



ARIZONA  
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**Dēmos**

# Protecting Voter Registration

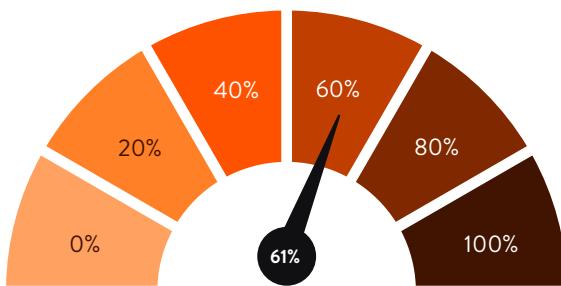
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An Assessment of Voter  
Purge Policies in Ten States

## Removal Practices

**FIGURE 5**

### Arizona Removal Practices



Arizona is currently in the midst of litigation over 2022 legislation which, if allowed to go into effect, would implement draconian purge practices – including a requirement that election officials investigate the citizenship status of Arizonans already on the voting rolls, no matter how long they have been registered, and potentially demand documentary proof of their citizenship if they want to remain on the voting rolls.<sup>27</sup> Even without this law, which is not yet being implemented because it has been challenged in multiple lawsuits, Arizona scored only 61% for its existing removal practices.

On the positive side, Arizona does not have a “use it or lose it” policy of initiating a removal process if a voter has not voted in one or more recent elections.<sup>28</sup> In most cases, the state employs clear matching criteria for cancellation of a voter registration<sup>29</sup> and requires notice of cancellation,<sup>30</sup> and

<sup>27</sup>AZ HB 2492, available at <https://www.azleg.gov/legtext/55leg/2R/bills/HB2492H.pdf>.

<sup>28</sup>Ariz. Rev. Stat. § 16-166(A), (E). See also Arizona Secretary of State, 2019 Elections Procedures Manual, at pgs. 35-40, available at [https://azsos.gov/sites/default/files/2019\\_ELECTIONS\\_PROCEDURES\\_MANUAL\\_APPROVED.pdf](https://azsos.gov/sites/default/files/2019_ELECTIONS_PROCEDURES_MANUAL_APPROVED.pdf). Note that Arizona statute requires that the elections procedures manual be updated biennially, but an updated version was not approved in 2021. As of the writing of this report, the 2019 manual remains the law. The manual will be updated ahead of the 2024 elections, however, and possibly in ways that weaken Arizona's protections against improper registration removals. See the state of play section below for more detail.

<sup>29</sup>Arizona Secretary of State, 2019 Elections Procedures Manual, at pgs. 33-35, available at [https://azsos.gov/sites/default/files/2019\\_ELECTIONS\\_PROCEDURES\\_MANUAL\\_APPROVED.pdf](https://azsos.gov/sites/default/files/2019_ELECTIONS_PROCEDURES_MANUAL_APPROVED.pdf) will be updated ahead of the 2024 elections, however, and possibly in ways that weaken Arizona's protections against improper registration removals. See the state of play section below for more detail.

<sup>30</sup>See Arizona Secretary of State, 2019 Elections Procedures Manual, at pgs. 36-37, available at [https://azsos.gov/sites/default/files/2019\\_ELECTIONS\\_PROCEDURES\\_MANUAL\\_APPROVED.pdf](https://azsos.gov/sites/default/files/2019_ELECTIONS_PROCEDURES_MANUAL_APPROVED.pdf); see also Ariz. Rev. Stat. § 16-165

it does not expressly authorize large-scale third-party challenges to voter registrations.<sup>31</sup>

However, Arizona’s removal practices remain flawed in important respects. Arizona law does not establish clear matching criteria for the removal of voters based on citizenship status, does not generally require notice to the voter if their registration is being canceled for lack of documentary proof of citizenship,<sup>32</sup> does not require notice if a voter’s registration is canceled based on information indicating the voter has died,<sup>33</sup> and does not clearly require that voters or election officials be informed when a voter’s eligibility is restored after a felony conviction or a change in a previous judgment of mental incapacity.<sup>34</sup> Arizona’s removal procedures also do not provide any guidance on how to contest an erroneous removal.<sup>35</sup>

**Table 5: Removal Practices**

Reason for Removal	Felony Conviction	Death	Citizenship Status	Adjudication of Mental Incapacity	Other Reasons for Removal
Matching Criteria	4	4	0	4	Inactivity   20
Notice of Removal	2	0	0	2	Catch-all Removal Authority   4
Procedures to Contest	0	0	0	0	Caging / Mass Challenges   20
Notice of Restoration to Voter	1	n/a	n/a	0	<b>Total</b> <b>61/100 = 61%</b>
Notice of Restoration to Elec. Official	0	n/a	n/a	0	

<sup>31</sup>See Ariz. Rev. Stat, Title 16, Ch. 1, Art. 5

<sup>32</sup>See AZ HB 2492, available at <https://www.azleg.gov/legtext/55leg/2R/bills/HB2492H.pdf> (enacted in 2022). Arizona provides notice of removal for non-citizenship only in the narrow circumstance where the removal is based on the voter having self-identified as a non-citizen on a jury form. See Arizona Secretary of State, 2019 Elections Procedures Manual, at 36-37, available at [https://azsos.gov/sites/default/files/2019\\_ELECTIONS\\_PROCEDURES\\_MANUAL\\_APPROVED.pdf](https://azsos.gov/sites/default/files/2019_ELECTIONS_PROCEDURES_MANUAL_APPROVED.pdf).

<sup>33</sup>Ariz. Rev. Stat. § 16-165(A)(2), (D).

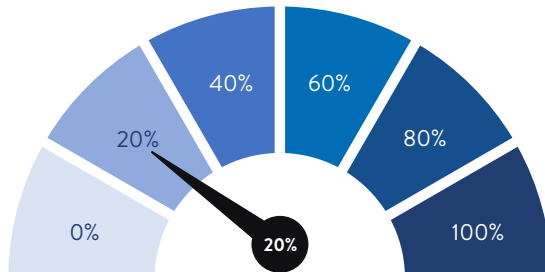
<sup>34</sup>Ariz. Rev. Stat. § 16-165 (omits any mention of notification of restoration of eligibility). Moreover, although not a purge provision, a bill enacted in 2021 requires voters to be removed from the permanent mail-in ballot list if they have not returned a mail-in ballot in the last two general elections. See SB 1485. Persons so removed may still vote in person, however. Id.

<sup>35</sup>Ariz. Rev. § 16-165 (omits any mention of procedures to contest removal); Arizona Secretary of State, 2019 Elections Procedures Manual, at 33-35, available at [https://azsos.gov/sites/default/files/2019\\_ELECTIONS\\_PROCEDURES\\_MANUAL\\_APPROVED.pdf](https://azsos.gov/sites/default/files/2019_ELECTIONS_PROCEDURES_MANUAL_APPROVED.pdf) (same).

## Safeguards Against Erroneous Removal

**FIGURE 6**

### Arizona Safeguards from Removal



Arizona scored only 20% for its safeguards against erroneous removal. The state does not offer same-day registration in any form—whether during early voting or on Election Day.<sup>36</sup> Arizona’s only safeguard is to allow voters who have been marked inactive based on a suspected change of address to cast a regular rather than provisional ballot after affirming that they continue to reside at the same address.<sup>37</sup>

**Table 6: Safeguards Against Erroneous Removal**

Safeguard	
Scope of Same-Day Registration (SDR)	0
SDR Identification Requirements	0
Regular or Provisional Ballot for SDR Voter	0
Regular or Provisional Ballot for Correcting Inactive Status	20
<b>Total</b>	<b>20/100 = 20%</b>

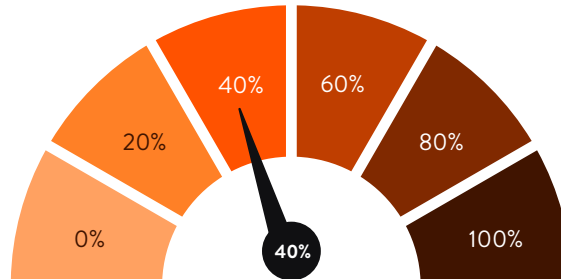
<sup>36</sup> See Ariz. Rev. Stat. § 16-120 (establishing voter registration deadline 29 days before an election); 2022 AZ HB 2237 (banning adoption of same-day registration).

<sup>37</sup> Ariz. Rev. Stat. § 16-583.

## Data Accessibility

**FIGURE 7**

### Arizona Data Accessibility



Arizona scored 40% for data accessibility. While anyone can request the Arizona voter registration list, and the state provides it in a user-friendly electronic format,<sup>38</sup> it is still somewhat expensive for members of the general public.<sup>39</sup> Before Arizona was sued by voting-rights groups, the cost of the full electronic file for plaintiffs had been \$50,000.<sup>40</sup> The settlement ensures that the public can request the electronic file for a much lower cost of about \$500.<sup>41</sup> Additionally, the file takes longer to arrive than most other states.<sup>42</sup>

**Table 7: Data Accessibility**

Indicator of Accessibility	
Complete File Available	0
Who Can Request File	20
Cost	0
Timeline	0
Format	20
<b>Total</b>	<b>40/100 = 40%</b>

<sup>38</sup>Ariz. Rev. Stat. § 16-168 (E).

<sup>39</sup>Ariz. Rev. Stat. § 16-168(E)(1)-(5).

<sup>40</sup>Rebekah L. Sanders, "Who's been kicked off Maricopa County voter rolls? Lawsuit resolution may tell," The Arizona Republic, March 22, 2017, available at <https://www.azcentral.com/story/news/local/phoenix/2017/03/22/records-office-settlement-project-vote-could-show-voters-kicked-off-rolls/99462142/>

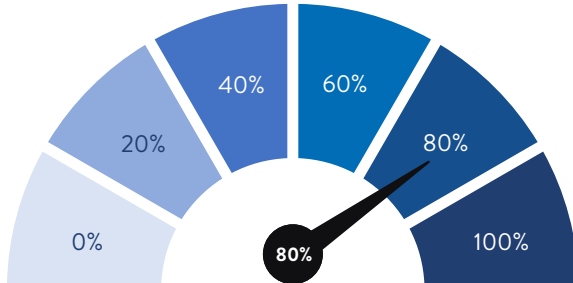
<sup>41</sup>Rob O'Dell, "Arizona settles lawsuit to make voter-registration data more accessible, affordable," The Arizona Republic, June 29, 2017, available at <https://www.azcentral.com/story/news/politics/arizona/2017/06/29/arizona-settles-lawsuit-voter-registration-data-lower-cost-project-vote/437629001/>

<sup>42</sup>Ariz. Rev. Stat. § 16-168(E).

## Data Transparency

**FIGURE 8**

### Arizona Data Transparency



Arizona scored 80% for data transparency since the data file contains voter ID number, voter status, status reason code, and voting history, but not race, as Arizona does not require registrants to provide their race or ethnicity.<sup>43</sup>

**Table 8: Data Transparency**

Indicator of Transparency	
Race	0
Voter ID Number	20
Voter Status	20
Status Reason Code	20
Date Last Voted	20
<b>Total</b>	<b>80/100 = 80%</b>

### Current Political Context

As mentioned above, in 2022, Arizona enacted a new law with onerous provisions affecting voting—although not limited to voter purge procedures. House Bill 2492 prohibits voters from voting in presidential elections and from voting by mail if they have not provided documentary proof of citizenship when registering. It further requires the state attorney general to investigate the citizenship of all registered voters who did not provide such documentary proof at the time they originally registered, to cancel the registrations of and prosecute any non-citizens identified, and to report findings to the legislature.<sup>44</sup> Before HB 2492, Arizona had already barred new registrants from voting in state and local elections unless they provided doc-

<sup>43</sup> See, e.g., Maricopa County Recorder “Public Record Request for Voter Information” available at <https://recorder.maricopa.gov/pdf/voterpublicdatarecordrequest.pdf>.

<sup>44</sup> AZ HB 2492, available at <https://www.azleg.gov/legtext/55leg/2R/bills/HB2492H.pdf>.

umentary proof of citizenship when registering,<sup>45</sup> fostering confusion and disenfranchisement.<sup>46</sup>

Millions of American citizens do not have easy access to documentary proof of citizenship.<sup>47</sup> Tens of thousands of citizens in Arizona would potentially be disenfranchised by the new law.<sup>48</sup> In July 2022, several parties, including the U.S. Department of Justice, filed suit against Arizona because of HB 2492’s violations of the National Voter Registration Act.<sup>49</sup> The NVRA exclusively governs requirements for registration in federal elections when using the federal voter registration form, and the federal form has never required documentary proof of citizenship but instead has required affirmation of citizenship under penalty of perjury. Because of the ongoing litigation, these requirements are not currently in effect.

Lawmakers in Arizona are also actively hostile to same-day registration. Even though the practice does not exist in the state, in 2022, the legislature enacted a bill to ban same-day registration, which the governor signed in May 2022.<sup>50</sup> While such legislation has no practical effect—after all, SDR has never existed in the state—it injects more fear into elections administration by making it a felony for administrators to provide such services at a time when administrators already feel under siege from unprecedented and baseless attacks on the integrity of election administration.<sup>51</sup>

Finally, Arizona’s score may worsen—and protections for voters against improper removal may be weakened—ahead of the 2024 election. Much of list maintenance in Arizona is governed by the state’s Elections Procedures Manual. State law mandates that the manual be updated every two years, but the 2021 version submitted by the secretary of state was not approved by the attorney general, forcing the state to rely on the 2019 version during the 2022 midterm elections. The 2019 version is the basis for this evaluation, and it includes several significant improvements over its predecessor—the 2014 manual—that account for Arizona’s relatively high scores for its current removal practices among the states we evaluate.

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<sup>45</sup>Arizona Secretary of State, Proof of Citizenship Requirements, available at <https://azsos.gov/elections/voters/register-vote-update-voter-information/registration-requirements/proof-citizenship> (last visited October 29, 2022).

<sup>46</sup>Jen Fifield, “Up to 1,000 Arizona voters were mistakenly sent ballots with only federal races”, Arizona Mirror, October 20, 2022, available at <https://www.azmirror.com/2022/10/20/up-to-1000-arizona-voters-were-mistakenly-sent-ballots-with-only-federal-races-heres-why-and-whats-next/> (last visited October 29, 2022).

<sup>47</sup>Brennan Center for Justice, Citizens Without Proof, Nov. 28, 2006, available at <https://www.brennancenter.org/our-work/research-reports/citizens-without-proof>

<sup>48</sup>See Ian Vandewalker, “The Effects of Requiring Documentary Proof of Citizenship”, Brennan Center for Justice, July 19, 2017, available at <https://www.brennancenter.org/our-work/research-reports/effects-requiring-documentary-proof-citizenship>

<sup>49</sup>The lawsuits have all been consolidated under the caption *Mi Familia Vota v. Fontes*, No. CV 22-00509-PHX-SRB (D. Ariz.).

<sup>50</sup>AZ HB 2237, available at <https://apps.azleg.gov/BillStatus/BillOverview/76692>.

<sup>51</sup>Linda So, Peter Eisler, and Jason Szep, “Kill them’: Arizona election workers face midterm threats”, Reuters, November 6, 2022, available at <https://www.reuters.com/world/us/kill-them-arizona-election-workers-face-midterm-threats-2022-11-06/>.

Arizona's Elections Procedures Manual is slated for update ahead of the 2024 elections. While we do not yet know the content of the 2023 manual, it will be an update of the 2014 version rather than the 2019 version. It is important that improvements made between 2014 and 2019—which strengthened Arizona's list maintenance procedures and promoted uniformity across Arizona counties—are retained and expanded.



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