

ARIZONA

PROGRAM

The Election Protection program in Arizona focused on Phoenix and Tucson, with volunteers stationed at 196 precincts.

Election Protection received reports from Arizona voters of voter registration problems, absentee voting concerns, provisional ballot complications, and broken voting machines.

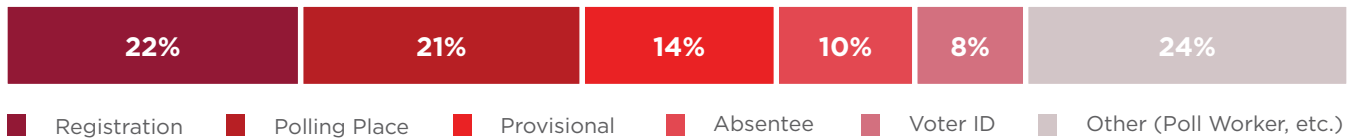
BEFORE ELECTION DAY

Prior to Election Day, most of the calls to the Election Protection Hotline from Arizona dealt with questions regarding voter identification requirements, voter registration, polling place location, and registration problems. Additionally, Election Protection volunteers assisted voters by informing them of their assigned polling place, registration requirements and deadlines, and the documents that would satisfy the voter identification requirements.

Registration by Mail

In Maricopa County, first time registrants who registered by mail using the Federal Mail-in Voter Registration Form were placed on a “suspense” list instead of the regular registration list if they failed to provide the last four numbers of their Social Security Number or other acceptable identification as required by the Help America Vote Act. As a result of being on the suspense list, these voters were not placed on the voter rolls used by poll workers to verify registration status on Election Day, nor were they sent early vote-by-mail ballots, even if they requested them by opting into the Permanent Early Voter List (“PEVL”). About 1,300 voters were affected in Maricopa County. The county sent these voters “Recorders Certificates,” which, if presented on Election Day along with the proper identification, would have allowed the voters to vote a regular ballot; however, poll workers were not trained on the process of accepting the certificates and local partners reported that many voters did not receive such certificates.

2012 VOTING PROBLEMS IN ARIZONA



Incorrect Spanish Language Materials

Prior to the election, the Maricopa County Recorder's office distributed some Spanish language materials with the incorrect election date. The county estimated that between 21 and 70 copies of the perforated document that surrounds the voter registration cards were distributed with the erroneous date. Also, approximately 2,000 copies of a bookmark with an incorrect election date were distributed to community organizations and at community outreach events. Election Protection leaders communicated their concerns about these documents to the county officials, who undertook a media campaign to inform Spanish-speaking voters of the correct date.

Litigation: Arizona v. Inter Tribal Council of Arizona, Inc.

Since 2006, the Lawyers' Committee, along with co-counsel, has engaged in litigation against the documentary proof of citizenship requirement when registering to vote in *Arizona v. Inter Tribal Council of Arizona, Inc.*, No. 12-71, a case presently before the United States Supreme Court. Plaintiffs are the Inter Tribal Council of Arizona, the Arizona Advocacy Network, LULAC, the League of Women Voters of Arizona, and Steve Gallardo. The case was filed against the state challenging a provision of Proposition 200, passed by the voters in 2004 in response to alleged concerns regarding undocumented immigration in the state. Among other obligations, Proposition 200 requires voters to present valid identification at the polls, and it institutes an additional requirement to show documentary proof of citizenship when registering to vote. The voter identification requirement has been upheld, but respondents were successful in challenging the proof of citizenship requirement at the Ninth Circuit Court of Appeals. The Ninth Circuit held that when a registrant applied by using the Federal Mail-in Voter Registration Form (as opposed to the state form created by Arizona), the only proof of citizenship he or she must provide is the attestation of citizenship requested by the federal form, meaning that the registrant must check a box and sign an attestation, swearing to U.S. citizenship under penalty of perjury. On March 18, 2013, the Supreme Court will hear oral argument in the case on the question of whether Arizona's application of its documentary proof of citizenship requirement to the Federal

Mail-in Registration Form violates the National Voter Registration Act. During the 2012 Election, the voter identification requirement was in effect, but, as a result of the ongoing litigation, the documentary proof of citizenship requirement was not applied to individuals who registered using the Federal Mail-in Voter Registration Form. Nonetheless, voters did face some problems with registration, as summarized below.

ELECTION DAY

Provisional Ballots

The widespread use of provisional ballots was the most pronounced problem in Arizona during the 2012 general election. The high number of provisional ballots, in combination with the hundreds of thousands of early ballots cast by mail, resulted in a two-week delay in the processing and tabulation of ballots. In Maricopa, the most populous county in the state, the number of provisional ballots cast exceeded 122,000, out of which approximately 22,000 did not count. One of the most common reasons why voters had to cast provisional ballots was that, according to Arizona law, voters who sign up to be on the “Permanent Early Voter List” (which allows voters to cast ballots by mail) must cast provisional ballots if they choose to vote in person on Election Day. In fact, approximately half of the provisional ballots cast in Maricopa County were from voters who were on the PEVL list, but voted in person instead of submitting their ballot by mail. However, many of these voters claimed that they were showing up to vote in person because they had not signed up for the PEVL, or because they had not received their ballots in the mail. Election Protection also received reports from voters who, according to the Secretary of State’s website, were properly registered and went to the correct precinct, but were nevertheless not on the voter rolls.

Poll worker handling of provisional ballots was also a problem. Volunteers and voters reported that, far too often, poll workers issued provisional ballots before verifying that voters were at the correct precinct. Because only the provisional ballots cast at the correct precinct are counted in Arizona, the verification step is crucial. Some voters did not receive an explanation of how their provisional ballots would be processed, some were not given receipts to verify the status of their ballots, and some were not told the importance of being at the correct precinct. In one instance (at the Calvary Chapel polling place located at 14201 North 32nd Street, Phoenix) one voter’s provisional ballot was placed in another voter’s provisional ballot envelope. When the voter alerted the poll worker of the mistake, the poll worker incorrectly informed the voter that the mistake was inconsequential and that his vote would be counted under the other voter’s name. After being notified by Election Protection leaders, County officials were able to isolate the two envelopes and ensure that

the valid vote was actually counted (one of the votes did not count because the voter had registered after the deadline). Election Protection volunteers also explained the provisional ballot process to voters and spoke to poll workers when they appeared to be misinformed about the proper use of provisional ballots.

Inadequate Parking and Signage

On Election Day, Election Protection became aware of polling places that lacked adequate parking (Heritage polling place), which resulted in voters driving away without voting, and polling places that lacked proper signage (Living Faith Christian Center at 4108 E. North Street, Phoenix; Kleiman polling place; 2107 W Broadway Rd., Mesa) and were extremely difficult to find. Election Protection leaders worked with Maricopa County officials to resolve these problems by displaying adequate signage to identify a polling place and sending troubleshooters when a polling place was running out of, or mishandling, provisional ballot envelopes.

Machine Problems

Throughout Yuma County, voters experienced long lines as a result of broken machines and dysfunctional printers. Voters reported that poll workers were instructing voters to go to another polling place, but after having waited in line at the initial polling place, voters became frustrated and went home. Voters in Yuma County could cast a ballot in any of its 11 “voting centers.” However, voters reported that the centers had insufficient supplies of paper ballots, and voters stood in long lines for the electronic machines. For example, at the Church of the Nazarene polling place on 1900 South Avenue, Yuma, voters had to wait approximately 90 minutes to vote at 7:00 a.m., even though there were only about 50 voters at the location. Although the polling place had four touch screen machines, only three were operable. The polling place also had a manual voting machine option, but the ballot printer was malfunctioning, therefore rendering it inoperable. Another voter reported similar problems at the polling place located at 6480 East Highway 95 in Yuma, where voters were being told to go elsewhere after having waited in line. Yuma County also reportedly posted on its Facebook page that there were technical problems at the 2200 West 28th Street polling location in Yuma. Election Protection leaders reported the problems to Election Officials in Yuma County, but did not receive a response.