U.S. Election Assistance Commission

In Response to December 19, 2013, Notice and Request for Public Comment on State Requests to Include Additional Proof-of-Citizenship Instructions on the National Mail Voter Registration Form

PUBLIC COMMENT BY VALLE DEL SOL, SOUTHWEST VOTER REGISTRATION EDUCATION PROJECT, COMMON CAUSE, CHICANOS POR LA CAUSA, INC., AND DEBRA LOPEZ

Concerning Why the EAC Currently Lacks the Power to Decide on the States’ Requests to Include Additional Proof-of-Citizenship Instructions on the Federal Form, and, in the Alternative, Why Said Requests Should be Denied

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PRELIMINARY STATEMENT

ARGUMENT

I. THE EAC, AND ITS EXECUTIVE DIRECTOR, CURRENTLY LACK THE POWER TO DECIDE ON THE STATES’ PENDING REQUEST

The EAC consists of “four members appointed by the President, by and with the advice and consent of the Senate.” 42 U.S.C. § 15323. By statute, any “action which the [EAC] is authorized to carry out under this chapter may be carried out only with the approval of at least three of its members.” Id. at § 15328 (emphasis added). It is not disputed that the EAC currently lacks a quorum, given that all four positions are vacant. [See Exh. A, letter from Acting Executive Director Miller to Arizona Secretary of State (Aug. 13, 2013) (noting four vacancies).] For this reason, the EAC cannot decide on the States’ requests until a quorum is established.

For three separate and independently sufficient reasons, the fact that then-Executive Director Wilkey purported in 2011 to delegate some of the EAC’s decision-making powers to the staff of the EAC does not change this result. First, and as a threshold matter, the Help America Vote Act explicitly states that the EAC’s decision-making powers are not delegable as a matter of law. Second, even if these powers were delegable, the EAC lacked a quorum at the time then-Executive Director Wilkey purported to delegate them and therefore any such intended delegation was ineffective. Third, even if the powers were delegable, and even if a proper quorum existed to delegate them, the specific power to decide on requests of the type the States

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1 Section 802 of the Help America Vote Act transferred all functions previously performed by the Federal Election Commission pursuant to 42 U.S.C. § 1973gg-7(a), to the EAC. See 42 USC § 15532. Section 15532 and Section 15328 are both part of Chapter 146 of Title 42. Accordingly, Section 15328’s reference to actions “under this chapter” includes all of the functions that the EAC currently performs in connection with the Federal Form.

2 The exhibits refer to the exhibits attached to the concurrently submitted Compendium.
have made were not included in the Wilkey Memorandum’s attempted delegation.

A. The EAC Cannot Act on Arizona and Kansas’ Requests Because It Lacks a Quorum.

It is well-settled that a federal commission cannot legally act without a quorum. E.g., *Noel Canning v. NLRB*, 705 F.3d 490, 499 (D.C. Cir. 2013) (“the Board cannot act without a quorum of three members”); *R.R. Yardmasters of Am. v. Harris*, 721 F.2d 1332, 1341-42 (D.C. Cir. 1983) (“A quorum is ‘the minimum number of members who must be present at the meetings of a deliberative assembly for business to be legally transacted.’”) (quoting H. ROBERT, ROBERT’S RULES OF ORDER 16 (rev. ed. 1981)); *Pub. Serv. Com. v. Fed. Power Com.*, 543 F.2d 757, 777 (D.C. Cir. 1974) (“[I]t is the common law that where joint authority is involved, a quorum being present, legal action can be taken by a majority and by none less.”) (internal quotations omitted). No one disputes the fact that three members of the EAC constitute a quorum, 42 U.S.C. § 15328, or the fact that, given the current lack of any members, the EAC lacks a quorum at the present time. Accordingly, the EAC cannot legally act on the States’ request until a quorum is established.

B. The EAC’s Powers to Decide on the States’ Requests Could Not Have Been and Were Not Delegated.

Because of the lack of a quorum to act, in 2011 then-Executive Director Wilkey purported to delegate some of the EAC’s powers to the Division of Research Policy, and Programs (“RPP”). [See Exh. B, letter from Executive Director Wilkey’s to Commissioners Davidson and Bresso (Nov. 9, 2011), at 1.] There are certain circumstances in which an agency may delegate some or all of its powers to another entity. See, e.g., *Witherington Constr. Corp. v. United States*, 45 Fed. Cl. 208, 212 n.4 (Fed. Cl. 1999) (explaining the delegation of an agency’s authority as the “transfer [of] its statutory authority” to another agency or individual). However, there are three separate and independently sufficient reasons why the Wilkey
Memorandum did not successfully delegate the EAC’s ability to decide Arizona and Kansas’s current requests: the NVRA states that the EAC’s powers are non-delegable; a valid quorum did not exist at the time of the Wilkey Memorandum’s purported delegation, and the Wilkey Memorandum’s purported delegation does not, by its terms, extend to resolving a request of the type currently at issue.


Neither the Help America Vote Act (“HAVA,” codified at 42 U.S.C. 15301 to 15545), which created the EAC, nor the National Voter Registration Act (“NVRA,” codified at 42 U.S.C. §1973gg), which the EAC administers and which includes responsibility for making changes to the Federal Form, explicitly allow for the delegation of the EAC’s powers. By itself, that does not mean that the EAC cannot delegate its powers, since as a general matter agencies are allowed to do so. There are two exceptions to the general power to delegate, however, and both apply here: where delegation is inconsistent with the governing statute; and where the ability to delegate is found to be withheld by implication. *Fleming v. Mohawk Wrecking & Lumber Co.*, 331 U.S. 111, 121-22 (1947); *United States Telecom Ass’n v. FCC*, 359 F.3d 554, 565 (D.C. Cir. 2004). Both of these exceptions apply here.

First, the HAVA has an anti-delegation provision:

Any action which the Commission [the EAC] is authorized to carry out under this Act *may be carried out only with the approval of at least three of its members.* 42 U.S.C. § 15328 (emphasis added). Note that Section 15328 does not say that any action taken “by the EAC” requires approval of three members. It says that any action “which the EAC is authorized to carry out” may *only* be carried out with approval of three members of the EAC. This provision thus precludes the EAC from authorizing another person or entity to decide for the EAC, because any exercise of the EAC’s powers (anything it is “authorized to carry out”)

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requires the approval of three of its members. As a necessary corollary, no other person or entity can approve an action on behalf of the EAC. The plain language of 42 U.S.C. § 15328 must be given effect, and the plain language precludes delegation of the EAC’s decision-making powers. See New Process Steel, 560 US 674 (2010) (holding that the plain language of the NLRB’s quorum provision, which authorizes the Board to delegate its powers only to a “group of three or more members,” does not authorize two members to constitute a valid delegate group). If Congress had intended to give the EAC the ability to delegate its decision-making powers despite the plain language of § 15328, it certainly knew how to do so. E.g., 29 U.S.C. § 153(b) (explicitly providing for the NLRB to delegate any or all of its powers to a subgroup of its members).

The Supreme Court invalidated a similar purported delegation of the Attorney General’s power to seek a wire-tap to his Executive Assistant when “the matter of delegation [was] expressly addressed” by the statute and that power to delegate did not include the Executive Assistant. The statute at issue was 18 U.S.C. § 2516 and permitted authorization for a wiretap by:

The Attorney General, Deputy Attorney General, Associate Attorney General, or any Assistant Attorney General, any acting Assistant Attorney General, or any Deputy Assistant Attorney General or acting Deputy Assistant Attorney General in the Criminal Division or National Security Division specially designated by the Attorney General….

The Court held that because § 2516 did not include the Executive Assistant, he could not validly authorize a wiretap even if he was the beneficiary of a purported delegation. United States v. Giordano, 416 U.S. 505, 507-08 (1974). Similarly, in the instant matter Section 15328 provides that “only” three members of the EAC may carry out the powers entrusted to the EAC. Accordingly, the language of HAVA precludes the EAC from delegating its authority.

Second, HAVA’s text also supports a finding that the EAC is barred from delegating by implication. The Giordano Court noted that reading § 2516 to limit the power to authorize
wiretaps to those listed was consistent with Congress’s goal of limiting the power “to those responsive to the political process, a category to which the Executive Assistant to the Attorney General obviously does not belong.” Congress presumably intended members of the EAC to be similarly “responsive to the political process” since Congress requires them to be “appointed by the President, by and with the advice and consent of the Senate.” 42 USC § 15323(a)(1). As in Giordano, this provides a policy justification for the fact that the EAC’s powers are not delegable and that no one other than those explicitly listed in the statute, namely three members of the EAC vetted through political process, may make decisions on the EAC’s behalf. In other words, Congress specifically entrusted power to the politically appointed three members of the EAC, thereby implicitly excluding all others despite the general agency power to delegate.

2. **Even if Delegable, Executive Director Wilkey Could Not Have Delegated Any of the EAC’s Decision-Making Power.**

As demonstrated above, as a matter of statute the EAC’s powers are simply not delegable. But even if they were, numerous cases recognize that the very act of delegation is an action that requires a quorum of the agency at issue. For example, in *R.R. Yardmasters of Am. v. Harris*, the D.C. Circuit held that the National Mediation Board successfully delegated its power to a single member because delegation was statutorily permitted by the Railway Labor Act and because the Board delegated when it still had a functioning quorum and so had the power to delegate. 721 F.2d 1332, 1342-1343 (D.C. Cir. 1983) (“the quorum provision had to have been satisfied when the delegation was made in order for the delegation to be valid”). See also *Kreisberg v. HealthBridge Mgmt., LLC*, 732 F.3d 131, 136-137 (2d Cir. Conn. 2013) (“The Board [NLRB] has, at various times, contingently delegated its power to authorize § 10(j) petitions to the General Counsel in the event that it loses a quorum.”); *Overstreet ex rel. NLRB v. SFTC, LLC*, 943 F. Supp. 2d 1296, *5 (D.N.M. 2013) (validating delegation orders issued by the
Board prior to its losing its quorum); Paulsen v. Remington Lodging & Hospitality, LLC, 2013 U.S. Dist. LEXIS 114628, *23-24 (E.D. N.Y. 2013) (holding that the General Counsel had validly-delegated power to initiate § 10(j) petitions because “the Board [NLRB] had a duly-constituted quorum when it delegated its § 10(j) powers to the General Counsel”).

Despite this clear authority, the Wilkey Memorandum itself indicates that it was not the EAC but rather Mr. Wilkey who purported to delegate some of the EAC’s decision-making powers. [See Exh. B at 1 (“I am, therefore, immediately implementing an interim procedure delegating ….”).] In addition, the Wilkey Memorandum also indicates that the EAC lacked a quorum at the time. [See Exh. B at 1 (“However, with the current lack of a quorum, no votes on these requests are possible”).] The Valle del Sol Commenters are aware of no case in which the powers vested in a commission or board by Congressional statute were delegated except through a valid quorum of its members. See, e.g., New Process Steel, L.P. v. NLRB, 130 S.Ct. 2635, 2642 (2010) (stating that a quorum of its members is required for a body to act) (citing authorities); Canning v. NLRB, 705 F.3d 490, 493, 499 (D.C. Cir. 2013) (holding that because the President’s recess appointments were invalid, the Board therefore lacked a quorum and its decisions were void ab initio). Accordingly, any purported delegation in the Wilkey Memorandum must fail as a matter of law because only a quorum of the EAC could delegate the EAC’s authority.

3. Even If Some of the EAC’s Decision-Making Power Could Be and Were Delegated to Its Executive Director, the Power to Decide on Requests of the Type the States Have Made Was Not Delegated.

Lastly, even if the statute empowered the EAC to delegate its authority (which it does not), and even if a valid quorum of the EAC attempted such a delegation in the Wilkey Memorandum (which it did not), the memorandum still would not empower the Executive Director to act on the pending requests for the simple reason that the pending requests are not
included in the memorandum’s purported delegation. The Wilkey Memorandum indicated that it was concerned with establishing a procedure to respond to state notifications and requests regarding “any change to the state’s voter eligibility requirements or other information reported under” 11 C.F.R. § 9428.6(c), such as changes in address. [Exh. B at 1.] Accordingly, the memorandum specifically provided that “[r]equests that raise issues of broad policy concern to more than one State will be deferred until the re-establishment of a quorum.” [Exh. B at 2 (emphasis added).] As Acting Executive Director Miller stated in her August 13, 2013 response to Arizona Secretary of State Ken Bennett, Arizona’s requested addition of documentary proof-of-citizenship requirements to the Federal Form raises issues of “broad policy concern to more than one state.” [See Exh. A.]

Ms. Miller is certainly correct. The Wilkey Memorandum only purports to allow the Executive Director to take action on two types of requests: a State’s request to modify their mailing address, and “a change in State-specific instruction if the proposed modification is required by a change in State law.” [See Exh. B at 1.] The “change in state law” referred to is a change in the state’s eligibility criteria, as discussed in the Wilkey Memorandum’s opening paragraph. [See Exh. B at 1.] In the instant matter, there has been no change to the states’ eligibility criteria—since enactment of the NVRA, Arizona, Kansas, and Georgia have always required citizenship as a condition for registration. What has changed is how the states want to enforce the existing eligibility criteria, using methods that threaten to override congressional mandate and thwart the purpose of the NVRA.

Accordingly, any debate as to whether to add proof-of-citizenship documentation challenges the fundamental purpose of the NVRA. After Congress found that “discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter
participation . . . and disproportionately harm voter participation by various groups, including racial minorities,” the NVRA was enacted to “establish procedures that will increase the number of eligible citizens who register to vote.” 42 U.S.C. § 1973gg(a)(3), (b)(1). When creating the NVRA, Congress specifically addressed, debated and decided that documentary proof-of-citizenship—the exact change requested here by the States—was improper due to its disfranchising effect. Making that change now would defeat the express Congressional intention in creating the NVRA. For these reasons, the States’ requests raise issues of “broad policy concern to more than one state” and any decision regarding said requests is well beyond the limited scope of Wilkey’s purported delegation.

Therefore, even laying aside the very real concerns regarding the Wilkey Memorandum’s purported delegation, the fact remains that the Memorandum itself explicitly excludes requests like those currently pending regarding documentary proof-of-citizenship and reserves them for consideration by a full quorum of the EAC.

II. ONCE EMPOWERED (OR IN THE ALTERNATIVE), THE EAC SHOULD REJECT THE REQUESTED CHANGES BECAUSE THEY ARE INCONSISTENT WITH THE PURPOSE OF THE NVRA

For the reasons discussed above, neither the EAC nor the EAC’s Acting Executive Director has the power to decide on the States’ requests to add documentary proof-of-citizenship requirements to their State-specific instructions on the Federal Form. However, once the EAC is empowered (or to the extent that the EAC believes it can act now either through its Executive Director and/or based upon its legislative mandate and EAC precedents), the EAC must reject the request to change the Federal Form to require documentary proof-of-citizenship for any state because Congress, when it enacted the NVRA, made clear that the Federal Form should not include a documentary proof-of-citizenship requirement and that policy has not been overcome by a showing that non-citizens have used the Federal Form to fraudulently register to vote. In
the NVRA, Congress specifically addressed, debated and decided that the NVRA would not empower states to require documentary proof-of-citizenship with the federal form—the exact change requested by the States. Congress concluded that allowing states to impose a documentary proof-of-citizenship requirement was not necessary and would undermine the goals of the NVRA to make voter registration more accessible. None of the requesting States have shown a need to change the Federal Form and none have shown that a documentary proof-of-citizenship requirement does not undermine the NVRA’s goal of increasing participation of citizens in federal elections. Thus, the EAC has no need to explore whether circumstances have changed enough to warrant a re-examination of this conclusion.

As further described below, Latino and other minority citizens are disproportionately affected by obstacles to voter registration—such as documentary proof-of-citizenship requirements. Imposing additional registration requirements which are difficult for any citizen to meet and impede voter registration drives, often used by Latino and other minority citizens to register to vote, compounds the challenges these citizens face in registering to vote. This disparate impact is especially troubling because Latino citizens already register to vote at substantially lower rates than white citizens. All three requesting States have recently experienced strong growth in their Latino populations. [Exh. C, Table comparing the Hispanic Citizen Voting Age Population changes from 2000 to 2011.] Importing the States’ documentary proof-of-citizenship requirement into the federal voter registration process will further impair Latino efforts to close the voter registration gap and increase their level of political participation in states where Latino population is growing.

Disregarding the harmful impact of imposing documentary proof-of-citizenship requirements for registration, the States allege that without documentary proof-of-citizenship
requirements, there will be a higher incidence of voter fraud. The appears to be no basis for this fear. Although Kansas Secretary of State Kris Kobach claimed that there is a “vast pool of aliens who unlawfully got on our rolls,” he has yet to provide any evidence of the “vast” number. None of the States have presented any evidence of fraud resulting from the use of the current Federal Form. Indeed, the States fail to show registration of non-citizens in numbers of any significance and have to date failed to show that any non-citizen purportedly attempted to register using the Federal Form. Moreover, the States concede that there are many other less intrusive ways (such as cross-checking against the federal social security database) to address any problem, even if it did exist.

Arizona’s and Kansas’ argument that requiring them to use the Federal Form, without the changes requested, is unconstitutional also fails under existing Supreme Court precedent, which establishes both that Congress has authority to regulate the time, place, and manner of federal elections and that States may not impose contrary rules once Congress has legislated in this area.

The States’ requested changes to the Federal Form are materially adverse to the public interest. Once a citizen attempts to register to vote and is rebuffed because of documentary proof-of-citizenship requirements, that citizen’s disfranchisement may never be corrected. Nonetheless, the States seek to have the EAC assist them in disenfranchising eligible citizens who seek to register to vote under federal law based on a nonexistent threat of non-citizens registering to vote with the Federal Form. Such a result is directly opposite to Congress’s goal of increasing citizen participation in federal elections through passage of the NVRA. Accordingly, the States’ request for changes to the Federal Form must be rejected.

A. Factual Background

1. The NVRA and the Federal Form.

In 1993, Congress, finding that “discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation . . . and disproportionately harm voter participation by various groups, including racial minorities,” passed the NVRA with the express purpose of “establish[ing] procedures that will increase the number of eligible citizens who register to vote.” 42 U.S.C. § 1973gg(a)(3), (b)(1). The NVRA mandates that the states “accept and use” the Federal Form. 42 U.S.C. § 1973gg-4(a)(1). The acceptance and use of this Federal Form is required “in addition to any other method of voter registration provided for under State law.” 42 U.S.C. § 1973gg-2(a) (emphasis added).

Through the NVRA, Congress also set a number of statutory mandates and restrictions on the content of the Federal Form. The Form must include a statement that “(A) specifies each eligibility requirement (including citizenship); (B) contains an attestation that the applicant meets each such requirement; and (C) requires the signature of the applicant, under penalty of perjury.” 42 U.S.C. § 1973gg-7(b)(2). It “may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process.” 42 U.S.C. § 1973gg-7(b)(1) (emphasis added). And it “may not include any requirement for notarization or other formal authentication.” 42 U.S.C. § 1973gg-7(b)(3) (emphasis added).

During floor debate on the NVRA, the House and the Senate noted that the conference committee for the bill had considered and rejected a proposed amendment (known as the “Simpson Amendment”) that would have allowed states to require voters to submit with the
Federal Form the type of documentary evidence of citizenship that the States seek to impose here. See 139 Cong. Rec. 9231, 9631 (1993). In disapproving the Simpson Amendment, the conference committee report noted that such a requirement was “not necessary or consistent with the purposes of [the] Act” and could impede voter registration. H.R. Rep. No. 103-66 at 23–24 (1993).

Currently, the Federal Form requires each applicant to check a box at the top of the application indicating U.S. citizenship and states that if the applicant checked “No” to the citizenship question, “do not complete the form.” [See Exh. E, the National Voter Registration Form at 6, available at http://www.eac.gov/assets/1/Documents/Federal%20Voter%20Registration_11-1-13_ENG.pdf (last visited Jan. 2, 2014).] The Federal Form further requires the applicant to sign the bottom of the form and swear or affirm under penalty of perjury that he or she is a U.S. citizen and further that, “[i]f I have provided false information, I may be fined, imprisoned, or (if not a U.S. citizen) deported from or refused entry to the United States.” [Id.] The cover of the Federal Form pamphlet states “For U.S. Citizens” and the General Instructions begin with: “If you are a U.S. citizen.” [Id.] at 1, 2. The General Instructions further explain: “All States require that you be a United States citizen by birth or naturalization to register to vote in federal and State elections. Federal law makes it illegal to falsely claim U.S. citizenship to register to vote in any federal, State, or local election.” [Id. at 2.] The Federal Form’s application instructions open with: “Before filling out the body of the form, please answer the questions on the top of the form as to whether you are a United States citizen [and age 18]. If you answer no to either of these questions, you may not use this form to register to vote.” [Id. at 3.]


In 2004, 2009 and 2011, respectively, Arizona, Georgia and Kansas enacted laws

However, many of the documents supposedly acceptable as evidence of citizenship in each state do not exist or do not establish U.S. citizenship. For example, in Kansas, a driver’s license is only acceptable if the issuing state has “indicat[ed] on the applicant’s driver’s license . . . that the person has provided satisfactory proof of United States citizenship,” something no state does.4 K.S.A. § 25-2309(l). In all three states, a number of the supposedly acceptable documents, such as Bureau of Indian Affairs cards, tribal treaty cards, and/or citizenship documents under the Immigration Reform and Control Act do not exist, rendering them unusable as proof-of-citizenship. What this boils down to is that to register to vote in Arizona, Georgia or Kansas, a

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4 Even though Arizona uses the driver’s license numbers of some of its applicants to verify citizenship, nothing on the license itself indicates citizenship. Instead, the Arizona Secretary of State uses a notation of citizenship found in the Arizona driver’s license database. The notation in the database is found for licenses in Arizona issued after Oct. 1, 1996. A.R.S. § 16-166(F)(1).
citizen must have in his possession at the time of registration a photocopy of his birth certificate, his passport or his naturalization papers.\(^5\)

In Arizona, following implementation of Proposition 200, more than 31,000 voter registrations were rejected for failure to include documentary proof-of-citizenship. Community based voter registration in Arizona’s largest county plummeted by 44%. [See Exh. F, Trial Exhibit 966, *Gonzalez v. Arizona*, Case No. cv-06-1268 (D. Ariz, filed May 9, 2006).]

In Kansas, recent reports show that over 19,000 voter registrations, most submitted through the Kansas Department of Revenue, have been placed in suspense while county election officials require registrants to provide documentary proof-of-citizenship.\(^6\)

3. *The Supreme Court’s Inter Tribal Council Decision.*

Some of the signatories to this submission, including Valle del Sol, Southwest Voter Registration Education Project, Common Cause, Chicanos Por La Causa, Inc., and Debra Lopez (collectively, “the Arizona Parties”) and a number of other groups and individuals challenged Proposition 200 and Arizona’s implementation of it in federal court in part because Arizona rejected completed Federal Form applications that were not accompanied by additional documentary evidence of citizenship. *Arizona v. Inter Tribal Council of Ariz., Inc.*, 133 S. Ct. 2247 (2013) (“ITCA”). In that suit, the Supreme Court ultimately ruled against Arizona, holding that the NVRA required Arizona to “accept and use” the Federal Form promulgated by the EAC regardless of what Arizona law provided. *Id.* at 2260. The Supreme Court ruled that “[n]o matter what procedural hurdles a State’s own form imposes, the Federal Form guarantees that a

\(^{5}\) Arizona and Georgia can check the citizenship of a portion of their applicants if those applicants provide a recently-issued driver license number. However, the driver license itself, or a copy thereof, will not show that an applicant is a citizen, and the state’s ability to use its driver’s license database to confirm a registrant’s citizenship depends on whether the state has collected and maintained citizenship information for that voter registrant.


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simple means of registering to vote in federal elections will be available.” *Id.* at 2255.

The States’ request, leading to the EAC’s Notice for Public Comment, appears to rely on the *ITCA* Court’s suggestion that, while “42 U.S.C. § 1973gg-4 precludes Arizona from requiring a Federal Form applicant to submit information beyond that required by the form itself” they may nonetheless “request anew that the EAC include such a requirement among the Federal Form’s state-specific instructions, and may seek judicial review of the EAC’s decision under the Administrative Procedure Act.” *Id.* at 2260. The *ITCA* Court also noted that “It is a nice point, which we need not resolve here, whether a court can compel agency action that the agency itself, for lack of the statutorily required quorum, is incapable of taking.” *Id.* at 2260 n.10.. Arizona, Georgia and Kansas made such requests but the EAC did not take any action on the requests, deferring any decision pending the reestablishment of an EAC quorum. Kansas and Arizona filed a complaint in the District Court of Kansas seeking review of the EAC’s non-action. In their complaint, however, Kansas and Arizona misinterpret or seek to re-litigate issues that the Supreme Court already decided in *ITCA*, as shown here.⁷

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<th>Arizona and Kansas’ Contentions</th>
<th>Language of Inter Tribal Council</th>
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<td>The “EAC is under a non-discretionary duty, at the request of the States . . . to include State-specific instructions that enable the States to obtain information the States deem necessary to assess the eligibility of voter registration applicants.” [Exh. H, Complaint ¶¶ 22, 84, <em>Kobach v. EAC</em>, No. 5:13-cv-4095 (D. Kan. filed Aug. 21, 2013) (Docket Entry No. 1)]⁸</td>
<td>“No matter what procedural hurdles a State’s own form imposes, the Federal Form guarantees that a simple means of registering to vote in federal elections will be available. Arizona’s reading would permit a State to demand of Federal Form applicants every additional piece of information the State requires on its own state-specific form. If that is so, the Federal Form ceases to perform any meaningful function, and would be a feeble</td>
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⁷ This chart was compiled by Project Vote and is presented here with minor modifications.

⁸ To the extent the States rely on the Supreme Court to support this allegation, that reliance is misplaced. The Supreme Court did not decide this issue. The Court simply stated that “Arizona *would have the opportunity to establish... that a mere oath will not suffice to effectuate its citizenship requirement and that the EAC is therefore under a nondiscretionary duty to include*” the requested requirement. *ITCA*, 133 S. Ct. at 2260 (emphasis added).
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<td>means of ‘increasing the number of eligible citizens who register to vote . . . .’ 133 S. Ct. at 2255–56.</td>
<td>“The [Election] Clause’s substantive scope . . . embrace[s] authority to provide a complete code for congressional elections, including . . . regulations relating to registration . . . The power of Congress over the Times, Places and Manner of congressional elections is paramount, and may be exercised at any time, and to any extent which it deems expedient, and so far as it is exercised . . . the regulations effected supersede those of the State which are inconsistent therewith.” 133 S. Ct. at 2253–2254 (citations and quotations omitted).</td>
</tr>
<tr>
<td>“As sovereign States in the United States of America, Plaintiffs have the constitutional right, power, and privilege of establishing voting qualifications, including voter registration requirements.” [Exh. H, ¶ 95 (emphasis added).]</td>
<td>“A mere oath without concrete citizenship . . . does not suffice to effectuate the State laws of Plaintiffs or enable Plaintiffs to obtain information Plaintiffs deem necessary to assess the eligibility of voter registration applicants and to enforce their voter qualifications.” [Exh. H, ¶ 97.]</td>
</tr>
<tr>
<td>“A mere oath without concrete citizenship . . . does not suffice to effectuate the State laws of Plaintiffs or enable Plaintiffs to obtain information Plaintiffs deem necessary to assess the eligibility of voter registration applicants and to enforce their voter qualifications.” [Exh. H, ¶ 97.]</td>
<td>“[W]hile the NVRA forbids States to demand that an applicant submit additional information beyond that required by the Federal Form, it does not preclude States from denying registration based on information in their possession establishing the applicant’s ineligibility.” 133 S. Ct. at 2257 (quotations omitted).</td>
</tr>
<tr>
<td>“No enumerated power in Article I, or anywhere else in the Constitution, confers upon Congress the power to prohibit, limit, or hinder the power of the States to obtain information the States deem necessary to assess the eligibility of voter registration applicants. . . .” [Exh. H, ¶ 122.]</td>
<td>“[A] state-imposed requirement of evidence of citizenship not required by the Federal Form is inconsistent with the NVRA’s mandate . . . the Elections Clause requires that Arizona’s rule give way.” 133 S. Ct. at 2257 (quotations omitted).</td>
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**B. The NVRA Precludes the Changes Requested by the States.**

Congress explicitly considered and rejected a proposal to permit states to require documentary proof-of-citizenship. Because none of the requesting states have demonstrated a need to prevent fraudulent registrations through the imposition of a documentary proof-of-citizenship requirement, the EAC should adhere to the reasoning of Congress on this question.

16
During the Senate debate on the NVRA, Senator Alan Simpson offered the Simpson Amendment as a separate section of the NVRA: “Nothing in this Act shall be construed to preclude a State from requiring presentation of documentary evidence of the citizenship of an applicant for voter registration.” 139 Cong. Rec. 5098 (1993). Senator Simpson stated that his amendment was intended to “make[] clear that [the NVRA] must not be interpreted to stop any particular State from requiring documents.” Id. The Senate adopted the amendment but the House version of the NVRA did not contain a similar provision. The conference committee voted not to include Senator Simpson’s amendment in the final version of the NVRA because the amendment was “not necessary or consistent with the purposes of [the] Act” and “could be interpreted by States to permit registration requirements that could effectively eliminate, or seriously interfere with, the mail registration program of the Act.” H.R. Rep. No. 103-66 at 23–24 (1993). Instead, Congress maintained its mandate that, in designing the Federal Form, the EAC “may not include any requirement for notarization or other formal authentication.” 42 U.S.C. § 1973gg-7(b)(3); see I.N.S. v. Cardoza–Fonseca, 480 U.S. 421, 442–43 (1987) (“Few principles of statutory construction are more compelling than the proposition that Congress does not intend sub silentio to enact statutory language that it has earlier discarded in favor of other language.”) (quotation and citations omitted).

Consistent with this legislative history, the EAC has previously rejected efforts to require documentary proof-of-citizenship in addition to the oath required by the Federal Form. See, e.g., 59 Fed. Reg. 32,323 (June 23, 1994). In 2006, the EAC twice rejected Arizona’s request to change the instructions on the Federal Form to include documentary proof-of-citizenship requirements for Arizona registrants. [See Exh. I, exhibits 10 and 13 attached to Complaint, Kobach v. EAC, No. 5:13-cv-4095 (D. Kan. filed Aug. 21, 2013) (Docket Entry Nos. 1-11, 1-
Specifically, the EAC determined that requiring additional documentary proof-of-citizenship was considered and rejected by Congress “as ‘not necessary or consistent with the purpose of [the NVRA].’” 42 U.S.C. § 1973gg-7(b)(1); H.R. Rep. No. 103-66 at 23–24 (1993).

Because none of the requesting states have shown that any non-citizen has registered to vote using the federal form, and none of the requesting states have shown that they lack other means of verifying the citizenship of federal form registrants whom they suspect of being non-citizens (such as by reference to the federal social security database), there is no reason for the EAC to revisit Congress’s conclusion that requiring documentary proof-of-citizenship is neither necessary nor consistent with the purposes of the NVRA.

C. Accepting the States’ Proposal to Require Documentary Proof-of-Citizenship Would Run Counter to the Purpose of the NVRA.

Congress recognized in the NVRA that the right to vote is fundamental and that state governments have a “duty . . . to promote the exercise of that right.” 42 U.S.C. § 1973gg(a)(2). Congress also determined that “discriminatory and 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.” 42 U.S.C. § 1973gg(a)(3). In making these findings, Congress considered testimony that states had imposed onerous requirements for minority voter registrants and had excessively scrutinized the citizenship of Latino and Asian American registrants. See Voter Registration: Hearings on H.R. 3023 and H.R. 5121 Before the Subcomm. on Elections of the Comm. on H. Admin., 100th Cong. 35 (1988).

Accordingly, Congress stated its intent in the NVRA to “establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office” and “make it possible . . . to implement [the NVRA] in a manner that enhances the participation of
eligible citizens as voters in elections for Federal office.” 42 U.S.C. § 1973gg(b)(1)–(2). With respect to registration by mail, Congress further directed that “The chief State election official of a State shall make the [Federal Form] available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.” 42 U.S.C. § 1973gg-4(b). In short, the NRVA was designed “to provide simplified systems for registering to vote in federal elections.” Young v. Fordice, 520 U.S. 273, 275 (1997) (emphasis omitted). The use of the Federal Form, particularly in community-based voter registration drives, furthers this stated objective because “[n]o matter what procedural hurdles a State’s own form imposes, the Federal Form guarantees that a simple means of registering to vote in federal elections will be available.” ITCA, 133 S. Ct. at 2255.

The NVRA has been a resounding success in achieving its stated goal, helping to increase voter rolls by nine million from January 1995 to June 1996 alone, and allowing 20 million citizens to either register for the first time, register, or update their registrations. [See Exh. J, 20 Million ‘Motor Voters’ Increase Rolls (Oct. 16, 1996), available at http://www.nytimes.com/1996/10/16/us/20-million-motor-voters-increase-rolls.html (last visited Jan. 2, 2014).] Adding documentary proof-of-citizenship requirements to the Federal Form would greatly hamper voter registration of citizens. Proposition 200, S.B. 86 and H.B. 2067 require applicants to submit documents such as photocopies of birth certificates or passports that ordinary citizens are unlikely to carry with them when they register to vote. The further burden of having to locate, photocopy, place in an envelope, attach proper postage and mail citizenship documents deters additional registrants. [Exh. PP, Declaration of Irene Caudillo.]

Volunteers seeking to register citizens at community events or shopping malls must bring photocopy machines with them and convince registrants to hand over their citizenship documents
(if they are carrying them at the time) to a complete stranger for photocopying. For these reasons, conducting voter registration drives becomes almost impossible. [Exh. OO, Declaration of Lydia Camarillo; Exh. SS, letter from Arizona State Senator Gallardo to Director Lynn-Dyson (Jan. 3, 2014).]

As noted above, documentary proof-of-citizenship laws create obstacles for many of those attempting to register to vote, requiring citizens to locate their citizenship documents, take them to be copied or copy them at home, find an envelope and proper postage, and mail the documents to the county. Those citizens who do not possess or have lost their citizenship documents will be faced with the need to expend additional resources, time and effort and may face significant financial hardship.

Naturalized citizens face particular burdens using their naturalization certificates to register to vote. The certificate of naturalization states that it is punishable by U.S. law to copy, print or photograph the certificate. [Exh. K, Trial Exhibit 711, Gonzalez v. Arizona, Case No. cv-06-1268 (D. Ariz, filed May 9, 2006).] Federal law criminalizes the copying of a naturalization certificate “without lawful authority.” 18 U.S.C. § 1426 (h). As a result, many naturalized citizen registrants feel compelled to bring their certificates to the elections office to register in person. Furthermore, as Kansas is aware, or should be aware, the citizenship of a naturalized citizen cannot be verified by using the naturalization certificate number. Yet, the Kansas documentary proof-of-citizenship law and the Kansas state voter registration form still require a mail registrant to submit “the number of the certificate of naturalization.” [Compare Exh. L, Order; Findings of Fact and Conclusions of Law, Gonzalez v. Arizona, Case No. cv-06-1268 (D. Ariz, filed May 9, 2006) (Docket Entry No. 1041) at 4 (“It was soon learned, however, that this [naturalization certificate] number could not be used to verify the person’s citizenship]
using the federal immigration online database[.]” with K.S.A. 25-2309 (l)(4) (requiring “the applicant’s . . . number of the certificate of naturalization”); see also Exh. M.] As a result, those individuals who provide the number of their naturalization certificate will be rejected by election officials in Kansas and will have to attempt to register a second time, with different citizenship information.

This burden of documentary proof-of-citizenship laws falls most heavily on the poor and minorities. In Gonzalez v. Arizona, Case No. cv-06-1268 (D. Ariz, filed May 9, 2006). (the “Gonzalez case”), expert evidence confirmed this fact. In that case, Dr. Louis R. Lanier submitted a report containing his analysis of voter registration applications that were rejected pursuant to Arizona’s Proposition 200. [See Exh. N, Declaration of Nina Perales, Kobach v. EAC, No. 5:13-cv-4095 (D. Kan. filed Aug. 21, 2013) (Docket Entry No. 91-1), Ex. 3 (expert report of Dr. Lanier).] Dr. Lanier’s analysis showed that Proposition 200 disproportionately resulted in rejecting Latino applicants and applicants, who came from areas of Arizona where the population was poorer and less educated. [Id.] The rejected registration applicants were also from areas that were more likely to use public transportation and were more urban than statewide averages. [Id.] These results are not surprising—disadvantaged citizens who lack the financial resources or flexible work schedules to obtain copies of the requisite documentation or who cannot easily access the appropriate government agencies who maintain the requisite documentation will have greater difficulty obtaining and submitting the required documents. [Exh. OO; Exh. PP.]

Dr. Lanier found that Latino citizens were more likely to have their registration applications rejected in comparison to their representation among all registration applicants and less likely than non-Hispanics to achieve success in a subsequent attempt to register. [Id.] The
Gonzalez district court did not reject Dr. Lanier’s findings that Latinos were over-represented among registration applicants rejected under Proposition 200 and that Latinos were also over-represented among registration applicants who tried unsuccessfully to re-register after being rejected under Proposition 200. [Exh. I at 13-14.]

Accordingly, these impediments to voter registration disproportionately affect Latino citizens and further, exacerbate the already relatively low rate of Latino voter registration. Latino citizen are registered to vote at substantially lower rates than white citizens, as demonstrated in the table below: 9

<table>
<thead>
<tr>
<th>Voter Registration Rates by State</th>
<th>Non-Hispanic White citizens</th>
<th>Hispanic citizens</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>70.5%</td>
<td>52.2%</td>
</tr>
<tr>
<td>Georgia</td>
<td>72.0%</td>
<td>59.0%</td>
</tr>
<tr>
<td>Kansas</td>
<td>77.8%</td>
<td>50.0%</td>
</tr>
</tbody>
</table>

In the Gonzalez case, expert evidence confirmed the disparate impact on Latino citizens from laws requiring documentary proof-of-citizenship. As shown by the statistical evidence submitted in Gonzalez, Proposition 200 resulted in a drop in voter registration in Arizona and a decrease in community-based voter registration drives:

Following enactment of Proposition 200 over 31,000 individuals were rejected for voter registration in Arizona. Less than one-third of the rejected registrants subsequently successfully registered to vote. ... Voter registration through community-based drives in Maricopa County, Arizona’s largest county, plummeted 44%. The proportion of all voter registrations in Maricopa County attributable to community-based drives decreased from 24% in 2004 to 7% in 2005, 5% in 2006 and 6% in 2007. Throughout Arizona, voter registrations

attributable to community drives has remained low - 5% in 2009-2010 and 11% in 2007-2008.

_Arizona v. ITCA_, Br. for Gonzalez Resps., _supra_, 2013 WL 179943 at *18 (citations omitted).

In Kansas, implementation of H.B. 2067 has resulted in the Secretary of State placing more than 19,000 registrants in suspense and refusing to register them based on a lack of documentary proof-of-citizenship.10

The NVRA continues today to provide registrants with a means to overcome excessive and unnecessary documentation requirements for voter registration. In 2013, the U.S. Supreme Court declared that Arizona may not impose its documentary proof-of-citizenship requirements on top of the NVRA’s Federal Form. _See e.g. Arizona v. ITCA_ slip op. at 9 (“States retain the flexibility to design and use their own registration forms, but the Federal Form provides a backstop: No matter what procedural hurdles a State’s own form imposes, the Federal Form guarantees that a simple means of registering to vote in federal elections will be available.”)

The NVRA’s provision for an accessible mail-in voter registration application to overcome state-imposed barriers is as necessary today as it was in 1993. Despite the Supreme Court’s unequivocal ruling in _Arizona v. ITCA_, and contrary to the representation that the Kansas’ Secretary of State, Kris Kobach, made to the EAC,11 Kansas now refuses to accept and use the Federal Form, as it currently exists, to register voters for federal elections unless applicants provide documentary proof-of-citizenship.

For example, McKenzie Ortiz, an 18-year old U.S. citizen residing in Kansas’ Sedgwick County, attempted to register for federal elections using the Federal Form. [Exh. NN, Declaration of McKenzie Ortiz.] In response, the Sedgwick County Election Office sent her a letter demanding submission of documentary proof-of-citizenship to register her to vote. [I'd.]

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10 _See n 2, supra._
11 [Exh. P, letter from Kansas Secretary of State to EAC (Aug. 2, 2013).]
Ms. Ortiz has inquired three times as to whether Sedgwick County accepted and used her completed Federal Form to register her to vote in federal elections. [Iid.] The Sedgwick County Election Office at first ignored her request and has refused to confirm that she is registered to vote in federal elections. Id. Instead, even though Ms. Ortiz is not a party in any case addressing her effort to register to vote, a Sedgwick County election official eventually responded by stating that Ms. Ortiz’s registration for federal election is subject to “current litigation pending that addresses your question on eligibility to vote in federal elections without proof of citizenship.” [Iid.]

The NVRA sought to overcome “discriminatory and unfair registration laws and procedures [which] have a direct and damaging effect on voter participation in elections for Federal office[.]” 42 U.S.C. § 1973gg(a)(1). The States’ efforts to impose additional hurdles on the use of the Federal Form undermines the NVRA and the Congressional purpose behind that statute.

D. Evidence Presented by the States in District Court Fails to Show That Additional Proof-of-Citizenship is Needed.

In passing the NVRA, Congress also recognized that the “integrity of the electoral process” needed to be protected. 42 U.S.C. § 1973gg(b)(3). As such, the NVRA required that the Federal Form solicit information that would be “necessary . . . to assess the eligibility of the applicant” to vote in federal elections. 42 U.S.C. § 1973gg-7(b)(1); see 42 U.S.C. § 1973gg-7(b)(2) (mandating the inclusion of an attestation, under penalty of perjury, that the applicant is a citizen of the United States). By so mandating, Congress struck the balance between increasing citizenship participation in the voting process while preventing voter fraud.

The States reject Congress’ balancing of these issues and claim that they must require documentary proof-of-citizenship to prevent voter fraud. A closer look at the states basis for
their “voter fraud concern” regarding the Federal Form demonstrates that they have no evidence to support their claim. The administrative records submitted in the Kobach lawsuit show that Arizona, Georgia and Kansas failed to present the EAC with any evidence of voter fraud using the Federal Form or of an inability to enforce their eligibility requirements by relying on the information included in the Federal Form.

Arizona and Kansas submitted various declarations in the Kobach case purporting to show, among other things, that (1) a handful of non-citizens have registered in both Arizona and Kansas (although without any indication that such registration happened pursuant to the Federal Form) and (2) one non-citizen voted in Kansas (though no such evidence was presented as to Arizona). None of this “evidence” presented undermines Congress’s or the EAC’s earlier determination that the Federal Form’s repeated warning and requirement of an attestation under oath suffices to deter voter fraud and establish U.S. citizenship for federal elections.\(^{12}\)

Kansas alleges that, in 2009, it could identify only 13 non-citizens registered to vote in Kansas (without any mention of whether any of the registrants used the Federal Form). [Exh. Q, Declaration of Brad Bryant ¶ 3, Kobach v. EAC, No. 5:13-cv-4095 (D. Kan. filed Aug. 21, 2013) (Docket Entry No. 19).] In August 2009, there were 1,700,330 individuals registered to vote in Kansas.\(^{13}\) Thus, only 0.00076 percent—less than one-thousandth of one percent—of all registrants were allegedly non-citizens. Kansas claimed the 13 represent only a subset of the non-citizens who managed to register in Kansas. \(\textit{Id.}\) But even if the number of registrants

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\(^{12}\) Arizona and Kansas deride the EAC’s determination that attestation of citizenship under penalty of perjury is sufficient to deter fraudulent registration. They quote Justice Scalia’s comment at oral argument in ITCA that “I’m a citizen” under oath “is not proof at all. It’s just a statement.” [Exh. KK, Brief of Plaintiffs in support of Motion for Preliminary Injunction, Kobach v. EAC, No. 5:13-cv-4095 (D. Kan. filed Aug. 21, 2013) (Docket Entry No. 17 at 23).] Statements by Justices during oral argument are often rhetorical or confrontational and are not accorded any weight. But a statement under oath constitutes proof—even proof beyond a reasonable doubt sufficient to criminally convict a defendant.

specifically identified is off by a magnitude of a hundred, the number is still less than one-tenth of a percent. The alleged percentage of non-citizens who actually voted in Kansas—the State points to no more than four non-citizens who may have voted prior to 2009, [Exh. Q, Decl. of Brad Bryant, ¶¶ 3–4]—is infinitesimal.

Kansas also submitted two declarations that raise questions about the accuracy of even these numbers. The first declaration, by Brad Bryant, Deputy Assistant Secretary of State for the Kansas Secretary of State's Office, admits that one of the 13 voter registrants Kansas claimed were non-citizens “provided a naturalization number on his/her voter registration application.” [Exh. S, Supplemental Declaration of Brad Bryant, Kobach v. EAC, No. 5:13-cv-4095 (D. Kan. filed Aug. 21, 2013) (Docket Entry No. 103) at 1.] Mr. Bryant further stated that his previous claim that he had discovered 13 non-citizen registrants on the Kansas voter rolls was incorrect and the number should be adjusted downward to 12 suspected non-citizens. [Id.] The second declaration, by Elsa Ulrich, the County Clerk and Election Officer from Finney County in Kansas, further undermines Kansas’s claims of non-citizen voter registration. In its court filings, Kansas relied on the declaration from Ms. Ulrich as proof of a non-citizen attempt to register to vote in Kansas. Ms. Ulrich’s declaration fails to show that.14 Kansas points to the fact that the applicant submitted a birth certificate from Sudan as proof that he is not a citizen, ignoring that naturalized citizens are born outside the United States. Kansas also relies on the applicant’s submission of his Alien Registration Number on the state form, ignoring that the Alien Registration Number is the only number that a naturalized citizen can provide that would verify his citizenship in the federal immigration database. [See Exh. L at 4 (“[T]he federal immigration online database [uses] the alien registration number, or ‘A-number.’”).] Thus, the applicant

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14 It is notable that the applicant used the Kansas registration form—not the Federal Form to attempt to register. [Exh. T, Declaration of Elsa Ulrich, Kobach v. EAC, No. 5:13-cv-4095 (D. Kan. filed Aug. 21, 2013) (Docket Entry No. 101-1).]
identified by Ms. Ulrich could very well be a naturalized citizen and Kansas’ conclusion to the contrary is unwarranted.

These declarations demonstrate that Kansas election officials have made at least two false claims of non-citizen voter registration based only on facts showing the registrants were immigrants to the United States. The very small number of voters that Kansas has identified as non-citizens, and Kansas’s inability to determine the citizenship of its claimed non-citizens, thoroughly defeat the claim of the Kansas Secretary of State that that there is a “vast pool of aliens who unlawfully got on our rolls.” [Exh. D at 50:7-8.] Kansas’s errors, and its unsupported claims of election fraud by immigrants, do suggest that the state’s new paperwork requirements, which have prevented over 19,000 individuals from registering to vote, are based more in hostility to voter registration, and immigrants, than in legitimate concerns about election integrity.\(^\text{15}\)

In recent years, very public attempts by state election officials in other states to claim widespread voter fraud by immigrants have met with embarrassing failure. For example, in May 2012 the Florida Department of State launched a deeply flawed voter purge effort that originally identified 180,000 registered voters as potential non-citizens. [Exh. U, Statement of Nina Perales, Vice President of Litigation of MALDEF in The State of the Right to Vote After the 2012 Election Before the S. Comm. on the Judiciary, 112th Cong. (Dec. 19, 2012).] The Department of State sent letters demanding proof-of-citizenship to 2,600 registered voters, a disproportionately high number of whom were Latino. \textit{Id}. After all was said and done, one

individual, a Canadian citizen, was convicted of voting in the 2008 General Election. *Id.* In Colorado, the Secretary of State launched a similarly flawed voter purge of alleged non-citizens that also dwindled to very small numbers. After claiming there were up to 11,000 non-citizens on the Colorado voter rolls, and then sending almost 4,000 letters accusing individual registered voters of non-citizenship, 14 voters were removed from the rolls; none had voted. *Id.*

The only real result of “immigrant election fraud” grandstanding by state election officials is the harassment of naturalized citizens who receive letters demanding they provide documentary proof-of-citizenship or be expelled from the voter rolls. It is exactly this targeting of vulnerable populations of voters that the NVRA intended to overcome with its creation of streamlined voter registration procedures.

Similarly, in the *Kobach* case, Arizona did not present any declarations alleging how many non-citizens have attempted to register overall in the state. Arizona, instead, submitted a declaration alleging that 37 people applying for U.S. citizenship in 2006 were matched by Arizona to a list of individuals who had either voted or registered to vote in Maricopa County (again without any mention of whether these non-citizens used the Federal Form). [Exh. V, Declaration of Karen Osborne ¶ 8, *Kobach v. EAC*, No. 5:13-cv-4095 (D. Kan. filed Aug. 21, 2013) (Docket Entry No. 25).] In 2006, there were 1,484,434 individuals registered to vote in Maricopa County. 16 Thus, even if accurate, 17 only 0.00249 percent—about two-thousandths of one percent—of the voter rolls in 2006 are alleged to have been non-citizens. Moreover, in the *Gonzalez* case, county election officials were able to establish that no non-citizens have

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registered to vote in Arizona’s Apache, Coconino or Navajo Counties since January 1, 1996.


In the Gonzalez case, the district court found that Arizona had provided evidence that ten non-citizens were proven to have registered to vote (four of whom had voted) in 2005 and nine non-citizens were proven to have registered to vote (five of whom had voted) in 2007. The evidence amounts to nine voters having cast ballots out of 2,734,108 registered voters in Arizona during this period, or about 3 in a million votes casted. Given the de minimis level of non-citizen registration, it is hardly surprising that the representative of the Arizona Secretary of State, Joseph Kanefield, testified in the Gonzalez case that he was unaware of any specific allegations that a non-citizen registered to vote in Arizona. [Exh. BB, Jan. 11, 2008 deposition of Joseph Kanefield for Gonzalez v. Arizona, Case No. cv-06-1268 (D. Ariz, filed May 9, 2006) at 29:23-30:9.] Most important, the Gonzalez district court cited evidence that the small number of non-citizens who had registered to vote had done so mistakenly and without understanding that they were not eligible.

Similarly, it is hardly surprising that the Ninth Circuit, in denying Arizona’s application for a stay of the appeals court ruling against them, concluded that “Arizona ha[d] not provided
persuasive evidence that voter fraud in registration procedures is a significant problem in Arizona; moreover, the NVRA includes safeguards addressing voter fraud.”  *Gonzalez v. Arizona*, No. 08-17094, Docket Entry No. 232 at 8 (9th Cir. June 7, 2012) (en banc); [Exh. SS.] That finding is consistent with the acknowledgement, prior to the passage of Proposition 200, by the Office of Arizona’s Secretary of State that “those who are in the country illegally are especially fearful of registering their names and addresses with a governmental agency for fear of detection and deportation.”  [See Exh. N, Decl. of Nina Perales at Ex. 5.]

The States and the federal government also impose significant criminal penalties against non-citizens that attempt to register to vote. The Federal Form itself warns applicants that “Federal law makes it illegal to falsely claim U.S. citizenship to register to vote in any federal, State, or local election.”  [Exh. E at 2.] The Kansas state registration form warns that submitting a false voter registration application is punishable by 17 months in prison.  [Exh. M at 1.] The act of registering to vote by a non-citizen is also a felony in Georgia and Arizona.  O.C.G.A. § 21-2-561; A.R.S. §§ 16-182, 39-161. These criminal penalties serve as an effective deterrent against non-citizens registering to vote.

The tiny fraction of a percent of non-citizens who have purportedly registered in Kansas and Arizona (with no evidence any of them used the Federal Form) indicates that, consistent with Congress’s findings, an attestation under oath suffices to establish eligibility for federal elections. Indeed, county election officials from Arizona believe that signature verification is sufficient to prevent fraud.  [Exh. Y at 71:21-24; Exh. Z at 34:15-35:13; Exh. AA at 110:7-11, 113:6-13; Exh. CC, Aug. 2, 2006 deposition of Ann F. Rodriguez for *Gonzalez v. Arizona*, Case No. cv-06-1268 (D. Ariz, filed May 9, 2006) at 75:17-20; Exh. DD, Jan. 22, 2008 deposition of Ann F. Rodriguez for *Gonzalez v. Arizona*, Case No. cv-06-1268 (D. Ariz, filed May 9, 2006) at

In addition to being unable to show that any non-citizen registered to vote using the Federal Form, the States have freely admitted their ability to determine when a non-citizen is attempting to register and therefore prevent that person from joining the voter rolls. The States use and can use a number of other means of verifying citizenship status. For example, Arizona has secured access to the Systematic Alien Verification for Entitlements program ("SAVE") to help determine whether non-citizens are registering to vote. Kansas’ Secretary of State has expressed interest in using SAVE for the purposes of verifying voter registration, and has requested access as well.\(^\text{18}\)

The Arizona Secretary of State has also created a system called VRAZ to compare the information on voter registration forms to other databases. [Exh. JJ, January 11, 2008 deposition of Craig Stender for Gonzalez v. Arizona, Case No. cv-06-1268 (D. Ariz, filed May 9, 2006).] Daily, elections workers in the counties enter information from voter registration forms into VRAZ. Because Arizona has been collecting citizenship information on its licensed drivers since 1992, VRAZ compares the driver’s license number on the voter registration form to the driver’s license database. VRAZ also checks nightly with the federal social security database.

Furthermore, Arizona relies on responses to jury questionnaires to identify individuals that were registered to vote, but were not citizens.\textsuperscript{19}

Kansas also has used its temporary driver’s licenses\textsuperscript{20} records to identify non-citizens who have registered to vote.\textsuperscript{21} Recently, Kris Kobach, the Secretary of State for Kansas, stated to the district court in the \textit{Kobach} case that Kansas received approximately 100 Federal Forms in 2013 and that his office has the ability to verify manually the citizenship of all of the registrants who used the Federal Form:

\begin{quote}
Under Kansas law we have the ability to obtain information unilaterally establishing citizenship. … So some of the things we would be doing is we would be obtaining birth certificates from Kansas Department of Health and Environment for those born in Kansas; we would be doing face to face, going to the residence of the voters and saying, “Hey, you still have one thing remaining, can we help you get this document in?” And we would use our power under federal statute 8 U.S.C. 1373 which authorizes a state to ask the federal government to confirm whether a person is a citizen or not.
\end{quote}

\textbf{[Exh. D at 109:11-23.] }In fact, Kobach apparently has been working with the Department of Health and Environment to attempt to identify citizens that have been born in Kansas to address the over 19,000 registrants that are on hold because they have not submitted documentary proof-of-citizenship. \textit{Id}. Even though Kobach has been criticized for delaying implementing such measures, it shows that Kansas can make ready use of the information provided on the Federal Form to check the citizenship of applicants.

These practices and proposed practices demonstrate the unnecessary nature of the request to change the Federal Form: both Arizona and Kansas already have methods for verifying a registrant’s citizenship, without imposing additional burdens to completing and submitting the Federal Form.

\textsuperscript{19} [Exh. V, ¶¶ 8, 10.]
\textsuperscript{20} In Kansas, only non-citizens can receive temporary driver’s licenses. [Exh. Q, ¶ 2.]
\textsuperscript{21} [Exh. Q, ¶¶ 2, 3.]
Arizona and Kansas have also argued that that they are being forced to implement a bifurcated voter registration system that is unduly burdensome. Yet, no one has ordered the States to set up a bifurcated system—they have made that decision entirely on their own and cannot now complain if their own decision has turned out to be “unduly burdensome.” The States “retain the flexibility to design and use their own registration forms” because the Federal Form is merely a “backstop” that “guarantees that a simple means of registering to vote in federal elections will be available.” *I/CA*, 133 S. Ct. at 2555. If they do not wish to take on the burden of creating a bifurcated system, the States can instead use the Federal Form to easily and efficiently register voters for state and local elections just as 47 other states do. This is a self-inflicted injury.

Given the lack of any evidence of anything other than a possible de minimis number of noncitizens who may have registered and of those the even fewer number of noncitizen, if any, who actually did vote, the EAC should respect and continue Congress’ balance of facilitating the right of citizens to vote versus the possible threat of voter fraud.

E. Rejecting the States’ Request for Additional, Documentary Proof-of-Citizenship is Constitutional.

In the *Kobach* case, Kansas and Arizona argued that rejecting the States’ requests to require documentary proof-of-citizenship on the Federal Form impinges on state sovereignty and the States’ constitutional rights. The Arizona Parties assume that the States will take the same position here. That is not the law. The Election Clause of the United States Constitution gives broad power to the federal government to regulate the conduct of federal elections. Given this plenary power, federal exercise of that power does not offend or impinge on any rights of the States, who—contrary to the States’ position—do not possess a residual sovereign power to

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regulate elections when the federal government has acted to regulate in the same area.

The Election Clause gives the United States plenary authority to regulate the conduct of federal elections, including registration, and preempts any laws a State has already established to the contrary. Specifically, the Elections Clause provides:

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

U.S. Const. art. I, § 4, cl. 1. Thus, while States have the initial responsibility and authority to regulate the “Times, Places and Manner” of conducting federal elections, the power over federal election procedures is ultimately “committed to the exclusive control of Congress” because Congress may at any time “make or alter” the states’ regulations. Gonzalez v. Ariz., 677 F.3d 383, 390 (9th Cir. 2012), aff’d, ITCA, 133 S. Ct. 2247 (quotations and citations omitted). “When exercised, the action of Congress, so far as it extends and conflicts with the regulations of the State, necessarily supersedes them.” Id. (quoting Ex Parte Siebold, 100 U.S. 371, 384 (1879) (brackets omitted)); see Foster v. Love, 522 U.S. 67, 69 (1997) (stating that the Elections Clause “invests the States with responsibility for the mechanics of congressional elections, but only so far as Congress declines to preempt state legislative choices” (citation omitted)).

The Supreme Court has continually recognized that federal regulation of voter registration is part of the federal government’s plenary authority over the “Times, Places and Manner” of holding federal elections. See, e.g., Ex Parte Siebold, 100 U.S. 371, 384 (1880), (“[T]he power of Congress over the subject is paramount. It may be exercised as and when Congress sees fit to exercise it.”). Subsequent cases reaffirmed the federal government’s plenary authority over the subject, and reiterated that the power to regulate voter registration is a core component of that authority: “‘Times, Places, and Manner,’ we have written, are
'comprehensive words,' which 'embrace authority to provide a complete code for congressional elections,' including . . . regulations relating to ‘registration.' ITCA, 133 S. Ct. at 2253 (quoting Smiley v. Holm, 285 U.S. 355, 366 (1932)) (emphasis added).

Congress, therefore, had the power to pass the NVRA and create a structure that would preempt state regulation over the registration process for federal elections. As the Supreme Court just reiterated in ITCA, 133 S. Ct. 2253–54: “The power of Congress over the ‘Times, Places and Manner’ of congressional elections ‘is paramount, and may be exercised at any time, and to any extent which it deems expedient . . . .’”

Given the broad powers provided to the federal government by the Elections Clause, arguments by the States relying on their purported constitutional rights reveal themselves as hopelessly flawed. Arizona and Kansas’ assertion in the Kobach case that they can demand the Federal Form require documentary proof-of-citizenship because they retain “[r]esidual state sovereignty” under the Tenth Amendment to regulate federal elections ignores the Supreme Court’s holdings that the States’ authority to regulate federal elections “aris[es] from the Constitution itself” and that the States have no inherent or reserved power to regulate federal elections. U.S. Term Limits, Inc. v. Thornton, 514 U.S. 779, 805 (1995); see also ITCA, 133 S. Ct. at 2257. As the Court recently held, “[u]nlike the States’ ‘historic police powers,’ the States’ role in regulating congressional elections—while weighty and worthy of respect—has always existed subject to the express qualification that it ‘terminates according to federal law.’” ITCA, 133 S. Ct. at 2257 (quotations and citations omitted). Therefore, “courts deciding issues raised under the Elections Clause need not be concerned with preserving a ‘delicate balance’ between competing sovereigns,” as under the Supremacy Clause, because here there are not competing sovereign interests. Gonzalez, 677 F.3d at 392 (citation omitted). The Supremacy Clause, which
carries with it a presumption against preemption, is used to balance State and federal interests in areas within the States’ historic police powers where the states have inherent or reserved power. *Id.; see also ITCA*, 133 S. Ct. at 2256–57. “Instead, the Elections Clause, as a standalone preemption provision, establishes its own balance.” *Gonzalez*, 677 F.3d at 392 (citing *Harkless v. Brunner*, 545 F.3d 445, 454 (6th Cir. 2008) (declining to apply Supremacy Clause preemption principles in analyzing the preemptive effect of the NVRA)); *see also Association of Cnty. Orgs. for Reform Now (ACORN) v. Edgar*, 56 F.3d 791, 794–95 (7th Cir. 1995). The States may not force the federal government to require that applicants submit documentary proof-of-citizenship with the Federal Form simply because not requiring such might impact the manner in which the States are required to register voters for federal elections. Any residual rights the States might have under the Tenth Amendment or Article I Section 4 are not adversely impacted because the Constitution places the power to regulate registration for federal elections with Congress.

### III. CONCLUSION.

The NVRA aims to increase electoral participation by eliminating unnecessary impediments to registration. In enacting the NVRA, Congress explicitly sought “to establish procedures that will *increase* the number of eligible citizens who register to vote in elections for Federal office.” 42 U.S.C. § 1973gg(b)(1) (emphasis added). It did so, in part, by requiring states to “accept and use” a Federal Form for mail-in registration for federal elections and specifying that the form “may require only such identifying information . . . as is necessary” to assess voter eligibility. *Id.* In short, since its 1993 enactment, the NVRA has advanced the public interest in broad electoral access by making voter registration easier. That interest has long been recognized as a legitimate and important object of federal regulation.

The change that the States now seek would compromise that interest by imposing an onerous and unjustified burden on those attempting to register—a burden that will make voter
registration more difficult and reduce registration rates. Such results are directly at odds with the public interest, as recognized by Congress, in expanding ballot access and eliminating encumbrances on registration. They are not justified by any countervailing interest in combating fraud, since no state has shown that a non-citizen has used the Federal Form to register to vote.

The EAC must reject the changes requested by the States.

Dated: January 3, 2014

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Ernest Herrera (N.M. Bar No. 144619)
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Attorneys for
Valle del Sol, Southwest Voter Registration Education Project, Common Cause, Chicanos Por La Causa, Inc., and Debra Lopez
August 13, 2013

Honorable Ken Bennett
Secretary of State
Office of the Arizona Secretary of State
1700W. Washington Street, 7th Floor
Phoenix, AZ 85007-2808

Dear Secretary Bennett:

Thank you for your recent correspondence to this office requesting modification of instructions relative to Arizona on the national mail voter registration form (Federal Form). Please be advised that upon review the U.S. Election Assistance Commission (EAC) staff cannot process your request due to a lack of a quorum on the Commission.

As you know, EAC currently has four Commissioner vacancies. EAC staff is authorized to process State requests to modify state-specific instructions on the Federal Form but according to current procedures must defer any requests that raise “issues of broad policy concern to more than one state” until EAC has a quorum. I have attached a copy of the November 9, 2011 memo to former EAC Commissioners Donetta Davidson and Gineen Bresso from former Executive Director Thomas Wilkey delineating the process EAC staff must follow when processing State requests to modify their state-specific instructions on the Federal Form.

Your correspondence indicates that the result of the authorizing Arizona statute and corresponding modification to the state-specific instruction on the Federal Form would be that the Federal Form would be rejected without the proper citizenship documentation. The first sentence of the proposed instruction reads:

If this is your first time registering to vote in Arizona or you have moved to another county in Arizona, your voter registration form must also include proof of citizenship or the form will be rejected.

Failure to “accept and use” the Federal Form has broad policy impact that could affect more than one State.

In addition, citizenship documentation is not addressed in the National Voter Registration Act or the Help America Vote Act and the inclusion of such information with the Federal Form constitutes a policy question which EAC Commissioners must decide. EAC staff has no authority to establish policy for EAC.

The requested modification to the state-specific instruction on the Federal Form appears to raise issues of broad policy concern to more than one state. EAC staff is therefore constrained to defer the request until EAC has a quorum.

Sincerely,

Alice Miller,
Acting Executive Director &
Chief Operating Officer

Exhibit 17 of the Complaint
000001
MEMORANDUM

TO: Commissioner Donetta Davidson
   Commissioner Gineen Bresso

FROM: Thomas Wilkey, Executive Director

SUBJECT: State Requests to Change their State-Specific Instructions on the National Mail Voter Registration Form

The National Voter Registration Act (NVRA), as amended by the Help America Vote Act (HAVA), transfers authority from the Federal Election Commission (FEC) to EAC to develop a Federal Mail Voter Registration Application Form (Federal Form) in consultation with the states and to prescribe regulations applicable to the Federal Form. The NVRA requires states to use and accept the Federal Form for federal elections. Section 9428.6(c) of the NVRA regulations (11CFR 9428.6(c)) specifically provides that “Each state election official shall notify the Commission, in writing, within thirty days of any change to the state’s voter eligibility requirements or other information reported under this section.”

Accordingly, EAC periodically receives requests from States to update their respective portion of the State-specific instructions contained on the Federal Form. Currently, EAC has no formally adopted written procedures or official policies in place regarding the processing of such requests. Since 2008, the Commission has voted on each submitted request. However, with the current lack of a quorum, no votes on these requests are possible. It is essential, however, that EAC continue to process these requests. I am, therefore, immediately implementing an interim procedure delegating to staff in the Division of Research, Policy and Programs (RPP) the ability to process State requests pending the establishment of a quorum. The interim procedure is as follows:

- All State requests must be from the Chief Election Officer of the State or his/her duly authorized agent on appropriate State letter-head.

- RPP staff is authorized to take action on two types of requests: 1) a State request to modify their mailing address and 2) a request for a change in the State-specific instructions if the proposed modification is required by a change in State law. This would include a request that clarifies existing state law.
• Upon review of the State request and after consultation with the Office of General Counsel, RPP staff shall make recommendations to the Executive Director.

• The Executive Director will make the final determination with regard to each State request.

• Requests that raise issues of broad policy concern to more than one State will be deferred until the re-establishment of a quorum.

This procedure is consistent with past precedent at the EAC. Prior to 2008, EAC staff approved requests from States to modify their State-specific instructions on the Federal Form.

Should you have any questions, please do not hesitate to contact me.

cc: Ms. Alice Miller,
Chief Operating Officer

Karen Lynn-Dyson, Director
Division of Research, Policy and Programs
EXHIBIT B
MEMORANDUM

TO: Commissioner Donetta Davidson
    Commissioner Gineen Bresso

FROM: Thomas Wilkey, Executive Director

SUBJECT: State Requests to Change their State-Specific Instructions on the National Mail Voter Registration Form

The National Voter Registration Act (NVRA), as amended by the Help America Vote Act (HAVA), transfers authority from the Federal Election Commission (FEC) to EAC to develop a Federal Mail Voter Registration Application Form (Federal Form) in consultation with the states and to prescribe regulations applicable to the Federal Form. The NVRA requires states to use and accept the Federal Form for federal elections. Section 9428.6(e) of the NVRA regulations (11CFR 9428.6(e)) specifically provides that “Each state election official shall notify the Commission, in writing, within thirty days of any change to the state’s voter eligibility requirements or other information reported under this section.”

Accordingly, EAC periodically receives requests from States to update their respective portion of the State-specific instructions contained on the Federal Form. Currently, EAC has no formally adopted written procedures or official policies in place regarding the processing of such requests. Since 2008, the Commission has voted on each submitted request. However, with the current lack of a quorum, no votes on these requests are possible. It is essential, however, that EAC continue to process these requests. I am, therefore, immediately implementing an interim procedure delegating to staff in the Division of Research, Policy and Programs (RPP) the ability to process State requests pending the establishment of a quorum. The interim procedure is as follows:

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This procedure is consistent with past precedent at the EAC. Prior to 2008, EAC staff approved requests from States to modify their State-specific instructions on the Federal Form.

Should you have any questions, please do not hesitate to contact me.

cc: Ms. Alice Miller,
Chief Operating Officer

Karen Lynn-Dyson, Director
Division of Research, Policy and Programs
EXHIBIT C

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>State Abbreviation</th>
<th>ACS07-11 Latino Citizen Over 18</th>
<th>2000SF4 Latino Citizen Over 18</th>
<th>Change Latino CVAP</th>
<th>% Change Latino CVAP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>AZ</td>
<td>781,436</td>
<td>510,488</td>
<td>270,948</td>
<td>53.1%</td>
</tr>
<tr>
<td>Georgia</td>
<td>GA</td>
<td>210,412</td>
<td>110,756</td>
<td>99,656</td>
<td>90.0%</td>
</tr>
<tr>
<td>Kansas</td>
<td>KS</td>
<td>102,423</td>
<td>68,603</td>
<td>33,820</td>
<td>49.3%</td>
</tr>
</tbody>
</table>

Data Source, U.S. Census Bureau, 2000 SF4 (PCT44: Sex by Age by Citizenship) and ACS 2007-2011 5-year estimates (B05003: Sex by Age by Citizenship)
Register To Vote In Your State
By Using This Postcard Form and Guide

For U.S. Citizens
General Instructions

Who Can Use this Application
If you are a U.S. citizen who lives or has an address within the United States, you can use the application in this booklet to:
- Register to vote in your State,
- Report a change of name to your voter registration office,
- Report a change of address to your voter registration office, or
- Register with a political party.

Exceptions
Please do not use this application if you live outside the United States and its territories and have no home (legal) address in this country, or if you are in the military stationed away from home. Use the Federal Postcard Application available to you from military bases, American embassies, or consular offices.

New Hampshire town and city clerks will accept this application only as a request for their own absentee voter mail-in registration form.
North Dakota does not have voter registration.
Wyoming law does not permit mail registration.

How to Find Out If You Are Eligible to Register to Vote in Your State
Each State has its own laws about who may register and vote. Check the information under your State in the State Instructions. All States require that you be a United States citizen by birth or naturalization to register to vote in federal and State elections. Federal law makes it illegal to falsely claim U.S. citizenship to register to vote in any federal, State, or local election. You cannot be registered to vote in more than one place at a time.

How to Fill Out this Application
Use both the Application Instructions and State Instructions to guide you in filling out the application.
- First, read the Application Instructions. These instructions will give you important information that applies to everyone using this application.
- Next, find your State under the State Instructions. Use these instructions to fill out Boxes 6, 7, and refer to these instructions for information about voter eligibility and any oath required for Box 9.

When to Register to Vote
Each State has its own deadline for registering to vote. Check the deadline for your State on the last page of this booklet.

How to Submit Your Application
Mail your application to the address listed under your State in the State Instructions. Or, deliver the application in person to your local voter registration office. The States that are required to accept the national form will accept copies of the application printed from the computer image on regular paper stock, signed by the applicant, and mailed in an envelope with the correct postage.

First Time Voters Who Register by Mail
If you are registering to vote for the first time in your jurisdiction and are mailing this registration application, Federal law requires you to show proof of identification the first time you vote. Proof of identification includes:
- A current and valid photo identification or
- A current utility bill, bank statement, government check, paycheck or government document that shows your name and address.
Voters may be exempt from this requirement if they submit a COPY of this identification with their mail in voter registration form. If you wish to submit a COPY, please keep the following in mind:
- Your state may have additional identification requirements which may mandate you show identification at the polling place even if you meet the Federal proof of identification.
- Do not submit original documents with this application, only COPIES.

If You Were Given this Application in a State Agency or Public Office
If you have been given this application in a State agency or public office, it is your choice to use the application. If you decide to use this application to register to vote, you can fill it out and leave it with the State agency or public office. The application will be submitted for you. Or, you can take it with you to mail to the address listed under your State in the State Instructions. You also may take it with you to deliver in person to your local voter registration office.
Note: The name and location of the State agency or public office where you received the application will remain confidential. It will not appear on your application. Also, if you decide not to use this application to register to vote, that decision will remain confidential. It will not affect the service you receive from the agency or office.

Revised 03/01/2006

EAC001496
Application Instructions

Before filling out the body of the form, please answer the questions on the top of the form as to whether you are a United States citizen and whether you will be 18 years old on or before Election Day. If you answer no to either of these questions, you may not use this form to register to vote. However, state specific instructions may provide additional information on eligibility to register to vote prior to age 18.

Box 1 — Name
Put in this box your full name in this order — Last, First, Middle. Do not use nicknames or initials.
*Note:* If this application is for a change of name, please tell us in Box A (on the bottom half of the form) your full name before you changed it.

Box 2 — Home Address
Put in this box your home address (legal address). Do not put your mailing address here if it is different from your home address. Do not use a post office box or rural route without a box number. Refer to state-specific instructions for rules regarding use of route numbers.

*Note:* If you were registered before but this is the first time you are registering from the address in Box 2, please tell us in Box B (on the bottom half of the form) the address where you were registered before. Please give us as much of the address as you can remember.

*Also Note:* If you live in a rural area but do not have a street address, or if you have no address, please show where you live using the map in Box C (at the bottom of the form).

Box 3 — Mailing Address
If you get your mail at an address that is different from the address in Box 2, put your mailing address in this box. If you have no address in Box 2, you must write in Box 3 an address where you can be reached by mail.

Box 4 — Date of Birth
Put in this box your date of birth in this order — Month, Day, Year. Be careful not to use today’s date!

Box 5 — Telephone Number
Most States ask for your telephone number in case there are questions about your application. However, you do not have to fill in this box.

Box 6 — ID Number
Federal law requires that states collect from each registrant an identification number. You must refer to your state’s specific instructions for item 6 regarding information on what number is acceptable for your state. If you have neither a driver’s license nor a social security number, please indicate this on the form and a number will be assigned to you by your state.

Box 7 — Choice of Party
In some States, you must register with a party if you want to take part in that party’s primary election, caucus, or convention. To find out if your State requires this, see item 7 in the instructions under your State.

If you want to register with a party, print in the box the full name of the party of your choice.

If you do not want to register with a party, write “no party” or leave the box blank. Do not write in the word “independent” if you mean “no party,” because this might be confused with the name of a political party in your State.

*Note:* If you do not register with a party, you can still vote in general elections and nonpartisan (nonparty) primary elections.

Box 8 — Race or Ethnic Group
A few States ask for your race or ethnic group, in order to administer the Federal Voting Rights Act. To find out if your State asks for this information, see item 8 in the instructions under your State. If so, put in Box 8 the choice that best describes you from the list below:
- American Indian or Alaskan Native
- Asian or Pacific Islander
- Black, *not* of Hispanic Origin
- Hispanic
- Multi-racial
- White, *not* of Hispanic Origin
- Other

Box 9 — Signature
Review the information in item 9 in the instructions under your State. Before you sign or make your mark, make sure that:

1. You meet your State’s requirements, and
2. You understand *all* of Box 9.

Finally, sign your *full* name or make your mark, and print today’s date in this order — Month, Day, Year. If the applicant is unable to sign, put in Box D the name, address, and telephone number (optional) of the person who helped the applicant.

Revised 03/01/2006
Voter Registration Application

Before completing this form, review the General, Application, and State specific instructions.

<table>
<thead>
<tr>
<th>Number</th>
<th>Field</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Are you a citizen of the United States of America? Yes No</td>
</tr>
<tr>
<td></td>
<td>Will you be 18 years old on or before election day? Yes No</td>
</tr>
<tr>
<td></td>
<td>If you checked &quot;No&quot; in response to either of these questions, do not complete form. (Please see state-specific instructions for rules regarding eligibility to register prior to age 18.)</td>
</tr>
<tr>
<td>2</td>
<td>Home Address</td>
</tr>
<tr>
<td></td>
<td>Apt. or Lot #</td>
</tr>
<tr>
<td></td>
<td>City/Town</td>
</tr>
<tr>
<td></td>
<td>State</td>
</tr>
<tr>
<td></td>
<td>Zip Code</td>
</tr>
<tr>
<td>3</td>
<td>Address Where You Get Your Mail If Different From Above</td>
</tr>
<tr>
<td></td>
<td>City/Town</td>
</tr>
<tr>
<td></td>
<td>State</td>
</tr>
<tr>
<td></td>
<td>Zip Code</td>
</tr>
<tr>
<td>4</td>
<td>Date of Birth</td>
</tr>
<tr>
<td></td>
<td>Month</td>
</tr>
<tr>
<td></td>
<td>Day</td>
</tr>
<tr>
<td></td>
<td>Year</td>
</tr>
<tr>
<td>5</td>
<td>Telephone Number (optional)</td>
</tr>
<tr>
<td>6</td>
<td>ID Number - (See item 6 in the instructions for your state)</td>
</tr>
<tr>
<td>7</td>
<td>Choice of Party (see item 7 in the instructions for your state)</td>
</tr>
<tr>
<td></td>
<td>Race or Ethnic Group (see item 8 in the instructions for your state)</td>
</tr>
</tbody>
</table>

I have reviewed my state's instructions and I swear/affirm that:
- I am a United States citizen
- I meet the eligibility requirements of my state and subscribe to any oath required.
- The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be fined, imprisoned, or (if not a U.S. citizen) deported from or refused entry to the United States.

Please sign full name (or put mark) ▲

Date: [ ]

Month Day Year

If you are registering to vote for the first time: please refer to the application instructions for information on submitting copies of valid identification documents with this form.

Please fill out the sections below if they apply to you.

If this application is for a change of name, what was your name before you changed it?

A | Mr. Miss |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Mrs. Ms.</td>
<td></td>
</tr>
</tbody>
</table>

Last Name |
| First Name |
| Middle Name(s) |
| Jr Jr Jr |
| Sr Sr Sr |

If you were registered before but this is the first time you are registering from the address in Box 2, what was your address where you were registered before?

B | Street (or route and box number) |
| Apt. or Lot # |
| City/Town/County |
| State |
| Zip Code |

If you live in a rural area but do not have a street number, or if you have no address, please show on the map where you live.

C | Example |

| Route #1 |
| Grocery Store |
| Woodchuck Road | X |

If the applicant is unable to sign, who helped the applicant fill out this application? Give name, address and phone number (phone number optional).

D | Mail this application to the address provided for your State. |
Voter Registration Application
Before completing this form, review the General, Application, and State specific instructions.

Are you a citizen of the United States of America?  
Yes  No  This space for office use only.
Will you be 18 years old on or before election day?  
Yes  No
If you checked “No” in response to either of these questions, do not complete form.  
(See state-specific instructions for rules regarding eligibility to register prior to age 18.)

<table>
<thead>
<tr>
<th>1</th>
<th>Mr.</th>
<th>Miss</th>
<th>Last Name</th>
<th></th>
<th>First Name</th>
<th></th>
<th>Middle Name(s)</th>
<th></th>
<th>Jr</th>
<th>III</th>
<th>Sr</th>
<th>IV</th>
</tr>
</thead>
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<tr>
<td>2</td>
<td>Home Address</td>
<td></td>
<td>Apt. or Lot #</td>
<td></td>
<td>City/Town</td>
<td></td>
<td>State</td>
<td></td>
<td>Zip Code</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Address Where You Get Your Mail If Different From Above</td>
<td></td>
<td>City/Town</td>
<td></td>
<td>State</td>
<td></td>
<td>Zip Code</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Date of Birth</td>
<td></td>
<td>Telephone Number (optional)</td>
<td></td>
<td>ID Number - (See item 6 in the instructions for your state)</td>
<td></td>
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<td>4</td>
<td>Choice of Party (see item 7 in the instructions for your State)</td>
<td></td>
<td>Race or Ethnic Group (see item 8 in the instructions for your State)</td>
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I have reviewed my state’s instructions and I swear/affirm that:
- I am a United States citizen
- I meet the eligibility requirements of my state and subscribe to any oath required.
- The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be fined, imprisoned, or (if not a U.S. citizen) deported from or refused entry to the United States.

Please sign full name (or put mark)

Date: / / Year
Month Day Year

If you are registering to vote for the first time: please refer to the application instructions for information on submitting copies of valid identification documents with this form.

Please fill out the sections below if they apply to you.

If this application is for a change of name, what was your name before you changed it?

<table>
<thead>
<tr>
<th>A</th>
<th>Mr.</th>
<th>Miss</th>
<th>Last Name</th>
<th></th>
<th>First Name</th>
<th></th>
<th>Middle Name(s)</th>
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<th>Jr</th>
<th>III</th>
<th>Sr</th>
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</thead>
</table>

If you were registered before but this is the first time you are registering from the address in Box 2, what was your address where you were registered before?

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<tr>
<th>B</th>
<th>Street (or route and box number)</th>
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<th>Apt. or Lot #</th>
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<th>City/Town/County</th>
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<th>State</th>
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<th>Zip Code</th>
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If you live in a rural area but do not have a street number, or if you have no address, please show on the map where you live.

| C | Write in the names of the crossroads (or streets) nearest to where you live.  
|   | Draw an X to show where you live.  
|   | Use a dot to show any schools, churches, stores, or other landmarks near where you live, and write the name of the landmark.  
|   | Example  
|   | Route #1  
|   | Grocery Store  
|   | Woodchuck Road  
|   | Route #2  
|   | Public School  
|   | X  

If the applicant is unable to sign, who helped the applicant fill out this application? Give name, address and phone number (phone number optional).

D  

Mail this application to the address provided for your State.

EAC001500
<table>
<thead>
<tr>
<th>State Instructions</th>
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<tbody>
<tr>
<td><strong>Alabama</strong></td>
</tr>
<tr>
<td>Updated: 03-01-2006</td>
</tr>
</tbody>
</table>

Registration Deadline — Voter registration is closed during the ten days preceding an election. Applications must be postmarked or delivered by the eleventh day prior to the election.

6. ID Number. Your social security number is requested (by authority of the Alabama Supreme Court, 17-4-122).

7. Choice of Party. Optional: You do not have to register with a party if you want to take part in that party’s primary election, caucus, or convention.

8. Race or Ethnic Group. You are required to fill in this box; however, your application will not be rejected if you fail to do so. See the list of choices under the Application Instructions for Box 8 (on page 2).

9. Signature. To register in Alabama you must:
   - be a citizen of the United States
   - be a resident of Alabama
   - be 18 years old before any election
   - not have been convicted of a felony punishable by imprisonment in the penitentiary (or have had your civil and political rights restored)
   - not currently be declared mentally incompetent through a competency hearing
   - swear or affirm to “support and defend the Constitution of the U.S. and the State of Alabama and further disavow any belief or affiliation with any group which advocates the overthrow of the governments of the U.S. or the State of Alabama by unlawful means and that the information contained herein is true, so help me God”

Mailing address:
Office of the Secretary of State
P.O. Box 5616
Montgomery, AL 36103-5616

<table>
<thead>
<tr>
<th><strong>Alaska</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Updated: 03-01-2006</td>
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</tbody>
</table>

Registration Deadline — 30 days before the election.

6. ID Number. You must provide one of the following identification numbers; Alaska Driver’s License or Alaska State Identification Card Number. If you do not have an Alaska Driver’s License or Alaska State Identification Card, you must provide the last four digits of your Social Security Number. If you do not have any of these identification numbers, please write "NONE" on the form. A unique identifying number will be assigned to you for voter registration purposes. This information is kept confidential. Having this information assists in maintaining your voter record and may assist in verifying your identity (Title 15 of the Alaska Statutes).

7. Choice of Party. You do not have to declare a party affiliation when registering to vote. If you do not choose a party, you will be registered as Undeclared. Alaska has a closed primary election system. Each recognized political party has a separate ballot listing only candidates from that political party. Voters registered as a member of a political party may only vote that party’s ballot. Voters registered as undeclared or non-partisan may choose one ballot from the ballots available.


9. Signature. To register in Alaska you must:
   - be a citizen of the United States
   - be at least 18 years old within 90 days of completing this registration
   - be a resident of Alaska
   - not be a convicted felon (unless unconditionally discharged)
   - not be registered to vote in another State

Mailing address:
Division of Elections
State of Alaska
PO Box 110017
Juneau, AK 99811-0017

<table>
<thead>
<tr>
<th><strong>Arizona</strong></th>
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<tr>
<td>Updated: 03-01-2006</td>
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</table>

Registration Deadline — 29 days before the election.

6. ID Number. Your completed voter registration form must contain the number of your Arizona driver license, or non-operating identification license issued pursuant to A.R.S. § 28-3165, if the license is current and valid. If you do not have a current and valid Arizona driver license or non-operating identification license, you must include the last four digits of your social security number if one has been issued to you. If you do not have a current and valid driver license or non-operating identification license or a social security number, please write “NONE” on the form. A unique identifying number will be assigned by the Secretary of State.
7. **Choice of Party.** If you are registered in a political party which has qualified for ballot recognition, you will be permitted to vote the primary election ballot for that party. If you are registered as an independent, no party preference or as a member of a party which is not qualified for ballot recognition, you may select and vote one primary election ballot for one of the recognized political parties.

8. **Race or Ethnic Group.** Leave blank.

9. **Signature.** To register in Arizona you must:
   - be a citizen of the United States
   - be a resident of Arizona and your county at least 29 days preceding the next election
   - be 18 years old on or before the next general election
   - not have been convicted of treason or a felony (or have had your civil rights restored)
   - not currently be declared an incapacitated person by a court of law

Mailing address:
Secretary of State/Elections
1700 W. Washington, 7th Floor
Phoenix, AZ 85007-2888

**Arkansas**

Updated: 03-01-2006

Registration Deadline — 30 days before the election.

6. **ID Number.** Your completed voter registration form must contain your state issued driver's license number or nonoperating identification number. If you do not have a driver's license or nonoperating identification, you must include the last four digits of your social security number. If you do not have a driver’s license or a nonoperating identification or a social security number, please write “NONE” on the form. A unique identifying number will be assigned by the State.

7. **Choice of Party.** Optional. You do not have to register with a party if you want to take part in that party’s primary election, caucus, or convention.

8. **Race or Ethnic Group.** Leave blank.

9. **Signature.** To register in Arkansas you must:
   - be a citizen of the United States
   - live in Arkansas at the address in Box 2 on the application
   - be at least 18 years old before the next election
   - not be a convicted felon (or have completely discharged your sentence or been pardoned)
   - not claim the right to vote in any other jurisdiction
   - not previously be adjudged mentally incompetent by a court of competent jurisdiction

Mailing address:
Secretary of State
Voter Services
P.O. Box 8111
Little Rock, AR 72203-8111

**California**

Updated: 03-01-2006

Registration Deadline — 15 days before the election.

6. **ID Number.** When you register to vote, you must provide your California driver’s license or California identification card number, if you have one. If you do not have a driver's license or ID card, you must provide the last four digits of your Social Security Number (SSN). If you do not include this information, you will be required to provide identification when you vote.

7. **Choice of Party.** Please enter the name of the political party with which you wish to register. If you do not wish to register with any party, enter “Decline to State” in the space provided.

California law allows voters who “decline to state” an affiliation with a qualified political party or who affiliate with a nonqualified political party to vote in the primary election of any qualified political party that files a notice with the Secretary of State allowing them to do so. You can call 1-800-345-VOTE or visit www.sos.ca.gov to learn which political parties are allowing nonaffiliated voters to participate in their primary election.

8. **Race or Ethnic Group.** Leave blank.

9. **Signature.** To register in California you must:
   - be a citizen of the United States
   - be a resident of California
   - be at least 18 years of age at the time of the next election
   - not be imprisoned or on parole for the conviction of a felony
   - not currently be judged mentally incompetent by a court of law

Signature is required. If you meet the requirements listed above, please sign and date the registration card in the space provided.

Mailing address:
Secretary of State
Elections Division
1500 11th Street
Sacramento, CA 95814
### Colorado

**Updated:** 03-28-2008

**Registration Deadline** — 29 days before the election. If the application is received in the mails without a postmark, it must be received within 5 days of the close of registration.

6. **ID Number.** Your completed voter registration form must contain your state issued driver’s license number or identification number. If you do not have a driver’s license or state issued identification, you must include the last four digits of your social security number. If you do not have a driver’s license or a state issued identification or a social security number, please write “NONE” on the form. A unique identifying number will be assigned by the State.

7. **Choice of Party.** You must register with a party if you want to take part in that party’s primary election, caucus, or convention.

8. **Race or Ethnic Group.** Leave blank.

9. **Signature.** To register in Colorado you must:
   - be a citizen of the United States
   - be a resident of Colorado 30 days prior to the election
   - be 18 years old on or before election day
   - not be confined as a prisoner or serving any part of a sentence under mandate

**Mailing address:**
Colorado Secretary of State
1700 Broadway, Suite 270
Denver, Colorado 80290

### Connecticut

**Updated:** 03-01-2006

**Registration Deadline** — 14 days before the election.

6. **ID Number.** Connecticut Driver’s License Number, or if none, the last four digits of your Social Security Number.

7. **Choice of Party.** This is optional, but you must register with a party if you want to take part in that party’s primary election, caucus, or convention.

8. **Race or Ethnic Group.** Leave blank.

9. **Signature.** To register in Connecticut you must:
   - be a citizen of the United States
   - be a resident of Connecticut and of the town in which you wish to vote
   - be 17 years old. You can vote when you turn 18
   - have completed confinement and parole if previously convicted of a felony, and have had your voting rights restored by Registrars of Voters.
   - not currently be declared mentally incompetent to vote by a court of law

**Mailing address:**
Secretary of State
Elections Division
30 Trinity Street
Hartford, CT 06106

### Delaware

**Updated:** 02-07-2012

**Registration Deadline** — The 4th Saturday before a primary or general election, and 10 days before a special election.

6. **ID Number.** Your completed voter registration form must contain your state issued driver’s license number or nonoperating identification number. If you do not have a driver’s license or nonoperating identification, you must include the last four digits of your social security number. If you do not have a driver’s license or a nonoperating identification or a social security number, please write "NONE" on the form. A unique identifying number will be assigned by the State.

7. **Choice of Party.** You must register with a party if you want to take part in that party’s primary election, caucus, or convention.

8. **Race or Ethnic Group.** Leave blank.

9. **Signature.** To register in Delaware you must:
   - be a citizen of the United States
   - be a permanent resident of Delaware
   - be at least 18 years old on the date of the next general election
   - be confined as a prisoner or serving any part of a sentence under mandate
   - not currently be declared mentally incompetent

**Mailing address:**
State of Delaware
Office of the State Election Commissioner
905 S. Governors Ave., Suite 170
Dover, DE 19904
State Instructions

District of Columbia

Updated: 10-29-2003

Registration Deadline — 30 days before the election.

6. ID Number. Federal law now requires that all voter registration applications must include either the applicant’s driver’s license number or the last four digits of the applicant’s social security number in order to be processed.

7. Choice of Party. You must register with a party if you want to take part in that party’s primary election, caucus, or convention.


9. Signature. To register in the District of Columbia you must:
   • be a citizen of the United States
   • be a District of Columbia resident at least 30 days preceding the next election
   • be at least 18 years old on or preceding the next election
   • not be in jail for a felony conviction
   • not have been judged “mentally incompetent” by a court of law
   • not claim the right to vote anywhere outside D.C.

Mailing address:
District of Columbia Board of Elections & Ethics
441 4th Street, NW, Suite 250
Washington, DC 20001-2745

Florida

Updated: 11-30-2011

Registration Deadline — 29 days before the election.

6. ID Number. If you have one, you must provide your Florida driver’s license number or Florida identification card number. If you do not have a Florida driver’s license or identification card, you must provide the last four digits of your social security number. If you have not been issued any of these numbers, you must write the word “NONE.”

7. Choice of Party. You must register with a party if you want to take part in that party’s primary election, caucus, or convention.

8. Race or Ethnic Group. You are requested, but not required, to fill in this box. See the list of choices under the Application Instructions for Box 8 (on page 2).

9. Signature. To register in Florida you must:
   • be a citizen of the United States
   • be a legal resident of both the State of Florida and of the county in which you seek to be registered
   • be 18 years old (you may pre-register if you are at least 16)
   • not be adjudicated mentally incapacitated with respect to voting in Florida or any other State, or if you have, you must first have your voting rights restored.
   • not be a convicted felon, or if you are, you must first have your civil rights restored if they were taken away.
   • swear or affirm the following: “I will protect and defend the Constitution of the United States and the Constitution of the State of Florida, that I am qualified to register as an elector under the Constitution and laws of the State of Florida, and that all information in this application is true.”

Mailing address:
State of Florida
Department of State
Division of Elections
The R.A. Gray Building
500 South Bronough St, Rm 316
Tallahassee, Florida 32399-0250

Georgia

Updated: 08-15-2013

Registration Deadline — The fifth Monday before any general primary, general election, or presidential preference primary, or regularly scheduled special election pursuant to the Georgia Election Code. In the event that a special election is scheduled on a date other that those dates prescribed by the Georgia Election Code, registration would close on the 5th day after the call.

6. ID Number. Federal law requires you to provide your full GA Drivers License number or GA State issued ID number. If you do not have a GA Drivers License or GA ID you must provide the last 4 digits of your Social Security number. Providing your full Social Security number is optional. Your Social Security number will be kept confidential and may be used for comparison with other state agency databases for voter registration identification purposes. If you do not possess a GA Drivers License or Social Security number, a unique identifier will be provided for you.

7. Choice of Party. You do not have to register with a party to take part in that party’s primary, caucus or convention.

8. Race or Ethnic Group. You are requested to fill in this box. See the list of choices under the Application Instructions for Box 8 (on page 2).

9. Signature. To register in Georgia you must:
   • be a citizen of the United States
   • be a legal resident of Georgia and of the county in which you want to vote
State Instructions

- be 18 years old within six months after the day of registration, and be 18 years old to vote
- not be serving a sentence for having been convicted of a felony
- not have been judicially determined to be mentally incompetent, unless the disability has been removed

**Mailing address:**
Elections Division
Office of the Secretary of State
2 Martin Luther King Jr. Drive
Suite 802 Floyd West Tower
Atlanta, Georgia 30334

**Illinois**

Updated: 08-14-2012

Registration Deadline — 28 days prior to each election.

6. **ID Number.** Your driver’s license number is required to register to vote. If you do not have a driver’s license, at least the last four digits of your social security number are required. If you have neither, please write “NONE” on the form. A unique identifier will be assigned to you by the State.

7. **Choice of Party.** Party registration or preference is not required for voter registration. However, when you apply for a primary ballot, you must indicate your party preference for that election.

8. **Race or Ethnic Group.** Leave blank.

9. **Signature.** A signature is required. If signature is missing from registration form, you will be notified your registration is incomplete.

To register in Illinois you must:
- be a citizen of the United States
- be a resident of Illinois and of your election precinct at least 30 days before the next election
- not be in jail for a felony conviction
- not claim the right to vote anywhere else

**Mailing address:**
State Board of Elections
2329 S. MacArthur Boulevard
Springfield, IL 62704

**Idaho**

Updated: 03-01-2006

Registration Deadline — 25 days before the election.

6. **ID Number.** Enter your driver’s license number. If you have no driver’s license, enter the last 4 digits of your social security number.

7. **Choice of Party.** You do not have to register with a party if you want to take part in that party’s primary election, caucus, or convention.

8. **Race or Ethnic Group.** Leave blank.

9. **Signature.** To register in Idaho you must:
- be a citizen of the United States
- have resided in Idaho and in the county for 30 days prior to the day of election
- be at least 18 years old
- not have been convicted of a felony, and without having been restored to the rights of citizenship, or confined in prison on conviction of a criminal offense

**Mailing address:**
Secretary of State
P.O. Box 83720
State Capitol Bldg.
Boise, ID 83720-0080
State Instructions

**Indiana**

Updated: 03-01-2006

Registration Deadline — 29 days before the election.

6. ID Number. Your state voter ID number is your ten digit Indiana issued driver's license number. If you do not possess an Indiana driver's license then provide the last four digits of your social security number. Please indicate which number was provided. (Indiana Code 3-7-13-13)


9. Signature. To register in Indiana you must:
   - be a citizen of the United States
   - have resided in the precinct at least 30 days before the next election
   - be at least 18 years of age on the day of the next general election
   - not currently be in jail for a criminal conviction

Mailing address:
Election Division
Office of the Secretary of State
302 West Washington Street,
Room E-204
Indianapolis, IN 46204-2743

**Iowa**

Updated: 03-28-2008

Registration Deadline — Must be delivered by 5 p.m. 10 days before the election, if it is a state primary or general election; 11 days before all others.* Registration forms which are postmarked 15 or more days before an election are considered on time even if received after the deadline.

*If you fail to meet the voter registration deadlines above you can register and vote by following the guidelines for election day registration. You can find these on the Iowa Secretary of State's website: www.sos.state.ia.us/pdfs/elections/EDRbrochure.pdf.

6. ID Number. Your ID number is your Iowa driver's license number (or Iowa non-driver identification number) if you have one, if not then the last four digits of your social security number. The ID number you provide will be verified with the Iowa Department of Transportation or the Social Security Administration.

7. Choice of Party. You may, but do not have to, register with a party in advance if you want to take part in that party's primary election. You may change or declare a party affiliation at the polls on primary election day.


9. Signature. To register in Iowa you must:
   - be a citizen of the United States
   - be a resident of Iowa
   - be at least 17-1/2 years old (you must be 18 to vote)
   - not have been convicted of a felony (or have had your rights restored)
   - not currently be judged by a court to be "incompetent to vote"
   - not claim the right to vote in more than one place
   - give up your right to vote in any other place

Mailing address:
Elections Division
Office of the Secretary of State
Lucas Building-1st Floor
321 E. 12th Street
Des Moines, IA 50319

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**Kansas**

Updated: 10-25-2012

Registration Deadline — Postmarked or delivered 21 days before the election

6. ID Number. Your completed voter registration form must contain your state issued driver's license number or non-driver's identification card number. If you do not have a driver's license or non-driver's identification card, you must include the last four digits of your social security number. If you do not have a driver's license or a non-driver's identification card or social security number, please write "NONE" on the form. A unique identifying number will be assigned by the State. The number you provide will be used for administrative purposes only and will not be disclosed to the public. (KSA 25-2309).

7. Choice of Party. You must register with a party if you want to take part in that party's primary election, caucus, or convention.


9. Signature. To register in Kansas you must:
   - be a citizen of the United States
   - be a resident of Kansas
   - be 18 by the next election
   - have completed the terms of your sentence if convicted of a felony; a person serving a sentence for a felony conviction is ineligible to vote
   - not claim the right to vote in any other location or under any other name
   - not be excluded from voting by a court of competent jurisdiction

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EAC001507
State Instructions

Louisiana

Updated: 08-14-2012

Registration Deadline — 30 days before the election.

6. ID Number. You must provide your Louisiana driver’s license number or Louisiana special identification card number, if issued. If not issued, you must provide at least the last four digits of your social security number, if issued. The full social security number may be provided on a voluntary basis. If the applicant has neither a Louisiana driver’s license, a Louisiana special identification card, or a social security number, the applicant shall attach one of the following items to his application: (a) a copy of a current and valid photo identification; or (b) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of applicant. Neither the registrar nor the Department of State shall disclose the social security number of a registered voter or circulate the social security numbers of registered voters on commercial lists (R.S. 18:104 and 154; 42 U.S.C. § 405).

7. Choice of Party. If you do not list a party affiliation, you cannot vote in the Presidential Preference Primary and party committee elections. Political party affiliation is not required for any other election.

8. Race or Ethnic Group. You are requested to fill in this box. See the list of choices under the Application Instructions for Box 8 (on page 2).

9. Signature. To register in Louisiana you must:
   • be a citizen of the United States
   • be a resident of Louisiana
   (Residence address must be address where you claim homestead exemption, if any, except for a resident in a nursing home or veteran’s home who may select to use the address of the nursing home or veterans’ home or the home where he has a homestead exemption. A college student may elect to use his home address or his address while away at school.)
   • be at least 17 years old, and be 18 years old prior to the next election to vote
   • not currently be under an order of imprisonment for conviction of a felony
   • not currently be under a judgment of interdiction for mental incompetence

Mailing address:
Secretary of State
Attention: Voter Registration
P.O. Box 94125
Baton Rouge, LA 70804-9125

Kentucky

Updated: 03-01-2006

Registration Deadline — 29 days before the election.

6. ID Number. Your full social security number is required. It is used for administrative purposes only and is not released to the public (KRS 116.155). No person shall be denied the right to register because of failure to include social security number.

7. Choice of Party. You must register with a party if you want to take part in that party’s primary election, caucus, or convention.


9. Signature. To register in Kentucky you must:
   • be a citizen of the United States
   • be a resident of Kentucky
   • be a resident of the county for at least 28 days prior to the election date
   • be 18 years of age on or before the next general election
   • not be a convicted felon or if you have been convicted of a felony, your civil rights must have been restored by executive pardon
   • not have been judged “mentally incompetent” in a court of law
   • not claim the right to vote anywhere outside Kentucky

Mailing address:
State Board of Elections
140 Walnut Street
Frankfort, KY 40601-3240

Maine

Updated: 08-14-2012

Registration Deadline — Delivered 21 business days before the election (or a voter may register in-person up to and including election day).

6. ID Number. You must list your valid Maine driver’s license number. If you don’t have a valid Maine driver’s license, then you must provide the last four digits of your Social Security Number. Voters who don’t have either of these forms of ID must write “NONE” in this space.
7. **Choice of Party.** You must register with a party if you want to take part in that party’s primary election, caucus, or convention (unless otherwise permitted by a political party).

8. **Race or Ethnic Group.** Leave blank.

9. **Signature.** To register in Maine you must:
   - be a citizen of the United States
   - be a resident of Maine and the municipality in which you want to vote
   - be at least 17 years old (you must be 18 years old to vote)

**Mailing address:**
Elections Division
Bureau of Corporations, Elections and Commissions
101 State House Station
Augusta, ME 04333-0101

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**Maryland**

Updated: 06-26-2008

**Registration Deadline** — 9:00 p.m. 21 days before the election.

6. **ID Number.** If you have a current, valid Maryland driver’s license or a Motor Vehicle Administration identification card, you must enter the driver’s license or identification number. If you do not have a current, valid Maryland driver’s license or Motor Vehicle Administration identification card, you must enter at least the last 4 digits of your social security number. However, please note, the disclosure of your full Social Security number is voluntary. The statutory authority allowing election officials to request your full Social Security number is Election Law Article, Section 3-202, Annotated Code of Maryland. The number will be used only for registration and other administrative purposes. It will be kept confidential.

7. **Choice of Party.** You must register with a party if you want to take part in that party’s primary election.

8. **Race or Ethnic Group.** Leave blank.

9. **Signature.** To register in Maryland you must:
   - be a U.S. citizen
   - be a Maryland resident
   - be at least 18 years old by the next general election
   - not be under guardianship for mental disability
   - not have been convicted of buying or selling votes
   - not have been convicted of a felony, or if you have, you have completed serving a court ordered sentence of imprisonment, including any term of parole or probation for the conviction.

**Mailing address:**
State Board of Elections
P.O. Box 6486
Annapolis, MD 21401-0486

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**Massachusetts**

Updated: 03-01-2006

**Registration Deadline** — 20 days before the election.

6. **ID Number.** Federal law requires that you provide your driver’s license number to register to vote. If you do not have a current and valid Massachusetts’ driver's license then you must provide the last four (4) digits of your social security number. If you have neither, you must write “NONE” in the box and a unique identifying number will be assigned to you.

7. **Choice of Party.** If you do not designate a party of political designation in this box, you will be registered as unenrolled. Unenrolled voters may participate in party primaries. However, an unenrolled voter must enroll in a party on the day of the Presidential Preference Primary in order to participate in that primary.

8. **Race or Ethnic Group.** Leave blank.

9. **Signature.** To register in Massachusetts you must:
   - be a citizen of the United States
   - be a resident of Massachusetts
   - be 18 years old on or before the next election
   - not have been convicted of corrupt practices in respect to elections
   - not be under guardianship with respect to voting
   - not be currently incarcerated for a felony conviction

**Mailing address:**
Secretary of the Commonwealth
Elections Division, Room 1705
One Ashburnham Place
Boston, MA 02108

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**Michigan**

Updated: 03-01-2006

**Registration Deadline** — 30 days before the election.

6. **ID Number.** Your completed voter registration form must contain your state issued driver’s license number or state issued personal identification card number. If you do not have a driver’s license or state issued personal identification card, you must include the last four digits of your social security number. If you
do not have a driver's license or a state issued personal identification card or a social security number, please write "NONE" on the form. A unique identifying number will be assigned by the State.

7. **Choice of Party.** A "choice of party" is not required for voter registration.

8. **Race or Ethnic Group.** Leave blank.

9. **Signature.** To register in Michigan you must:
   - be a citizen of the United States
   - be 18 years old by the next election
   - be a resident of Michigan and at least a 30 day resident of your city or township by election day
   - not be confined in a jail after being convicted and sentenced

**Notice:** Michigan law requires that the same address be used for voter registration and driver license purposes. Therefore, if the residence address you provide on this form differs from the address shown on a driver license or personal identification card issued by the State of Michigan, the Secretary of State will automatically change your driver license or personal identification card address to match the residence address entered on this form. If an address change is made, the Secretary of State will mail you an address update sticker for your driver license or personal identification card.

**Caution:** If you register by mail, you must vote in person at your assigned precinct the first time you vote, unless you are:
   - disabled as defined by state law;
   - 60 years of age or older; or
   - temporarily residing overseas.

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**Mailing address:**
Michigan Department of State
Bureau of Elections
P.O. Box 20126
Lansing, MI 48901-0726

**Minnesota**

Updated: 12-31-2008

**Registration Deadline** —
Delivered by 5:00 p.m. 21 days before the election (there is also election day registration at polling places).

6. **ID Number.** You are required to provide your Minnesota driver's license or state ID number to register to Vote. If you do not have a Minnesota driver's license or state ID then you will have to provide the last four digits of your social security number. If you have neither, please write “none” on the form.

7. **Choice of Party.** Leave blank.

8. **Race or Ethnic Group.** Leave blank.

9. **Signature.** To register in Minnesota you must:
   - be a citizen of the United States
   - be a resident of Minnesota for 20 days before the next election
   - maintain residence at the address given on the registration form
   - be at least 18 years old on election day
   - if previously convicted of a felony, your felony sentence has expired or been completed, or you have been discharged from the sentence
   - not be under a court-ordered guardianship in which the right to vote has been revoked
   - not be found by a court to be legally incompetent to vote.

**Mailing address:**
Secretary of State
60 Empire Drive, Suite 100
St. Paul, MN 55103-1855

**Mississippi**

Updated: 05-07-2010

**Registration Deadline** — 30 days before the election.

6. **ID Number.** You are required to provide your current and valid driver's license number or, if you don't have one, the last four digits of your social security number.

7. **Choice of Party.** Mississippi does not have party registration. Therefore, you do not have to register with a party if you want to take part in that party's primary election, caucus, or convention.

8. **Race or Ethnic Group.** Leave blank.

9. **Signature.** To register in Mississippi you must:
   - be a citizen of the United States
   - have lived in Mississippi and in your county (and city, if applicable) 30 days before the election in which you want to vote
   - be 18 years old by the time of the general election in which you want to vote
   - have not been convicted of murder, rape, bribery, theft, arson, obtaining money or goods under false pretense, perjury, forgery, embezzlement, armed robbery, extortion, felony bad check, felony shoplifting, larceny, receiving stolen property, robbery, timber larceny, unlawful taking of a motor vehicle, statutory rape, carjacking, or bigamy, or have had your rights restored as required by law
   - not have been declared mentally incompetent by a court
**State Instructions**

**Note:** State law changed by federal court order in 1998 and by state legislation in 2000. We now accept the form as registration for voting for all state and federal offices.

**Mailing address:**
Secretary of State  
P.O. Box 136  
Jackson, MS 39205-0136

**Local county addresses:**
You also may return completed applications to the county circuit clerk/registrar where you reside. A complete list of county circuit clerk/registars is available on Mississippi's website at [www.sos.ms.gov](http://www.sos.ms.gov).

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### Missouri

Updated: 09-12-2006

**Registration Deadline** — 28 days before the election.

**6. ID Number.** Your completed voter registration form must contain your state issued driver's license number. Your completed voter registration form must also include the last four digits of your social security number. (Section 115.155, RSMo). If you do not have a driver's license or a social security number, please write "NONE" on the form. A unique identifying number will be assigned by the State. Any electronic media, printouts or mailing labels provided under this section shall not include telephone numbers and social security numbers of voters. (Section 115.157, RSMo).

**7. Choice of Party.** You do not have to register with a party if you want to take part in that party’s primary election, caucus, or convention.

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### 8. Race or Ethnic Group. Leave blank.

### 9. Signature. To vote in Missouri you must:
- be a citizen of the United States
- be a resident of Missouri
- be at least 17-1/2 years of age (you must be 18 to vote)
- not be on probation or parole after conviction of a felony, until finally discharged from such probation or parole
- not be convicted of a felony or misdemeanor connected with the right of suffrage
- not be adjudged incapacitated by any court of law
- not be confined under a sentence of imprisonment

**Mailing address:**
Secretary of State  
P.O. Box 1767  
Jefferson City, MO 65102-1767

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### Nebraska

Updated: 03-01-2006

**Registration Deadline** — The third Friday before the election (or delivered by 6 p.m. on the second Friday before the election).

**6. ID Number.** You must provide your Nebraska driver's license number. If you do not have a Nebraska driver's license number then you must list the LAST FOUR DIGITS OF YOUR SOCIAL SECURITY NUMBER. If you have neither a driver's license, nor a social security number, please write "NONE" on the form. The state of Montana will assign to you a unique identifying number.

**7. Choice of Party.** Montana does not require party registration to participate in any election.

**8. Race or Ethnic Group.** Leave blank.

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### 9. Signature. To register in Montana you must:
- be a citizen of the United States
- be at least 18 years old on or before the election
- be a resident of Montana and of the county in which you want to vote for at least 30 days before the next election
- not be in a penal institution for a felony conviction
- not currently be determined by a court to be of unsound mind
- meet these qualifications by the next election day if you do not currently meet them

**Mailing address:**
Secretary of State's Office  
P.O. Box 202801  
State Capitol  
Helena, MT 59620-2801

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### Montana

Updated: 03-01-2006

**Registration Deadline** — 30 days before the election.

**6. ID Number.** You must provide your Montana driver's license number. If you do not have a Montana driver's license number then you must list the LAST FOUR DIGITS OF YOUR SOCIAL SECURITY NUMBER. If you have neither a driver's license, nor a social security number, please write "NONE" on the form. The state of Montana will assign to you a unique identifying number.

**7. Choice of Party.** Montana does not require party registration to participate in any election.

**8. Race or Ethnic Group.** Leave blank.

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**9. Signature.** To register in Nebraska you must:
- be a citizen of the United States
- be a resident of Nebraska
State Instructions

- be at least 18 years of age or will be 18 years of age on or before the first Tuesday after the first Monday of November
- not have been convicted of a felony, or if convicted, have had your civil rights restored
- not have been officially found to be mentally incompetent

Mailing address:
Nebraska Secretary of State
Suite 2300, State Capitol Bldg.
Lincoln, NE 68509-4608

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Nevada

Updated: 05-07-2010

Registration Deadline — The deadline for mail-in registration is the fifth Saturday before any primary or general election. In person registration remains available until 9:00 p.m. on the third Tuesday preceding any primary or general election. You may register to vote in person only by appearing at the office of the County Clerk/Registrar of Voters.

6. ID Number. You must supply a Nevada's Driver's License Number or Nevada ID Card Number if you have been issued one. If you do not have a Driver's License Number or Nevada ID Card Number, you must supply the last four digits of your Social Security Number. If you do not have a Social Security Number, please contact your County Clerk/Registrar of Voters to be assigned a unique identifier.

7. Choice of Party. You must register with a party if you want to take part in that party's primary election, caucus, or convention. If you register with a minor political party, or as a Nonpartisan you will receive a Nonpartisan Ballot for the Primary Election.


9. Signature. To register in Nevada you must:
- be a citizen of the United States
- have attained the age of 18 years on the date of the next election
- have continuously resided in the State of Nevada, in your county, at least 30 days and in your precinct at least 10 days before the next election
- have your civil rights restored if you were convicted of a felony
- not be determined by a court of law to be mentally incompetent
- claim no other place as your legal residence

Mailing address:
Secretary of State
 Elections Division
101 North Carson Street
Suite 3
Carson City, NV 89701-4786

Applications may be returned to the Secretary of State's office at the address above, but to avoid possible delays, you are advised to return your completed voter registration applications directly to your local county election official.

Local county addresses:
To meet registration deadlines, especially during the two weeks before the close of the mail-in registration deadline, return completed applications to your respective County Clerk/Registrar of Voters. A complete list of County Clerk/Registrar of Voters and registration deadlines is available on Nevada's website: www.nvsos.gov.

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New Hampshire

Updated: 03-01-2006

Registration Deadline — New Hampshire town and city clerks will accept this application only as a request for their own absentee voter mail-in registration form, which must be received by your city or town clerk by 10 days before the election.

New Hampshire town and city clerks will accept this application only as a request for their own absentee voter mail-in registration form. You need to fill in only Box 1 and Box 2 or 3.

The application should be mailed to your town or city clerk at your zip code. These addresses are listed on the Secretary of State web site at www.state.nh.us/sos/clerks.htm

It should be mailed in plenty of time for your town or city clerk to mail you their own form and for you to return that form to them by 10 days before the election.

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New Jersey

Updated: 03-28-2008

Registration Deadline — 21 days before the election.

6. ID Number. The last four digits of your Social Security number OR your New Jersey Driver’s License number is required for voter registration. If you do not possess either of these identifications, please write "NONE" on the form. The State will assign a number that will serve to identify you for voter registration purposes.
State Instructions

7. **Choice of Party.** New Jersey’s voter registration form does not provide a check-off for political party affiliation. A newly registered voter or voter who has never voted in a political party primary election can declare party affiliation at the polling place on the day of a primary election. In New Jersey, a primary election is only held for the Democratic and Republican parties. A voter may also file a political party declaration form to become a member of a political party. If a declared voter wished to change party affiliation he or she must file a declaration form 50 days before the primary election, in order to vote.

8. **Race or Ethnic Group.** Leave blank.

9. **Signature.** To register in New Jersey you must:
   - be a citizen of the United States
   - be at least 18 years of age by the time of the next election
   - be a resident of this State and county at your address at least 30 days before the next election
   - not be serving a sentence or on parole or probation as the result of a conviction of any indictable offense under the laws of this or another state or of the United States

**Mailing address:**
New Jersey Department of Law and Public Safety
Division of Elections
PO BOX 304
Trenton, NJ 08625-0304

New York

Updated: 03-01-2006

**Registration Deadline** — 25 days before the election.

6. **ID Number.** Federal law requires that you provide your driver’s license number to register to vote. If you do not have a driver’s license then you will have to provide at least the last four digits of your social security number. If you have neither, please write “NONE” on the form. A unique identifying number will be assigned to you by your State.

7. **Choice of Party.** You must enroll with a party if you want to vote in that party’s primary election or caucus.

8. **Race or Ethnic Group.** Leave blank.

9. **Signature.** To register in New York you must:
   - be a citizen of the United States
   - be a resident of the county, or of the City of New York, at least 30 days before an election
   - be 18 years old by December 31 of the year in which you file this form (Note: You must be 18 years old by the date of the general, primary, or other election in which you want to vote)
   - not be in jail or on parole for a felony conviction
   - not currently be judged incompetent by order of a court of competent judicial authority
   - not claim the right to vote elsewhere

**Mailing address:**
NYS Board of Elections
40 Steuben Street
Albany, NY 12207-2108

New Mexico

Updated: 03-01-2006

**Registration Deadline** — 28 days before the election.

6. **ID Number.** Your full social security number is required. This registration card containing your social security number will become part of the permanent voter registration records of your locality, which are open to inspection by the public in the office of the county clerk. However, your social security number and date of birth will remain confidential and will not be disclosed to the public.

Computerized listings of limited voter registration information (without social security number or birth date) are available to the general public, and are furnished upon request to incumbent election officeholders, candidates, political parties, courts and non-profit organizations promoting voter participation and registration, for political purposes only ($1-5-19B, NMSA 1978).

7. **Choice of Party.** You must register with a party if you want to take part in that party’s primary election, caucus, or convention.

8. **Race or Ethnic Group.** Leave blank.

9. **Signature.** To register in New Mexico you must:
   - be a citizen of the United States
   - be a resident of the State of New Mexico
   - be 18 years of age at the time of the next election
   - not have been denied the right to vote by a court of law by reason of mental incapacity and, if I have been convicted of a felony, I have completed all conditions of probation or parole, served the entirety of a sentence or have been granted a pardon by the Governor.

**Mailing address:**
Bureau of Elections
325 Don Gaspar, Suite 300
Santa Fe, NM 87503
State Instructions

**North Carolina**

Updated: 03-01-2006

**Registration Deadline** —
Postmarked 25 days before the election or received in the elections office or designated voter registration agency site by 5:00 p.m. 25 days before the election.

6. **ID Number.** Provide your North Carolina driver’s license number, or North Carolina Department of Motor Vehicles ID number. If you do not have a driver’s license, then list the last four digits of your social security number.

7. **Choice of Party.** You must register with a party to vote in that party’s primary unless that party allows unaffiliated voters to vote in its primary. If you indicate a political party that is not a qualified party, or indicate no party, you will be listed as “Unaffiliated”.

8. **Race or Ethnic Group.** You are required to fill in this box. However, your application will not be rejected if you fail to do so. See the list of choices under the Application Instructions for Box 8 (on page 2).

9. **Signature.** To register in North Carolina you must:
   - be a citizen of the United States
   - be a resident of North Carolina and the county in which you live for at least 30 days prior to the election
   - be 18 years of age by the day of the next general election
   - have your rights of citizenship restored if you have been convicted of a felony
   - not be registered or vote in any other county or state

**Mailing address:**
State Board of Elections
P.O. Box 27255
Raleigh, NC 27611-7255

**North Dakota**

Updated: 03-01-2006

North Dakota does not have voter registration.

**Ohio**

Updated: 03-01-2006

**Registration Deadline** — 30 days before the election.

6. **ID Number.** Your social security number is requested. Providing this number is voluntary. This information allows the Board of Elections to verify your registration if necessary (O.R.C. 3503.14). Federal law requires that you provide your driver’s license number to register to vote. If you do not have a driver’s license then you will have to provide at least the last four digits of your social security number. If you don’t have either number you will have to write “NONE” on the form and the State will assign you a number.

7. **Choice of Party.** You do not register with a party if you want to take part in that party’s primary election. Party affiliation is established by voting at a primary election.

8. **Race or Ethnic Group.** Leave blank.

9. **Signature.** To register in Ohio you must:
   - be a citizen of the United States
   - be a resident of Ohio
   - be 18 years old on or before the date of the next election
   - have not been convicted of a felony, for which a period of time equal to the original sentence has not expired, or for which you have not been pardoned
   - not now be under judgment as an incapacitated person, or a partially incapacitated person prohibited from registering to vote

**Mailing address:**
Ohio State Election Board
Box 528800
Oklahoma City, OK 73152-8800

**Oklahoma**

Updated: 10-29-2003

**Registration Deadline** — 25 days before the election.

6. **ID Number.** The last four digits of your social security number are required. (Oklahoma Title 26, Section 4-112) In addition, your Oklahoma driver’s license number is requested.

7. **Choice of Party.** You must register with a party if you want to take part in that party’s primary election, caucus, or convention.

8. **Race or Ethnic Group.** Leave blank.

9. **Signature.** To register in Oklahoma you must:
   - be a citizen of the United States and a resident of the State of Oklahoma
   - be 18 years old on or before the date of the next election
   - have not been convicted of a felony, for which a period of time equal to the original sentence has not expired, or for which you have not been pardoned
   - not now be under judgment as an incapacitated person, or a partially incapacitated person prohibited from registering to vote

**Mailing address:**
Oklahoma State Election Board
Box 528800
Oklahoma City, OK 73152-8800
State Instructions

Oregon

Updated: 03-01-2006

Registration Deadline — 21 days before the election.

6. ID Number. Federal law requires that you provide your driver’s license number to register to vote. If you do not have a driver’s license then you will have to provide at least the last four digits of your social security number. If you have neither, you will need to write “NONE” on the form. A unique identifying number will instead be assigned to you by your State.

7. Choice of Party. You must register with a party if you want to take part in that party’s primary election.


9. Signature. To register in Pennsylvania you must:
   • be a citizen of the United States
   • be a resident of Pennsylvania and your election district at least 30 days before the election
   • be at least 18 years of age on the day of the next election

Mailing address:
Office of the Secretary of the Commonwealth
210 North Office Bldg.
Harrisburg, PA 17120-0029

Rhode Island

Updated: 03-28-2008

Registration Deadline — 30 days before the election.

6. ID Number. The applicant shall be required to provide his/her Rhode Island driver’s license number if the applicant has been issued a current and valid Rhode Island driver’s license. In the case of an applicant who has not been issued a current and valid driver’s license he/she must provide the last four (4) digits of his/her social security number. An applicant, who has neither, will be assigned a unique identifying number by the State of Rhode Island.

7. Choice of Party. In Rhode Island, a person must register with a party if he/she wishes to take part in that party’s primary election. A person who fails to register with a party at the time of registration may, if he/she chooses, register with a party on the day of that party’s primary and take part in that party’s primary election. If a person does not register with a party, he/she can still vote in general elections and non-partisan primary elections.


9. Signature. To register in Rhode Island you must:
   • be a citizen of the United States
   • be a resident of Rhode Island for 30 days preceding the next election
   • be 18 years old by election day
   • not be currently incarcerated in a correctional facility due to a felony conviction
   • not have been lawfully judged to be mentally incompetent

Mailing address:
Rhode Island State Board of Elections
50 Branch Ave.
Providence, RI 02904-2790

South Carolina

Updated: 03-01-2006

Registration Deadline — 30 days before the election.

6. ID Number. Your full social security number is required. It is required by the South Carolina Code of Laws and is used for internal purposes only. Social security number does not appear on any report produced by the State Election Commission nor is it released to any unauthorized
7. **Choice of Party.** You do not have to register with a party if you want to take part in that party’s primary election, caucus, or convention.

8. **Race or Ethnic Group.** You are required to fill in this box. Your application may be rejected if you fail to do so. See the list of choices under the Application Instructions for Box 8 (on page 2).

9. **Signature.** To register in South Carolina you must:
   - be a citizen of the United States
   - be at least 18 years old on or before the next election
   - be a resident of South Carolina, your county and precinct
   - not be confined in any public prison resulting from a conviction of a crime
   - never have been convicted of a felony or offense against the election laws, or if previously convicted, have served your entire sentence, including probation or parole, or have received a pardon for the conviction
   - not be under a court order declaring you mentally incompetent
   - claim the address on the application as your only legal place of residence and claim no other place as your legal residence

**Mailing address:**
State Election Commission
P.O. Box 5987
Columbia, SC 29250-5987

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**Tennessee**

Updated: 03-01-2006

**Registration Deadline** — 30 days before the election.

6. **ID Number.** Your full social security number is required. Social security number, if any, is required for purposes of identification and to avoid duplicate registration (TCA 2.2.116).

7. **Choice of Party.** You do not have to register with a party if you want to take part in that party’s primary election, caucus, or convention.

8. **Race or Ethnic Group.** Leave blank.

9. **Signature.** To register in Tennessee you must:
   - be a citizen of the United States
   - be a resident of Tennessee
   - be at least 18 years old on or before the next election
   - not have been convicted of a felony, or if convicted, have had your full rights of citizenship restored (or have received a pardon)
   - not be adjudicated incompetent by a court of competent jurisdiction (or have been restored to legal capacity)

**Mailing address:**
Coordinator of Elections
Tennessee Tower, Ninth Floor
312 Eighth Avenue, North
Nashville, TN 37243

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**Texas**

Updated: 03-01-2006

**Registration Deadline** — 30 days before the election.

6. **ID Number.** You must provide your driver's license number to register to vote. If you do not have a driver's license then you will have to provide at least the last four digits of your social security number. If you have neither, please write “NONE” on the form. A unique identifying number will instead be assigned to you by your State.

7. **Choice of Party.** You do not have to register with a party if you want to take part in that party’s primary election, caucus, or convention.

8. **Race or Ethnic Group.** Leave blank.

9. **Signature.** To register in Texas you must:
   - be a citizen of the United States

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**South Dakota**

Updated: 03-01-2006

**Registration Deadline** — Received 15 days before the election.

6. **ID Number.** Your driver’s license number is requested. If you do not have a valid driver's license, you must provide the last four digits of your social security number.

7. **Choice of Party.** You must register with a party if you want to take part in that party’s primary election, caucus, or convention.

8. **Race or Ethnic Group.** Leave blank.

9. **Signature.** Your driver's license number is requested. If you do not have a valid driver's license, you must provide the last four digits of your social security number.
State Instructions

- be a resident of the county in which the application for registration is made
- be at least 17 years and 10 months old (you must be 18 to vote)
- not be finally convicted of a felony, or if a convicted felon, you must have fully discharged your punishment, including any incarceration, parole, supervision, period of probation or be pardoned.
- have not been declared mentally incompetent by final judgment of a court of law

Mailing address:
Office of the Secretary of State Elections Division
P.O. Box 12060
Austin, TX 78711-2060

Utah

Updated: 03-28-2008

Registration Deadline — 30 days before the election for mail-in applications; 15 days before the election for walk-in registrations at the county clerk's office.

6. ID Number. Your completed voter registration form must contain your state issued driver's license number or nonoperating identification number. If you do not have a driver's license or nonoperating identification, you must include the last four digits of your social security number. If you do not have a driver's license or a nonoperating identification or a social security number, please write "NONE" on the form. A unique identifying number will be assigned by the State.

7. Choice of Party. Declaring a party is not required in order to register to vote. However, Utah's election law allows each political party to choose whom it will allow to vote in its primary election. If you do not affiliate with a party, you may be restricted from voting in the primary.


9. Signature. To register in Utah you must:
   - be a citizen of the United States
   - have resided in Utah for 30 days immediately before the next election
   - be at least 18 years old on or before the next election
   - not be a convicted felon currently incarcerated for commission of a felony
   - not be convicted of treason or crime against the elective franchise, unless restored to civil rights
   - not be found to be mentally incompetent by a court of law

Mailing address:
Office of the Lieutenant Governor
P.O. Box 142325
Salt Lake City, UT 84114

Vermont

Updated: 07-29-2008

Registration Deadline — Delivered to the town clerk before 5:00 PM on the Wednesday before the election.

6. ID Number. You must provide your Vermont Driver's license number, or if none, the last 4 digits of your Social Security number. If you do not have a Vermont Driver's license or a Social Security number, please write “NONE” on the form. The Secretary of State's office will assign you a unique identifying number.

7. Choice of Party. Vermont does not require party registration to participate in any election.


9. Signature. To register in Vermont you must:
   - be a citizen of the United States
   - be a resident of Vermont
   - be 18 years of age on or before election day
   - have taken the following Oath: You solemnly swear (or affirm) that whenever you give your vote or suffrage, touching any matter that concerns the state of Vermont, you will do it so as in your conscience you shall judge will most conduce to the best good of the same, as established by the Constitution, without fear or favor of any person [Voter's Oath, Vermont Constitution, Chapter II, Section 42]
   By signing in Box 9, you are attesting that you have sworn or affirmed the Vermont voter's oath as printed above.

Mailing address:
Office of the Secretary of State Director of Elections
26 Terrace Street
Montpelier, VT 05609-1101

Virginia

Updated: 11-30-2011

Registration Deadline — Delivered 22 days before the election.

6. ID Number. Your full social security number is required. Your social security number will appear on reports produced only for official use by voter registration and election officials and, for jury selection purposes, by courts.
State Instructions

9. Signature. To register in Washington you must:
   • be a citizen of the United States
   • be a legal resident of Washington State, your county and precinct for
     30 days immediately preceding the election in which you want to vote
   • be at least 18 years old by election day
   • not be convicted of infamous crime, unless restored to civil rights

Mailing address:
Secretary of State
Elections Division
P.O. Box 40229
Olympia, WA 98504-0229

Wisconsin

Updated: 08-05-2013
Registration Deadline — 21 days before the election.
6. ID Number. Provide your driver's license or DOT-issued ID card number. If you do not have a current and valid DOT-issued driver license or ID card, provide the last 4 digits of your social security number.


West Virginia

Updated: 09-12-2006
Registration Deadline — 29 days before the election
6. ID Number. Enter your driver’s license number. If you do not have a driver’s license number, enter the last four numbers of your social security number. If you do not have a driver’s license number or a social security number, an identification number will be assigned to you.
7. Choice of Party. You must register with a party if you want to take part in that party’s primary election, caucus, or convention (unless you request the ballot of a party which allows independents to vote)
9. Signature. To register in West Virginia you must:
   • be a citizen of the United States

Mailing address:
Secretary of State
Building 1, Suite 157-K
1900 Kanawha Blvd. East
Charleston, WV 25305-0770
State Instructions

- not have been convicted of treason, felony or bribery, or if you have, your civil rights have been restored
- not have been found by a court to be incapable of understanding the objective of the electoral process
- not make or benefit from a bet or wage depending on the result of an election
- not have voted at any other location, if registering on election day

Mailing address:
Government Accountability Board
212 East Washington Avenue, Third Floor
P.O. Box 7984
Madison, WI 53707-7984

Wyoming

Updated: 03-01-2006

Wyoming by law, cannot accept this form unless State law is changed.
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| 03          | AFDC (Aid to Families with Dependant Children)  
              AHCCCS (Arizona Health Care Cost Containment System)  
              PAO (Public Assistance Office)  
              MAPS (Maricopa County Health Care Agency – Medical Assistance Programs) |
| 04          | AGENCY FOR DISABLED  
              REHAB (Rehabilitation Services Administration)  
              DDD (Division of Developmental Disabilities) |
| 05          | MOTOR VEHICLE DEPARTMENT |
| 06          | MAIL – IN |
| 07          | REGISTRATION DRIVES |
| 08          | ARMED FORCES  
              FPCA (Federal Post Card Application) |
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**ALL VOTER REGISTRATIONS BY SOURCE**

**RECORDER'S INFORMATION SYSTEMS CENTER**

**MAR. COUNTY**

**VP03343**

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### MARICOPA COUNTY

**RECORDED'S INFO. SYSTEMS CENTER**

**ALL VOTER REGISTRATIONS BY SOURCE MONTH**

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## MARICOPA COUNTY
**RECORDNER'S INFORMATION SYSTEMS CENTER**

### ALL VOTER REGISTRATIONs BY SOURCE MONTH

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### MARICOPA COUNTY
### RECORDER'S INFORMATION SYSTEMS CENTER
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EXHIBIT G
Kansas voter citizenship law facing new scrutiny

The Associated Press

A proof-of-citizenship requirement for Kansas voters is likely to come under attack once the Legislature opens its annual session, but the debate over the policy championed by Secretary of State Kris Kobach also will play in out in federal court and his re-election campaign.

The law took effect at the start of the year and requires new voters to produce a birth certificate, passport or other documentation of their U.S. citizenship when registering. As the year ends, more than 19,000 Kansas residents find their registrations on hold — keeping them from legally casting ballots — because they haven't complied.

Several Democratic lawmakers have proposed rewriting or repealing the proof-of-citizenship law, and even some of Kobach's fellow Republicans in the GOP-dominated Legislature want to look for ways to shrink the list of affected voters. Former state Sen. Jean Schodorf, the expected Democratic challenger for Kobach, is calling on legislators to audit how Kobach's office has administered the law once they convene Jan. 13.

Kobach and Arizona Secretary of State Ken Bennett filed a federal lawsuit earlier this year to compel a federal agency to help their states carry out proof-of-citizenship requirements. The American Civil Liberties Union launched its own legal challenge over the policy in November.

"He promised that this law would be simple, easy and seamless to implement," Schodorf, who voted for the law as a moderate Republican state senator, said during a recent interview. She lost her seat in 2012 conservative primary challenger and switched parties. "We're in this horrible mess."

If Kobach and Bennett are successful, the federal government will be forced to modify its national registration form and Kansas and Arizona residents will be informed they must present proof of their U.S. citizenship to be allowed to vote. Currently, people who use the national form only have to sign a statement attesting to their citizenship.

Kobach and Bennett contend their states face creating cumbersome dual registration systems in which they must accept the national form but limit those people to voting only in presidential, U.S. Senate and congressional races.

The separate ACLU lawsuit contends Kobach has no authority to create a dual registration system in Kansas.

"There's nothing the Legislature needs to do in regard to the proof-of-citizenship law, and I won't be asking them to do anything," Kobach said. "At this point, it's down to my legal staff to defend these laws in court."

Kobach said many of the prospective voters are waiting to provide proof of citizenship until the August primary or November general election because, "It's human nature for a lot of people to put things off."

Kobach promoted the law as an anti-fraud measure preventing non-citizens from voting, particularly those living in the U.S. illegally. During a December federal court hearing, he said his office had found the names of 20 noncitizens out of the about 1.7 million registered on the state's voter rolls.

"We know that the law is having its intended effect," he said.

Critics of the proof-of-citizenship law contend it creates a new burden for prospective voters, far out of proportion to the problem it's purported to solve. State Sen. David Haley, a Kansas City Democrat who serves on the chamber's elections committee, said the policy should be repealed, calling it an attempt to "repress voter participation."
House Elections Committee Chairman Scott Schwab, a conservative Olathe Republican, said the proof-of-citizenship rule still has broad public support.

"It wasn't a mistake, and it was what people wanted," Schwab said. "The problem was the administration of the law."

Schwab places part of the blame on the state Department of Revenue, which earlier this year announced it had dropped plans to require anyone renewing a driver's license to present citizenship documents — which then could be forwarded to election officials.

Secretary Nick Jordan has said the department was responding to concerns about the potential inconvenience for motorists and to cues from federal officials that such a step wouldn't be required under a federal anti-terrorism law.

Schwab said legislators may consider proposals to require the Department of Revenue to go back to its original plans. Schodorf said those initial plans had reassured lawmakers like her that the proof-of-citizenship law could be administered smoothly.

She said that if lawmakers don't address the problems, she'll appeal to voters.

"It is probably going to serve as a referendum," Kobach said.