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17 **IN THE UNITED STATES DISTRICT COURT**  
18 **FOR THE DISTRICT OF ARIZONA**

19 Mi Familia Vota, et al.,  
20  
21 Plaintiffs,

22 v.

Adrian Fontes, et. al.,  
Defendants.

No. 2:22-cv-00509-SRB (Lead Case)  
No. 2:22-cv-01124-SRB (Consolidated)

**Motion for Partial Summary  
Judgment and Opposition to  
Defendants’ Motions for Partial  
Summary Judgment**

1 The United States of America hereby moves for partial summary judgment on its  
2 claim under Section 6 of the National Voter Registration Act (“NVRA”). The United  
3 States opposes State Defendants’ motion for partial summary judgment as to the NVRA’s  
4 application to HB 2492’s mail voting restrictions and as to its claim under Section 101 of  
5 the Civil Rights Act (“Materiality Provision”) (ECF No. 364), and Defendant-  
6 Intervenor’s motion for partial summary judgment on the United States’ claim under  
7 Section 6 of the NVRA (ECF Nos. 367, 369). For the reasons explained in the  
8 accompanying memorandum of law, the United States respectfully requests that its  
9 motion be granted.

10 Date: June 5, 2023

11 Respectfully submitted,

12 GARY M. RESTAINO  
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**CERTIFICATE OF SERVICE**

I hereby certify that on June 5, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to counsel of record.

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18 Adrian Fontes, et. al.,  
19  
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No. 2:22-cv-00509-SRB (Lead Case)  
No. 2:22-cv-01124-SRB (Consolidated)

United States’ Partial Motion for  
Summary Judgment and Opposition to  
Defendants’ Motions for Partial  
Summary Judgment

Oral Argument Requested

21 Living United for Change in Arizona, et al.,  
22 Plaintiffs,



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v.  
Adrian Fontes,  
Defendant,  
and  
State of Arizona, et al.,  
Defendants.

Poder Latinx, et al.,  
Plaintiffs,  
v.  
Adrian Fontes, et al.  
Defendants.

United States of America,  
Plaintiff,  
v.  
State of Arizona, et al.,  
Defendants.

Democratic National Committee, et al.  
Plaintiffs,  
v.  
Adrian Fontes, et al.,  
Defendants,  
and  
Republican National Committee,  
Defendant-Intervenor.

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Arizona Asian American Native Hawaiian  
and Pacific Islander for Equity Coalition,  
Plaintiff,

v.

Adrian Fontes, et al.,  
Defendants.

Promise Arizona, et al.,  
Plaintiffs,

v.

Adrian Fontes, et al.,  
Defendants.

Tohono O’odham Nation, et al.,

v.

Kris Mayes, et al.,  
Defendants.

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1           The United States respectfully submits this memorandum in support of its motion  
2 for partial summary judgment on its claim arising under Section 6 of the National Voter  
3 Registration Act and in opposition to the motions for partial summary judgment by the  
4 State of Arizona and the Arizona Attorney General (“State Defendants”) and Defendant-  
5 Intervenors, ECF Nos. 364, 367.

## 6           **I. Introduction**

7           The Court instructed the parties to move for summary judgment only on claims  
8 that involve “legal issues [and] do not require discovery,” March 23, 2023 Sched. Conf.  
9 Tr. at 36:20-22, ECF No. 340. The United States’ claim under Section 6 of the National  
10 Voter Registration Act (“NVRA”) meets those criteria. As State Defendants now  
11 concede, Arizona must “accept and use” the federal voter registration form (“Federal  
12 Form”) without requiring documentary proof of the registrant’s citizenship as a  
13 prerequisite to vote in federal elections, including those for President. Defendant-  
14 Intervenors’ contrary arguments fail. Congress is fully empowered to legislate as to  
15 presidential elections. Accordingly, the NVRA’s command that states “accept and use”  
16 the Federal Form preempts HB 2492’s documentary proof of citizenship requirement for  
17 registrants seeking to vote in presidential elections. Because no material facts are  
18 disputed, the United States’ motion for partial summary judgment on its NVRA claim  
19 should be granted.

20           The United States’ second claim, brought under Section 101 of the Civil Rights  
21 Act (“Materiality Provision”), 52 U.S.C. § 10101(a)(2)(B), cannot be resolved on  
22 summary judgment at this time. The State Defendants have moved for summary



1 judgment as to that claim. ECF No. 364. But their motion raises material fact questions  
2 as to 1) the purported utility of attempting to use birthplace to confirm voter identity, and  
3 the State’s past, current, and expected procedures for doing so, and 2) whether and how  
4 Arizona’s counties have used, do use, or expect to use the citizenship checkbox on  
5 Arizona’s voter registration form to determine citizenship. Discovery has commenced as  
6 to these and other questions that go to the heart of the United States’ Materiality  
7 Provision claim. The United States is currently seeking and analyzing information  
8 essential to opposing the State Defendants’ motion—information that the State  
9 Defendants and County Defendants alone can provide. Accordingly, State Defendants’  
10 motion for partial summary judgment on the United States’ Materiality Provision claim is  
11 at best premature. The Court should deny the State Defendants’ motion and allow  
12 Plaintiffs to take discovery under Fed. R. Civ. P. 56(d). The Court should also deny, or at  
13 least defer ruling on, the State Defendants’ motion for partial summary judgment as to  
14 the NVRA’s impact on HB 2492’s mail voting restrictions. Since the United States’  
15 Materiality Provision claim also challenges those same mail voting restrictions,  
16 delineating the NVRA’s application to them at this time will not resolve the ultimate  
17 question of whether they may be implemented under federal law.

## 18 **II. Background**

19 Arizona House Bill (“HB”) 2492 is an omnibus election law that in part restricts  
20 eligible U.S. citizens’ ability to register and vote. HB 2492 creates new voter registration  
21 requirements for prospective voters in Arizona, whether they register to vote using the  
22 Federal Form or Arizona’s voter registration form (“State Form”). The law also restricts

1 the kinds of federal elections in which voters who registered using the Federal Form  
2 (“federal-only voters”) can cast ballots. The law went into effect on January 1, 2023.

3 **A. HB 2492’s Documentary Proof of Citizenship (“DPOC”) Requirements.**

4 Arizona passed HB 2492 in the wake of a failed prior attempt to impose DPOC  
5 requirements on Federal Form registrants. In 2004, Arizona adopted Proposition 200,  
6 which imposed a DPOC requirement for all voter registration applicants. Litigation over  
7 whether Proposition 200’s DPOC requirement violated the NVRA ended up in the  
8 Supreme Court. *See Arizona v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1, 6–7 (2013)  
9 (“ITCA”). The Court concluded that the DPOC requirement violated Section 6 of the  
10 NVRA because states must “accept and use” the Federal Form as sufficient to register to  
11 vote in federal elections. *Id.* at 15. Arizona must thus ensure that eligible applicants are  
12 registered if a valid Federal Form is timely submitted. It may not reject a completed  
13 Federal Form because an applicant omitted additional information—such as DPOC—that  
14 state law requires for registration. *Id.* at 11–13. The Court held that Arizona’s DPOC  
15 requirements for the Federal Form frustrated the NVRA’s purpose of creating a simple  
16 means to register to vote in federal elections and increasing voter registration among  
17 eligible citizens. *Id.* at 13; *see also* 52 U.S.C.A. § 20501(b).

18 Despite *ITCA* and bedrock authority establishing Congress’s power to regulate all  
19 federal elections, Arizona enacted HB 2492 in 2022. State Defs. Statement of Facts at ¶  
20 1, ECF No. 365. HB 2492 again imposes DPOC requirements on some federal-only  
21 voters. The law requires election officials to confirm the citizenship status of voter  
22 registration applicants by cross-checking those applicants against several databases. *Id.* §

1 16-121.01(D). If officials are unable to verify an applicant’s citizenship status, they must  
2 notify the applicant, who must then provide DPOC. *Id.* § 16-121.01(E). Applicants who  
3 fail to provide DPOC are denied the right to vote in presidential elections and by mail in  
4 congressional elections. *Id.*

5 HB 2492 also affects Arizona voters who are already registered to vote in federal  
6 elections. *Id.* at § 16-127(A). The law requires these voters to provide DPOC to vote in  
7 presidential elections and to vote by mail in congressional elections even though the  
8 voters have already successfully registered to vote with the Federal Form. *See id.*

9 **B. HB 2492’s Citizenship Checkbox and Birthplace Requirements.**

10 HB 2492 also impacts prospective voters who register to vote using the State  
11 Form. Ariz. Rev. Stat. § 16-121.01(A), (C). The State Form requires applicants to attest  
12 to their citizenship by checking a box confirming the applicant is a U.S. Citizen  
13 (“citizenship checkbox”). Election officials must reject applications without the  
14 checkbox mark—even if the applicant has provided DPOC. The law similarly requires  
15 election officials to reject any State Forms that do not include the applicant’s state or  
16 country of birth (“birthplace”). *Id.* § 16-121.01(A) (referencing *id.* § 16-152(A)(7)).

17 **C. The Court’s Order Denying State Defendants’ Motions to Dismiss.**

18 In its February 16, 2023, Order denying State Defendants’ motion to dismiss, this  
19 Court found that the United States had properly stated its claims. ECF No. 304.  
20 Regarding the United States’ NVRA claim, the Court found it plausible that *ITCA*  
21 preempts HB 2492’s DPOC requirement for applicants who use the Federal Form to  
22 register to vote. *Id.* at 29-30. Neither the State Defendants’ arguments nor the United

1 States’ response turned on facts—the issue in the motions to dismiss was whether  
 2 Congress has authority to regulate presidential elections. The Court’s Order denying the  
 3 motions to dismiss similarly relied only on these legal arguments. *Id.*

4 As to the United States’ Materiality Provision claim, the Court found it plausible  
 5 that HB 2492 requires duplicate and immaterial information from registrants. *Id.* at 32.  
 6 The Court held that the State Defendants failed to establish as a matter of law that  
 7 birthplace and the citizenship checkbox were material—rather than merely relevant—or  
 8 that the State’s prior methods used to confirm citizenship were unusable. *Id.*<sup>1</sup>

### 9 III. Legal Standard

10 The Court must grant summary judgment if the movant “shows that there is no  
 11 genuine dispute as to any material fact and the movant is entitled to judgment as a matter  
 12 of law.” *Armendariz v. Padilla*, No. CV 15-01890-PHX-SRB (MHB), 2017 WL  
 13 7410994, at \*1 (D. Ariz. Mar. 17, 2017) (citing Fed. R. Civ. P. 56(a) and *Celotex Corp. v.*  
 14 *Catrett*, 477 U.S. 317, 322–23 (1986)), *aff’d sub nom. Armendariz v. Auricchio*, 700 F.  
 15 App’x 730 (9th Cir. 2017). The movant must “present[] the basis for its motion and  
 16 identify[] those portions of the record . . . that it believes demonstrate the absence of a

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17  
 18 <sup>1</sup> Defendants subsequently changed their position as to the United States’ NVRA claim.  
 19 By letter dated April 17, 2023, Hayleigh S. Crawford, the then-Deputy Solicitor General  
 20 for the State of Arizona, wrote to counsel for all parties to state that “Attorney General  
 21 Mayes does not intend to continue asserting as a defense to Plaintiffs’ claims that  
 22 Congress lacks the power to regulate presidential elections. That defense is foreclosed by  
 binding authority. . . .Accordingly, the State acknowledges that to the extent H.B. 2492  
 conditions acceptance of the federal mail voter registration form for presidential election  
 registration on documentary proof of citizenship, it is preempted by the federal  
 requirement that States ‘accept and use’ the federal form.” U.S. Statement of Facts ¶ 7,  
 Ex. B.

1 genuine issue of material fact.” *Id.* “If the movant fails to carry its initial burden of  
2 production, the nonmovant need not produce anything.” *Id.* If the moving party “meets  
3 its initial responsibility, the burden shifts to the nonmovant to demonstrate the existence  
4 of a factual dispute and that the fact in contention is material, i.e., a fact that might affect  
5 the outcome of the suit under the governing law, and that the dispute is genuine, i.e., the  
6 evidence is such that a reasonable jury could return a verdict for the nonmovant.” *Id.*  
7 In reviewing the evidence, courts “draw all reasonable inferences in favor of the  
8 nonmoving party, and it may not make credibility determinations or weigh the evidence.”  
9 *Reeves v. Sanderson Plumbing Prods. Inc.*, 530 U.S. 133, 150 (2000).

#### 10 **IV. Argument**

##### 11 **A. The NVRA Preempts HB 2492’s DPOC Requirements for Registrants 12 Using the Federal Form.**

13 The State Defendants and the United States agree that Section 6 of the NVRA  
14 preempts HB 2492’s DPOC requirement for federal-only voter registration applicants as  
15 a matter of law. State Defs. Mot. at 4, ECF No. 364; Secretary of State Answer at 3, ECF  
16 No. 122; U.S. Resp. Mot. Dismiss at 5-11, ECF No. 152.<sup>2</sup> As long as applicants in  
17 Arizona attest under oath that they are citizens and meet remaining Federal Form  
18 requirements, the NVRA requires Arizona election officials to accept and use that Form.  
19 *ITCA*, 570 U.S. at 9–13 (holding that the NVRA mandates that states accept the Federal  
20 Form “*as sufficient* for the requirement it is meant to satisfy”) (emphasis in original); *see*

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21 <sup>2</sup> The United States addressed the authority establishing Congress’s power to regulate  
22 presidential elections in its Response to Defendants’ Motion to Dismiss, ECF No. 152. It  
incorporates in full its legal arguments from that pleading here.

1 52 U.S.C. § 20505(a)(1). Defendant-Intervenors assert, however, that the NVRA does  
2 not apply to presidential elections, and that HB 2492’s DPOC requirement is therefore  
3 valid. Def. Int. Mot. at 2–8, ECF No. 367; Joinder by Def. Int. Ariz. Legis. 1-2, ECF No.  
4 369. They are wrong.

### 5 **1. Congress Can Regulate Presidential Elections.**

6 Courts have long recognized Congress’s authority to regulate presidential  
7 elections. See U.S. Resp. Mot. Dismiss at 7–8 (collecting cases); *Burroughs v. United*  
8 *States*, 290 U.S. 534 (1934); see also *United States v. Classic*, 313 U.S. 299, 320 (1941)  
9 (the Necessary and Proper Clause empowers Congress to choose the “means by which its  
10 constitutional powers are to be carried into execution”); *Fish v. Kobach*, 840 F.3d 710,  
11 719 n.7 (10th Cir. 2016) (“[B]oth the Supreme Court and our sister courts have rejected  
12 the proposition that Congress has no power to regulate presidential elections”); *Voting*  
13 *Rights Coal. v. Wilson*, 60 F.3d 1411, 1414 (9th Cir. 1995) (“The broad power given to  
14 Congress over congressional elections has been extended to presidential elections”), *cert.*  
15 *denied*, 516 U.S. 1093 (1996).

16 That authority flows from Congress’s broader constitutional authority to regulate  
17 all federal elections. U.S. Const. art. 1, § 4 (Elections Clause); *id.* art. I, § 8 (Necessary  
18 and Proper Clause); *id.* amend. XIV; *id.* amend. XV; see also U.S. Resp. to Mot. Dismiss  
19 at 6–9; *Oregon v. Mitchell*, 400 U.S. 112, 124 n.7 (1970) (Black, J.) (“This power arises  
20 from the nature of our constitutional system of government and from the Necessary and  
21 Proper Clause.”); *ITCA*, 570 U.S. at 9, 14; *Ariz. State Legislature v. Ariz. Indep.*  
22 *Redistricting Comm’n*, 576 U.S. 787, 814–15 (2015) (“The dominant purpose of the

1 Elections Clause, the historical record bears out, was to empower Congress to override  
2 state election rules . . . .”). Indeed, the Framers intended Congress to have preemptory  
3 power over all federal election regulations to preserve the national government. *See*  
4 *ITCA*, 570 U.S. at 8 (quoting *The Federalist* No. 59, at 362–63 (A. Hamilton) (Clinton  
5 Rossiter ed., 1961)) (“‘[E]very government ought to contain in itself the means of its own  
6 preservation,’ and ‘an exclusive power of regulating elections for the national  
7 government, in the hands of the State legislatures, would leave the existence of the Union  
8 entirely at their mercy. They could at any moment annihilate it by neglecting to provide  
9 for the choice of persons to administer its affairs.’”); *U.S. Term Limits, Inc. v. Thornton*,  
10 514 U.S. 779, 808 (1995).

11 Defendant-Intervenors mischaracterize *Oregon v. Mitchell*, 400 U.S. 112 (1970)  
12 and *Burroughs v. United States*, 290 U.S. 534 (1934); both cases reinforce Congress’s  
13 power to regulate presidential elections. In *Oregon v. Mitchell*, the Court concluded that  
14 Congress was authorized to lower the voting age to 18 in federal elections, upheld the  
15 Voting Rights Act’s literacy-test prohibitions, and held that Congress can set residency  
16 requirements and provide for absentee balloting in elections for presidential and vice-  
17 presidential electors. 400 U.S. at 117–18. Justice Black determined that Congress could  
18 lower the voting age and ban residency requirements for presidential elections under its  
19 inherent federal authority to regulate presidential elections as well as its broad Elections  
20 Clause powers. *Id.* at 122–24. The concurring Justices relied on the Reconstruction  
21 Amendments. *See id.* at 135 (Douglas, J., concurring in part and dissenting in part); *id.* at  
22 229–30 (Brennan, J., concurring in part and dissenting in part). All told, eight Justices

1 upheld Congress’s ban on residency requirements *in presidential elections*. *Id.* at 210;  
2 *see also id.* at 286–87 (Stewart, J., concurring in part and dissenting in part) (“Quite  
3 clearly, then, Congress has acted to protect a constitutional privilege that finds its  
4 protection in the Federal Government and is national in character.”). Thus, whether  
5 through Congress’s inherent authority, the Elections Clause, or the Reconstruction  
6 Amendments—all of which undergird the NVRA—*Oregon v. Mitchell* recognizes  
7 Congress’s broad powers to regulate federal elections and maintain a national  
8 government. *Id.* at 134 (Black, J.).

9 Defendant-Intervenor’s criticism of Justice Black for his purported failure to  
10 perceive the “the textual differences between the Elections Clause and the Electors  
11 Clause” fails. Def. Int. Mot. at 6. The Framers drafted the Elections Clause when only  
12 some states held popular elections. Now all do.<sup>3</sup> *See McPherson v. Blacker*, 146 U.S. 1,  
13 28 (1892) (tracing the history of popular elections); *cf. Chiafalo v. Washington*, 140 S.  
14 Ct. 2316, 2321–22 (2020); *Classic*, 313 U.S. at 315–16; U.S. Const. amend. XXIV  
15 (addressing the “right of *citizens of the United States* to vote in any primary or other  
16 election *for President or Vice President*, for electors for President or Vice President, or  
17 for Senator or Representative in Congress”) (emphasis added).

18  
19 \_\_\_\_\_  
20 <sup>3</sup> During oral argument on the Defendants’ Motion to Dismiss, Defendant-Intervenors  
21 represented that Arizona voters cast votes for presidential electors and not for presidential  
22 candidates. Mot. to Dismiss Hearing Tr. at 22:4-8, ECF No. 196. But Arizona law  
requires that presidential electors cast their vote for the candidate that wins the popular  
vote in the State. In all material respects, therefore, Arizona’s presidential elections are  
identical to its congressional elections, the winners of which are decided by the popular  
vote. Ariz. Rev. Stat. § 16-212(B).



1 Defendant-Intervenors offer nothing to justify disrupting the “long settled and  
2 established practice” that those who vote in congressional elections are also entitled to  
3 vote in presidential elections. *See Chiafalo*, 140 S. Ct. at 2326. This longstanding  
4 tradition should hold “great weight in a proper interpretation of constitutional  
5 provisions.” *Id.* Defendant-Intervenors would discard that tradition and with it the  
6 Framers’ intent to protect the national government and ensure that all eligible citizens can  
7 cast a ballot for their federal representatives. *ITCA*, 570 U.S. at 8; *cf. U.S. Term Limits,*  
8 *Inc.*, 514 U.S. at 803–05; *Classic*, 313 U.S. at 316 (“If we remember that ‘it is a  
9 Constitution we are expounding,’ we cannot rightly prefer, of the possible meanings of its  
10 words, that which will defeat rather than effectuate the Constitutional purpose.”). HB  
11 2492’s attempt to divest qualified voters of their right to vote in presidential elections  
12 should be rejected.

13 Defendant-Intervenors’ use of *Burroughs* also misses the mark. They argue that  
14 *Burroughs* “had nothing to do with the appointment of presidential electors.” Def. Int.  
15 Mot. at 6. *But neither does this case.* The United States’ NVRA claim asserts that  
16 Arizona violates federal law by requiring Federal Form users to submit more than what  
17 federal law requires to be registered for federal elections. Compl. ¶¶ 63–65. Like the law  
18 at issue in *Burroughs*, the NVRA does not “interfere with the power of a state to appoint  
19 electors or the manner in which their appointment shall be made.” *Burroughs*, 290 U.S.  
20 at 289–90. Indeed, no party questions how Arizona appoints its 11 presidential electors;  
21 that issue is not before this Court. *Infra* at Part IV.A.3. *Burroughs* is therefore directly  
22 on point here because it affirms Congress’s power to regulate presidential elections.

1           **2. Congress Passed the NVRA Under its Authority to Regulate Federal**  
 2           **Elections.**

3           Because Congress can regulate all federal elections, it was empowered to pass the  
 4 NVRA. Congress passed the statute, in part, using its authority to regulate federal  
 5 elections under the Elections Clause.<sup>4</sup> Congress also cited its authority to legislate under  
 6 the Reconstruction Amendments. *See* U.S. Resp. to Mot. Dismiss at 10 (collecting cites);  
 7 H.R. Rep. No. 103-9, at 2, 36 (1993), 1993 U.S.C.C.A.N. 105, 106 (noting that despite  
 8 the Voting Rights Act, restrictive registration practices affected voter turnout generally,  
 9 and Black voter turnout specifically); S. Rep. No. 103-6, at 3 (1993) (“This Act seeks to  
 10 remove the barriers to voter registration and participation under Congress’ power to  
 11 enforce the equal protection guarantees of the 14th Amendment to the Constitution.”);  
 12 *Voter Registration: Hearing Before the Subcomm. On Elections of the H. Comm. on H.*  
 13 *Admin.*, 101st Cong., 1st Sess., at 242–44 (1989) (statements of Frank R. Parker and Rep.  
 14 Swift).<sup>5</sup>

15 <sup>4</sup> *See, e.g., ITCA*, 570 U.S. at 8–9; *League of Women Voters of United States v. Newby*,  
 16 838 F.3d 1, 5 (D.C. Cir. 2016); *Ass’n of Cmty. Orgs. for Reform Now (ACORN) v. Miller*,  
 17 912 F. Supp. 976 (W.D. Mich. 1995), *aff’d*, 129 F.3d 833 (6th Cir. 1996); *ACORN v.*  
 18 *Edgar*, 880 F. Supp. 1215 (N.D. Ill. 1995), *aff’d in relevant part*, 56 F.3d 791 (7th Cir.  
 19 1995); *Wilson v. United States*, 878 F. Supp. 1324 (N.D. Cal. 1995), *aff’d sub nom.*  
 20 *Voting Rights Coal. v. Wilson*, 60 F.3d 1411 (9th Cir. 1995), *cert. denied*, 516 U.S. 1093  
 21 (1996); *see also Condon v. Reno*, 913 F. Supp. 946, 963 (D.S.C. 1995); *Virginia v.*  
 22 *United States*, No. 3:95-cv-357, 1995 WL 928433 (E.D. Va. Oct. 18, 1995); *ACORN v.*  
*Ridge*, Nos. Civ. A. 94-7671 & 95-382, 1995 WL 136913 (E.D. Pa. Mar. 30, 1995).

20 <sup>5</sup> Congress is not required to meet the “congruence and proportionality” standard outlined  
 21 by Defendant-Intervenors to legislate under Section 2 of the Fifteenth Amendment. *See*  
 22 *South Carolina v. Katzenbach*, 383 U.S. 301, 324–27 (1966) (holding that the Fifteenth

1 Congress passed the NVRA to combat “discriminatory and unfair registration  
2 laws” that “disproportionately harm voter participation by various groups, including  
3 racial minorities.” 52 U.S.C. § 20501(a)(3); *see also, e.g.*, Staff of Subcomm. on Civ. &  
4 Const. Rts. of the H. Comm. on the Judiciary, 98th Cong., 2d Sess., *After the Voting*  
5 *Rights Act: Registration Barriers* (Comm. Print 1984) (H.R. Ser. No. 18, at 2-5); S. Rep.  
6 No. 103-6, at 3–4, 17–18 (1993); *see also Condon*, 913 F. Supp. at 962–63. Courts agree.  
7 *See* U.S. Resp. to Mot. Dismiss, at 9-10 (collecting cases).

### 8 **3. The Electors Clauses and the Tenth Amendment Are Irrelevant Here.**

9 Defendant-Intervenors rely on the Constitution’s Electors Clauses and the Tenth  
10 Amendment to argue that states—and not Congress—have the authority to regulate  
11 presidential elections. But the Constitution’s Electors Clauses regulate presidential  
12 electors only; these Clauses are therefore not relevant to this NVRA challenge. And  
13 states do not have reserved powers under the Tenth Amendment related to presidential  
14 elections.

15 Defendant-Intervenors appear to conflate the meaning and purpose of “Electors”  
16 as used in the Constitution’s Electors Clauses with “presidential elections.” *See*  
17 *generally* Def. Int. Mot. at 3–6. Article II requires States to appoint “a Number of  
18 Electors, equal to the whole Number of Senators and Representatives to which the State

19 \_\_\_\_\_  
20 Amendment is self-executing). And if Congress passed the NVRA under the Fourteenth  
21 Amendment, it has met the standard. The historical and legislative record establishes  
22 persistent patterns of discrimination in voter registration practices, necessitating  
Congressional action to pass uniform voter registration processes for federal elections.  
U.S. Resp. to Mot. Dismiss, at 9–11.

1 may be entitled in the Congress.” U.S. Const. art. II, §1, cl. 2. Congress then determines  
2 the time of choosing presidential “Electors” and the day on which the electors “shall give  
3 their vote.” U.S. Const. art. II, §1, cl. 4. Both Clauses refer only to presidential electors,  
4 which in Arizona are the 11 electors appointed by “[t]he chairman of the state committee  
5 of a political party that is qualified for representation on an official party ballot at the  
6 primary election and accorded a column on the general election ballot.” Ariz. Rev. Stat.  
7 § 16-344; *id.* § 16-341; *cf. Chiafalo*, 140 S. Ct. at 2324 (reiterating that the Electors  
8 Clause gives states authority to appoint electors, who differ from the state’s individual  
9 voters); *Bowyer v. Ducey*, 506 F. Supp. 3d 699, 710 (D. Ariz. 2020) (finding that  
10 presidential electors “fulfill a ministerial function, which is extremely limited in scope  
11 and duration, and that they have no discretion to deviate at all from the duties imposed by  
12 the statute”); Ariz. Rev. Stat. § 16-212(B) (presidential electors must cast their vote for  
13 the candidate who received the highest number of individual votes).

14 The NVRA does not regulate the country’s 538 presidential “Electors”; it  
15 regulates voter registration for the country’s *individual voters*. The Electors Clauses are  
16 thus irrelevant to this case because they do not regulate individual voters in Arizona. *Cf.*  
17 *Chiafalo*, 140 S. Ct. at 2324; Ariz. Const. art. VII, § 1 (referring to “elections by the  
18 people”).

19 Congress has authority to regulate presidential elections. *Supra* at 9; United States  
20 Resp. Mot. Dismiss at 8–9. The Supreme Court has squarely rejected Defendant-  
21 Intervenors argument that, because the Constitution does not expressly assign to  
22 Congress the power to regulate the “places and manner” of presidential elections, this

1 power resides with the states. Def. Int. Mot. at 4; *Burroughs*, 290 U.S. at 544-45; see  
2 also *Anderson v. Celebrezze*, 460 U.S. 780, 795 (1983). Defendant-Intervenors’ Tenth  
3 Amendment arguments, Def. Int. Mot. at 3-4, are similarly inapt. The power to regulate  
4 presidential elections “is not within the ‘original powers’ of the States, and thus is not  
5 reserved to the States by the Tenth Amendment.” See *Cook v. Gralike*, 531 U.S. 510, 522  
6 (2001) (states have no residual authority to regulate federal elections); *U.S. Term Limits*,  
7 *Inc.*, 514 U.S. at 800, 805 (holding that “the power to regulate the incidents of the federal  
8 system is not a reserved power of the States, but rather is delegated by the Constitution”);  
9 1 Story § 627 (“It is no original prerogative of state power to appoint a representative, a  
10 senator, or president for the union”). Defendant-Intervenors have “neither text nor  
11 history on [their] side” to argue that the Tenth Amendment confers to Arizona the  
12 exclusive authority to regulate voter registration in presidential elections. *Chiafalo*, 140  
13 S. Ct. at 2328. The power to regulate federal elections, including presidential elections,  
14 “spring[s] out of the existence of the national government, which the constitution does  
15 not delegate to [the states]. . . . No state can say, that it has reserved, what it never  
16 possessed.” *U.S. Term Limits, Inc.*, 514 U.S. at 802. The very notion of a national  
17 federal government was a sea change from the pre-existing Articles of Confederation; in  
18 the new national government, the Framers envisioned that representatives—above all, the  
19 President—owed allegiance to the people *of the Nation*, not to the people of a State. *Id.*  
20 at 803–04. Therefore, states have no residual Tenth Amendment authority to regulate  
21 presidential elections.  
22

1 Defendant-Intervenors’ theories as to why Arizona alone—and not Congress—has  
2 authority to regulate presidential elections in the State should be rejected.

3 **4. The United States’ Challenges to HB 2492’s Mail Voting Provisions**  
4 **Cannot Be Resolved on Summary Judgment.**

5 The State Defendants and Defendant-Intervenors argue that the NVRA does not  
6 preempt Arizona’s laws regulating mail voting. State Defs. Mot. at 4; Def. Int. Mot. at 8–  
7 9. Federal-only voters properly established their citizenship status by using the Federal  
8 Form to successfully register to vote in federal elections. *ITCA*, 570 U.S. at 9–13; 52  
9 U.S.C. § 20505(a)(1). HB 2492 requires these voters to prove their citizenship status  
10 again to vote in those elections by mail, a method of voting that was otherwise available  
11 to all eligible voters prior to HB 2492’s enactment. *See* Ariz. Rev. Stat. § 16-127(A)(2)  
12 (requiring federal-only voters to provide DPOC in accordance with Section 16-166 to  
13 vote by mail in federal elections); Ariz. Rev. Stat. § 16-166 (including the requirements  
14 necessary to establish “satisfactory evidence of citizenship” for purposes of voter  
15 registration); Ariz. Rev. Stat. § 16-541A (“Any qualified elector may vote by early  
16 ballot.”). HB 2492’s requirement that registered federal-only voters also satisfy  
17 Arizona’s DPOC *voter registration* requirements—which exceed those required by the  
18 Federal Form—endruns Section 6 of the NVRA. 52 U.S.C. § 20501(b) (a core purpose  
19 of the NVRA is to “enhance[] the participation of eligible citizens as voters in elections  
20 for Federal office.”).

21 In any event, the Court should not determine the lawfulness of HB 2492’s mail  
22 voting prohibitions on summary judgment. The United States properly alleged that HB

1 2492’s mail voting restrictions violate the Materiality Provision, U.S. Compl. ¶ 69,  
2 *United States v. Arizona*, No. 2:22-cv-01124-SRB (D. Ariz. July 5, 2022) (ECF No. 1),  
3 and needs the opportunity to adduce sufficient facts during discovery to establish that  
4 violation. *See infra* at Part IV.B.3., Brailey Decl. ¶¶ 14, 15. Accordingly, the Court need  
5 not delineate the NVRA’s effect on HB 2492’s restrictions on mail voting because the  
6 State Defendants’ ultimate ability to enforce those restrictions will remain unresolved  
7 until the Court determines the United States’ Materiality Provision claim. *See, e.g., Sec.*  
8 *& Exch. Comm’n v. Montano*, No. 6:18-CV-1606-GAP-GJK, 2020 WL 5534671, at \*4  
9 (M.D. Fla. July 31, 2020), *report and recommendation adopted*, 2020 WL 5887648  
10 (M.D. Fla. Oct. 5, 2020) (“When a proposed partial summary judgment does not advance  
11 ultimate resolution of a case, the motion may be denied on that basis[.]”); *id.* (finding that  
12 “partial summary judgment may be denied where it does not result in judicial  
13 efficiency”).

14 **B. Summary Judgment is Unwarranted for the United States’ Claim Under**  
15 **the Materiality Provision of the Civil Rights Act.**

16 The State Defendants’ summary judgment motion as to the United States’  
17 Materiality Provision claim raises material facts unavailable to the United States at this  
18 time. Because discovery as to those facts is essential to the United States’ ability to  
19 oppose that motion, and because the State Defendants and County Defendants solely  
20 possess those facts, this Court should deny the State Defendants’ summary judgment  
21 motion on that claim pursuant to Fed. R. Civ. P. 56(d). *See, e.g., Burlington N. Santa Fe*  
22 *R.R. Co. v. Assiniboine & Sioux Tribes of Fort Peck Rsrv.*, 323 F.3d 767, 773 (9th Cir.

1 2003) (noting that when “a summary judgment motion is filed so early in the litigation,  
2 before a party has had any realistic opportunity to pursue discovery relating to its theory  
3 of the case,” the district court should grant requests by non-movants to take discovery  
4 prior to considering the motion for summary judgment).

5 **1. The State Defendants’ Summary Judgment Motion as to HB 2492’s**  
6 **Citizenship Checkbox Requirement Should be Denied Because the United**  
7 **States Lacks Information Essential to Opposing that Motion.**

8 Eligible Arizonans who register to vote with the State Form must provide DPOC,  
9 which Arizona law recognizes as satisfactory proof of citizenship. *See* Ariz. Rev. Stat.  
10 § 16-166(F) (DPOC is “satisfactory evidence of citizenship.”); *see also* Ariz. Rev. Stat.  
11 § 16-152(A)(23) (requiring DPOC to accompany the State Form). Under HB 2492, the  
12 State Form requires applicants who provide DPOC to also affirm their citizenship by  
13 checking the citizenship box. If a voter fails to complete the citizenship checkbox, their  
14 voter registration application is rejected even though election officials can confirm the  
15 applicant’s citizenship from the DPOC.

16 The State asserts that HB 2492’s citizenship checkbox requirement complies with  
17 the Materiality Provision because: (1) the requirement to check a box attesting to one’s  
18 citizenship status is material because it helps confirm a voter’s citizenship status, and (2)  
19 even if the checkbox requirement seeks duplicative information, that does not mean that  
20 it seeks immaterial information. *State Defs. Mot.* at 12–13. Both arguments fail, and the  
21 first argument raises material fact questions that foreclose summary judgment.

22 First, whether the State Form’s mandatory citizenship checkbox provides election  
officials with information distinct from the DPOC that the voter already provided is a



1 question of material fact. A voting requirement is material under the Materiality  
2 Provision if it goes to determining a voter’s substantive qualifications to vote. *See, e.g.,*  
3 *Martin v. Crittenden*, 347 F.Supp.3d 1302, 1308 (N.D. Ga. 2018); *Wash. Ass’n of*  
4 *Churches v. Reed*, 492 F.Supp.2d 1264, 1270 (W.D. Wash. 2006). In Arizona, these  
5 qualifications are limited to age, citizenship, residency, ability to write one’s name or  
6 make one’s mark, and lack of criminal convictions or adjudications deeming one  
7 incapacitated. Ariz. Const. art. VII, § 2, cl. A; Ariz. Rev. Stat. § 16-101. Moreover, a  
8 voting requirement must be more than just relevant to be “material.” *E.g., Int’l Bhd. of*  
9 *Teamsters v. United States*, 240 F.2d 387, 390 (9th Cir. 1956) (distinguishing between  
10 “relevant” and “material” for purposes of IRS subpoena, and requiring agents to satisfy  
11 the Court that what they seek “may be actually needed”); *see also Anderson v. Liberty*  
12 *Lobby, Inc.*, 477 U.S. 242, 248 (1986) (defining “material fact” for the purposes of  
13 summary judgment motions as facts that “might affect the outcome” of the case); U.S.  
14 Resp. Mot. Dismiss at 17 (collecting cases).

15 Here, the crux of the United States’ Materiality Claim is whether the citizenship  
16 checkbox requirement is actually used to *determine* a voter’s citizenship status—a matter  
17 of disputed fact—and not whether citizenship itself is a qualification. The parties do not  
18 dispute the latter proposition. State Defs. Mot. at 12. The quintessential example of  
19 practices the Materiality Provision sought to eradicate—requiring voters to cite the exact  
20 number of months and days in their age, *see Fla. State Conf. of NAACP v. Browning*, 522  
21 F.3d 1153, 1173 (11th Cir. 2008)—illustrates this distinction: a voter’s age in months and  
22 days was nominally relevant to and duplicative of establishing the voter’s age, the latter

1 of which is a substantive voter qualification. A voter’s age in months and days, however,  
2 was not material because age could already be established with other information in the  
3 application. The requirement therefore did not ensure that eligible voters were registered  
4 to vote; instead, it resulted in eligible voters having their registration applications rejected  
5 based on immaterial information. *See Martin*, 347 F.Supp.3d at 1308–09 (finding  
6 provision of birth year on a ballot envelope immaterial where a voter’s age was already  
7 confirmed).<sup>6</sup>

8 The State insists that the checkbox “still serve[s] a useful role” in determining a  
9 voter’s qualifications. State Defs. Mot. at 12. However, that is a material fact question  
10 the subject of live discovery requests. Brailey Decl. ¶¶ 14, 15, Exs. B, C (outstanding  
11 discovery requests seeking this information); Scheduling Order at ¶¶ 4, 5 (ECF No. 338).  
12 Leaving aside important legal distinctions between what is “useful” in commercial  
13 activities like signing mortgage documents, State Defs. Mot. at 12, and in preserving the  
14 fundamental right to vote, the State’s argument raises material fact questions as to the  
15 role and “usefulness” of the checkbox in determining a voter’s qualifications. The State  
16 presents no record evidence supporting its assertions. But the United States cannot rebut  
17 those assertions because it is currently seeking information essential for doing so and  
18 engaging with an expert to analyze that information. And information relating to that  
19 “useful[ness]” is possessed solely by the State Defendants and County Defendants. The  
20

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21 <sup>6</sup> The State’s comparison of the State Form and the Federal Form’s checkbox  
22 requirements, State Defs. Mot. at 11, is inapt for the same reason: the Federal Form does  
not require applicants to provide DPOC *in addition* to checking the citizenship box.

1 Court should therefore deny summary judgment, or in the alternative, defer ruling on the  
2 motion until the parties have completed discovery. Fed. R. Civ. P. 56(d); *see also*  
3 *Burlington N.*, 323 F.3d at 773–74 (finding that “lightning-quick summary judgment  
4 motions can impede informed resolution of fact-specific disputes” and that Rule 56(d)  
5 relief for more discovery should be granted “almost as a matter of course”  
6 (quoting *Wichita Falls Off. Ass’n v. Banc One Corp.*, 978 F.2d 915, 919 n.4 (5th Cir.  
7 1992))).

8 Second, there is no support for the State’s claim that it may freely seek duplicative  
9 citizenship evidence when the failure to provide that evidence results in  
10 disenfranchisement. The State’s sole citation is to *Diaz v. Cobb*, 435 F.Supp.2d 1206  
11 (S.D. Fla. 2006), that, if anything, *supports* the United States’ Materiality Provision  
12 claim. *Diaz* analyzed whether Florida’s voter registration form violated the Materiality  
13 Provision where applicants were required to both check boxes confirming they met each  
14 eligibility requirement to vote and also sign a general oath indicating they are eligible to  
15 vote and truthfully completed the form. 435 F.Supp.2d at 1211-12. Specifically, the  
16 *Diaz* plaintiffs sued because they failed to check the boxes confirming their mental  
17 capacity on Florida’s form, and the failure to check these boxes resulted in their rejection.  
18 *Id.* at 1208. The Florida district court held that checking a *specific* box is not duplicative  
19 of signing a *generalized* oath, in part because the checkboxes verified each required voter  
20  
21  
22

1 qualification while the oath was a general affirmation of eligibility.<sup>7</sup> *Id.* at 1211.

2 Importantly, Florida did not *also* require prospective voters to provide documentary proof  
3 of any of the qualifications listed in the check boxes.

4 *Diaz* does not stand for the proposition that duplicative requirements for the same  
5 voter eligibility information are lawful. The case merely held that Florida could verify  
6 specific voter eligibility information in the form of checkboxes, and also require a  
7 generalized oath. Similarly, Arizona may seek proof of voter eligibility through  
8 checkboxes on the State Form and may require applicants to sign the form. Arizona may  
9 not, however, reject a form with an incomplete checkbox when the voter also provided—  
10 and the State thus has full knowledge of—that *same information* by way of DPOC. *See*  
11 *Diaz*, 435 F.Supp.2d at 1212.

## 12 **2. Unavailable Facts Regarding HB 2492's Birthplace Requirement Preclude** 13 **Summary Judgment.**

14 The State's contention that birthplace is material to confirming a voter registration  
15 applicant's identity, State Defs. Mot. at 14, is a disputed question of fact that requires the  
16 parties to build an evidentiary record. The State has presented this novel argument with

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17 <sup>7</sup> In *Diaz*, the general oath read:

18 I do solemnly swear (or affirm) that I will protect and defend  
19 the Constitution of the United States and the Constitution of  
20 the State of Florida, that I am qualified to register as an elector  
21 under the Constitution and laws of the State of Florida, and that  
22 all information provided in this application is true.

435 F.Supp.2d at 1212. The mental capacity checkbox at issue read:

I affirm that I have not been adjudicated mentally incapacitated  
with respect to voting or, if I have, my competency has been  
restored.

*Id.* at 1215.

1 no factual record to rebut or confirm, and discovery is necessary to ascertain whether  
2 election officials actually use birthplace to identify or confirm the identity of a voter, and,  
3 if so, how they do that. Brailey Decl. ¶¶ 14, 15, Exs. B, C (outstanding discovery  
4 requests seeking this information). The record thus far shows that prospective voters  
5 using the State Form are required to provide their legal names, residence and mailing  
6 addresses, and date of birth; registrants may also provide an identification number, such  
7 as the last four digits of their Social Security Number (“SSN”), a license number, tribal  
8 identification number, A-number, naturalization certificate number, or citizenship  
9 certification number. *See* Arizona Voter Registration Form, ECF No. 365-1, Exhibit D.  
10 But no factual record has been established as to how many people provide these unique  
11 identification numbers. Brailey Decl. ¶¶ 14, 15; *see also* Scheduling Order at ¶¶ 4, 5  
12 (deadline for fact discovery is July 14 and expert discovery is September 28).

13 The State posits that providing birthplace “can help confirm the voter’s identity,”  
14 State Defs. Mot. at 14, but it provides no facts in support. It does not explain what  
15 birthplace data election officials might possess to compare a new voter registrant’s  
16 information against. Nor does it point to any undisputed facts on how, for example, two  
17 people who have identical names, birth dates, and residential addresses would be  
18 distinguished based on a state or country of birth. *Id.* No expert analysis or witness  
19 testimony has been put forth to establish whether or how birthplace could ever be used to  
20 confirm a voter’s identity. These are unsupported assertions that the United States cannot  
21 test or rebut without discovery. And again, information relating to the role that birthplace  
22 plays, and the manner in which election officials use or will use birthplace to establish a

1 voter's identity, is possessed solely by the State Defendants and County Defendants.  
2 Without factual and expert discovery, the State Defendants' motion cannot be  
3 appropriately resolved at this stage. Brailey Decl. ¶¶ 14, 15, Exs. B, C (outstanding  
4 discovery requests seeking this information); *see also* Scheduling Order at ¶¶ 4, 5 (ECF  
5 No. 338); Fed. R. Civ. P. 56(d); *Jacobson v. U.S. Dep't of Homeland Sec.*, 882 F.3d 878,  
6 883–84 (9th Cir. 2018) (vacating summary judgment because plaintiffs were entitled to  
7 seek discovery that calls into question defendant's stated rationale).

8 The State Defendants' comparison to passport applications is inapposite. State  
9 Defs. Mot. at 14. Congress barred states from rejecting voting materials based on errors  
10 or omissions not material to establishing a voter's qualifications because voting is a  
11 fundamental right at the core of our form of government; no similar law applies to  
12 passport applications. The State also notes that four states "appear" to require birthplace  
13 on their state-specific voter registration forms, inferring that this supports Arizona's  
14 birthplace requirement. *Id.* But the United States does not challenge Arizona's ability to  
15 seek an applicant's birthplace on the State Form, something the State has done for many  
16 years; what the United States challenges is HB 2492's command that applications  
17 missing a birthplace be rejected. U.S. Compl. ¶¶ 11, 67. Accordingly, summary  
18 judgment is inappropriate as to this claim because material fact questions exist.

19 **3. Summary Judgment Is Also Unwarranted for the United States' Claim**  
20 **That HB 2492's DPOC Requirement for Registered Federal-Only Voters**  
21 **Violates the Materiality Provision.**

22 HB 2492 requires registered federal-only voters to provide additional proof of  
citizenship to vote in presidential elections or by mail in congressional elections. These

1 voters already attested to their citizenship when they registered to vote using the Federal  
2 Form, which is sufficient to prove citizenship under Federal Law. 52 U.S.C.  
3 § 21083(b)(4)(A) (requiring citizenship attestation for the Federal Form); Election  
4 Assistance Comm’n, Mem. of Decision at 29–31, Docket No. EAC-2013-0004 (Jan. 17,  
5 2014), <https://perma.cc/8EX8-P58G> (finding that sworn statements—like the attestation  
6 in the Federal Form—carry the force of law and Arizona already accepts sworn  
7 statements as sufficient for other election-related purposes).

8 The State Defendants argue that DPOC is material to determining a voter’s  
9 eligibility “because U.S. citizenship is a requirement for voting in Arizona.” State Defs.  
10 Mot. at 13. As a threshold matter, the State conflates voter qualifications with  
11 enforcement of those qualifications. Citizenship is a voter qualification, Ariz. Const. art.  
12 VII, § 2; DPOC is a way to enforce that qualification, *ITCA*, 570 U.S. at 6. Simply  
13 stating that “U.S. citizenship is a requirement for voting in Arizona,” State Defs. Mot. at  
14 13, therefore does not answer the factual question of whether DPOC is material to  
15 establishing citizenship status for a voter who previously proved their citizenship when  
16 registering to vote.

17 The arbitrary distinction between federal-only voters who wish to vote in  
18 presidential elections and those who wish to vote in congressional elections suggests that  
19 the DPOC requirement cannot be material to determining voter eligibility when voter  
20 eligibility for presidential and congressional elections is the same. The United States is  
21 currently seeking discovery on these factual questions, specifically on how exactly State  
22 and local election officials plan to use HB 2492’s requirements to establish voters’

1 qualifications. Because the information sought is essential to opposing the State  
 2 Defendants' motion, the State's motion for summary judgment on this claim should be  
 3 denied. Fed. R. Civ. P. 56(d).<sup>8</sup>

4 **V. Conclusion**

5 For the foregoing reasons, the United States respectfully requests that the Court  
 6 grant its Motion for Partial Summary Judgment on its NVRA claim and deny the State  
 7 Defendants' and Defendant-Intervenors' Motions for Partial Summary Judgment on the  
 8 United States' Materiality Provision claim (ECF Nos. 364, 367). The Court should also  
 9 deny, or at least defer consideration of, the State Defendants' partial summary judgment  
 10 motion as to the NVRA's application to HB 2492's mail voting restrictions.

11  
 12 Date: June 5, 2023

13 Respectfully submitted,

14 GARY M. RESTAINO  
 15 United States Attorney  
 District of Arizona

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18 */s/ Emily R. Brailey*  
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 19 EMILY R. BRAILEY

20  
 21 <sup>8</sup> As this Court already found, Private Plaintiffs may also sue to enforce the Materiality  
 22 Provision. *See* Order on Motions to Dismiss at 32–33 (ECF No. 304); *see also* United  
 States' Brief in Support of Plaintiff-Appellee at 8–14, *Vote.org v. Paxton*, No. 22-50536  
 (5th Cir. Nov. 2, 2022), <https://perma.cc/8G6W-NSGB>.



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**CERTIFICATE OF SERVICE**

I hereby certify that on June 5, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to counsel of record.

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13 *Attorneys for the United States*

14 **IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF ARIZONA**

16 Mi Familia Vota, et al.,  
Plaintiffs,

17 v.

18 Adrian Fontes, et. al.,  
19 Defendants.

No. 2:22-cv-00509-SRB (Lead Case)  
No. 2:22-cv-01124-SRB (Consolidated)

**United States’ Rule 56.1 Statement**

20 Living United for Change in Arizona, et al.,  
21 Plaintiffs,

22 v.

1 Adrian Fontes,  
2 Defendant,  
3 and  
4 State of Arizona, et al.,  
5 Intervenor-Defendants.

6 Poder Latinx, et al.,  
7 Plaintiffs,  
8 v.  
9 Adrian Fontes, et al.  
10 Defendants.

11 United States of America,  
12 Plaintiff,  
13 v.  
14 State of Arizona, et al.,  
15 Defendants.

16 Democratic National Committee, et al.  
17 Plaintiffs,  
18 v.  
19 Adrian Fontes, et al.,  
20 Defendants,  
21 and  
22 Republican National Committee,  
Intervenor-Defendant.

Arizona Asian American Native Hawaiian

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1 and Pacific Islander for Equity Coalition,  
Plaintiff,

2

v.

3

Adrian Fontes, et al.,  
Defendants.

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Promise Arizona, et al.,  
Plaintiffs,

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v.

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Adrian Fontes, et al.,  
Defendants.

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10 Tohono O’odham Nation, et al.,

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v.

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Kris Mayes, et al.,  
Defendants.

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1 Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56.1,  
2 Plaintiff United States of America respectfully submits the following combined statement  
3 of material facts and controverting statement of facts:

4 **I. Statement of Facts Supporting United States’ Motion for Partial**  
5 **Summary Judgment on its NVRA Claim**

6 1. In March 2022, Arizona passed House Bill 2492 (“HB 2492”), omnibus  
7 voting legislation that changed several of Arizona’s voter registration and voting  
8 requirements. Ariz. Secretary of State’s Answer to the United States’ Compl. ¶ 1, ECF  
9 No. 122 (“Secretary’s Answer”); State Defs. Statement of Facts ¶ 1, ECF No. 365.

10 2. HB 2492 became effective on January 1, 2023. Secretary’s Answer ¶ 1.

11 3. Under the National Voter Registration Act (“NVRA”), all states must  
12 “accept and use” a mail registration application form devised by the Election Assistance  
13 Commission (“Federal Form”) to register applicants to vote in all federal elections. 52  
14 U.S.C. § 20505(a)(1).

15 4. HB 2492 requires voter registrants using the Federal Form to supply  
16 documentary proof of citizenship (“DPOC”) if County Recorders are unable to verify  
17 the applicant’s citizenship status through specific databases enumerated in HB 2492.  
18 Ariz. Rev. Stat. § 16-121.01(E); Arizona’s Answer to the United States’ Compl. ¶ 31,  
19 ECF No. 329 (“State’s Answer”).

20 5. If the applicant fails to produce DPOC, then the applicant may not vote in  
21 presidential elections or vote by mail in congressional elections. HB 2492 § 4 (adding  
22 Ariz. Rev. Stat. § 16-121.01(E)); Secretary’s Answer ¶ 39.

1           6.       The Federal Form does not require Arizona voters to provide DPOC to  
 2 establish citizenship. Ex. A, Election Assistance Comm’n, Federal Voter Registration  
 3 Form, OMB Control No. 3265-0015, <https://perma.cc/YXG4-U9EV>; State Defs.  
 4 Statement of Facts ¶ 4 & Ex. C; Def. Intervenor Statement of Facts ¶ 3 & Ex. C, ECF  
 5 No. 368.

6           7.       In a letter dated April 17, 2023, Hayleigh S. Crawford, the then-Deputy  
 7 Solicitor General for the State of Arizona, stated that “Attorney General Mayes does not  
 8 intend to continue asserting as a defense to Plaintiffs’ claims that Congress lacks the  
 9 power to regulate presidential elections. That defense is foreclosed by binding authority.  
 10 . . . Accordingly, the State acknowledges that to the extent H.B. 2492 conditions  
 11 acceptance of the federal mail voter registration form for presidential election  
 12 registration on documentary proof of citizenship, it is preempted by the federal  
 13 requirement that States ‘accept and use’ the federal form.” Ex. B, Letter from Hayleigh  
 14 Crawford, Deputy Solicitor Gen., Ariz. Att’y Gen., to Couns. for All Consolidated  
 15 Parties in *Mi Familia Vota v. Fontes*, No. CV-22-00509-PHX-SRB (April 17, 2023).

16                   **II.    Controverting Statement of Facts Supporting the United States’ Response**  
 17                   **to Defendants’ Motions on the United States’ Materiality Claim**

18                   United States’ Position on Defendants’ Statements of Facts

19                   1-12. The United States does not dispute Paragraphs 1 through 12 in the State  
 20 Defendants’ Statement of Facts, ECF No. 365.

21                   13. The United States disputes Paragraph 13 in the State Defendants’ Statement of  
 22 Facts. The State Defendants state that four states “appear to require an applicant state

1 place of birth in order to be registered.” *Id.* at ¶ 13. It is not clear whether State  
2 Defendants intend the word “require” to mean that these four states require applicants to  
3 provide their birthplace on the form but will accept forms that omit this information, or  
4 that these four states will reject any forms lacking birthplace information. There is  
5 nothing in the record suggesting that these four states reject registration forms if  
6 birthplace is not provided. Therefore, the United States disputes the assertions in this  
7 paragraph.

8 14-15. The United States does not dispute the remaining paragraphs in the State  
9 Defendants’ Statement of Fact, ECF No. 365.

10 The United States does not dispute the Defendant-Intervenors’ Statement of Facts,  
11 ECF No. 368.

12 United States’ Statement of Facts

13 The United States submits the following facts to support its response, in addition  
14 to its declaration submitted pursuant to Rule 56(d) of the Federal Rules of Civil  
15 Procedure:

16 1. To be eligible to vote in Arizona, a prospective voter must “be a citizen of  
17 the United States of the age eighteen years or over, and shall have resided in the state”  
18 for a prescribed period of time. Ariz. Const. art. VII, § 2, cl. A. Prospective voters must  
19 also be able to write their names or make a mark (unless unable to do so due to physical  
20 disability), have not been convicted of treason or a felony (unless their rights have been  
21 restored), and have not been adjudicated to be incapacitated. Ariz. Rev. Stat. § 16-101;  
22 Secretary’s Answer ¶ 30; State’s Answer ¶ 30.

1           2.       Arizona continues to accept the Federal Form for in-person voting in  
2 congressional elections even if no DPOC has been submitted. Secretary’s Answer ¶ 39.

3           3.       Under HB 2492, voters who are already registered to vote using the Federal  
4 Form must nonetheless provide DPOC if they wish to vote in presidential elections or by  
5 mail in any federal election. HB 2492 § 5 (adding Ariz. Rev. Stat. § 16-127);  
6 Secretary’s Answer ¶ 40.

7           4.       Voters who are already registered to vote using the Federal Form who wish  
8 to vote in congressional elections in person are not required to provide DPOC. Ariz.  
9 Rev. Stat. § 16-127; Secretary’s Answer ¶ 40.

10          5.       Arizona’s voter eligibility criteria are the same for both congressional and  
11 presidential elections, whether one is voting by mail or in person. Ariz. Const. art. VII,  
12 § 2, cl. A; Ariz. Rev. Stat. § 16-101; Secretary’s Answer ¶ 30.

13          6.       HB 2492 requires all voter registration applications, including those  
14 accompanied by satisfactory DPOC, to include “a checkmark or other appropriate mark  
15 in the ‘Yes’ box next to the question regarding citizenship,” or the application will be  
16 rejected. Ariz. Rev. Stat. § 16-121.01(A); Ariz. Rev. Stat. § 16-166(F); State’s Answer  
17 ¶ 32.

18          7.       Under HB 2492, election officials must reject any state voter registration  
19 form that fails to include the prospective voter’s place of birth. Ariz. Rev. Stat. § 16-  
20 121.01(A); Secretary’s Answer ¶ 11.

21

22



1 Date: June 5, 2023

2

Respectfully submitted,

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4 United States Attorney  
5 District of Arizona

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 5, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to counsel of record.

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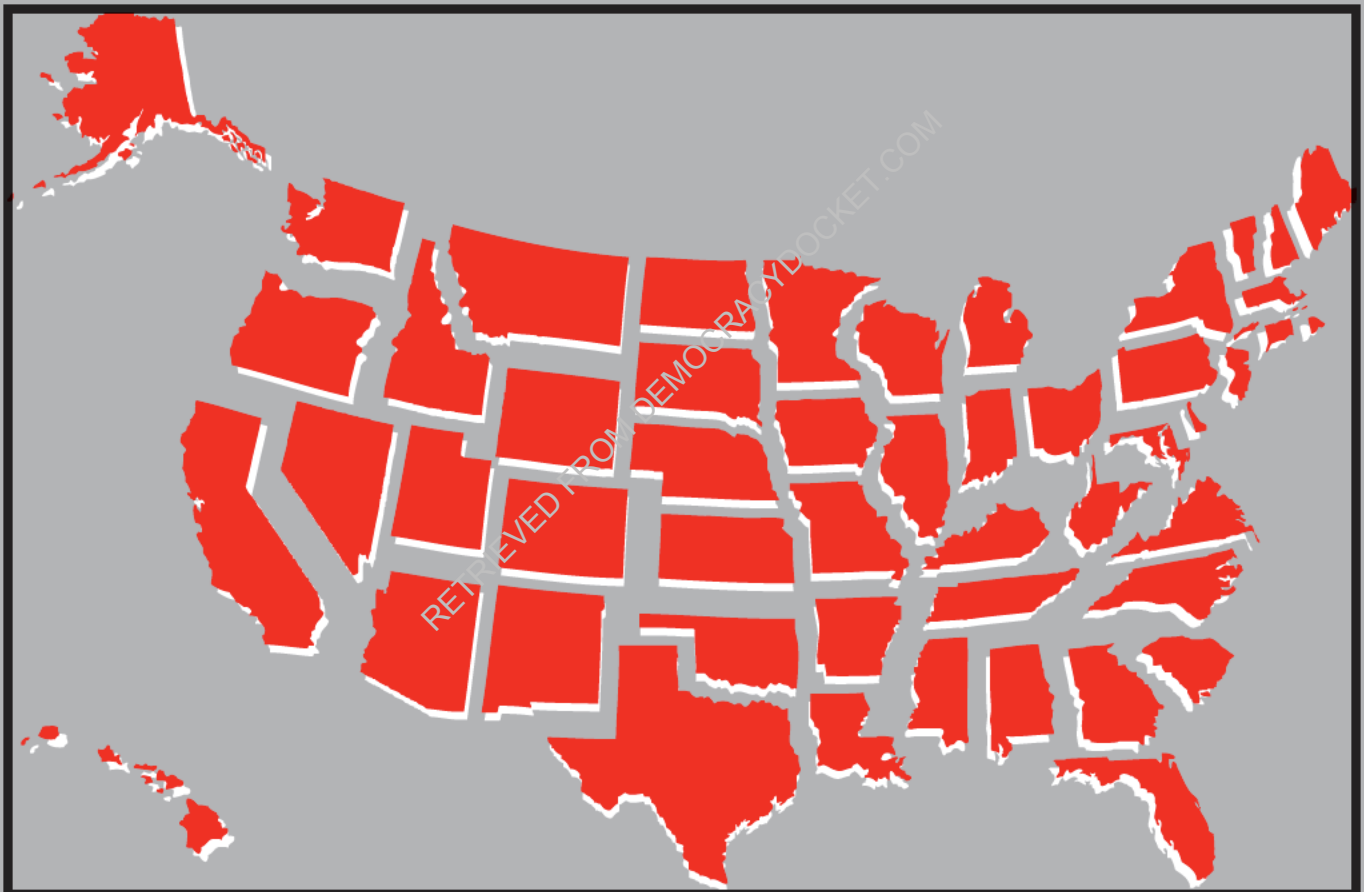
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# Exhibit A

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# Register To Vote In Your State By Using This Postcard Form and Guide



**For U.S. Citizens**

# General Instructions

## Who Can Use this Application

If you are a U.S. citizen who lives or has an address within the United States, you can use the application in this booklet to:

- Register to vote in your State,
- Report a change of name to your voter registration office,
- Report a change of address to your voter registration office, or
- Register with a political party.

## Exceptions

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

**New Hampshire** town and city clerks will accept this application only as a request for their own absentee voter mail-in registration form.

**North Dakota** does not have voter registration.

**Wyoming** law does not permit mail registration.

## How to Find Out If You Are Eligible to Register to Vote in Your State

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

## How to Fill Out this Application

Use both the Application Instructions and State Instructions to guide you in filling out the application.

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

## When to Register to Vote

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

## How to Submit Your Application

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

## First Time Voters Who Register by Mail

If you are registering to vote for the first time in your jurisdiction and are mailing this registration application, Federal law requires you to show proof of identification the first time you vote. Proof of identification includes:

- A current and valid photo identification or
- A current utility bill, bank statement, government check, paycheck or government document that shows your name and address.

Voters may be exempt from this requirement if they submit a **COPY** of this identification with their mail in voter registration form. If you wish to submit a **COPY**, please keep the following in mind:

- Your state may have additional identification requirements which may mandate you show identification at the polling place even if you meet the Federal proof of identification.
- Do not submit original documents with this application, only **COPIES**.

## If You Were Given this Application in a State Agency or Public Office

If you have been given this application in a State agency or public office, it is your choice to use the application. If you decide to use this application to register to vote, you can fill it out and leave it with the State agency or public office. The application will be submitted for you. Or, you can take it with you to mail to the address listed under your State in the State Instructions. You also may take it with you to deliver in person to your local voter registration office.

Note: The name and location of the State agency or public office where you received the application will remain confidential. It will not appear on your application. Also, if you decide not to use this application to register to vote, that decision will remain confidential. It will not affect the service you receive from the agency or office.

# Application Instructions

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

## Box 1 — Name

Put in this box your full name in this order — Last, First, Middle. Do not use nicknames or initials.

*Note:* If this application is for a change of name, please tell us in **Box A** (*on the bottom half of the form*) your full name before you changed it.

## Box 2 — Home Address

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

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

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

## Box 3 — Mailing Address

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

## Box 4 — Date of Birth

Put in this box your date of birth in this order — Month, Day, Year. *Be careful not to use today's date!*

## Box 5 — Telephone Number

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

## Box 6 — ID Number

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

## Box 7 — Choice of Party

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

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

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

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

## Box 8 — Race or Ethnic Group

A few States ask for your race or ethnic group, in order to administer the Federal Voting Rights Act. To find out if your State asks for this information, see item 8 in the instructions under your State. If so, put in Box 8 the choice that best describes you from the list below:

- American Indian *or* Alaskan Native
- Asian or Pacific Islander
- Black, *not* of Hispanic Origin
- Hispanic
- Multi-racial
- White, *not* of Hispanic Origin
- Other

## Box 9 — Signature

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

- (1) You meet your State's requirements, and
- (2) You understand **all** of Box 9.

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



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Are you a citizen of the United States of America? <input type="checkbox"/> Yes <input type="checkbox"/> No Will you be 18 years old on or before election day? <input type="checkbox"/> Yes <input type="checkbox"/> No <b>If you checked "No" in response to either of these questions, do not complete form.</b> (Please see state-specific instructions for rules regarding eligibility to register prior to age 18.)	This space for office use only.
--	---------------------------------

<b>1</b>	<input type="checkbox"/> Mr. <input type="checkbox"/> Miss <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms.	Last Name	First Name	Middle Name(s)	<input type="checkbox"/> Jr <input type="checkbox"/> II <input type="checkbox"/> Sr <input type="checkbox"/> III <input type="checkbox"/> IV	
<b>2</b>	Home Address		Apt. or Lot #	City/Town	State	Zip Code
<b>3</b>	Address Where You Get Your Mail If Different From Above			City/Town	State	Zip Code
<b>4</b>	Date of Birth  _____ Month    Day    Year	<b>5</b>	Telephone Number (optional)	<b>6</b>		
<b>7</b>	Choice of Party (see item 7 in the instructions for your State)	<b>8</b>	Race or Ethnic Group (see item 8 in the instructions for your State)	ID Number - (See item 6 in the instructions for your state)		

<b>9</b>	I have reviewed my state's instructions and I swear/affirm that: <ul style="list-style-type: none"> <li>■ I am a United States citizen</li> <li>■ I meet the eligibility requirements of my state and subscribe to any oath required.</li> <li>■ The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be fined, imprisoned, or (if not a U.S. citizen) deported from or refused entry to the United States.</li> </ul>	<div style="border: 1px solid black; height: 40px; margin-bottom: 5px;"></div> Please sign full name (or put mark) ▲
	Date:	<div style="border: 1px solid black; display: inline-block; width: 150px; height: 20px; text-align: center;">                 / /             </div> Month                  Day                  Year

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

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

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

<b>A</b>	<input type="checkbox"/> Mr. <input type="checkbox"/> Miss <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms.	Last Name	First Name	Middle Name(s)	<input type="checkbox"/> Jr <input type="checkbox"/> II <input type="checkbox"/> Sr <input type="checkbox"/> III <input type="checkbox"/> IV
----------	--	-----------	------------	----------------	--

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

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

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

<b>C</b>	<ul style="list-style-type: none"> <li>■ Write in the names of the crossroads (or streets) nearest to where you live.</li> <li>■ Draw an X to show where you live.</li> <li>■ Use a dot to show any schools, churches, stores, or other landmarks near where you live, and write the name of the landmark.</li> </ul>	<b>NORTH ↑</b>			
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%; padding: 5px;">Example</td> <td style="width: 10%; padding: 5px;">Route #2</td> <td style="width: 70%; padding: 5px;"> <div style="border: 1px solid black; padding: 5px; text-align: center;">                     ● Grocery Store                      Woodchuck Road                      Public School ● <span style="float: right; font-weight: bold; font-size: 1.2em;">X</span> </div> </td> </tr> </table>	Example	Route #2	<div style="border: 1px solid black; padding: 5px; text-align: center;">                     ● Grocery Store                      Woodchuck Road                      Public School ● <span style="float: right; font-weight: bold; font-size: 1.2em;">X</span> </div>	<div style="border: 1px solid black; width: 100%; height: 100%; display: flex; align-items: center; justify-content: center;"> <div style="border: 1px solid black; width: 50%; height: 50%;"></div> <div style="border: 1px solid black; width: 50%; height: 50%;"></div> </div>
Example	Route #2	<div style="border: 1px solid black; padding: 5px; text-align: center;">                     ● Grocery Store                      Woodchuck Road                      Public School ● <span style="float: right; font-weight: bold; font-size: 1.2em;">X</span> </div>			

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

<b>D</b>	<div style="border: 1px solid black; height: 30px;"></div>
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**Mail this application to the address provided for your State.**



## State Instructions

### Alabama

Updated: 08-31-2018

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

**6. ID Number.** If you have one, you must provide your Alabama driver's license number or Alabama nondriver identification card number. If you do not have an Alabama driver's license or nondriver identification card, you must provide the last 4 digits of your Social Security number. If you have not been issued any of these numbers you must write the word "NONE" and a unique identifier will be provided for you.

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

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

**9. Signature.** To register in Alabama you must:

- be a citizen of the United States
- be a resident of Alabama and your county at the time of registration
- be 18 years old before any election
- not have been convicted of a felony involving moral turpitude (or have had your civil and political rights restored). The list of moral turpitude felonies is available on the Secretary of State web site at: [sos.alabama.gov/mtfelonies](https://sos.alabama.gov/mtfelonies)

- not currently be declared mentally incompetent through a competency hearing

- swear or affirm to "support and defend the Constitution of the U.S. and the State of Alabama and further disavow any belief or affiliation with any group which advocates the overthrow of the governments of the U.S. or the State of Alabama by unlawful means and that the information contained herein is true, so help me God"

#### Mailing address:

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

### Alaska

Updated: 03-01-2006

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

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

**7. Choice of Party.** You do not have to declare a party affiliation when registering to vote. If you

do not choose a party, you will be registered as Undeclared. Alaska has a closed primary election system. Each recognized political party has a separate ballot listing only candidates from that political party. Voters registered as a member of a political party may only vote that party's ballot. Voters registered as undeclared or non-partisan may choose one ballot from the ballots available.

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

**9. Signature.** To register in Alaska you must:

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

#### Mailing address:

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

### Arizona

Updated: 03-01-2006

**Registration Deadline** — 29 days before the election.

**6. ID Number.** Your completed voter registration form must contain the number of your Arizona driver license, or non-operating identification license issued pursuant to A.R.S. § 28-3165, if the license is current and valid. If you *do not have* a current and valid Arizona driver license or non-operating identification license, you must

## State Instructions

include the last four digits of your social security number if one has been issued to you. If you do not have a current and valid driver license or non-operating identification license or a social security number, please write "NONE" on the form. A unique identifying number will be assigned by the Secretary of State.

**7. Choice of Party.** If you are registered in a political party which has qualified for ballot recognition, you will be permitted to vote the primary election ballot for that party. If you are registered as an independent, no party preference or as a member of a party which is not qualified for ballot recognition, you may select and vote one primary election ballot for one of the recognized political parties.

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

**9. Signature.** To register in Arizona you must:

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

**Mailing address:**

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

### Arkansas

Updated: 03-01-2006

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

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

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

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

**9. Signature.** To register in Arkansas you must:

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

**Mailing address:**

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

### California

Updated: 10-10-2021

**Registration Deadline** — 15 days before the election; conditional

voter registration up to and including Election Day.

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

**7. Choice of Party.** If you wish to choose a party preference, please enter the name of the political party. If you do not want to choose a political party, enter "No Party Preference" in the space provided. California law allows voters who choose "No Party Preference" or have chosen a preference for a nonqualified political party to vote in the presidential primary election of any qualified political party that files a notice with the Secretary of State allowing them to do so. You can call 1-800-345-VOTE or visit [www.sos.ca.gov](http://www.sos.ca.gov) to learn which political parties allow "No Party Preference" voters and voters who have disclosed a preference for a nonqualified political party to participate in their presidential primary election.

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

**9. Signature.** To register in California you must:

- be a citizen of the United States
- be a resident of California
- be at least 16 years old, but you must be 18 years of age or older on the date of the election at which you intend to vote



## State Instructions

- not currently serving a state or federal prison term for the conviction of a felony
- not currently found to be mentally incompetent to vote by a court

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

### Mailing address:

Secretary of State  
Elections Division  
1500 11th Street, 5th Floor  
Sacramento, CA 95814

## Colorado

Updated: 10-16-2018

**Registration Deadline** — You may register up to, and on, Election Day. You must register 8 days or more before election day to have a ballot mailed to you. If you register less than 8 days before election day, then you must appear in person in your county to vote.

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

**7. Choice of Party.** You may register with a party. If you leave this section blank you will not be registered with any party.

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

**9. Signature.** To register in Colorado you must:

- be a citizen of the United States
- be a resident of Colorado for at least 22 days immediately before the Election in which you intend to vote
- be at least 16 years old, but you must be 18 years of age or older on the date of the election at which you intend to vote
- not be serving a sentence (including parole) for a felony conviction

### Mailing address:

Colorado Secretary of State  
1700 Broadway, Suite 200  
Denver, Colorado 80290

## Connecticut

Updated: 09-03-2019

**Registration Deadline** — postmarked seven (7) days before the election; postmarked five (5) days before the primary.

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

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

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

**9. Signature.** To register in Connecticut you must:

- be a citizen of the United States
- be a resident of Connecticut and of the town in which you wish to vote
- be 17 years old. 17 year olds who will turn 18 on or before Election

Day, may participate in the general primary.

- have completed confinement and parole if previously convicted of a felony, and have had your voting rights restored by Registrars of Voters
- not currently be declared mentally incompetent to vote by a court of law

### Mailing address:

Secretary of the State of  
Connecticut  
Elections Division  
P.O. Box 150470  
Hartford, CT 06115-0470

## Delaware

Updated: 04-18-2018

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

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

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

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

**9. Signature.** You may register to vote in Delaware if you:

## State Instructions

- are a citizen of the United States, AND

- are a resident of Delaware; (Delaware is your home), AND
- will be 18 years old on or before the date of the next General Election.

You may not register to vote in Delaware if you:

- have been adjudged mentally incompetent. Adjudged mentally incompetent refers to a specific finding in a judicial guardianship or equivalent proceeding, based on clear and convincing evidence that the individual has a severe cognitive impairment which precludes exercise of basic voting judgment; OR

- were convicted of a felony and have not completed your sentence, OR

- were convicted of a disqualifying\* felony and have not been pardoned.

\*List of Disqualifying Felonies:

- murder or manslaughter, (except vehicular homicide);
- any felony constituting an offense against public administration involving bribery or improper influence or abuse of office, or any like offense under the laws of any state or local jurisdiction, or of the United States, or of the District of Columbia; or
- any felony constituting a sexual offense, or any like offense under the laws of any state or local jurisdiction or of the United States or of the District of Columbia.

### Mailing address:

State of Delaware  
Office of the State Election  
Commissioner  
905 S. Governors Ave., Suite 170  
Dover, DE 19904

### District of Columbia

Updated: 10-10-2021

**Registration Deadline** — 21 days before the election if registering by mail, online, or via mobile app, but a voter may register in-person during early voting and on Election Day.

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

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

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

**9. Signature.** To vote in the District of Columbia you must:

- Be a United States citizen
- Be a resident of the District of Columbia
- Maintain residency in the District of Columbia for at least 30 days prior to the election in which you intend to vote
- Not claim voting residence or the right to vote in another U.S. state or territory
- Be at least 17 years old (You may register to vote if you are at least 16 years old. You may vote in a primary election if you are at least 17 years old and you will be at least 18 years old by the next general election. You may vote in a general or special election if you are at least 18 years old).
- Not have been found by a court to be legally incompetent to vote

### Mailing address:

District of Columbia Board of Elections  
1015 Half Street, SE, Suite 750  
Washington, DC 20003

### Florida

Updated: 11-30-2011

**Registration Deadline** — 29 days before the election.

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

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

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

**9. Signature.** To register in Florida you must:

- be a citizen of the United States
- be a legal resident of both the State of Florida and of the county in which you seek to be registered
- be 18 years old (you may pre-register if you are at least 16)
- not be adjudicated mentally incapacitated with respect to voting in Florida or any other State, or if you have, you must first have your voting rights restored.
- not be a convicted felon, or if you are, you must first have your civil rights restored if they were taken away.
- swear or affirm the following:

## State Instructions

“I will protect and defend the Constitution of the United States and the Constitution of the State of Florida, that I am qualified to register as an elector under the Constitution and laws of the State of Florida, and that all information in this application is true.”

### Mailing address:

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

## Georgia

Updated: 08-15-2013

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

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

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

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

**9. Signature.** To register in Georgia you must:

- be a citizen of the United States
- be a legal resident of Georgia and of the county in which you want to vote
- be 18 years old within six months after the day of registration, and be 18 years old to vote
- not be serving a sentence for having been convicted of a felony
- not have been judicially determined to be mentally incompetent, unless the disability has been removed

### Mailing address:

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

## Hawaii

Updated: 10-10-2021

**Registration Deadline** — 10 days before the election.

**6. ID Number.** When you register to vote, you must provide your Hawaii driver’s license or State identification number, if you have one. If you do not have a driver’s license or ID number, you must provide the last four digits of your Social Security Number (SSN). If you do not have any of this information, the Clerk’s Office will issue you a unique identification number, which will serve to

identify you for voter registration purposes.

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

**8. Race or Ethnic Group.** Race or ethnic group information is not required for voter registration.

**9. Signature.** To register in Hawaii you must:

- be a citizen of the United States
- be a resident of the State of Hawaii
- be at least 16 years old (you must be 18 years old by election day in order to vote)
- not be incarcerated for a felony conviction
- not be adjudicated by a court as “non compos mentis”

### Mailing address:

Office of Elections  
State of Hawaii  
802 Lehua Avenue  
Pearl City, HI 96782

## Idaho

Updated: 06-27-2022

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

**6. ID Number.** Enter the number from your Idaho driver’s license card or state identification card issued by the Idaho Transportation Department. If you have no such card, enter the last 4 digits of your social security number.

**7. Choice of Party.** Unless the political party chooses to have an open primary, affiliating with a political party is required if you wish to participate in a party’s primary election.

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

**9. Signature.** To register in Idaho you must:



## State Instructions

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

### Mailing address:

Secretary of State  
P.O. Box 83720  
State Capitol Bldg.  
Boise, ID 83720-0080

## Illinois

Updated: 09-03-2019

**Registration Deadline** — Online Registration is available until 16 days before the election and in-person registration is available through Election Day.

**6. ID Number.** Illinois requires either the Driver's License (or Secretary of State ID Card) or the last 4 digits of Social Security Number. For people who do not have either of those items, and have not registered in Illinois before, a mail in registration form should be accompanied by a copy of other identifying information: you must send, with this application, either (i) a copy of a current and valid photo identification, or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. If you do not provide the information required above, then you will be required to provide election officials with either (i) or

(ii) described above the first time you vote at a voting place.

**7. Choice of Party.** Leave Blank. Exception: for primary elections, unless a voter only wishes to vote on public questions, a party preference should be indicated.

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

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

To register in Illinois you must:

- be a citizen of the United States
- be a resident of Illinois and of your election precinct at least 30 days before the next election
- be at least 18 years old on or before the next General Election or Consolidated Election
- cannot be serving a sentence of confinement in any penal institution as a result of conviction of any crime
- not claim the right to vote anywhere else

### Preregistration for 17 Year Olds.

Illinois permits registration by a 17 year old person who will be 18 on or before the General Election (or the Consolidated Election, the odd year election for city, township, school board and other local offices) to register and vote in the General Primary (or Consolidated Primary) which will nominate candidates for that next following General Election (or Consolidated Election).

### Mailing address:

State Board of Elections  
2329 S. MacArthur Boulevard  
Springfield, IL 62704

## Indiana

Updated: 03-01-2006

**Registration Deadline** — 29 days before the election.

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

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

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

**9. Signature.** To register in Indiana you must:

- be a citizen of the United States
- have resided in the precinct at least 30 days before the next election
- be at least 18 years of age on the day of the next general election
- not currently be in jail for a criminal conviction

### Mailing address:

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

## Iowa

Updated: 10-31-2020

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

\*If you fail to meet the voter registration deadlines above you can register and vote by following the guidelines for election day



## State Instructions

registration. You can find these on the Iowa Secretary of State's website: <https://sos.iowa.gov/elections/voterinformation/edr.html>.

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

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

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

**9. Signature.** To register in Iowa you must:

- be a citizen of the United States
- be a resident of Iowa
- be at least 17 years old; A person may vote if they will be 18 years old on or before election day. In the case of primary elections, a person may vote if they will be 18 years old on or before the corresponding regular election.
- not have been convicted of a felony or have had your rights restored
- not currently be judged by a court to be "incompetent to vote"
- not claim the right to vote in more than one place
- give up your right to vote in any other place

**Mailing address:**

Elections Division  
Office of the Secretary of State  
Lucas Building-1st Floor

321 E. 12th Street  
Des Moines, IA 50319

### Kansas

Updated: 10-25-2013

**Registration Deadline** —  
Postmarked or delivered 21 days before the election

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

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

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

**9. Signature.** To register in Kansas you must:

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

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## State Instructions

### Mailing address:

Secretary of State  
1st Floor, Memorial Hall  
120 SW 10th Ave.  
Topeka, KS 66612-1594

### Kentucky

Updated: 03-01-2006

**Registration Deadline** — 29 days before the election.

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

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

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

**9. Signature.** To register in Kentucky you must:

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

### Mailing address:

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

### Louisiana

Updated: 02-28-2019

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

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

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

**8. Race or Ethnic Group.** Completing this box is optional. See the list of choices under the Application Instructions for Box 8 (on page 2).

**9. Signature.** To register in Louisiana you must:

- be a citizen of the United States
- be a resident of Louisiana (Residence address must be address where you claim homestead exemption, if any, except for a resident in a nursing home or veteran's home who may elect to use the address of the nursing home or veterans' home or the home where he has a homestead exemption. A college student may elect to use his home address or his address while away at school.)
- be at least 17 years old (16 years old if registering to vote with application for Louisiana driver's license or in person at registrar of voters office), and be 18 years old prior to the next election to vote
- not currently be under an order of imprisonment for conviction of a felony; or if under such an order (1) not have been incarcerated pursuant to the order within the last five years and (2) not be under an order of imprisonment related to a felony conviction for election fraud or any other election offense pursuant to R.S. 18:1461.2
- not be under a judgment of full interdiction for mental incompetence or limited interdiction where your right to vote has been suspended

### Mailing address:

Secretary of State  
Attention: Elections Division  
P.O. Box 94125  
Baton Rouge, LA 70804-9125

### Maine

Updated: 08-14-2012

**Registration Deadline** — Delivered 21 business days before the election (or a voter may register

## State Instructions

*in-person* up to and including election day).

**6. ID Number.** You must list your valid Maine driver's license number. If you don't have a valid Maine driver's license, then you must provide the last four digits of your Social Security Number. Voters who don't have either of these forms of ID must write "NONE" in this space.

**7. Choice of Party.** You must register with a party if you want to take part in that party's primary election, caucus, or convention (unless otherwise permitted by a political party).

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

**9. Signature.** To register in Maine you must:

- be a citizen of the United States
- be a resident of Maine and the municipality in which you want to vote
- be at least 17 years old (you must be 18 years old to vote)

**Mailing address:**

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

### Maryland

Updated: 10-10-2021

**Registration Deadline** — In-person registration by 5:00 p.m., online registration by 11:59 p.m., or postmarked 21 days before the election.

**6. ID Number.** If you do not have a current, valid Maryland driver's license or MVA ID card, you must

enter the last 4 digits of your social security number. The statutory authority allowing officials to request the last 4 digits of your social security number is Election Law Article, § 3-202. The number will only be used for registration and other administrative purposes. It will be kept confidential.

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

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

**9. Signature.** To register in Maryland you must:

- be a U.S. citizen
- be a Maryland resident
- be at least 16 years old\*
- not be under guardianship for mental disability or if you are, you have not been found by a court to be unable to communicate a desire to vote
- not have been convicted of buying or selling votes
- not have been convicted of a felony, or if you have, you have completed serving a court ordered sentence of imprisonment.

\*You may register to vote if you are at least 16 years old but cannot vote unless you will be at least 18 years old by the next general election.

**Mailing address:**

State Board of Elections  
P.O. Box 6486  
Annapolis, MD 21401-0486

### Massachusetts

Updated: 09-03-2019

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

**6. ID Number.** Federal law requires that you provide your driver's

license number to register to vote. If you do not have a current and valid Massachusetts' driver's license then you must provide the last four (4) digits of your social security number. If you have neither, you must write "NONE" in the box and a unique identifying number will be assigned to you.

**7. Choice of Party.** If you do not designate a party or political designation in this box, you will be registered as unenrolled, which is commonly referred to as independent. Unenrolled voters and voters registered in political designations may vote in party primaries.

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

**9. Signature.** To register in Massachusetts you must:

- be a citizen of the United States
- be a resident of Massachusetts
- be at least 16 years old (must be 18 years old to vote on Election Day)
- not have been convicted of corrupt practices in respect to elections
- not be under guardianship with respect to voting
- not be currently incarcerated for a felony conviction

**Mailing address:**

Secretary of the Commonwealth  
Elections Division, Room 1705  
One Ashburton Place  
Boston, MA 02108

### Michigan

Updated: 11-07-2019

**Registration Deadline** — Postmarked at least 15 days before the election; or delivered in person to your city or township clerk by 8 p.m. on Election Day. If you



## State Instructions

are registering within 14 days of an election, you must provide residency verification to be eligible for that election.

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

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

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

**9. Signature.** To register in Michigan you must:

- be a citizen of the United States
- be 18 years old by the next election
- be a resident of Michigan and at least a 30 day resident of your city or township by election day
- not be confined in a jail after being convicted and sentenced

**Notice:** If a voter possesses a Michigan driver license (DL) or personal ID (PID), Michigan law requires the **same address be used for voter registration and DL/PID purposes.** Use of this form will also change your DL/PID address. The Secretary of State will mail you a new address sticker for your DL/PID.

### Mailing address:

Mail or deliver this completed application directly to your city or township clerk. Find your city or township clerk's address at [Michigan.gov/Vote](http://Michigan.gov/Vote). If you are unable to find your city or township clerk's address, mail to:  
Michigan Department of State  
Bureau of Elections  
P.O. Box 20126  
Lansing, MI 48901-0726

## Minnesota

Updated: 12-31-2008

### Registration Deadline —

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

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

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

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

**9. Signature.** To register in Minnesota you must:

- be a citizen of the United States
- be a resident of Minnesota for 20 days before the next election
- maintain residence at the address given on the registration form
- be at least 18 years old on election day
- if previously convicted of a felony, your felony sentence has expired or been completed, or you have been discharged from the sentence

- not be under a court-ordered guardianship in which the right to vote has been revoked
- not be found by a court to be legally incompetent to vote.

### Mailing address:

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

## Mississippi

Updated: 05-07-2010

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

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

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

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

**9. Signature.** To register in Mississippi you must:

- be a citizen of the United States
- have lived in Mississippi and in your county (and city, if applicable) 30 days before the election in which you want to vote
- be 18 years old by the time of the general election in which you want to vote
- have not been convicted of murder, rape, bribery, theft, arson, obtaining money or goods under false pretense, perjury, forgery, embezzlement, armed robbery, extortion, felony bad check, felony shoplifting, larceny, receiving stolen property, robbery, timber larceny, unlawful taking of a motor

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vehicle, statutory rape, carjacking, or bigamy, or have had your rights restored as required by law

- not have been declared mentally incompetent by a court

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

### Mailing address:

Secretary of State  
P.O. Box 136  
Jackson, MS 39205-0136

### Local county addresses:

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

## Missouri

Updated: 09-12-2006

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

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

numbers of voters. (Section 115.157, RSMo).

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

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

**9. Signature.** To vote in Missouri you must:

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

### Mailing address:

Secretary of State  
P.O. Box 1767  
Jefferson City, MO 65102-1767

## Montana

Updated: 03-15-2022

**Registration Deadline** — Regular registration closes 30 days before the election. A prospective elector may register or change the existing elector's voter information after the close of regular registration and be eligible to vote in the election if the election administrator in the county where the elector resides receives and verifies the elector's voter registration information prior to noon the day before the election.

**6. ID Number.** You must provide your Montana (MT) Driver's License number, MT Identification (ID) card number, or the last 4 digits of your Social Security number (SSN). If you are unable to provide the preceding forms of identification, you can provide a United States passport, Montana tribal ID card, military ID card, or Montana concealed carry permit when you register; or submit a photo identification, including, but not limited to, a school district or postsecondary education photo identification with your name on it, and a current utility bill, bank statement, paycheck, government check, or other government document that shows your name and current address. \*For information on voter registration ID please visit <https://sosmt.gov/voter-id/voter-registration-id-options/>

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

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

**9. Signature.** To register in Montana you must:

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

### Mailing address:

Mail your completed registration form to your local county election

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office. The county contact information can be found on the Montana Secretary of State's website: [Election-Officials-Master-Email-List \(sosmt.gov\)](#). If you have difficulty finding your county election office, contact the Montana Secretary of State Elections and Voter Services Division for assistance at (888) 884-8683 or (406) 444-9608, or email [soselections@mt.gov](mailto:soselections@mt.gov). (Note: Registrations may be sent to the Montana Secretary of State's office, however, to avoid potential delays, we recommend you return your completed voter registration application directly to your county elections office.)

Secretary of State's Office  
P.O. Box 202801  
Helena, MT 59620-2801

### Nebraska

Updated: 03-08-2018

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

**6. ID Number.** You must provide your Nebraska driver's license number. If you do not have a Nebraska driver's license number then you must list the last four digits of your social security number.

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

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

**9. Signature.** To register in Nebraska you must:

- be a citizen of the United States
- be a resident of Nebraska

- be at least 18 years of age or will be 18 years of age on or before the first Tuesday after the first Monday of November
- not have been convicted of a felony, or if convicted, it has been at least two years since you have completed your sentence for the felony, including any parole term
- not have been officially found to be mentally incompetent

#### Mailing address:

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

### Nevada

Updated: 05-01-2020

**Registration Deadline** — The deadline for mail-in or in-person voter registration is the fourth Tuesday before any primary or general election. This is the date by which: (1) a mail-in voter registration application must be postmarked; or (2) a person must appear in person at the office of the County Clerk/Registrar of Voters. The deadline for online voter registration at [www.RegisterToVoteNV.gov](http://www.RegisterToVoteNV.gov) is the Thursday preceding the primary or general election. Eligible voters who miss the voter registration deadlines can register to vote in person at the polling place either during early voting or on election day.

**6. ID Number.** You must supply a Nevada driver's license number or Nevada ID card number if you have been issued one by the DMV. If you do not have a valid Nevada driver's license or Nevada ID card, you must supply the last four digits of your Social Security Number.

If you do not have a valid Nevada driver's license or Nevada ID card or a Social Security Number, please contact your County Clerk/Registrar of Voters to be assigned a unique identifier.

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

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

**9. Signature.** To register in Nevada you must:

- Be a citizen of the United States;
- Have attained the age of 18 years on the date of the next election;
- Have continuously resided in the State of Nevada, in your county, at least 30 days and in your precinct at least 10 days before the next election;
- Not be currently serving a term of imprisonment for a felony conviction;
- Not be determined by a court of law to be mentally incompetent; and
- Claim no other place as your legal residence.

#### Preregistration for 17 Year

**Olds** — A person who is 17 years of age or older but less than 18 years of age and meets all other qualifications to vote in Nevada can preregister to vote using any of the means available for a person to register to vote. A person who is preregistered to vote automatically becomes a registered voter on his or her 18th birthday.

**Felony Convictions** — Any Nevada resident who is convicted



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of a felony is immediately restored the right to vote upon the individual's release from prison. There is no waiting period or action required by the individual. The restoration of voting rights is automatic and immediate upon the individual's release from prison, regardless of the category of felony committed or whether the individual is still on either parole or probation. More information regarding the restoration of voting rights can be found on the Nevada Secretary of State's website at: [www.nvsos.gov](http://www.nvsos.gov).

### Mailing address:

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

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

**Local county addresses:** To meet registration deadlines, especially during the two weeks before the mail-in voter registration deadline, you should return completed voter registration applications to your respective County Clerk/ Registrar of Voters. A complete list of County Clerks and Registrars of Voters is available on the Nevada Secretary of State's website: [www.nvsos.gov](http://www.nvsos.gov).

### New Hampshire

Updated: 03-01-2006

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

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

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

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

### New Jersey

Updated: 03-28-2008

**Registration Deadline** — 21 days before the election.

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

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

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

**9. Signature.** To register in New Jersey you must:

- be a citizen of the United States
- be at least 18 years of age by the time of the next election
- be a resident of this State and county at your address at least 30 days before the next election
- not be serving a sentence or on parole or probation as the result of a conviction of any indictable offense under the laws of this or another state or of the United States

### Mailing address:

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

### New Mexico

Updated: 03-01-2006

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

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**6. ID Number.** Your full social security number is required. This registration card containing your social security number will become part of the permanent voter registration records of your locality, which are open to inspection by the public in the office of the county clerk. However, your social security number and date of birth will remain confidential and will not be disclosed to the public. Computerized listings of limited voter registration information (without social security number or birth date) are available to the general public, and are furnished upon request to incumbent election officeholders, candidates, political parties, courts and non-profit organizations promoting voter participation and registration, for political purposes only (§1-5-19B, NMSA 1978).

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

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

**9. Signature.** To register in New Mexico you must:

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

**Mailing address:**

Bureau of Elections  
325 Don Gaspar, Suite 300  
Santa Fe, NM 87503

### New York

Updated: 01-12-2023

**Registration Deadline** — 10 days before the election.

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

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

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

**9. Signature.** To register in New York you must:

- be a citizen of the United States
- be a resident of the county, or of the City of New York, at least 30 days before an election
- be 18 years old (you may pre-register at 16 or 17 but cannot vote until you are 18)
- not be in prison for a felony conviction
- not currently be judged incompetent by order of a court of competent judicial authority
- not claim the right to vote elsewhere

**Mailing address:**

NYS Board of Elections  
40 North Pearl Street, Suite 5  
Albany, NY 12207-2729

### North Carolina

Updated: 03-01-2006

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

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

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

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

**9. Signature.** To register in North Carolina you must:

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

**Mailing address:**

State Board of Elections  
P.O. Box 27255  
Raleigh, NC 27611-7255



## State Instructions

### North Dakota

Updated: 03-01-2006

North Dakota does not have voter registration.

### Ohio

Updated: 03-01-2006

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

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

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

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

**9. Signature.** To register in Ohio you must:

- be a citizen of the United States
- be a resident of Ohio
- be 18 years old on or before election day. If you will be 18 on or before the day of the general election, you may vote in the primary election for candidates only.
- not be convicted of a felony and currently incarcerated
- not be found incompetent by a court for purposes of voting

### Mailing address:

Secretary of State of Ohio  
Elections Division  
180 E. Broad Street — 15th Floor  
Columbus, OH 43215

### Oklahoma

Updated: 03-15-2022

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

**6. ID Number.** You must provide either your valid Oklahoma driver's license number, state identification card number, or the last four digits of your Social Security number.

**7. Choice of Party.** You must register with a party if you want to take part in that party's primary election. A current list of recognized political parties in Oklahoma is available on the Oklahoma State Election Board website. Registered voters with no party affiliation may be allowed by recognized parties to participate in primary elections at the party's discretion. You will find a list of recognized political parties and a list of parties that allow voters with no party affiliation to vote in primaries at: <https://oklahoma.gov/elections/voter-registration/political-party-info.html>.

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

**9. Signature.** To register to vote in Oklahoma you must:

- You must be a citizen of the United States and a resident of the State of Oklahoma.
- You must be 18 years old on or before the date of the next election. You may pre-register if you are at least 17½ years old, but your voter registration will not be activated until you are 18 years old.

- If convicted of a felony, you must have fully served your sentence of court-mandated calendar days, including any term of incarceration, parole, or supervision, or completed a period of probation ordered by any court.
- You must not now be under judgment as an incapacitated person, or a partially incapacitated person prohibited from registering to vote.

- Applications must be signed and dated by the applicant. The signature must be the original, handwritten autograph or mark of the applicant. No facsimile, reproduction, typewritten or other substitute signature, autograph or mark will be valid. It is against the law to sign an Oklahoma Voter Registration Application on behalf of another person.

### Mailing address:

Oklahoma State Election Board  
Box 528800  
Oklahoma City, OK 73152-8800

You can also complete a voter registration application online, using the OK Voter Portal "wizard": <https://okvoterportal.okelections.us/Home/RegWizard> (Applications must be printed, signed, and mailed or hand-delivered to your county or State Election Board to complete the process.)

### Oregon

Updated: 10-10-2021

**Registration Deadline** — 21 days before the election.

**6. ID Number.** To be eligible to vote in Oregon elections, you must provide a valid Oregon Driver's

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License, Permit or ID number. If you do not have an Oregon-issued ID, then you will have to provide at least the last four digits of your social security number. If you have neither, you will need to write "NONE" on the form.

**7. Choice of Party.** In many cases, you must register with a party if you want to take part in that party's primary election. If you are not a member of a party or this space is left blank, you will be registered as a nonaffiliated voter.

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

**9. Signature.** To register in Oregon you must be:

- a citizen of the United States
- a resident of Oregon
- and at least 16 years of age when registering. If you are not yet 18, you will not receive a ballot until an election occurs on or after your 18th birthday.

### Mailing address:

Oregon Elections Division  
Public Service Building,  
Suite 501  
255 Capital St. NE  
Salem, OR 97310

Register or make changes to your registration online —  
[www.oregonvotes.gov](http://www.oregonvotes.gov).

## Pennsylvania

Updated: 05-01-2020

**Registration Deadline** — 15 days before an election or primary.

**6. ID Number.** You must supply a Driver's License Number, if you have one. If you do not have a Driver's License Number, you must supply the last four digits of your Social Security Number. If you do

not have either form of ID, please write "NONE" in the box.

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

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

**9. Signature.** To register in Pennsylvania you must:

- be a citizen of the United States at least one month before the next election
- be a resident of Pennsylvania and your election district at least 30 days before the election
- be at least 18 years of age on the day of the next election

### Mailing address:

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

You may also register online at  
[register.votespa.com](http://register.votespa.com).

## Rhode Island

Updated: 09-03-2019

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

**6. ID Number.** The applicant shall be required to provide their Rhode Island driver's license or State ID number if the applicant has been issued a current and valid Rhode Island driver's license or State ID. In the case of an applicant who has not been issued a current and valid driver's license or State ID, they must provide the last four (4) digits of their social security number. An applicant, who has neither, will

be assigned a unique identifying number by the State of Rhode Island.

**7. Choice of Party.** In Rhode Island, a person must register with a party if they wish to take part in that party's primary election. A person who fails to register with a party at the time of registration may, if they choose, register with a party on the day of that party's primary and take part in that party's primary election. If a person does not register with a party, they can still vote in general elections and nonpartisan primary elections.

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

**9. Signature.** To register in Rhode Island you must:

- be a citizen of the United States
- be a resident of Rhode Island
- be at least 16 years of age (you must be 18 years old to vote)
- not be currently incarcerated in a correctional facility due to a felony conviction
- not have been lawfully judged to be mentally incompetent by a court of law

### Mailing address:

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

## South Carolina

Updated: 01-05-2021

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

**6. ID Number.** You must provide at least the last four digits of your social security number. You may provide your full social security number on a voluntary basis. Social security number does not

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appear on any report produced by the State Election Commission nor is it released to any unauthorized individual. (South Carolina Title 7-5-170)

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

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

**9. Signature.** To register in South Carolina you must:

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

**Mailing address:**

State Election Commission  
P.O. Box 5987  
Columbia, SC 29250-5987

### South Dakota

Updated: 10-10-2021

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

**6. ID Number.** Any person registering to vote shall provide the person's valid South Dakota driver license number or a South Dakota nondriver identification number on the voter registration form. If a person does not have a valid South Dakota driver license or a South Dakota nondriver identification number, the person shall provide the last four digits of the person's social security number on the voter registration form. If a person does not have a valid South Dakota driver license, a South Dakota nondriver identification number, or a social security number, the person may only register at the county auditor's office and shall sign a statement verifying the fact that the person does not have a valid South Dakota driver license, a South Dakota nondriver identification number, or a social security number.

South Dakota Codified Law 12-4-5.4

**7. Choice of Party.** If you are currently registered to vote and you leave the choice of party field blank, you will remain registered with your current party affiliation. If you are not currently registered to vote and you leave the choice of party field blank, you will be entered as an independent/no party affiliation voter, which is not a political party in South Dakota. South Dakota Codified Law 12-4-15,12-6-26

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

**9. Signature.** To register in South Dakota you must:

- Be a United States citizen
  - Reside in South Dakota
  - Be at least 18 years old on or before the next election
  - Not currently serving a sentence for a felony conviction which included imprisonment, served or suspended, in an adult penitentiary system
  - Not be judged mentally incompetent by a court of law
- South Dakota Codified Law 12-4-6,12-4-8,12-1-9,12-1-4,12-4-18, South Dakota Constitution, Article VII, Section 2

**Mailing address:**

Elections, Secretary of State  
500 E. Capitol  
Pierre, SD 57501-5070

### Tennessee

Updated: 05-01-2020

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

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

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

**8. Race or Ethnic Group.** Optional.

**9. Signature.** To register in Tennessee you must:

- be a citizen of the United States
- be a resident of Tennessee
- be at least 18 years old on or before the next election



## State Instructions

- not have been convicted of a felony, but if convicted, your eligibility to register and vote depends upon the crime you were convicted of and the date of your conviction. For more information about this process, call 877-850-4959 or visit <https://sos.tn.gov/restoration>. If your conviction has been expunged, you are not considered to have a felony conviction.

- not be adjudicated incompetent by a court of competent jurisdiction (or have been restored to legal capacity)

### Mailing address:

Coordinator of Elections  
Tennessee Tower, Seventh Floor  
312 Rosa L. Parks Ave.  
Nashville, TN 37243-1102

## Texas

Updated: 11-15-2018

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

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

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

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

**9. Signature.** To register in Texas you must:

- be a citizen of the United States

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

### Mailing address:

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

## Utah

Updated: 09-19-2019

### Registration Deadline —

Registration deadlines vary:

- **Mail:** registration forms must be postmarked or otherwise marked as received by the Post Office 30 days before the election.

- **In-person:** registration forms may be dropped off at the county clerk's office 7 days before the election.

- **Online:** registrations must be submitted 7 days before the election. Requires a valid Utah driver license or valid Utah ID.

- **Same-Day:** voters may register at the polls during the early voting period or on Election Day by filling out a provisional ballot.

**6. ID Number.** Your completed voter registration form must contain one of the following: a Utah Driver License number, a Utah State Identification number, or the last four digits of your

Social Security number. If you do not have a Utah Driver License or a Utah State Identification card, please write "None" in the designated space and fill in the last four digits of your Social Security number.

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

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

**9. Signature.** To register in Utah you must:

- be a citizen of the United States
- have resided in Utah for 30 days immediately before the next election
- be at least 18 years old on or before the next election (individuals who are 16 and 17 years of age may pre-register to vote; if a 17 year old will be 18 years of age on or before the upcoming general election, they may pre-register and vote in the primary election)

- not be a convicted felon currently incarcerated for commission of a felony

- not be convicted of treason or crime against the elective franchise, unless restored to civil rights

- not be found to be mentally incompetent by a court of law

- currently resides within the voting district or precinct in which you register to vote

### Mailing address:

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

## State Instructions

### Vermont

Updated: 09-19-2019

**Registration Deadline** — Your mailed registration must be received in the clerk's office on the last day the clerk has hours before the election. Vermont has Election day voter registration at the polls as well as online voter registration. To register online visit – <https://olvr.sec.state.vt.us>.

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

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

**8. Race or Ethnic Group.** Not required.

**9. Signature.** To register in Vermont you must:

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

attesting that you have sworn or affirmed the Vermont voter's oath as printed above.

#### Mailing address:

Office of the Secretary of State  
Elections Division  
128 State Street  
Montpelier, VT 05633-1101

### Virginia

Updated: 09-19-2019

**Registration Deadline** — The application must be delivered or postmarked 22 days before the election.

**6. ID Number.** Your full social security number is required. Your social security number will appear on reports produced only for official use by voter registration and election officials and, for jury selection purposes, by courts. Article II, §2, Constitution of Virginia (1971).

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

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

**9. Signature.** To register in Virginia you must:

- be a citizen of the United States
- be a resident of Virginia and of the precinct in which you want to vote
- be 18 years old by the next May or November general election
- not have been convicted of a felony, or have had your civil rights restored
- not currently be declared mentally incompetent by a court of law

#### Mailing address:

Virginia State Board of Elections  
1100 Bank Street, 1st floor  
Richmond, VA 23219

### Washington

Updated: 07-01-2022

**Registration Deadline** — Online and mail registration forms must be received by an elections official no later than 8 days before the election. Register in person any time during business hours and before 8:00 p.m. on Election Day.

**6. ID Number.** You must provide your Washington driver's license or ID card number. If you do not have a Washington driver's license or ID card, you must provide the last four digits of your Social Security Number. Failure to provide this information may prevent your registration from being processed.

**7. Choice of Party.** You are not required to designate your party affiliation to register in Washington.

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

**9. Signature.** To register in Washington you must:

- be a citizen of the United States
- be a legal resident of Washington State, your county and precinct for 30 days immediately preceding the election in which you want to vote
- be at least 18 years old by Election Day
- If you were convicted of a felony in Washington State, another state, or in federal court, your right to vote will be restored automatically as long as you are not currently serving a sentence of total confinement in prison. You may re-register.
- 16- and 17-year-olds can sign up as Future Voters and be automatically registered to vote when they qualify

## State Instructions

### Mailing address:

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

### West Virginia

Updated: 09-12-2006

**Registration Deadline** — 21 days before the election.

**6. ID Number.** Enter your driver's license number. If you do not have a driver's license number, enter the last four numbers of your social security number. If you do not have a driver's license number or a social security number, an identification number will be assigned to you.

**7. Choice of Party.** You must register with a party if you want to take part in that party's primary election, caucus, or convention (unless you request the ballot of a party which allows independents to vote)

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

**9. Signature.** To register in West Virginia you must:

- be a citizen of the United States
- live in West Virginia at the above address
- be 18 years old, or to vote in the primary be 17 years old and turning 18 before the general election
- not be under conviction, probation, or parole for a felony, treason or election bribery
- not have been judged "mentally incompetent" in a court of competent jurisdiction

### Mailing address:

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

### Wisconsin

Updated: 09-20-2022

### Registration Deadline

— Postmarked at least 20 days before the election; or completed in the office of the town, village, or city clerk up to 5:00 p.m. on the Friday before the election; or completed at the polling place on Election Day.

**Wisconsin also permits online voter registration** – Visit <https://myvote.wi.gov> up to 20 days before the election if the voter has a current and valid Wisconsin driver license or state-issued ID card.

**2. Home Address.** Along with your voter registration form, you must send a proof-of-residence document with your complete first and last name and residential address, such as a copy of your current and valid Wisconsin driver license or state ID card, real estate tax bill, utility bill no older than 90 days, bank statement, paycheck or paystub, or a check or document issued by a unit of government. A full list is available at <http://elections.wi.gov>.

**6. ID Number.** Provide your unexpired Wisconsin driver license or DOT-issued ID card number. If you do not have a current and valid DOT-issued driver license or ID card, provide the last four digits of your social security number.

**7. Choice of Party.** Not required.

**8. Race or Ethnic Group.** Not required.

**9. Signature.** To register in Wisconsin you must:

- be a citizen of the United States
- be a resident of Wisconsin and have resided at the registration address for at least 28 days.
- be at least 18 years old
- not have been convicted of treason, felony or bribery, or if you have, your civil rights have been restored after completion of your sentence or a pardon
- not have been found by a court to be incapable of understanding the objective of the electoral process
- not make or benefit from a bet or wage depending on the result of an election
- not have voted at any other location in the same election.

### Mailing address:

Mail your completed registration form and a copy of your proof-of-residence document to your municipal clerk's office. You can find your municipal clerk here: <https://myvote.wi.gov/en-US/MyMunicipalClerk>

If you cannot find your municipal clerk's address, you may mail it to:

Wisconsin Elections  
Commission  
201 West Washington Avenue,  
Second Floor  
P.O. Box 7984  
Madison, WI 53707-7984

(Note: applications may be returned to the Wisconsin Elections Commission office at the address above, but to avoid possible delays, you are advised to return your completed voter registration application directly to your municipal clerk's office.)

# Exhibit B

RETRIEVED FROM DEMOCRACYDOCKET.COM





**KRIS MAYES**  
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL  
SOLICITOR GENERAL'S OFFICE

**HAYLEIGH S. CRAWFORD**  
DEPUTY SOLICITOR GENERAL  
DIRECT PHONE NO. (602) 542-8255  
HAYLEIGH.CRAWFORD@AZAG.GOV

April 17, 2023

**VIA EMAIL**

To Counsel for All Parties

Re: *Mi Familia Vota, et al. v. Fontes, et al.*, No. CV-22-00509-PHX-SRB & consolidated cases

All:

These consolidated lawsuits name, among others, the State of Arizona and its Attorney General as defendants. As you are aware, during the pendency of this matter, Arizonans elected Kris K. Mayes as Attorney General. Because many of you have inquired regarding Attorney General Mayes's positions with respect to the claims and defenses asserted in this litigation, we write to offer some clarity.

In short, the State and Attorney General Mayes intend to continue defending the lawfully enacted provisions of H.B. 2492 and H.B. 2243, recognizing that the State has an interest in enforcing laws duly enacted by the people's representatives.

Several points require clarification, however.

First, the Attorney General does not take allegations concerning discriminatory intent and impact on Arizona voters lightly. Although she intends to defend H.B. 2492 and H.B. 2243 against claims of facial unconstitutionality, Attorney General Mayes recognizes that other challenges to these laws require a careful examination of the facts. As discovery continues in this matter, Attorney General Mayes will continue to objectively evaluate the merits of such claims in light of the evidence produced.

Second, after reviewing Judge Bolton's order dated February 16 and related authorities, Attorney General Mayes does not intend to continue asserting as a defense to Plaintiffs' claims that Congress lacks the power to regulate presidential elections. That defense is foreclosed by binding authority. *See Burroughs v. United States*, 290 U.S. 534, 545 (1934); *Voting Rights Coal. v. Wilson*, 60 F.3d 1411, 1414 (9th Cir. 1995).

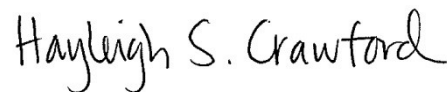
April 17, 2023  
Page 2

Accordingly, the State acknowledges that to the extent H.B. 2492 conditions acceptance of the federal mail voter registration form for presidential election registration on documentary proof of citizenship, it is preempted by the federal requirement that States “accept and use” the federal form. 52 U.S.C. § 20505(a)(1); *Arizona v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1, 15-18 (2013).<sup>1</sup> The State further acknowledges that this “accept and use” requirement under federal law likewise preempts H.B. 2492 to the extent it conditions acceptance of the federal mail voter registration form for federal election registration on documentary proof of residence. *See id.*

Third, after reviewing Judge Bolton’s order dated February 16 and related authorities, the Attorney General agrees that if H.B. 2492’s documentary proof of residence provisions are construed in a way that prevents Arizonans who lack a physical street address (or who lack certain other documentation) from voting, the law would raise serious constitutional concerns. But H.B. 2492 need not be construed so strictly. The law requires “proof of location of residence,” which can be satisfied by providing “[a]ny of the identifying documents prescribed in section 16-579 subsection A, paragraph 1.” *Id.* § 5. The law does not state that these are the only acceptable documents. Moreover, although the identifying documents in A.R.S. § 16-579(a)(1) must include an “address,” the term “address” may not necessarily require a physical street address. In addition, § 16-579(a)(1) must be read in conjunction with A.R.S. § 16-121(B), which provides that “[a] person who is otherwise qualified to register to vote shall not be refused registration or declared not qualified to vote because the person does not live in a permanent, private or fixed structure.” Thus, H.B. 2492’s documentary proof of residence requirement can and should be construed and applied in a lawful and constitutional manner and the State will continue to defend it on this basis.

The Attorney General otherwise generally intends to continue defending H.B. 2492 and H.B. 2243, recognizing that this is a complex and fast-moving case. If any party would like to discuss specific claims, please feel free to contact our office.

Sincerely,



Hayleigh S. Crawford  
Deputy Solicitor General

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<sup>1</sup> The Attorney General also has serious concerns about the legality of conditioning access to early ballots for federal elections on the provision of documentary proof of citizenship. *See* A.R.S. § 16-127(A)(2). The Office is continuing to evaluate the defensibility of this provision of H.B. 2492.