

# ATTACHMENT 1





TERRY GODDARD  
ATTORNEY GENERAL

Office of the Attorney General  
State of Arizona

Jessica G. Funkhouser  
Direct Line (602) 542-7826

December 9, 2004

**VOTING RIGHTS ACT SUBMISSION**

**VIA FEDERAL EXPRESS/OVERNIGHT DELIVERY TO:**

Mr. Joseph Rich  
Chief, Voting Section  
Civil Rights Division  
Room 7254 - NWB  
U.S. Department of Justice  
1800 G Street, N.W.  
Washington, D.C. 20006

Re: Submission under Section 5 of the Voting Rights Act  
Proposition 200, Initiative Measure, Sections 3, 4, and 5.

Dear Mr. Rich:

Expedited consideration of this submission is requested under 28 C.F.R. § 51.34. At the general election on November 2, 2004, a majority of Arizona voters approved Proposition 200. The submitted law, Proposition 200, Sections 3, 4, and 5, amends Title 16 of the Arizona statutes to require applicants registering to vote to provide evidence of United States citizenship with the application and voters to present identification at the polling place to obtain a ballot. Sections 1, 2, 6 and 7 do not contain procedures affecting voting, and therefore are not submitted for preclearance.

Expedited consideration is required because local jurisdictions will be holding elections on March 8, 2005 and will need time to preclear their local procedures affecting the conduct of their elections before early voting begins on February 3, 2005.

This submission is made under Section 5 of the Voting Rights Act of 1965, as amended. For your convenience, the following information is set forth as prescribed by 28 C.F.R. § 51.27:

A. **COPY OF ENACTMENT:**

A copy of Proposition 200 is attached as **Exhibit A**.



**B. COPY OF EXISTING STATUTE:**

A copy of the existing Title 16 statutes amended by Proposition 200 is attached as **Exhibit B**.

**C. EXPLANATION OF CHANGES:**

The essential changes were summarized by the Arizona Legislative Council pursuant to A.R.S. § 19-124 and published in the publicity pamphlet printed by the Arizona Secretary of State pursuant to A.R.S. § 19-123. The entire portion of the publicity pamphlet pertaining to Proposition 200 is attached as **Exhibit A**.

The impartial analysis by the Arizona Legislative Council relating to changes to Title 16 in Proposition 200 is as follows:

**ANALYSIS BY LEGISLATIVE COUNCIL**

Proposition 200 would require that evidence of United States citizenship be presented by every person to register to vote, that proof of identification be presented by every voter at the polling place prior to voting, that state and local governments verify the identity of all applicants for certain public benefits and that government employees report United States immigration law violations by applicants for public benefits.

Proposition 200 provides that for purposes of registering to vote, satisfactory evidence of United States citizenship includes:

- an Arizona driver or nonoperating identification license issued after October 1, 1996.
- a driver or nonoperating identification license issued by another state if the license indicates that the person has provided proof of United States citizenship.
- a copy of the applicant's birth certificate.
- a United States passport, or a copy of the pertinent pages of the passport.
- United States naturalization documents or a verified certificate of naturalization number.
- a Bureau of Indian Affairs card number, tribal treaty card number or tribal enrollment number.
- other documents or methods of proof that may be established by the federal government for the purpose of verifying employment eligibility.

The county recorder shall indicate this information in the person's permanent voter file for at least two years. A voter registration card from another county or state does not constitute satisfactory evidence of United States citizenship. A person who is registered to vote on the date that Proposition 200 becomes effective is not required to submit evidence of citizenship unless the person



moves to a different county. Once a person has submitted sufficient evidence of citizenship, the person is not required to resubmit the evidence when making changes to voter registration information in the county where the evidence has been submitted.

Proposition 200 requires that prior to receiving a ballot at a polling place, a voter must present either one form of identification that contains the name, address and photograph of the person or two different forms of identification that contain the name and address of the person.

**D. PERSON MAKING THE SUBMISSION:**

Terry Goddard, Arizona Attorney General  
Mary O'Grady, Solicitor General  
Jessica Funkhouser, Special Counsel  
1275 West Washington  
Phoenix, Arizona 85007  
(602) 542-7826

**E. SUBMITTING AUTHORITY:**

The State of Arizona.

**F. COUNTY AND STATE OF SUBMITTING AUTHORITY:**

Not applicable since the submission is from the State.

**G. PARTY RESPONSIBLE FOR CHANGE:**

These changes are the result of a ballot proposition approved by the majority of Arizona voters in the 2004 General Election.

**H. AUTHORITY FOR MAKING CHANGE:**

The people of Arizona are vested with the power to adopt initiative measures amending the Arizona Statutes independently of the legislature pursuant to Ariz. Const. art. IV, pt. 1, § 1(1), (2).

**I. DATE OF ADOPTION:**

Pursuant to a Court order (discussed in section I below), Governor Napolitano is permitted to declare Sections 3, 4 and 5 of Proposition 200 to be law. A copy of the Order is attached as **Exhibit C**. The measure will take effect when the Governor's Proclamation authorized by Judge Bury is attested to by the Secretary of State. (A copy of the letter from the Governor's General Counsel regarding the Proclamation is attached as **Exhibit D**.)





**J. EFFECTIVE DATE:**

Sections 3, 4 and 5 of Proposition 200 become effective upon proclamation of the Governor, pursuant to Judge Bury's Order.

**K. ENFORCEMENT OF CHANGE:**

As far as the State is aware, the changes contained in Sections 3, 4, and 5 of Proposition 200 have not yet been enforced or administered.

**L. SCOPE OF CHANGE:**

The changes contained in Proposition 200 affect the entire jurisdiction.

**M. REASONS FOR THE CHANGE:**

The reasons for the change are described in Proposition 200 and the arguments in support of the measure included in the publicity pamphlet distributed to voters, which is attached as **Exhibit A**.

**N. ANTICIPATED EFFECT ON MEMBERS OF RACIAL OR LANGUAGE MINORITY GROUPS:**

According to the Chair of the Protect Arizona Now Committee, which circulated the initiative petitions and supported the passage of Proposition 200, the changes contained in Proposition 200 were made without discriminatory intent and will have no discriminatory effect on members of racial or language minority groups. Information provided by the Chair to include with this submission is attached as **Exhibit E**.

To assist the Civil Rights Division in assessing whether Proposition 200 was made with discriminatory intent or whether the measure has a discriminatory effect on members of racial or language minority groups, and because this was a controversial measure, this submission includes the following supplemental information suggested by 28 C.F.R. § 51.28(f):

1. The breakdown of votes cast in each county in favor of or against Proposition 200, **Exhibit F**;
2. Information from exit polls regarding the vote on Proposition 200, **Exhibit G**;
3. The list of Town Hall meetings held by the Arizona Secretary of State to discuss the pros and cons of all of the ballot measures prior to the election, **Exhibit H**; and
4. Articles, press releases and other public information published about the proposition before and after the election, **Exhibit I**.



**O. PAST OR PENDING LITIGATION:**

1. Two unsuccessful challenges attempting to remove Proposition 200 from the ballot were brought before the election:

*Service Employees International Union, AFL-CIO et al. v. Janice K. Brewer, et al.*, Maricopa County Superior Court Cause No. CV2004-015592 (challenge to the accuracy and completeness of the initiative description on petition sheets). See Minute Entry dated August 30, 2004 attached as **Exhibit J**.

*No On 200, Arizonans For Real Immigration Reform, an Unincorporated Association, Gretchen Hankins, Julie Pace, v. Jan Brewer, et al.*, Maricopa County Superior Court Cause No. CV2004-020468 (action filed after early voting commenced alleging inaccurate versions of the text of the measure had been attached to a majority of the petitions was filed too late). See Minute Entry dated October 28, 2004 attached as **Exhibit K**.

2. A suit seeking a declaration relating to the definition of "state and local public benefits" contained in Section 6 of the Proposition, which is not submitted for preclearance, was filed on November 18, 2004:

*Yes on Proposition 200 et al. v. Hon. Janet Napolitano, et al.*, Maricopa County Superior Court Cause No. CV2004-092999.

3. A suit challenging both the public benefits and voting-related provisions of Proposition 200 was filed in the Federal District Court for the District of Arizona on November 30, 2004. The suit alleges that voting-related provisions of Proposition 200 are inconsistent with the NVRA, violate the Twenty-Fourth Amendment, deny Equal Protection, and violate Section 2 of the Voting Rights Act:

*Friendly House, et al., v. Janet Napolitano, et al.*, Federal District Court Cause No. CV 04-649 TUC DCB. The Complaint is included in **Exhibit L**.

The Court entered a temporary restraining order on November 30, 2004, temporarily enjoining the state from implementing Proposition 200. A hearing on the preliminary injunction is scheduled for December 22, 2004. See **Exhibit L**. After the Defendants filed a Motion to Modify/Clarify Temporary Restraining Order, Judge Bury issued an Order on December 7, 2004 regarding the proclamation of Sections 3, 4 and 5 of Proposition 200 into law. See **Exhibit C**.

4. The Arizona Secretary of State has also requested an Attorney General Opinion relating to acceptable forms of identification for voting. See **Exhibit M**.

**P. PRECLEARANCE OF PRIOR PRACTICE:**

**Prior Preclearance of A.R.S. § 16-152**

Chapter 209, § 3, Laws 1979	11/09/1979
Chapter 214, § 3, Laws 1984	02/28/1986
Chapter 321, § 1, Laws 1990	12/21/1990
Chapter 310, § 13, Laws 1991	05/01/1992



Chapter 4, 3 <sup>rd</sup> Spec. Sess., § 1, Laws 1991	07/14/1992
Chapter 378, § 10, Laws 1994	04/04/1995
Chapter 95, § 1, Laws 1995	08/28/1995
Chapter 260, § 5, Laws 2003	08/21/2003

**Prior Preclearance of A.R.S. § 16-166**

Chapter 378, § 16, Laws 1994	04/04/1995
Chapter 249, § 11, Laws 2000	09/26/2000
Chapter 169, § 1, Laws 2001	08/31/2001

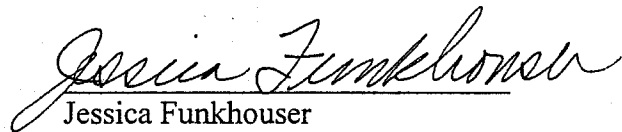
**Prior Preclearance of A.R.S. § 16-579**

Chapter 209, § 3, Laws 1979	11/09/1979
Chapter 320, § 25, Laws 1986	09/12/1986
Chapter 98, § 53, Laws 1993	09/13/1993
Chapter 32, § 9, Laws 1999	08/24/1999
Chapter 260, § 18, Laws 2003	08/21/2003

If you have any questions regarding this submission or if you require any additional information, please contact me as soon as possible.

Very truly yours,

Terry Goddard  
Arizona Attorney General  
Mary O'Grady  
Solicitor General



Jessica Funkhouser  
Special Counsel  
Telephone: (602) 542-7826  
Facsimile: (602) 542-8308

Attachments  
#432960, v.2



# **EXHIBIT A**

---





## 2004 Ballot Propositions

### PROPOSITION 200

#### OFFICIAL TITLE

#### AN INITIATIVE MEASURE

AMENDING SECTIONS 16-152, 16-166 AND 16-579, ARIZONA REVISED STATUTES; AMENDING TITLE 46, CHAPTER 1, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 46-140.01; RELATING TO THE ARIZONA TAXPAYER AND CITIZEN PROTECTION ACT.

#### TEXT OF PROPOSED AMENDMENT

Be it enacted by the People of the State of Arizona:

#### Section 1. Short title

This act may be cited as the "Arizona Taxpayer and Citizen Protection Act".

#### Sec. 2. Findings and declaration

This state finds that illegal immigration is causing economic hardship to this state and that illegal immigration is encouraged by public agencies within this state that provide public benefits without verifying immigration status. This state further finds that illegal immigrants have been given a safe haven in this state with the aid of identification cards that are issued without verifying immigration status, and that this conduct contradicts federal immigration policy, undermines the security of our borders and demeans the value of citizenship. Therefore, the people of this state declare that the public interest of this state requires all public agencies within this state to cooperate with federal immigration authorities to discourage illegal immigration.

Sec. 3. Section 16-152, Arizona Revised Statutes, is amended to read:

#### 16-152. Registration form

A. The form used for the registration of electors shall contain:

1. The date the registrant signed the form.
  2. The given name of the registrant, middle name, if any, and surname.
  3. Complete address of actual place of residence, including street name and number, apartment or space number, city or town and zip code, or such description of the location of the residence that it can be readily ascertained or identified.
  4. Complete mailing address, if different from residence address, including post office address, city or town, zip code or other designation used by the registrant for receiving mail.
  5. Party preference.
  6. Telephone number, unless unlisted.
  7. State or country of birth.
  8. Date of birth.
  9. Occupation.
  10. Indian census number (optional to registrant).
  11. Father's name or mother's maiden name.
  12. The last four digits of the registrant's social security number (optional to registrant).
  13. A statement as to whether or not the registrant is currently registered in another state, county or precinct, and if so, the name, address, county and state of previous registration.
  14. A statement that the registrant is a citizen of the United States.
  15. A statement that the registrant will be eighteen years of age on or before the date of the next general election.
  16. A statement that the registrant has not been convicted of treason or a felony, or if so, that the registrant's civil rights have been restored.
  17. A statement that the registrant is a resident of this state and of the county in which the registrant is registering.
  18. A statement that executing a false registration is a class 6 felony.
  19. The signature of the registrant.
  20. If the registrant is unable to sign the form, a statement that the affidavit was completed according to the registrant's direction.
  21. A statement that if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes.
  22. A statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.
  23. A STATEMENT THAT THE APPLICANT SHALL SUBMIT EVIDENCE OF UNITED STATES CITIZENSHIP WITH THE APPLICATION AND THAT THE REGISTRAR SHALL REJECT THE APPLICATION IF NO EVIDENCE OF CITIZENSHIP IS ATTACHED.
- B. A duplicate voter receipt shall be provided with the form that provides space for the name, street address and city of residence of the applicant, party preference and the date of signing. The voter receipt is evidence of valid registration for the purpose of casting a ballot to be verified as prescribed in section 16-584, subsection B.
- C. The state voter registration form shall be printed in a form prescribed by the secretary of state.
- D. The county recorder may establish procedures to verify whether a registrant has successfully petitioned the court for an injunction against harassment pursuant to section 12-1809 or an order of protection pursuant to section ~~12-1810~~ or 13-3602 and, if verified, to protect the registrant's residence address, telephone number or voting precinct number, if appropriate, from public disclosure.

Sec. 4. Section 16-166, Arizona Revised Statutes, is amended to read:

#### 16-166. Verification of registration

A. Except for the mailing of sample ballots, a county recorder who mails an item to any elector shall send the mailing by nonforwardable first class mail marked with the statement required by the postmaster to receive an address correction notification. If the item is returned undelivered, the county recorder shall send a follow-up notice to that elector within three weeks of receipt of the returned notice. The county recorder shall send the follow-up notice to the address that appears on the general county register or to the forwarding address provided by the United States postal service. The follow-up notice shall include a registration form and the information prescribed by section 16-131, subsection C and shall



state that if the elector does not complete and return a new registration form with current information to the county recorder within thirty-five days, the name of the elector will be removed from the general register and transferred to the inactive voter list.

B. If the elector provides the county recorder with a new registration form, the county recorder shall change the general register to reflect the changes indicated on the new registration. If the elector indicates a new residence address outside that county, the county recorder shall forward the voter registration form to the county recorder of the county in which the elector's address is located. If the elector provides a new residence address that is located outside this state, the county recorder shall cancel the elector's registration.

C. The county recorder shall maintain on the inactive voter list the names of electors who have been removed from the general register pursuant to subsection A or E of this section for a period of four years or through the date of the second general election for federal office following the date of the notice from the county recorder that is sent pursuant to subsection E of this section.

D. On notice that a government agency has changed the name of any street, route number, post office box number or other address designation, the county recorder shall revise the registration records and shall send a new verification of registration notice to the electors whose records were changed.

E. The county recorder on or before May 1 of each year preceding a state primary and general election or more frequently as the recorder deems necessary may use the change of address information supplied by the postal service through its licensees to identify registrants whose addresses may have changed. If it appears from information provided by the postal service that a registrant has moved to a different residence address in the same county, the county recorder shall change the registration records to reflect the new address and shall send the registrant a notice of the change by forwardable mail and a postage prepaid preaddressed return form by which the registrant may verify or correct the registration information. If the registrant fails to return the form postmarked not later than twenty-nine days before the next election, the elector shall be removed from the general register and transferred to the inactive voter list. If the notice sent by the recorder is not returned, the registrant may be required to provide affirmation or confirmation of the registrant's address in order to vote. If the registrant does not vote in an election during the period after the date of the notice from the recorder through the date of the second general election for federal office following the date of that notice, the registrant's name shall be removed from the list of inactive voters. If the registrant has changed residence to a new county, the county recorder shall provide information on how the registrant can continue to be eligible to vote.

F. THE COUNTY RECORDER SHALL REJECT ANY APPLICATION FOR REGISTRATION THAT IS NOT ACCOMPANIED BY SATISFACTORY EVIDENCE OF UNITED STATES CITIZENSHIP. SATISFACTORY EVIDENCE OF CITIZENSHIP SHALL INCLUDE ANY OF THE FOLLOWING:

1. THE NUMBER OF THE APPLICANT'S DRIVER LICENSE OR NONOPERATING IDENTIFICATION LICENSE ISSUED AFTER OCTOBER 1, 1996 BY THE DEPARTMENT OF TRANSPORTATION OR THE EQUIVALENT GOVERNMENTAL AGENCY OF ANOTHER STATE WITHIN THE UNITED STATES IF THE AGENCY INDICATES ON THE APPLICANT'S DRIVER LICENSE OR NONOPERATING IDENTIFICATION LICENSE THAT THE PERSON HAS PROVIDED SATISFACTORY PROOF OF UNITED STATES CITIZENSHIP.

2. A LEGIBLE PHOTOCOPY OF THE APPLICANT'S BIRTH CERTIFICATE THAT VERIFIES CITIZENSHIP TO THE SATISFACTION OF THE COUNTY RECORDER.

3. A LEGIBLE PHOTOCOPY OF PERTINENT PAGES OF THE APPLICANT'S UNITED STATES PASSPORT IDENTIFYING THE APPLICANT AND THE APPLICANT'S PASSPORT NUMBER OR PRESENTATION TO THE COUNTY RECORDER OF THE APPLICANT'S UNITED STATES PASSPORT.

4. A PRESENTATION TO THE COUNTY RECORDER OF THE APPLICANT'S UNITED STATES NATURALIZATION DOCUMENTS OR THE NUMBER OF THE CERTIFICATE OF NATURALIZATION. IF ONLY THE NUMBER OF THE CERTIFICATE OF NATURALIZATION IS PROVIDED, THE APPLICANT SHALL NOT BE INCLUDED IN THE REGISTRATION ROLLS UNTIL THE NUMBER OF THE CERTIFICATE OF NATURALIZATION IS VERIFIED WITH THE UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE BY THE COUNTY RECORDER.

5. OTHER DOCUMENTS OR METHODS OF PROOF THAT ARE ESTABLISHED PURSUANT TO THE IMMIGRATION REFORM AND CONTROL ACT OF 1986.

6. THE APPLICANT'S BUREAU OF INDIAN AFFAIRS CARD NUMBER, TRIBAL TREATY CARD NUMBER OR TRIBAL ENROLLMENT NUMBER.

G. NOTWITHSTANDING SUBSECTION F OF THIS SECTION, ANY PERSON WHO IS REGISTERED IN THIS STATE ON THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION IS DEEMED TO HAVE PROVIDED SATISFACTORY EVIDENCE OF CITIZENSHIP AND SHALL NOT BE REQUIRED TO RESUBMIT EVIDENCE OF CITIZENSHIP UNLESS THE PERSON IS CHANGING VOTER REGISTRATION FROM ONE COUNTY TO ANOTHER.

H. FOR THE PURPOSES OF THIS SECTION, PROOF OF VOTER REGISTRATION FROM ANOTHER STATE OR COUNTY IS NOT SATISFACTORY EVIDENCE OF CITIZENSHIP.

I. A PERSON WHO MODIFIES VOTER REGISTRATION RECORDS WITH A NEW RESIDENCE BALLOT SHALL NOT BE REQUIRED TO SUBMIT EVIDENCE OF CITIZENSHIP. AFTER CITIZENSHIP HAS BEEN DEMONSTRATED TO THE COUNTY RECORDER, THE PERSON IS NOT REQUIRED TO RESUBMIT SATISFACTORY EVIDENCE OF CITIZENSHIP IN THAT COUNTY.

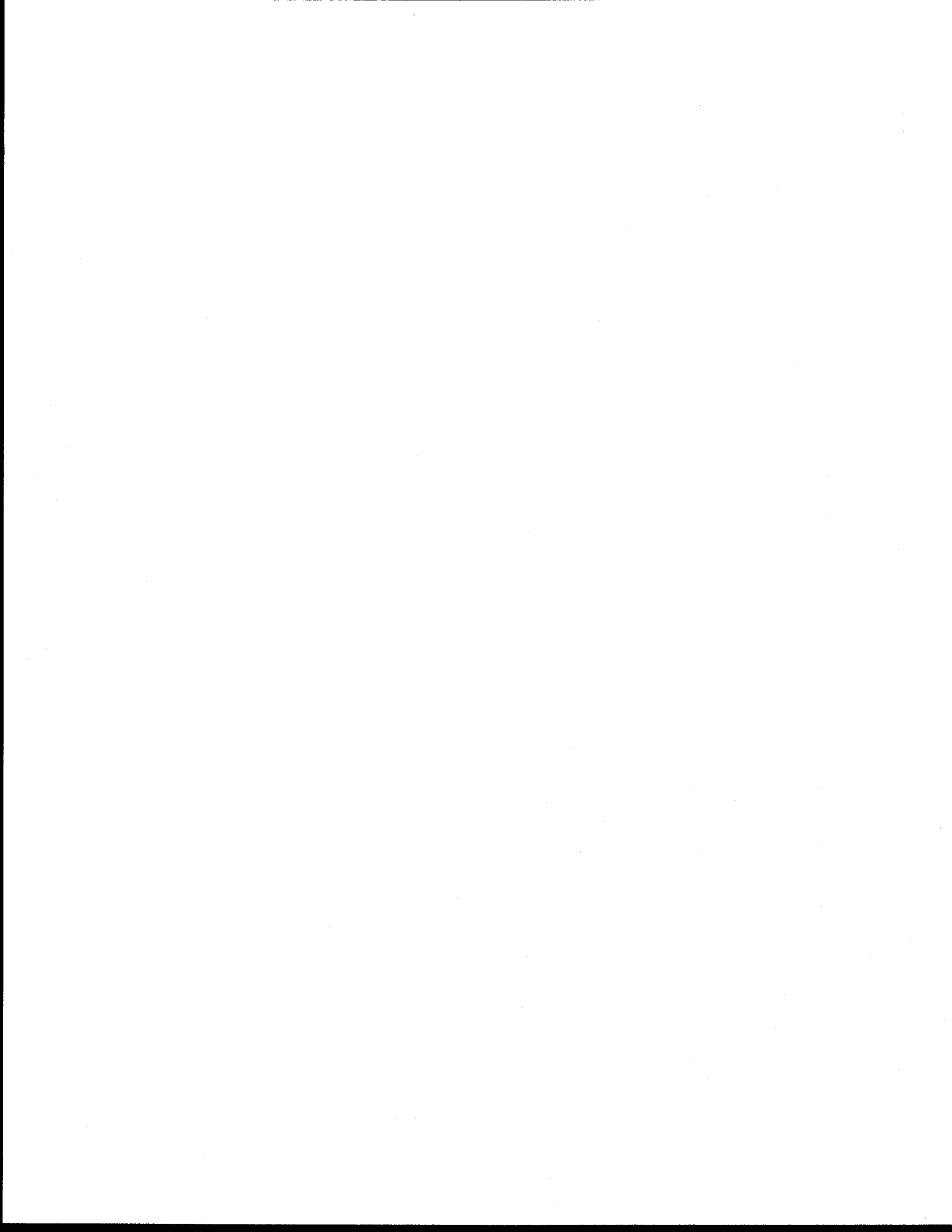
J. AFTER A PERSON HAS SUBMITTED SATISFACTORY EVIDENCE OF CITIZENSHIP, THE COUNTY RECORDER SHALL INDICATE THIS INFORMATION IN THE PERSON'S PERMANENT VOTER FILE. AFTER TWO YEARS THE COUNTY RECORDER MAY DESTROY ALL DOCUMENTS THAT WERE SUBMITTED AS EVIDENCE OF CITIZENSHIP.

Sec. 5. Section 16-579, Arizona Revised Statutes, is amended to read:

16-579. *Procedure for obtaining ballot by elector*

A. Every qualified elector, before receiving his ballot, shall announce his name and place of residence in a clear, audible tone of voice to the election official in charge of the signature roster or present his name and residence in writing AND SHALL PRESENT ONE FORM OF IDENTIFICATION THAT BEARS THE NAME, ADDRESS AND PHOTOGRAPH OF THE ELECTOR OR TWO DIFFERENT FORMS OF IDENTIFICATION THAT BEAR THE NAME AND ADDRESS OF THE ELECTOR. If the name is found upon the precinct register by the election officer having charge thereof, or the qualified elector presents a certificate from the county recorder showing that he is entitled by law to vote in the precinct, the election official in charge of the signature roster shall repeat the name and the qualified elector shall be allowed within the voting area.

B. Any qualified elector who is listed as having applied for an early ballot but who states that he has not voted and will not vote an early ballot for this election or surrenders the early ballot to the precinct inspector on election day shall be allowed to vote pursuant to the procedure set forth in section 16-584.



C. Each qualified elector's name shall be numbered consecutively by the clerks, with the number upon the stub of the ballot delivered to him, and in the order of applications for ballots. The election judge having charge of the ballots shall also write his initials upon the stub and the number of the qualified elector as it appears upon the precinct register. The judge shall give the qualified elector only one ballot, and his name shall be immediately checked on the precinct register.

D. Each qualified elector shall sign his name in the signature roster prior to receiving his ballot, but an inspector or judge may sign the roster for an elector who is unable to sign because of physical disability, and in that event the name of the elector shall be written with red ink, and no attestation or other proof shall be necessary. The provisions of this subsection relating to signing the signature roster shall not apply to electors casting a ballot using early voting procedures.

E. A person offering to vote at a special district election for which no special district register has been supplied shall sign an affidavit stating his address and that he resides within the district boundaries or proposed district boundaries and swearing that he is a qualified elector and has not already voted at the election being held.

Sec. 6. Title 46, chapter 1, article 3, Arizona Revised Statutes, is amended by adding section 46-140.01, to read:

46-140.01. Verifying applicants for public benefits; violation; classification; citizen suits

A. AN AGENCY OF THIS STATE AND ALL OF ITS POLITICAL SUBDIVISIONS, INCLUDING LOCAL GOVERNMENTS, THAT ARE RESPONSIBLE FOR THE ADMINISTRATION OF STATE AND LOCAL PUBLIC BENEFITS THAT ARE NOT FEDERALLY MANDATED SHALL DO ALL OF THE FOLLOWING:

1. VERIFY THE IDENTITY OF EACH APPLICANT FOR THOSE BENEFITS AND VERIFY THAT THE APPLICANT IS ELIGIBLE FOR BENEFITS AS PRESCRIBED BY THIS SECTION.

2. PROVIDE ANY OTHER EMPLOYEE OF THIS STATE OR ANY OF ITS POLITICAL SUBDIVISIONS WITH INFORMATION TO VERIFY THE IMMIGRATION STATUS OF ANY APPLICANT FOR THOSE BENEFITS AND ASSIST THE EMPLOYEE IN OBTAINING THAT INFORMATION FROM FEDERAL IMMIGRATION AUTHORITIES.

3. REFUSE TO ACCEPT ANY IDENTIFICATION CARD ISSUED BY THE STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE, INCLUDING A DRIVER LICENSE, TO ESTABLISH IDENTITY OR DETERMINE ELIGIBILITY FOR THOSE BENEFITS UNLESS THE ISSUING AUTHORITY HAS VERIFIED THE IMMIGRATION STATUS OF THE APPLICANT.

4. REQUIRE ALL EMPLOYEES OF THE STATE AND ITS POLITICAL SUBDIVISIONS TO MAKE A WRITTEN REPORT TO FEDERAL IMMIGRATION AUTHORITIES FOR ANY VIOLATION OF FEDERAL IMMIGRATION LAW BY ANY APPLICANT FOR BENEFITS AND THAT IS DISCOVERED BY THE EMPLOYEE.

B. FAILURE TO REPORT DISCOVERED VIOLATIONS OF FEDERAL IMMIGRATION LAW BY AN EMPLOYEE IS A CLASS 2 MISDEMEANOR. IF THAT EMPLOYEE'S SUPERVISOR KNEW OF THE FAILURE TO REPORT AND FAILED TO DIRECT THE EMPLOYEE TO MAKE THE REPORT, THE SUPERVISOR IS GUILTY OF A CLASS 2 MISDEMEANOR.

C. THIS SECTION SHALL BE ENFORCED WITHOUT REGARD TO RACE, RELIGION, GENDER, ETHNICITY OR NATIONAL ORIGIN. ANY PERSON WHO IS A RESIDENT OF THIS STATE SHALL HAVE STANDING IN ANY COURT OF RECORD TO BRING SUIT AGAINST ANY AGENT OR AGENCY OF THIS STATE OR ITS POLITICAL SUBDIVISIONS TO REMEDY ANY VIOLATION OF ANY PROVISION OF THIS SECTION, INCLUDING AN ACTION FOR MANDAMUS. COURTS SHALL GIVE PREFERENCE TO ACTIONS BROUGHT UNDER THIS SECTION OVER OTHER CIVIL ACTIONS OR PROCEEDING PENDING IN THE COURT.

Sec. 7. Severability

If a provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

#### **ANALYSIS BY LEGISLATIVE COUNCIL**

Proposition 200 would require that evidence of United States citizenship be presented by every person to register to vote, that proof of identification be presented by every voter at the polling place prior to voting, that state and local governments verify the identity of all applicants for certain public benefits and that government employees report United States immigration law violations by applicants for public benefits.

Proposition 200 provides that for purposes of registering to vote, satisfactory evidence of United States citizenship includes:

- an Arizona driver or nonoperating identification license issued after October 1, 1996.
- a driver or nonoperating identification license issued by another state if the license indicates that the person has provided proof of United States citizenship.
- a copy of the applicant's birth certificate.
- a United States passport, or a copy of the pertinent pages of the passport.
- United States naturalization documents or a verified certificate of naturalization number.
- a Bureau of Indian Affairs card number, tribal treaty card number or tribal enrollment number.
- other documents or methods of proof that may be established by the federal government for the purpose of verifying employment eligibility.

The county recorder shall indicate this information in the person's permanent voter file for at least two years. A voter registration card from another county or state does not constitute satisfactory evidence of United States citizenship. A person who is registered to vote on the date that Proposition 200 becomes effective is not required to submit evidence of citizenship unless the person moves to a different county. Once a person has submitted sufficient evidence of citizenship, the person is not required to resubmit the evidence when making changes to voter registration information in the county where the evidence has been submitted.

Proposition 200 requires that prior to receiving a ballot at a polling place, a voter must present either one form of identification that contains the name, address and photograph of the person or two different forms of identification that contain the name and address of the person.

Proposition 200 requires that a state or local governmental entity that is responsible for administering "state and local public benefits that are not federally mandated" must:



- verify the identity and eligibility for each applicant for the public benefits.
- provide other state and local government employees with information to verify immigration status of applicants applying for public benefits and must also assist other state and local government employees in obtaining immigration status information from federal immigration authorities.
- refuse to accept any state or local government identification card, including a driver license, to establish identity or eligibility for public benefits unless the governmental entity that issued the card has verified the immigration status of the applicant.
- require all state and local government employees to make a written report to federal immigration authorities upon discovering a violation of federal immigration laws by an applicant for public benefits. An employee or supervisor who fails to make the required report is guilty of a class 2 misdemeanor, potentially punishable by a jail sentence of up to 4 months and a fine of up to \$750, plus applicable surcharges.

Any resident of this state would have standing to bring a court action against the state, a local governmental entity or an agent of a state or local governmental entity to remedy a violation of the public benefits verification law including bringing an action to compel a government official to comply with the law.

Proposition 200 does not define the term "state and local public benefits that are not federally mandated".

### **FISCAL IMPACT STATEMENT**

State law requires the Joint Legislative Budget Committee (JLBC) Staff to prepare a summary of the fiscal impact of certain ballot measures. Proposition 200 does not define the term "state and local public benefits that are not federally mandated." Proposition 200's provision requiring verification of an applicant's eligibility for receipt of state and local benefits may affect the number of persons receiving benefits. The proposition's verification requirements may affect the workload of state and local government agencies. The JLBC Staff is unable to quantify the fiscal impact of these provisions.

### **ARGUMENTS "FOR" PROPOSITION 200**

#### **PAN's Ballot Measure Argument**

The Arizona Taxpayer & Citizen Protection Act requires only (1) proof of citizenship to register to vote, (2) photo I.D. when voting, and (3) proof of eligibility to collect welfare in Arizona.

(1) and (2): Arizona now allows people to declare themselves citizens without documentation to be qualified to vote. The Act utilizes forms of I.D. citizens already have. There is evidence of hundreds of thousands of unverified names on our voter rolls (and that's with nobody even checking citizenship verification). We have to provide adequate I.D. to cash checks, enroll children in little league, get a Blockbuster card, go to the Phoenix city dump, etc. Isn't voting as important as renting a video or going to the city dump?

(3): A.R.S. Title 46 covers only welfare, not public safety services such as police and fire. This Act amends only A.R.S. 46-140 to remove the welfare department's current practice of granting immunity from prosecution to illegal aliens. The current law already requires state employees (and their supervisors if applicable), to report fraud-even if committed "by mistake"-to the state department under penalty of a misdemeanor. Yet, AHCCCS's (Arizona Medicaid) application clearly states twice in bold letters that "AHCCCS will not report any information to . . . (BCIS, formerly INS)." The AHCCCS further states that everyone applying for AHCCCS must furnish their Social Security number, but "immigrants who are not legally able to obtain a [SSN] are not required to provide one." The welfare system in Arizona is obviously set up for fraud. It's no wonder AHCCCS costs increased from \$200 million in FY 2001 to a staggering \$1.2 billion in FY 2003 - a whopping 600% increase in just 3 years.

The Act does not change eligibility requirements to vote or collect welfare, and applies to everyone equally. What could be fairer?

*Kathy McKee, Chairman, Protect Arizona NOW, Phoenix*

**Paid for by "Protect Arizona Now"**

Citizens of Arizona,

The Arizona Taxpayer and Citizen Protection Act ("Initiative") simply protects the rights that are guaranteed by our constitution to all citizens. As stated in section 12 of the Arizona Constitution:

"There shall be enacted registration and other laws to secure the purity of elections and guard against abuses of the elective franchise."

The Initiative will prevent non-citizens from being able to register to vote in Arizona. Currently, no proof of citizenship is required. A person can register to vote by mail or over the Internet and have a ballot mailed to them. The Initiative will require all citizens to show proof of citizenship the first time they register to vote. The Initiative will require registered voters to provide proof of identity when obtaining a ballot whether in person or by mail.

The initiative also requires proof of eligibility for an applicant to receive non-federally mandated public benefits. Arizona statutes already require proof of eligibility when an applicant applies for state or local benefits. The initiative simply requires everyone to provide a specified and approved form of identification when applying for state and local benefits. It further requires government employees to provide a written report to federal immigration authorities for any violation of federal immigration laws by any applicant that is discovered by the employee.

I urge you to vote yes on the Arizona Taxpayer and Citizen Protection Act. It treats all Arizona citizens equally and fairly under the law.

*Randy Pullen, Chairman, Yes on Proposition 200, Phoenix*

**Paid for by "Yes on Proposition 200"**

The Arizona Taxpayer and Citizen Protection Act is a reasonable measure designed to help state agencies enforce current law. This measure simply revises two sections of Arizona Revised Statutes, Title 16 Elections and Title 46 Welfare.

Article 7, Section 12 of the Arizona Constitution states: "There shall be enacted registration and other laws to secure the purity of elections and guard against abuses of the elective franchise." To meet this constitutional requirement, Arizona law requires that to vote in Arizona you





must be a U.S. Citizen. At present, you do not have to provide proof of citizenship when you register to vote, nor do you need to show identification when you vote. Proposition 200 corrects this concern.

Arizona Revised Statutes, Title 46 Welfare, identifies entitlement programs and their eligibility requirements. It clearly states that you must be a citizen of the United States or a legal resident to be eligible for state welfare benefits. The present system allows state agencies to rely on the "honor" system to determine if this requirement is met. Would you feel comfortable that tax dollars for welfare benefits are being well managed using little more than the "honor" system in determining other eligibility requirements such as income levels?

Do not be fooled by the opposition's emotional response to this measure. Proposition 200 will not deny any eligible U.S. Citizen their right to vote. Public safety issues such as police and fire protection are not welfare benefits and will not be denied by Proposition 200. Access to library cards and other similar services will not be affected by this measure. If you believe our laws mean something, then support Proposition 200 and vote YES on November 2nd.

*Randy Graf, State Representative, Green Valley*

The citizens of Arizona have spoken: they have had enough.

While the politicians in Washington D.C. were ignoring illegal immigration, nearly 200,000 Arizona residents signed their name on petitions to allow this initiative to be placed on the ballot. Its passage is vital to the security of this state and the sovereignty of our country.

This initiative will not deny benefits to those who are eligible to receive them. Rather, it prevents those who are not eligible from continuing to illegally defraud the taxpayers of Arizona.

The Protect Arizona Now initiative protects the integrity of our election and welfare systems by requiring:

Proof of citizenship to register to vote: The U.S. Constitution established more than 200 years ago only allows citizens to vote. The initiative requires everyone "equally" to prove eligibility. The Arizona Constitution reads as follows *Article 7, Sec. 12*, "There shall be enacted registration and other laws to secure the purity of elections and guard against abuses of the elected franchise."

Photo I.D. when voting: Photo I.D. is currently required to cash a check, sign a lease, or get a card at a video store. Governor Napolitano vetoed the bill requiring photo I.D. when voting, stating it was illegal. Yet 11 states already have laws requiring I.D. when voting. Some laws have been on the books for decades.

Proof of eligibility to receive non-federal mandated public benefits: Requires everyone to provide proof of eligibility. A study by The Urban Institute, and the University of Arizona estimate fraud costs in the tens of millions of dollars.

As former Chief Deputy of Maricopa County Sheriff's Office, Judge, and Director of the State Motor Vehicle Division I know the impact of fraud and illegal immigration on families, taxpayers and citizens.

*Russell K. Pearce, State Representative, Mesa*

Arizona voters should vote yes on Proposition 200 because it is a common sense, moderate measure that merely enforces the law, ensuring that illegal aliens who are not entitled to vote or obtain certain benefits cannot subvert the law to access them. Federal immigration law prohibits illegal aliens from using non-essential taxpayer-funded programs, but unfortunately the law has been poorly enforced, to the detriment of Arizona taxpayers. Proposition 200 is not radical, it does not stop illegal aliens from entering the state, or "guard the border" which is considered the job of the federal government, and it does not create any new restrictions on illegal aliens; it is merely an enforcement mechanism of existing law.

Opponents of Proposition 200 claim that it will be struck down by the courts as unconstitutional, as California's Proposition 187 was, but Proposition 200 has been drafted carefully to avoid the pitfalls of Proposition 187. Proposition 187 was ruled unconstitutional by a California U.S. District Court judge because it denied federally mandated benefits to illegal aliens. Proposition 200 gets around this by specifically stating that federally mandated benefits are exempt, which include emergency medical services, fire department services, and public schooling. It provides that Arizona state and local governments must require that applicants for non-federally mandated benefits (non-emergency services such as welfare) produce identification of their U.S. citizenship to demonstrate eligibility for those benefits. A recent study by the Center of Immigration Studies found that the total amount of welfare provided by Arizona taxpayers to illegal immigrants is \$380 million dollars.

There is also a severability clause at the end of Proposition 200, which provides that if any of its provisions are ruled invalid by a court, the rest of the Act shall stand. Please vote yes on Proposition 200 to enforce existing law.

*Rachel Alexander, Phoenix Attorney and Editor, IntellectualConservative.com, Phoenix*

Along with fellow elected officials, small businessmen and women, community activists and tens of thousands of concerned citizens, we would like to voice our support for the Protect Arizona NOW Initiative.

For too long, our porous borders have allowed millions of immigrants to illegally enter the United States, circumventing our generous immigration laws and undermining our sovereignty. While the majority journey here to work and pursue the American dream, an increasing number have enrolled themselves in taxpayer-subsidized health and welfare programs, draining state resources at an alarming rate.

While no one wants to bar hard-working individuals from services to which they are entitled, it is not fair or lawful for non-citizens to reap the benefits of citizenship at the expense of law-abiding taxpayers.

This modest measure simply requires state agencies to verifiably abide by regulations already in statute, and prevents our welfare system from being abused by those who voluntarily chose to disregard the law.

The PAN initiative also strengthens the integrity of our election system by requiring proof of identification to vote.

PAN does not deny state services to anyone who is legally entitled to them. Only those who are currently circumventing the law will be affected.

By ensuring that our current statutes are enforced, this initiative encourages legal immigration and preserves the rule of law that makes this country so attractive to those yearning to be free.

We hope that, by enforcing our laws and preserving our resources, the people of this state will join us and Protect Arizona Now.

*Russell Pearce, Representative, Mesa*

*Karen Johnson, Representative, Mesa*

*Eddie Farnsworth, Representative, Gilbert*



*Andy Biggs, Representative, Gilbert*  
*Chuck Gray, Representative, Mesa*  
*Mark Anderson, Senator, Mesa*  
*Thayer Verschoor, Senator, Gilbert*  
 Paid for by "Russell Pearce 2004"

Arizona now spends more than \$1 billion annually to provide services and benefits to more than half a million illegal aliens. These costs continue to rapidly increase. The added tax burden amounts to \$700 a year on every Arizona household.

Proposition 200 (Protect Arizona Now) will protect Arizona taxpayers from the ever-escalating costs of providing benefits to illegal aliens. It will do so in a way that is consistent with federal law, but will not withhold those essential services that protect the public health and safety of all, including emergency medical assistance, and public K-12 education for children. Immunization programs and programs that test for communicable diseases would continue to operate without regard to immigration status.

Under federal law, Arizona state and local governments may not provide non-essential public benefits to illegal aliens. Proposition 200 will require public agencies in Arizona to verify that persons who receive non-emergency benefits are not illegal aliens. The verification procedure has been used since 1996 to check eligibility for federal benefits. Proposition 200 would require that the same clear and consistent policy apply to all taxpayer-funded benefits in Arizona.

A state or local benefit, as defined by federal law, includes welfare, disability, retirement payments, public housing assistance, or taxpayer subsidized postsecondary education. In addition, persons unlawfully in the U.S. are barred from receiving Arizona state contracts, professional licenses, driver's licenses or state identity documents.

Such benefits are an incentive for illegal aliens to settle in Arizona and hide from federal authorities.

It is common sense logic that our state and federal government agencies cooperate to prevent fraud and abuse by illegal aliens. Proposition 200 will protect Arizona citizens and our legal immigrant neighbors against the rising costs of illegal immigration, while respecting the rights, health and safety of the entire community.

*Linda Bentley, Carefree*

### **ARGUMENTS "AGAINST" PROPOSITION 200**

The League of Women Voters of Arizona believes this initiative is not just bad public policy but the politics of discrimination.

Voter fraud is the least of our problems. There have been as few as 10 cases in all of Maricopa County in the last ten years and none in Pima County. The provision that requires IDs at polling places will slow down the voting process, creating longer lines and reducing voter turnout as work of lengthy waits spreads. It will mean more provisional ballots, driving up the cost of elections and delaying the counting process, holding up election results. We should not make it more difficult for two million honest citizens to vote just because a very few may be abusing this right.

The initiative does nothing to change immigration policy. What it does is turn local and state government employees into immigration agents. To be applied fairly, everyone seeking a government benefit, including firefighting assistance, a library book, and police protection must prove citizenship. This means all residents all the time and demands even enforcement.

This invitation to discriminate should be rejected. We urge a "No" vote.

*Gini McGirr, President, League of Women Voters of Arizona, Tucson*  
*Bonnie Saunders, 1st Vice President, League of Women Voters of Arizona, Sun City*  
 Paid for by "League of Women Voters of Arizona"

I urge you to vote no on the Arizona Taxpayer and Citizens Protection Act because this legislation is mean-spirited and unnecessary.

This legislation requires that every Arizonan must present evidence of United States citizenship to register initially and every time you vote. This requirement implies that persons who are not United States citizens are registering and voting today in Arizona elections. This legislation addresses a problem that does not exist and it creates a financial and bureaucratic burden on all Arizona taxpayers. Existing state and federal laws impose harsh jail sentences and severe fines for voter fraud and false claim to United States citizenship. This legislation is clearly unnecessary.

This legislation requires that local governments verify citizenship before public services are provided. Again, this requirement implies that undocumented people are now receiving public benefits in Arizona. Undocumented people do not qualify for benefits such as public assistance and food stamps. Existing state and federal laws impose harsh jail sentences and severe fines for welfare fraud and false claim to U.S. citizenship. This legislation is so broad as to require proof of citizenship before local fire personnel can put out a house fire, save occupants or provide life-saving intervention at the scene of an accident. My mother is an 80-year-old citizen who does not speak English and I do not want someone withholding life saving aid from her while attempting to determine her citizenship. This is not the Arizona I want to live in. This is not who we are as a people. Arizonans care about each other; blind hate is not an Arizona value.

This legislation is mean-spirited and unnecessary. Vote no.

*Raúl M. Grijalva, Member of Congress, Tucson*

The Green Party of Arizona refers to this ballot measure as the "Let's make it hard for Americans to vote Initiative." Under the guise of affecting public assistance to undocumented migrants, where its impact is negligible, it sneaks in requirements that will make it harder for citizens to exercise our right to vote. We Greens push to make it easier for Americans to vote, not harder, because we believe that the best government will come when we all participate.

Under this measure young people, eager to register and vote as they come of age, will have to send away for a copy of their birth certificate first, and maybe miss deadlines, if the document comes at bureaucratic pace. Likewise, persons registered in other states, rather than present their old registration when they want to become Arizona residents, must pay for the proof of citizenship that they'll have to present. And older



citizens, who like to vote at the polls on election day, may find themselves hiking several blocks back home, maneuvering a walker or cane, if they forget to bring a picture ID.

This measure is designed to make voting and registration less convenient for citizens, to add to costly bureaucracy and delay, and to intimidate and harass the vulnerable. When Arizonans learn the real agenda behind this thing, they will vote it down.

Vote NO.

*Maggie Silk, Co-Chair, Arizona Green Party, Mesa*  
*Claudia Ellquist, Tucson*  
*Richard Scott, Treasurer, Arizona Green Party, Scottsdale*  
**Paid for by "Arizona Green Party"**

The Arizona Farm Bureau opposes proposition 200: We appreciate the frustration owing to the failure of our federal government to properly address border and immigration issues. We will not recite all of the problems in this space, but be assured we do understand and acknowledge them. Moreover, Farm Bureau has been heavily invested in working on a variety of specific solutions at the federal level. We are not commenting on the voter identification portion of this initiative - something we do favor. The second portion provides for a denial of public benefits, not required under federal law. We question the wisdom and the cost of turning every state and local employee (under criminal penalty) in Arizona into an arm of the immigration service to enforce federal law that is not currently being enforced by the federal government. Further, the creation and sharing of some sort of database among all levels of Arizona government, as to whom is a citizen and who is not, creates another voter approved cost with no identifiable source of income. Lastly, under federal law, the state must provide public benefits for the protection of life and safety, and this creates a host of questions, not to be settled without a new cottage industry of legal issues and court decisions. We believe the unintended consequences and costs to be considerable and not fully contemplated. We believe the energy of this initiative is better directed at federal solutions to federal problems, and we know this is a difficult road.

Vote NO on Proposition 200

*Kevin Rogers, President, Arizona Farm Bureau, Mesa*  
*Jim Klinker, Chief Administrative Officer, Arizona Farm Bureau, Higley*  
**Paid for by "Arizona Farm Bureau"**

Proposition 200, the so-called "Arizona Taxpayer and Citizen Protection Act" does nothing to protect either taxpayers or citizens. It will end up costing taxpayers more money and provide endless hassles for citizens wanting basic government services. It doesn't even do what the backers really want, to eliminate government services for undocumented immigrants or to stem illegal immigration.

Undocumented immigrants are already denied Arizona and local government benefits and services. They can't vote. They can't get driver's licenses. The only services they use that cost much money such as emergency healthcare and public safety (fire and police) are guaranteed by federal law and won't be eliminated by this initiative. There is no big savings. There is a big cost. If this measure passes everyone applying for any government service will have to prove either citizenship or legal immigration status. That means the librarian will have to see your birth certificate to renew your library card. The extra time and effort required in every state and local office will cost you plenty, both in your time and aggravation and in increased taxes to pay for the bureaucracy.

This measure also turns every government employee into a snitch. If your librarian suspects, rightly or wrongly, that you aren't a citizen, she's required to report you to the feds.

This initiative won't slow border crossings. They'll still come for the jobs and opportunity. It will just hurt the most vulnerable among them, especially women and children who will be more afraid to report crimes or seek healthcare.

Proposition 200 will just increase the suspicion and bureaucracy for all of us. We don't want to live in a world where big brother watches our every move. The Arizona National Organization for Women (NOW) urges you to vote No on 200.

*Karen Van Hooft, State Coordinator, Policy/Spokesperson, Arizona NOW, Scottsdale*  
*Eric Ehst, State Coordinator, Political Action, Arizona NOW, Phoenix*  
**Paid for by "Arizona NOW"**

The Arizona Chamber of Commerce urges a "no" vote on Proposition 200 because it holds out the false promise of doing "something" about illegal immigration while ignoring the fact that only the federal government can secure our borders and regulate immigration.

The Arizona Chamber believes that the United States and Arizona grow stronger by welcoming those who seek to better their families, work in our industries and find liberty and refuge from oppression. We believe in legal immigration and oppose illegal immigration.

The approximately 10 million undocumented individuals living in the United States are proof that our nation's immigration system is broken. The current hodge-podge of federal immigration laws must be reformed. However, Proposition 200 does nothing to improve the situation and most likely will make it more complicated and costly to enforce.

If voters wish to "do something" to effect change, they should support efforts in Congress to pass comprehensive immigration reform that creates the right balance of incentives and sanctions while serving the homeland security needs of the nation. We agree that such reform must not equal reward for those who have entered the U.S. illegally. It must be done in a manner that instills confidence in the fairness and equity of our immigration laws and discourages further illegal immigration.

One thing is clear. Proposition 200 does nothing to address the underlying, failed federal immigration system. Voters shouldn't think passing this measure will have any real impact on illegal immigration. All it will do is raise expectations and help sour the political dialogue that is necessary to actually fix the problem at the federal level. That is why the Arizona Chamber of Commerce urges voters to vote "no" on Proposition 200.

*C.A. Howlett, Chairman of Board of Directors, Arizona Chamber of Commerce, Scottsdale*  
*James J. Apperson, President & CEO, Arizona Chamber of Commerce, Scottsdale*  
**Paid for by "Arizona Chamber of Commerce"**



This proposition is based on lies and paranoia. The supporters want us to believe that their cause is just and patriotic. Nothing is further from the truth. Their cause is simply fear mongering and hatred. Arizona's elected officials have not issued a statement that illegal immigration is causing an economic hardship. More importantly, Arizona's legislative body has not made an inquiry nor has it been asked to authorize an inquiry to assess the impact of illegal immigration on the state's economy. Had it done so, the study would have concluded as many of the CONSERVATIVE THINK TANKS have concluded: illegal immigration is a positive to the economy! (CATO Institute, and Club for Growth).

The proponents blatantly lie when they tell us that State agencies provide public benefits without verifying immigration status. The public should be told that the 1996 federal welfare reform legislation prohibits illegal immigrants from receiving welfare (PRWORA, P.L. 104-193). That same legislation even restricted the ability of legal immigrants from receiving welfare. More importantly, Arizona has always required citizenship to receive welfare benefits, even before the federal legislation.

The proponents want the public to believe that the State employees willfully disregard these citizenship requirements and hand out welfare benefits like it was Christmas. The unbiased facts indicate otherwise. In April 2004, the Auditor General (an agency of the State Legislature) gave the Department of Economic Security a very favorable evaluation.

The proponents' paranoia extends to their proposal requiring voters to show proof of identity when they vote. The proponents have never shown nor have they attempted to show evidence to prove that people are voting using another's identity. I for one enjoy the liberty and the ease with which I vote at the polls. We should not abandon our liberties because of the proponents paranoia. VOTE NO.

*Jorge Luis Garcia, State Senator, District 27, Tucson*

Dear Arizona Voters.

Join us in voting NO on Prop. 200 . We stand up for responsible spending. We stand up for workplace fairness. We stand up for healthy communities. We stand up for democracy.

Prop. 200 is bad for health care, bad for education and bad for public safety . It's bad for our neighborhoods. Taxpayers beware--this unfunded initiative will cost us millions of dollars.

Prop. 200 is an all-out attack on already overstressed employees statewide . It forces workers to become immigration agents and any mistakes can result in jail time. Alarmingly, everyone from office staff to firefighters will have to do a job they were never hired to do in the first place.

Prop. 200 threatens the health of families by deterring Arizonans from seeking essential services. Our communities are at risk of epidemics spreading when parents are afraid to seek treatment for their children. It's not just someone else's health that is endangered by Prop. 200. It's yours.

Prop. 200 turns back the clock on hard-won voting rights . It makes voting and registration less convenient for citizens. It increases harassment of voters and adds costly bureaucracy. There are no cases of voter fraud by immigrants in Arizona.

Vote NO on Prop. 200.

The Coalition for an Informed & Healthy Arizona

*Alexis Mazón, Tucson*

*Piper Weinberg, Tucson*

**Paid for by "Piper Weinberg"**

Why support more government intrusion into our personal lives?

Stomp on this thing! Vote NO!

*Ted Downing, State Representative, Tucson*

*Ben Miranda, State Representative, Phoenix*

**Paid for by "Ben Miranda"**

**VOTE NO ON THE ARIZONA TAYPAYER AND CITIZENSHIP PROTECTION ACT**

Vote no on this proposed legislation. Send a resounding message that Arizonans stand firmly to expand democracy for all working families who contribute to our state's economy and its productive civil society. These are the values that form the stand-up character of Arizonans. Arizonans will not be ruled by fear, hate, chaos and ignorance. Not now. Not ever.

This legislation would have us believe that Arizona is overrun by voter and welfare fraud. Not one shred of evidence has been provided other than by innuendo, myths and half-truths. Arizonans of good will and from both political parties would have nothing to do with this initiative. Instead nearly one-half million Washington D.C. and California dollars were imported to place this initiative on the ballot. This is not an Arizona initiative. We cannot allow outsiders and outside money determine for Arizona what Arizonans stand for.

Layers of federal, state and local laws already in place impose harsh penalties and jail sentences for individuals convicted of welfare, voter fraud and false claim to U.S. citizenship. U.S. citizens will suffer the most since their right to vote as free citizens will be limited by cumbersome, bureaucratic obstacles. Ordinary state employees will become federal law enforcement agents. Is this the Arizona we want to live in?

This initiative flies in the face of who we are as Arizonans. Proudly we celebrate our complex, diverse cultural and border communities which have arisen out of ancient peoples who still are among us in our beloved Arizona-Sonoran deserts and mountains. All of us, Arizona taxpayers all, appreciate every working family and each individual's contribution in strengthening our economy and social fabric. This is Arizona's character, looking to a future that opens wider our democratic values and practices, expands trust and respect for everyone's human rights. Vote No.

*Guadalupe Castillo, Co-Chair, Coalición de Derechos Humanos/Alianza Indígena Sin Fronteras, Tucson*

*Jose Matus, Executive Director, Coalición de Derechos Humanos/Alianza Indígena Sin Fronteras, Tucson*

**Paid for by "Coalición de Derechos Humanos/Alianza Indígena Sin Fronteras"**

Dear Arizona Voters--





We urge you to vote 'NO' on Proposition 200 because it will jeopardize Arizona's tradition of individual independence and divide our communities. As a faith-based organization committed to justice and the dignity of all, we ask fellow Arizonans to oppose this initiative that will affect us all--forcing us to prove our citizenship on a daily basis.

- This initiative is bad for democracy: it undermines the voting rights of all Arizonans. Less than half of the eligible population currently votes here. We encourage greater voter participation, yet this initiative will create further hurdles in getting citizens to the polls.
- At a time of budget crisis, this would be an expensive law. The initiative will cost money the state does not have. It will place increased burdens on state and local governments, communities, and ultimately taxpayers.
- City, County and State employees will be forced to spend their time enforcing complicated federal immigration laws--or go to jail. This will take critical time away from their work.
- This initiative intends to send a message to immigrants that they are not welcome in Arizona. Yet Arizona's economic prosperity depends on hardworking, taxpaying immigrants. Mexican immigrants alone have paid over \$500 million yearly in state taxes in recent years.
- The initiative does nothing to resolve the true problems of our broken immigration system. Undocumented immigrants are already NOT eligible for public benefits, except those few services necessary to preserve life and safety. The initiative will discourage immigrants from seeking important services that benefit ALL Arizonans, such as childhood immunizations.

A vote against Proposition 200 is a vote for strong, healthy communities.

*Melanie Emerson, Program Director, American Friends Service Committee Arizona Area Program, Tucson*  
*Caroline Isaacs, Program Coordinator, American Friends Service Committee Arizona Area Program, Tucson*  
**Paid for by "American Friends Service Committee Arizona Area Program"**

We strongly oppose Proposition 200. The so-called Protect Arizona Now is immigrant-bashing pure and simple. It does not protect the state. It simply denies local and state services such as immunizations, which protect us all, to illegal immigrants. Although there have been no reports of voter fraud, it requires voters to produce proof of citizenship when registering to vote. Immigrants come to the U.S. in search of work, not to vote, or for that matter to use state and local services. The initiative will not reduce illegal immigration in any way; it simply stamps on poor people seeking to better themselves.

This initiative is based on the horribly misguided notion that immigration control can be achieved through harsh enforcement. If the proponents were thoughtful and serious they would try to determine whether their assertion - that large numbers of illegals are registered to vote and receive low-income benefits - is true. Perhaps they know that such an analysis would show few ineligible and their effort would be exposed as a fraud. The initiative is divisive, mean-spirited, and ugly, it will prove harmful to Arizona's future, it must be defeated.

*Phil Lopes, State Representative, Tucson*  
*Ted Downing, State Representative, Tucson*  
*Manuel V. "Manny" Alvarez, State Representative, Elfridy*  
*David Bradley, State Representative, Tucson*  
*Tom Prezelski, State Representative, Tucson*  
**Paid for by "Phil Lopes"**

Arizona Interfaith Network (AIN) opposes Proposition 200. Proposition 200 assigns federal responsibility to state and local employees. It subjects Arizona tax payers to unspecified and unlimited enforcement costs. It divides communities and discourages economic development. Proposition 200 fails to strengthen national security, and discourages some qualified U.S. citizens from voting. Arizona Interfaith Network (AIN) urges you to vote NO on Proposition 200.

*Bonnie Danowski, Secretary of Board of Directors, Arizona Interfaith Network, Scottsdale*  
*Tom Donovan, Treasurer of Board of Directors, Arizona Interfaith Network, Phoenix*  
**Paid for by "Arizona Interfaith Network"**

Valley Interfaith Project (VIP) opposes Proposition 200. Proposition 200 creates an administrative nightmare for enforcement placing state and local employees in the role of Border Patrol Agents. VIP leaders believe that Proposition 200 disrespects families, communities and public employees. This Proposition creates an atmosphere of fear, suspicion, and division within communities, which conflicts with our deeply held belief that we are responsible for each other. Valley Interfaith Project (VIP) urges you to vote NO on Proposition 200.

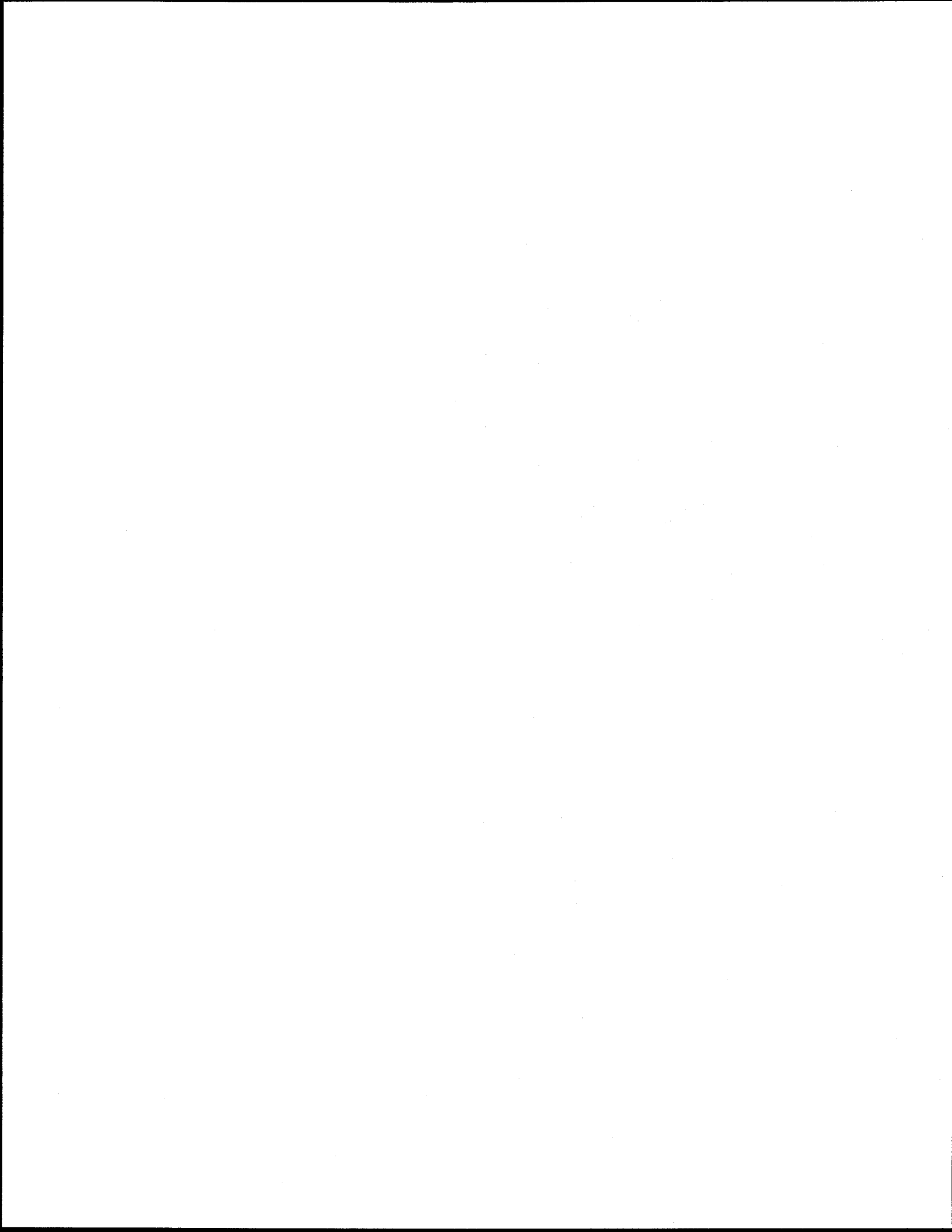
*Marcie Escobedo, President of Board of Directors, Valley Interfaith Project, Phoenix*  
*Terri Brown, Secretary of Board of Directors, Valley Interfaith Project, Phoenix*  
**Paid for by "Valley Interfaith Project"**

Northern Arizona Interfaith Council (NAIC) opposes Proposition 200 for the following reasons.

NAIC is deeply concerned about this initiative that can lead to turning ordinary people (teachers, health care workers, police, librarians, etc.) into criminals. If this initiative passes, anyone who provides any non-federal service (library, all-day kindergarten, parks and recreation, garbage, etc.) can face criminal charges for not reporting, in writing, individuals who might be undocumented.

This initiative will further create fear in the immigrant community. Immigrants may be too fearful to go to work, send their children to school, or report a crime. Sedona, Flagstaff, and Prescott are all tourist economies that depend on immigrant workers and often recruit immigrant workers from Phoenix.

This initiative is not only mean spirited and a direct attack on all immigrants, it does nothing to curve immigration or change immigration



policy.

This initiative is destructive of the human person and the human community.

*Mario Meza, Executive Board, Northern Arizona Interfaith Council, Flagstaff*

*Joseph Montoya, Executive Board, Northern Arizona Interfaith Council, Flagstaff*

**Paid for by "Northern Arizona Interfaith Council"**

#### **VOTE NO ON PROPOSITION 200**

#### **VOTE NO ON PROPOSITION 200**

Proposition 200 is a deceptive and ineffective measure. The measure will do absolutely nothing to address the immigration issues facing Arizona, and will cost taxpayers millions of dollars.

It is already illegal for non-citizens to receive public services in Arizona. Proposition 200 simply will make it more troublesome for all citizens to receive public services, no matter how small the service. For instance, under Proposition 200, an individual will have to show a photo ID to reserve a city park's picnic bench. Not only will this be a hassle for everyone, but it will also be incredibly expensive for Arizona's taxpayers.

Additionally, the measure requires that all government employees act as immigration issues, no matter their position or knowledge. This would mean that an administrative assistant at the Department of Health Services would need to be an expert on federal immigration law. This is completely unrealistic and would create an atmosphere of distrust and fear among government employees. This would lead to a very unproductive and expensive government.

This measure solves absolutely nothing. It is a poorly written initiative aimed at deceiving the voters of Arizona. Nothing in Proposition 200 actually changes immigration policy and it will lead to increased taxes for all of Arizona's citizens.

Proposition 200 only creates more problems for Arizona and that is why the Arizona Advocacy Network Foundation, a coalition of non-partisan public interest groups, asks you to VOTE NO ON PROPOSITION 200.

*Joel Foster, President, Arizona Advocacy Network Foundation, Phoenix*

*Eric Ehst, Treasurer, Arizona Advocacy Network Foundation, Phoenix*

**Paid for by "Arizona Advocacy Network Foundation"**

"Protect Arizona Now" creates far more problems than it solves and doesn't address the real problems of illegal immigration, government welfare programs and fascist control of private enterprise.

To solve this government-created problem, repeal government's immigration restrictions, repeal welfare programs, embrace capitalism and eliminate government's burdensome taxes on Arizona's citizens.

Hospitals along the border are closing because of federal law mandates to admit all patients who seek medical attention, without regard to immigration status, payment abilities or any other factor. This initiative does NOTHING that would have kept those medical facilities open and ignores the real problems of too much government in what was once a free-market that provided affordable healthcare.

The tax money saved from welfare applicants denied benefits as a result of this initiative, will be swallowed up by the enormous increases in enforcement costs. And to make matters worse, SUSPECTED illegal immigrants will have their civil rights violated routinely.

While libertarians certainly support the idea of one person one vote, we are very concerned by the National ID link this initiative would require with the continued protection of "all of the King's Men" (Judges, Law Enforcement, Prosecutors) that continue to be exempt from public voting records. If the intent were to secure elections, then we suggest manual validation of counting computer programs with paper ballots after the elections, or even better... hand counted paper ballots that were cast in person.

Early ballots, mail voting, computer tabulation, secret voter roles for selected government employees, government control of private enterprise and an attempt to make voting a government granted privilege using a nationally (as opposed to an Arizona) validated ID are the real problems. We are just being manipulated for political gain... again. More details at [www.westernlibertarian.org](http://www.westernlibertarian.org) & [www.theLfactor.org](http://www.theLfactor.org)

"Freedom's the Answer... What's the Question?"

*Ernest Hancock, Libertarian for Arizona's United States Senate, Phoenix*

Proposition 200 argues that voting by illegal immigrants is rampant in the state of Arizona. It says we should make it much harder to register and vote in our state. Arizona - with the second-lowest voter turnout in the United States of America - does not need more barriers to voting. Here in Yuma County, just 26% of eligible adults cast ballots in the 2000 presidential election.\* Proposition 200 would further discourage the over 50% of Arizona adults and 74% of Yuma County adults who are already disconnected from public life.

Proposition 200 would mandate that government employees demand proof of legal status for any person seeking "benefits." Employees would be required, under penalty of a Class 2 misdemeanor, to report people without legal status to federal immigration authorities. For example, a mother who applied for a library card could be deported, and failure to report her would mean criminal charges against the librarian. The effects of this would be to further divide and discourage people from participating in community life - at parks, libraries, schools, swimming pools, and other public spaces. Yuma County Interfaith Sponsoring Committee says NO to Proposition 200.

\* [only 41% of the voting-age population voted in the 2000 Presidential elections] (Scripps Howard News Service Study of Official 2000 Election Returns)

*Rev. Monsignor Richard W. O'Keeffe, Co-Chair of Yuma County Interfaith Sponsoring Committee, Yuma*

*Rev. Javier Perez, Co-Chair of Yuma County Interfaith Sponsoring Committee, Somerton*

**Paid for by "Yuma County Interfaith Sponsoring Committee"**

Disorderly, unregulated, undocumented Immigration has become an intolerable problem in Arizona. Fortunately Arizona's Congressional delegation recognizes the issue and has responded. Senator John McCain, Representative Jake Flake, Ed Pastor, Jim Kolbe and Raul Grijalva have all introduced Federal Legislation that addressees the crisis. They seek to make Arizona's borders safe and secure. They understand that International Borders, Homeland Security, and the safety of all Arizonans from an uncontrolled Border are the responsibility of the United States.

The proponents of Propostition 200 are understandably frustrated, even perhaps a bit angry at the slow pace of Reform. Nonetheless, their



proposal does absolutely nothing to make the Border more orderly, Arizonans any safer, or America more secure.

This proposal denies services that are already illegal to obtain. It imposes costly new bureaucracy, expensive new legal requirements far from where we need them, and it will ultimately force innocent citizens, all of us, to bear the burden for their mistaken anger.

Therefore, we urge you to vote NO on Proposition 200.

*Alfredo Gutierrez, Co-Chair, Statue of Liberty Coalition Against Protect Arizona Now I-03-2004, Phoenix*  
*Francisca Montoya, Co-Chair, Statue of Liberty Coalition Against Protect Arizona Now I-03-2004, Phoenix*  
**Paid for by "Statue of Liberty Coalition Against Protect Arizona Now I-03-2004"**

In every nation I'm aware of, it is the responsibility of the national government to secure its borders. Our federal government is simply not doing all it should to meet that basic responsibility.

A thoughtful, rational, national debate on this issue is long overdue. I would encourage and support any process that results in a comprehensive and effective national solution to secure all our borders against terrorist entry and unregulated immigration. That's the road we should be traveling.

But Proposition 200, will not solve this massive federal obligation. Instead, it will bloat and burden local governments, adding millions to our annual budgets. It will force cutbacks in the services we all need: police, fire, water, sanitation, parks, libraries. Its rhetoric solves nothing and serves only to divide.

Join me in voting NO on Proposition 200. Let's remind Washington that federal problems require federal solutions.

*Phil Gordon, Mayor of the City of Phoenix, Phoenix*

Healthy Arizona Initiative's advocates, the folks who put the Healthy Arizona initiative on the ballot in 1996 and brought it back again in 2000, urge you to vote NO on this year's PAN ballot measure. You've agreed with us twice before, and voted YES, but now we suggest a NO vote.

Arizonans don't like being lied to. This initiative has many problems, but we'll concentrate on the healthcare issues. Look at it two ways: first, the "cure" offered is quackery. Decisions about what assistance is available to non-citizens are not made at the state level. Foreign policy and immigration issues are federal. It is the feds who mandate that we offer emergency room care and infectious disease control. If you want different rules, vote for a different Congress and a different president. Don't clutter up the Arizona ballot with meaningless measures that create more state bureaucracy, and that stir up anti-immigrant feeling, but leave the policies all untouched! It's snake oil.

And then think about what you want changed by the feds. For example, most of the hospital money spent on noncitizens, goes to those who are here legally. The feds issue "humanitarian entry waivers" for expensive medical treatments not available in the country of origin, like separating twins born joined at the head. Approve or disapprove, this initiative won't affect that.

People here illegally are not eligible for AHCCCS (Medicaid). Of the very limited care that the feds say MUST be offered to such noncitizens, some of it makes a lot of sense. For example, there is a federal mandate to treat folks with highly contagious diseases. TB is an infectious disease that is a growing problem worldwide— do you really want it untreated here in Arizona? Think about that the next time someone sneezes at you.

Vote NO.

*Dr. Eve Shapiro, Pediatrician, Chair of Healthy Arizona Initiative, Tucson*  
**Paid for by "Healthy Arizona Initiative"**

### **A Threat to Jobs and Arizona's Economy**

The so-called Arizona Taxpayer and Citizen Protection Act doesn't protect citizens OR taxpayers.

In fact, this measure poses a real threat to Arizona taxpayers, to our state's workforce and to the economy overall. If enacted, this extreme initiative would create a barrage of economic and bureaucratic complications that would cost taxpayers millions of dollars a year WITHOUT ANY IMPACT on illegal immigration.

At a time when Arizona should be frugal with its budget, this measure would require significant new spending in order to implement the processes that would uphold its provisions.

This measure would place an undue burden on public employees - including those responsible for our public safety - and obligate them to spend less time on the services they currently provide the public. Instead, their time will be spent monitoring eligibility for basic public services such as emergency medical care or crime prevention.

How much safer will you be when firefighters have to check IDs before putting out a fire in your neighbor's house? That's the kind of irrational red tape this initiative will demand.

Immigrants make significant contributions to our state's economy. They work, spend money, and pay taxes. In addition to providing much needed labor to industries that lack sufficient workers, most pay more in taxes than they receive in services and government benefits.

Bottom line - Arizona's economy will suffer under this act. Given its extreme nature, businesses are going to have one more excuse to avoid doing business in Arizona, resulting in missed economic opportunities for our residents. This act is not only impractical, but ultimately a risk to the safety and economic well being of all Arizonans.

*Michael McGrath, Executive Director, Arizona State AFL-CIO, Phoenix*  
*Rebekah Friend, President, Arizona State AFL-CIO, Phoenix*  
**Paid for by "Arizona State AFL-CIO"**

### **Protect Arizona Now is Un-American**

The so-called "Protect Arizona Now" (PAN) initiative is a big lie to Arizonans. PAN's purpose is to supposedly deny undocumented residents public services. What it really will do will infringe on rights by forcing citizens, not the undocumented, to show proof of their rights at every election or when seeking government services.

PAN is unnecessary for two reasons: laws already exist that deny almost all state government services to the undocumented, which they



normally do not to use anyway. PAN will not affect services available to them, which are mandated by Federal law.

Why do PAN's supporters want it? Perhaps for the same reason some people, motivated by hate and fear, wanted laws that persecuted our immigrant ancestors, especially if they were African, Irish, Italian, Chinese, Jewish, Polish, Russian, or from any other immigrant group, who came to the United States. This proposition is in the same spirit as the Jim Crow laws used against African Americans and other laws used against Native and Asian Americans.

Worse, PAN will cost taxpayers millions of dollars to enforce, money better spent on schools and other services. It will also be extremely aggravating to citizens, who will constantly have to show proof of citizenship.

This proposition is un-American. Our ancestors came here to pursue life, liberty and happiness, which is why immigrants come here today. These immigrants will make America stronger, just like our ancestors. Sadly, this hateful proposition treats some people as less than human. If we remember our religious teachings of charity, and if we really mean it when we say that America is a land of liberty and justice for ALL, we will not pass this proposition into law.

The Arizona Hispanic Community Forum

*David Rubí, President, The Arizona Hispanic Community Forum, Cave Creek*

*Virginia Pesqueira, Vice President, The Arizona Hispanic Community Forum, Scottsdale*

**Paid for by "The Arizona Hispanic Community Forum"**

Dear Voter:

East Valley Interfaith (EVI) opposes proposition 200. This is a divisive, extremely vague and poorly written proposition that will be difficult and expensive to enforce.

With already one of the lowest voter turnouts in the country, this proposition adds unnecessary restrictions to Arizona's voting process.

Proposition 200 also calls for workers who provide "state and local public benefits" to become de facto immigration agents. Presumably teachers, firemen, police officers, nurses and other service providers face a Class 2 misdemeanor charge if they fail to report, in writing, persons seeking their services without proper citizenship identification.

At best, this proposition will result in a bureaucratic and fiscal nightmare for Arizona without any measurable benefit. At worst, it will reduce voter turnout, create an environment of fear, and leave many of our families without access to proper education, public safety and health care.

East Valley Interfaith urges you to vote NO on Proposition 200

*Saul Solis, Committee Chair, East Valley Interfaith, Mesa*

*Gretchen Hankins, Board of Directors Chair, East Valley Interfaith, Mesa*

**Paid for by "East Valley Interfaith"**

Proponents of Proposition 200 state that undocumented immigrants are voting. We have seen no such evidence nor has the Secretary of State. The State of Arizona is a border community. On our border and in our communities two countries meet, different languages seek to communicate, varied cultures encounter each other, and people try to understand each other and live in peace and harmony. Immigrants are busy working and raising their families. A 2003 study by the Thunderbird School of International Management in Phoenix found that in 2001 alone, Mexican immigrants contributed an estimated US\$ 355.7 million in taxes while they cost Arizona US\$250 million. This led to an overall fiscal surplus of US\$106 million to the State of Arizona. Immigrants contribute to our economy and society, ostracizing them would be a loss to all Arizonans. Undocumented immigrants do not register to vote because it brings unnecessary attention to themselves. Our state, in the past, refused the Martin Luther King Day holiday. We lost the Super Bowl and our state received negative national attention that shamed Arizona and denied the Arizona economy millions in revenue. This proposition would again bring negative attention to our state because of our unwillingness to embrace the contribution of immigrants. The civic and faith traditions of our member institutions call us to respect the human rights of every person. This proposition will foster a climate of discrimination and distrust that will harm the most vulnerable among us. Pima County Interfaith Council (PCIC) does NOT support Proposition 200.

*Rebecca Lujan, Co-Chair Pima County Interfaith Council, Tucson*

*Andrea Robson, Co-Chair Pima County Interfaith Council, Tucson*

**Paid for by "Pima County Interfaith Council"**

Dear Fellow Arizonans:

I join with many Arizonans, including our entire congressional delegation, in bi-partisan opposition to Proposition 200.

To be clear, our immigration laws must be enforced and people who are not entitled to government benefits should not receive them. But immigration is a federal matter, and Prop. 200's efforts to shift immigration enforcement to the state would be costly, ineffective and unconstitutional.

Arizonans already pay taxes to the federal government to enforce immigration laws. Prop. 200 would force us to spend your state tax dollars for the same purpose. This would result in redundant and often contradictory enforcement efforts. For example, federal law prohibits AHCCCS employees from disclosing personal information about AHCCCS applicants. But Prop. 200 would require such disclosure as a matter of state law. This conflict forces innocent state employees into the impossible choice of having to violate either state or federal law, and could subject them to criminal prosecution. It would also needlessly plunge the state into costly litigation.

In addition, Prop. 200 would make voting more difficult for lawful Arizona citizens and jeopardize our vote-by-mail system. Valid voters could be denied ballots at the polls if they simply forget to bring i.d. And early voting would be much more confusing. Either Arizonans would have to mail in identification when they request a ballot (which would hinder many early voters, including military personnel and seniors in nursing homes who may not have access to their documents) or our system would unconstitutionally subject early voters to a less rigorous verification process than election day voters face.

Prop. 200 does not cure our immigration problems; it compounds them, and does so at the expense of law-abiding Arizonans. Please vote 'No'.

*Janet Napolitano, Phoenix*





The Arizona Public Health Association opposes this initiative because it would harm the health of the greater public. This initiative is a threat to the state's public health because it would prevent people from obtaining treatment for infectious diseases. As a result, the state's public health experts would be unable to treat and track individuals with diseases like tuberculosis, syphilis and other infectious agents. Undocumented children would be unable to receive immunizations at publicly funded clinics. Left untreated, these individuals could easily infect hundreds or even thousands of healthy individuals in Arizona. Also this initiative prevents newborn screening services to many infants. As a result, many children may suffer preventable conditions such as mental retardation that have life long consequences. The cost of treating these individuals over the long run far outweighs the very low cost of screening infants for genetic diseases that left untreated can result in severe health problems, even death.

*Elsie E. Eyer, Executive Director, Arizona Public Health Association, Phoenix*  
*Sharon Sass, Chair of Nutrition Section, Arizona Public Health Association, Phoenix*  
 Paid for by "Arizona Public Health Association"

## **BALLOT FORMAT**

### **Proposition 200**

#### **PROPOSED BY INITIATIVE PETITION**

##### **OFFICIAL TITLE**

AMENDING SECTIONS 16-152, 16-166 AND 16-579, ARIZONA REVISED STATUTES; AMENDING TITLE 46, CHAPTER 1, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 46-140.01; RELATING TO THE ARIZONA TAXPAYER AND CITIZEN PROTECTION ACT.

##### **DESCRIPTIVE TITLE**

REQUIRES: PROOF OF CITIZENSHIP WHEN REGISTERING TO VOTE; REJECTION OF VOTER REGISTRATION NOT ACCOMPANIED BY PROOF OF CITIZENSHIP; SHOWING IDENTIFICATION BEFORE RECEIVING A BALLOT; STATE AND LOCAL GOVERNMENTS TO VERIFY IDENTITY OF APPLICANTS FOR CERTAIN STATE AND LOCAL PUBLIC BENEFITS; AND GOVERNMENT EMPLOYEES TO REPORT APPLICANTS WHO VIOLATE IMMIGRATION LAW.

#### Propositino 200

A "yes" vote shall have the effect of [1] requiring a person to submit evidence of United States citizenship when registering to vote, [2] requiring the county recorder to reject any voter registration that is not accompanied by proof of citizenship, [3] requiring voters to present a photo identification with name and address or two other forms of identification with name and address before receiving a ballot at the polling place, [4] requiring state and local governments to verify the identity and eligibility of applicants for state and local public benefits that are not federally mandated, [5] requiring government employees to report violations of United States immigration law by applicants for public benefits, [6] making it a class 2 misdemeanor if a government employee fails to make the required report and [7] permitting private lawsuits by any resident to enforce provisions relating to public benefits.

**YES**

A "no" vote shall have the effect of retaining the current laws regarding citizenship when registering to vote and not requiring voters to show identification documents at the polls prior to voting, and keeping the current requirements when applying for public benefits.

**NO**

*The Ballot Format displayed in HTML reflects only the text of the Ballot Proposition and does not reflect how it will appear on the General Election Ballot. Spelling, grammar, and punctuation were reproduced as submitted in the "for" and "against" arguments.*

Back to [Table of Contents](#)

JANICE K. BREWER  
 Arizona Secretary of State

[Disclaimer](#)

© September 2004



# **EXHIBIT B**

---





Bill # Search

Search

Forty-sixth Legislature - Second Regular Session

Change Session

Printer Friendly Version

ARS TITLE PAGE NEXT DOCUMENT PREVIOUS DOCUMENT

16-152. Registration form

A. The form used for the registration of electors shall contain:

1. The date the registrant signed the form.
2. The registrant's given name, middle name, if any, and surname.
3. The complete address of the registrant's actual place of residence, including street name and number, apartment or space number, city or town and zip code, or such description of the location of the residence that it can be readily ascertained or identified.
4. The registrant's complete mailing address, if different from the residence address, including post office address, city or town, zip code or other designation used by the registrant for receiving mail.
5. The registrant's party preference.
6. The registrant's telephone number, unless unlisted.
7. The registrant's state or country of birth.
8. The registrant's date of birth.
9. The registrant's occupation.
10. The registrant's Indian census number (optional to registrant).
11. The registrant's father's name or mother's maiden name.
12. One of the following identifiers for each registrant:
  - (a) The Arizona driver license number of the registrant or nonoperating identification license number of the registrant that is issued pursuant to section 28-3165, if the license is current and valid.
  - (b) If the registrant does not have a current and valid Arizona driver license or nonoperating identification license, the last four digits of the registrant's social security number.
  - (c) If the registrant does not have a current and valid Arizona driver license or nonoperating identification license or a social security number and the registrant attests to that, a unique identifying number consisting of the registrant's unique identification number to be assigned by the secretary of state in the statewide electronic voter registration database.
13. A statement as to whether or not the registrant is currently registered in another state, county or precinct, and if so,



the name, address, county and state of previous registration.

14. The question to the registrant "Are you a citizen of the United States of America?", appropriate boxes for the registrant to check "yes" or "no" and the statement "if you checked 'no' in response to this question, do not complete this form".

15. The question to the registrant "Will you be eighteen years of age on or before election day?", appropriate boxes for the registrant to check "yes" or "no" and the statement "if you checked 'no' in response to this question, do not complete this form".

16. A statement that the registrant has not been convicted of treason or a felony, or if so, that the registrant's civil rights have been restored.

17. A statement that the registrant is a resident of this state and of the county in which the registrant is registering.

18. A statement that executing a false registration is a class 6 felony.

19. The signature of the registrant.

20. If the registrant is unable to sign the form, a statement that the affidavit was completed according to the registrant's direction.

21. A statement that if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes.

22. A statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.

B. A duplicate voter receipt shall be provided with the form that provides space for the name, street address and city of residence of the applicant, party preference and the date of signing. The voter receipt is evidence of valid registration for the purpose of casting a provisional ballot as prescribed in section 16-584, subsection B.

C. The state voter registration form shall be printed in a form prescribed by the secretary of state.

D. The county recorder may establish procedures to verify whether a registrant has successfully petitioned the court for an injunction against harassment pursuant to section 12-1809 or an order of protection pursuant to section 12-1810 or 13-3602 and, if verified, to protect the registrant's residence address, telephone number or voting precinct number, if appropriate, from public disclosure.







Bill # Search  Search Forty-sixth Legislature - Second Regular Session [Change Session](#) [Printer Friendly Version](#)

[ARS TITLE PAGE](#) [NEXT DOCUMENT](#) [PREVIOUS DOCUMENT](#)

### 16-166. Verification of registration

- A. Except for the mailing of sample ballots, a county recorder who mails an item to any elector shall send the mailing by nonforwardable first class mail marked with the statement required by the postmaster to receive an address correction notification. If the item is returned undelivered, the county recorder shall send a follow-up notice to that elector within three weeks of receipt of the returned notice. The county recorder shall send the follow-up notice to the address that appears on the general county register or to the forwarding address provided by the United States postal service. The follow-up notice shall include a registration form and the information prescribed by section 16-131, subsection C and shall state that if the elector does not complete and return a new registration form with current information to the county recorder within thirty-five days, the name of the elector will be removed from the general register and transferred to the inactive voter list.
- B. If the elector provides the county recorder with a new registration form, the county recorder shall change the general register to reflect the changes indicated on the new registration. If the elector indicates a new residence address outside that county, the county recorder shall forward the voter registration form to the county recorder of the county in which the elector's address is located. If the elector provides a new residence address that is located outside this state, the county recorder shall cancel the elector's registration.
- C. The county recorder shall maintain on the inactive voter list the names of electors who have been removed from the general register pursuant to subsection A or E of this section for a period of four years or through the date of the second general election for federal office following the date of the notice from the county recorder that is sent pursuant to subsection E of this section.
- D. On notice that a government agency has changed the name of any street, route number, post office box number or other address designation, the county recorder shall revise the registration records and shall send a new verification of registration notice to the electors whose records were changed.
- E. The county recorder on or before May 1 of each year preceding a state primary and general election or more frequently as the recorder deems necessary may use the change of address information supplied by the postal service through its licensees to identify registrants whose addresses may have changed. If it appears from information provided by the postal service that a registrant has moved to a different residence address in the same county, the county recorder shall change the registration records to reflect the new address and shall send the registrant a notice of the change by forwardable mail and a postage prepaid preaddressed return form by which the registrant may verify or correct the registration information. If the registrant fails to return the form postmarked not later than twenty-nine days before the next election, the elector shall be removed from the general register and transferred to the inactive voter list. If the notice sent by the recorder is not returned, the registrant may be required to provide affirmation or confirmation of the registrant's address in order to vote. If the registrant does not vote in an election during the period after the date of the notice from the recorder through the date of the second general election for federal office following the date of that notice, the registrant's name shall be removed from the list of inactive voters. If the registrant has changed residence to a new county, the county recorder shall provide information on how the registrant can continue to be eligible to vote.





Bill # Search

Search

Forty-sixth Legislature - Second Regular Session

Change Session

Printer Friendly Version

[ARS TITLE PAGE](#) [NEXT DOCUMENT](#) [PREVIOUS DOCUMENT](#)

## 16-579. Procedure for obtaining ballot by elector

A. Every qualified elector, before receiving a ballot, shall announce the elector's name and place of residence in a clear, audible tone of voice to the election official in charge of the signature roster or present the elector's name and residence in writing. If the name is found upon the precinct register by the election officer having charge thereof, or the qualified elector presents a certificate from the county recorder showing that he is entitled by law to vote in the precinct, the election official in charge of the signature roster shall repeat the name and the qualified elector shall be allowed within the voting area.

B. If a statewide voter registration database is not yet operational, for any person who has registered to vote by mail for the first time in this state after January 1, 2003 or who is reregistering by mail after January 1, 2003 after moving from one county to another county in this state, the person shall comply with the following in order to be issued a ballot:

1. The person shall present either one of the following:

(a) A current form of identification that bears a photograph of the person and the name of the person.

(b) A current utility bill, bank statement, paycheck, government issued check or other government document that shows the name and registration address of the person.

2. If the person does not present a document that complies with paragraph 1, the person is only eligible to vote a provisional ballot as prescribed by section 16-584.

3. This subsection does not apply and a person may be issued a ballot if the person is listed as having presented a document that complies with paragraph 1 at the time the person registered to vote or if a statewide voter registration database is operational.

C. Any qualified elector who is listed as having applied for an early ballot but who states that he has not voted and will not vote an early ballot for this election or surrenders the early ballot to the precinct inspector on election day shall be allowed to vote pursuant to the procedure set forth in section 16-584.

D. Each qualified elector's name shall be numbered consecutively by the clerks, with the number upon the stub of the ballot delivered to the elector, and in the order of applications for ballots. The election judge having charge of the ballots shall also write the elector's initials upon the stub and the number of the qualified elector as it appears upon the precinct register. The judge shall give the qualified elector only one ballot, and the elector's name shall be immediately checked on the precinct register.

E. Each qualified elector shall sign the elector's name in the signature roster prior to receiving a ballot, but an inspector or judge may sign the roster for an elector who is unable to sign because of physical disability, and in that event the name of the elector shall be written with red ink, and no attestation or other proof shall be necessary. The provisions of this subsection relating to signing the signature roster shall not apply to electors casting a ballot using early voting procedures.



F. A person offering to vote at a special district election for which no special district register has been supplied shall sign an affidavit stating his address and that he resides within the district boundaries or proposed district boundaries and swearing that he is a qualified elector and has not already voted at the election being held.

