

**From:** [REDACTED]@risc.maricopa.gov

**Sent:** Monday, September 16, 2024 6:05:55 PM

**To:** Bo Dul; Adrian Fontes; Keely Varvel; Amy Chan; [REDACTED]@az.gov; [REDACTED]@az.gov; [REDACTED]@az.gov; C.Murphy Hebert; [REDACTED]@az.gov

**Cc:** Darron Moffatt (MCRO); Abby Raddatz (MCRO); [REDACTED]@swlaw.com; Spencer, Eric H.; Ahler, Colin; Steinwall, Dana

**Subject:** Documented proof of citizenship item.

**Sensitivity:** Normal

---

Use Caution- This email originated from an external sender. Do not click links or open attachments unless you know the content is safe. Report any suspicious emails by using the 'Report' button in Outlook.

Dear Governor Hobbs and Secretary Fontes,

**ASK:** Therefore, I respectfully request an opinion whether the law requires that these voters submit documented proof of citizenship in order to vote a full ballot for the November 2024 election. If so, it is my recommendation that the Secretary, Recorders, and ADOT work collaboratively to make this happen immediately to ensure the efficient administration of the 2024 General Election and make certain that those who are lawfully allowed to vote have the opportunity to cast their ballot, whether it is a statewide ballot or a federal election only ballot.

**Background:**

As you know, my office recently uncovered a system flaw in the statewide voter registration database's interface with the Arizona Motor Vehicle Division (MVD) that affects Arizona's documented proof of citizenship requirement for registered voters.

We discovered this flaw upon receiving documentation that one of our registered voters is *not* a United States citizen. That registrant, when he first registered to vote in 2022, had passed his "HAVA Check" – meaning that according to the statewide voter registration database, he had documented proof of citizenship on file with MVD. But that should have been impossible given that he is not a United States citizen. The registrant has not participated in any Arizona elections.

We immediately presented this anomaly to the MVD and to the staff of Governor Katie Hobbs. We asked them to investigate this voter record.

Governor Hobbs's staff worked quickly over the weekend of September 7-8 to discover the cause of the problem.

I now understand the system flaw as such:

Prior to October 1, 1996, Arizonans did not have to provide documented proof of citizenship to receive a driver's license. After October 1, 1996, MVD required documented proof of citizenship to obtain a driver's license.

In 2004 (effective December 8, 2004), Arizona voters passed Proposition 200 which, among other things, required that Arizona voters provide documented proof of citizenship. Those voters registered who had been registered before December 8, 2004 were exempted from this requirement. But after December 8, 2004, all new Arizona voter registrants, or Arizona voters registering in a new county, had to provide documented proof of citizenship to vote a full ballot.

Since I took office in January 2021, the vast majority of registrants have satisfied the documented proof of citizenship requirement through the MVD. Because the MVD requires documented proof of citizenship (except for certain, specifically designated license types), almost any voter registrant with driver's license issued after October 1, 1996 would clear the documented proof of citizenship check when queried by the voter registration system.

Unfortunately, in 2005, when the Secretary of State tailored the voter registration systems to meet the new requirements, the voter registration systems queried MVD for the driver's license issuance date – a date that meant one thing to MVD and another thing to the voter registration system. As was intended by MVD, the issuance year would repopulate if the licensee received a duplicate license – e.g., in the case of losing a license. However, the voter registration systems has used this duplicate date as the date of the original issuance.

This means that any prospective voter registrant who received an Arizona driver's license prior to October 1, 1996, but received an updated copy of his Arizona driver's license after October 1, 1996, and registered to vote for the first time, or registered to vote in a new county, after the effective date of Proposition 200, would be erroneously understood by voter registration systems to have passed HAVA checks.

This would be true for all 15 counties. And it would have been true since 2004.

I know that Governor Hobbs's staff, MVD staff, and the Secretary's staff worked diligently throughout the week of September 9 to resolve this issue moving forward. I greatly appreciate those efforts.

I also know that the Secretary's staff has identified the number of affected voter records in both Maricopa County and statewide.

I am now soliciting the Secretary's legal opinion on how to handle existing registrants who have been erroneously marked as having provided documented proof of citizenship when they have not provided documented proof of citizenship.

I understand that these voters have done nothing wrong.

I know that the vast majority of these voters are United States citizens who can provide documented proof of citizenship.

Nonetheless, they do not fall into the pre-Proposition 200 exemption, and I do not believe I have satisfactory documented proof of citizenship.

Therefore, I respectfully request an opinion whether the law requires that these voters submit documented proof of citizenship in order to vote a full ballot for the November 2024 election. If so, it is my recommendation that the Secretary, Recorders, and ADOT work collaboratively to make this happen immediately to ensure the efficient administration of the 2024 General Election and make certain that those who are lawfully allowed to vote have the opportunity to cast their ballot, whether it is a statewide ballot or a federal election only ballot.

Thank you.

Stephen  
Maricopa County Recorder

P.S. Please note that the Maricopa County Attorney's Office has assigned representation on this matter to the Snell & Wilmer LLP law firm (Brett Johnson, Eric Spencer, Colin Ahler, Dana Steinwall copied above).