registration from one
22 Arizona county to another. Consequently, once the AVID Database is operational and in
23 use by the Secretary and the County Recorders, registered Full Ballot Voters will not be
24 required to independently submit DPOC to their new County Recorder, so long as their
25 DPOC is in the AVID Database.

26 **7. Application to Other Forms of Registration.** The procedures outlined
27 above for processing voter registration applications submitted without valid DPOC will
28 apply equally to all forms of voter registration, including voter registration through
designated voter registration agencies, the Federal Post Card Application (FPCA), the

1 Federal Write-In Absentee Ballot, and the In-Person EZ Voter Registration system.

2 8. **Education of the Public.** The Secretary shall continue to make reasonable
3 efforts to better educate the citizens of Arizona concerning their opportunities to register
4 to vote, including opportunities presented by the Federal Form. The Secretary will
5 provide Plaintiffs’ counsel with a copy of the planned notice that she intends to place on
6 her website. Within thirty days after the entry of this Consent Decree, the Secretary shall:

7 a. Update her website to explain that:

8 i. the State Form requires valid DPOC for state elections only;

9 ii. submission of a sufficiently complete State Form with valid DPOC will
10 make the applicant a Full Ballot Voter;

11 iii. submission of a sufficiently complete State Form without DPOC will
12 make the applicant a Fed Only Voter;

13 iv. the Federal Form does not require DPOC;

14 v. submission of the Federal Form without valid DPOC will make the
15 applicant a Fed Only Voter; and

16 vi. submission of the Federal Form with valid DPOC will make the
17 applicant a Full Ballot Voter.

18 b. Provide guidance to the County Recordors that they should provide the
19 information required in this Section 8 on their websites;

20 c. Notify ADOT, DHS, AHCCCS, and DES of the changes in voter
21 registration procedures outlined in this Consent Decree;

22 d. Within four months after the entry of this Consent Decree, the Secretary
23 shall create a new State Form that explains that citizens who do not submit DPOC with
24 their registration forms will be registered only for federal elections until the appropriate
25 proof of citizenship is provided or acquired. The Secretary will provide notice to
26 Plaintiffs’ counsel regarding the form of the explanation described in the previous
27 sentence. The Secretary will create the new State Form within three months if the
28 Secretary determines that it is possible to do so. The Secretary shall provide guidance to
the County Recordors and all State Offices that disseminate voter registration forms,

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including designated voter registration agencies, that they should utilize the new State Form as soon as practicable. *See* A.R.S. § 16-352(C). Within thirty days after entry of the Consent Decree, the Secretary will provide written notice to the County Recorders that there will be changes made to the State Form within four months after the date the Consent Decree was entered.

10. **Continuing Jurisdiction.** The Court shall retain jurisdiction over this action until December 31, 2020 to enter such further relief as may be necessary for the effectuation of the terms of this Consent Decree.

11. **Attorneys’ Fees and Costs.** The Parties will continue to confer regarding what amount, if any, the State Defendants should pay to Plaintiffs for their attorneys’ fees and costs. If the Parties are unable to agree privately upon payment of fees and costs, Plaintiffs will file a motion for attorneys’ fees and costs pursuant to 42 U.S.C. § 1988 within forty-five days after entry of this consent decree.

The Clerk of Court is directed to terminate this action.

Dated this 18th day of June, 2018.



David G. Campbell
United States District Judge



STATE OF ARIZONA

2019 ELECTIONS PROCEDURES MANUAL

December 2019

www.azsos.gov



1700 W. Washington St. Phoenix, AZ 85007



1-877-THE-VOTE (843-8683)



**PLAINTIFF'S
EXHIBIT**

6

State App. 017

PX 006-1

ARIZONA ELECTIONS PROCEDURES MANUAL

A PUBLICATION OF
THE ARIZONA SECRETARY OF STATE'S OFFICE
ELECTIONS SERVICES DIVISION

**INTRODUCTION
FROM SECRETARY OF STATE KATIE HOBBS**

December 2019

I am pleased to provide the 2019 Elections Procedures Manual to county, city, and town election officials and other stakeholders throughout Arizona. Completing a long overdue update to the Elections Procedures Manual has been one of my Administration's highest priorities since transitioning into office in January 2019. To accomplish this, we worked in close partnership with County Recorders, Elections Directors, and their staff, and carefully considered feedback from other stakeholders and the public. With their invaluable contributions, we believe the 2019 Elections Procedures Manual will help ensure the maximum degree of correctness, impartiality, uniformity, and efficiency in election procedures across the state.

Secure, accurate, and accessible elections are at the heart of our democracy and they would not be possible without the continued dedication and vigilance of election workers across the State. Thank you for all that you do for Arizona's voters.

Sincerely,



Katie Hobbs
Arizona Secretary of State



STATE OF ARIZONA
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY
GOVERNOR

EXECUTIVE OFFICE

December 20, 2019

The Honorable Katie Hobbs
Arizona Secretary of State
1700 West Washington Street, 7th Floor
Phoenix, AZ 85007

Dear Secretary Hobbs:

My office has reviewed the 2019 version of the Arizona Secretary of State Election Procedures Manual (2019 Procedures Manual) that you submitted for approval on December 18, 2019.

Based upon review and approval submitted on December 19, 2019 by the Attorney General's Office that the 2019 Procedures Manual complies with the Arizona election laws, and my office's review, I hereby approve the 2019 Procedures Manual in accordance with A.R.S. § 16-452(B).

Sincerely,

A handwritten signature in black ink that reads "Douglas A. Ducey".

Douglas A. Ducey
Governor
State of Arizona



MARK BRNOVICH
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

December 19, 2019

The Honorable Katie Hobbs
Arizona Secretary of State
1700 E. Washington Street
Phoenix, Arizona 85007

Re: Approval of the 2019 Elections Procedures Manual

Secretary Hobbs:

Pursuant to A.R.S. § 16-452(B), my office has reviewed the draft Elections Procedures Manual submitted December 18, 2019. Based upon that review, we believe the submitted manual complies with Arizona's election statutes. Accordingly, I approve the Elections Procedures Manual as submitted on December 18, 2019.

Sincerely,

A handwritten signature in black ink that reads "Mark Brnovich". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Mark Brnovich
Attorney General
State of Arizona

cc: Governor Doug Ducey

ABOUT THIS PUBLICATION

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Division

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CHAPTER 1: VOTER REGISTRATION

I. VOTER REGISTRATION FORMS

Voter registration forms that are accepted in Arizona include:

- The state voter registration form prescribed by the Secretary of State pursuant to A.R.S. § 16-152(C) (the “State Form”), including any low-vision/large-print version of the State Form prescribed by the Secretary of State and made available on the Secretary of State’s website.¹
- The National Mail Voter Registration Form prescribed by the U.S. Election Assistance Commission pursuant to the National Voter Registration Act of 1993 (the “Federal Form”).²
- Registrations electronically received from the Arizona Department of Transportation, Motor Vehicle Department (AZMVD) pursuant to A.R.S. § 16-112, whether through in-person registration at an AZMVD or AZMVD affiliate’s office or online through the MVD portal or voter registration website.
- The Federal Postcard Application prescribed by U.S. Secretary of Defense (the “FPCA”) pursuant to the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA).³
- The Federal Write-In Absentee Ballot prescribed by the U.S. Secretary of Defense pursuant to UOCAVA (the “FWAB”).⁴

A. County/State Responsibility for Supplying Forms

The County Recorder is responsible for supplying (at no cost) State Forms to all federal, state, county, and local government agencies, political parties, and private organizations located within the County Recorder’s jurisdiction that conduct voter registration activities. A.R.S. § 16-151(A).⁵

¹ The State Form is available at <https://www.azsos.gov/elections/voting-election>.

² 52 U.S.C. § 20505(a)(1); 52 U.S.C. § 20508(a)(2). The Federal Form is available at https://www.eac.gov/voter_resources/register_to_vote.aspx.

³ A.R.S. § 16-103(B); 52 U.S.C. § 20301(b)(2); 52 U.S.C. § 20302(a)(4); Executive Order 12642 (June 9, 1988). The FPCA is available at <https://www.fvap.gov/military-voter/overview>.

⁴ A.R.S. § 16-543.02(D); 52 U.S.C. § 20302(a)(4); Executive Order 12642 (June 9, 1988). The FWAB is available at <https://www.fvap.gov/military-voter/overview>.

⁵ Any low-vision/large-print version of the State Form prescribed by the Secretary of State will be made available on the Secretary of State’s website for individuals and organizations to download as a fillable PDF. Neither County Recorders nor the Secretary of State are required to supply printed copies of any low-vision/large-print version of the State Form.

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The Secretary of State is responsible for supplying (at no cost) Federal Forms to all federal, state, county, and local government agencies, political parties, and private organizations that conduct voter registration activities. A.R.S. § 16-151(B).

The Secretary of State and County Recorders may place reasonable restrictions on the number of forms to be provided to individuals or organizations depending on the type of voter registration activity to be conducted and reasonable estimates of the number of voters that the individual or group will seek to register. If the individual or group exhausts the forms provided, the Secretary of State and/or County Recorders must provide additional forms upon request, subject to the same reasonable restrictions as the initial request.

Any registration form in compliance with applicable state or federal laws may be used to register to vote for the first time or amend/update an existing registration record. In addition, other documents may be used to amend/update a registrant's address, including but not limited to a request for an early ballot, a permanent early voting list (PEVL) request form, or a provisional ballot envelope or affidavit. A.R.S. § 16-135(A), (E); A.R.S. § 16-544(D)(1), (2).

B. Eligibility to Use FPCA and FWAB Forms

The following registrants temporarily absent from the State are authorized to use the FPCA for registration and the FWAB for registration and voting:

- Uniformed service members;
- Eligible family members of uniformed service members;
- Overseas voters; and
- Non-resident U.S. Citizens with parents already registered to vote in Arizona.

52 U.S.C. § 20310; A.R.S. § 16-103; A.R.S. § 16-543(C). For more information on eligibility, visit www.fvap.gov or the Secretary of State's website (<https://azsos.gov/elections/voting-election/military-and-overseas-voters>).

A UOCAVA registrant may designate the method for transmission of voting materials and information on the FPCA form, including electronic transmission, fax, or regular mail. A UOCAVA registrant may designate the length of time they wish to receive voting materials, not to exceed two federal election cycles. If no designation is made, the UOCAVA registrant's request for email, fax, or electronic transmission of voting materials will be valid until immediately after the next state general election. A.R.S. § 16-542(B).

II. VOTER REGISTRATION REQUIREMENTS

A person is qualified to *register* to vote in Arizona if the person:

- Is a United States citizen;
- Will be 18 years old by the date of the next general election;

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- Will have been an Arizona resident for at least 29 days prior to the next election;
- Can write their name (or make their mark), unless prevented from doing so by physical disability;
- Has not been convicted of treason or a felony, unless their civil rights have been restored; and
- Has not been found mentally incapacitated by a court.

Ariz. Const. Art. VII, § 2; A.R.S. §§ 9-822(A); 16-101; 16-126(A); 16-152. Each qualification is discussed in further detail below.

A. Citizenship Requirement

A registrant must be a U.S. citizen to be qualified to register to vote. Ariz. Const. Art. VII, § 2; A.R.S. § 16-101(A)(1); 18 U.S.C. § 611(a).

U.S. citizenship must be sworn to when registering to vote. In addition, under Arizona’s bifurcated or dual-track voter registration system, an acceptable form of documentary proof of citizenship (DPOC) is required to be registered as a “full-ballot” voter. A “full-ballot” voter is entitled to vote for all federal, state, county, and local races as well as state and local ballot measures for which the voter qualifies.

An otherwise eligible registrant who does not submit DPOC and whose U.S. citizenship cannot be verified via AZMVD records or other record in the statewide voter registration database is registered as a “federal-only” voter. A “federal-only” voter is eligible to vote solely in races for federal office in Arizona (including the Presidential Preference Election (PPE)).

1. Valid Forms of DPOC

The following section outlines what constitutes satisfactory DPOC under Arizona law.

a. Driver Licenses and Identification Cards

A registrant may submit certain state-issued driver license or non-driver identification card information as satisfactory DPOC. A.R.S. § 16-166(F)(1).

i. Arizona Driver License or Non-Driver Identification Card Number

An Arizona driver license or non-driver identification card number (AZDL/ID#) issued by AZMVD after October 1, 1996 constitutes valid DPOC. To be deemed satisfactory, (1) the AZDL/ID# must be verified against AZMVD records; and (2) the verification must not return a result that indicates non-citizenship (*i.e.*, an “F-type” license).

A County Recorder may accept a copy of the registrant’s AZDL/ID# as DPOC, but must still enter the AZDL/ID# into the statewide voter registration database so it can be verified against AZMVD

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records. AZMVD issues “F-type” licenses or ID cards to those who are non-citizens at the time of issuance. Because an F-type designation is not apparent on the face of the license or ID card, an AZDL/ID# alone is not sufficient to prove citizenship without verification against AZMVD records.

ii. Out-of-State Driver License or Identification Card

An out-of-state driver license or identification card may constitute satisfactory DPOC if it was issued by the state’s driver license-issuing agency and indicates on the face of the license or card that the person provided proof of U.S. citizenship in that state. A County Recorder may accept an approved out-of-state license or identification card at face value and need not electronically verify the license or card.

For example, enhanced driver licenses or enhanced identification cards from other states that are issued in compliance with the Departments of State and Homeland Security’s Western Hemisphere Travel Initiative satisfy Arizona’s DPOC requirement. These states display an American flag on the face of the license or card. Examples of an enhanced license from Michigan and New York appear below with the American flag circled.



While a County Recorder shall not accept an out-of-state driver license or identification card number alone (because the statewide voter registration database cannot electronically verify these numbers), a County Recorder may visually verify or accept a copy of these licenses or cards for DPOC purposes.

b. Birth Certificate

A registrant may submit a legible copy of the registrant’s birth certificate from any U.S. state or territory as satisfactory DPOC. A.R.S. § 16-166(F)(2). For U.S. citizens born abroad, a “Certification of Report of Birth” or “Consular Report of Birth Abroad” issued by a consular officer from the U.S. Department of State will suffice for a birth certificate. 22 U.S.C. § 2705(2).

The registrant must supply supporting legal documentation (such as a marriage certificate or court-documented name change) if the name on the birth certificate or document is not the registrant’s current legal name. If the registrant cannot provide supporting legal documentation to account for a different last name, a County Recorder must accept the birth certificate or document if at least

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the following information matches on both the birth certificate or document and the registration form:

- First name;
- Middle name;
- Place of birth;
- Date of birth; and
- Parents' name(s).

c. U.S. Passport

A registrant may submit a legible copy of the pertinent pages of the registrant's U.S. passport or passport card, or present the registrant's U.S. passport or passport card to the County Recorder, as DPOC. A.R.S. § 16-166(F)(3).

The pertinent pages of a U.S. passport are those that contain the photo, passport number, name, nationality, date of birth, gender, place of birth, and signature (if applicable). A U.S. passport card also may be accepted, which does not contain a signature.

If the County Recorder visually inspects (and does not make a copy of) the pertinent passport pages or passport card, the County Recorder must note in the registrant's voter registration record that the passport was inspected.

d. Citizenship and Immigration Documents

A registrant may present the registrant's original naturalization documents to the County Recorder for inspection or submit (1) a legible copy of the registrant's Certificate of Naturalization or Certificate of Citizenship, or (2) the registrant's Naturalization Certificate Number, Citizenship Certificate Number, or Alien Registration Number (also known as an "A-Number").

If a registrant does not present originals or provide a copy of documents but just provides a citizenship number, including a Citizenship Certificate Number, Naturalization Certificate Number, or Alien Registration Number, for proof of citizenship purposes, this number must be verified against U.S. Citizenship and Immigration Services (USCIS) Systematic Alien Verification for Entitlements (SAVE) database before the number can be deemed satisfactory. A.R.S. § 16-166(F)(4); see Chapter 1, Section II(A)(6) for more information on SAVE verification procedures.⁶

e. Tribal Identification Numbers and Documents

⁶ While the SAVE database may be used to verify citizenship status for initial registration, it shall not be used for list maintenance purposes, *i.e.* to cancel an existing registration. See A.R.S. § 16-165.

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A registrant may submit a Tribal Enrollment Number, Indian Census Number, Bureau of Indian Affairs Card Number, or Tribal Treaty Card Number as satisfactory DPOC. These tribal identification numbers are presumed valid for voter registration purposes and need not be verified against any database. A.R.S. § 16-166(F)(6).

A registrant may also submit a legible copy of the registrant’s Tribal Certificate of Indian Blood or Tribal/Bureau of Indian Affairs Affidavit of Birth as satisfactory DPOC.

2. DPOC Requirement for “Full-Ballot” Voter Designation

Regardless of the type of voter registration form submitted, a County Recorder must make a registrant a “full-ballot” voter for the next election if:

- The registrant provides DPOC with or after submission of the registrant’s voter registration application; or
- The County Recorder acquires DPOC on the registrant’s behalf, including from AZMVD records or the statewide voter registration database.

A.R.S. § 16-166(F); *see also League of United American Citizens of Arizona (LULAC) v. Reagan*, 2:17-cv-04102-DGC, Doc. 37 (D. Ariz. June 18, 2018) (the “LULAC Consent Decree”).

a. Acquisition of DPOC from State Records

The Secretary of State must program or enable the statewide voter registration database to attempt to acquire DPOC for new registrants from AZMVD records. This attempt to acquire DPOC must be completed in all cases where a new registrant fails to provide DPOC with the voter registration form. The Secretary shall promptly notify the applicable County Recorder of the results of the check against AZMVD records. If DPOC is acquired, the Secretary shall promptly notify the applicable County Recorder, via the automated process in the voter registration database, to make the applicant a “full-ballot” voter. However, in no event shall an acquired “F-Type” Arizona driver license number qualify as valid DPOC.

b. Registrant’s Submission of DPOC

A registrant may provide DPOC at the time of submitting the registrant’s voter registration application or by 5:00 p.m. on the Thursday before the election. *See* LULAC Consent Decree at 5. The registrant is entitled to vote a “full-ballot” at the next election if:

- The registrant submitted a voter registration application by the registration deadline; and
- The registrant provided DPOC to the County Recorder with the registration application or separately by 5:00 p.m. on the Thursday before the election.

If a registrant does not provide DPOC with their registration application and valid DPOC otherwise cannot be electronically acquired via AZMVD records or the statewide voter registration database (and the registrant is not shown to have an F-Type license), a County Recorder must:

1. Designate the registrant as a “federal-only” voter; and

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2. Send a letter to the registrant (including a DPOC Submission Form/“Federal-Only” Notice promulgated by the Secretary of State and County Recorders, *see* sample forms in [Chapter 17](#)) within 10 business days, informing the registrant that:
 - The registrant has not satisfied the DPOC requirements;
 - The registrant must submit DPOC to become a “full-ballot” voter, and the registrant must provide DPOC by 5:00 p.m. on the Thursday before any given election in order to vote a “full-ballot” in that election; and
 - The registrant will remain a “federal-only” voter unless and until the registrant submits valid DPOC to become a “full-ballot” voter.

The registrant may provide separate DPOC using the DPOC Submission Form. A registrant who provides DPOC using a method other than the DPOC Submission Form sent by the County Recorder must be made a “full-ballot” voter if the County Recorder has sufficient information to link the registrant’s DPOC with the registrant’s form on file. If the County Recorder lacks sufficient information to link the DPOC to a registration form, the County Recorder must make a reasonable effort to follow up with the registrant to seek the necessary information. Registrants who subsequently provide the missing information necessary to link their submitted DPOC to their registration form shall be made “full-ballot” voters within 10 business days.

If the registrant provides DPOC to the County Recorder *after* 5:00 p.m. on the Thursday before the next election, the County Recorder must make the registrant a “full-ballot” voter for *future* elections within five business days after the completion of processing of provisional ballots.

3. Procedures for Registrants with F-Type License

If a registrant has not provided DPOC other than an AZDL/ID# and AZMVD records show that the registrant has an F-Type license, a County Recorder must:

1. Enter the registrant’s information into the voter registration database with a status of “not eligible” (or functional equivalent) and a reason code of “invalid citizenship proof” (or functional equivalent);
2. Send a letter to the registrant (including a DPOC Submission Form/F-Type Notice, promulgated by the Secretary of State and County Recorders, *see* [Chapter 17](#) for sample forms) within 10 business days, informing the registrant that:
 - According to AZMVD records, the registrant holds an F-Type license indicating non-citizenship and has not been registered to vote for that reason; and
 - The registrant may be registered and become a “full-ballot” voter if the registrant submits valid DPOC to the County Recorder. The registrant must provide DPOC by 5:00 p.m. on the Thursday before the next regular general election in order to vote a “full-ballot” in that election.
3. Maintain the registrant’s information in the voter registration database with a status of “not eligible” (or functional equivalent) until the next regular general election if the registrant has not provided valid DPOC. If, after the next regular general election, the registrant still

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has not provided valid DPOC, the registrant’s record may be changed to “not registered” (or functional equivalent). The registrant would then be required to complete a new registration form in order to become eligible to vote in future elections.

4. “Federal-Only” Voter Designation

A registrant who submits an otherwise valid voter registration form to the County Recorder, but without accompanying DPOC, is entitled to be registered as a “federal-only” voter based on the registrant’s sworn statement on the registration form that the registrant is a U.S. citizen. A registrant may become a “federal-only” voter regardless of the type of voter registration form submitted. An otherwise valid voter registration form submitted to the County Recorder, but without accompanying DPOC, shall be accepted, entered into the database, and registered for federal elections (*i.e.*, made a “federal-only” voter unless and until proof of citizenship is received or acquired), so long as the registrant is not shown to have an F-Type license.

A “federal-only” voter shall be upgraded to a “full-ballot” voter if:

- The County Recorder acquires DPOC on the registrant’s behalf from AZMVD records or the statewide voter registration database; or
- The registrant provides DPOC to the County Recorder by 5:00 p.m. on the Thursday before an election.

If a “federal-only” voter has been issued a ballot-by-mail, but becomes a “full-ballot” voter prior to 5:00 p.m. on the Thursday before the election, the voter may:

- Vote the “federal-only” ballot-by-mail; *or*
- Vote a regular or provisional “full-ballot” in-person during early voting or on Election Day, depending on the procedures implemented by the officer in charge of elections.

If a voter is issued both an early “federal-only” ballot and an early “full-ballot,” the first ballot returned to the County Recorder’s office is the only ballot that will be counted.

5. DPOC When Moving Between Counties

A voter who registered to vote before December 13, 2004, and was therefore exempted from the requirement of providing DPOC, must submit valid DPOC if the voter is changing voter registration from one county to another in order to be registered as a “full-ballot” voter in the new county. A.R.S. § 16-166(G).

Registered voters who submitted valid DPOC to the County Recorder in their county of residence need not resubmit evidence of citizenship upon moving and registering to vote in a new county in Arizona so long as a record of their previously-submitted DPOC is accessible by the new County Recorder (*e.g.*, via AZMVD records or the statewide voter registration database) and can be made part of their voter registration file in the new county. While proof of voter *registration* from another state or county is not satisfactory evidence of citizenship, A.R.S. § 16-166(H), valid documentary

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proof of *citizenship* presented in one Arizona county and documented in the statewide voter registration database constitutes valid DPOC if the voter registers in another county in Arizona.

6. Verifying Citizenship/Naturalization/Alien Registration Numbers

a. *SAVE Usage*

Each County Recorder accesses SAVE pursuant to the Secretary of State’s Memorandum of Agreement with USCIS (the “USCIS MOA”). The Secretary of State will provide SAVE access to each County Recorder upon signing a separate agreement (the “SOS/County SAVE Agreement”) that will govern the terms of SAVE usage (and, in some cases, billing as well, though some counties have a separate Reimbursement Memorandum of Agreement with USCIS).

A registrant must remain in “suspense” status until the County Recorder verifies the Citizenship, Naturalization, or Alien Registration Number through SAVE. If SAVE returns “United States Citizenship,” the registrant’s status must be updated to “active” in the voter registration database and the voter must be registered as a “full-ballot” voter.

i. SAVE Returns Non-Citizen Status

If SAVE returns “Lawful Permanent Resident,” “Refugee,” “Non-Immigrant,” or “Asylee,” or other non-citizen status, the registrant must be processed like those with an F-Type license. *See Chapter 1, Section II(A)(3) above.* Specifically, a County Recorder must:

1. Enter the registrant’s information into the voter registration database with a status of “not eligible” (or functional equivalent);
2. Send a letter to the registrant (including a DPOC Submission Form/SAVE Non-Citizen Notice, *see Chapter 17* for sample forms) within 10 business days, informing the registrant that:
 - According to DHS records, the registrant holds an immigration number indicating non-citizenship and has not been registered to vote for that reason; and
 - The registrant may be registered as a “full-ballot” voter if the registrant submits other valid DPOC to the County Recorder. The registrant must provide DPOC by 5:00 p.m. on the Thursday before the next regular general election in order to vote a “full-ballot” in that election.
3. Maintain the registrant’s information in the voter registration database with a status of “not eligible” (or functional equivalent) until the next regular general election if the registrant has not provided valid DPOC. If, after the next regular general election, the registrant still has not provided valid DPOC, the registrant’s record may be changed to “not registered” (or functional equivalent). The registrant would then be required to complete a new registration form in order to become eligible to vote in future elections.

ii. SAVE Returns No Match

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If SAVE is unable to find a match, the registrant must be processed like any other registrant who has not provided satisfactory DPOC. *See Chapter 1, Section II(A)(4)*. Specifically, if valid DPOC cannot be electronically acquired via AZMVD records or the statewide voter registration database (and the registrant is not shown to have an F-Type license), a County Recorder must:

1. Process the voter registration application and designate the registrant as a “federal-only” voter; and
2. Send a letter to the registrant (including a DPOC Submission Form/SAVE No-Match Notice, *see Chapter 17* for sample forms) within 10 business days, informing the registrant that they have been registered as a “federal-only” voter and must submit other valid DPOC to become a “full-ballot” voter.

b. Naturalization Ceremonies

County Recorder representatives who conduct registration drives at naturalization ceremonies must take special precautions to ensure registration forms are properly processed.

- The County Recorder representative who receives the registrant’s completed voter registration form must write the representative’s name or initials on the form, along with the date and some indication that the form was completed at a naturalization ceremony (*e.g.*, “NC”);
- The County Recorder representative who conducted the registration drive must ensure that the registrant’s Citizenship, Naturalization, or Alien Registration Number is written on each registration form; and
- If any registrants reside outside that county, the County Recorder representative must bundle the voter registration forms by county and send them to the applicable County Recorders, along with a cover letter affirming that the registration forms were received through a naturalization ceremony.

The County Recorder who receives the bundle may rely on this cover letter (*see Chapter 17* for a sample form) as verification of citizenship. The County Recorder need not re-check any citizenship or immigration numbers to verify citizenship and may register the newly naturalized registrants as “full-ballot” voters (assuming no other deficiencies).

c. Verifying Citizenship Near Voter Registration Deadlines

Often there is a delay between when a registrant becomes a U.S. citizen and when that registrant’s citizenship status has been updated in SAVE. Therefore, certain precautions must be taken if a County Recorder receives a voter registration form within two weeks of a registration deadline that contains a Citizenship, Naturalization or Alien Registration Number:

- If a County Recorder receives a registration form within 14 days of a voter registration deadline, the County Recorder must, as soon as practicable, notify the registrant by telephone and/or email (or by mail if the registrant’s telephone number or email is not available) about the potential need (in case SAVE results are not ready by the deadline) to

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submit further DPOC to be a “full-ballot” voter for the next election. For example, the registrant may present their naturalization papers or submit a copy to the County Recorder to satisfy the DPOC requirement.

- Within two weeks of Election Day, a County Recorder must check SAVE for the results of any pending verifications to print or create precinct registers for Election Day. If any cases remain pending for additional verification at that time, the County Recorder should be prepared to supplement the precinct registers immediately preceding the election or be prepared to issue Recorder’s Certificates to any newly registered voters whose citizenship was verified at the last minute. If the County Recorder cannot obtain verification of citizenship from SAVE by 5:00 p.m. on the Thursday before Election Day, the registrant must be registered as a “federal-only” voter and the County Recorder must notify the registrant that the registrant must submit other valid DPOC in order to become a “full-ballot” voter for future elections. *See Chapter 1, Section II(A)(6).*

7. Preservation and Protection of Citizenship Documentation

A County Recorder must maintain all DPOC received pursuant A.R.S. § 16-166(F) in a manner that the County Recorder reasonably believes will prevent access by unauthorized persons. Documents submitted for purposes of proving citizenship may be maintained outside the voter registration database, but the County Recorder must other document in the voter registration database that DPOC had been received.

A County Recorder may destroy citizenship documents two years after the date of receipt. The County Recorder must exercise reasonable diligence to ensure any citizenship documents are properly destroyed. A.R.S. § 16-166(F), (J).

B. Age Requirement for Registration

A registrant must be at least 18 years old by the next “regular general election” that occurs following their registration. A.R.S. § 16-101(A)(2). For purposes of this requirement, the next “regular general election” is the next statewide general election held pursuant to A.R.S. § 16-211.⁷

A minor who is qualified to register to vote is not necessarily a qualified elector for the next election. For example, a minor who will turn 18 years of age on November 1, 2020 is eligible to register to vote starting on November 7, 2018. However, although registered, that minor will not be eligible to vote in the August 4, 2020 Primary Election, or any earlier elections, because they will not yet be 18 years of age as required by Ariz. Const. art. VII, § 2.

If a County Recorder receives a voter registration form from a registrant who will be at least 18 years old on or before the next statewide general election, but will not be 18 years old at the time

⁷ A.R.S. § 16-152(A)(15) requires that the state voter registration form ask whether a registrant will be 18 years old “on or before *election day*” in order to register to vote. (Emphasis added). However, this provision must be interpreted consistently with A.R.S. § 16-101(A)(2), and therefore only forbids registration if the registrant will not be at least 18 years old by the next *general* election.

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of the next election, the registrant must be entered in the voter registration database and placed in a “suspense” status with a “registrant too young” reason code (or functional equivalent).

The County Recorder, after verifying citizenship as outlined in Chapter 1(II)(A), must notify the registrant by mail within 10 business days of receipt of the registration form to: (1) inform the registrant that their registration will remain in “suspense” until the registrant turns 18; (2) specify the next election where the registrant will be eligible to vote; and (3) specify the registrant’s “full-ballot” or “federal-only ballot” designation (providing an opportunity to submit DPOC where applicable). A.R.S. § 16-101(A)(1),(2),(3); A.R.S. § 16-134(B); A.R.S. § 16-152(A)(15); *see Chapter 17* for sample forms.

On or after the registrant’s 18th birthday, the registrant’s status must be changed to “active” to make the registrant a qualified elector for the next election.

A registered minor is not eligible to sign candidate, initiative, referendum, or recall petitions or petitions for political party recognition until they turn 18 years old. A.R.S. § 16-121(A); A.R.S. § 16-321(F); A.R.S. § 19-121.02(A); A.R.S. § 19-208.02(A); A.R.S. § 16-803(F).

In order to maintain eligibility to vote in the next general election, the registered minor must be a resident for the 29 days preceding the election, except as provided in A.R.S. § 16-126. A.R.S. § 16-101(A)(4). *See also* A.R.S. § 16-593.

C. Residency Requirements for Registration

A new registrant must be a resident of Arizona at least 29 days before the next election. A.R.S. § 16-101(A)(3). A County Recorder has no duty to verify a registrant’s residency status and may rely on the registrant’s affirmation of residency.

A registrant is a “resident” if they have physical presence in the county along with an intent to remain. A registrant may be temporarily absent from the jurisdiction without losing their residency status, as long as they have an intent to return. A.R.S. § 16-103.

For example, although a UOCAVA registrant may register to vote any time prior to 7:00 p.m. on Election Day, a UOCAVA registrant must still be an Arizona “resident” in that they must: (i) have had physical presence (with an intent to remain) in the county of registration at least 29 days prior to the election; and (ii) have an intent to return to the county following the period of temporary absence. A.R.S. § 16-103.

Although often interchangeable, the 29-day residency qualification (A.R.S. § 16-101(A)(3)) is distinct from the 29-day deadline to register to vote (A.R.S. § 16-120) in advance of an election. For example, the voter registration deadline may change if it falls on a state holiday, but this does not affect the requirement to be a resident at least 29 days before the next election. Voter registration deadlines are addressed in Chapter 1, Section VII(C).

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Notwithstanding the 29-day residency requirement, a registrant who moved away from Arizona after the 30th day immediately preceding a presidential election may vote for presidential electors in Arizona (and for no other races or ballot questions) by early ballot in the Arizona precinct from which the registrant moved, in-person at the County Recorder's office, or by mail. A.R.S. § 16-126(A). A registrant who votes pursuant to this provision shall have their registration promptly canceled after the election. A.R.S. § 16-126(B).

The only other exception to the requirement for residency prior to the election is for a UOCAVA registrant who has never resided in the United States but has at least one parent registered to vote in Arizona at the time of registration. A.R.S. § 16-103(E). See Chapter 1, Section I(B) for more information on registration and voting requirements for UOCAVA registrants.

D. Effect of Felony Conviction on Qualification to Register to Vote

A registrant may not register to vote if they have been convicted of treason or a felony, unless their civil rights have been restored. A.R.S. § 16-101(A)(5). If a registrant has had only one felony conviction, civil rights are automatically restored upon: (i) completion of probation or receipt of an absolute discharge from imprisonment; and (ii) payment of any restitution imposed. Payment of any other legal financial obligations, such as fines or court fees, is no longer required before civil rights are automatically restored after a first felony conviction. A.R.S. § 13-907. Those who have only misdemeanor convictions or are in pretrial detention remain eligible to register to vote assuming no other deficiencies.

A registrant must affirm under penalty of perjury that they are not barred from registering to vote due to a felony conviction. A.R.S. § 16-152(A)(16). A County Recorder has no duty to verify whether the civil rights of a registrant with felony conviction(s) have been restored and may rely on the registrant's affirmation when registering to vote. For more information on when and how civil rights may be restored, see A.R.S. § 13-604(A); A.R.S. § 13-905; A.R.S. § 13-906; A.R.S. § 13-907; A.R.S. § 16-1011(C).

E. Effect of Incapacitation on Qualification to Register to Vote

A registrant may not register to vote if they have been adjudicated mentally incapacitated by a court with their voting rights revoked. A.R.S. § 16-101(A)(6); A.R.S. § 14-5101(3). A registrant must affirm under penalty of perjury that they are not barred from registering to vote due to a court adjudication of mental incapacitation under A.R.S. § 14-5101(3). A County Recorder has no duty to verify whether a registrant has been adjudicated mentally incapacitated and may rely on the registrant's affirmation when registering to vote. For more information on findings of incapacitation and retention of voting rights, see A.R.S. § 14-5101(3); A.R.S. § 14-5304.02.

State of Arizona

2023

**ELECTIONS
PROCEDURES
MANUAL**



ADRIAN FONTES
SECRETARY OF STATE
STATE OF ARIZONA

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ARIZONA

ELECTIONS PROCEDURES MANUAL

A PUBLICATION OF THE ARIZONA SECRETARY OF STATE'S OFFICE
ELECTIONS SERVICES DIVISION


INTRODUCTION FROM SECRETARY OF STATE ADRIAN FONTES

December 2023

I am pleased to provide you with the 2023 Elections Procedures Manual to county, city, and town election officials throughout Arizona. Updating the Election Procedures Manual has been one of my Administration's highest priorities. We worked in close partnership with County Recorders, Elections Directors, and their staff to ensure that the 2023 Elections Procedures Manual will provide the maximum degree of correctness, impartiality, uniformity, and efficiency in election procedures across Arizona.

Open and honest elections are at the heart of our democratic republic. It's a process made possible by the continued dedication of election workers, from poll workers to election officers. Their efforts make for a rewarding experience for Arizona voters. Through the unrelenting dedication and vigilance of election workers throughout the State, our elections are secure, accurate, and accessible. We are deeply grateful for their invaluable contributions.

Sincerely,



Adrian Fontes
Arizona Secretary of State



STATE OF ARIZONA
OFFICE OF THE GOVERNOR

KATIE HOBBS
GOVERNOR

EXECUTIVE OFFICE

December 30, 2023

The Honorable Adrian Fontes
Arizona Secretary of State
1700 West Washington Street, 7th Floor
Phoenix, AZ 85007

Dear Secretary Fontes,

My Office has reviewed the 2023 Election Procedures Manual (EPM) that you submitted for final approval on December 30, 2023. In accordance with A.R.S. § 16-452(B), I hereby approve the 2023 Elections Procedures Manual.

As a former Secretary of State, I understand the immense amount of work required by state, county, and local officials to produce this important document. This Manual builds on the work done on the 2019 EPM and 2021 draft EPM to ensure our elections achieve the maximum degree of correctness, impartiality, uniformity and efficiency. I'm confident that Arizona's elections, as well as our voters and election officials, will benefit from this updated EPM.

Sincerely,

Katie Hobbs
Governor
State of Arizona



KRIS MAYES
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL
STATE OF ARIZONA

December 30, 2023

The Honorable Adrian Fontes
Arizona Secretary of State
1700 W. Washington Street
Phoenix, Arizona 85007

Re: Approval of the 2023 Elections Procedures Manual

Dear Secretary Fontes:

My office has reviewed the Elections Procedures Manual submitted on December 30, 2023, as required by A.R.S § 16-452(B). Based upon our review, we find the submitted Manual complies with Arizona's election statutes.

An updated Elections Procedures Manual is critical to the fair, consistent, and orderly administration of elections in Arizona. Therefore, I am pleased to be able to approve the Manual as submitted on December 30, 2023.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Mayes", is positioned below the word "Sincerely,".

Kris Mayes
Attorney General
State of Arizona

cc: Governor Katie Hobbs

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CHAPTER 1: VOTER REGISTRATION

I. VOTER REGISTRATION FORMS

Voter registration forms that are accepted in Arizona include:

- The state voter registration form prescribed by the Secretary of State pursuant to [A.R.S. § 16-152\(C\)](#) (the “State Form”), including any low-vision/large-print version of the State Form prescribed by the Secretary of State and made available on the Secretary of State’s website.¹
- The National Mail Voter Registration Form prescribed by the U.S. Election Assistance Commission pursuant to the National Voter Registration Act of 1993 (the “Federal Form”).²
- Registrations electronically received from the Arizona Department of Transportation, Motor Vehicle Department (AZMVD) pursuant to [A.R.S. § 16-112](#), whether through in-person registration at an AZMVD or AZMVD affiliate’s office or online through the MVD portal or voter registration website.
- The Federal Postcard Application prescribed by the U.S. Secretary of Defense (the “FPCA”) pursuant to the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA).³
- The Federal Write-In Absentee Ballot prescribed by the U.S. Secretary of Defense pursuant to UOCAVA (the “FWAB”).⁴

A. County/State Responsibility for Supplying Forms

The County Recorder shall make available State Forms (at no cost) to all federal, state, county, local, and tribal government agencies, political parties, and private organizations located within the County Recorder’s jurisdiction that conduct voter registration activities. [A.R.S. § 16-151\(A\)](#). The County Recorder, a justice of the peace or a deputy registrar shall supply, without charge, a registration form to any qualified person requesting registration information. [A.R.S. § 16-131\(A\)](#).

¹ The latest State Form is available at <https://www.azsos.gov/elections/voting-election>.

² [52 U.S.C. § 20505\(a\)\(1\)](#); [52 U.S.C. § 20508\(a\)\(2\)](#). The Federal Form is available at [National Voter Registration Application Form for U.S. Citizens \(ENG\) \(eac.gov\)](#); <https://www.eac.gov/voters/national-mail-voter-registration-form>.

³ [A.R.S. § 16-103\(B\)](#); [52 U.S.C. § 20301\(b\)\(2\)](#); [52 U.S.C. § 20302\(a\)\(4\)](#); Executive Order 12642 (June 9, 1988). The FPCA is available at <https://www.fvap.gov/military-voter/overview>.

⁴ [A.R.S. § 16-543.02\(D\)](#); [52 U.S.C. § 20302\(a\)\(4\)](#). The FWAB is available at <https://www.fvap.gov/military-voter/overview>.

The Secretary of State shall make available Federal Forms (at no cost) to all federal, state, county, local, and tribal government agencies, political parties, and private organizations that conduct voter registration activities. [A.R.S. § 16-151\(B\)](#). The Secretary of State and County Recorders may place reasonable restrictions on the number of forms to be provided to individuals or organizations depending on the type of voter registration activity to be conducted and reasonable estimates of the number of voters that the individual or group will seek to register.

Any registration form in compliance with applicable state or federal laws may be used to register to vote for the first time or amend or update an existing registration record. In addition, other documents may be used to amend or update a registrant's residence or mailing address, including but not limited to a request for an early ballot, an Active Early Voting List (AEVL) request form, or a provisional ballot envelope or affidavit. [A.R.S. § 16-135\(A\), \(E\)](#); [A.R.S. § 16-544\(D\)\(1\), \(2\)](#).

B. Eligibility to Use FPCA and FWAB Forms

The following registrants temporarily absent from the State are authorized to use the FPCA for registration and the FWAB for registration and voting:

- Uniformed service members;
- Eligible family members of uniformed service members;
- Overseas voters; and
- Non-resident U.S. Citizens with parents already registered to vote in Arizona.

[52 U.S.C. § 20310](#); [A.R.S. § 16-103](#); [A.R.S. § 16-543\(C\)](#). For more information on eligibility, visit www.fvap.gov or <https://my.arizona.vote/UOCAVA2/default.aspx>.

A UOCAVA registrant may designate the method for transmission of voting materials and information on the FPCA form, including electronic transmission, fax, or regular mail. A UOCAVA registrant may designate the length of time they wish to receive voting materials, not to exceed two federal election cycles. If no designation is made, the UOCAVA registrant's request for email, fax, or electronic transmission of voting materials will be valid until immediately after the next state general election. [A.R.S. § 16-542\(B\)](#).

II. VOTER REGISTRATION REQUIREMENTS

A person is qualified to *register* to vote in Arizona if the resident:

- Is a United States citizen;
- Will be 18 years old by the date of the next general election;
- Is a resident for at least 29 days prior to the next election, except as provided in [A.R.S. § 16-126](#);
- Can write the resident's name (or make the resident's mark), unless prevented from doing so by physical disability;

- Has not been convicted of treason or a felony, unless their civil rights have been restored; and
- Has not been adjudicated an “incapacitated person” by a court with their voting rights revoked, as defined in [A.R.S. § 14-5101](#).

[Ariz. Const. Art. VII, § 2](#); [A.R.S. § 9-822\(A\)](#); [A.R.S. § 16-101](#); [A.R.S. § 16-126\(A\)](#); [A.R.S. § 16-152](#). Each qualification is discussed in further detail below.

A. Citizenship Requirement

A registrant must be a U.S. citizen to be qualified to register to vote. [Ariz. Const. Art. VII, § 2](#); [A.R.S. § 16-101\(A\)\(1\)](#); [18 U.S.C. § 611\(a\)](#).

U.S. citizenship must be sworn to when registering to vote. In addition, under Arizona’s bifurcated or dual-track voter registration system, an acceptable form of documentary proof of citizenship (DPOC) is required to be registered as a “full-ballot” voter. *See Arizona v. Inter Tribal Council of Arizona, Inc.*, 570 U.S. 1 (2013). A “full-ballot” voter is entitled to vote for all federal, state, county, and local races as well as state and local ballot measures for which the voter qualifies. [Ariz. Atty Gen. Op. I13-011](#).

An otherwise eligible registrant who does not submit DPOC and whose U.S. citizenship cannot be verified via AZMVD records or other record in the statewide voter registration database is registered as a “federal-only” voter. A “federal-only” voter is eligible to vote solely in races for federal office in Arizona (including the Presidential Preference Election (PPE)).

In addition, upon receiving a Federal Form not accompanied by DPOC, a County Recorder must attempt to verify citizenship, including checking certain databases if the County has access. *See A.R.S. § 16-121.01(D)*.⁵ If citizenship is verified, the applicant must be registered; however, if the databases affirmatively show the applicant is a non-citizen, the County Recorder must (1) not register the applicant, (2) notify the applicant, and (3) if the applicant does not timely provide DPOC in response, forward the application to the County Attorney and Attorney General. *See A.R.S. § 16-121.01(E)*. This paragraph is explained further in Section II(A)(8) below.

1. Valid Forms of DPOC

The following section outlines what constitutes satisfactory DPOC under Arizona law.

a. *Driver Licenses and Identification Cards*

A registrant may submit certain state-issued driver license or non-driver identification card information as satisfactory DPOC. [A.R.S. § 16-166\(F\)\(1\)](#).

⁵ Litigation is pending on the statutory provisions in this paragraph. *See Mi Familia Vota et al. v. Fontes et al.*, CV-22-00509-PHX-SRB.

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i. Arizona Driver License or Non-Driver Identification Card Number

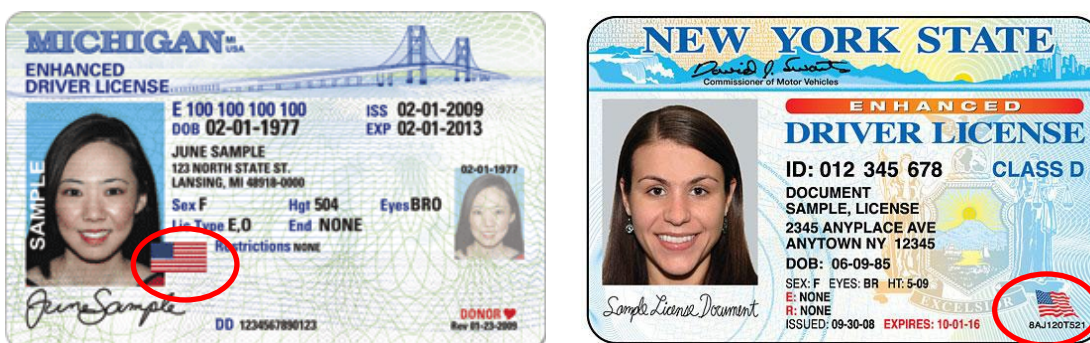
An Arizona driver license or non-driver identification card number (AZDL/ID#) issued by AZMVD after October 1, 1996 constitutes valid DPOC. To be deemed satisfactory, (1) the AZDL/ID# must be verified against AZMVD records; and (2) the verification must not return a result with an Authorized Presence Type that indicates non-citizenship.

A County Recorder may accept a copy of the registrant’s AZDL/ID# as DPOC but must still enter the AZDL/ID# into the statewide voter registration database to verify citizenship with AZMVD records. AZMVD issues licenses or ID cards to those who are authorized to be physically present in the United States but who are non-citizens at the time of issuance. Because a non-citizen authorized presence designation is not apparent on the face of the license or ID card, an AZDL/ID# alone is not sufficient to prove citizenship without verification against AZMVD records.

ii. Out-of-State Driver License or Identification Card

An out-of-state driver license or identification card may constitute satisfactory DPOC if it was issued by the state’s driver license-issuing agency and indicates on the face of the license or card that the person provided proof of U.S. citizenship in that state. A County Recorder may accept an approved out-of-state license or identification card at face value and need not electronically verify the license or card.

For example, enhanced driver licenses or enhanced identification cards from other states that are issued in compliance with the Departments of State and Homeland Security’s Western Hemisphere Travel Initiative satisfy Arizona’s DPOC requirement. These states display an American flag on the face of the license or card. Examples of an enhanced license from Michigan and New York appear below with the American flag circled.



While a County Recorder shall not accept an out-of-state driver license or identification card number alone (because the statewide voter registration database cannot electronically verify these numbers), a County Recorder may visually verify or accept a copy of these licenses or cards for DPOC purposes.

b. Birth Certificate

A registrant may submit a legible copy of the registrant’s birth certificate from any U.S. state or territory as satisfactory DPOC. [A.R.S. § 16-166\(F\)\(2\)](#).⁶ For U.S. citizens born abroad, a “Certification of Report of Birth” or “Consular Report of Birth Abroad” issued by a consular officer from the U.S. Department of State will suffice for a birth certificate. [22 U.S.C. § 2705\(2\)](#).

The registrant must supply supporting legal documentation (such as a marriage certificate or court-documented name change) if the name on the birth certificate or document is not the registrant’s current legal name. If the registrant cannot provide supporting legal documentation to account for a different last name, a County Recorder must accept the birth certificate or document if at least the following information matches on both the birth certificate or document and the registration form:

- First name;
- Middle name;
- Place of birth;
- Date of birth; and
- Parents’ name(s).

c. U.S. Passport

A registrant may submit a legible copy of the pertinent pages of the registrant’s U.S. passport or passport card or present the registrant’s U.S. passport or passport card to the County Recorder, as DPOC. [A.R.S. § 16-166\(F\)\(3\)](#).

The pertinent pages of a U.S. passport are those that contain the photo, passport number, name, nationality, date of birth, gender, place of birth, and signature (if applicable). A U.S. passport card also may be accepted, which does not contain a signature.

If the County Recorder visually inspects (and does not make a copy of) the pertinent passport pages or passport card, the County Recorder must note in the registrant’s voter registration record that the passport was inspected.

d. Citizenship and Immigration Documents

A registrant may present the registrant’s original naturalization documents to the County Recorder for inspection or submit (1) a legible copy of the registrant’s Certificate of Naturalization or Certificate of Citizenship, or (2) the registrant’s Naturalization Certificate Number, Citizenship Certificate Number, or Alien Registration Number (the “A-Number”).

⁶ A registrant may also submit a legible copy of the registrant’s late or delayed birth certificate, issued pursuant to [A.R.S. § 36-333.01](#), [A.R.S. § 36-333.02](#), and/or [A.R.S. § 36-333.03](#), as satisfactory DPOC.

If a registrant does not present originals or provide a copy of documents but just provides the registrant's Naturalization Certificate Number, Citizenship Certificate Number, or Alien Registration Number, for proof of citizenship purposes, this number must be verified against U.S. Citizenship and Immigration Services (USCIS) Systematic Alien Verification for Entitlements (SAVE) database before the number can be deemed satisfactory. [A.R.S. § 16-166\(F\)\(4\)](#); see [Chapter 1, Section II\(A\)\(6\)](#) for more information on SAVE verification procedures.

e. Tribal Identification Numbers and Documents

A registrant may submit a Tribal Enrollment Number, Indian Census Number, Bureau of Indian Affairs Card Number, or Tribal Treaty Card Number as satisfactory DPOC. These tribal identification numbers are presumed valid for voter registration purposes and need not be verified against any database. [A.R.S. § 16-166\(F\)\(6\)](#).

A registrant may also submit a legible copy of the registrant's Tribal Certificate of Indian Blood or Tribal/Bureau of Indian Affairs Affidavit of Birth as satisfactory DPOC.

2. DPOC Requirement for "Full-Ballot" Voter Designation

Regardless of the type of voter registration form submitted, a County Recorder must make a registrant a "full-ballot" voter for the next election if:

- The registrant provides DPOC with or after submission of the registrant's voter registration application; or
- The County Recorder acquires DPOC on the registrant's behalf, including from AZMVD records or the statewide voter registration database.

[A.R.S. § 16-166\(F\)](#); see also *League of United American Citizens of Arizona (LULAC) v. Reagan*, 2:17-cv-04102-DGC, Doc. 37 (D. Ariz. June 18, 2018) (the "LULAC Consent Decree").

a. Acquisition of DPOC from State Records

The Secretary of State must program or enable the statewide voter registration database to attempt to acquire DPOC for new registrants from AZMVD records. This attempt to acquire DPOC must be completed in all cases where a new registrant fails to provide DPOC with the voter registration form. The Secretary shall promptly notify the applicable County Recorder of the results of the check against AZMVD records. If DPOC is acquired, the Secretary shall promptly notify the applicable County Recorder, via the automated process in the voter registration database, to make the applicant a "full-ballot" voter. However, in no event shall an acquired Arizona driver license number with a non-citizen authorized presence designation qualify as valid DPOC.

b. Registrant's Submission of DPOC

A registrant may provide DPOC at the time of submitting the registrant's voter registration application or by 5:00 p.m. on the Thursday before the election. *See* LULAC Consent Decree at page 5. The registrant is entitled to vote a "full-ballot" at the next election if:

- The registrant submitted a voter registration application by the registration deadline; and
- The registrant provided DPOC to the County Recorder with the registration application or separately by 5:00 p.m. on the Thursday before the election.

If a registrant does not provide DPOC with their registration application and valid DPOC otherwise cannot be electronically acquired via AZMVD records or the statewide voter registration database (and the registrant's AZMVD record is not shown to have a non-citizen authorized presence designation), a County Recorder must:

1. Designate the registrant as a "federal-only" voter; and
2. Send a letter to the registrant (including a DPOC Submission Form/"Federal Only" Notice) within 10 business days of receipt of the registration application, informing the registrant that:
 - The registrant has not satisfied the DPOC requirements;
 - The registrant must submit DPOC to become a "full-ballot" voter, and the registrant must provide DPOC by 5:00 p.m. on the Thursday before any given election in order to vote a "full-ballot" in that election; and
 - The registrant will remain a "federal-only" voter unless and until the registrant submits valid DPOC to become a "full-ballot" voter.

The registrant may provide separate DPOC using the DPOC Submission Form. A registrant who provides DPOC using a method other than the DPOC Submission Form sent by the County Recorder must be made a "full-ballot" voter if the County Recorder has sufficient information to link the registrant's DPOC with the registrant's form on file. If the County Recorder lacks sufficient information to link the DPOC to a registration form, the County Recorder must make a reasonable effort to follow up with the registrant to seek the necessary information. Registrants who subsequently provide the missing information necessary to link their submitted DPOC to their registration form shall be made "full-ballot" voters within 10 business days of receipt of DPOC.

If the registrant provides DPOC to the County Recorder *after* 5:00 p.m. on the Thursday before the next election, the County Recorder must make the registrant a "full-ballot" voter for *future* elections within five business days after the completion of processing of provisional ballots.

3. Procedures for Registrants with a Non-Citizen AZDL/ID#

If a registrant has not provided DPOC other than an AZDL/ID# and AZMVD records show that the registrant's AZMVD record has a non-citizen authorized presence designation, a County Recorder must:

1. Enter the registrant's information into the voter registration database with a status of "not eligible" (or functional equivalent) and a reason code of "invalid citizenship proof" (or functional equivalent).
2. Send a letter to the registrant (including a DPOC Submission Form/Non-Citizen AZDL/ID# Notice) within 10 business days of receipt of the registration application, informing the registrant that:
 - According to AZMVD records, the registrant's AZDL/ID has a non-citizen authorized presence designation and has not been registered to vote for that reason; and
 - The registrant may be registered if the registrant submits valid DPOC to the County Recorder. The registrant must provide DPOC by 5:00 p.m. on the Thursday before the next regular general election in order to vote in that election.
3. Maintain the registrant's information in the voter registration database with a status of "not eligible" (or functional equivalent) until the next regular general election if the registrant has not provided valid DPOC. If, after the next regular general election, the registrant still has not provided valid DPOC, the registrant's record may be changed to "not registered" (or functional equivalent). The registrant would then be required to complete a new registration form to become eligible to vote in future elections.

4. "Federal-Only" Voter Designation

Regardless of the type of form submitted, a registrant who submits an otherwise valid voter registration form to the County Recorder, but without accompanying DPOC, is entitled to be registered as a "federal-only" voter based on the registrant's sworn statement on the registration form that the registrant is a U.S. citizen. An otherwise valid voter registration form submitted to the County Recorder, but without accompanying DPOC, shall be accepted, entered into the database, and registered for federal elections (*i.e.*, made a "federal-only" voter unless and until proof of citizenship is received or acquired), so long as the registrant's AZMVD record is not shown to have a non-citizen authorized presence designation.

A "federal-only" voter shall be upgraded to a "full-ballot" voter if:

- The County Recorder acquires DPOC on the registrant's behalf from AZMVD records or the statewide voter registration database; or
- The registrant provides DPOC to the County Recorder by 5:00 p.m. on the Thursday before an election.

If a “federal-only” voter has been issued a ballot-by-mail, but becomes a “full-ballot” voter prior to 5:00 p.m. on the Thursday before the election, the voter may:

- Vote the “federal-only” ballot-by-mail; *or*
- Vote a regular or provisional “full-ballot” in-person during early voting or on Election Day, depending on the procedures implemented by the County Recorder or other officer in charge of elections.

If a voter is issued both an early “federal-only” ballot and an early “full-ballot,” the first ballot accepted by the County Recorder’s office is the only ballot that will be counted.

5. DPOC When Moving Between Counties

A voter who registered to vote before December 13, 2004, and was therefore exempted from the requirement of providing DPOC, must submit valid DPOC if the voter is changing voter registration from one county to another in order to be registered as a “full-ballot” voter in the new county. [A.R.S. § 16-166\(G\)](#).

Registered voters who submitted valid DPOC to the County Recorder in their county of residence need not resubmit evidence of citizenship upon moving and registering to vote in a new county in Arizona so long as a record of their previously submitted DPOC is accessible by the new County Recorder (*e.g.*, via AZMVD records or the statewide voter registration database) and can be made part of their voter registration file in the new county. While proof of voter *registration* from another state or county is not satisfactory evidence of citizenship, [A.R.S. § 16-166\(H\)](#), valid documentary proof of *citizenship* presented in one Arizona county and documented in the statewide voter registration database constitutes valid DPOC if the voter registers in another county in Arizona.

6. Verifying Citizenship/Naturalization/Alien Registration Numbers

a. SAVE Usage

Each County Recorder accesses SAVE pursuant to the Secretary of State’s Memorandum of Agreement with USCIS (the “USCIS MOA”).⁷ The Secretary of State will provide SAVE access to each County Recorder upon signing a separate agreement (the “SOS/County SAVE Agreement”) that will govern the terms of SAVE usage (and, in some cases, billing as well, though some counties have a separate Reimbursement Memorandum of Agreement with USCIS).

When a registrant provides a Naturalization Certificate Number, Citizenship Certificate Number, or Alien Registration Number as DPOC, that number must be verified through the SAVE database and the registrant must remain in “suspense” status until the SAVE verification is completed.

⁷ County Recorders who access SAVE pursuant to the Secretary of State’s USCIS MOA must comply with the conditions of use in the USCIS MOA.

SAVE shall only be used for verification of citizenship for a new registration if the registrant provides a Naturalization Certificate Number, Citizenship Certificate Number, or Alien Registration Number as DPOC. Further, under the terms of the current USCIS MOA, SAVE shall not be used for list maintenance purposes, *i.e.* to cancel an existing registration.

i. SAVE Returns U.S. Citizen Status

If SAVE returns “United States Citizenship,” the registrant’s status must be updated to “active” in the voter registration database and the voter must be registered as a “full-ballot” voter.

ii. SAVE Returns Non-Citizen Status

If SAVE returns “Lawful Permanent Resident,” “Refugee,” “Non-Immigrant,” or “Asylee,” or other non-citizen status, the registrant must be processed like those with a non-citizen AZDL/ID#. See [Chapter 1, Section II\(A\)\(3\)](#) above. Specifically, a County Recorder must:

1. Enter the registrant’s information into the voter registration database with a status of “not eligible” (or functional equivalent).
2. Send a letter to the registrant (including a DPOC Submission Form/SAVE Non-Citizen Notice) within 10 business days, informing the registrant that:
 - According to DHS records, the registrant holds an immigration number indicating non-citizenship and has not been registered to vote for that reason; and
 - The registrant may be registered as a “full-ballot” voter if the registrant submits other valid DPOC to the County Recorder. The registrant must provide DPOC by 5:00 p.m. on the Thursday before the next regular general election in order to vote a “full-ballot” in that election.
4. Maintain the registrant’s information in the voter registration database with a status of “not eligible” (or functional equivalent) until the next regular general election if the registrant has not provided valid DPOC. If, after the next regular general election, the registrant still has not provided valid DPOC, the registrant’s record may be changed to “not registered” (or functional equivalent). The registrant would then be required to complete a new registration form to become eligible to vote in future elections.

iii. SAVE Returns No Match

If SAVE is unable to find a match, the registrant must be processed like any other registrant who has not provided satisfactory DPOC. See [Chapter 1, Section II\(A\)\(4\)](#). Specifically, if valid DPOC cannot be electronically acquired via AZMVD records or the statewide voter registration database (and the registrant’s AZMVD record is not shown to have a non-citizen authorized presence designation), a County Recorder must:

1. Process the voter registration application and designate the registrant as a “federal-only” voter; and
2. Send a letter to the registrant (including a DPOC Submission Form/SAVE No Match Notice) within 10 business days, informing the registrant that they have been registered

as a “federal-only” voter and must submit other valid DPOC to become a “full-ballot” voter.

b. Naturalization Ceremonies

County Recorder representatives who conduct registration drives at naturalization ceremonies must take special precautions to ensure registration forms are properly processed.

- The County Recorder representative who receives the registrant’s completed voter registration form must write the representative’s name or initials on the form, along with the date and some indication that the form was completed at a naturalization ceremony (e.g., “NC”);
- The County Recorder representative who conducted the registration drive must ensure that the registrant’s Naturalization Certificate Number, Citizenship Certificate Number, or Alien Registration Number is written on each registration form; and
- If any registrants reside outside that county, the County Recorder representative must bundle the voter registration forms by county and send them to the applicable County Recorders, along with a cover letter affirming that the registration forms were received through a naturalization ceremony.

The County Recorder who receives the bundle may rely on this cover letter as verification of citizenship. The County Recorder need not re-check any citizenship or immigration numbers to verify citizenship and may register the newly naturalized registrants as “full-ballot” voters (assuming no other deficiencies).

c. Verifying Citizenship Near Voter Registration Deadlines

Often there is a delay between when a registrant becomes a U.S. citizen and when that registrant’s citizenship status has been updated in SAVE. Therefore, certain precautions must be taken if a County Recorder receives a voter registration form within two weeks of a registration deadline that contains a Citizenship, Naturalization, or Alien Registration Number:

- If a County Recorder receives a registration form within 14 days of a voter registration deadline, the County Recorder must, as soon as practicable, notify the registrant by telephone and/or email (or by mail if the registrant’s telephone number and email is not available) about the potential need (in case SAVE results are not ready by the deadline) to submit further DPOC to be a “full-ballot” voter for the next election. For example, the registrant may present their naturalization papers or submit a copy to the County Recorder to satisfy the DPOC requirement.
- Within 14 days of Election Day, a County Recorder must check SAVE for the results of any pending verifications to print or create precinct registers for Election Day. If any cases remain pending for additional verification at that time, the County Recorder should be prepared to supplement the precinct registers immediately preceding the election or be prepared to issue Recorder’s Certificates to any newly registered voters whose citizenship was verified at the last minute. If the County Recorder cannot obtain verification of

citizenship from SAVE by 5:00 p.m. on the Thursday before Election Day, the registrant must be registered as a “federal-only” voter and the County Recorder must notify the registrant that the registrant must submit other valid DPOC in order to become a “full-ballot” voter for future elections. See [Chapter 1, Section II\(A\)\(6\)](#).

7. Preservation and Protection of Citizenship Documentation

A County Recorder must maintain all DPOC received pursuant to [A.R.S. § 16-166\(F\)](#) in a manner that the County Recorder reasonably believes will prevent access by unauthorized persons. Documents submitted for purposes of proving citizenship may be maintained outside the voter registration database, but the County Recorder must otherwise document in the voter registration database that DPOC had been received.

A County Recorder may destroy DPOC documents two years after the date of receipt. The County Recorder must exercise reasonable diligence to ensure any DPOC documents are properly destroyed. [A.R.S. § 16-166\(F\), \(J\)](#).

8. Statutory Obligation to Verify Citizenship⁸

a. Database Checks

Within 10 business days after receiving a Federal Form not accompanied by DPOC, a County Recorder must attempt to verify citizenship, including checking certain databases if the County has access. [A.R.S. § 16-121.01\(D\)](#).⁹ This includes:

1. “The department of transportation databases of Arizona driver licenses or nonoperating identification licenses.” [A.R.S. § 16-121.01\(D\)\(1\)](#). County Recorders already currently fulfill this obligation through their voter registration process, which automatically checks AZMVD records. See [Section II\(A\)\(2\)\(a\)](#) above; [Section IV\(H\)](#) below.
2. “The United States citizenship and immigration services [USCIS] systematic alien verification for entitlements [SAVE] program, if practicable.” [A.R.S. § 16-121.01\(D\)\(3\)](#). A County Recorder may fulfill this obligation by following the procedures for SAVE usage as described in this Manual. See [Section II\(A\)\(6\)](#) above.

Note: SAVE is used only if a registrant provides a Naturalization Certificate Number, Citizenship Certificate Number, or Alien Registration Number. If a registrant does not

⁸ Litigation is pending on the statutory provisions cited here. See *Mi Familia Vota et al. v. Fontes et al.*, CV-22-00509-PHX-SRB.

⁹ A related statutory enactment states that County Recorders must reject State Forms not accompanied by DPOC. [A.R.S. § 16-121.01\(C\)](#). But, at the time of publication, a federal court has declared this provision in violation of the LULAC Consent Decree, so it should not be enforced. See *Mi Familia Vota et al. v. Fontes et al.*, CV-22-00509-PHX-SRB, Order filed 9/14/23, Dkt. 534, pgs. 21–22.

provide such a number, the statutory obligation to check SAVE does not apply because checking SAVE is not “practicable.” [A.R.S. § 16-121.01\(D\)\(3\)](#).

Although the statute lists other databases for County Recorders to check, the Secretary of State is unaware of County Recorders currently having access to those databases for citizenship verification purposes. This includes the Social Security Administration database, the National Association for Public Health Statistics Information and Systems (NAPHSIS) electronic verification of vital events system, and the Electronic Registration Information Center (ERIC) database. See [A.R.S. § 16-121.01\(D\)\(2\), \(D\)\(4\), \(D\)\(5\)](#). Because the obligation to check databases applies only when County Recorders have access to citizenship data through the database, County Recorders currently have no obligation to check these databases.

b. Results of Database Checks

After conducting the database checks described above, if the County Recorder verifies citizenship, the applicant must be registered. [A.R.S. § 16-121.01\(E\)](#). For example:

- When AZMVD records confirm citizenship and the applicant is otherwise eligible, the applicant must be registered as a “full-ballot” voter. See [Section II\(A\)\(2\)\(a\)](#) above.
- When SAVE returns U.S. citizen status and the applicant is otherwise eligible, the applicant must be registered as a “full-ballot” voter. See [Section II\(A\)\(6\)\(a\)\(i\)](#) above.

If the database checks affirmatively show the applicant is a non-citizen, the County Recorder must (1) not register the applicant, (2) notify the applicant, and (3) if the applicant does not timely provide DPOC in response, forward the application to the County Attorney and Attorney General. [A.R.S. § 16-121.01\(E\)](#). For example:

- When AZMVD data show that the applicant’s AZMVD record has a non-citizen authorized presence designation and no valid DPOC has been provided by the applicant or otherwise acquired, the County Recorder should follow the procedures in [Section II\(A\)\(3\)](#) above. If the applicant does not timely submit valid DPOC in response to these procedures, the County Recorder shall then forward the application to the County Attorney and Attorney General.¹⁰
- When SAVE returns non-citizen status and no valid DPOC has been provided by the applicant or otherwise acquired, the County Recorder should follow the procedures in [Section II\(A\)\(6\)\(a\)\(ii\)](#) above. If the applicant does not timely submit valid DPOC in response to these procedures, the County Recorder shall then forward the application to the County Attorney and Attorney General.

¹⁰ The fact that an AZMVD record has a non-citizen authorized presence designation generally indicates that the applicant was not a citizen at the time they obtained that AZDL/ID#. However, it is possible that the applicant has become a naturalized citizen since then.

If the County Recorder cannot verify whether the applicant is a citizen or non-citizen but the applicant is otherwise eligible to register to vote, the County Recorder must register the applicant as a “federal-only” voter. See [Section II\(A\)\(4\)](#) above.¹¹

c. Recording Efforts to Verify Citizenship

A County Recorder must record efforts made to verify citizenship status under [Section II\(A\)\(8\)\(a\)](#) and [\(b\)](#) above. See [A.R.S. § 16-121.01\(F\)](#).

B. Age Requirement for Registration

A registrant must be at least 18 years old by the next “regular general election” that occurs following their registration. [A.R.S. § 16-101\(A\)\(2\)](#). For purposes of this requirement, the next “regular general election” is the next statewide general election held pursuant to [A.R.S. § 16-211](#).¹²

A minor who is qualified to register to vote is not necessarily a qualified elector for the next election. Although registered, a minor will not be eligible to vote in any elections until they turn 18 years of age as required by [Ariz. Const. Art. VII, § 2](#).

If a County Recorder receives a voter registration form from a registrant who will be at least 18 years old on or before the next statewide general election but will not be 18 years old at the time of the next election, the registrant must be entered in the voter registration database and placed in a “suspense” status with a “registrant too young” reason code (or functional equivalent).

The County Recorder, after verifying citizenship as outlined in [Chapter 1\(II\)\(A\)](#), must notify the registrant by mail within 10 business days of receipt of the registration form to: (1) inform the registrant that their registration will remain in “suspense” until the registrant turns 18; (2) specify the next election where the registrant will be eligible to vote; and (3) specify the registrant’s “full-ballot” or “federal-only ballot” designation (providing an opportunity to submit DPOC where applicable). [A.R.S. § 16-101\(A\)\(1\), \(2\), \(3\)](#); [A.R.S. § 16-134\(B\)](#); [A.R.S. § 16-152\(A\)\(15\)](#).

On or after the registrant’s 18th birthday, the registrant’s status must be changed to “active” to make the registrant a qualified elector for the next election. A registered minor is not eligible to sign initiative, referendum, or recall petitions, or petitions for political party recognition, until they

¹¹ Related statutory enactments state that if, after checking databases, the County Recorder cannot verify citizenship, the County Recorder must notify the applicant that the applicant cannot vote in a presidential election or by mail with an early ballot until DPOC is provided. See [A.R.S. §§ 16-121.01\(E\); 16-127](#). But, at the time of publication, a federal court has declared these provisions preempted by the NVRA and they may not be enforced. See *Mi Familia Vota et al. v. Fontes et al.*, CV-22-00509-PHX-SRB, Order filed 9/14/23, Dkt. 534, pgs. 10–15.

¹² [A.R.S. § 16-152\(A\)\(15\)](#) requires that the state voter registration form ask whether a registrant will be 18 years old “on or before election day” in order to register to vote. (Emphasis added). However, this provision must be interpreted consistently with [A.R.S. § 16-101\(A\)\(2\)](#), and therefore only forbids registration if the registrant will not be at least 18 years old by the next regular general election.

turn 18 years old. [A.R.S. § 16-321\(B\)](#); [A.R.S. § 19-121.02\(A\)](#); [A.R.S. § 19-208.02\(A\)](#); [A.R.S. § 16-803\(E\)](#). However, a registered minor is eligible to sign candidate nomination petitions so long as the minor will be 18 years old by the next regular general election and, at the time of signing, the minor is a registered voter (with their registration status in “suspense” due only to age) in the electoral district of the office the candidate is seeking. [A.R.S. § 16-101](#); [A.R.S. § 16-121\(A\)](#); [A.R.S. § 16-321\(B\)](#); *Simpson v. Tarver*, No. CV-20-0218-AP/EL (Ariz. Aug. 24, 2020).

In order to maintain eligibility to vote in the next general election, the registered minor must be a resident of Arizona for the 29 days preceding the election, except as provided in [A.R.S. § 16-126](#). [A.R.S. § 16-101\(A\)\(4\)](#). See also [A.R.S. § 16-593](#).

C. Residency Requirements for Registration

A new registrant must be a resident of Arizona at least 29 days before the next election. [A.R.S. § 16-101\(A\)\(3\)](#). A registrant is a “resident” if they have physical presence in the county along with an intent to remain. A registrant may be temporarily absent from the jurisdiction without losing their residency status, as long as they have an intent to return. [A.R.S. § 16-101\(B\)](#). Generally, a County Recorder has no duty to verify a registrant’s residency status and shall rely on the registrant’s documentation or affirmation of residency. However, if the registrant submits an AZDL/ID# as proof of location of residence, the County Recorder must verify that number. See [A.R.S. § 16-123](#).

Except for UOCAVA registrants, a person who registers to vote shall provide an identifying document that establishes proof of location of residence. [A.R.S. § 16-123](#).¹³ However, a person who registers using a Federal Form need not provide such documentation to vote in federal elections.¹⁴ Accordingly, a person who registers using a Federal Form and who does not provide such documentation should be registered as a “federal-only” voter and cannot be registered as a “full-ballot” voter until such documentation is provided.

Any of the identifying documents listed in [A.R.S. § 16-579\(A\)\(1\)](#) constitutes satisfactory proof of location of residence, but it is not an exhaustive list of the documents that can be used to satisfy [A.R.S. § 16-123](#).¹⁵ Further, [A.R.S. § 16-123](#) does not require tribal members or other Arizona residents to have a standard street address to satisfy [A.R.S. § 16-123](#). In addition to the documents listed in [A.R.S. § 16-579\(A\)\(1\)](#), documents satisfying the requirement in [A.R.S. § 16-123](#) include, but are not limited to:

- A valid unexpired Arizona driver license or nonoperating ID (“AZ-issued ID”), regardless of whether the address on the AZ-issued ID matches the address on the

¹³ Litigation is pending on this statutory provision. See *Mi Familia Vota et al. v. Fontes et al.*, CV-22-00509-PHX-SRB.

¹⁴ See *Mi Familia Vota et al. v. Fontes et al.*, CV-22-00509-PHX-SRB, Order filed 09/14/23, Dkt. 534, pg. 9.

¹⁵ *Mi Familia Vota, et al., v. Fontes, et al.*, CV-22-00509-PHX-SRB, Order filed 09/14/23, Dkt. 534, pp. 33-34.

ID-holder's voter registration form and even if the AZ-issued ID lists only a P.O. Box.

- Any Tribal identification document, including but not limited to a census card, an identification card issued by a tribal government, or a tribal enrollment card, regardless of whether the Tribal identification document contains a photo, a physical address, a P.O. Box, or no address.
- Written confirmation signed by the registrant that they qualify to register pursuant to [A.R.S. § 16-121\(B\)](#), regarding registration of persons who do not reside at a fixed, permanent, or private structure.

If the County Recorder acquires an AZDL/ID# from AZMVD for an applicant, that AZDL/ID# satisfies the proof of location of residence requirement for a State or Federal Form. [A.R.S. § 16-123](#).

Although often interchangeable, the 29-day residency qualification ([A.R.S. § 16-101\(A\)\(3\)](#)) is distinct from the 29-day deadline to register to vote ([A.R.S. § 16-120](#)) in advance of an election.

1. Determining Residency for Homeless/Transient Voters

A person who is otherwise qualified to register to vote shall not be refused registration or declared ineligible to vote because the person does not live in a fixed, permanent, or private structure. [A.R.S. § 16-121\(C\)](#).

Pursuant to [A.R.S. § 16-121\(B\)](#), a person who does not reside at a fixed, permanent, or private structure may use any of the following places as their registration address:

1. A homeless shelter to which the registrant regularly returns;¹⁶
2. The place at which the registrant is a resident;
3. The county courthouse in the county in which the registrant resides; or
4. A general delivery address for a post office covering the location where the registrant is a resident.

2. Voting in a Presidential Election after Moving Out-of-State

Notwithstanding the 29-day residency requirement, a registrant who moves away from Arizona after the 30th day immediately preceding a presidential election may vote for presidential electors in Arizona (and for no other races or ballot questions) by early ballot in the Arizona precinct from which the registrant moved, in-person at the County Recorder's office, or by mail. [A.R.S. § 16-](#)

¹⁶ "Homeless shelter" is defined as "a supervised publicly or privately operated shelter designed to provide temporary living accommodations to individuals who lack a fixed, regular and adequate nighttime residence." [A.R.S. § 16-121\(D\)](#).

[126\(A\)](#). A registrant who votes pursuant to this provision shall have their registration promptly canceled after the election. [A.R.S. § 16-126\(B\)](#).

3. Residency Requirement for UOCAVA Voters

The only other exception to the requirement for residency prior to the election is for a UOCAVA registrant who has never resided in the United States but has at least one parent registered to vote in Arizona at the time of registration. [A.R.S. § 16-103\(E\)](#). See [Chapter 1, Section I\(B\)](#) for more information on registration and voting requirements for UOCAVA registrants.

D. Effect of Felony Conviction on Qualification to Register to Vote

A registrant may not register to vote if they have been convicted of treason or a felony, unless their civil rights have been restored. [A.R.S. § 16-101\(A\)\(5\)](#).

- If a registrant has only one felony conviction in Arizona, civil rights are automatically restored upon: (i) completion of the sentence, including probation, parole, and discharge from imprisonment; and (ii) payment of any restitution imposed. Payment of any other legal financial obligations, such as fines or court fees, is no longer required before civil rights are automatically restored after a first felony conviction. [A.R.S. § 13-907](#).¹⁷
- If a registrant has more than one Arizona felony conviction or is unable to pay restitution, they may petition the superior court in which they were convicted to restore their voting rights. If their convictions are federal, they may petition the superior court in their county of residence to restore their voting rights. [A.R.S. § 13-908](#).
- If a registrant has a felony conviction(s) from another state, they are eligible to register to vote in Arizona if their civil rights have been restored in the state of their conviction(s), assuming all other requirements for voter registration in Arizona are met. See *Parker v. City of Tucson*, 233 Ariz. 422, 431 (App. 2013).
- Those who have only misdemeanor convictions or are in pretrial detention remain eligible to register to vote assuming no other deficiencies.

A registrant must affirm under penalty of perjury that they are not barred from registering to vote due to a felony conviction. [A.R.S. § 16-152\(A\)\(16\)](#). A County Recorder has no duty to verify whether the civil rights of a registrant with felony conviction(s) have been restored and may rely on the registrant's affirmation when registering to vote.

For more information on when and how civil rights may be restored, see [A.R.S. § 13-604\(A\)](#); [A.R.S. § 13-905](#); [A.R.S. § 13-906](#); [A.R.S. § 13-907](#); [A.R.S. § 13-908](#); [A.R.S. § 16-1011\(C\)](#).

¹⁷ A person with a single felony conviction in Arizona is eligible for automatic rights restoration in Arizona upon completion of their sentence and payment of any restitution imposed, even if they have a felony conviction(s) in another state(s), so long as their civil rights have been restored in the other state(s). See *Parker v. City of Tucson*, 233 Ariz. 422, 431 (App. 2013) (stating that A.R.S. § 13-912(A) (renumbered as [A.R.S. § 13-907](#)) applies to first-time felony convictions that occurred in Arizona).

County election officials should refer individuals who have questions regarding the impact of a criminal conviction on their eligibility to register to vote to the appropriate superior court for additional information on the rights restoration process.

E. Effect of Incapacitation on Qualification to Register to Vote

A registrant may not register to vote if they have been adjudicated mentally incapacitated by a court with their voting rights revoked. [A.R.S. § 16-101\(A\)\(6\)](#); [A.R.S. § 14-5101\(3\)](#). A registrant must affirm under penalty of perjury that they are not barred from registering to vote due to a court adjudication of mental incapacitation under [A.R.S. § 14-5101\(3\)](#). A County Recorder has no duty to verify whether a registrant has been adjudicated mentally incapacitated and may rely on the registrant's affirmation when registering to vote. For more information on findings of incapacitation and retention of voting rights, see [A.R.S. § 14-5101\(3\)](#); [A.R.S. § 14-5304.02](#).

F. Effect of Inability to Sign or Make a Mark

A person who is unable to complete, sign, or make their mark on a voter registration form due to physical disability is nonetheless eligible to register to vote. [A.R.S. § 16-101\(A\)\(4\)](#).

- In that circumstance, the voter registration form may be completed at the registrant's direction, and the person who assisted in completing the form must sign the assister's name on the State Form. [A.R.S. § 16-152\(A\)\(20\)](#).
- Even if the registrant needs assistance in filling out the form, if the registrant is able to sign or make their mark, the registrant should do so.
- If the registrant is unable to sign or make their mark, as a best practice, it is recommended (but not required) that the person assisting write "Voter Unable to Sign Due to Disability," or a substantially similar note, in the voter signature space.

III. VOTER REGISTRATION ASSISTANCE AGENCIES

A. Designated Voter Registration Assistance Agencies

Various agencies, organizations, and offices in Arizona may be designated as "voter registration assistance" agencies. An officially designated voter registration assistance agency:

- Provides assistance in registering to vote without regard to political party or affiliation;
- Develops written policies and conducts internal training to ensure compliance with federal and state voter registration laws;
- Meets with the Secretary of State and/or County Recorder, as applicable, on an as-needed basis to discuss voter registration policies and procedures;
- Receives State Forms (from the applicable County Recorder) and Federal Forms (from the Secretary of State) on a regular basis; and

CHAPTER 2: EARLY VOTING

Any election in Arizona, including special taxing district elections, must provide for early voting, which includes no-excuse ballot-by-mail³¹ voting and in-person early voting. [A.R.S. § 16-541](#). Voters who are blind or have a visual impairment shall be provided with an opportunity to vote early, including voting by the use of an accessible vote by United States mail option. [A.R.S. § 16-541\(A\)](#). An all ballot-by-mail election incorporates aspects of early voting but is subject to the specific requirements outlined in [Chapter 3](#).

I. BALLOT-BY-MAIL

Without providing any reason or justification, a voter may request to be sent a ballot-by-mail on a one-time or permanent basis.

A. One-Time Requests to Receive a Ballot-by-Mail

A voter may request a ballot-by-mail for a specific election, which may include a simultaneous request for a ballot-by-mail for both the primary and general election. [A.R.S. § 16-542\(A\)](#). A voter may make a ballot-by-mail request to the County Recorder or other county officer in charge of elections, who must document the voter's request in the voter's registration record.

Candidates, political committees, or other organizations are permitted to distribute ballot-by-mail request forms to voters. Such request forms shall be submitted to the County Recorder within six business days after receipt by a candidate, political committee, or other organization or 11 days before Election Day, whichever is earlier. [A.R.S. § 16-542\(K\)](#). The request forms must seek all the information required in [Chapter 2, Section I\(A\)\(4\)](#).

1. Eligibility to Request a Ballot-by-Mail

Any qualified elector may request a ballot-by-mail containing the races for which they are eligible to vote. [A.R.S. § 16-542](#). However, for an election that includes a federal office, first-time voters who registered to vote by mail and did not provide DPOC or other HAVA-compliant identification must prove identity before receiving a ballot-by-mail. [52 U.S.C. § 21083\(b\)](#); see [Chapter 1, Section IV\(I\)](#) for more details on the HAVA identification requirements.

³¹ This Manual uses the term “ballot-by-mail” to refer to: (1) early ballots mailed to voters based on a one-time request pursuant to [A.R.S. § 16-542](#) or based on the voter's request to be on the Active Early Voting List (AEVL) pursuant to [A.R.S. § 16-544](#); (2) ballots transmitted to UOCAVA voters; and (3) ballots automatically mailed to all eligible voters for an all ballot-by-mail election (see [Chapter 3](#) for more information on ballot-by-mail elections).

2. Time Period to Request a Ballot-by-Mail

A voter may request a ballot-by-mail between 93 and 11 days before the election. [A.R.S. § 16-542\(A\), \(E\)](#). A voter may simultaneously request a ballot-by-mail for both a primary and general election as long as the request is made between 93 and 11 days before the *primary* election. However, UOCAVA voters and a voter whose information is protected pursuant to [A.R.S. § 16-153](#) may make a request for a ballot-by-mail more than 93 days before an election. [A.R.S. § 16-542\(B\)](#).

3. Methods to Request a Ballot-by-Mail

A voter may request a ballot-by-mail orally or in writing, including in-person, online, or by telephone, email, fax, or mail. A voter may update their residence or mailing address in their voter registration record through a written (but not oral) ballot-by-mail request form. [A.R.S. § 16-542\(A\), \(F\)](#).

4. Ballot-by-Mail Request Form

For written or online requests, a ballot-by-mail request form created by County Recorders must contain the following:

1. The title “Ballot-by-Mail Request” or “Early Ballot Request;”
2. The county name;
3. Entry fields for:
 - a. The voter’s name;
 - b. The voter’s residential address or description of residence location;
 - c. The voter’s mailing address where the ballot-by-mail should be sent (if different from residential address);
 - d. The voter’s date of birth;
 - e. The voter’s state or country of birth or another piece of information that, if compared to the voter’s record, would confirm the voter’s identity (such as the AZDL/ID# or SSN4, father’s name, or mother’s maiden name);
 - f. The voter’s telephone number (paper forms only);
 - g. The voter’s signature (paper forms only);
 - h. The voter’s email address (optional);
 - i. The election or election date(s) for which a ballot-by-mail is being requested;
4. If the voter is not registered with a recognized political party and is requesting a primary election ballot, an entry field for the registrant to specify the political party ballot being requested;
5. A method to indicate whether the voter would like to update their registration record with

the information provided in the ballot-by-mail request form; and

6. A notice that the completed ballot-by-mail request must be received by the County Recorder by 5:00 p.m. on the 11th day preceding the election.

In addition to the County Recorder's or Secretary of State's official paper or online ballot-by-mail request form, a voter may use any other substantially similar written document to make a one-time request to be sent a ballot-by-mail.

[A.R.S. § 16-542\(A\), \(E\)](#).

5. Minimum Requirements for Requesting a Ballot-by-Mail

In order for the County Recorder to process a ballot-by-mail request, the request must contain at least the following information:

1. The voter's name;
2. The voter's residential address or description of residence location;
3. The voter's date of birth;
4. At least one of the following:
 - The voter's state or country of birth; or
 - Another piece of information that, if compared to the voter's record, would confirm the voter's identity, such as the AZDL/ID# or SSN4, father's name, or mother's maiden name.

For partisan primary elections, a voter who is not registered with a recognized political party must indicate which political party ballot the voter wishes to receive. [A.R.S. § 16-542\(A\), \(E\)](#).

6. Requesting Political Party Ballot for a Primary Election

If a voter requests a one-time ballot-by-mail for a primary election, but the voter is not registered with a recognized political party, the voter must designate a recognized political party ballot in order to receive a ballot-by-mail for that primary election. [A.R.S. § 16-542\(A\)](#).

The voter may request only one political party ballot for each election. Requesting a political party ballot does not change the voter's political party preference in their registration record. In general, once a County Recorder mails the requested party ballot, a voter may not request or receive a different party ballot. If a voter re-registers to vote with a recognized political party between 45 and 29 days before the election, however, the voter must be sent a party ballot that corresponds to the new party. If the voter had requested a different party ballot prior to re-registering to vote, the prior ballot should not be mailed (or if already mailed, should be voided).

In lieu of requesting a party ballot for the partisan primary, a voter who is not registered with a recognized political party may request a non-partisan ballot if a non-partisan election is being

conducted at the same time as the partisan primary and if the voter is eligible to vote a non-partisan ballot.

7. Incomplete Ballot-by-Mail Requests

If a ballot-by-mail request does not contain the voter's name, residential address or description of residence location, date of birth, party ballot designation (for voters not registered with a recognized political party who are requesting a ballot-by-mail for a partisan primary election), or other verifying information, the County Recorder must notify the voter (by mail, telephone, text, and/or email) within a reasonable period if the County Recorder has sufficient contact information to do so. If the ballot-by-mail request form does not contain contact information, the County Recorder must check the registrant's record for contact information. [A.R.S. § 16-542\(E\)](#).

If the voter provides the missing information by the 11th day before the election, the voter must be mailed a ballot-by-mail for that election.

B. Requests to Be Placed on the Active Early Voting List

A voter may request to be placed on the Active Early Voter List (AEVL) and receive a ballot-by-mail for each election the voter is eligible for. [A.R.S. § 16-544\(A\)](#).

Unless an AEVL voter notifies the County Recorder at least 45 days before an election that the voter does *not* wish to receive a ballot-by-mail, the County Recorder will automatically schedule the mailing of a ballot-by-mail to the voter. [A.R.S. § 16-544\(F\)](#). However, for an open partisan primary election, the County Recorder will not mail a ballot to a voter who is not registered with a recognized political party unless the voter timely selects a political party ballot. [A.R.S. § 16-544\(G\)](#).

1. AEVL Eligibility

Any qualified elector may request to be placed on the AEVL. [A.R.S. § 16-544\(A\)](#).

A first-time voter with “federal-only” designation who registered by mail (*i.e.*, has a “FED” designation) and requests to be placed on the AEVL must first prove their identity in compliance with HAVA prior to receiving a ballot-by-mail. [52 U.S.C. § 21083\(b\)](#); see [Chapter 1, Section IV\(I\)](#) for more details on the HAVA identification requirements.

A UOCAVA voter also may request to be placed on the AEVL, however ballots are transmitted to these UOCAVA voters at least 45 days before the election. [A.R.S. § 16-544\(J\)](#). If an AEVL voter loses their UOCAVA status, the voter shall continue to receive a ballot-by-mail at their designated mailing address unless the address is outside of Arizona. If the mailing address is outside of Arizona, the voter shall be notified that they must update their mailing address to an address inside Arizona in order to remain on the AEVL. However, even if the voter's mailing address is in Arizona, the voter, upon losing UOCAVA status, may not receive or return a ballot by fax or other electronic means and the ballot will not be sent until 27 days (rather than 45 days) before the

election unless the voter submits a new FPCA form.

A voter enrolled in the AEVL may not request that ballots be automatically sent to an out-of-state address for each election unless the voter is also a UOCAVA voter. However, an AEVL voter may make one-time requests to have their ballot mailed to an address outside of Arizona for specific elections. [A.R.S. § 16-544\(B\)](#).

2. Time Period to Request Placement on the AEVL

A voter may request to be placed on the AEVL at any time. However, in order for a ballot to be mailed to the voter for a specific election, the AEVL request must be received no later than 5:00 p.m. on the 11th day before the election. [A.R.S. § 16-542\(A\), \(E\), \(F\)](#). If a voter requests to be placed on the AEVL less than 11 days before the election, no ballot will be mailed to the voter for that next election (unless the County Recorder has time to do so), but the voter’s AEVL status will be activated for future elections.

3. Methods to Request Placement on the AEVL

A voter may request to be placed on the AEVL by:

- Selecting the AEVL request box on the State Form;³²
- Selecting the AEVL request option on an online voter registration;
- Selecting the AEVL request option during an in-person or online MVD covered transaction;
- Submitting a hard copy or electronic AEVL request form issued by a County Recorder or the Secretary of State; or
- Making any other written request that contains the minimum required information for an AEVL request as specified in [A.R.S. § 16-542\(A\)](#).

If a registrant makes a request to be added to the AEVL other than through an initial voter registration, the County Recorder must compare the signature on the AEVL request form with the signature in the registrant’s record to determine whether the same person signed both forms before adding the voter to the AEVL. [A.R.S. § 16-544\(C\)](#). After a valid request, a County Recorder must update the voter’s registration record to reflect AEVL status. [A.R.S. § 16-544\(C\)](#).

4. AEVL Request Form

An AEVL request form created by County Recorders must contain substantially the following:

1. The title “Active Early Voter List Request”;

³² Voters, counties, and third-party organizations may use up existing printed stock of prior versions of the State Form and early ballot/early voting list request forms, including those that reference the “Permanent Early Voting List” (or “PEVL”) instead of the AEVL. If using a form that references the PEVL, a voter’s request to enroll in the PEVL shall constitute a request to enroll in the AEVL.

2. The county name;
3. Entry fields for:
 - The voter’s name;
 - The voter’s residential address or description of residence location;
 - The voter’s mailing address in the state of Arizona;
 - The voter’s date of birth; and
 - The voter’s signature;
4. A method to indicate whether the voter would like to update their registration record with the information provided in the AEVL request form;
5. A statement that the voter is attesting that the voter is a registered voter who is eligible to vote in the county of residence; and
6. The statement “I authorize the County Recorder to add my name to the Active Early Voting List and by doing so the County Recorder will automatically mail a ballot-by-mail to me for each election for which I am eligible.”

A County Recorder may add additional language to an AEVL request form.

In addition to the County Recorder’s or Secretary of State’s official AEVL request form, a voter may use any other substantially similar written document to request AEVL status.

5. Minimum Requirements for Requesting Placement on the AEVL

A valid written AEVL request must contain, at minimum, the voter’s:

- Name;
- Residence address or location within the county;
- Mailing address within the state (if different from residential address);
- Date of birth; and
- Signature.

The voter may not list an out-of-state mailing address unless the voter is a UOCAVA voter. [A.R.S. § 16-544\(B\)](#).

6. Incomplete Requests for Placement on the AEVL

If the AEVL request does not contain the voter’s name, residence address or residence location, mailing address in the state, date of birth, or signature, or contains a signature that does not match the signature in the registrant’s record, the County Recorder must notify the voter (by mail, telephone, text, and/or email) within a reasonable period if the County Recorder has enough information to do so. If the AEVL request form does not contain contact information, the County

Recorder must check the registrant's record for contact information.

If the voter provides the missing information or confirms any mismatched signature by the 11th day before the election, the voter must be mailed a ballot-by-mail for that election and be added to the AEVL for future elections. If the voter provides the missing information after the 11th day before the election, the County Recorder must add the voter to the AEVL for future elections and may send the voter a ballot-by-mail for the current election if the County Recorder has sufficient time to do so.

7. Removal from the AEVL

A voter may be removed from the AEVL under the following circumstances:

- The voter makes a written request to be removed from the AEVL, which includes the voter's name, residence address, date of birth, and signature;³³
- The 90-day notice (discussed in [Chapter 2, Section I\(B\)\(9\)](#) below) is returned as undeliverable and the County Recorder is unable to contact the voter to confirm the voter's continued desire to remain on the AEVL;
- The voter's registration record is placed in an "inactive" or "canceled" status; or
- The voter did not vote by early ballot in any primary, general, or city/town election (*i.e.*, the voter voted by early ballot in no primary, general, or city/town election) in two consecutive election cycles (beginning after the 2022 election cycle) and failed to return a notice and confirm in writing the voter's desire to remain on the AEVL, within 90 days of receiving the notice.

On or before January 15 of each odd-numbered year, the County Recorder shall send a notice to each voter who is on the AEVL and who did not vote by early ballot in all elections for two consecutive election cycles (*i.e.*, the voter voted by early ballot in no primary, general, or city/town election for two consecutive election cycles, beginning after the 2022 election cycle).³⁴ The notice shall inform the voter that, to remain on the AEVL, the voter must:

- Confirm in writing the voter's desire to remain on the AEVL; and

³³ A written request to be removed from the AEVL may be submitted in-person, by mail, or by email and need not be on a specific form so long as it contains the voter's name, residence address, date of birth, and signature. Upon receipt of the voter's request to be removed from the AEVL, the County Recorder must remove the voter as soon as practicable.

³⁴ For purposes of this section, "election cycle" is defined as: (1) "the two-year period beginning on January 1 in the year after a statewide general election," or (2) "for cities and towns, the two year period beginning on the first day of the calendar quarter after the calendar quarter in which the city's or town's second, runoff or general election is scheduled and ending on the last day of the calendar quarter in which the city's or town's immediately following second, runoff or general election is scheduled, however that election is designated by the city or town." [A.R.S. § 16-544\(S\)](#). Because the 2022 election cycle began before S.B. 1485 (2022) took effect and S.B. 1485 does not apply retroactively, the first two full election cycles after S.B. 1485's effective date are the 2024 and 2026 election cycles. Therefore, the first AEVL removal notices must be sent out by January 15, 2027 to AEVL voters who vote by early ballot in zero eligible elections in the 2024 and 2026 election cycles.

- Return the completed and signed notice that contains the voter's address and date of birth to the County Recorder within 90 days of receipt of the notice.

If a voter receives a notice as described in [A.R.S. § 16-544\(L\)](#) and the voter does not respond to the notice within the 90-day time period, the County Recorder shall remove the voter from the AEVL. [A.R.S. § 16-544\(H\)-\(I\), \(K\)](#).

8. Third-Party Distribution/Receipt of AEVL Request Forms

As for one-time ballot-by-mail request forms, candidates, political committees, or other organizations are permitted to distribute AEVL request forms to voters. [A.R.S. § 16-544\(N\)](#). The request forms must seek all the information required under [Chapter 2, Section I\(B\)\(4\)](#).

If a candidate, political committee, or other organization receives a completed request form, the candidate, political committee, or other organization must return the request form to the applicable County Recorder within six business days of receipt or 11 days before Election Day, whichever is sooner. Failure to timely return completed request forms may result in a civil penalty of \$25 per day for each form withheld. Any person who knowingly fails to return completed AEVL request forms by the submission deadline may be guilty of a class 6 felony. [A.R.S. § 16-544\(O\)](#).

If the request forms include a printed return address, the address must be the County Recorder's office in the political subdivision that will conduct the election. Failure to use the County Recorder's return address may result in a civil penalty up to three times the cost of the production and distribution of the AEVL request form. [A.R.S. § 16-544\(N\)](#).

9. Notice to AEVL Voters in Advance of the Election

A County Recorder must mail a notice to all eligible AEVL voters at least 90 days before any polling place election (*i.e.*, any election not conducted as a ballot-by-mail election, *see* [Chapter 3](#)) scheduled in March or August, including the PPE. [A.R.S. § 16-544\(D\)](#). A County Recorder may not issue a combined 90-day notice for the March and August elections but may issue a combined 90-day notice for a March/May election or an August/November election.

The notice must be sent by non-forwardable mail (with a request to receive an address correction notification) and include the following information:

1. A statement that the County Recorder's records indicate that the voter is on the AEVL;
2. The date(s) of the election(s) that are the subject of the notice;
3. The expected mailing date(s) of the voter's ballot;
4. The voter's mailing address, and an indication that it is the address where the ballot(s) will be mailed;
5. An indicator of the voter's party affiliation;
6. A checkbox to allow the voter to remove the voter's name from the AEVL; and

7. A checkbox to request that the ballot-by-mail not be mailed for the elections listed on the notice.

The notice must include a postage-prepaid means for the voter to:

1. Designate a political party ballot or request a non-partisan ballot, if applicable, (only if the upcoming election includes an open partisan primary and the voter is not registered with a recognized political party);
2. Change the mailing address to another location within the state;
3. Update the voter's residence address in the county of residence; and
4. Request that the voter not be sent a ballot for the upcoming election or elections indicated in the notice.

If an election is not formally called before 180 days of the scheduled election, the County Recorder is not required to send a 90-day notice. [A.R.S. § 16-544\(D\)](#).

a. 90-Day Notice to AEVL Voters Not Affiliated with a Recognized Political Party

If the upcoming election is an open partisan primary election and the AEVL voter is not registered with a recognized political party, the 90-day notice must include a means for the voter to designate a political party ballot. [A.R.S. § 16-544\(D\)](#). This notice shall explain that requesting a party ballot for the primary election does not change the voter's political party preference in their registration record.

If an AEVL voter does not designate a party ballot within 45 days of the election, the voter will not be automatically sent a ballot-by-mail for that primary election, but the voter's name will remain on the AEVL for future elections. To vote early by mail in that election, the voter must make a one-time ballot-by-mail request and designate a party ballot. [A.R.S. § 16-542\(A\)](#); [A.R.S. § 16-544\(G\)](#).

In general, once a County Recorder mails the requested party ballot, a voter may not request or receive a different party ballot. If a voter re-registers to vote with a recognized political party between 29 and 45 days before the election, however, the voter must be sent a party ballot that corresponds to the new party. If the voter had requested a different party ballot prior to re-registering to vote, the prior ballot should not be mailed (or if already mailed, should be voided).

In lieu of requesting a party ballot for the partisan primary, an eligible AEVL voter may request a non-partisan ballot if a non-partisan election is being conducted at the same time and the voter is eligible to vote a non-partisan ballot.

b. 90-Day Notice Returned Undeliverable

If the 90-day notice is returned undeliverable to the County Recorder, the County Recorder must

notify the AEVL voter (if the County Recorder has contact information for the voter) to attempt to update the voter's address. Whenever feasible, the County Recorder should contact the voter by phone, email, and/or text if it has that contact information for the voter.

An undeliverable 90-day notice serves as a First Notice under the "NVRA process." See [Chapter 1, Section IX\(D\)](#). If the voter is moved to "inactive" status after failure to respond to a "Final Notice" pursuant to the "NVRA process," a ballot-by-mail shall not be automatically sent to the voter. [A.R.S. § 16-544\(E\)](#). The voter may regain active AEVL status upon updating the voter's address and submitting a new AEVL request.

C. Creation and Preparation of Early Ballots

The County Board of Supervisors is responsible for preparing early ballots, including ballots-by-mail, to be used in federal, statewide, legislative, and countywide elections. [A.R.S. § 16-405](#); [A.R.S. § 16-503\(A\)](#); [A.R.S. § 16-545\(B\)\(1\)](#). The Board of Supervisors may delegate this responsibility to the officer in charge of elections.

An early ballot must be identical to a polling place ballot in content and format, except an early ballot must have the word "early" printed or stamped on the ballot. [A.R.S. § 16-545\(A\)](#).

The exterior envelope in which a ballot-by-mail is sent to voters must include substantially the following statement: "If the addressee does not reside at this address, mark the unopened envelope "return to sender" and deposit it in the United States mail." [A.R.S. § 16-547\(C\)](#). However, printing a statement that includes the phrase "return to sender" on the exterior envelope will cause postal sorting machines to automatically return the ballot to the county. Therefore, the County Recorder or other officer in charge of elections shall utilize an alternate statement that omits the phrase "return to sender." The alternate statement shall be considered substantially similar to the language in the statute so long as the alternate statement: (1) clearly instructs and permits the recipient to indicate if the addressee does not reside at the address; and (2) allows the U.S. Postal Service to return appropriately marked envelopes to the county. For example, the following is an acceptable alternate statement:

- *If the addressee does not reside at this address, mark the box and return it to the U.S. Postal Service.*

1. Components of the Ballot-by-Mail Mailing

Only official election materials, as determined by the County Recorder, are permitted to be included in the ballot-by-mail mailing. Lists of official write-in candidates or withdrawn candidates may not be included in the mailing.

2. Required Return Envelope

The exterior of the postage prepaid return envelope must:

- Contain the County Recorder's name, official title, and the post office address of the

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County Recorder on the front side of the return envelope;

- Contain a statutorily prescribed voter affidavit on the back side of the return envelope (as explained below, a secrecy mailing envelope separate from the ballot affidavit may be used);
- Be tamper evident when properly sealed;
- Not reveal the voter’s political party affiliation;
- Contain any required statement by the U.S. Post Office for election mail, including the election mail logo; and
- Be opaque so as not to reveal the voter’s vote choices.

[A.R.S. § 16-547\(A\)](#); [A.R.S. § 16-545\(B\)\(2\)](#).

The voter affidavit must substantially contain at least the following language, followed by a place for the voter’s signature:

I declare the following under penalty of perjury: I am a registered voter in _____ county Arizona, I have not voted and will not vote in this election in any other county or state, I understand that knowingly voting more than once in any election is a class 5 felony and I voted the enclosed ballot and signed this affidavit personally unless noted below.

If the voter was assisted by another person in marking the ballot, complete the following:

I declare the following under penalty of perjury: At the registered voter’s request I assisted the voter identified in this affidavit with marking the voter’s ballot, I marked the ballot as directly instructed by the voter, I provided the assistance because the voter was physically unable to mark the ballot solely due to illness, injury, or physical limitation and I understand that there is no power of attorney for voting and that the voter must be able to make their selection even if they cannot physically mark the ballot.

Name of voter assistant: _____

Address of voter assistant: _____

[A.R.S. § 16-547\(A\)](#). The affidavit must also request an optional telephone number or email address to enable the County Recorder to contact the voter in case there is a deficiency with the early ballot.³⁵

In lieu of printing the ballot affidavit on the exterior of the return envelope, a County Recorder

³⁵ The prescribed early ballot affidavit is deemed to substantially comply with FVAP-suggested designs for a UOCAVA return envelope affidavit. [A.R.S. § 16-547\(B\)](#); see also [52 U.S.C. § 20301\(b\)\(4\)](#); <https://www.fvap.gov/eo/overview/sending-ballots/creating-envelopes>.

may also include a postage prepaid secrecy mailing envelope. In this circumstance, the voter is directed to place their marked ballot in the standard return envelope that contains the early ballot affidavit; the voter must then place the standard return envelope inside the postage prepaid secrecy mailing envelope. This method ensures that the voter's signature (or other personally identifying information) will not be visible on the exterior envelope transmitted through the mail. The envelope that contains the early ballot affidavit must otherwise comply with [A.R.S. § 16-547](#).

For counties that use the secrecy mailing envelope, a voted ballot shall be accepted for processing so long as the completed ballot affidavit is also returned with the voted ballot. For example, a voter may drop off their voted ballot in the signed affidavit envelope at the County Recorder's Office or ballot drop-box with no exterior secrecy envelope, or a voter may mail their voted ballot and signed affidavit in an envelope different from the postage pre-paid envelope provided by the County Recorder and such circumstances alone shall not invalidate the voter's ballot.

3. Required Instructions to Voters

A County Recorder must supply printed instructions that:

1. Direct voters to sign the voter affidavit, mark the ballot, and return the voted ballot in the enclosed return envelope;
2. Include a website address where the following information will be posted: (i) official locations where early ballots may be deposited; and (ii) official write-in candidates and withdrawn candidates for all jurisdictions on the ballot, [A.R.S. § 16-343\(G\)](#);
3. Inform voters that no votes will be counted for a particular office if they overvote (*i.e.*, mark the target area for more candidates or measures than permitted and do not otherwise make their choice clear);
4. Instruct the voter to contact the County Recorder to request a new ballot to ensure their vote is not processed as an overvote;
5. Recommend that voters mail a ballot-by-mail back to the County Recorder as soon as possible or at least seven³⁶ calendar days before the election to best ensure the ballot will be timely received by 7:00 p.m. on Election Day;
6. Provide information regarding ballot drop-box and other ballot drop-off locations available in the county (or a link to where that information can be found online) and recommend that voters utilize these drop-off options to ensure voted ballots are received by 7:00 p.m. on Election Day;
7. Informs voters regarding the appropriate marking devices to be used when marking the ballot; and
8. Include the following language:

³⁶ For counties that include tribal and rural communities, counties should inform voters through other available means that it is recommended that voters mail a ballot-by-mail at least ten calendar days before the election to best ensure the ballot will be timely received by 7:00 p.m. on Election Day.

- In order to be valid and counted, the ballot and affidavit must be delivered to the County Recorder or other officer in charge of elections or may be deposited at any polling place or ballot drop-off location in the county no later than 7:00 p.m. on Election Day. The ballot will not be counted without the voter’s signature on the envelope.

(WARNING - It is a felony to offer or receive any compensation for a ballot.)

- A person may only handle or return their own ballot or the ballot of family members, household members or persons for whom they are a caregiver. It is unlawful under section 16–1005 to handle or return the ballot of any other person.

[A.R.S. § 16-547\(D\), \(E\)](#). The County Recorder may substitute “vote center” for “polling place” if the county uses vote centers. If applicable, the County Recorder may add additional ballot drop-off locations to the statutorily prescribed language. All ballot drop-off locations and drop-boxes shall be approved by the Board of Supervisors (or designee).

A County Recorder in a covered jurisdiction, as designated by the Census Bureau in the current Federal Register publication, must provide these instructions in English and any additional written language(s) required under the federal Voting Rights Act. See [Chapter 8, Section VI](#). For materials provided by mail, there should be appropriate publicity measures taken to advertise the instructions of returning ballots by mail in minority languages, including traditionally unwritten languages, covered by Section 203 of the Voting Rights Act. [28 C.F.R. § 55.18\(a\)](#).

D. Mailing Ballots-by-Mail

1. Methods of Transmitting Ballots-by-Mail

A ballot-by-mail must be mailed to voters by first-class, non-forwardable mail. The ballot-by-mail must be accompanied by an early ballot affidavit, instructions to voters, and a postage-prepaid return envelope. Ballots may be transmitted to UOCAVA voters by mail, fax, email, or other secure method of online transmittal, in accordance with the delivery method selected on the FPCA submitted by the voter. UOCAVA mailing requirements apply to all elections, not just federal elections. [A.R.S. § 16-543\(A\)](#). If no means of communication is designated, the ballot shall be transmitted through the Secretary of State’s UOCAVA portal. [A.R.S. § 16-543\(A\)](#).

Except for an all ballot-by-mail election pursuant to [A.R.S. § 16-409](#) or Chapter 4, Article 8.1 of Title 16, a County Recorder, city or town clerk, or other election officer shall not deliver or mail an early ballot to a voter unless the voter is on the AEVL or the voter made a one-time request for an early ballot for the election at issue pursuant to [A.R.S. § 16-542\(A\)](#). An election officer who knowingly violates this prohibition is guilty of a class 5 felony. [A.R.S. § 16-542\(L\)](#).

2. Time Period for Mailing Ballots-by-Mail

Voters who make a ballot-by-mail request at least 31 days before the election are entitled to be mailed a ballot-by-mail between 27 and 24 days before the election. [A.R.S. § 16-542\(C\)](#); [A.R.S. § 16-545\(B\)\(1\)](#); [A.R.S. § 16-544\(F\)](#).³⁷ Whenever practicable, the County Recorder should also mail an early ballot between 27 and 24 days before the election to voters who make a ballot-by-mail request at least 27 days before the election.

Voters who make a sufficiently complete and correct ballot-by-mail request between 27 and 11 days before the election are entitled to be sent a ballot-by-mail within two business days of the request. [A.R.S. § 16-542\(D\)-\(E\)](#).

Requests for a ballot-by-mail made 10 days or less before the election are untimely. [A.R.S. § 16-542\(E\)](#) (requiring requests be made by 5:00 p.m. on the 11th day before the election).

3. Special Time Period for Transmitting UOCAVA Ballots

If a UOCAVA voter registers to vote with an FPCA at least 48 days before an election, a County Recorder must transmit a ballot-by-mail to the voter at least 45 days before the election. [A.R.S. § 16-543\(A\)](#); [52 U.S.C. § 20302\(a\)\(8\)](#).

A UOCAVA voter who registers to vote using an FWAB pursuant to [A.R.S. § 16-543.02\(D\)](#) must simultaneously write-in their vote choices for federal candidates. However, if a County Recorder receives an FWAB sufficiently in advance of the election, the County Recorder should transmit a ballot-by-mail to the registrant and, if the FWAB received is not the version revised in 2017 or later that contains all the same information as the FPCA, should include an FPCA. If the voter returns the voted ballot-by-mail (and includes a completed FPCA if necessary), the County Recorder should void the FWAB. FWABs from UOCAVA voters are held until 7:00 p.m. on Election Day if the voter was sent a ballot-by-mail and, if the ballot-by-mail was voted and returned, the FWAB is disqualified, and the voted ballot-by-mail is transmitted to the officer in charge of elections for tabulation.

If a UOCAVA voter registers less than 48 days before the election, a County Recorder must transmit the ballot-by-mail within one business day of receipt of the registration. [A.R.S. § 16-543\(A\)](#); [A.R.S. § 16-542\(D\)](#). Requests made within 48 hours of Election Day should be further expedited to the extent possible.

a. Effect of Incomplete FPCA Registration

If a UOCAVA voter submits an incomplete FPCA (or attempts to register to vote using a registration form other than an FPCA or FWAB containing all the same information as an FPCA)

³⁷ [A.R.S. § 16-542\(C\)](#) allows early ballots to be mailed as late as 24 days before the election, but also requires ballots be mailed “within five days after receipt of the official early ballots from the officer charged by law with the duty of preparing ballots pursuant to section 16-545.” In the event a County Recorder cannot mail early ballots within five days of receipt, a County Recorder remains in compliance with [A.R.S. § 16-542\(C\)](#) if early ballots are mailed no later than the 24th day before the election.

within 48 days of the election, the County Recorder must transmit a blank FPCA along with a ballot-by-mail to the voter within one business day of receipt. [A.R.S. § 16-543\(A\)](#). If the voter does not return a new completed FPCA by 7:00 p.m. on Election Day, any voted ballot-by-mail from that voter will not count.

b. Waiver of UOCAVA 45-Day Transmittal Deadline

In exceptional circumstances, the Secretary of State has authority to seek a waiver of the 45-day UOCAVA ballot transmission deadline from the U.S. Department of Defense as a result of undue hardship.³⁸ For example, an “undue hardship” may be found if:

- A county has suffered a delay in generating ballots due to a legal contest;
- Arizona’s primary election date prohibits counties from meeting the 45-day mailing requirement; or
- The Arizona Constitution prohibits counties from complying with the 45-day mailing requirement.

[52 U.S.C. § 20302\(g\)\(2\)\(B\)](#). If a county experiences (or believes it will experience) an undue hardship, the County Recorder or other officer in charge of elections must contact the Secretary of State as soon as possible and provide sufficient information to enable the Secretary of State to make a timely waiver request.

The Secretary of State’s waiver request must include:

- An explanation of the undue hardship;
- A recognition that the original purpose of the 45-day mailing requirement was to allow UOCAVA voters to have enough time to vote in a federal election;
- The number of days prior to the election that Arizona law requires ballots-by-mail to be transmitted to UOCAVA voters, [A.R.S. § 16-543\(A\)](#) (45 days);
- The State’s plan to ensure that UOCAVA voters are able to receive and return their ballot-by-mail in time to be counted for the election. This includes the specific steps the county or counties will take, why the plan will give UOCAVA voters enough time to vote, and factual information explaining how the plan gives sufficient time for this to occur.³⁹

The Secretary of State is generally required to submit a waiver request at least 90 days before the election, which the Department of Defense must act upon within 25 days. [52 U.S.C. §](#)

³⁸ [52 U.S.C. § 20302\(g\)](#); <https://www.fvap.gov/eo/waivers>. The Under Secretary of Defense for Personnel & Readiness is the Presidential designee charged with evaluating such requests. See [Executive Order 12642](#), available at <https://www.archives.gov/federal-register/codification/executive-order/12642.html>; Department of Defense Instruction 1000.04, Federal Voting Assistance Program (FVAP), available at <https://www.fvap.gov/uploads/FVAP/Policies/dodi1000.04.pdf>.

³⁹ [52 U.S.C. § 20302\(g\)\(1\)](#); see also https://www.fvap.gov/uploads/FVAP/EO/2012_waiver_guidance.pdf.

[20302\(g\)\(3\)\(A\)](#). If the undue hardship results from a legal contest, however, the Secretary of State must submit the waiver request as soon as practicable, which the Department of Defense must act upon within five business days. [52 U.S.C. § 20302\(g\)\(3\)\(B\)](#).

E. Issuing Replacement Ballots-by-Mail

A County Recorder may issue replacement ballots-by-mail to a voter upon request and may limit the total number of ballots-by-mail to three per voter per election. The voter's request must be received by the County Recorder or other officer in charge of elections no later than 5:00 p.m. on the eleventh day preceding the election. [A.R.S. § 16-542\(E\)](#). The County Recorder shall keep a record of each replacement ballot issued. The County Recorder must ensure that only one ballot for a particular voter is verified and transmitted to the officer in charge of elections for tabulation. Only the first ballot received and verified shall be counted.

F. Emergency UOCAVA Early Balloting Procedures

In the event of a national or local emergency that makes substantial compliance with the UOCAVA statute impracticable, including occurrences of natural disasters, armed conflict, or mobilization of the National Guard or military reserve units of this State, the following procedures for the early balloting process shall apply for UOCAVA voters:

- The Secretary of State will issue a press statement for immediate release, posted on the Secretary of State's website and official social media accounts, and distributed as broadly and immediately as practicable to national and local wire services, to radio and television broadcast stations within the state, and to daily newspapers of general circulation in the state, outlining applicable measures that will be taken to continue or lengthen the early voting process for UOCAVA voters.
- The Secretary of State will prepare and distribute written public service announcements describing these early voting procedures for broadcast on radio and television networks, including but not limited to the U.S. Armed Forces Network and Federal Voting Assistance Program, and announcements describing these procedures on internet sites of interest to military and non-military U.S. citizens living abroad.
- The Secretary of State will direct the County Recorders and officers in charge of elections to make all reasonable efforts to locate each eligible UOCAVA voter in their jurisdiction and to notify such voter individually, by email, telephone, and/or fax, of the modified early voting process including the alternatives for issuing or returning early ballots faster than traditional mail service.

[A.R.S. § 16-543\(C\)](#).

G. Reporting UOCAVA Transmission Statistics

Each County Recorder must timely confirm UOCAVA compliance to the Secretary of State, and must include information about:

- How many UOCAVA ballots were validly requested;
- How many UOCAVA ballots were transmitted in accordance with the 45-day deadline based on valid requests received before that date; and
- How many UOCAVA ballots were transmitted after the 45-day deadline based on valid requests received before that date.

UOCAVA reports must be emailed or electronically submitted to the Secretary of State within one business day of the UOCAVA ballot transmission deadline. The reports shall not include any protected information for voters who have their records sealed pursuant to [A.R.S. § 16-153](#) or who are enrolled in the Address Confidentiality Program.

Following each primary and general election for federal office, the Secretary of State must consolidate the county reports and report Arizona’s aggregated statistics to the U.S. Department of Justice, which is responsible for enforcing UOCAVA. See <https://www.justice.gov/crt/statutes-enforced-voting-section#uocava>.

H. Deadline to Return Ballots-by-Mail

A ballot-by-mail (with completed affidavit) must be delivered to the County Recorder, the officer in charge of elections, an official ballot drop-off site, or any voting location in the county no later than 7:00 p.m. on Election Day. [A.R.S. § 16-547\(D\)](#); [A.R.S. § 16-551\(C\)](#).

The ballot-by-mail return deadline also applies to UOCAVA ballots, regardless of the method of transmission to the election official.

I. Ballot Drop-Off Locations and Drop-Boxes

Counties or municipalities that establish one or more ballot drop-off locations, curbside ballot drop-off locations, or drop-boxes shall develop and implement procedures to ensure the security of the drop-off locations and/or drop-boxes and shall comply with the following requirements.

1. A ballot drop-off location or drop-box shall be located in a secure location, such as inside or in front of a federal, state, local, or tribal government building. All ballot drop-off locations and drop-boxes shall be approved by the Board of Supervisors (or designee).
 - a. A drop-box established and staffed by election officials may be placed outdoors and shall be securely fastened in a manner to prevent moving or tampering (for example, securing the drop-box to concrete or an immovable object).
 - b. A drop-box established and staffed by election officials that is placed inside a building shall be secured in a manner that will prevent unauthorized removal.
 - c. While a drop-off location or drop-box established and staffed by election officials that is within the view and monitoring of an employee or designee of the County Recorder or officer in charge of elections need not be securely fastened or locked to a permanent fixture, it must be secured in a manner to prevent unauthorized

access and removal of ballots and monitored by a properly trained employee or designee of the County Recorder or officer in charge of elections at all times that the location or drop-box is accessible by the public.

- d. Counties may establish curbside or drive-through ballot drop-off options at any early, emergency, or Election Day voting location or as otherwise approved by the Board of Supervisors.
2. Election officials shall take all reasonable measures to ensure that ballot drop-boxes and ballot drop-off locations are accessible to voters with disabilities. To assist election officials in understanding the applicable standards in accordance with the Americans with Disabilities Act (ADA), the United States Department of Justice has published a guidance document concerning the physical accessibility standards that apply to ballot drop boxes, and to be used in conjunction with the ADA Checklist for Polling Places. This document is available at: https://archive.ada.gov/ada_voting/ballot_box_access.pdf.
 3. The County Recorder or officer in charge of elections shall publicly post a listing of designated drop-off locations and drop-boxes on the website of the County Recorder or officer in charge of elections. Where practicable, the County Recorder or officer in charge of elections shall also post a listing of drop-off locations and drop-boxes anywhere that polling places and vote centers are posted.
 4. All drop-boxes shall be clearly and visibly marked as an official ballot drop-box and secured by a lock and/or sealable with a tamper-evident seal. Only an election official or designated ballot retriever shall have access to the keys and/or combination of the lock to remove the deposited ballots.
 5. The County Recorder or officer in charge of elections shall install and utilize a fire suppression device inside all ballot drop-boxes that are placed outdoors or not within the sight of election officials at all times the ballot drop-boxes are accessible to the public.
 6. All drop-boxes shall have an opening slot that is not large enough to allow deposited ballots to be removed through the opening slot.
 7. Ballot drop-off locations and drop-boxes shall be locked and covered or otherwise made unavailable to the public until the 27th day prior to an election to ensure that no ballots or any other materials may be deposited before the early voting period begins. Prior to use on the 27th day before the election, all drop-boxes shall be inspected for damage and to ensure they are empty.
 8. All drop-boxes shall be locked and covered or otherwise made unavailable after the polls have closed on Election Day to ensure that no ballots may be dropped off after the close of the polls.
 9. The County Recorder or officer in charge of elections shall develop and implement secure ballot retrieval and chain of custody procedures, which shall include the following:
 - a. Voted ballots shall be retrieved from ballot drop-off locations and/or drop-boxes on a pre-established schedule, which may be withheld from the public disclosure to

ensure the safety of the election officials who will be retrieving the ballots. Ballot retrieval shall be more frequent as Election Day approaches.

- b. For any election that includes a partisan race, at least two designated ballot retrievers of at least two differing party preferences shall be assigned to retrieve voted ballots from a ballot drop-off location or drop-box. For a nonpartisan election, at least two designated ballot retrievers shall be assigned to retrieve voted ballots from a ballot drop-off location or drop-box.
 - c. Each designated ballot retriever shall wear a badge or similar identification that readily identifies them as a designated ballot retriever and/or employee of the County Recorder or officer in charge of elections.
 - d. Upon arrival at a drop-off location or drop-box, the two designated ballot retrievers shall note, on a retrieval form prescribed by the County Recorder or officer in charge of elections, the location and/or unique identification number of the location or drop-box and the date and time of arrival.
 - e. The designated ballot retrievers shall retrieve the voted ballots by either placing the voted ballots in a secure ballot transfer container, retrieving the secure ballot container from inside the drop-box, or retrieving the staffed drop-box which also serves as a secure ballot container. If the drop-box includes a secure ballot container, the designated ballot retrievers shall place an empty secure ballot container inside the drop-box. The time of departure from the drop-off location or drop-box shall be noted on the retrieval form.
 - f. Upon arrival at the office of the County Recorder or officer in charge of elections, central counting place, or other receiving site, the designated ballot retrievers shall note the time of arrival on the retrieval form. The County Recorder or officer in charge of elections (or designee) shall inspect the secure ballot container for evidence of tampering and shall confirm receipt of the retrieved ballots by signing the retrieval form and indicating the date and time of receipt. If there is any evidence of tampering, that fact shall be noted on the retrieval form.
 - g. The completed retrieval form shall be attached to the outside of the secure ballot container or otherwise maintained in a matter prescribed by the County Recorder or officer in charge of elections that ensures the form is traceable to its respective secure ballot container.
 - h. When the secure ballot container is opened by the County Recorder or officer in charge of elections (or designee), the number of ballots inside the container shall be counted and noted on the retrieval form.
10. The County Recorder or officer in charge of elections may establish and implement additional local procedures for ballot drop-off locations to protect the security and efficient operation of the ballot drop-off location. For example, the County Recorder or officer in

charge of elections may restrict activities that interfere with the ability of voters and/or staff to access the ballot drop-off location free from obstruction or harassment.⁴⁰

Ballots retrieved from a ballot drop-off location or drop-box shall be processed in the same manner as ballots-by-mail personally delivered to the County Recorder or officer in charge of elections, dropped off at a voting location, or received via the United States Postal Service or any other mail delivery service, *see* [Chapter 2, Section VI](#).

J. Reporting Ballot-by-Mail Requests and Returns

At the request of a state or county political party chairperson before an election, a County Recorder must provide the following information at no cost to the political party:

- A listing of registrants who have requested a ballot-by-mail. This information must be provided daily Monday through Friday, beginning 33 days before the election and through the Friday before the election; and
- A listing of registrants who have returned their ballot-by-mail, which must be provided daily in Maricopa and Pima Counties and weekly in all other counties.
 - Daily information in Maricopa and Pima Counties must be provided Monday through Friday, beginning the first Monday after early voting commences and ending the Monday before the election;
 - Weekly information in all other counties must be provided beginning on the Friday after early voting commences and ending on the Friday before the election.

[A.R.S. § 16-168\(D\)](#).

Ballot-by-mail request and return reports should conform to the format established for precinct lists as nearly as practicable (*see* [Chapter 1, Section X\(A\)\(1\)](#)) and should contain the following minimum information:

1. Registrant's name;
2. Voter registration/ID number;
3. Residential address or description of residence location;
4. Mailing address (if different from residential address);

⁴⁰ Some examples of actions that likely constitute voter intimidation or harassment are: (1) repeatedly entering or staying within 75 feet of a ballot drop box or the entrance to a building where a drop box is located for the purpose of watching or monitoring individuals who are delivering ballots; (2) intentionally following individuals delivering ballots to the drop box when such individuals are not within 75 feet of a drop box; (3) speaking to or yelling at an individual, without provocation, who that person knows is returning ballots to the drop box and who is within 75 feet of the drop box; (4) openly carrying firearms within 250 feet of a ballot drop box or visibly wearing body armor within 250 feet of a ballot drop box. See Temporary Restraining Order at 1–2, *Ariz. All. for Retired Ams., et al. v. Clean Elections USA, et al.*, 638 F. Supp. 3d 1033 (D. Ariz. 2022) (No. 2:22CV01823).

5. Political party;
6. Whether AEVL or one-time request (ballot-by-mail request reports only); and
7. Date of request, for one-time requests (ballot-by-mail request reports only).

The first ballot-by-mail request report should contain all AEVL registrants and registrants who made a one-time ballot-by-mail request up to the time of the report. Subsequent ballot-by-mail request reports should include new one-time ballot-by-mail requests that have been made since the last report.

II. ON-SITE EARLY VOTING

A County Recorder shall establish in-person early voting locations throughout the county as practicable to ensure that all voters may reasonably access at least one early voting location. [A.R.S. § 16-246\(C\)](#); [A.R.S. § 16-541\(A\)](#); [A.R.S. § 16-542\(A\)](#).

A voter must cast a ballot issued at the on-site early voting location at that location and may not remove that ballot from the location. An early ballot must be issued even if the voter previously requested or received a ballot-by-mail, but only the first ballot received and verified by the County Recorder shall be counted.

An elector who appears at an on-site early voting location by 5:00 p.m. on the Friday preceding the election and presents valid identification must be given a ballot and permitted to vote at the on-site early voting location. [A.R.S. § 16-542\(E\)](#).

A. Posting Notice of Write-In and Withdrawn Candidates

A County Recorder must post a Notice of Write-In and Withdrawn Candidates at each on-site early voting location. [A.R.S. § 16-312\(E\)](#); [A.R.S. § 16-343\(G\)](#). Information about write-in and withdrawn candidates also must be posted to the website of the County Recorder or officer in charge of elections. [A.R.S. § 16-343\(G\)](#).

B. Applicability of Voter ID Requirements

Before receiving a ballot or being permitted to cast a vote on an accessible voting device at any on-site early voting location, a qualified elector must provide identification as prescribed by [A.R.S. § 16-579](#) (see [Chapter 9, Section IV](#) for more details on the identification requirement; identification is also required to receive an early ballot at an emergency voting center or from a special election board, see [Chapter 2, Section III\(B\)](#) and [IV\(B\)](#)). If needed, a voter may update their voter registration record at the on-site early or emergency voting location prior to receiving a ballot by completing a new voter registration form. Such updates shall be deemed effective starting in that election. [A.R.S. § 16-411\(B\)\(5\)\(b\)](#); [A.R.S. § 16-542\(A\), \(H\)-\(I\)](#).

2024

ELECTION PLAN

**PRIMARY, JURISDICTIONAL, AND
GENERAL ELECTIONS**

Maricopa.Vote



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6.0 –Early Voting Plan

The Recorder’s Office Early Voting Plan will ensure that voters have access to a reliable and secure early voting process for the July 30 Primary and November 5 General Elections of 2024. This plan serves to ensure that the Recorder’s Office and the Board of Supervisors provide voters with a reliable, secure, and accessible Voter Registration and Early Voting process for these Elections. This plan, approved by the Maricopa County Recorder, provides Maricopa County voters and key stakeholders information related to Voter Registration and Early Voting activities with the goal of increased transparency.

6.1 Voter Registration and Eligibility

The Recorder’s Office is the custodian of the County’s voter registration database and is committed to educating voters about the registration process and eligibility rules. The voter registration deadline is 29 days prior to a given election. Voters must register to vote on or before July 1, 2024, to participate in the July 30 Primary Election and on or before October 7, 2024, to participate in the November 5 General Election. All changes to a voter’s political party must also be made prior to the July 1, 2024, deadline to receive the appropriate partisan primary ballot.

All Arizona voters are eligible to vote in the July 30 Primary Election. However, voters who are not registered with a recognized political party (e.g., “independents”) must choose either a Republican, Democrat, or non-partisan primary ballot. These voters can make that selection up until Election Day, including at the polls. These voters may also participate in early voting at the polls. Unaffiliated/Independent voters who wish to participate in the Primary Election via the mail must notify the Recorder's Office of their ballot selection by July 19, before 5:00 p.m. in order to have a ballot mailed. Note that unaffiliated/independent voters may only select either a Republican, Democrat, or the Non-Partisan “City/Town Only” ballot - All voters on the Active Early Voting List (AEVL) were sent a 90-day notice on May 1 to confirm their address. In that mailing, voters who are not registered with a political party were notified of the option to select a ballot if they choose to participate in the July Primary Election (*see Section 6.4.2 for more details*).

6.2 Early Voting Approach and Strategy

A significant majority of Maricopa County voters – of all political parties – vote by early ballot. In recent elections, early voting constituted between 82% to 92% of the total votes cast.

The Recorder’s Office oversees the following early voting programs and processes:

- Early Ballot Request (Active Early Voting List and One-time Requests)
- Ninety-Day Notification Mailers
- Printing and Mailing of Early Ballot Packets
- Mail Pick-ups and Drop-offs
- Signature Verification and Curing
- Early Ballot Processing
- Special Programs/Processes: Military and Overseas Voters (UOCAVA), Special Election Boards, Provisional Ballot Processing, Serving Pre-trial Detainees

6.3 Key Dates

JULY 30 PRIMARY ELECTION KEY “EARLY VOTING” DATES

Date	Description
May 1, 2024	-Mail 90-Day Cards to AEVL Voters and Begin Accepting Early Ballot Requests
June 15, 2024	-Last Day to Send Ballots to Military and Overseas Voters
July 3, 2024	-Early Voting In-person and Mail Begins
July 19, 2024	-Last Day to Request an Early Ballot by Mail, by 5:00 p.m.
July 23, 2024	-Recommended Date to Return Ballot by Mail – in order for it to be received by the 7:00 p.m. Election Day Deadline
July 26, 2024	-Early Voting In-Person Ends, at 7:00 p.m.
July 30, 2024	-Primary Election Day

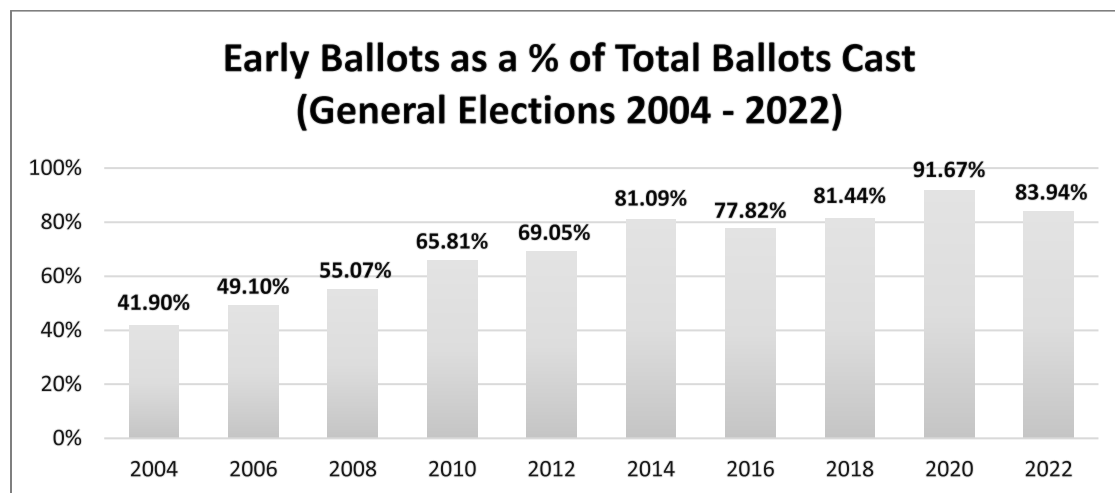
NOVEMBER 5 GENERAL ELECTION KEY “EARLY VOTING” DATES

Date	Description
September 21, 2024	-Last Day to Send Ballots to Military and Overseas Voters
October 9, 2024	-Early Voting In-person and Mail Begins
October 25, 2024	-Last Day to Request an Early Ballot by Mail, by 5:00 p.m.
October 29, 2024	-Recommended Date to Return Ballot by Mail – in order for it to be received by the 7:00 p.m. Election Day Deadline
November 1, 2024	-Early Voting In-Person Ends at 7:00 p.m.
November 5, 2024	-General Election Day

6.4 – Early Voting Processes and Programs

6.4.1 - “No Excuse” Early Voting

Arizona law allows “no excuse” early voting. This voting option is frequently referred to as “Early Voting” or “Vote-By-Mail.” Historically, and in increasing numbers over the years, Maricopa County voters choose to vote by early ballot. After the 2008 adoption of the Permanent Early Voting List (since amended to be called the Active Early Voting List), early voting increased substantially. As an example, in the November 2020 and 2022 General Elections, **83.94% to 91.67%** of ballots cast were early voters. Below is a graphical representation of turnout for past elections that shows the upward trend and popularity of Early Voting.



6.4.2 – Requesting an Early Ballot and 90-Day Cards

Maricopa County’s voters historically vote early by mail in large numbers. Currently, 78% of all active voters are on the Active Early Voting List (AEVL) and are sent ballots by mail automatically for each election in which they are eligible to participate. In recent countywide and federal elections, voters on the AEVL turnout to vote in proportionately larger numbers than those voters who are not on the AEVL, traditionally, making up a larger percentage of the overall votes cast.

The Recorder’s Office and the Board of Supervisors want to ensure all voters are aware of their voting options. Whether the voter decides to vote by mail or in-person, our goal is to provide information to accommodate their choices. Voters who are not part of AEVL may request a one-time early ballot to be sent by mail by visiting [BeBallotReady.Vote](#), VoterInfo@RISC.Maricopa.Gov, or [Request.Maricopa.Vote](#), or by contacting the Recorder’s Office at (602) 506-1511.

One-time requests for an early ballot must be received by the Recorder’s Office no later than 5:00 p.m. on the second Friday prior to an election (July 19 for the Primary Election and October 25 for the General Election). Voters not on AEVL may also choose to vote in person during the early voting period or on Election Day. In addition, for this July 30 Primary Election, unaffiliated or independent voters can participate. Arizona has an open Primary Election, and this means that a voter registered without a party preference can cast a ballot but will need to select a ballot. These voters may choose from the following:

Republican Democratic City/Town Only (when available)

In addition to traditional ballot-by-mail options, Maricopa County provides voters with other early voting choices. Voters may request the following by emailing: SEB@RISC.Maricopa.Gov or calling (602) 506-1511:

- Braille ballots
- Large Print ballots
- Special Election Boards – Voters who are unable to vote by mail or in person due to a confining illness or disability may request a Special Election Board. These Boards consist of two members of differing political parties who travel to the voter with the voter’s ballot to facilitate the voting process. Often these voters are in hospitals or nursing homes.


Whether the voter opts to vote by mail or in-person, Maricopa County provides safe, reliable, secure, and accessible choices to voters.

Ninety-Day Cards: State law requires the County Recorder to mail a notice to all voters on the Active Early Voting List (AEVL) no later than ninety (90) days prior to the July 30 Primary Election. The Recorder’s Office sent this mailing on May 1, 2024, to all registered voters on the AEVL. These cards serve several purposes including:

- Confirmation that the voter still resides at the address;
- Opportunity for voters to update information as necessary;
- Reminder that voter may request a temporary mailing address for the ballot;
- Opportunity for voter to be removed from the Active Early Voting List;
- Option for voter to elect not to receive a ballot by mail for the upcoming elections.

AEVL voters not registered with a recognized party that want to participate in the July 30 Primary may use the ninety-day notice received to make their ballot selection or request online at: [BeBallotReady.Vote](#) or [Request.Maricopa.Vote](#), VoterInfo@RISC.Maricopa.Gov, or by contacting the Recorder’s Office at (602) 506-1511.

SAMPLE OF NINETY-DAY (90) NOTICE – FOR AEVL VOTERS **NOT REGISTERED WITH A PARTY:**



STEPHEN RICHER
MARICOPA COUNTY RECORDER
RECORDER'S OFFICE
111 S. 3rd Ave. Ste 102
Phoenix, AZ 85003-2294

If the addressee does not reside at this address, mark the box and return it to the U.S. Postal Service.
Si el destinatario no reside en este domicilio, marque la casilla y devuélvala al Servicio Postal de EE. UU.

NONPROFIT ORG
U.S. POSTAGE
PAID
PHOENIX, AZ
PERMIT NO. 3615

Electronic Service Requested

90 Day Notice | Aviso de 90 días

UPCOMING ELECTIONS | PRÓXIMAS ELECCIONES

ELECTION/ELECCIÓN: PRIMARY/GENERAL
ELECTION DATE/FECHA DE ELECCIÓN: 07/30/2024 AND 11/05/2024
MAIL BALLOT ON/ENVIAR BOLETA EL: 07/03/2024 AND 10/09/2024
BALLOT LANGUAGE/DIOMA DE LA BOLETA: ENGLISH/INGLÉS

ACTION REQUIRED BY JUNE 13, 2024

You must select which party ballot, or when available a city/town ballot, in order to participate in the July Primary Election.

Para poder participar en la Elección Primaria de julio, debe seleccionar el partido de la boleta que desea recibir o cuando esté disponible una boleta de ciudad/pueblo.

ACCIÓN REQUERIDA PARA EL 13 DE JUNIO DE 2024

TO RETURN CARD, FOLD OR TEAR HERE | PARA REGRESAR LA TARIETA, DOBLE OR CORTE AQUÍ

To select your ballot of choice go to REQUEST.MARICOPA.VOTE or use this form.
Para seleccionar la boleta de su preferencia visite SOLICITUD.MARICOPA.VOTO o use este formulario.

REQUEST A BALLOT | SOLICITE UNA BOLETA

UPDATE INFO | ACTUALICE SU INFO

1 CHOOSE ONE | MARQUE SOLO UNA

Republican *Republicana* Democratic *Demócrata*

City/Town Only (when available)
Solo Ciudad/Pueblo (cuando esté disponible)

2 VERIFY INFO | VERIFIQUE INFO

Name JOHN DOE *Nombre*

Residence Address 1234 E ANYWHERE ST PHOENIX AZ 850000 *Domicilio*

Mailing Address 1234 E ANYWHERE ST PHOENIX AZ 85000 *Dirección de correspondencia*

I HAVE MOVED. Update my permanent *residence* address to:
ME HE MUDADO. Actualicen mi dirección de domicilio permanente a:

I WILL NOT BE HOME. Send my ballot to a *temporary* mailing address for the election(s):
NO ESTARÉ EN CASA. Envíen mi boleta a una dirección de correspondencia *temporal* para la(s) elección(es):

Primary Election *Elección Primaria* General Election *Elección General*

I WANT TO PERMANENTLY CHANGE MY MAILING ADDRESS.
QUIERO CAMBIAR PERMANENTEMENTE MI DIRECCIÓN DE CORRESPONDENCIA.

*A permanent mailing address must be within Arizona.
*La dirección de correspondencia permanente debe estar dentro de Arizona.


Remove me from the Active Early Voting List.
Eliminen mi nombre de la Lista Activa de Votación Temprana. Do not mail me a ballot for these elections.

3 X _____ REQUIRED | OBLIGATORIO _____ REQUIRED | OBLIGATORIO

SIGN LEGAL NAME | FIRME CON SU NOMBRE LEGAL DATE OF BIRTH | FECHA DE NACIMIENTO

Return by mail **JUNE 13, 2024** or go to REQUEST.MARICOPA.VOTE by June 22, 2024.
Devuelva por correo para el **13 DE JUNIO DE 2024** o visite SOLICITUD.MARICOPA.VOTO para el 22 de junio de 2024.

SAMPLE NINETY-DAY (90) NOTICE – FOR AEVL VOTERS REGISTERED WITH A RECOGNIZED PARTY:



STEPHEN RICHER
MARICOPA COUNTY RECORDER
RECORDER'S OFFICE
111 S. 3rd Ave. Ste 102
Phoenix, AZ 85003-2294

If the addressee does not reside at this address, mark the box and return it to the U.S. Postal Service.
Si el destinatario no reside en este domicilio, marque la casilla y devuélvala al Servicio Postal de EE. UU.


NONPROFIT ORG
U.S. POSTAGE
PAID
PHOENIX, AZ
PERMIT NO. 3615

Electronic Service Requested

90 Day Notice | Aviso de 90 días

UPCOMING ELECTIONS | PRÓXIMA ELECCIONES

ELECTION/ELECCIÓN: PRIMARY/GENERAL
ELECTION DATE/
FECHA DE ELECCIÓN: 07/30/2024 AND 11/05/2024
MAIL BALLOT ON/
ENVIAR BOLETA EL: 07/03/2024 AND 10/09/2024
BALLOT LANGUAGE/
IDIOMA DE LA BOLETA: ENGLISH/INGLÉS




YOUR BALLOT WILL BE SENT TO THE MAILING ADDRESS BELOW
SU BOLETA SERÁ ENVADA A LA DIRECCIÓN DE CORRESPONDENCIA ABAJO SEÑALADA


ACTIVE EARLY VOTING LIST NOTICE

Your ballot will be mailed to the address listed. If you have changes to your address, please let us know using the form below. **If your address is correct, you do not need to return this form.**

Su boleta será enviada por correo a la dirección indicada. Si hubo cambios en su dirección, por favor infórmenos llenando el formulario de abajo. **Si su dirección es correcta, no necesita devolver este formulario.**



7654321



1193 - 1253158 - 45 *****5-DIGIT 85000
JANE JUNE SMITH
PO BOX 1234
PHOENIX AZ 85000

TO RETURN CARD, FOLD OR TEAR HERE | PARA REGRESAR LA TARJETA, DOBLE O CORTE AQUÍ

**DO NOT RETURN THIS CARD IF YOU HAVE NO CHANGES
NO DEVUELVA ESTA TARJETA SI NO TIENE CAMBIOS**

ADDRESS ON RECORD | DIRECCIÓN REGISTRADA

Name JANE JUNE SMITH	<i>Nombre</i>
Residence 4567 N SOMEWHERE AVE	<i>Domicilio</i>
Address PHOENIX AZ 85000	<i>Dirección de correspondencia</i>
Mailing PO BOX 1234	<i>Dirección de correspondencia</i>
Address PHOENIX AZ 85000	<i>Dirección de correspondencia</i>

I HAVE MOVED. Update my permanent *residence* address to:
ME HE MUDADO. Actualicen mi dirección de *domicilio* permanente a: _____

 I WILL NOT BE HOME. Send my ballot to a *temporary* mailing address.
NO ESTARÉ EN CASA. Envíen mi boleta a una dirección de correspondencia *temporal*. _____


 I WANT TO PERMANENTLY CHANGE MY MAILING ADDRESS.
QUIERO CAMBIAR PERMANENTEMENTE MI DIRECCIÓN DE CORRESPONDENCIA. _____

*A permanent mailing address must be within Arizona.
*La dirección de correspondencia permanente debe estar dentro de Arizona.

I DO NOT WANT TO VOTE BY MAIL.
Remove me from the Active Early Voting List.
NO QUIERO VOTAR POR CORREO.
Eliminen mi nombre de la Lista Activa de Votación Temprana.

I DO NOT WANT TO VOTE IN THE LISTED ELECTION.
Do not mail me the ballot.
NO QUIERO VOTAR EN LA ELECCION MENCIONADA.
No me envíen por correo una boleta para esta eleccion.

ONLY SIGN & RETURN IF INFO HAS CHANGED | SOLO FIRME Y DEVUELVA SI INFO HA CAMBIADO



7654321

X

REQUIRED | OBLIGATORIO

SIGN LEGAL NAME | FIRME CON SU NOMBRE LEGAL

REQUIRED | OBLIGATORIO

DATE OF BIRTH | FECHA DE NACIMIENTO

Return mail by **JUNE 13, 2024** or go to REQUEST.MARICOPA.VOTE by **JUNE 22, 2024**.

Devuelva por correo por el **13 DE JUNIO DE 2024** o visite SOLICITUD.MARICOPA.VOTO por el **22 DE JUNIO DE 2024**

6.4.3 – Early Ballot Security and Tracking

Voting by mail in Arizona and Maricopa County is secure and verifiable. The Recorder’s Office and the Board of Supervisors have internal controls and tracking methods for ballot security. These security measures include:

- **ONLY REGISTERED VOTERS CAN REQUEST A BALLOT:** State law requires that the Recorder’s Office check the voter registration record against vital records and numerous other governmental databases prior to mailing a ballot to a voter. These checks verify the registration status of the voter and ensure that the correct ballot is sent to the correct voter.
- **VERIFICATION STARTS NINETY (90) DAYS BEFORE AN ELECTION:** State law requires the Recorder’s Office to mail notices to all voters on the Active Early Voting List ninety (90) days prior to an election. This mailing confirms that the voter still lives at the address on file using the U.S. Post Office address database and allows voters the opportunity to update their records if necessary. After reconciling voter records, the Recorder’s Office mails ballots twenty-seven (27) days prior to Election Day.
- **CHAIN OF CUSTODY AND INTELLIGENT BARCODE TRACKER:** Every mailed ballot is tracked upon delivery and receipt with a unique, intelligent mail barcode. Once the ballot is returned, there is a robust set of chain of custody documents that track all early ballots as they progress through each step of the process, finalizing at tabulation. The combination of the unique barcode and these chain-of-custody documents ensures the integrity and security of the early ballot.
- **ALL AFFIDAVIT ENVELOPES ARE SIGNATURE VERIFIED:** All signatures are compared by highly trained staff against known signatures in the official voter registration record, including registration forms, verified affidavit signatures from prior elections, and past in-person check-in signatures. The signature verification process has multi-level checks (including a 2% audit of all signatures) to ensure that only ballot affidavit envelopes with valid signatures are advanced. Voters with questionable signatures are contacted by the Recorder’s Office and have five business days after this election to confirm their signatures.
- **ONLY VERIFIED BALLOTS ARE COUNTED:** Once the signature is verified, the return affidavit envelope is opened by a bipartisan board, the ballot is checked for damage, and, after other controls, ultimately sent to tabulation. All uncounted ballots (e.g., no signature and uncured, questioned signatures) are tracked and reported in the official canvass.

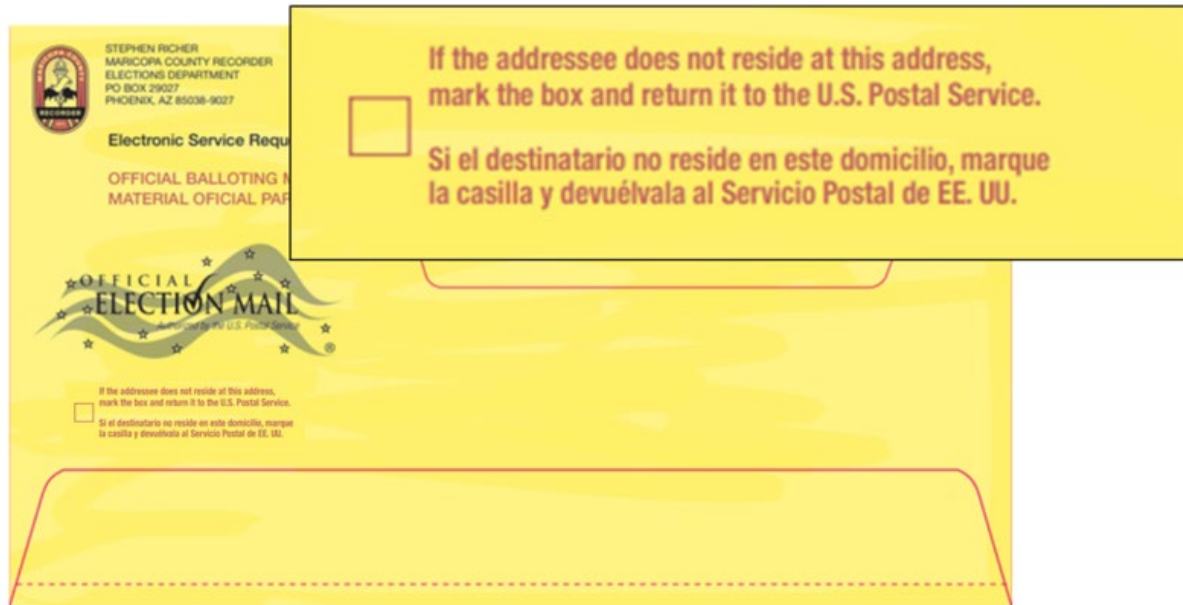
Since every ballot packet is affixed with a unique barcode specifically assigned to a given voter, voters may track when their ballot packet is mailed, when the ballot packet is received, once the ballot affidavit envelope is signature verified, and when the ballot has been processed and sent to be counted. To sign up for this alert, voters can text: “JOIN” to **628-683** or sign up online at: [BeBallotReady.Vote](#).

6.4.4 - Printing and Mailing of Early Ballot Packets

The Recorder’s Office will prepare to serve upwards of 1.9 million eligible Active Early Voter List voters for these upcoming elections.

All early ballot packets include: a carrier envelope, the ballot, an early ballot affidavit envelope, and voter instructions. These packets are assembled at Runbeck Election Services (“Runbeck”). Runbeck has state-of-the-art security as well as fire detection and suppression systems. Runbeck has partnered with Maricopa County for over 20 years and is utilized by counties all throughout the United States.

Arizona Revised Statute §16-545 requires placement of the following language on the Early Voting Carrier Envelope: *“If the addressee does not reside at this address, mark the unopened envelope ‘return to sender’ and deposit in the United States mail.”* Voters can assist the Recorder’s Office in maintaining accurate voter registration rolls by adhering to this directive. The U.S. Post Office approved the placement of this language on the outside of the envelope and provided assurances that it will not negatively impact delivery of the early ballot packet.



Additionally, Arizona Revised Statute §16-513 requires that the early ballot instructions include the following language: *“A person may only handle or return their own ballot or the ballot of family members, household members, or person for whom they are a caregiver. It is unlawful under section 16-1005 to handle or return the ballot of any other person.”*

6.4.5 - Ballot Flagging

State law requires early ballot requests to be flagged and fulfilled promptly. Both permanent and temporary staff fulfill this role. Staff members are also tasked with verifying the signatures of returned early ballot affidavits and contacting voters in an attempt to “cure” any questionable or missing signatures. This work takes place across the twenty-seven-day (27) early voting period and continues after the election for all early ballots received by 7:00 p.m. on Election Day.

The Ballot Flagging team also manages the processing of ninety-day (90) notice cards, adding/removing voters from AEVL, voiding/reissuing ballots, processing temporary address requests, taking one-time ballot requests, and adding or removing “opt-out of election” requests for ballots from voters.

6.4.6 - UOCAVA Program

The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) program provides military personnel (domestic and stationed abroad) and eligible overseas voters (temporarily or indefinitely) extra time to receive and return their ballots. As required by federal law, the Recorder’s Office mails or otherwise delivers ballots forty-five (45) days before the election. These voters have options to return their ballots and signed affidavits to the Recorder’s Office through a secure portal, or by fax, mail, or email. All UOCAVA ballots

must still undergo signature verification like a traditional early ballot and must be received by the Recorder's Office by 7:00 p.m. on Election Day.

6.4.7 - Mail Delivery Pick-ups and Drop-offs

The Recorder's Office securely handles all ballots and utilizes chain of custody documentation for all returned ballots at all stages. At regular intervals, a two-member bipartisan team picks up the mail from a secure USPS location and delivers it in batches to Runbeck. The transfer is documented using a chain-of-custody transfer slip that is signed by Recorder's Office and Runbeck staff.

Upon delivery of the sealed early ballot affidavits, Runbeck conducts an inbound scan of the affidavit envelope to capture a digital binary image of each voter's signature from the packet and places those images into an automated batch system for the Recorder's Office staff review. To ensure all ballots are accounted for, the batch system is continuously audited and is validated by Recorder's Office staff and bipartisan Citizen Boards through audit tray reports that accompany every batch. These audit tray reports are also used by early ballot processing boards (See 6.4.9 Bipartisan Ballot Processing Boards).

After the initial inbound scan, Runbeck stores the unopened ballot packets at its facility in a secure, water and fireproof vault, while the Recorder's Office staff reviews the digital images of voter affidavit signatures – thus eliminating the need to handle the actual physical ballot packet multiple times.

6.4.8 - Signature Verification and Curing

Maricopa County utilizes a multi-level signature verification process, conducted only by humans, to review 100% of all signatures on all mail-in ballots. Staff at the Recorder's Office will compare the digital image of the signature on the affidavit envelope with the voter's verified, historical signatures. These historical signatures – the voter's voter registration record – may include voter registration forms, in-person roster signatures, and previously verified early voting affidavits from prior elections.

To complete signature verification and curing, the Recorder's Office will hire upwards of forty-five (45) temporary staff members and will utilize over ninety (90) permanent staff members. All staff are trained by nationally known signature verification experts. Party observers will be invited to watch signature verification and curing. In addition, a 24/7 livestream of MCTEC staff will be available at: Elections.Maricopa.Gov.

There are two levels of signature verification review. Both levels are audited. During the first level review, staff members are trained to identify broad and local characteristics of the signature and compare it to up to three (3) previously verified signatures held in the voter record. In this first review, staff can only select one of the following two options:

- 1) Approve the signature (when a signature is consistent with others in the record); or
- 2) Mark the signature as an "exception" (when a signature is inconsistent).

Signatures marked as an "exception," are assigned to a manager, who has received additional rigorous training and has access to review all signatures on the voter's record. Dispositions at the manager level include the following options: "good signature," "no signature," "questionable signature," "need packet," "deceased," and "household exchange."

All signatures are subject to a two percent (2%) randomized sample audit. After signatures are reviewed and the audit is complete, disposition codes are sent to Runbeck. Runbeck scans and sorts all ballot affidavit packets according to their disposition codes. Those packets are placed into trays for pickup and transport to MCTEC.

Audit reports accompany all affidavit packet batches. A bipartisan team of two Recorder's Office staff members retrieve the batches from Runbeck and transport them to MCTEC for processing and tabulation or curing. Upon arrival at MCTEC, the batched trays are distributed based on the dispositions made during signature verification.

The affidavit envelopes with verified good signatures go to bipartisan ballot processing boards. The affidavit envelopes with no signatures, questionable signatures, need packet, deceased, and household exchange dispositions will remain sealed and are delivered to the signature verification/ballot flagging team for research and curing. The audit report follows all batches and is signed by both the delivering and receiving teams to account for all ballots.

State law requires the County Recorder to make a meaningful attempt to contact voters when their signatures cannot be verified. The Recorder's signature verification and flagging teams are responsible for performing all curing activities. For the Primary and General Elections, current state law allows the voter five calendar days following the election to verify a questionable signature and gives voters until 7:00 p.m. on Election Day to cure a no signature packet.

The team will make a reasonable and meaningful attempt to contact voters utilizing the information available in the voter's registration file and on the affidavit.

All attempts to contact voters are documented on a standardized, preprinted voter contact label, one label per contact. The label includes the outcome of the communication, the voter's response, the date of the contact, and the initials of the staff member engaging in the outreach.

Voters have multiple options to cure a questionable signature, including verifying their identity via phone, visiting the Recorder's Office in person, or using a secure text feature. The TXT2Cure platform provides a secure option to facilitate curing by requiring users to verify submission of a signed ballot affidavit, provide an electronic signature attesting to such, and submit an image of photo identification with an Arizona address (AZ Driver License or AZ State Issued Identification). Once a voter verifies or "cures" a signature, a "Verified and Approved – MCTEC" stamp will be placed on the affidavit envelope and the packet will be sent to ballot processing. The packets containing questionable signatures that are not cured by the deadline remain sealed and are reported on the official canvass as either "rejects" or as "bad" signatures.

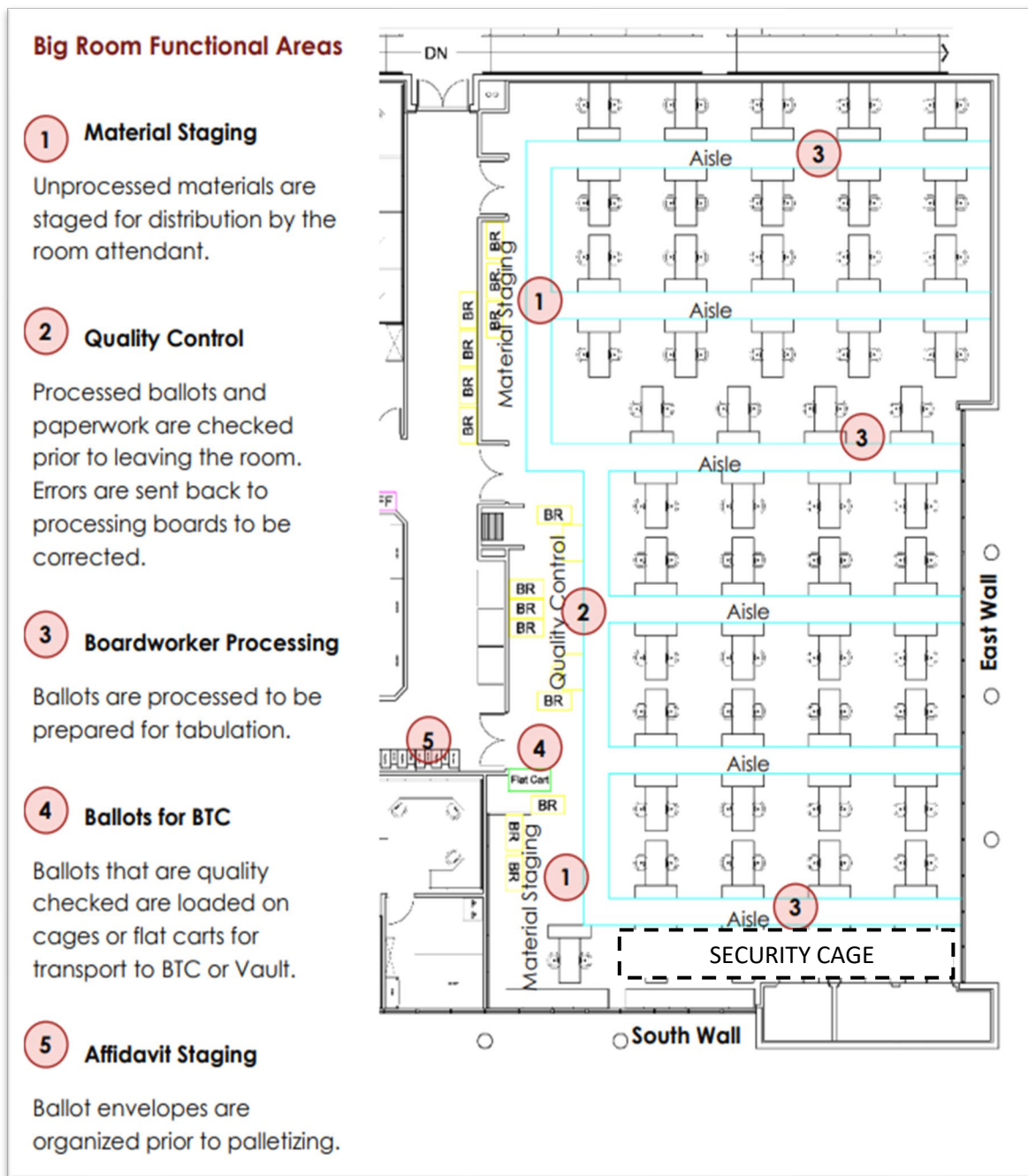
Voters who notify the Recorder's Office that they did not mail or sign an affidavit envelope will have their matters immediately reported to a supervisor. The supervisor will research the case. Any cases categorized as "suspected voter fraud" will be referred to law enforcement for investigation. Voters who forgot to sign their packets may sign the original packet or may choose to vote in person. If the voter chooses to vote in person, the original, unsigned packet is automatically voided in the system and cannot be counted. The packets containing no signature that are not cured by the deadline remain sealed and are reported on the official canvass as "no signature."

6.4.9 – Bipartisan Ballot Processing

All early voting packets deemed to have good signatures are sent to bipartisan, two-member processing boards. For these elections, three (3) permanent staff members will manage upwards of one-hundred-fifty (150) bipartisan, two-member boards (working in split shifts, as needed). The Recorder's Office anticipates processing 65,000 ballots per eight-hour shift, expanded to two-shifts when needed, doubling capacity and throughput. Upon separating the ballot from the affidavit envelope, the bipartisan board makes sure the ballot is of the correct style and is undamaged. Damaged ballots are documented and sent to a bipartisan duplication board. Undamaged ballots are logged and transported to quality control for an additional audit of the paperwork before transferring custody of the ballots to the Board of Supervisors for tabulation.

Early ballot processing requires attention to detail and the methodical separation of the ballot from these affidavit envelopes to ensure, as required, that every ballot is anonymous when tabulated. Party observers are invited and encouraged to watch the process, and a 24/7 livestream is available at: Elections.Maricopa.Gov.

To follow is a floorplan that illustrates the functional areas and shows a typical room setup maximizing the use of the space by allowing materials to move securely and efficiently through each area. Additionally, there will be designated staging and secured caged areas for unprocessed and processed ballot trays. Finally, a quality control station, bipartisan board worktables, processed ballots awaiting transfer to BTC, and empty affidavit envelope staging will also occur in this room.



6.4.10 - Election Day Deadline

Pursuant to state law, all ballots must be received by 7:00 p.m. on Election Day. The U.S. Postal Service recommends that voters return their ballot affidavit envelopes at least seven (7) calendar days before Election Day to guarantee timely delivery. Ballots received after 7:00 p.m. on Election Day are not valid and will not be counted, no matter their postmark date.

6.4.11 Special Election Boards

The Recorder's Office administers a Special Election Boards (SEB) program, as outlined in Arizona law, designed to assist individuals who are incapable of traveling to the polls and who do not choose to engage in the Early Voting process. Through this program, a Special Election Board, made up of two individuals of different political parties, will visit the voter in person to aid as directed by the voter. The types of voters the SEB teams typically serve are those who live temporarily or permanently in nursing homes and hospitals, and those who have disabilities or who cannot live independently. All voters visited by an SEB must provide identification.

6.4.12 - Processing Provisional Ballots

As called for in Arizona law, provisional ballots allow all voters to participate in the voting process while giving the Recorder's Office extra time to determine if the voter is properly registered. Maricopa County provides provisional ballots to voters who vote in-person but do not have the required identification, as well as to voters whose eligibility is questioned. Most frequently, these voters are either not registered to vote or registered after the deadline for the election in progress. The Recorder's Office is responsible for researching voter information for any provisional ballots cast and determining whether the voter is properly registered and if the ballot should or should not be counted.

In person voters who do not provide sufficient identification are issued a conditional provisional ballot in accordance with A.R.S. §16-579. These voters have five calendar days after Election Day to present the required identification to validate their identities. Only if they are validated will their conditional provisional ballot be counted.

6.4.13 - Serving Pre-Trial Detainees

Pretrial-detainees and other inmates in correctional facilities, whose voting rights are still intact, may request that their ballots be mailed to the detention facility.

6.4.14 - Informed Delivery

The Recorder's Office partners with the U.S. Postal Service ([USPS](#)) [Informed Delivery](#). With Informed Delivery, voters who sign up will receive a picture of mail pieces delivered each day, including the envelope containing their early ballot. In accordance with Recorder Richer's efforts to be fiscally responsible with taxpayer dollars, the Office will apply for a potential 4% discount on postage.

In addition to Informed Delivery, voters who sign up for the Recorder's "**Ballot Status**" subscription service by texting **JOIN** to **628-683**, and the [USPS](#)) [Informed Delivery](#) service, will be able to track the life of their ballot.

6.4.15 - "I Voted" Stickers

The Recorder's Office will distribute constituent designed "I Voted" stickers to voters that are on the AEVL, request a one-time mail ballot or vote in-person.

The Recorder's Office conducted an "I Voted" sticker contest asking the public to submit original designs. Four were selected: two from a youth contest and two from an adult contest. The winning designs will be added to four of Maricopa County's existing sticker designs.

After eight weeks, dozens of entries, and thousands of votes cast -- Maricopa County Recorder Stephen Richer is proud to present the winners of the winning designs below:



CHAPTER 7: PRESIDENTIAL PREFERENCE ELECTION

I. TIMING

A Presidential Preference Election (PPE) shall be held on the Tuesday immediately following March 15 in a presidential election year or on a later date pursuant to a proclamation issued by the Governor at least 180 days before the date set forth in the proclamation. No other election may appear on the same ballot as the PPE. [A.R.S. § 16-241\(A\)-\(B\)](#).

II. ELIGIBILITY TO PARTICIPATE IN THE PPE

A. Party Eligibility to Participate in the PPE

Only political parties eligible for continued representation on the ballot pursuant to [A.R.S. § 16-804](#) and new political parties eligible to appear on the ballot pursuant to [A.R.S. § 16-801](#) may participate in the PPE. [A.R.S. § 16-244\(A\)](#). New parties must have filed their petition for recognition as a new party with the Secretary of State between 180 and 150 days before the PPE in order to be eligible to participate in the PPE. [A.R.S. § 16-244\(A\)\(2\)](#).

Eligible political parties are not required to participate in the PPE, and may opt to conduct their own election or caucus instead. *See Arizona State Democratic Committee v. Hull*, No. CV96-00909 (Maricopa County Super. Ct., Feb. 1, 1999) (holding that the PPE is different from a primary election and political parties can choose whether or not to participate). If an eligible party chooses not to participate in the PPE, the state party's chairperson must notify the Secretary of State in writing by September 1 (or the next business day if that date falls on a weekend or state holiday) of the year preceding the PPE. The Secretary of State will promptly notify county officials and provide further instructions as needed.

B. Eligibility to Vote in the PPE

The "open primary" laws, [AZ. Const. Art. 7 § 10](#), do not apply to the PPE. Only qualified electors registered with the political parties participating in the PPE may vote in the PPE. Independent voters or voters with no party preference and voters affiliated with a political party that is not participating in the PPE may not participate unless they change their party registration or affiliation to that of a participating political party by the deadline to register to vote in the PPE. [A.R.S. § 16-241\(A\)](#); *see also* [Attorney General Opinion No. 199-025 \(R99-049\)](#).

Voters not on the AEVL may request a ballot-by-mail for the PPE between 93 and 11 days before the election. [A.R.S. § 16-246\(A\)](#).

C. Candidate Participation in the PPE

Candidates seeking to appear on the PPE ballot must meet the requirements set forth in [A.R.S. § 16-242](#). Candidates may file with the Secretary of State either:

- A nomination paper and nominating petitions signed by at least 500 qualified electors who are eligible to vote for the candidate in the PPE; or
- A notice of candidacy affirming that they are on the PPE ballot of at least two other states.

[A.R.S. § 16-242\(C\)-\(E\)](#).

Write-in candidates are prohibited. Votes shall only be counted and canvassed for those candidates whose names appear on the PPE ballot. [A.R.S. § 16-247](#).

The Secretary of State will certify to counties the names of candidates who qualify for the PPE ballot within 72 hours of the close of the filing period. [A.R.S. § 16-242\(F\)](#). The filing period for the PPE is 130 to 100 days before the PPE. [A.R.S. § 16-242\(B\)](#).

III. PPE BALLOTS

A. Official Ballot

Official ballots for the PPE must meet the following requirements:

1. If more than one party is participating, ballots must be printed on different colored paper for each party or on white paper with a different colored stripe or color designation for each party at the top or bottom of the ballot;
2. Only one party may be represented on each ballot;
3. The top of each ballot must contain the words, “Official Ballot of the _____ Party, Presidential Preference Election (date), County of _____, State of Arizona.”
4. Candidate names must be printed in a random order determined by the Secretary of State through the drawing of lots. Rotation of candidate names is prohibited. Above the list of candidate names, the title “_____ Party Candidates for President of the United States” should be printed, along with “vote for not more than one” immediately below the title. The ballot may also contain other printed instructions to voters as prescribed for other elections.
5. The ballot should be configured so that it may be tabulated by congressional district.

[A.R.S. § 16-245](#); [A.R.S. § 16-249\(C\)](#).

B. Ballot Proof

The officer in charge of elections must provide a ballot proof to the chairperson of each participating political party within five days of receiving the list of certified candidates from the Secretary of State. [A.R.S. § 16-245\(C\)](#).

C. Sample Ballots

Sample ballots for the PPE must be mailed to each household containing a registered voter eligible to participate, unless each qualified voter is on the AEVL. [A.R.S. § 16-245 \(D\)-\(E\)](#).

IV. CONDUCT OF THE PPE

The PPE should be conducted in the same manner as any primary election held pursuant to [A.R.S. § 16-201](#). All provisions of other laws governing elections, except as otherwise provided in Title 16, Chapter 2, Article 4, apply to the PPE, including laws relating to registration and qualification of electors. [A.R.S. § 16-241\(C\)-\(D\)](#). The PPE is also subject to the hand count procedure detailed in [Chapter 11, Section VII](#).

A. Voting Locations

Not less than 20 days before a PPE, the Board of Supervisors must designate a reasonable and adequate number of voting locations for the PPE, based on the number of active registered voters as of January 2 of the year of the PPE. [A.R.S. § 16-248\(A\)-\(B\)](#). County Boards of Supervisors must follow the formulas set out in [A.R.S. § 16-248\(C\)-\(E\)](#) to determine the maximum allowable number of polling places. The Secretary of State may release a county from these limits if complying with them would jeopardize compliance with federal or state law. [A.R.S. § 16-248\(F\)](#). In addition, the limits and consolidation requirements do not apply to Native American reservations. [A.R.S. § 16-248\(G\)](#).

The officer in charge of elections may conduct the PPE entirely by mail in precincts with fewer than 300 active, registered voters (except for on Native American reservations). [A.R.S. § 16-248\(H\)](#).

In addition to Election Day voting locations, County Recorders may establish on-site early voting locations and provide for special election boards within the time limits and procedures applicable to other elections. [A.R.S. § 16-246\(C\)](#); *see also* [A.R.S. § 16-542](#). With authorization from the Board of Supervisors, a County Recorder may also establish emergency voting centers between 5:00 p.m. on the Friday preceding the PPE and 5:00 p.m. on the Monday preceding the PPE. [A.R.S. § 16-246\(F\)](#).

The County Recorder and officer in charge of elections shall consult with the appropriate tribal government(s) when selecting voting locations on reservations within the county, and in preparing minority language translations required under Section 203 of the Voting Rights Act.

B. Certification of Results

1. The Board of Supervisors

The results of the PPE must be canvassed by congressional district. [A.R.S. § 16-249\(C\)](#). Each county Board of Supervisors should meet to canvass the returns within 10 days after the PPE and provide a certified permanent copy of the official canvass to the Secretary of State on paper and electronically.

2. Secretary of State

The Secretary of State must canvass the returns and certify the results of the PPE to the chairpersons of participating political parties on or before the second Monday after the PPE. [A.R.S. § 16-661](#), relating to automatic recounts, does not apply. [A.R.S. § 16-249\(A\)-\(B\)](#).

V. COUNTY REIMBURSEMENT FOR THE PPE

The Secretary of State, in consultation with County Recorders and other officers in charge of elections, must include in the budget request for the Secretary of State's Office sufficient funding from the state general fund to conduct the PPE. Counties are generally entitled to reimbursement for PPE costs at a rate of \$1.25 for each active registered voter in the county as of January 2 of the year of the PPE. The Secretary of State may release a county from this reimbursement rate upon determining that being bound by it would jeopardize the county's compliance with federal or state laws and regulations. [A.R.S. § 16-250](#).