



NEWS RELEASE

Arizona House of Representatives
Representative Jacqueline Parker (R-15)
1700 West Washington • Phoenix, Arizona • 85007

Thursday, July 25, 2024

FOR IMMEDIATE RELEASE

House Elections Committee Demands Immediate Action by County Recorders to Uphold Voter Integrity and Enforce Registration Requirements

STATE CAPITOL, PHOENIX – Republican members of the House Municipal Oversight and Elections Committee have written to county recorders statewide calling on them to promptly update voter rolls and enforce state law that mandates proof of citizenship for voter registration using state forms. The recent ruling by the Ninth Circuit Court of Appeals on the ‘Mi Familia’ case has highlighted the importance of adhering to A.R.S. § 16-121.01(C). This critical law requires county recorders to reject any state-specific voter registration applications lacking satisfactory proof of citizenship. Non-compliance with this requirement is classified as a class 6 felony.

In a letter sent Wednesday, the Representatives also reiterate the obligation of county officials to remove foreign citizens from voter rolls in accordance with state and federal laws. Given the unprecedented levels of illegal immigration under the Biden-Harris administration, the Committee members stress the urgency of maintaining accurate voter records.

“This law, which the Legislature passed in 2022, is critical to the integrity of Arizona’s elections. It also prevails over the 2018 Consent Decree entered into by the Arizona Secretary of State and Maricopa County Recorder in League of United Latin American Citizens of Arizona v. Reagan, No. 2: 17-cv-04102-DGC (D. Ariz. June 18, 2018). Consequently, enforcement of A.R.S. § 16-121.01(C) should ease your respective offices’ administrative burdens because you are no longer required to search the Arizona Department of Transportation database to search for evidence of citizenship on behalf of an applicant who does not supply citizenship documentation,” the letter stated.

“We also wish to remind you of your responsibility to remove foreign citizens from your voter rolls. See 8 U.S.C. § 1373 and 8 U.S.C. § 1644 (authorizing requests for information to the Department of Homeland Security about an individual’s citizenship or immigration status for any lawful purpose). State and federal laws require removal of ineligible voters from your voter rolls. In light of the unprecedented flow of illegal immigration across the southern border under the Biden Administration since January 2021, it is imperative that you prioritize maintenance of your voter rolls and removal of foreign nationals.”

The letter is co-signed by Representatives Jacqueline Parker (Chair), Alex Kolodin (Vice-Chair), Justin Heap, Rachel Jones, and Austin Smith.

A copy of the full letter is attached.

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Arizona House of Representatives
Phoenix, Arizona 85007

July 24, 2024

Via Email

Arizona County Recorders and Election Officials
(email addresses on last page)

Re: Mi Familia Ruling – Proof of Citizenship Requirement for State Forms

Dear County Recorders and Election Officials:

As you may be aware, the Ninth Circuit Court of Appeals recently issued a significant ruling (enclosed), which impacts voter registration requirements under Arizona law. Specifically, the Ninth Circuit's order stayed the district court's injunction barring that barred enforcement of A.R.S. § 16-121.01(C). This statute states as follows:

C. Except for a form produced by the United States election assistance commission, any application for registration shall be accompanied by satisfactory evidence of citizenship as prescribed in § 16-166, subsection F, and the county recorder or other officer in charge of elections shall reject any application for registration that is not accompanied by satisfactory evidence of citizenship. A county recorder or other officer in charge of elections who knowingly fails to reject an application for registration as prescribed by this subsection is guilty of a class 6 felony.

Accordingly, county recorders and other election officers are now required to reject Arizona's state-specific voter registration form submissions that lack documentary proof of citizenship.

This law, which the Legislature passed in 2022, is critical to the integrity of Arizona's elections. It also prevails over the 2018 Consent Decree entered into by the Arizona Secretary of State and Maricopa County Recorder in *League of United Latin American Citizens of Arizona v. Reagan*, No. 2:17-cv-04102-DGC (D. Ariz. June 18, 2018). Consequently, enforcement of A.R.S. § 16-121.01(C) should ease your respective offices' administrative burdens because you are no longer required to search the Arizona Department of Transportation database to search for evidence of citizenship on behalf of an applicant who does not supply citizenship documentation.

We also wish to remind you of your responsibility to remove foreign citizens from your voter rolls. See 8 U.S.C. § 1373 and 8 U.S.C. § 1644 (authorizing requests for information to the Department of Homeland Security about an individual's citizenship or immigration status for any lawful purpose). State and federal laws require removal of ineligible voters from your voter rolls. In light of the unprecedented flow of illegal immigration across the southern border under the Biden Administration since January 2021, it is imperative that you prioritize maintenance of your voter rolls and removal of foreign nationals.

The House Municipal Oversight Committee (MOE Committee) appreciates your hard work and commitment to ensuring that Arizonans have confidence in our elections. If you have any questions or would like to discuss this matter further, please do not hesitate to contact us.

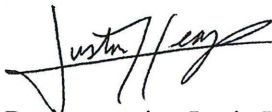
Respectfully,



Representative Jacqueline Parker
Chairwoman, MOE Committee
Legislative District 15



Representative Alexander Kolodin
Vice-Chair, MOE Committee
Legislative District 3



Representative Justin Heap
Legislative District 10



Representative Rachel Jones
Legislative District 17



Representative Austin Smith
Legislative District 29

EMAILED TO:

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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUL 18 2024

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

MI FAMILIA VOTA; et al.,

Plaintiffs - Appellees,

v.

ADRIAN FONTES, in his official capacity
as Arizona Secretary of State; et al.,

Defendants - Appellees,

WARREN PETERSEN, President of the
Arizona Senate; et al.,

Intervenor-Defendants -
Appellants,

ARIZONA REPUBLICAN PARTY,

Intervenor - Pending.

No. 24-3188

D.C. No.

2:22-cv-00509-SRB

District of Arizona,
Phoenix

ORDER

MI FAMILIA VOTA; et al.,

Plaintiffs - Appellees,

v.

KRIS MAYES, Arizona Attorney
General and STATE OF ARIZONA,

Defendants - Appellants.

No. 24-3559

D.C. No.

2:22-cv-00509-SRB

District of Arizona,
Phoenix

ORDER

PROMISE ARIZONA and SOUTHWEST
VOTER REGISTRATION EDUCATION
PROJECT,

Plaintiffs - Appellants,

and

MI FAMILIA VOTA; et al.,

Plaintiffs,

v.

ADRIAN FONTES; et al.,

Defendants,

and

KRIS MAYES, Arizona Attorney
General and STATE OF ARIZONA,

Defendants - Appellees,

WARREN PETERSEN; et al.,

Intervenor-Defendants -
Appellees,

ARIZONA REPUBLICAN PARTY,

Intervenor - Pending.

No. 24-4029

D.C. No.

2:22-cv-00509-SRB

District of Arizona,

Phoenix

Before: BADE, LEE, and FORREST, Circuit Judges.

The motion to partially stay the district court's May 2, 2024 judgment (Docket Entry No. 50 in No. 24-3188) is granted in part and denied in part. *See Nken v. Holder*, 556 U.S. 418, 434 (2009) (defining standard for stay pending appeal).

We conclude that appellants in No. 24-3188 have satisfied the standard for a stay pending appeal with respect to the portion of the injunction barring enforcement of A.R.S. § 16-121.01(C). We conclude that appellants have failed to satisfy the standard for a stay pending appeal in all other respects. The district court's May 2, 2024 judgment is therefore stayed to the extent that it bars enforcement of A.R.S. § 16-121.01(C). This order is subject to reconsideration by the panel assigned to decide the merits of this appeal.

We consolidate and expedite these cross-appeals.

The first briefs on cross-appeal for all defendants are due July 25, 2024. The consolidated second briefs on cross-appeal for plaintiffs are due August 5, 2024. The third briefs on cross-appeal for all defendants are due August 15, 2024. The optional consolidated cross-appeal reply briefs for plaintiffs are due within 7 days after service of the third briefs on cross-appeal.

Arizona Republican Party's motion to intervene (Docket Entry No. 63 in No. 24-3188) is referred to the panel assigned to decide the merits of these cross-appeals.

The Clerk will place this appeal on the calendar for September 2024. *See* 9th Cir. Gen. Ord. 3.3(g).