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7 UNITED STATES DISTRICT COURT

8 DISTRICT OF ARIZONA

9 League of Women Voters of Arizona; Mi
10 Familia Vota Education Fund; and Promise
Arizona, on behalf of themselves, their
members, and all others similarly situated,

No. _____

11 Plaintiffs,

12 vs.

13 Michele Reagan, in her official capacity as
14 Secretary of State for the State of Arizona,

15 Defendant.

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20 PLAINTIFFS' APPLICATION FOR AN ORDER TO SHOW CAUSE
WHY A PRELIMINARY INJUNCTION SHOULD NOT BE ENTERED

21 (ORAL ARGUMENT REQUESTED)
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INTRODUCTION

1
2 On November 14, 2017, Plaintiffs sent a letter to defendant Michele Reagan, in her
3 official capacity as Secretary of State for the State of Arizona (“SOS”), notifying her that
4 she, along with the Arizona Department of Transportation, the Arizona Department of
5 Economic Security, and the Arizona Health Care Cost Containment System (the
6 “Agencies”), were in violation of several provisions of the National Voter Registration Act
7 (“NVRA”). [Declaration of Counsel in Support of Plaintiffs’ Application for an Order to
8 Show Cause Why a Preliminary Injunction Should Not be Entered (“Counsel Decl.”), Ex. A
9 (“November Letter”)] In response, the Agencies have entered into an Interim Memorandum
10 of Understanding designed to provide a preliminary prospective cure to these violations.
11 [Counsel Decl., Ex. B (Memorandum of Understanding)] But the SOS—Arizona’s chief
12 election officer and the only official with the power to provide a cure for those voters whose
13 right to vote is still at risk—has not done the same. Instead, she continues to operate in a
14 manner which she now knows is in violation of the NVRA.

15 Specifically, the SOS is violating Section 5 of the NVRA, 52 U.S.C. § 20504, that
16 governs how the state must deal with changes of address, so as to ensure that a registered
17 voter is able to vote at the voter’s new address. Contrary to the express statutory
18 requirement, 52 U.S.C. § 20504(d), the SOS does not automatically update a voter’s
19 registration address for a voter who reports a change of address to the Department of
20 Transportation (“ADOT”) or its Motor Vehicle Division (“MVD”) (collectively
21 “ADOT/MVD”). If this voter attempts to vote at the polling location for the outdated voter
22 registration address rather than for the new address reported to ADOT, their ballot will not
23 be counted, as the change of address reported to ADOT is reflected only in their driver’s
24 record and not in their voter registration record. Accordingly, Plaintiffs apply to this Court
25 for preliminary relief, pursuant to Fed. R. Civ. P. 65, to protect thousands of Arizonans from
26 the irreparable loss of their right to vote this November.

27 As a preliminary remedy, Plaintiffs request that the Court order the SOS to:

28 (1) instruct county recorders to count provisional ballots by voters who report a

1 change to their address during a driver’s license application, renewal, or
2 change-of-address transaction with ADOT/MVD (“Covered Transaction”),
3 regardless of whether the provisional ballot is cast in the precinct
4 corresponding to the new address associated with the voter’s driver’s license or
5 identification card or in the precinct corresponding to the old address
6 associated with the voter’s registration record. The SOS should instruct county
7 recorders to count those votes for all federal races a voter is eligible to
8 participate in at their new residence address.

9 (2) instruct the SOS to send a notice to all voters who have engaged in a Covered
10 Transaction with ADOT/MVD. This notice should:

- 11 a. advise the voter that their voter registration address may be out of date;
- 12 b. explain that if they are on the Permanent Early Voting List (PEVL) they
13 will not receive Early Ballots to the address they reported to
14 ADOT/MVD unless they subsequently took additional steps to update
15 their voter registration address themselves;
- 16 c. explain that if they intend to vote in person they will be required to cast
17 a provisional ballot if their voter registration address is not current;
- 18 d. provide instructions for verifying or correcting the voter’s registration
19 address;
- 20 e. provide instructions for finding the correct polling place for the voter’s
21 new address; and
- 22 f. provide a blank voter registration form.

23 This Application is supported by Counsel Decl., the Declaration of Robyn
24 Prud’Homme-Bauer in Support of Plaintiffs’ Application for an Order to Show Cause Why a
25 Preliminary Injunction Should Not be Entered (“Prud’Homme-Bauer Decl.”) (attached as
26 Ex. 1), the Declaration of Eduardo Sainz in Support of Plaintiffs’ Application for an Order to
27 Show Cause Why a Preliminary Injunction Should Not be Entered (“Sainz Decl.”) (attached
28 as Ex. 2), the Declaration of Petra Falcon in Support of Plaintiffs’ Application for an Order

1 to Show Cause Why a Preliminary Injunction Should Not be Entered (“Falcon Decl.”)
2 (attached as Ex. 3), and this memorandum of points and authorities.

3 **BACKGROUND**

4 **A. Defendant SOS Does Not Treat ADOT/MVD Address Changes As Voter**
5 **Registration Address Changes.**

6 The SOS is Arizona’s chief election officer and, as such, is the state official charged
7 with coordinating the responsibilities of the state under the NVRA, including taking all
8 possible steps to ensure that ADOT/MVD complies with the statute. 52 U.S.C. §§ 20504,
9 20509; A.R.S. §§ 16-112(B), 16-142.¹

10 **1. In-Person Transactions.**

11 An individual who wishes to apply in person for a new Arizona driver’s license or
12 state-issued identification card, and thus be simultaneously registered to vote, must complete
13 the ADOT Driver License/Identification Card Application. [Counsel Decl., Exs. C (the
14 ADOT Driver License/Identification Card Application 40-5122 R04/16) and D (the ADOT
15 Driver License/Identification Card Application 40-5122 R01/18)]² An individual who
16 already possesses an Arizona driver’s license or state-issued identification card and wants to
17 report a change of address in person may do so by completing either the ADOT Driver
18 License/Identification Card Application or the ADOT Duplicate/Credential Update
19 Application. [*Id.*, Ex. E (the ADOT Duplicate/Credential Update Application)]³ One of the
20 pieces of information that every applicant must provide on both these application forms is
21 the person’s residence address. [*Id.*, Exs. C, D, and E] On a periodic basis, ADOT/MVD
22 provides to the SOS all of the address update information it has collected from its customers.

23 _____
24 ¹ All references to ADOT/MVD include authorized third-party providers that engage
in driver’s license services in Arizona.

25 ² Concurrent with this Application, Plaintiffs have filed a request for judicial notice of
publicly available documents.

26 ³ Which form is used can depend on which ADOT/MVD offices the applicant visits.
27 In some offices, the Driver’s License Application is also used for the purposes of reporting a
28 change of address. In addition, it is Plaintiffs’ understanding that ADOT is phasing out the
ADOT Duplicate/Credential Update Application and that, in the future, all address updates
will be accomplished using the ADOT Driver License/Identification Card Application.

1 [*Id.*, Ex. B (stating that “ADOT currently periodically sends the Secretary of State a
2 delimited text file containing change of address information with respect to driver licenses
3 and non-driver identification cards”)]

4 Although both forms require the ADOT/MVD customer to provide a new or current
5 residence address and although ADOT/MVD is already sending this information to the SOS,
6 the SOS does not use that address information to automatically update the voter registration
7 address of ADOT/MVD customers who are registered voters. [*Id.*, Ex. F (August 16, 2018
8 Press Release)] Using these forms, voters only have their voter registration addresses
9 updated if they see the voter registration question and check “yes” in response. In other
10 words, because the SOS only processes ADOT/MVD address changes if the applicant
11 affirmatively states that the address change is also for voter registration purposes, she has
12 transformed what under the NVRA should be an “opt-out” process into an “opt-in” process.

13 **2. Online Transactions.**

14 The SOS similarly fails to automatically update voter registration addresses when
15 voters submit an address change to ADOT/MVD through the Service Arizona website
16 (<https://servicearizona.com/> (last visited Aug. 10, 2018)) (“Service AZ”). [*See* Counsel
17 Decl., Ex. G (Service AZ screen shots)] When an eligible voter submits a change of address
18 to ADOT/MVD via Service AZ their new address information is transferred to the SOS.
19 [*See generally id.*, Ex. B] However, the SOS does not use the information provided to
20 automatically update the voter’s registration addresses. Instead, after the individual submits
21 the ADOT address change, a link appears which leads to a voter registration services page.
22 [*Id.*, Ex. G] For the person’s voting address to be updated, the voter must click on that link
23 and then, in effect start over, providing all the information that would be necessary to
24 register to vote, including the same address that they just provided to ADOT. [*See* Service
25 AZ] This process, therefore, functions as an opt-in process: it requires extra steps from the
26 voter to ensure that their voter registration address is updated.

27 **B. Plaintiffs’ Memorandum Of Understanding With ADOT/MVD.**

28 Plaintiffs in this case recently executed an Interim Memorandum of Understanding

1 with ADOT/MVD, in which ADOT/MVD has agreed to make necessary changes to the
2 relevant ADOT/MVD forms and procedures in order to comply with the NVRA. [Counsel
3 Decl., Ex. B] ADOT has also agreed to provide whatever assistance is required to ensure
4 that voters who engaged in Covered Transactions in the past are able to participate in the
5 upcoming federal mid-term election. [*Id.*] Making prospective changes to ADOT/MVD's
6 forms and procedures, however, will provide relief only for voters who engage in Covered
7 Transactions in the future, and only if the SOS changes her procedure for processing change-
8 of-address information. Moreover, ADOT/MVD cannot itself update voting addresses in the
9 State's voter registration system or ensure that voters whose registration addresses are out of
10 date can cast ballots that will count. Thus, without action by the SOS, ADOT/MVD is
11 powerless to provide relief for the potentially thousands of voters who have engaged in
12 Covered Transactions with ADOT/MVD in the past but did not have their voter registration
13 addresses updated.

14 **C. Plaintiffs Have Complied With The Notice Requirement Of The NVRA.**

15 If a violation of the NVRA is not corrected within 90 days of written notification to a
16 state's chief election official of the violation, a party may bring an action for injunctive
17 relief. *See* 52 U.S.C. § 20510(b). Plaintiffs' communications to the SOS include the
18 November Letter (Counsel Decl., Ex. A) that serves as notice, pursuant to 52 U.S.C.
19 § 20510(b), regarding the NVRA Section 5 violations addressed herein. *See* 52 U.S.C.
20 §§ 20504(d), 20510(b). Since sending the November Letter, Plaintiffs have provided the
21 SOS with multiple communications conveying this and other violations of the NVRA in
22 detail and have engaged in continuing discussions with the SOS. Those settlement
23 discussions have recently come to an end. As a result, the SOS remains non-compliant with
24 the NVRA.

25 **D. Plaintiffs.**

26 **1. League of Women Voters of Arizona.**

27 The League is a non-partisan, political organization that encourages informed and
28 active participation in government. [Prud'Homme-Bauer Decl., ¶ 3] The League works

1 actively to increase voter participation and education, and advocates for policies in the public
2 interest. [*Id.*] Due to the SOS’s ongoing violation of the NVRA, the League expends
3 resources, including staff and volunteer time, on efforts to provide voter registration services
4 to individuals that should have been provided by the SOS. [*Id.*, ¶ 14] If the League did not
5 need to provide ADOT/MVD clients with the voter registration address update service the
6 SOS fails to provide, it would be able to dedicate its limited resources to its other activities
7 including registering other voters, educating voters on ballot measures, informing voters
8 about issues and candidates, and pursuing policy and advocacy goals in other important issue
9 areas. [*Id.*, ¶ 15] Based on the SOS’s ongoing NVRA violations, the League expects that
10 this diversion of resources will continue. [*Id.*]

11 The League has approximately 850 members. [*Id.*, ¶ 3] Some of these members have
12 updated their driver’s license address with ADOT/MVD but have not had their voter
13 registration address updated, and some of these members will move and plan to update their
14 addresses with ADOT/MVD. [*Id.*, ¶ 10] These members have been injured or are at risk of
15 being injured by the SOS’s failure to ensure that their voter registration address is updated
16 anytime they report an address change to ADOT.

17 2. Mi Familia Vota Education Fund.

18 Mi Familia is a non-partisan civic engagement organization that advocates on social
19 and economic issues that impact the Latino community, including immigration, workers’
20 rights, education, climate change, healthcare, the environment, and voting. [Sainz Decl.,
21 ¶ 3] In 2018, Mi Familia aims to register 25,000 new voters, and to meet this goal the
22 organization conducts between five to ten voter registration drives in Arizona each week.
23 [*Id.*, ¶ 9] Mi Familia spends considerable time and resources educating registered voters
24 about the need to update their voter registration and collecting voter registration updates.
25 [*Id.*, ¶ 10] The need to assist voters with these updates means Mi Familia has fewer
26 resources to devote to registering new voters, making it harder for the organization to
27 achieve its goals. Due to the SOS’s ongoing violation of the NVRA, Mi Familia has
28 expended additional resources, including staff and volunteer time, on assistance to voters

1 who should have had their voter registration address automatically updated through an
2 ADOT/MVD transaction. [*Id.*, ¶ 12] The resources Mi Familia uses to assist ADOT/MVD
3 customers who were not offered address updates are resources that it was not able to spend
4 on its other activities, including leadership building in Latino communities, immigration
5 reform, and advocating for workers’ rights. [*Id.*, ¶ 14]

6 Mi Familia has approximately 6,000 members in Arizona. [*Id.*, ¶ 3] Some of these
7 members have updated their driver’s license address with ADOT/MVD but have not had
8 their voter registration address updated, and some of these members will move in the future
9 and plan to report their address changes to ADOT/MVD. [*Id.*, ¶ 13] These members have
10 been injured and are at risk of being injured in the future by the SOS’s failure to ensure that
11 their voter registration address is updated anytime they report a move to ADOT/MVD.

12 3. Promise Arizona.

13 Promise Arizona is a non-partisan, faith-based organization that seeks to positively
14 impact Latino and immigrant communities by building leaders, encouraging sustained civic
15 participation, and engaging with the political process for positive change. [Falcon Decl., ¶ 3]
16 As part of Promise Arizona’s voter registration efforts, many of the people they register to
17 vote are transitory and frequently change address due to economic instability. [*Id.*, ¶ 10]
18 These voters are at risk of being disenfranchised by the failure of the SOS to update their
19 voter registration as required by federal law. [*Id.*] Promise Arizona has worked with
20 numerous voters who have moved and updated their address with ADOT/MVD but did not
21 have their voter registration address automatically updated. [*Id.*, ¶ 11] In those situations,
22 Promise Arizona must expend time and resources to help voters update their addresses. [*Id.*]
23 If it were not for the SOS’s failure to update voter registration addresses, Promise Arizona’s
24 time and resources would otherwise be utilized engaging voters about important issues,
25 working with immigrants on citizenship applications, providing legal services, or improving
26 technology and English literacy for immigrants. [*Id.*, ¶ 14]

27 Promise Arizona has approximately 1,000 members. [*Id.*, ¶ 4] Some of these
28 members have updated their driver’s license address with ADOT but have not had their voter

1 registration address updated, and some of these members will move in the future and will
2 report their new addresses to ADOT/MVD. [*Id.*, ¶ 13] These members have been injured
3 and are at risk of being injured in the future by the SOS’s failure to ensure that their voter
4 registration address is updated anytime they report a move to ADOT/MVD.

5 **Argument**

6 **I. PLAINTIFFS ARE ENTITLED TO A PRELIMINARY INJUNCTION UNDER** 7 **THE FOUR-PART TEST FOR INJUNCTIVE RELIEF.**

8 This Court states that the test for a preliminary injunction is as follows:

9 In order to obtain a preliminary injunction, a movant must show that (1) [they
10 are] likely to succeed on the merits, (2) they are likely to suffer irreparable
11 harm in the absence of preliminary relief, (3) the balance of equities tips in
12 their favor, and (4) an injunction is in the public interest. The Ninth Circuit,
13 employing a sliding scale analysis, has also stated serious questions going to
14 the merits and a hardship balance that tips sharply toward the movant can
15 support issuance of an injunction, assuming the other two elements of the
16 *Winter* [balancing] test are also met.

17 *E*Trade Fin. Corp. v. Eaton*, 305 F. Supp. 3d 1029, 1031 (D. Ariz. 2018) (internal
18 quotations, citations, and alternations omitted). Plaintiffs satisfy all four factors of this test.

19 **A. Plaintiffs Have A Strong Likelihood Of Success On The Merits.**

20 The failure by the SOS—for years—to automatically update the voter registration
21 addresses of thousands of Arizona voters undeniably violates Section 5 of NVRA. Thus,
22 Plaintiffs’ success on the merits is much more than likely; it is virtually certain.

23 Congress passed the NVRA to increase the number of registered voters and maintain
24 accurate, up-to-date voter registration rolls. In enacting the NVRA, Congress recognized
25 that problems with voter registration are a primary reason that people are unable to
26 participate in the political process, and specifically determined that “unfair registration laws
27 and procedures can have a direct and damaging effect on voter participation in elections for
28 federal office and disproportionately harm voter participation by various groups, including
29 racial minorities.” 52 U.S.C. § 20501(a)(3).

30 Section 5 of the NVRA therefore requires motor vehicle agencies to provide voter
31 registration services to citizens who engage in Covered Transactions. *See* 52 U.S.C.

1 §§ 20502(3), 20504. The statute requires that motor vehicle agencies “include a voter
2 registration application form . . . as part of an application for,” or renewal of, a driver’s
3 license or state-issued identification card. 52 U.S.C. § 20504(c)(1); *see also* 52 U.S.C.
4 § 20504(a)(1). Voter registration forms supplied as part of this process “may not require any
5 information that duplicates information” provided by the applicant in other portions of the
6 application, “other than a second signature.” 52 U.S.C. § 20504(c)(2).

7 With respect to change of address transactions, Section 5 requires that, when an
8 individual notifies a motor vehicle agency of a new address, the voter registration address
9 must be *automatically updated* unless the individual affirmatively states that the change of
10 address is not for voter registration purposes. 52 U.S.C. § 20504(d). It states:

11 Any change of address form submitted in accordance with State law for
12 purposes of a State motor vehicle driver’s license *shall serve* as notification of
13 change of address for voter registration with respect to elections for Federal
14 office for the registrant involved unless the registrant states on the form that
15 the change of address is not for voter registration purposes.

16 52 U.S.C. § 20504(d) (emphasis added). In other words, a change of address for voter
17 registration must occur *automatically* unless a voter declines to update her voter registration
18 address—it must be an “opt out” rather than an “opt in” process. And for this “opt out”
19 process to be effective, the voter must in fact be given the opportunity to opt out and must be
20 notified that, unless the voter takes that opportunity, the address change will be used to
21 update the voter’s registration record. *Id.*

22 The requirements of Section 5 apply whether the Covered Transaction is conducted in
23 person or remotely through the internet or the mail. *See, e.g., Stringer v. Pablos*, 274 F.
24 Supp. 3d 588, 598 (W.D. Tex. 2017) (holding that online transactions are covered by Section
25 5); *Action NC v. Strach*, 216 F. Supp. 3d 597, 623 (M.D.N.C. 2016) (holding that
26 requirements of Section 5 “apply equally to in-person and remote covered transactions”);
27 *U.S. Department of Justice, Civil Rights Division, The National Voter Registration Act of*
28 *1993 (NVRA): Questions and Answers, Q4*, available at <https://www.justice.gov/crt/national-voter-registration-act-1993-nvra> (last visited Aug. 10, 2018) (“to the extent that the State provides for remote applications for driver licenses, driver license renewals, or driver license

1 changes of address, via mail, telephone, or internet or other means, then provision must be
2 made to include the required voter registration opportunity as well”).

3 These “Motor Voter” provisions of the NVRA are intended to streamline the federal
4 voter registration process, improve accessibility to voter registration, increase the number of
5 qualified voters who are properly registered, and ensure that voter registration records are
6 kept accurate and up to date. *See, e.g.*, S. Rep. No. 103-6 at 5 (1993) (“[I]ncorporating voter
7 registration into the drivers licensing process provides a secure and convenient method for
8 registering voters; an effective means of reaching groups of individuals generally considered
9 hard-to-reach for voting purposes . . . and a procedure for keeping rolls current through
10 contact with licensees who change addresses”).

11 Here, the SOS fails to use address change information supplied by ADOT/MVD to
12 automatically update voter registration addresses. Instead, the SOS updates a voter’s
13 existing registration record using ADOT/MVD address information *only* when the applicant
14 takes additional steps to *affirmatively* indicate that he or she wishes to update their existing
15 voter registration address. Specifically, when submitting an address change in person at an
16 ADOT/MVD office, the applicant must affirmatively check a box to request voter
17 registration services, and when completing a covered transaction online, the applicant must
18 complete an entirely separate voter registration transaction on ADOT/MVD’s Service AZ
19 website. This violates Section 5’s requirement that all driver’s license or identification card
20 address changes serve to update the person’s voter registration address “unless the registrant
21 states on the form that the change of address is not for voter registration purposes,” 52
22 U.S.C. § 20504(d), and this violation is occurring both during in-person and online motor
23 vehicle transactions.

24 Moreover, neither Service AZ nor the ADOT/MVD forms cited above provides voters
25 with the required notification that change-of-address information submitted to ADOT/MVD
26 will be used to update an existing voter registration, nor do they provide voters the required
27 opportunity to opt out of having their voter registration address updated. [*See* Counsel Decl.,
28 Exs. C, D, E, and G] Not providing an opportunity to opt out during these processes is a

1 clear violation of Section 5(d)'s requirement that voters be given an opportunity to state that
2 their address update is not for voter registration purposes. Moreover, both the Duplicate
3 Credential form and Service AZ do not even inform voters that they need to update their
4 address for voter registration purposes. [See *id.*, Exs. E and G]

5 As the State's chief election official, the SOS is responsible for ensuring that all voter
6 registration services provided by agencies covered by the NVRA, including ADOT/MVD,
7 comply with the NVRA. See 52 U.S.C. § 20509; A.R.S. §§ 16-112(B), 16-142. The chief
8 election official is responsible for NVRA compliance within the state. 52 U.S.C. § 20509;
9 *Valdez v. Herrera*, Civ. No. 09-688 JCH/DJS, 2010 U.S. Dist. LEXIS 142209, at *28-29, 32-
10 34 (D.N.M. Dec. 21, 2010), *aff'd sub nom. Valdez v. Squier*, 676 F.3d 935 (10th Cir. 2012)
11 (The Chief Election Official is "responsible for coordination of State responsibilities" under
12 the NVRA. Further, courts have uniformly held that the Chief Election Official is
13 "responsible for ensuring compliance [with the NVRA]," and bears "responsibility for the
14 state's compliance with [the NVRA's] mandates"); see also *Harkless v. Brunner*, 545 F.3d
15 445, 452 (6th Cir. 2008) (holding that "the Secretary, as [] chief election officer, is
16 responsible for 'harmonious combination'—or implementation and enforcement—of
17 [NVRA responsibilities of a government agency]"); *Scott v. Schedler*, 771 F.3d 831, 839 (5th
18 Cir. 2014) (The "NVRA centralizes responsibility in the state and in the chief elections
19 official, who is the state's stand-in"). Consequently, the SOS is responsible for the
20 violations found in the ADOT/MVD forms and on Service AZ.

21 In sum, the SOS undeniably is violating the NVRA, and Plaintiffs are therefore likely
22 to prevail on the merits. Absent injunctive relief, the SOS's violation of federal election law
23 will persist. Her violation of the NVRA is not merely technical. Rather, she is knowingly
24 failing to automatically update the voter registration of individuals who change the address
25 associated with their driver's license or state identification card. In doing so, she undermines
26 the purpose of the NVRA, which is facilitation of voter registration and participation by
27 ensuring voter rolls are accurate and up-to-date. To protect Plaintiffs and other Arizona
28 voters from the SOS's current and continuing violations of the NVRA, the Court should

1 issue a preliminary injunction.

2 **B. Plaintiffs Will Suffer Irreparable Harm Without Injunctive Relief Due To**
3 **The Resource Drain, Burdens On Voting, And Disenfranchisement**
4 **Caused By The SOS’s NVRA Violations.**

5 The Supreme Court has long recognized that there is “no right more basic to our
6 democracy than the right to participate in electing our political leaders.” *McCutcheon v.*
7 *Fed. Election Comm’n*, 134 S. Ct. 1434, 1440-41 (2014). “No right is more precious in a
8 free country than that of having a voice in the election of those who make the laws under
9 which, as good citizens, we must live. Other rights, even the most basic, are illusory if the
10 right to vote is undermined.” *Wesberry v. Sanders*, 376 U.S. 1, 17 (1964); *see also*
11 *Reynolds v. Sims*, 377 U.S. 533, 560 (1964).

12 The deprivation of the right to vote therefore constitutes irreparable injury. “It is well
13 established that the deprivation of constitutional rights ‘unquestionably constitutes
14 irreparable injury.’” *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (citation
15 omitted); *Majors v. Jeanes*, 48 F. Supp. 3d 1310, 1316 (D. Ariz. 2014) (“[t]he deprivation of
16 constitutional rights unquestionably constitutes irreparable injury”) (internal quotations and
17 citations omitted). In such an instance, “‘irreparable harm is *likely*, not just possible’ in the
18 absence of preliminary injunctive relief.” *See Rodriguez v. Robbins*, 715 F.3d 1127, 1144–
19 45 (9th Cir. 2013) (emphasis in original) (citation omitted). Because “there can be no ‘do-
20 over’ or redress of a denial of the right to vote after an election,” an NVRA violation that
21 inhibits voting “weighs heavily in determining” irreparable harm absent an injunction. *Fish*
22 *v. Kobach*, 840 F.3d 710, 752 (10th Cir. 2016); *see also Elrod v. Burns*, 427 U.S. 347, 373
23 (1976) (election case noting that the loss of constitutional rights “for even minimal periods of
24 time, unquestionably constitutes irreparable injury”); *League of Women Voters of United*
25 *States v. Newby*, 838 F.3d 1, 9 (D.C. Cir. 2016) (finding that the challenged electoral
26 practices “unquestionably” made it “more difficult” for plaintiff organizations “to
27 accomplish their primary mission of registering voters” and therefore “provide injury for
28 purposes both of standing and irreparable harm”); *Obama for Am. v. Husted*, 697 F.3d 423,
436 (6th Cir. 2012) (“A plaintiff’s harm from the denial of a preliminary injunction is

1 irreparable if it is not fully compensable by monetary damages”) (citation omitted); *Williams*
2 *v. Salerno*, 792 F.2d 323, 326 (2d Cir. 1986) (finding that the denial of the right to vote is
3 “irreparable harm”); *Krieger v. City of Peoria*, No. CV-14-01762-PHX-DGC, 2014 WL
4 4187500, at *6 (D. Ariz., 2014) (“Plaintiffs do not assert their right to win the election; they
5 assert their right to a fair election and the voters’ right to cast an accurate and valid vote.
6 The loss of these rights satisfies the irreparable harm requirement”). The SOS’s failure to
7 update voter registration addresses, as detailed above, impedes the right to vote and causes
8 Plaintiffs to divert resources to ensure voters have up-to-date registrations.

9 The SOS’s failure to update voter registration addresses impedes the right to vote,
10 causing irreparable harm because under Arizona law a voter who moves and whose voter
11 registration information is not updated before the registration cutoff date must cast a
12 provisional ballot. Those provisional ballots are only counted if the voter casts a ballot at the
13 polling location corresponding to their new residential address, as reflected in their driving
14 record; a ballot cast in the polling place that matches their old address at which they were
15 registered to vote (called “out of precinct” or “OOP” ballots) will not be counted because the
16 voter no longer resides there. *See* A.R.S. §§ 16-122, 16-135, 16-584. Additionally, if a voter
17 moves to a new county within Arizona, their ballot will not be counted at all because their
18 provisional ballot will be discarded regardless of whether it is cast in their new polling
19 location or in the polling location that matches their voter registration address. *See id.*
20 Aggravating this further, voters are not notified of their new polling place as required under
21 the NVRA due to the SOS’s failure to update voter registration addresses. *See* 52 U.S.C. §
22 20507 (a)(2).

23 Additionally, the failure to update voter registration addresses has a significant impact
24 on Arizona’s vote by mail program. Voters who have signed up for the permanent early
25 voting list will not receive their Early Ballot via mail at their correct address if their voter
26 registration has not been updated. Moreover, Early Ballots are sent by non-forwardable
27 mail, so voters who have changed address but not had their voting address updated may
28 never receive their Early Ballot. [*See State of Arizona Elections Procedures Manual* at 125,

1 (2018), <http://live-az-sos.pantheonsite.io/sites/default/files/2018%200330%20State%20of%20Arizona%20Elections%20Procedures%20Manual.pdf>] In sum, all voters whose addresses
2
3 have not been updated because of the SOS’s failure to comply with the NVRA face
4 additional burdens when trying to vote, and many voters whose addresses have not been
5 updated will be completely disenfranchised.

6 Among the Arizona voters harmed by the SOS’s ongoing NVRA violations are
7 Plaintiffs’ members. All of the Plaintiff organizations have members who have updated their
8 driver’s license or state identification card address with ADOT/MVD but have not had their
9 voter registration address updated. [Falcon Decl., ¶ 13; Sainz Decl., ¶ 13; Prud’homme-
10 Bauer Decl., ¶ 12] Moreover, they also have members with Arizona driver’s licenses or
11 identification cards who are likely to move in the future and are at risk of being harmed by
12 the SOS’s failure to ensure that their voter registration address is updated anytime they report
13 a move to ADOT/MVD.

14 This type of impact is not confined to members of the Plaintiff organizations. Every
15 year, sizeable segments of Arizona’s population moves. Almost 70 percent of Arizonans
16 changed their residential address in the decade between 2000 and 2010, the second highest
17 rate of any state. *See Democratic Nat’l Comm. v. Reagan* (“DNC”), No. CV-16-01065-
18 PHX-DLR, 2018 WL 2191664, at *22 (D. Ariz. May 10, 2018). Additionally, the U.S.
19 Census Bureau estimates that in 2016—the year for which the most recent data is available—
20 in Arizona more than 800,000 people moved within the same county, and more than 126,000
21 people moved between counties. [U.S. Census Bureau: Am. FactFinder, S0701
22 Geographical Mobility by Selected Characteristics in the United States, available at
23 https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_16_1YR_B07401&prodType=table (last visited August 11, 2018)]
24

25 Moreover, Arizona is consistently at or near the top of the list of states that collect and
26 reject provisional ballots each election. *DNC*, 2018 WL 2191664 at *21. One of the most
27 frequent reasons that provisional ballots are rejected in Arizona is because they are cast in
28 the wrong precinct. *Id.* In the 2008 general election, 14,885 OOP ballots were not counted

1 and in the 2012 general election, 10,979 ballots were cast OOP and thus rejected. *See*
2 *Feldman v. Ariz. Secretary of State*, 842 F.3d 613, 618, n. 4 (9th Cir. 2016). Many of these
3 OOP voters would likely have been able to cast a ballot that was counted if their address had
4 been updated as required by the NVRA and they had been notified of their new polling
5 place. The harm caused by the SOS’s failure to comply with the NVRA is very real to both
6 members of the Plaintiff organizations and to other Arizona voters. It not only imposes a
7 burden on these voters but also presents a real threat of disenfranchisement.

8 In the absence of preliminary relief, the Plaintiffs and other Arizonans, therefore, face
9 irreparable harm as “no monetary award can remedy the fact that [a voter] will not be
10 permitted to vote in the precinct of her new residence.” *Charles H. Wesley Educ. Found.*
11 *Inc. v. Cox*, 324 F. Supp. 2d 1358, 1368 (N.D. Ga. 2004), *aff’d*, 408 F.3d 1349 (11th Cir.
12 2005); *see also Fish*, 840 F.3d at 752 (“[T]he right to vote is a constitutionally protected
13 fundamental right. When an alleged constitutional right is involved, most courts hold that no
14 further showing of irreparable injury is necessary”) (internal quotations and citations
15 omitted).

16 In addition to harming Plaintiffs’ members and other Arizona voters, the SOS’s
17 actions also cause the Plaintiffs irreparable harm because they must divert their limited
18 resources to fill the gap caused by the SOS’s NVRA violations. Additionally, monetary
19 relief cannot compensate for the harm to Plaintiffs’ organizational missions of increasing
20 voter engagement and participation once the 2018 general election is over. Indeed, courts
21 have found that conduct limiting “an organization’s ability to conduct voter registration
22 activities constitutes an irreparable injury” [*Project Vote, Inc. v. Kemp*, 208 F. Supp. 3d
23 1320, 1350 (N.D. Ga. 2016)], “because when a plaintiff loses an opportunity to register a
24 voter, the opportunity is gone forever” [*League of Women Voters of Florida v. Browning*,
25 863 F. Supp. 2d 1155, 1167 (N.D. Fla. 2012); *see also Newby*, 838 F.3d at 12-13 (reversing
26 denial of preliminary injunction)]. Moreover, the present case is similar to *Action NC*, 216
27 F. Supp. 3d 597, which held that organizational plaintiffs’ diversion of resources away from
28 “voter mobilization and voter education efforts” before Election Day was sufficient to show

1 irreparable harm at the preliminary injunction stage. *Action NC*, 216 F. Supp. 3d at 642–43.

2 Specifically, Promise Arizona must divert their limited resources to fill the gap caused
3 by the SOS’s NVRA violation because Promise Arizona assists voters who are often
4 transitory and must frequently change addresses due to economic instability. [Falcon Decl.,
5 ¶ 10] Promise Arizona has expended time and resources working with numerous voters who
6 have moved and updated their address with ADOT/MVD but whose voter registration
7 address was not automatically updated by the SOS. [*Id.*, ¶ 11] Further, the high rate of
8 mobility of low income Arizonans means that Promise Arizona must provide voter address
9 assistance multiple times a year for the same voter. [*Id.*] The low-income, low-propensity
10 voters who Promise Arizona serves are unlikely to vote if they encounter issues at the polling
11 place, with registration, or if they do not receive an Early Ballot in the mail at their current
12 address—all of which can occur as a result of the SOS’s failure to update voter registration
13 records. [*Id.*, ¶¶ 10, 12] The time and resources Promise Arizona expends on address
14 updates acutely reduces the work it can do in other areas, such as engaging voters about
15 important issues, working with immigrants on citizenship applications, providing legal
16 services, and improving technology and English literacy for immigrants. [*Id.*, ¶ 14] And it
17 reduces the time that Promise Arizona could spend registering new voters who are not
18 already registered to vote.

19 Mi Familia focuses its work generally on the nearly 580,000 eligible Latino voters
20 aged 18 to 34 in Arizona. [Sainz Decl., ¶ 7] Mi Familia expends resources assisting voters
21 who should have had their voter registration address automatically updated through an
22 ADOT/MVD transaction. [*Id.*, ¶¶ 10, 12] As such, it diverts resources from its other
23 activities including leadership building in Latino communities, advocating for immigration
24 reform and workers’ rights, educating voters about important issue areas and candidates,
25 engaging in Get-Out-The-Vote (“GOTV”) activities, and registering new voters. [*Id.*, ¶ 14]
26 And it reduces the time that Mi Familia could spend registering new voters who are not
27 already registered to vote. Because the SOS continues to violate NVRA Section 5, Mi
28 Familia’s diversion of resources to compensate for this harm will be ongoing. [*Id.*]

1 Similarly, the League spends considerable time and resources assisting voters who
2 update their address with ADOT/MVD but who do not have their voter registration address
3 updated automatically as NVRA Section 5 requires. [See Prud’Homme-Bauer Decl., ¶ 10]
4 Voter registration efforts by the League require significant volunteer and member hours and
5 financial resources. [Id., ¶ 14] If the SOS ceased violating NVRA Section 5, the League
6 would be able to expend less time and money ensuring Arizona residents who update their
7 address with ADOT/MVD have a similarly updated voter registration address. [Id., ¶ 13]
8 Further, the League would be able to dedicate more resources on its other activities,
9 including educating and informing voters about ballot measures, issues and candidates, and
10 pursuing policy and advocacy goals in other issue areas. [Id., ¶ 15] Additionally, the
11 League could spend more time registering new voters.

12 Every election is important. The inability to participate in an election cannot be
13 compensated for after the fact, or assuaged by the ability to participate in the next election.
14 Irreparable harm will inevitably result without the preliminary injunctive relief Plaintiffs
15 seek. The SOS’s failure to remediate her ongoing violations of the NVRA, despite
16 Plaintiffs’ notice, demonstrates that the SOS will not take action to protect the right to vote
17 in the 2018 general election absent injunctive relief from this Court. Further, without
18 injunctive relief, the SOS’s violations of the NVRA will indelibly impact the 2018 general
19 election—denying certain voters the ability to participate in the political process and
20 unwarrantedly consuming precious resources.

21 **C. The Balance Of Hardships Favors A Mandatory Preliminary Injunction**
22 **Against The SOS.**

23 In considering a preliminary injunction, a court must balance the hardship to be
24 suffered by the parties as a result of the denial or issuance of an injunction. *See Eaton*, 305
25 F. Supp. 3d at 1036. “[The government] cannot suffer harm from an injunction that merely
26 ends an unlawful practice or reads a statute as required to avoid constitutional concerns.”
27 *Rodriguez*, 715 F.3d at 1145; *see also Zepeda v. I.N.S.*, 753 F.2d 719, 727 (9th Cir. 1983).
28 The SOS’s violation of the NVRA deprives qualified voters in Arizona of their right to vote

1 and causes Plaintiffs to divert their resources away from their other public services in order
2 to compensate for the SOS’s failure to satisfy its obligation under federal election law.
3 These hardships to Plaintiffs, voters, and the public at large, necessarily outweigh any
4 hardship that could possibly stem from the Court requiring the SOS—the chief election
5 officer charged with protecting voters in Arizona—from fulfilling her federally mandated
6 obligations.

7 Any argument that counting OOP ballots is too burdensome and shifts the equities in
8 favor of the SOS must fail as a matter of both fact and law. In *DNC*, the Court found that
9 “[c]ounting OOP ballots is administratively feasible.” *See DNC*, 2018 WL 2191664, at *25.
10 The Court further found that Arizona already uses the ballot duplication procedure that
11 election officials would use in order to count only the races in which the OOP voter is
12 eligible to vote. *Id.*⁴ As the *DNC* ruling makes clear, Plaintiffs’ requested remedy does not
13 require the SOS to adopt a new election procedure. Moreover, unlike the Plaintiffs in *DNC*,
14 Plaintiffs here do not challenge the validity of the OOP law in general. Instead, Plaintiffs
15 here simply ask the Court to order a one-time exception to the state law prohibition on OOP
16 ballot counting to remedy the SOS’s clear violation of federal law so that voters, who may be
17 unable to vote due to that violation, can participate in the November 2018 general election.

18 **D. Issuing An Injunction Requiring The SOS To Comply With The NVRA**
19 **Promotes The Public Interest.**

20 “[T]here is the highest public interest in the due observance of all the constitutional
21 guarantees.” *U.S. v. Raines*, 362 U.S. 17, 27 (1960); *Melendres*, 695 F.3d at 1002 (“it is
22 always in the public interest to prevent the violation of a party’s constitutional rights”)
23 (citation omitted). In passing the NVRA with “requirements designed to increase the
24 number of eligible voters who register and vote,” Congress acknowledged “the public
25 interest in the widespread exercise of the franchise.” *Fish*, 840 F.3d at 756; *see also*

26 _____
27 ⁴ Arizona’s ballot duplication procedure currently processes ballots that cannot be
28 read by an optical scan voting machine (such as ballots that are damaged, marked with the
wrong color pen, or submitted to the county recorder by a military or overseas voter via
facsimile). *DNC*, 2018 WL 2191664, at *25.

1 *Reynolds*, 377 U.S. at 562 (referring to voting as a “fundamental political right . . .
2 preservative of all rights”) (citations omitted). Therefore, courts have routinely held that
3 granting a preliminary injunction serves the public interest when it helps permit “as many
4 qualified voters to vote as possible.” *Obama for Am.*, 697 F.3d at 437; *see also Newby*, 838
5 F.3d at 12 (same); *Action NC*, 216 F. Supp. 3d at 648 (“[F]avoring enfranchisement and
6 ensuring that qualified voters’ exercise their right to vote’ is always in the public interest”)
7 (citation omitted). Moreover, ordering a “state to comply with a valid federal statute is most
8 assuredly in the public interest.” *Wesley Educ. Found.*, 324 F. Supp. 2d at 1369.
9 Vindicating voting rights and enforcing “a federal statute serve[s] the public interest almost
10 by definition.” *Browning*, 863 F. Supp. 2d at 1167.

11 Arizona’s chief election officer’s maintenance of accurate voter registration records
12 necessarily promotes the public interest. Thus, the SOS’s failure to automatically update the
13 voter registration information of ADOT/MVD customers who submit a change of address
14 violates the NVRA. Absent injunctive relief, her failure will continue to harm the public
15 interest by denying qualified voters in Arizona the right to vote as a result of inaccurate voter
16 rolls, undermining the integrity of the election, and diverting Plaintiffs’ resources away from
17 the other public services they ordinarily provide. *See Obama for Am.* 697 F.3d at 437
18 (holding that “permitting as many qualified voters to vote as possible” serves the public
19 interest).

20 The SOS can claim no public interest in violating federal election law that Congress
21 enacted to protect the public’s voting rights. Requiring the SOS’s compliance with the
22 NVRA serves only to protect the public interest.

23 **II. PLAINTIFFS’ REQUESTED RELIEF REQUIRES NO BOND.**

24 Because the requested mandatory injunction is specific and is designed to require the
25 SOS to comply with a federal law created to protect a fundamental right, the proposed
26 mandatory injunction will not harm the SOS in any way that matters under the applicable
27 law. Accordingly, Plaintiffs ask the Court to waive the bond requirement or set a minimal
28 bond in an amount no greater than \$100.00.

Relief Requested

1
2 Plaintiffs seek an order requiring the SOS to take two actions. First, to instruct county
3 recorders to count provisional ballots cast by voters in federal elections who changed their
4 address during a Covered Transaction with ADOT/MVD since November 9, 2016 regardless
5 of whether the provisional ballot is cast in the precinct corresponding to the address
6 associated with the voter's driver's license or identification card or in the precinct associated
7 with the voter's registration record. *See, e.g., Fish*, 840 F.3d at 756 (affirming grant of
8 preliminary injunction enjoining the Secretary of State to register each person whose voter
9 registration application had been rejected for failure to provide documentary proof of
10 citizenship under state law in Section 5 NVRA case); *Action NC*, 216 F. Supp. 3d at 646
11 (granting in part a preliminary injunction and requiring the counting of certain categories of
12 provisional ballots that would not have been counted under state law). If the voter is not
13 eligible to vote in all races marked on the provisional ballot because the voter no longer
14 resides in the precinct, then, at the very least, the election official must partially count the
15 ballot for all federal races in which the voter is qualified to vote, for example, any statewide
16 federal races, such as U.S. Senator, or Congressional races where both the old and new
17 addresses are in the same Congressional district.

18 Second, Plaintiffs request that the Court order the SOS to send a blank voter
19 registration form and a notice to all voters who have engaged in a Covered Transaction with
20 ADOT/MVD since November 9, 2016, advising them that their voter registration record may
21 be out of date. This notice should also inform voters that, if they are signed up for the PEVL
22 they will not receive Early Ballots at the address they reported to ADOT/MVD or, if they
23 intend to vote in person, that they will be required to cast a provisional ballot if their voter
24 registration address is not current. Finally, the notice should provide voters with instructions
25 for verifying or correcting their voting address as well as finding their correct polling place.
26 The notice component of the requested relief is critical for the following reasons. It will
27 reduce the number of voters who vote out of precinct and whose ballots must therefore be
28 hand-marked by election officials by: (a) encouraging them to update their address prior to

1 voting; and (b) by providing them with the polling place information for the precinct
2 corresponding to their current address. It also will provide the only remedy that will assist
3 the significant number of PEVL voters who, if they cannot vote in person, will be unable to
4 cast a ballot entirely unless they update their registration prior to the election.

5 For the foregoing reasons, Plaintiffs respectfully ask the Court to grant their
6 Application and enter an order in the form lodged herewith.

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1 DATED this 18th day of August, 2018.

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Attorneys for Plaintiffs

EXHIBIT 1

DECLARATION OF ROBYN PRUD'HOMME-BAUER

(Pursuant to 28 U.S.C. § 1746)

I, Robyn Prud'homme-Bauer, declare as follows:

1. I am over the age of 18, have been a resident of Arizona since 1997, make this declaration from my personal knowledge and, if called upon to do so, could competently testify to the matters set forth in this declaration in a court of law.
2. From 2017 to present, I have been the Co-President of the League of Women Voters of Arizona ("the League"). I am responsible for staff leadership, campaign coordination, resource allocation, and programming for all League work in the state of Arizona. In this capacity, I help decide and coordinate our community education activities, including our voter registration and voter engagement work.
3. The League is a non-partisan, political organization that encourages informed and active participation in government. The League has approximately 850 members statewide, and includes five local chapters: Central Yavapai County, Greater Tucson, Greater Verde Valley, Metro Phoenix, and Northwest Maricopa County.
4. The League's goal is to ensure that every person has the opportunity, knowledge, power, and right to participate fully in American democracy. The League works actively to increase voter participation and education, and advocates for policies in the public interest. The League encourages informed and active participation in government, studies key community issues at all levels of government in an unbiased manner, and works to influence public policy through education and advocacy.
5. The League offers a variety of programs to its members and to the public on a wide range of issues including, but not limited to: education, voting rights, reproductive choice, the environment, campaign financing, health care, and electoral redistricting. The local chapters in Arizona host candidate forums for the public to learn about candidates

running for local, state, and national offices. Every major election, the League produces a voter guide to inform voters about Arizona ballot measures.

6. As part of our efforts to increase civic engagement, the League commits ample member time, volunteer time, and resources to conducting voter registration drives in Arizona. To meet our objective to increase voter participation, the League engages in voter registration, voter engagement, voter education, and Get-Out-the-Vote (“GOTV”) efforts across Arizona.

7. The League undertakes a number of activities related to registering voters, including organizing and running voter registration drives; designing and executing public information campaigns about how to register to vote and update one’s voter registration; creating brochures about voter registration and early voting; creating and running an election day voter registration hotline to answer questions of voters experiencing voting challenges; and, educating voters about voter ID laws, Arizona voter registration requirements, redistricting, and other topics of local importance.

8. The League maintains a voter education fund to conduct campaigns to encourage voter turnout, produce a voter guide on key issues, produce education materials for voters, and build citizen participation in the democratic process.

9. The League and our local chapters have numerous voter registration drives planned leading up to the November 2018 election. The League encourages voter registration among all eligible voters, however many of these drives are targeted at registering low-income citizens and students because in our experience these voters are less likely to have registered to vote and more likely to need help with updating their registration information to reflect their current address. These efforts include voter registration drives at public libraries, schools that serve a high percentage of low-income families, community centers, and food banks and in conjunction with Native American nations.

10. The League also spends considerable time and resources assisting already registered voters with updating their voter registration information if they have moved. During our voter registration efforts, League members and volunteers often collect voter registration forms from Arizona residents who are registered in Arizona, but need to update their address. Many of these voters have updated their address with the Motor Vehicle Division and did not have their voter registration address updated simultaneously.

11. Based on information the League has obtained from working with voters, we believe that many voters that are unable to vote, or who must vote using a provisional ballot, are voters who moved and their voter registration address had not been updated. This has serious consequences in Arizona as a voter who casts a provisional ballot in the wrong precinct will not have their vote counted. Also a voter who had signed up for the permanent early ballot program will not have their ballot sent to the correct address if their voter registration address has not been updated.

12. The League has at least one member who has updated her driver's license address with ADOT and has been harmed by Defendants' failure to update her residence address for voting purposes. The League also has members who are at risk of being harmed by Defendants' NVRA violations when they move in the future.

13. If the State of Arizona provided the voter registration opportunities required under federal law to residents who interact with the Motor Vehicle Division, the League would be able to expend less time and money ensuring Arizona residents were registered to vote at their current address. Based on Defendants' ongoing violations, the League reasonably anticipates that this diversion of resources will continue.

14. Voter registration efforts by the League require significant volunteer hours, member hours, and financial resources. Due to the Defendant's ongoing violations of the NVRA, the League will continue to expend resources, including staff and volunteer time,

on efforts to provide voter registration services to individuals who should have been offered voter registration services or address updates by the State of Arizona.

15. If the League did not need to assist MVD clients with the voter registration address updates the State fails to provide, we would be able to dedicate more resources to our other activities. We would be able to spend more time educating voters on ballot measures, using our limited resources to ensure voters are properly informed about issues and candidates, and pursuing our policy and advocacy goals in other important issue areas. Based on Defendants' ongoing violations, we expect this diversion of resources will continue.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 13, 2018.

Raymond C. Froehner Bauer 8/13/18

EXHIBIT 2

DECLARATION OF EDUARDO SAINZ

(Pursuant to 28 U.S.C. § 1746)

I, Eduardo Sainz, declare as follows,

1. I am over the age of 18, have been a resident of Arizona since 2007 make this declaration from my personal knowledge and, if called upon to do so, could competently testify to the matters set forth in this declaration in a court of law.
2. From 2016 to present, I have been the State Director for Mi Familia Vota Arizona. In this capacity, I help determine and coordinate our community education activities, including our voter registration and engagement work. I am responsible for staff leadership, campaign coordination, resource allocation, and programming for all Mi Familia Vota work in the state of Arizona.
3. Mi Familia Vota is a non-partisan, civic engagement organization that advocates on social and economic issues that impact the Latino community, including immigration, workers' rights, education, climate change, healthcare, the environment, and voting. Mi Familia Vota integrates local organizing, leadership development, advocacy and building broad community partnerships with our voter engagement work. Mi Familia Vota has approximately 6000 members in Arizona.
4. Mi Familia Vota provides a wide range of services to Latinos in Arizona. These include assistance with completing citizenship applications, leadership development programs that provide hands on training and tools to high school and college students, voter education programs, and get-out-the-vote campaigns.
5. Mi Familia Vota also works to increase access to the electoral process for Latino voters by registering voters, educating them on their rights as granted by the Voting Rights Act, and conducting Election Day monitoring to help resolve any issues at the polls.

6. Our voter engagement program seeks to expand Latino voter participation through community organizing, voter registration, voter education and Get-Out-the-Vote programs. Program evaluations of our efforts have found that they produce a statistically significant impact on increasing voter participation and awareness.
7. Mi Familia Vota engages in large scale voter registration campaigns focused on individuals aged 18 to 30 in Arizona. There are nearly 580,000 eligible Latino voters aged 18 to 34 in Arizona. Mi Familia Vota targets this population because it contains a high percentage of unregistered voters and voters whose registration address needs updating. Mi Familia Vota's voter registration efforts are focused on Maricopa, Pima, Yuma and Santa Cruz counties due to the large Latino populations in those areas. Mi Familia Vota also conducts Spanish voter registration drives for individuals for whom English is not their first language.
8. Many of our voter registration drives are conducted at high schools and community colleges, Latino owned businesses, churches, consulates (who serve dual-citizens), community organizations, labor unions, social services providers, and community events in conjunction with Spanish language media.
9. In 2018, Mi Familia Vota aims to register 25,000 new voters. In order to meet this goal, the organization conducts between five and ten voter registration drives in Arizona each week. To date, we have registered almost 10,000 voters this year.
10. In addition to registering new voters, our voter registration drives include efforts to assist voters with updating their voter registration address. Mi Familia Vota spends considerable time and resources educating already registered voters about the need to update their voter registration and collecting voter registration updates from already registered voters.
11. Mi Familia Vota expects to spend between \$500,000 and \$1 million on voter registration programs in Arizona in 2018. In addition to in-person voter registration drives, Mi Familia Vota will engage in online, email, social media and mail campaigns.

Mi Familia Vota will also spend time and resources on a text messaging campaign to assist voters with updating their voter registration records, including address changes. These efforts will be supported by 40-50 staff and 100-150 volunteers.

12. Due to the Defendants' ongoing violations of the NVRA and VRA, Mi Familia Vota has expended additional resources, including staff and volunteer time, on assisting voters who should have had their voter registration address automatically updated through an MVD transaction.

13. Mi Familia Vota has at least one member who has updated their driver's license address with ADOT and has been harmed by Defendants' failure to update their residence address for voting purposes. Mi Familia Vota's members are also at risk of being harmed by Defendants' continuing NVRA violations when they move in the future.

14. The resources we use to register MVD customers who were not offered voter registration address updates are resources that we were not able to spend on our other activities including leadership building in Latino communities, immigration reform, and workers' rights. If we did not need to compensate for the Defendants' failure to provide these services, we would also be able to spend more time registering new voters who do not interact with state agencies, educating voters about important issue areas and candidates, and better funding our GOTV activities to help ensure voters are able to cast their ballots. Based on Defendant's ongoing violations, we expect this diversion of resources will continue.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 10 2018.



Eduardo Sainz

EXHIBIT 3

DECLARATION OF PETRA FALCON

(Pursuant to 28 U.S.C. § 1746)

I, Petra Falcon, declare as follows:

1. I am over the age of 18, have been resident of Arizona all of my life, make this declaration from my personal knowledge and, if called upon to do so, could competently testify to the matters set forth in this declaration in a court of law.
2. From 2010 to present, I have been the Executive Director of Promise Arizona. In this capacity, I help to determine and coordinate our community education activities, including our voter registration and voter engagement work. I am responsible for staff leadership, campaign coordination, resource allocation, and programming for the organization.
3. Promise Arizona is a non-partisan, faith-based organization that seeks to positively impact Latino and immigrant communities by building leaders, encouraging sustained civic participation, and engaging with the political process for positive change.
4. Promise Arizona was founded in 2010 in a reaction to passage of divisive and hateful anti-immigrant legislation in Arizona. Promise Arizona has approximately 1000 members statewide, and six employees, including two who are dedicated full-time solely to voter registration activities. In preparation for the 2018 general election we are increasing our voter registration and engagement activities to assist underserved, low-income and Latino populations.
5. Promise Arizona also conducts non-voter related issue advocacy and programming. Promise Arizona activities and programs include: English language, technology, and leadership training through a partnership with a local community college; helping people apply for US citizenship; community-based organizing; and, providing legal services to immigrant and refugee communities including DACA renewals, power of attorney, fee waivers, and completing N400s. Our Leadership

Institute works with immigrant and Latino students to build confidence and self-esteem; ground students in the history and values of past social movements, and to become leaders in our community. If not for our necessary voter registration and address update work, Promise Arizona would devote more resources, staff time, and volunteer time to these issues and programs.

6. As part of Promise Arizona's voter registration efforts, we work with local school districts and community colleges to identify potential voters at programs like back-to-school events, provide voter registration opportunities at Latino inspired or focused events, and conduct door-to-door voter registration drives in neighborhoods with high Latino populations.

7. Voter registration and civic engagement are critical to Promise Arizona's mission and we infuse it throughout our work. For example, in our English Innovations program, which primarily focuses on teaching the English language and technology literacy and engagement, we offer voter registration to all eligible students and train them on how to register other voters as well.

8. Promise Arizona has trained over 500 leaders, including many youth, and has built a base of over 1,500 volunteers. In 2010, Promise Arizona conducted a nonpartisan, volunteer-based voter registration drive in Maricopa, Pima, and Pinal Counties. Within a month, volunteer neighborhood teams registered 13,040 voters. Promise Arizona's efforts led to a boost in turnout by 10 points among the voters they targeted.

9. Promise Arizona conducts these volunteers based voter registration drives every year as part of their civic engagement work. In 2011, we registered approximately 6,000 voters. In 2012, we registered approximately 21,000 voters. In 2013, we registered approximately 1,000 voters. In 2014, we registered approximately 2,000. In 2015, we registered approximately 1,000 voters. In 2016, we registered approximately 4,000 voters. In 2017, we registered approximately 1,000, voters. And we currently engaged in voter registration activities this year in 2018.

10. Many of the people we register to vote are transitory and frequently change address due to economic instability. In doing so, many voters become disenfranchised by the failure of MVD to update their voter registration information as required by Federal law.
11. A significant portion of our voter registration work is focused specifically on address updates. Promise Arizona has worked with numerous voters who have moved, updated their address with the MVD and then did not have their voter registration address simultaneously updated. In those situations, Promise Arizona must expend time and resources to help voters update their addresses. For very mobile voters, this may happen multiple times a year.
12. The failure to update voter registration addresses has a large impact on voters. An Arizona voter who goes to the wrong polling location and casts a ballot will not have that ballot counted. In addition, voters who are part of the permanent early voting program and cast their ballot by mail may lose their opportunity to vote because their ballots are sent to the wrong address. The low-income low propensity voters we work with are unlikely to vote if they encounter issues registering, at the polling place, or if they do not receive an early ballot as expected.
13. Promise Arizona has at least one member who has updated their driver's license address with ADOT and has been harmed by Defendants' failure to update their address for voting purposes. Promise Arizona's members are also at risk of being harmed by Defendants' NVRA violations when they move in the future.
14. Voter registration efforts by Promise Arizona require significant staff hours, member hours, and financial resources. Promise Arizona does not charge fees for any of our services. The money and time we spend assisting voters with updating their voter registration addresses acutely impacts the work we can do in other areas. If it were not for Defendants' failures, our time and resources could be utilized engaging voters about important issues, working with immigrants on citizenship applications, providing legal

services, or improving technology and English literacy for immigrants. Based on Defendants' ongoing violations, Promise Arizona anticipates that this diversion of resources will continue.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 15, 2018.

A handwritten signature in cursive script that reads "Petra Falcon". The signature is written in black ink and is positioned above a solid horizontal line.

Petra Falcon

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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

League of Women Voters of Arizona; Mi
Familia Vota Education Fund; and Promise
Arizona, on behalf of themselves, their
members, and all others similarly situated,

Plaintiffs,

vs.

Michele Reagan, in her official capacity as
Secretary of State for the State of Arizona,

Defendant.

No. _____

[PROPOSED]
ORDER GRANTING PLAINTIFFS’
APPLICATION FOR AN ORDER TO
SHOW CAUSE WHY A
PRELIMINARY INJUNCTION
SHOULD NOT BE ENTERED

This matter arises from Plaintiffs’ Application for An Order to Show Cause Why A Preliminary Injunction Should Not be Entered (“Application”). The Court, having received and considered Plaintiffs’ Application and supporting documents, and good cause appearing, hereby ORDERS as follows:

IT IS HEREBY ORDERED that following the issuance of this Order and until such further order of this Court, Michele Reagan, in her official capacity as Secretary of State for the State of Arizona (“SOS”), will develop a system to ensure that any provisional ballot cast in a federal election by individuals who do not appear on the voter roll at their current address will be counted if the individuals are registered to vote any place in Arizona and the Arizona Department of Transportation (“ADOT”) through ADOT’s Motor Vehicle Division (“MVD”) (collectively “ADOT/MVD”) has a record of a license application, renewal, or change-of-address transaction where the individuals reported their current address during the ADOT/MVD transaction (whether in-person or online) from November 9, 2016 until

1 resolution of this matter. If the ballot is cast out of precinct, only the votes for the offices the
2 individuals would be entitled to vote for in their home precinct will be counted.

3 **IT IS FURTHER ORDERED** that the SOS shall post and prominently display a
4 notice at all polling locations and provide signs for all ADOT/MVD offices containing the
5 information in the foregoing paragraph. These signs shall be in English and Spanish.

6 **IT IS FURTHER ORDERED** that the SOS shall enable poll workers to look up
7 polling places by address, and shall train poll workers to ensure voters who arrive at the
8 incorrect precinct are informed that they must go to the polling place for their new address in
9 order for their full ballot to be counted.

10 **IT IS FURTHER ORDERED** that nothing in this Order shall be construed to reduce
11 or eliminate any existing obligation placed on the SOS by the NVRA or state law.

12 **IT IS FURTHER ORDERED** that the SOS shall send a Remedial Mailing to each
13 individual who engaged in a Covered Transaction (*e.g.*, initial application, renewal, and/or
14 change of address) (“Covered Transaction”) with ADOT/MVD between November 9, 2016
15 and present (whether in person, online, by phone, or by mail) where an individual reported a
16 new address.

17 **IT IS FURTHER ORDERED** that the Remedial Mailing shall consist of a letter,
18 explaining that the individual receiving the letter may have recently moved but that the
19 address associated with their voter registration record may not have been updated, and a
20 blank voter registration application. The Remedial Mailing shall provide the following
21 information:

- 22 (a) If you are already registered to vote at your current address, you do not need
23 to re-register to vote. You can check your voter registration at:
<https://voter.azsos.gov/VoterView/RegistrantSearch.do>
- 24 (b) If you need to update your address and you have an Arizona Driver’s License
25 or State ID card issued after October 1, 1996, you can update your voter
26 registration address online through ADOT’s Service Arizona website listed
below. This is the easiest way to update your registration.
<https://servicearizona.com/voterRegistration?popularclick>
- 27 (c) If you are not registered to vote where you live now, and you want to vote in
28 the upcoming federal election on November 6, 2018, you must return or mail

1 this application to one of the locations described below or complete the online
2 registration by October 9, 2018.

3 (d) If you do not update your address, you can still vote on Election Day by:

4 (i) Looking up your address and going to your new polling place, where
5 you will be able to update your voter registration address and vote a
6 regular ballot. You can find your correct polling place by calling 1-
7 877-THE VOTE (843-8683) or looking it up at:
8 <https://voter.azsos.gov/VoterView/PollingPlaceSearch.do>;

9 (ii) Going to your old polling place where you can update your address and
10 cast a provisional ballot that will be counted for this general federal
11 election only for all offices for your current address; or

12 (iii) If your county has vote centers, going to any vote center in your county
13 and if you have moved within that county, you can update your
14 address and vote a regular ballot. If you moved to a new county, you
15 can cast a provisional ballot that will be counted for this general federal
16 election only for all offices for your current address.

17 (e) If you vote by mail, and you are not registered to vote where you live now,
18 you will need to update your voter registration address to receive your mail
19 ballot. Please call 1-877-THE VOTE (843-8683) to get help with updating
20 your address.

21 (f) If you have any questions, you can call 1-877-THE VOTE (843-8683).

22 (g) If you need assistance in Spanish, please call 1-877-THE VOTE (843-8683)
23 (Si necesita ayuda con la inscripción de votante en español, por favor llame al
24 1-877-THE VOTE (843-8683)).

25 **IT IS FURTHER ORDERED** that the SOS shall deliver a draft of the Remedial
26 Mailing to Plaintiffs' Counsel no later than August 31, 2018. Thereafter, the SOS and
27 Plaintiffs' Counsel will confer in good faith to agree on the final content of the Remedial
28 Mailing. The Remedial Mailing shall go out no later than September 14, 2018. If agreement
is not reached before September 7, 2018, any disputes regarding the letter will be resolved by
the Court.

IT IS FURTHER ORDERED that, for good cause, Plaintiffs are excused from the
requirement of giving security in support of this preliminary injunction.

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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

League of Women Voters of Arizona; Mi
Familia Vota Education Fund; and Promise
Arizona, on behalf of themselves, their
members, and all others similarly situated,

Plaintiffs,
vs.

Michele Reagan, in her official capacity as
Secretary of State for the State of Arizona,

Defendant.

No. _____

ORDER TO SHOW CAUSE

This matter arises from Plaintiffs’ Application for An Order to Show Cause Why A Preliminary Injunction Should Not be Entered (“Application”). The Court, having received and considered Plaintiff’s Application, and supporting documents, hereby ORDERS as follows:

IT IS HEREBY ORDERED AND DIRECTED that defendant Michele Reagan, in her official capacity as Secretary of State for the State of Arizona (“SOS”), appear before this Court on the ___ day of _____, 2018, at ___ o’clock __.m. and then and there show cause, if she has any, why this Court should not enter the preliminary injunction sought by Plaintiffs in this action. Specifically, Plaintiffs seek the following injunctive relief:

1. Following the issuance of this Order and until such further order of this Court, the SOS will develop a system to ensure that any provisional ballot cast in a federal election by individuals who do not appear on the voter roll at their current address will be counted if

1 the individuals are registered to vote any place in Arizona and the Arizona Department of
2 Transportation (“ADOT”) through ADOT’s Motor Vehicle Division (“MVD”) (collectively
3 “ADOT/MVD”) has a record of a license application, renewal, or change-of-address
4 transaction where the individuals reported their current address during the ADOT/MVD
5 transaction (whether in-person or online) from November 9, 2016 until resolution of this
6 matter. If the ballot is cast out of precinct, only the votes for the offices the individuals
7 would be entitled to vote for in their home precinct will be counted.

8 2. The SOS shall post and prominently display a notice at all polling locations
9 and provide signs for all ADOT/MVD offices containing the information in the foregoing
10 paragraph. These signs shall be in English and Spanish.

11 3. The SOS shall enable poll workers to look up polling places by address, and
12 shall train poll workers to ensure voters who arrive at the incorrect precinct are informed that
13 they must go to the polling place for their new address in order for their full ballot to be
14 counted.

15 4. Nothing in the preliminary injunction Order shall be construed to reduce or
16 eliminate any existing obligation placed on the SOS by the NVRA or state law.

17 5. The SOS shall send a Remedial Mailing to each individual who engaged in a
18 Covered Transaction (*e.g.*, initial application, renewal, and/or change of address) (“Covered
19 Transaction”) with ADOT/MVD between November 9, 2016 and present (whether in person,
20 online, by phone, or by mail) where an individual reported a new address.

21 6. The Remedial Mailing shall consist of a letter, explaining that the individual
22 receiving the letter may have recently moved but that the address associated with their voter
23 registration record may not have been updated, and a blank voter registration application.
24 The Remedial Mailing shall provide the following information:

- 25 (a) If you are already registered to vote at your current address, you do not
26 need to re-register to vote. You can check your voter registration at:
 <https://voter.azsos.gov/VoterView/RegistrantSearch.do>
- 27 (b) If you need to update your address and you have an Arizona Driver’s
28 License or State ID card issued after October 1, 1996, you can update

1 your voter registration address online through ADOT's Service Arizona
2 website listed below. This is the easiest way to update your registration.
3 <https://servicearizona.com/voterRegistration?popularclick>

4 (c) If you are not registered to vote where you live now, and you want to
5 vote in the upcoming federal election on November 6, 2018, you must
6 return or mail this application to one of the locations described below or
7 complete the online registration by October 9, 2018.

8 (d) If you do not update your address, you can still vote on Election Day by:

9 (i) Looking up your address and going to your new polling place,
10 where you will be able to update your voter registration address
11 and vote a regular ballot. You can find your correct polling
12 place by calling 1-877-THE VOTE (843-8683) or looking it up
13 at: <https://voter.azsos.gov/VoterView/PollingPlaceSearch.do>;

14 (ii) Going to your old polling place where you can update your
15 address and cast a provisional ballot that will be counted for this
16 general federal election only for all offices for your current
17 address; or

18 (iii) If your county has vote centers, going to any vote center in your
19 county and if you have moved within that county, you can
20 update your address and vote a regular ballot. If you moved to a
21 new county, you can cast a provisional ballot that will be
22 counted for this general federal election only for all offices for
23 your current address.

24 (e) If you vote by mail, and you are not registered to vote where you live
25 now, you will need to update your voter registration address to receive
26 your mail ballot. Please call 1-877-THE VOTE (843-8683) to get help
27 with updating your address.

28 (f) If you have any questions, you can call 1-877-THE VOTE (843-8683).

(g) If you need assistance in Spanish, please call 1-877-THE VOTE (843-
8683) (Si necesita ayuda con la inscripción de votante en español, por
favor llame al 1- 877-THE VOTE (843-8683)).

7. The SOS shall deliver a draft of the Remedial Mailing to Plaintiffs' Counsel no
later than August 31, 2018. Thereafter, the SOS and Plaintiffs' Counsel will confer in good
faith to agree on the final content of the Remedial Mailing. The Remedial Mailing shall go
out no later than September 14, 2018. If agreement is not reached before September 7, 2018,
any disputes regarding the letter will be resolved by the Court.

8. The Plaintiffs are excused from the requirement of giving security in support of
the preliminary injunction.

Plaintiffs also seek expedited discovery in the form of a single 30(b)(6) deposition of
an SOS 30(b)(6) designee.

1 **IT IS FURTHER ORDERED** that Plaintiffs shall serve a copy of this Order and
2 Plaintiffs' Application upon the SOS within 2 court days of the Court's issuance of this
3 Order.

4 **IT IS FURTHER ORDERED** that the SOS shall file and serve its response to
5 Plaintiffs' Application by 5 p.m. on the ____ day of _____, 2018.

6 **IT IS FURTHER ORDERED** that Plaintiffs shall file and serve their reply in
7 support of their Application by 5 p.m. on the ____ day of _____, 2018.

8 **IT IS FURTHER ORDERED** that the SOS shall file and serve its response to
9 Plaintiffs' Motion for Expedited Discovery by 5 p.m. on the ____ day of
10 _____, 2018.

11 **IT IS FURTHER ORDERED** that Plaintiffs shall file and serve their reply in
12 support of their Motion for Expedited Discovery by 5 p.m. on the ____ day of
13 _____, 2018.

14 **IT IS FURTHER ORDERED** that this matter will be heard by the Court on the
15 ____ day of _____, 2018 at ____ a.m./p.m. in Courtroom ____.

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1 BRYAN CAVE LEIGHTON PAISNER LLP (No. 00145700)
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4 Telephone: (602) 364-7000

5 Attorneys for Plaintiffs

6 UNITED STATES DISTRICT COURT

7 DISTRICT OF ARIZONA

8 League of Women Voters of Arizona; Mi
Familia Vota Education Fund; and Promise
9 Arizona, on behalf of themselves, their
members, and all others similarly situated,

10 Plaintiffs,

11 vs.

12 Michele Reagan, in her official capacity as
13 Secretary of State for the State of Arizona,

14 Defendant.

No. _____

DECLARATION OF COUNSEL
IN SUPPORT OF PLAINTIFFS'
APPLICATION FOR AN ORDER
TO SHOW CAUSE WHY A
PRELIMINARY INJUNCTION
SHOULD NOT BE ENTERED

15
16 I, Julie M. Birk, declare as follows:

17 1. I am a licensed attorney currently in good standing to practice law in the state
18 of Arizona and before this Court.

19 2. I am an attorney at Bryan Cave Leighton Paisner LLP, Two North Central
20 Avenue, Suite 2100, Phoenix, Arizona 85004-4406, and am one of the counsel for Plaintiffs
21 League of Women Voters of Arizona, Mi Familia Vota Education Fund, and Promise
22 Arizona in this action.

23 3. I make this Declaration based on my own personal knowledge. If called upon
24 to testify, I could and would testify as set forth herein.

25 4. Attached as Exhibit A is a true and correct copy of the November 14, 2017
26 letter Plaintiffs sent to Michelle Reagan, in her official capacity as Secretary of State for the
27 State of Arizona.

28

EXHIBIT A



November 14, 2017

Via certified mail and email

Michele Reagan
Arizona Secretary of State
Office of the Secretary of State
1700 W Washington Street, 7th Floor
Phoenix, AZ 85007-2808

RE: *Arizona's Compliance with the National Voter Registration Act*

Dear Secretary Reagan:

Recognizing that the right to vote is "at the heart of our democracy," *Burson v. Freeman*, 504 U.S. 191, 198 (1992), and the burdens imposed on that right by onerous registration requirements, Congress enacted the National Voter Registration Act of 1993 ("NVRA") to ease obstacles to voting by providing individuals with additional opportunities to register to vote. *See* S. Rep. No. 103-6 (1993). In enacting the NVRA, Congress specifically found that "unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office and disproportionately harm voter participation by various groups, including racial minorities." 52 U.S.C. § 20501(a)(3).

We are writing on behalf of the League of Women Voters of Arizona, Mi Familia Vota Education Fund and Promise Arizona, as well as persons eligible to register to vote that these organizations represent, and others similarly situated, to notify you that the State of Arizona is not in compliance with Section 5, Section 7, or Section 8 of the NVRA, 52 U.S.C. §§ 20504; 20506; 20507, and that State agencies are failing to meet their obligations under Section 203 of the Voting Rights Act ("VRA") in counties covered by its protections.

Section 5 of the NVRA requires states to provide individuals with an opportunity to register to vote when they conduct certain driver license and non-driver identification card transactions. Section 7 requires states to provide the opportunity to register to vote and to provide assistance with that voter registration during public assistance applications, recertifications, renewals, and changes of address. Section 8 of the NVRA requires states to ensure that every eligible applicant is in fact added to the voter registration rolls when they submit their voter registration application to a designated voter registration agency before the prescribed deadline. Section 8 also requires that if an individual moves to another address within the same registrar's jurisdiction, the registrar shall update the registrant's addresses on the voter registration rolls. Arizona is failing to comply fully with the requirements of these three Sections of the NVRA. Extensive review of available voter registration data, and public documents and an extensive on-the-ground investigation of agency practices have directed us to this conclusion.

As Arizona's chief election official, you are ultimately responsible for the State's compliance with the NVRA. *See* Ariz. Rev. Stat. § 16-142 ("The secretary of state or the secretary's designee is . . . [the] chief state election officer who is responsible for coordination of state

responsibilities under the national voter registration act of 1993”); *Harkless v. Brunner*, 545 F.3d 445, 451- 53 (6th Cir. 2008). We urge you to take immediate steps, in conjunction with relevant state agencies, including the Arizona Department of Transportation (ADOT), the Arizona Department of Economic Security (DES), and the Arizona Health Care Cost Containment System (AHCCCS), and relevant Arizona counties, to bring the State of Arizona into compliance with Sections 5, 7, and 8 of the NVRA, and bring Arizona into compliance with Section 203 of the Voting Rights Act.

ACLU, ACLU of Arizona, Dēmos, and the Lawyers’ Committee for Civil Rights Under Law have years of experience in working with states to ensure compliance with the NVRA and other federal voting rights statutes. We hope to work amicably with you to remedy Arizona’s non-compliance but will pursue litigation if necessary.

I. VIOLATIONS OF SECTION 5 OF THE NVRA

A. Arizona’s Obligations Under Section 5 of the NVRA

Section 5 of the NVRA requires the Arizona Department of Transportation (“ADOT”) and its Motor Vehicle Division (“MVD”) to provide individuals with an opportunity to register to vote in conjunction with an initial or renewal application for a driver license or state-issued identification card (“ID card”). 52 U.S.C. § 20504(a)(1), (d).¹ The NVRA mandates that when an individual applies for or renews a driver license or ID card that application also “serve as an application for voter registration . . . unless the applicant fails to sign the voter registration application.” 52 U.S.C. § 20504(a)(1). A voter registration application “shall” be included as part of every application for state driver license or ID card. *Id.* § 20504(c)(1). If an individual is already registered, their driver license application or renewal shall “update any previous voter registration[.]” 52 U.S.C. § 20504(a)(2).

Additionally, Section 5(d) of the NVRA requires that any request ADOT receives to change the address associated with a driver license must serve to automatically update the client’s voter registration information unless the client affirmatively opts out. *Id.* § 20504(d) (noting that “[a]ny change of address form submitted in accordance with state law shall serve as a notification of change of address for voter registration . . . unless the registrant states on the form that the change of address is not for voter registration purposes”).²

ADOT must provide these voter registration services regardless of whether a transaction takes place in person at an ADOT office or remotely via phone, mail, email, or internet. *See, e.g., Stringer v. Pablos*, No. 5:16-CV-257-OLG, 2017 WL 1861910, at *7 (W.D. Tex. Mar. 31, 2017) (holding that online transactions are covered by Section 5); *Action NC v. Strach*, 216 F. Supp. 3d

¹ Throughout this letter, references to driver licenses include state personal identification cards, which are available in Arizona. *See* [https://www.azdot.gov/motor-vehicles/driver-services/driver-license-information/identification-\(id\)-card](https://www.azdot.gov/motor-vehicles/driver-services/driver-license-information/identification-(id)-card); *see also* 52 U.S.C. § 20502(3) (defining “motor vehicle driver’s license” to “include[] any personal identification document issued by a State motor vehicle authority”).

² Because the NVRA requires that address updates must be performed for “any” address update submitted to ADOT, the corresponding update to the voter registration record when a registered voter reports to ADOT they have moved should be performed whether the individual moves within the same county or to a new county within the state of Arizona.

597, 623 (M.D.N.C. 2016) (holding that requirements of Section 5 “apply equally to in-person and remote covered transactions”); U.S. Department of Justice, Civil Rights Division, The National Voter Registration Act of 1993 (NVRA): Questions and Answers, Q4, *available at* <https://www.justice.gov/crt/national-voter-registration-act-1993-nvra> (last visited Oct. 20, 2017) (“to the extent that the State provides for remote applications for driver licenses, driver license renewals, or driver license changes of address, via mail, telephone, or internet or other means, then provision must be made to include the required voter registration opportunity as well”).

B. Arizona’s Violations of Section 5 of the NVRA

ADOT’s current and on-going failure to comply with its voter registration obligations under Section 5 of the NVRA is established by several sources, including site visits,³ certain ADOT forms, information publicly available on ADOT’s website (Service Arizona, <https://servicearizona.com>), and internal policy and other documents addressing the voter registration services provided by ADOT. Specifically, ADOT violates the NVRA during change of address transactions.⁴ As described below, ADOT clients who conduct a change-of-address transaction in person or online through Service Arizona are not provided with the voter registration services mandated under the NVRA. ADOT requires—in violation of Section 5(d) of the NVRA—that individuals who report a change of address take affirmative steps to update their voter registration information by requiring that the applicant request to “apply for an address change on his or her voter registration.”⁵

1. In-Office Change-of-Address Transactions Require ADOT Clients to Opt In to Changing their Voter Registration Information.

During change of address transactions conducted in ADOT offices, rather than using the opt-out procedure required by Section 5, ADOT requires voters to opt in to have their voter registration address updated. In Arizona, a change of address is reported to ADOT in office using a Duplicate/Credential Update Application (https://www.azdot.gov/docs/default-source/mvd-forms-pubs/40-5145_fillable.pdf?sfvrsn=4). This form requires an ADOT client to affirmatively request that their voter registration information be updated when submitting a request to update their address on their license (rather than automatically updating the information unless the individual declines that such a change be made). This process is an “opt-in” process; not the “opt-out” process required by Section 5 of the NVRA.

³ In summer 2017, staff and volunteers from our organizations visited nine ADOT offices as part of an investigation into NVRA compliance.

⁴ There may be additional NVRA violations during ADOT covered transactions.

⁵ Arizona has a number of “Authorized Third Party offices” for driver services that are operated by private individuals or businesses, and contract with and are monitored by MVD. See <https://www.azdot.gov/motor-vehicles/hours-and-locations>. As explained *infra* at II.A, third-party contractors that are providing services covered by the NVRA must comply with the NVRA. The Authorized Third Party offices in Arizona are not fully compliant with the NVRA, as they provide, for the most part, the same voter registration services as ADOT itself. Any efforts to bring ADOT into compliance with the NVRA must also include the Authorized Third Party offices.

ADOT offices which do not use the Duplicate/Credential Update Application, and instead use the initial driver license application to update addresses, also appear to be in violation of the NVRA.⁶ When used as a process to report a change of address, the initial application form violates the NVRA, as this form, like the Duplicate/Credential Update Application, requires an individual to take affirmative steps to update their voter registration, and thus does not function as an automatic voter registration update.

2. ADOT Does Not Offer Clients Who Conduct Change-of-Address Transactions Online Through “Service Arizona” the Voter Registration Services Required by the NVRA.⁷

In Arizona, it is possible to update a driver license address through Service Arizona (<https://servicearizona.com/addressChange?popularclick>). But, like the in-office processes for change of address, voter registration offered through Service Arizona is not compliant with the NVRA because it requires voters to take affirmative steps if they want to update their voter registration. Below is a screenshot from Service Arizona through which clients report a change of address, showing the voter registration language:

You can also register to vote or update your voter registration using Service Arizona.com.



Rather than *automatically* updating an applicant’s address for voter registration purposes at the same time as the applicant’s address for their driver license is updated, all that is provided is an opportunity to click a button about voter registration. After taking the affirmative step of clicking the button to indicate that they would like to register to vote, clients must also complete a new voter registration application through Service Arizona’s online voter registration portal. Unless clients go through this entire additional process, their voter registrations are not updated. This process, where the client must take affirmative steps to ensure that their voter registration record is updated, is a clear violation of Section 5.

II. VIOLATIONS OF SECTION 7 OF THE NVRA

A. Arizona’s Obligations Under Section 7 of the NVRA

The NVRA requires Arizona to “designate as voter registration agencies . . . all offices in the State that provide public assistance. See 52 U.S.C. § 20506(a)(2)(A). “Public assistance” offices include state offices that administer the Supplemental Nutritional Assistance Program (“SNAP”), Medicaid, Children’s Health Insurance Program (“CHIP”), and Temporary Assistance for Needy

⁶ As mentioned above, in the summer of 2017, staff and volunteers from our organizations visited nine ADOT offices as part of an investigation into NVRA compliance. Of those nine offices, three did not have any Duplicate/Credential Update Applications available.

⁷ Service Arizona can also be accessed through kiosks located at MVD offices throughout the state. See <https://www.azdot.gov/motor-vehicles/hours-and-locations>. The Service Arizona processes are basically the same whether they are accessed through the internet or through a kiosk in an MVD office, so the NVRA violations are the same.

Families (“TANF”). See H.R. Rep. No. 103-66, at 19 (1993) (Conf. Rep.); Department of Justice, The National Voter Registration Act of 1993 (NVRA): Questions and Answers, Q13.⁸ In Arizona, these programs are administered by DES and AHCCCS, and therefore, these agencies are “voter registration agencies.”

Section 7 of the NVRA requires these Arizona public assistance offices to (i) distribute voter registration application forms; (ii) assist applicants in completing the voter registration application forms; and (iii) accept completed voter registration application forms and forward them to the appropriate election official. See 52 U.S.C. § 20506(a)(4)(A).

More specifically, each office must (i) distribute a voter registration application form with each application for public assistance and with each recertification, renewal or change of address form (“covered transactions”), except under limited circumstances as explained below; (ii) inquire in writing, through statutorily-prescribed language, whether the applicant would like to register to vote or change their voter registration address (“voter preference question”); (iii) provide, in writing, several statutorily-prescribed disclaimer statements, including notice that the decision whether to register to vote will not affect the amount of public assistance provided by the agency; and (iv) provide assistance in completing the voter registration application form to the same degree the agency provides assistance in completing its own forms, including assistance with providing information necessary to establish eligibility to register to vote. 52 U.S.C. § 20506(a)(6). The NVRA’s requirements are very specific and states must comply strictly with those obligations. See, e.g., *United States v. Louisiana*, 196 F. Supp. 3d 612, 673-75 (M.D. La. 2016) (holding that substantial compliance with the NVRA is not sufficient; “the Court reads Section 7 to prescribe strict compliance with its commands, finding no support for any other standard in the NVRA’s plain and unambiguous language”).

The NVRA further provides that public assistance offices must distribute a voter registration application to each public assistance applicant or client engaging in a covered transaction unless the applicant or client affirmatively declines to register to vote *in writing*. *Valdez v. Squier*, 676 F.3d 935, 945-47 (10th Cir. 2012) (citing 52 U.S.C. § 20506(a)(6)). To decline “in writing,” a client must affirmatively opt out by answering “no” in response to the voter preference question. *Id.* at 945-46 (“[A]n applicant’s failure to check either the ‘YES’ or ‘NO’ box on the voter declination form does not constitute a declination ‘in writing.’ . . . [The NVRA] requires an applicant to affirmatively, by way of writing, ‘opt out’ of receiving a voter registration form.”).

Public assistance offices must provide voter registration during each covered transaction, regardless of whether the transaction takes place in an agency office, over the Internet or via email, telephone, fax, or other remote means. See, e.g., *Louisiana*, 196 F. Supp. 3d at 669 (“[J]urisprudence compels this Court to honor Section 7’s specific language and hold the NVRA to cover what its text also commands: remote transactions.”); *Action NC*, 216 F. Supp. 3d at 623 (concluding, in denying defendant’s motion to dismiss, that plaintiffs have sufficiently pled a plausible claim that “Sections 5 and 7 of the NVRA apply equally to in person and remote covered transactions”); *Ga. State Conf. of the NAACP v. Kemp*, 841 F. Supp. 2d 1320, 1329

⁸ Section 7 also imposes voter registration services requirements on additional programs, including Women, Infants, and Children (“WIC”) and state run disability programs. NVRA compliance by those additional programs is not addressed in this notice letter.

(N.D. Ga. 2012); *see also* U.S. Department of Justice, The National Voter Registration Act of 1993 (NVRA): Questions and Answers, Q24.

The NVRA also requires effective distribution of voter registration applications for each covered transaction. Section 7 explicitly requires agencies to “distribute” the federal voter registration mail-in form or the state’s version of the same. 52 U.S.C. § 20506(a)(6)(A). “Distribute is defined as ‘deliver[ing]’ or ‘to disperse.’ . . . The statute is very clear in that with each transaction the applicant must be given a form that is described in Section 9 of the NVRA.” *Ferrand v. Schedler*, No. 11-cv-926, 2012 WL 1570094, at *9 (E.D. La. May 3, 2012) (quoting Black’s Law Dictionary (9th ed. 2009)). Merely providing a link to a voter registration application that must be downloaded and printed out by applicants in order to be used effectively fails to comply with the Section 7 requirement to *distribute* a voter registration application. Furthermore, providing only access to an online voter registration system that cannot be accessed by all citizens does not comply with the requirement to distribute. In order to be NVRA-compliant during remote transactions, covered agencies must offer to mail a paper voter registration application directly to any client who requests it. The failure to provide clients completing a remote transaction the option of having a voter registration application mailed to them is not just a technical violation of the NVRA; it has a real impact on the ability of public assistance applicants—who are low income and thus less likely to have driver licenses (enabling them to register online) or access to a printer (enabling them to print a hard copy of the application themselves)—to engage in the political process. Unless there is a method of physical distribution available, many eligible voters will not receive actual distribution of the form.

Finally, the NVRA’s requirements cannot be circumvented simply by contracting the underlying transaction to a third party. U.S. Department of Justice, The National Voter Registration Act of 1993 (NVRA): Questions and Answers, Q5 (“When a state contracts with a private entity to administer services in an agency that is required to offer voter registration, the ultimate responsibility for ensuring provision of voter registration services remains with the state, and the voter registration requirements under the NVRA remain the same.”); *see also Louisiana*, 196 F. Supp. 3d at 675 (“[T]he NVRA compel[s] this Court to hold [the Louisiana Department of Health] responsible for the violations of its chosen agents when the power to appoint, to monitor, and to maintain rests upon it alone and when each agent receives payment from LA by virtue of its contracts.”).

B. Arizona’s Non-Compliance with Section 7 of the NVRA

ACLU, ACLU of Arizona, Dēmos, and the Lawyers’ Committee for Civil Rights Under Law recently completed a comprehensive investigation of Arizona’s compliance with Section 7 of the NVRA. The investigation included (1) analyzing voter registration and public assistance data; (2) examining public assistance agencies’ forms, policies, and practices; and (3) speaking with public assistance employees and clients. Taken together, the evidence indicates that Arizona’s public assistance offices are systematically failing to provide the voter registration services mandated by the NVRA, including (1) when individuals leave the voter preference question blank, (2) during certain change of address transactions, (3) during some remote transactions, (4) in connection with certain renewals and recertifications, and (5) when transactions are conducted by third-party contractors.

1. Voter Registration Data Indicating Non-Compliance

According to data Arizona reported to the U.S. Election Assistance Commission, the number of voter registration applications originating from Arizona public assistance offices decreased precipitously over the past decade and a half, from 32,137 in the 1999-2000 reporting period⁹ to just 13,135 in 2015-2016,¹⁰ a reduction of nearly 60%. Even more telling, Arizona's reported number of voter registration applications actually went down between 2013-2014 and 2015-2016,¹¹ even though 2016 was a presidential election year when voter registration rates typically increase and Arizona officials purported to be working on NVRA compliance.

Moreover, this decrease is not due to a decline in social services provided in Arizona or a lack of need for voter registration services. The number of initial food stamp applications through the SNAP program in Arizona around the same general time frame has nearly doubled, from 529,556 in 2004¹² to 965,046 in 2016.¹³ And, in 2016, only 58% of Arizona citizens earning an annual income of less than \$30,000 were registered to vote, while 76% of those earning \$60,000 or more were registered to vote.¹⁴ In other words, there is a substantial voter registration gap between low- and high-income Arizona citizens, and only slightly more than half of low-income Arizona citizens are registered to vote.

In our experience, such a decrease, in the face of rising caseloads and persistent need, is an important consideration and likely indicates systematic non-compliance and disproportionate harm to voter participation by low-income groups and people of color.

⁹ U.S. Election Assistance Commission, *The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office 1999-2000* (June 2001), Table 2 page 1, available at <https://www.eac.gov/assets/1/6/The%20Impact%20of%20the%20National%20Voter%20Registration%20Act%20on%20Federal%20Elections%201999-2000.pdf>.

¹⁰ U.S. Election Assistance Commission, *The Election Administration and Voting Survey: 2016 Comprehensive Report* (June 2017), NVRA Appendix A, Table 2, available at https://www.eac.gov/assets/1/6/2016_EAVS_Comprehensive_Report.pdf.

¹¹ See *id.*; U.S. Election Assistance Commission, *The Election Administration and Voting Survey: 2014 Comprehensive Report* (June 2017), NVRA Appendix A, Table 2, available at <https://www.eac.gov/research-and-data/2014-election-administration-voting-survey/>.

¹² U.S. Department of Agriculture, Food and Nutrition Services, Program Accountability Division, *Food Stamp Program State Activity Report, 2004* (Feb. 2006), available at https://fns-prod.azureedge.net/sites/default/files/2004_state_activity.pdf.

¹³ U.S. Department of Agriculture, Food and Nutrition Services, *Supplemental Nutrition Assistance Program (SNAP), State Level Participation and Benefits* (September 2017), available at <https://fns-prod.azureedge.net/sites/default/files/pd/29SNAPcurrPP.pdf>.

¹⁴ Dēmos analysis of the 2016 Current Population Survey Voting and Registration Supplement. Data available at <https://www.census.gov/cps/data/>.

2. Specific NVRA Violations Identified

In addition to general concerns highlighted by the precipitous drop in voter registration applications generated by Arizona's public assistance agencies, our on-the-ground investigation and review of agency policies and procedures highlight several compliance problems that constitute violations of the NVRA.

a. Blank Voter Preference Questions

The NVRA requires designated agencies to present each client with a written voter preference question and to distribute a voter registration application to the client unless the client declines the opportunity to register in writing. It appears from our investigation that DES and AHCCCS are not distributing voter registration applications to clients who leave the voter preference question blank when filling out initial applications, renewal applications, or change of address forms. As noted above, leaving the question blank is not equivalent to declining to register in writing. This is especially troubling with respect to change of address transactions given the high likelihood that the affected client should also have their address changed for voter registration purposes and, without the opportunity to update their registration, will no longer be properly registered to vote.

Documents obtained from the agencies through Arizona's Public Records law show ambiguous, incomplete, and in some cases inaccurate guidance for agency staff concerning the voter preference question. Most concerning are recent training documents. A DES "CBT System Check" training form concerning voter registration (dated 1-4-2017) instructs employees to complete the NVRA-5 forms with "no" answers when the clients have not completed the form themselves. (Arizona uses a form called the NVRA-5 form as a voter preference form, where the voter registration question is provided to clients, along with the NVRA disclosures). Similarly, the DES current Voter Registration Policy, Policy 1-01-24-1, states that "[i]f the applicant or participant does not sign [the NVRA-5 voter preference form], staff shall circle "No" and initial and date the form indicating the individual declined the opportunity to register to vote." Furthermore, a supplementary policy document called "Voter Registration Policy and Procedure" states that if the client does not answer the voter preference question, the staff shall complete the form and indicate that the client's response was "no" and do nothing more. As explained above, this practice violates the NVRA's requirement that a voter registration application be distributed to all clients unless *the client* declines in writing.

While there appears to have been some attempt to correct this violation, the policy manual itself has not changed and, as noted, the most recent training materials do not provide the legally correct guidance about how to respond when a client leaves the voter registration question blank. Moreover, DES and AHCCCS have issued conflicting information to their employees in recent years. On January 12, 2015, DES and AHCCCS issued "News Flash, #14-084F" stating that if the voter preference question was left unanswered, it should be treated as "yes" and clients should receive a voter registration application. But then just a few weeks later on January 30, 2015, DES and AHCCCS rescinded this notice, stating that "an offer of voter registration left unanswered must be treated the same as if the client had answered 'no.'"

AHCCCS has issued more recent policy and training documents to its employees that appear to comply with the law on this issue except for the change of address issue discussed below. However, DES has not taken similar steps and, as a result, DES employees are not adhering to the law.¹⁵ Critically, our field investigation found that front line agency staff appear to be violating the NVRA when the voter preference question is left blank. Five out of the eight DES offices surveyed indicated that a blank voter preference question is treated as a “no” and results in no voter registration application being distributed to the client. This evidence establishes that DES is engaged in on-going systematic violation of Section 7 because it does not provide voter registration applications to all clients who do not decline in writing.

b. Change of Address

AHCCCS’ processes for offering voter registration when a client reports a change of address appear to violate the NVRA. The AHCCCS policy manual addresses voter registration in Sections 1301, 1401, and 1502. While there is additional information addressing “offering voter registration” that makes it clear that voter registration must be offered during a transaction involving a change of address, there is no guidance provided about how this should be accomplished if a client does not come into the office. There is language stating explicitly that no action by agency staff is necessary if the change is submitted through the Health-e-Arizona Plus portal. *See infra* at II.B.2.c. Furthermore, if the change of address is conducted over the telephone, it is not possible for a client to decline the offer of voter registration in writing, so a voter registration form must be distributed, usually through the mail, to all clients reporting a change of address over the telephone.¹⁶

There also does not appear to be any guidance in the policy manual or elsewhere for providing the required NVRA disclosures, which must be provided in writing. *See* 52 U.S.C. § 20506(a)(6)(B). Given this lack of guidance, AHCCCS most likely is violating the requirements of the NVRA whenever clients report a change of address.

¹⁵ AHCCCS is responsible for administering the online benefits application in Arizona that can be used to apply for SNAP, Medicaid, CHIP and TANF called Health-e-Arizona Plus (“HEAplus”). *See* <https://www.healtharizonaplus.gov/Default/Default.aspx>. There is a voter preference question incorporated into this online application. It appears as though the voter preference question must be answered before an individual can submit the application. Clients, therefore, must always answer the voter preference question during these online benefits transactions, avoiding the circumstance of a blank answer. This is a best practice to achieve NVRA compliance. But if this is not correct and there is not a hard stop for the voter preference question in HEAplus, AHCCCS is also most likely violating Section 7 in a manner similar to that described *supra* at II.B.2.a. None of the AHCCSS policy or training manuals address how to respond if a client does not answer the voter preference questions in HEAplus, so it is likely that staff do not distribute voter registration applications to clients in this circumstance.

¹⁶ This is true during any telephone transaction. While AHCCCS may conduct few renewal transactions over the telephone, the policy manual sections refer to telephone renewal transactions. As with a change of address, it is not possible to obtain a declination in writing over the telephone, so any client conducting a renewal transaction exclusively over the telephone, must be sent a voter registration application.

c. Distribution of Voter Registration Applications through the Health-e-Arizona Plus Portal

As noted, AHCCCS is responsible for administering the online benefits applications in Arizona for SNAP, Medicaid, CHIP and TANF called Health-e-Arizona Plus (“HEAplus”) (https://www.healtharizonaplus.gov/app/Info_Family_Individual.aspx?TokenID=0.7530142175131413). Although the HEAplus benefits application interface contains a voter registration question, none of AHCCCS’ training, policy or guidance documents explain the process for providing voter registration applications to clients who indicate they would like to register to vote in response to the required voter registration question. AHCCCS staff do not take any affirmative steps to ensure that voter registration applications are distributed to all clients using the HEAplus application interface when they want to register to vote. Instead, when a client applies for Medicaid, SNAP, or TANF through HEAplus and indicates a desire to register to vote, the client is provided with a link to the Secretary of State’s voter registration page where they may register online (if they meet certain requirements) or download a voter registration application, which then must be printed and submitted to the appropriate county recorder or Secretary of State. See <https://www.azsos.gov/elections/voting-election> and then <https://www.azsos.gov/elections/voting-election/register-vote-or-update-your-current-voter-information>. This same process also occurs if an individual clicks the “voter registration button” on the AHCCCS home page. See https://www.healtharizonaplus.gov/app/Info_Family_Individual.aspx?TokenID=0.7530142175131413. As noted previously, however, this procedure does not satisfy the NVRA’s requirement that designated agencies effectively distribute voter registration applications. In addition, Arizona’s online voter registration system cannot be used by all Arizona citizens, as it can only be used if an individual has a valid Arizona driver license or a non-operating identification.¹⁷ See <https://servicearizona.com/webapp/evoter/register?execution=e1s4>. Furthermore, many clients who do not qualify to register online may not have access to a printer. Providing only a link to the Secretary of State’s webpage is a violation of the NVRA.

d. AHCCCS Automatic Renewal Processes

As noted above, any renewal or recertification of benefits constitutes a “covered transaction” under the NVRA. And, as AHCCCS policies acknowledge, NVRA-compliant voter registration opportunities must be provided during all Medicaid renewals. However, AHCCCS’ Medicaid renewal process currently violates the NVRA. The forms sent to clients who are approved for an automatic renewal of their benefits mention voter registration; however, unless a client returns this form indicating that they do not want to register to vote by checking the box “no,” they have not declined in writing and should receive an actual voter registration application. Because, in most cases, these clients are not required to return these forms, there is generally no opportunity for them to answer the voter registration question in writing. Therefore, a blank voter registration application should be distributed as part of this renewal documentation to ensure that

¹⁷ Furthermore, even some individuals with an Arizona driver license cannot effectively register to vote online because if that driver license was issued before October 1, 1996, and the individual has not been registered to vote before in that county, the voter registration will not be accepted unless the individual provides some other “acceptable” proof of citizenship. See *State of Arizona’s Election Manual*, revised 2014, ¶ 17, at 20, available at https://www.azsos.gov/sites/azsos.gov/files/election_procedure_manual_2014.pdf (last visited October 13, 2017).

there is distribution of a voter registration application to every client who does not decline in writing.¹⁸

e. Use of Third-Party Contractors

DES operates a program called “SNAP Partnership” with the Arizona Community Action Association and nearly 50 partner organizations.¹⁹ The purpose of this program is to engage community organizations in the process of SNAP enrollment. While organizations may participate in the partnership program at different levels, many of these organizations are “Full-Service Partners” that are actively engaged in assisting with actual enrollment of individuals in SNAP.²⁰ It is our understanding that these organizations contract with the State to provide assistance with completing and processing SNAP applications and receive reimbursements approved by DES for their enrollment work.²¹

It thus appears that some of these Partners are an integral part of the process by which Arizona and DES provide public assistance services. However, it is our understanding that transactions conducted or assisted by the Partners do not include the voter registration services required by the NVRA. None of the partner contracts we reviewed even mention voter registration.

As noted above, Arizona and DES have an obligation under the NVRA to provide voter registration as part of covered public assistance transactions, regardless of whether the transaction is conducted by a state agency or is conducted in whole or in part by a Full-Service Partner. The Secretary of State and DES are responsible for ensuring that the voter registration services required by the NVRA are offered as part of SNAP applications and recertifications handled by the Full-Service Partners. This may involve writing voter registration requirements into third-party contracts and providing training to the Full-Service Partners.

Finally, we note that if the Arizona public assistance agencies have contracts with other third-party organizations to provide assistance in completing applications and/or recertifications for any forms of public assistance, the State and its agencies similarly must ensure voter registration is offered in connection with the public assistance transactions.

¹⁸ As explained herein, just providing the link to the Secretary of State’s voter information page at the bottom of the renewal documentation is not sufficient “distribution.”

¹⁹ See, e.g., Arizona Community Action Association, “SNAP PARTNERSHIP,” <http://www.azcaa.org/partnerships/snap> (last visited October 2017).

²⁰ See *id.*

²¹ *Supplemental Nutrition Assistance (SNAP) Outreach Partnership: Application and Budget Training*, available at <http://www.azcaa.org/wp-content/uploads/2014/04/Application-and-Budget-Training-FFY-2015-FINAL.pdf>.

III. DOCUMENTARY PROOF OF CITIZENSHIP AND VIOLATIONS OF SECTIONS 7 AND 8 OF THE NVRA

A. Legal Requirements

With respect to voter registration at designated voter registration agencies, Section 8 of the NVRA requires that Arizona “ensure that any eligible applicant is registered to vote in an election” when the individual submits their voter registration form at a designated “voter registration agency not later than the lesser of 30 days, or the period provided by State law, before the date of the election.” 52 U.S.C. § 20507(a)(1)(C). When eligible applicants have submitted their voter registration forms at one of these agencies, it is the duty of Arizona to ensure that the applicants are then actually registered to vote. And as noted above, in addition to offering the opportunity to register, each voter registration agency must assist applicants in completing voter registration forms, accept completed voter registration forms, and transmit the forms to the appropriate state official, 52 U.S.C. § 20506(a)(4)—in Arizona, the county recorders, Ariz. Rev. Stat. § 16-134(A).

Furthermore, Arizona law states that if a state voter registration form is submitted unaccompanied by “satisfactory evidence of United States citizenship,” which is limited to an Arizona driver license number or a set of particular documents, it is “reject[ed].” Ariz. Rev. Stat. § 16-166(F). However, under federal law, documentary proof of citizenship is not required for registration in federal elections. *Arizona v. Inter Tribal Council of Arizona, Inc.*, 133 S. Ct. 2247 (2013); *Fish v. Kobach*, 840 F.3d 710 (2016).

B. Arizona’s Non-Compliance with Sections 7 and 8 of the NVRA

As described above, the ACLU, ACLU of Arizona, Dēmos, and the Lawyers’ Committee for Civil Rights Under Law conducted a comprehensive investigation of the availability of voter registration at designated voter registration agencies. The information gathered shows Arizona is systematically failing to “ensure” that applicants are registered to vote after completing voter registration forms through designated voter registration agencies in violation of Section 8 of the NVRA and systematically failing to assist applicants in completing voter registration forms in violation of Section 7 of the NVRA.

Only one of the agency offices visited indicated that they copied and submitted documentary proof of citizenship with the state voter registration form. At another office, a front line staff member expressed surprise that a voter registration form submitted without a copy of proof of citizenship would be rejected, even though the form states, “A complete voter registration form must contain proof of citizenship or the form will be rejected.” And six of the eight agencies reviewed did not have federal voter registration forms as an option for applicants who did not have proof of citizenship available at the voter registration agency. By failing to make copies of documentary proof of citizenship when an applicant completes a state voter registration form, or by failing to provide and assist in the completion of federal voter registration forms to those who do not have accompanying proof of citizenship, Arizona’s voter registration agencies have not assisted eligible applicants in completing their voter registration applications as required by Section 7 of the NVRA. 52 U.S.C. § 20506(a)(4). This deficiency is especially glaring as DES’s Cash and Nutrition Assistance Policy Manual requires those applying for benefits to provide

“primary citizenship documents to verify U.S. citizenship,” as part of the application for benefits. See Cash and Nutrition Assistance Policy Manual at FAA2.N.06.A.01, available at https://extranet.azdes.gov/faapolicymanual/wwhelp/wwhimpl/js/html/wwhelp.htm#href=FAA2/2.N_IDCI.15.17.html. As DES requires presentation of these documents, the voter registration agencies should make copies in order to assist applications in completing their voter registration applications as required by the NVRA.

Similarly, there is no information provided to applicants through the HEAplus application process about the role of documentary proof of citizenship in voter registration, and no training for AHCCCS workers assisting clients using HEAplus about providing the necessary proof of citizenship documents during these transactions. So any client engaged in a covered transaction through HEAplus is not provided sufficient assistance in completing a voter registration application. Moreover, the current voter registration process available through an HEAplus covered transaction—a link to the Secretary of State’s website—does not provide any method for clients to successfully register to vote (which requires complying with the documentary proof of citizenship requirements or submitting a federal voter registration form) unless they can use the online voter registration system or have access to a printer and a copy machine. And as explained above, many eligible registrants cannot use the online system to successfully register to vote. Again, this violation of the NVRA disproportionately harms voter participation by certain groups, including low income Arizonans and people of color.

Likewise, by submitting state voter registration forms collected by voter registration agencies to the county recorder without including accompanying proof of citizenship that is in the possession of the relevant voter registration agencies administering the covered transactions, Arizona has failed to ensure that eligible applicants are registered to vote as required by Section 8 of the NVRA. 52 U.S.C. § 20507(a)(1)(C).

IV. ADDITIONAL VIOLATIONS OF SECTION 8 OF THE NVRA

A. Arizona’s Obligations Under Section 8 of the NVRA

Section 8 of the NVRA also governs the circumstances under which voters can be removed from the voter registration rolls. Among other things, when a registered voter moves within the same jurisdiction, “the registrar shall correct the voting registration list accordingly.” 52 U.S.C. § 20507(f). Additionally, after updating this information, the voter may not be removed except through the process specified by Section 8. *Id.*

B. Arizona’s Non-Compliance with Section 8 of the NVRA

Arizona law states that the “county recorder *shall* cancel a registration . . . [w]hen the county recorder receives written information from the person registered that the person has a change of residence within the county and the person does not complete and return a new registration form within twenty-nine days after the county recorder mails notification of the need to complete and return a new registration form with current information.” Ariz. Rev. Stat. § 16-165(A)(8) (emphasis added). This law violates Section 8 of the NVRA in two ways. One, it requires the voter to take an extra additional step to update their voter registration, as opposed to requiring

the county recorder to correct the voting registration list. Two, it contemplates cancellation of the voter's registration without following the procedural safeguards of Section 8.

V. VIOLATIONS OF SECTION 203 OF THE VOTING RIGHTS ACT

Section 203 of the Voting Rights Act states, "whenever any state or political subdivision (covered by this section) provides any *registration* or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language." 52 U.S.C. § 10503(c). A number of Arizona counties are covered for Spanish or a Native American language under Section 203.²²

Unfortunately, it appears that many state agencies operating in Section 203 covered jurisdictions are not providing language assistance in the covered language for voter registration activities. For instance, we did not observe any language assistance offered for voter registration at ADOT or DES offices in counties covered by Section 203 for Native American languages. Furthermore, ten ADOT offices in jurisdictions covered by Section 203 for Spanish were surveyed, but none of the ADOT forms that provide a voter registration opportunity (as required by the NVRA) are available in any language but English. There is a related guidance document providing a Spanish translation of the initial driver license application. However, only two of the ten offices visited had this guidance available in Spanish. Moreover, none of these offices had a Spanish translation of the Duplicate/Update Credential Application used for change of address transactions.

Ariz. Rev. Stat. § 16-452 requires the Secretary of State to "consult[] with each county board of supervisors or other officer in charge of elections" and then "prescribe rules to achieve and maintain the maximum degree of correctness, impartiality, uniformity and efficiency on the procedures for early voting and voting." As the Chief Election Officer for the state, we believe that, in order to help maintain the correctness, impartiality, uniformity and efficiency of voting in Arizona, it is your duty to work with the state agencies within counties covered by Section 203 to ensure that they meet their language assistance obligations.

VI. CONCLUSION

The Arizona Department of Transportation, the Arizona Department of Economic Security, and the Arizona Health Care Cost Containment System are engaged in current and on-going violations of the NVRA. In addition, state agencies covered by the NVRA are in violation of Section 203 of the VRA. Together, these violations deprive many State residents of their right to vote and have a particularly harmful impact on low-income Arizonans and people of color. As Arizona's chief election official, you are responsible for ensuring that these agencies comply with the NVRA. This letter serves as notice pursuant to 52 U.S.C. § 20510(b) of violations by Arizona of Section 5 of the NVRA, *id.* § 20504, Section 7 of the NVRA, *id.* § 20506, and Section 8 of the NVRA, *id.* § 20507.

²² Voting Rights Act Amendments of 2006, Determinations Under Section 203, 81 Fed. Reg. 87,532, 87,533, available at https://www.census.gov/rdo/pdf/1_FRN_2016-28969.pdf.

We are prepared to meet with you and other State officials at your earliest convenience to discuss these violations and to assist in your development of a comprehensive plan that addresses the problems identified in this letter. In the absence of such a plan, we will have no alternative but to initiate litigation at the conclusion of the statutory 90-day waiting period.

Sincerely,

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/s/ Theresa J. Lee
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cc: John S. Halikowski, Director of the Arizona Department of Transportation
Thomas Betlach, Director of the Arizona Health Care Cost Containment System
Michael Traylor, Director of the Arizona Department of Economic Security
Eric Spencer, State Election Director

EXHIBIT B

INTERIM MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“MOU”) is made by and among the ACLU, ACLU of Arizona, Dēmos, and the Lawyers’ Committee for Civil Rights Under Law, on behalf of the League of Women Voters of Arizona, Mi Familia Vota Education Fund and Promise Arizona (hereinafter collectively the “Advocates”), and the Arizona Department of Transportation, the Arizona Department of Economic Security and the Arizona Health Care Cost Containment System (hereinafter collectively the “Parties”).

Recitals

WHEREAS, on November 14, 2017, the League of Women Voters of Arizona, Mi Familia Vota Education Fund, and Promise Arizona sent a letter (hereinafter the “Notice Letter”) to the Arizona Secretary of State (“SOS”), who is the Chief Election Official, alleging that the State of Arizona is not in compliance with Section 5, Section 7, or Section 8 of the National Voter Registration Act (“NVRA”), 52 U.S.C. §§ 20504, 20506, and 20507, and that State agencies are failing to meet their obligations under Section 203 of the Voting Rights Act (“VRA”) in counties covered by its protections. This letter was sent on behalf of the above civic engagement organizations by the ACLU, ACLU of Arizona, Dēmos, and the Lawyers’ Committee for Civil Rights Under Law;

WHEREAS, the agencies whose voter registration activities were addressed in the Notice Letter are Arizona Department of Transportation (“ADOT”), the Arizona Department of Economic Security (“DES”), and the Arizona Health Care Cost Containment System (“AHCCCS”) (herein after collectively the “Agencies”). ADOT administers motor vehicle driver license service transactions in Arizona that are covered by Section 5 of the NVRA. DES and AHCCCS administer public assistance transactions in Arizona that are covered by Section 7 of the NVRA, including the Supplemental Nutritional Assistance Program (“SNAP”), Medicaid, Children’s Health Insurance Program (“CHIP”), and Temporary Assistance for Needy Families (“TANF”). See H.R. Rep. No. 103-66, at 19 (1993) (Conf. Rep.); Department of Justice, The National Voter Registration Act of 1993 (NVRA): Questions and Answers, Q13. In addition, the Agencies must comply with Section 203 of the VRA;

WHEREAS, the Agencies deny that they are in violation of the NVRA or VRA;

WHEREAS, the Parties now desire to resolve this matter without the need to resort to litigation;

WHEREAS, Advocates and Agencies share the goal of ensuring that all eligible Arizonans receive the opportunity to register to vote in accordance with the NVRA and the VRA;

WHEREAS, Advocates and Agencies have agreed to engage in on-going negotiations to ensure compliance with the NVRA and VRA, including making changes to the ADOT forms, online systems, and processes concerning changes of address that the parties agree are necessary;

WHEREAS, ADOT currently periodically sends the Secretary of State a delimited text file containing change of address information with respect to driver licenses and non-driver identification cards submitted by all ADOT customers who are over 18 years of age and whose driver license type does not indicate they are non-citizens;

WHEREAS, in recognition of the demands of the November 2018 General Election and needed technology upgrades, the Parties agree to the following Interim Remedial Measures that will be put into place before the General Election;

WHEREAS, Advocates do not concede that the "Interim Measures" described herein remedy all alleged NVRA or VRA violations, but in exchange for the Agencies agreeing to undertake the described actions and the Parties' agreement to engage in comprehensive negotiations concerning long term NVRA compliance, the Advocates are willing to forebear from initiating formal litigation against the Agencies until December 1, 2018, if at all.

NOW, THEREFORE, the undersigned Parties hereby agree to the following Interim Remedial Measures:

Remedial Mailings – Section 7 Clients:

- 1) A one-time Remedial Voter Registration Mailing shall be sent by the Agencies to each primary contact ("Client") who engaged in an application, recertification, renewal, and/or change of address ("Covered Transaction") with DES or AHCCCS between August 1, 2017 and July 31, 2018 (hereinafter the "relevant time period"), whether in person, online, by phone, or by mail.
 - a) This Remedial Voter Registration Mailing shall be sent to the primary contact who engaged in a Covered Transaction during the relevant time period through Health-e-Arizona Plus, through the telephone with DES, or through an in-person transaction with DES or AHCCCS; or who received a Medicaid Renewal Letter during the relevant time period, except that the one-time Remedial Voter Registration Mailing need not be sent to the primary contact if that person is not a U.S. Citizen.
 - b) The Remedial Voter Registration Mailing will include:
 - i. A State Voter Registration Form marked with a specific code in accordance with Sections 1.5 and 1.6.2 of the Arizona Secretary of State's draft 2018 election procedures manual to track voter registration applications that originate

from public assistance clients. This form already exists and provides opportunity to register to vote in both Spanish and English.

- ii. An Explanatory Letter, an exemplar of which is attached to this MOU as Exhibit A. This Explanatory Letter will be provided both in English and Spanish.
- c) The Remedial Voter Registration Mailing will be sent bearing the return address of either DES or AHCCCS as appropriate for the client, using envelopes similar to those the Agency regularly uses to correspond with clients.
- d) Only one mailing to each household is required.
- e) Sending of the Remedial Voter Registration Mailings will be completed no later than August 31, 2018.

On-going Remedial Measures:

2) *Policy:*

- a) From execution of this MOU, until such time as a permanent resolution of this matter is reached, a voter registration application shall be distributed to each Client during each in-person Covered Transaction conducted by DES and AHCCCS at an office, unless the Client declines to register to vote *in writing* in response to the voter registration question on the NVRA Form-5.
- b) Caseworkers shall not complete the NVRA Form-5s or their equivalent unless specifically requested by the Client. A client's failure to complete the NVRA Form-5 does not, without more, constitute a request by the client for the caseworker to complete the form but the caseworker may document on the top portion of the NVRA-5 form that a voter registration application was provided to the Client.
- c) DES and AHCCCS staff will offer assistance with voter registration to each Client engaged in a Covered Transaction.

3) *Training:*

- a) By August 31, 2018, DES will conduct a WebEx training and policy broadcast for each employee that engages with clients during Covered Transactions. The training shall include an explanation that it is the policy of the state to require distribution of a voter registration application to each Client engaged in a Covered Transactions unless they decline to register to vote in response during in-person transactions to the voter

registration question by marking "no" on the NVRA Form-5, and that assistance with voter registration will be offered. The training will also instruct staff that the Form-5s shall not be completed by case workers unless requested by the Client but the caseworker may document on the top portion of the NVRA-5 form that a voter registration application was provided to the Client if the Client leaves the voter preference question blank.

- b) Any new DES employee orientation program conducted through October 9, 2018 will include an explanation of the procedures outlined in paragraph 3(a).
- c) AHCCCS will continue to require voter registration training for employees who engage with Clients during Covered Transactions. The training includes an explanation of the requirement for distribution of a voter registration application to each Client engaged in a Covered Transaction during in-person transactions unless the Client declines to register to vote by marking "no" to the voter registration question on the NVRA Form-5 and that assistance with voter registration will be offered. AHCCCS will also conduct mandatory refresher training by August 31, 2018.

4) *Reporting:*

- a) Not later than September 14, 2018, the Agencies shall report to the Advocates the final number of the Remedial Voter Registration Mailings sent pursuant to paragraph (1) of this MOU.
- b) DES shall report to the Advocates when the training required by paragraph 3(a) of this MOU is completed and when the policy broadcast required by paragraph 3(a) of this MOU is issued and provide Advocates with a copy.

203 of the VRA:

- 5) By August 31, 2018, ADOT will ensure that the current paper ADOT Driver's License/Identification Card Application shall be translated into Spanish and distributed for use in all MVD offices in counties covered by 203 (Maricopa, Pima, Santa Cruz, and Yuma), including Authorized Third Party offices that are authorized to conduct driver license transactions. Clients shall be allowed to complete forms in Spanish and submit them to Agencies for processing. At the start of each day, there shall be sufficient numbers of Spanish-language forms in each MVD office and offices operated by an Authorized Third Party for each such office's typical daily volume of clients based on past observations.

Additional Terms:

- 6) ADOT agrees to provide the SOS any data necessary to achieve compliance with any future agreement between the Advocates and the SOS related to compliance with the requirements of Section 5 of the NVRA or any Court order issued against the SOS related to compliance with Section 5 of the NVRA, including but not limited to providing to the SOS a list of all ADOT clients who reported a new address to ADOT during any Covered Transactions (initial application, renewal, Duplicate/Credential Update or change of address) whether online or in-person since November 9, 2016. This list shall include as much information as ADOT can provide, including, but not limited to, the person's name, current address, previous address, driver license number and type, partial social security number, and date of birth. This data will be provided in a delimited text file similar to the address change delimited text file ADOT currently provides to the Secretary of State.
- 7) The Parties agree to engage in on-going settlement discussions regarding a final resolution of this matter. The goal of these discussions will be to enter into a final agreement resolving all outstanding issues within six months of the execution of this MOU. The final agreement shall set specific benchmarks and timelines for completion of the necessary technology upgrades.
- 8) To facilitate such discussions, the Advocates shall prepare and present to Agencies within eight weeks of the date of this MOU a comprehensive list of the issues that the Advocates believe should be addressed in any final resolution of this action.
- 9) Advocates and Agencies acknowledge that this MOU represents a collaborative effort by all parties to enhance voter registration opportunities for Arizona citizens.

Binding Effect:

- 10) The terms of this MOU shall be binding on all Parties.
- 11) Upon execution of this MOU, Advocates agree not to raise any claims against DES or AHCCCS that have been asserted or could have been asserted up until the date of execution of this MOU that are based on Section 7 of the NVRA at any time before December 1, 2018.
- 12) Upon execution of this MOU, Advocates agree not to raise any and all claims against ADOT that have been asserted or could have been asserted up until the date of execution of this MOU that are based on Section 5 of the NVRA before December 1, 2018. Although Advocates will not raise any claims against ADOT unless required by the Court, the parties acknowledge and understand that nothing in the agreement prevents the

SOS or any other party from bringing a claim against ADOT in any NVRA enforcement proceeding.

- 13) The Advocates and the Agencies will engage in comprehensive negotiations concerning long term NVRA compliance in a mutual effort to negotiate a resolution to this dispute without the need for formal litigation. However, nothing in this MOU shall preclude the Advocates from bringing any claims related to any NVRA violations or VRA violations against the Agencies after December 1, 2018, if the Advocates and Agencies are unable to reach an agreement. Nothing in this MOU shall be interpreted to preclude the Advocates, within such lawsuit, from asserting or offering proof of any claims or facts alleging widespread past and ongoing violations of Section 5 and 7 of the NVRA or VRA by the Agencies that the Advocates have alleged prior to entering into the negotiations leading to MOU, including in the Notice Letter.
- 14) Nothing in this MOU will prevent Advocates from acting to enforce compliance with the NVRA or VRA if future NVRA or VRA violations occur; or if DES, AHCCCS or ADOT do not take the steps as required in this MOU regardless of when those actions occur.
- 15) In entering into this MOU, the Agencies do not admit to any liability or wrongdoing under the NVRA, VRA, or any other law, or waive any of their defenses, and Advocates do not waive or release any claims based on violations of Section 5 or 7 of the NVRA, or Section 203 of the VRA.
- 16) Before pursuing any legal remedies for an alleged breach of this MOU, Parties agree to make their best effort to resolve any dispute without judicial intervention. If any Party believes that another Party is in breach of this MOU, or any other dispute arises under the terms of this MOU, the aggrieved Party shall, within 30 days of the Party becoming aware of the asserted breach or dispute, notify the other Party in writing of the asserted breach or dispute. The Parties will work cooperatively and make their best effort to promptly remedy the asserted breach or dispute without judicial intervention. If reasonable good-faith efforts to resolve the asserted breach or dispute fail, the Parties may pursue all legal remedies available.

Joint Negotiation and Drafting

- 17) The Parties hereto have participated jointly in the negotiation and drafting of this MOU with the assistance of counsel and other advisors and, in the event any ambiguity or question of intent or interpretation arises, this MOU shall be construed as jointly drafted by the parties hereto and thereto, and no presumption or burden of proof shall arise favoring or disfavoring any party by virtue of the authorship of any provision of this MOU, or any other documents attached or referenced therein.

Costs:

- 18) As consideration for this MOU, the Advocates agree to waive any claim for attorneys' fees or costs incurred in connection with the negotiation, implementation and monitoring of this MOU. In exchange, the Agencies agree to be bound by the terms of this MOU and to implement its terms in good faith and in cooperation with the Advocates.

- 19) Nothing in this Agreement shall be construed to prevent the Advocates from pursuing attorneys' fees and costs incurred before or after December 1, 2018, as permitted by 52 U.S.C. § 20510 and Section 14(e) of the VRA, if the Agencies breach the terms of this MOU, and nothing in this MOU will be construed to prevent the Advocates from seeking fees and costs related to preparing any such litigation. In the event of such litigation, however, the Advocates will not seek attorneys' fees and costs related to time spent negotiating, implementing, or monitoring this MOU.

Execution in Counterparts:

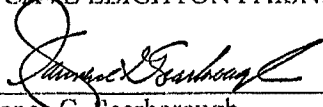
- 20) This Agreement may be executed in counterpart originals, and any copies and facsimiles of such counterparts shall be considered originals.

- 21) The undersigned attorneys represent and warrant that they have authority to enter into this agreement on behalf of the respective parties they represent, and that this agreement shall be binding upon, and inure to the benefit of, the heirs, personal representatives, successors and assigns of the parties hereto.

[Signatures on Following Page]

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By


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** *Not admitted in the District of
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to D.C. App. R. 49(c)(3)*

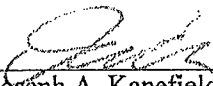
Attorneys for Advocates

DATE: August 14, 2018

12069663

BALLARD SPAHR LLP

By


Joseph A. Kanefield
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Phoenix, Arizona 85004-2555

Attorneys for Agencies

DATE: August 14, 2018

Exhibit A



ARIZONA DEPARTMENT OF ECONOMIC SECURITY (DES)

ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)

<<First Name>><<Last Name>>

<<Address 1>>

<<Address 2>>

<<City>><<State>><<ZIP>>

Information About Registering to Vote

We are sending you the attached mail-in voter registration form to ensure that you receive an opportunity to register to vote and/or ensure that the State has your current voting address. You are receiving this notice because you recently interacted with a state agency such as the Department of Economic Security (DES), Arizona Health Care Cost Containment System (AHCCCS), and/or the Health-e-Arizona Plus web portal.

If you are not registered to vote where you live now, and you want to vote in the upcoming federal election on November 6, 2018, you must return or mail this application to one of the locations described below or complete the online registration by October 9, 2018.

If you want to register to vote or update your voter registration address, please complete the enclosed Voter Registration Application and put it in the mail. After you have registered to vote you will receive a voter registration card in the mail within 4-6 weeks.

Completed voter registration applications can be returned:

By mailing to:

- Office of the Secretary of State
Elections Division
1700 W Washington St Fl 7
Phoenix AZ 85007-2808
- The County Recorder for the County where you live.
The addresses are listed on the back of the enclosed voter registration form.

In person:

- By taking it to your local DES or AHCCCS office.

If you have an Arizona driver's license or State ID card issued since October 1, 1996 you can also register to vote on the internet on ADOT's Service Arizona website: <https://servicearizona.com/voterRegistration>.

Please carefully read the instructions about registering to vote, eligibility to register to vote and proof of citizenship requirements.

If you are already registered to vote at your current address, you do not need to re-register to vote. You can check your voter registration at: <https://voter.azsos.gov/VoterView/RegistrantSearch.do>.

Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided, or your eligibility. If you would like help filling out the voter registration form, need more voter registration forms, or have any questions, you can call 1-877-THE VOTE (843-8683).

EXHIBIT C



40-5122 R04/16 azdot.gov

DRIVER LICENSE / IDENTIFICATION CARD APPLICATION

Type: Driver License Motorcycle Instruction Permit Identification Card
 Travel Driver License Travel Identification Card

You are required by A.R.S. §§ 28-3158(D)(5) and §§ 28-3165(F), under authority of 42 U.S.C. §§ 405(c)(2)(C) and § 666 (a)(13)(A), to provide your Social Security Number. It will be used to verify your identity and to comply with federal and state child support enforcement laws. It will not be used as your driver license or identification card number.

Social Security Number - -	Applicant Name (first, middle, last, suffix)		
Residence Street Address (Unit # / Apt #)	City	State	Zip
Mailing Address (if different from above) (Unit # / Apt #)	City	State	Zip

Street Mailing Which address do you want to appear on your license?

Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	Weight	Height	Eye Color	Hair	Date of Birth
--	--------	--------	-----------	------	---------------

Current Driver License Number	Name on Current Driver License or ID (if different from above)
-------------------------------	--

Class <input type="checkbox"/> Operator <input type="checkbox"/> Motorcycle <input type="checkbox"/> Commercial (CDL) <input type="checkbox"/> Identification Card	State	Issue Date	Expiration Date
---	-------	------------	-----------------

Yes No Has your driving privilege ever been suspended, disqualified, canceled, denied or revoked?

If Yes:	States	Dates	Reasons
---------	--------	-------	---------

Yes No Is your driving privilege now suspended, disqualified, canceled, denied or revoked?

Yes No Do you have a license from more than one state or jurisdiction?

My vehicle is registered in another state (indicate which state):

I am active duty military or family member.

I am an out-of-state student or family member.

I want to show a medical alert condition on my license/ID (must submit physician or registered nurse practitioner statement).

I also want this alert maintained on my permanent computer record. (If not checked, when you reapply or request a duplicate, the alert will not appear on your license/ID unless you resubmit a physician or registered nurse practitioner statement.)

I consent to the release of personal information contained in my driver license and vehicle record. I understand that this is not a one-time consent that applies only to a specific individual or organization, but is instead a general consent that applies to all requests from any and all individuals or organizations for any purpose, until revoked by me in writing. Consent for a vehicle record applies to all owners.

Yes No Do you have a physical, psychological or visual condition (other than wearing glasses or contact lenses), or alcohol/drug dependency or are you taking any medications that could affect your ability to safely operate a motor vehicle? (driver license applicants only)

Please Explain

Yes No Have you ever been determined to be incapacitated by a court? (driver license applicants only)

Yes No Are you a United States citizen who wishes to register to vote or update your existing voter registration?

I want to be placed on the permanent early voting list and receive an early ballot by mail for each election I am eligible.

Party Preference
 Republican
 Democratic
 Other

DONOR I check this box to become an organ/tissue donor and join the DonateLifeAZ Registry. DONOR will print on my license.

I am a U.S. Military veteran who was enlisted, drafted, inducted or commissioned to serve in the active military, naval, or air service and I was not dishonorably discharged. I would like the word "VETERAN" printed on my license/ID. (Documentation Required)

All Applicants: I certify under penalty of perjury that the information above is true and correct. I understand that I must report a change of address or name to MVD within 10 days. All Driver Applicants: I understand the laws, rules and regulations described in the Arizona Driver License Manual, and that I must report to MVD in writing, within 10 days, any medical condition that develops or worsens that may affect my ability to safely operate a motor vehicle.

Male Applicants Under 26: By submitting this application, I consent to registration with the Selective Service System if I am required to register under federal law. If I am under 18, I understand that I will be registered as required by federal law when I become 18.

Voter Registration: I certify that I am not a convicted felon or my civil rights have been restored, and that I have not been adjudicated incompetent. I certify that I am a United States citizen. Submitting a false voter registration is a Class 6 felony. Your decision to register to vote or not, and where you submitted your application, will remain confidential.

Applicant Signature (If under 18, Legal Guardian Certificate on the back must be completed.)			
Acknowledged before me this date.		Notary or MVD Agent Signature	
Date	County	State	Commission Expires

Legal Guardian Certificate

Relationship To Applicant (check one) – #1 & 2 require only one signature; #3 may require one or more, depending on the proof provided; #4 requires both.
 1. Natural/Adoptive parent, married to other natural/adoptive parent 4. Natural/Adoptive parent not married to other natural/adoptive parent, share joint custody
 2. Natural/Adoptive parent with sole custody 5. Other: _____
 3. Full legal guardian (proof required) _____

This certificate is for a driver license or permit application. I am responsible for any negligence or willful misconduct caused by the minor applicant.

Name (first, middle, last, suffix)				Name			
Signature				Signature			
Acknowledged before me this date.		Notary or MVD Agent Signature		Acknowledged before me this date.		Notary or MVD Agent Signature	
Date	County	State	Commission Expires	Date	County	State	Commission Expires

Driving Practice Certificate

The applicant completed at least 30 hours of supervised driving practice, including at least 10 hours at night for a graduated driver license; at least 30 hours of motorcycle riding practice for a motorcycle license or motorcycle endorsement.

Parent or Guardian Name (first, middle, last, suffix)				Parent or Guardian Name			
Parent or Guardian Signature				Parent or Guardian Signature			
Acknowledged before me this date.		Notary or MVD Agent Signature		Acknowledged before me this date.		Notary or MVD Agent Signature	
Date	County	State	Commission Expires	Date	County	State	Commission Expires

MVD USE

Medical Observations				Medical Certificate Expires				MVD Agent			
Birth Certificate State/Control #			Tribe and Tribal #		Citizenship/Immigration Type/Form #		Passport		Social Security #		
State	Driver License/ID Card #/Permit	Issue Date	Exp. Date	Credit Card			Issuing Institution		Exp. Date		
Additional Documents								MVD Agent			
Visual Acuity				Visual Field							
Right	Left	Both	Right	Nasal-Right	Left	Nasal-Left	Corrective Lens		MVD Agent		
20/	20/	20/	o	o	o	o	<input type="checkbox"/>				
Rules of the Road				Road/Skills Test				Motorcycle Knowledge			
1st	Date	Series	Grade	MVD Agent	Date	Grade	MVD Agent	Date	Grade	MVD Agent	
2nd	Date	Series	Grade	MVD Agent	Date	Grade	MVD Agent	Date	Grade	MVD Agent	
3rd	Date	Series	Grade	MVD Agent	Date	Grade	MVD Agent	Date	Grade	MVD Agent	
1st	2nd	3rd	Points	Actual Driving Test				Automatic Failure Codes			
			10 ea	Falls to make full stop				Offset Backing		Other (describe below)	
			10 ea	Crowding center line				A - Struck pylon		E - Involved in accident	
			10 ea	Following distance				C - Jumped curb or took too long		F - Dangerous action	
			10 ea	Right of way to vehicle or pedestrian						G - Serious violation	
			10 ea	Over speed limit (within 5-10 mph)						H - Refused instructions	
			4 ea	Choice of proper lane				Immediate Rejection: I - Failed vehicle inspection			
			4 ea	Signaling				Parking Test Scoring			
			4 ea	Use of brakes				Parallel Parking		Three Point Parking	
			4 ea	Observation and planning				2 pts	Not wearing seatbelt	2 pts	Not wearing seatbelt
			2 ea	Operation of motor vehicle				2 pts	Over 2 maneuvers	2 pts	Over 2 maneuvers
			2 ea	Position after stopping				2 pts	Vehicle not parallel	2 pts	Vehicle not in box 1
			2 ea	Waits too long				2 pts	Stalling, hard brake etc.	2 pts	Vehicle not in box 2
			2 ea	Too slow				4 pts	Vehicle outside of space	4 pts	Stalling, hard brake etc.
			2 ea	Steering				Total Points Off		Total Points Off	
			2 ea	Improper turn				Validation			
			Total Points Off								
Comments											

EXHIBIT D



Motor Vehicle Division
40-5122 R01/18 azdot.gov

DRIVER LICENSE / IDENTIFICATION CARD APPLICATION

What are you applying for?

- Driver License (DL)
 Travel
 Standard (Non Travel)
 Permit
 Motorcycle
 Limited (Active duty military, student or family member)
- Identification Card (ID)
 Travel
 Standard (Non Travel)

Have you ever had a DL/ID issued in Arizona? Yes

Contact Number ()

Social Security Number -	Applicant Name (First, Middle, Last)			Suffix
Residence Street Address	(Apt / Unit #)	City	State	Zip
Mailing Address (if different from above) <input type="checkbox"/> <i>Appear on license</i>	(Apt / Unit #)	City	State	Zip

Sex <input type="checkbox"/> Female <input type="checkbox"/> Male	Weight (lbs)	Height (Ft/In)	Eye Color	Hair	Date of Birth (Month/Day/Year)
---	--------------	----------------	-----------	------	--------------------------------

- Do you wish to register to vote or update your existing voter registration **AND** are you a U.S. citizen? Yes No
 I want to be placed on the permanent early voting list and receive an early ballot by mail for each election I am eligible.
 Party Preference
 Republican
 Democratic
 Other _____
- DONOR** I check this box to become an organ/tissue donor and join the DonorLifeAZ Registry. **DONOR** will print on my license.
- I am a U.S. Military veteran who was enlisted, drafted, inducted or commissioned to serve in the active military, naval, or air service and I was not dishonorably discharged. I would like the word "VETERAN" printed on my license/ID. (Proof Required)
- I have a medical condition that I want displayed on my license/ID. (Proof Required)

5. Do you have a physical, psychological or visual condition (*other than wearing corrective lenses*), or alcohol/drug dependency or are you currently taking any medications that could affect your ability to safely operate a motor vehicle? **YES**

Please Explain

- Have you ever been determined to be incapacitated by a court? **YES**
- Do you consent to the release of personal information contained in your driver license and vehicle record? I understand that this is not a one-time consent that applies only to a specific individual or organization, but is instead a general consent that applies to all requests from any and all individuals or organizations for any purpose, until revoked by me in writing. (Consent for a vehicle record applies to all owners) **YES**

All Applicants: I certify under penalty of perjury that the information above is true and correct. I understand that I must report a change of address or name to MVD within 10 days. **All Driver Applicants:** I understand the laws, rules and regulations described in the Arizona Driver License Manual, and that I must report to MVD in writing, within 10 days, any medical condition that develops or worsens that may affect my ability to safely operate a motor vehicle.

Social Security Number: You are required by A.R.S. §§ 28-3158(D)(5) and §§ 28-3165(F), under authority of 42 U.S.C. §§ 405(c)(2)(C) and § 666 (a)(13)(A), to provide your Social Security Number. It will be used to verify your identity and to comply with federal and state child support enforcement laws. It will not be used as your driver license or identification card number.

Male Applicants Under 26: By submitting this application, I consent to registration with the Selective Service System if I am required to register under federal law. If I am under 18, I understand that I will be registered as required by federal law when I become 18.

Voter Registration: I certify that I am not a convicted felon or my civil rights have been restored, and that I have not been adjudicated incompetent. I certify that I am a United States citizen. Submitting a false voter registration is a Class 6 felony. Your decision to register to vote or not, and where you submitted your application, will remain confidential.

Applicant Signature			
Acknowledged before me this date.		Notary or MVD Agent Signature & RACF	
Date	County	State	Commission Expires

Notary Stamp

MVD USE –
 Passed Vision Exam – YES or Passed Daylight Restriction Vision Exam – YES - Corrective Lens - MVD Agent RACF _____

Legal Guardian Certificate
For under 18 license/permit applicants
Check one of the boxes that applies to your relationship with the applicant

Notary Stamp

1. Natural/Adoptive parent, married to other natural/adoptive parent
2. Natural/Adoptive parent with sole custody
3. Natural/Adoptive parents share joint custody (Both parents signatures required)
4. Full legal guardian (Proof required) _____
5. Other (Proof required) _____

I am responsible for any negligence or willful misconduct caused by the minor applicant.

Parent or Guardian Name				Parent or Guardian Name			
Parent or Guardian Signature				Parent or Guardian Signature			
Acknowledged before me this date.		Notary or MVD Agent Signature & RACF		Acknowledged before me this date.		Notary or MVD Agent Signature & RACF	
Date	County	State	Commission Expires	Date	County	State	Commission Expires

Driving Practice Certificate The applicant completed at least 30 hours of supervised driving practice, including at least 10 hours at night for a graduated driver license; at least 30 hours of motorcycle riding practice for a motorcycle license or motorcycle endorsement.	Parent or Guardian Name			
	Parent or Guardian Signature			
	Acknowledged before me this date.		Notary or MVD Agent Signature & RACF	
	Date	County	State	Commission Expires

MVD USE

Rules of the Road Knowledge Test			Motorcycle Knowledge Test			Road/Skills Test		
Date	<input type="checkbox"/> Pass <input type="checkbox"/> Fail	MVD Agent RACF	Date	<input type="checkbox"/> Pass <input type="checkbox"/> Fail	MVD Agent RACF	Date	<input type="checkbox"/> Pass <input type="checkbox"/> Fail	MVD Agent RACF
Date	<input type="checkbox"/> Pass <input type="checkbox"/> Fail	MVD Agent RACF	Date	<input type="checkbox"/> Pass <input type="checkbox"/> Fail	MVD Agent RACF	Date	<input type="checkbox"/> Pass <input type="checkbox"/> Fail	MVD Agent RACF
Date	<input type="checkbox"/> Pass <input type="checkbox"/> Fail	MVD Agent RACF	Date	<input type="checkbox"/> Pass <input type="checkbox"/> Fail	MVD Agent RACF	Date	<input type="checkbox"/> Pass <input type="checkbox"/> Fail	MVD Agent RACF

Parking Test Scoring

Parallel Parking		Three Point Parking	
2 pts	Not wearing seatbelt		Not wearing seatbelt
2 pts	Over 2 maneuvers		Over 2 maneuvers
2 pts	Vehicle not parallel		Vehicle not in box 1
2 pts	Stalling, hard brake etc.		Vehicle not in box 2
4 pts	Vehicle outside of space		Stalling, hard brake etc.
	Total Points Off		Total Points Off

Passed Parking

Automatic Failure Codes

- | | |
|----------------------------------|--------------------------|
| A - Struck pylon | F - Dangerous action |
| C - Jumped curb or took too long | G - Serious violation |
| E - Involved in accident | H - Refused instructions |

Comments: _____

Road Test Scoring

1st	2nd	3rd	Points	
			10 ea	Fails to make full stop
			10 ea	Crowding center line
			10 ea	Following distance
			10 ea	Right of way to vehicle or pedestrian
			10 ea	Over speed limit
			4 ea	Choice of proper lane
			4 ea	Signaling
			4 ea	Use of brakes
			4 ea	Observation and planning
			2 ea	Operation of motor vehicle
			2 ea	Position after stopping
			2 ea	Waits too long
			2 ea	Too slow
			2 ea	Steering
			2 ea	Improper turn
				Total Points Off

MVD USE - I certify I have verified and scanned the documents checked off below - MVD Agent Signature _____

- | | | | |
|---|---|--|---|
| <input type="checkbox"/> AZ Identification Card | <input type="checkbox"/> Enhanced DL/ID | <input type="checkbox"/> Social Security Card | <input type="checkbox"/> Additional Information |
| <input type="checkbox"/> Birth Certificate/Birth Abroad | <input type="checkbox"/> Foreign Passport/I-94/B1-B2 | <input type="checkbox"/> US Certificate of Naturalization | _____ |
| <input type="checkbox"/> Certificate of Indian Blood | <input type="checkbox"/> I-797 Notice of Action | <input type="checkbox"/> US Department of Veterans Affairs Card | <input type="checkbox"/> Court Document (Type) |
| <input type="checkbox"/> DD-214 | <input type="checkbox"/> Marriage License/Certificate | <input type="checkbox"/> US Military Card (active duty, reserve and retired) | _____ |
| <input type="checkbox"/> Driver License/CDL | <input type="checkbox"/> Medical Insurance Card | <input type="checkbox"/> US Military Dependent ID Card | <input type="checkbox"/> Other |
| <input type="checkbox"/> Employee ID Badge (w/photo) | <input type="checkbox"/> Permanent Resident Card | <input type="checkbox"/> US Passport/Passport Card | _____ |
| <input type="checkbox"/> Employment Authorization Card | <input type="checkbox"/> School ID (w/photo) | <input type="checkbox"/> W-2 Form | _____ |

EXHIBIT E



Motor Vehicle Division

40-5145 R07/16 azdot.gov

DUPLICATE / CREDENTIAL UPDATE APPLICATION

(Note: Duplicate Credentials can be processed on ServiceArizona.com)

Please select the credential you are replacing or duplicating

- Driver License (Standard or Travel) \$12
 Instruction Permit \$2
 Identification Card (Standard or Travel) \$12

Applicant Current Name (first, middle, last, suffix)		Contact Number ()	Date of Birth mm/dd/yyyy / /	
Residence Street Address (Unit # / Apt #)		City	State	Zip
Mailing Address (if different from above) (Unit # / Apt #)		City	State	Zip

Do you want to update your name? Yes *Proof required (additional documentation will be needed)

Updated Name (first, middle, last, suffix)

Yes No Do you want to register to vote?

Voter Registration: I certify that I am not a convicted felon or my civil rights have been restored, and that I have not been adjudicated incompetent. I certify that I am a United States citizen. Submitting a false voter registration is a Class 6 felony. Your decision to register to vote or not, and where you submitted your application, will remain confidential.

I want to be placed on the permanent early voting list and receive an early ballot by mail for each election I am eligible.

Party Preference

- Republican
 Democratic
 Other

DONOR I check this box to become an organ/tissue donor and join the DonateLifeAZ Registry. DONOR will print on my license.

I am a U.S. Military veteran who was enlisted, drafted, inducted or commissioned to serve in the active military, naval, or air service and I was not dishonorably discharged. I would like the word "VETERAN" printed on my license/ID. (Documentation Required)

All Applicants: I certify under penalty of perjury that the information above is true and correct. I understand that I must report a change of address or name to MVD within 10 days. All Driver Applicants: I understand the laws, rules and regulations described in the Arizona Driver License Manual, and that I must report to MVD in writing, within 10 days, any medical condition that develops or worsens that may affect my ability to safely operate a motor vehicle.

Applicant Signature			
Acknowledged before me this date.		Notary or MVD Agent Signature	
Date	County	State	Commission Expires

MVD USE

Comments			
DL/ID/Record #	Applicant Verified <input type="checkbox"/>	Initials:	Validation
Photo Date:			



DC0362312

EXHIBIT F

[State Agencies \(https://az.gov/agency-directory\)](https://az.gov/agency-directory)

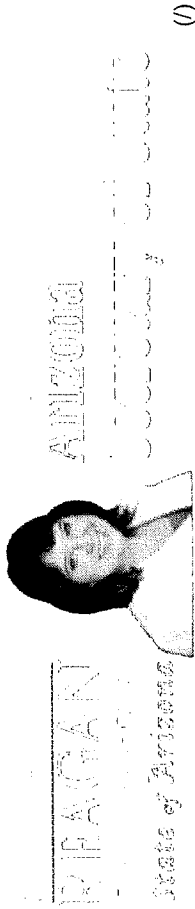
[State Services \(https://az.gov/directory/service/all\)](https://az.gov/directory/service/all)

[Visit OpenBooks \(https://openbooks.az.gov/\)](https://openbooks.az.gov/)

[Ombudsman-Citizens Aide \(http://www.azoca.gov/\)](http://www.azoca.gov/)

[AZ.Gov \(https://az.gov/search/\)](https://az.gov/search/)

[AZ.Gov \(https://az.gov\)](https://az.gov)



Search



[\(/contact\)](#)



<https://twitter.com/SecretaryReagan>

<https://www.facebook.com/AZSecretaryofState>



<http://www.youtube.com/user/AZSecState>

<https://az.gov/>



[ELECTIONS \(/ELECTIONS\)](#)

[BUSINESS \(/BUSINESS\)](#)

[SERVICES \(/SERVICES\)](#)

[RULES \(/RULES\)](#)

[ABOUT THE OFFICE \(/ABOUT-OFFICE\)](#)

[Home \(/\)](#)

» [National organization demands Arizona to change 500K voter addresses in state database without their consent \(/about-office/media-center/press-releases/864\)](#)

National Organization Demands Arizona To Change 500K Voter Addresses In State Database Without Their Consent

PRESS RELEASE

For Immediate Release

Thursday, August 16, 2018

Secretary Reagan has rejected an ACLU demand to unilaterally change more than five hundred thousand individuals' voter registration addresses to the address listed on their Driver License and send a follow-up letter informing the voter of the address change.

Late last year, the American Civil Liberties Union (ACLU) wrote a letter to the Secretary of State's office requesting she direct Arizona's Department of Transportation (ADOT) to automatically update a person's voter registration address when the person changes information on their driver license when using www.ServiceArizona.com (<http://www.ServiceArizona.com>) unless the voter opts out. But then the ACLU demanded that we alter registration records without voters consent.

"The truth is we've already coordinated with ADOT to make these changes and they've scheduled them for 2019," said Secretary Reagan. "Any conflicting agreement with the ACLU at this point would only produce voter confusion. While I fully expect the ACLU to file a lawsuit to force these changes before the fall election, our County Recorders and I agree; sending a letter to a half million voters that we changed their registration address without their permission right before an election would have an extremely negative impact on our voters. I hope the ACLU does the right thing and allows us to implement reforms to the new system and find additional ways to improve the accuracy of registration data and further reduce provisional ballots."

According to Secretary Reagan, making these changes could be costly and assumes the voter made a mistake.

"Many Native Americans remain registered at their registration address to vote in tribal elections but have a driver license address that corresponds to where they work or attend school. Additionally, election officials have neither the manpower nor budget for generating letters and new ID cards this late in the election calendar," said Reagan. "For these reasons and others, I felt we had no choice other than to reject the demand and prepare for possible litigation."

Contact for more information:

Matt Roberts, Director of Communications
Phone: (602) 542-2228
mroberts@azsos.gov (<mailto:mroberts@azsos.gov>)
[@MattFlackAZ](https://twitter.com/MattFlackAZ)

**Arizona Secretary of
State** Phone: 602-542-4285

1700 W Washington St Fl

7

Phoenix AZ 85007



[STATEWIDE POLICIES \(HTTP://AZ.GOV/POLICIES\)](http://az.gov/policies) [SITE MAP \(/SITEMAP\)](#) [WEBSITE POLICIES \(/WEBSITE-POLICIES\)](#)

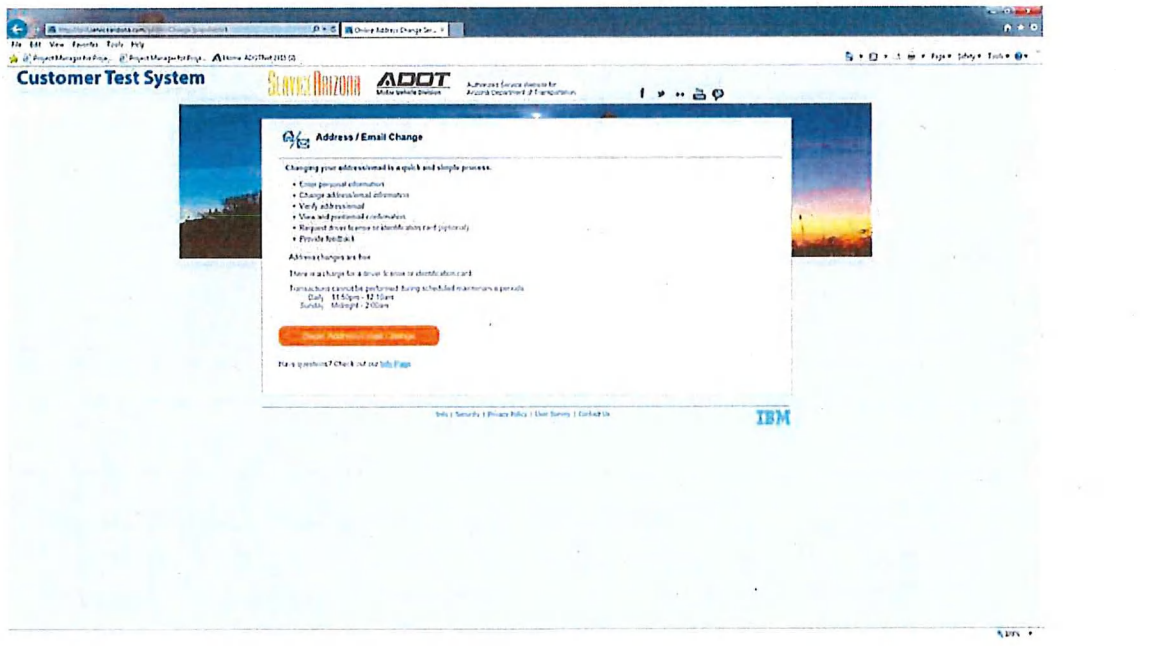
[CONTACT US \(/ABOUT-OFFICE/CONTACT-US\)](#) [STAFF LOGIN \(/USER\)](#)

EXHIBIT G

Main Screen



Selected Address /Email Change



Enter Customer Information Screen

Customer Test System **Arizona** **ADOT** Authorized Service Provider for Arizona Department of Transportation

Address / Email Change

Enter Personal Information

Please enter the following information in order to update your mailing address or email address. The information you provide must match the information that is currently stored.

First Name: [input] Middle: [input] Last: [input]
Date of Birth: [input] (MM/DD/YYYY)
Driver License or Identification Card Number: [input]
Last 4 digits of your Social Security Number: [input] (do not include a Social Security Number)

[Continue](#) [Cancel](#)

Info | Security | Privacy Policy | User Support | Contact Us **IBM**

Customer Verification Screen

Customer Test System **Arizona** **ADOT** Authorized Service Provider for Arizona Department of Transportation

Address / Email Change

Address/Email Update Options

Your address on the web M/DI was last changed on Aug 10, 2010. The following information is currently on your record:

Residential Address: 1012 W. EBERT / GLENDALE
GLENDALE, AZ 85116
Mailing Address: Same as Residential Address
Email: None

Residential Address
A) Do you want to change your residential address?
 Yes
 No

Mailing Address
B) Do you want to add a mailing address that is different from your residential address?
 Yes, my mailing address is different from my residential address.
 No, my mailing address is the same as my residential address.

Email Address
Send Paper, New Postage, Etc. Online!
C) By having an email address on the web M/DI, you are choosing to receive all your vehicle registration renewal notices electronically, and you will not receive them by US Mail.
 Add my email address.

[Continue with Address/Email Change](#) [Cancel](#)

Info | Security | Privacy Policy | User Support | Contact Us **IBM**

Update Address Screen

Customer Test System

ServiceArizona AADT Authorized Service Available to Arizona Department of Transportation

Address / Email Change

Update Address/Email Information

Residential Address

City

State ZIP Code

[Continue Address](#) [Go Back](#)

Info | Security | Privacy Policy | User Survey | Contact Us

IBM

Customer Address verification

Customer Test System

ServiceArizona AADT Authorized Service Available to Arizona Department of Transportation

Address / Email Change

Verify Address/Email Information

If this information is not correct, please click the "Go Back" button and retype address information.

Residential Address: 2130 E WASHINGTON ST
City: PHOENIX
State: AZ
ZIP Code: 85034-1122
County: Maricopa [What if the county is different?](#)

Mailing Address: no change
City
State
ZIP Code
County

Email Address: no change

The Federal Driver's Privacy Protection Act (DPPA) 2002, as well as Title 20, Chapter 2, Article 5 of the Arizona Revised Statutes, regulates the disclosure of personal information from driver license and vehicle records, such as name, address and marital status information. Unless an individual's entry has a permissible use under these statutes to obtain your personal information, your permission or consent is required for the Release of all requests and can be accomplished by checking the box below.

This consent is optional

I consent to the release of personal information contained in my driver license and vehicle record. I understand that this and a one-time consent that applies only to a specific individual or organization, but not a general consent that applies to all requests from any and all individuals or organizations for any purpose, until revoked by me in writing. Consent of a vehicle record applies to all owners.

[Continue With These Changes](#) [Go Back](#)

Info | Security | Privacy Policy | User Survey | Contact Us

IBM

Address Updated Confirmation Screen

The screenshot shows a web browser window displaying the 'Address / Email Change' confirmation screen. The page header includes the 'Customer Test System' logo, 'Service Arizona' branding, and the 'ADOT' logo with the text 'Authorized Service Provider for Arizona Department of Transportation'. The main content area is titled 'Address / Email Change' and contains the following information:

View and Print Email Confirmation
Congratulations! Your address has been changed with the Motor Vehicle Division.

Reference Number: 09114329
Time: 09:03:37
Date: 03/14/2015
Name: SERVICE ARIZONA TEST RECORDS

Residential Address: 2739 E WASHINGTON ST
City: PHOENIX
State: AZ
ZIP Code: 85034-1422
County: MARICOPA

Mailing Address: no change
City:
State:
ZIP Code:
County:

Email Address: no change

Please print this to safely this page. You will not have an opportunity to return to this page.

[Print Confirmation](#)

You may also have this confirmation page emailed to you.

[Send Me a Confirmation](#)

You now have the option to order a Driver License when you new address is set.

Do you wish to order a Driver License?

[Yes, I want to order a Driver License](#)

You can also register to vote or update your voter registration using ServiceArizona.com.

[Register to Vote](#) [Update My Voter](#)