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ARIZONA VOTERS FILE LAWSUIT AGAINST SECRETARY OF STATE BREWER State Voter ID and Proof of Citizenship Requirements are Discriminatory and Unconstitutional

May 24, 2006 (Phoenix, AZ) – A broad coalition of Arizonans filed a lawsuit today in United States District Court to prevent the Secretary of State from violating the basic rights of all eligible citizens to cast a meaningful ballot by implementing provisions of the “Arizona Taxpayer and Citizen Protection Act” (ATCPA). The diversity of the coalition demonstrates the incredibly broad disenfranchising impact that ATCPA has on Arizona’s electorate.

The coalition of plaintiffs challenging the law includes the Inter-Tribal Council of Arizona, Inc. (ITCA), The Hopi Tribe, the League of Women Voters of Arizona, the League of United Latin American Citizens (LULAC) and the Arizona Advocacy Network (AzAN), People For the American Way Foundation (PFAWF) and Representative Steve Gallardo. The coalition is represented by an equally diverse legal team including the Lawyers' Committee for Civil Rights Under Law, the ACLU Foundation of Arizona, the AARP Foundation, Steptoe & Johnson LLP, Osborn Maledon, Joe Sparks as well as coalition attorneys from PFAWF.

The lawsuit, filed this morning in federal court in Phoenix, seeks an order prohibiting the Secretary of State from enforcing the voting-related provisions of the ATCPA, commonly known as Proposition 200, because these provisions disenfranchise qualified and eligible Arizona voters by requiring citizens to present documentary proof of their citizenship status when registering to vote, and further requiring qualified and registered voters to present additional identification at the polling place on Election Day.

Raphael Bear, President of ITCA, an organization of 20 Arizona Indian Tribes, Nations and Communities said, “The journey for Native Americans in Arizona to the voting booth has been too long and particularly painful. Not until 1948, led by members of my Nation, the Fort McDowell Yavapai Nation, did the Arizona Supreme Court recognize that Indians had the right to vote in this State. Proposition 200 destroyed much of our success. Today, ITCA has asked the Federal Court to remove the new burdens of Proposition 200, which fall disproportionately on the members of our tribes.”

“Proposition 200 will severely restrict the ability of countless citizens to participate in the political process,” said Barbara R. Arnwine, Executive Director of the Lawyers’ Committee for Civil Rights Under Law. “The law is impractical in that it forces voter registration groups to obtain proof of citizenship in order to register a new voter. These

groups cannot be expected to carry a photocopy machine around when registering new voters door-to-door,” added Arnwine.

Representative Gallardo stated "Proposition 200 will disenfranchise Arizona citizens, including many in the Hispanic community, from exercising the most fundamental right, the right to vote."

“The voter registration efforts of Proposition 200 have slowed down our voter registration efforts significantly,” stated Bonnie F. Saunders, President of the League of Women Voters of Arizona. “We cannot perform our voter registration efforts the way we have done in the past.”

"There is virtually no evidence that non-citizens are voting. Yet these identification requirements will likely disenfranchise many law-abiding citizens in November,” stated Linda Brown, Executive Director of AzAN. It makes no sense that we celebrate high levels of participation in Iraqi elections while simultaneously imposing such burdensome and unnecessary barriers to voting here at home."

“Simply put, Proposition 200 will turn eligible voters away from the polls,” said Alessandra Soler Meetze, Executive Director of the ACLU Foundation of Arizona. "If left unaddressed by state officials, it will undoubtedly disenfranchise thousands of Arizonans during upcoming elections."

“AARP is proud to join this broad coalition challenging Proposition 200, which burdens the right to register to vote and the right to vote in person. Older Arizonans cherish their voting rights and oppose unreasonable barriers to exercising those rights,” stated Daniel Kohrman, Senior AARP Attorney. “Whether they live independently or in supportive facilities, whether they have disabilities or none at all, AARP members are harmed by Proposition 200, because it makes voting harder, not easier. AARP encourages full participation in our democracy. Prop. 200 is a step in exactly the opposite – and wrong - direction.”

Luis Roberto Vera, Jr., LULAC National General Counsel, stated, “The League of United Latin American Citizens has for the past 75 years fought to protect the sacred right to Vote. LULAC will not sit idly as the state of Arizona disenfranchises thousands of Latino voters.”

“Proposition 200 is a barrier that keeps people away from the polls, said Elliot Minberg, Legal Director of PFAWF. “We should make it easier for Arizonans to vote, not harder.”

Specifically, Proposition 200 requires that that the county recorder must reject any voter registration application that does not include satisfactory proof of citizenship, such as a copy of the applicant’s birth certificate, passport, or information related to the applicant’s driver’s license or naturalization. Moreover, the law requires that voters who cast a ballot at the polling place on Election Day present photo identification deemed “acceptable” by

the Secretary of State, such as a driver's license, or two alternate forms of ID that include the name and address of the voter such as a utility bill or a bank statement.

Plaintiffs contend that the voting restrictions in Proposition 200 violate the following constitutional and statutory protections of the right to vote:

- the Twenty-Fourth Amendment to the U.S. Constitution: By requiring Arizonans who currently do not have the necessary documents to register and vote to incur a cost for obtaining those documents, the restrictions are a poll tax;
- the Fourteenth Amendment to the U.S. Constitution: The restrictions are an undue burden on the fundamental right to vote because they unnecessarily disenfranchise Arizona citizens;
- Section 2 of the Voting Rights Act: The restrictions discriminate against Native American and Latino citizens, who are less likely to have the required proof of identification; and
- the National Voter Registration Act (the "NVRA"): The Secretary of State has ordered county election officials not to accept the Federal Mail Voter Registration Form unless the registration applicant provides proof of citizenship even though the United States Election Assistance Commission has informed the Secretary that this practice violates the NVRA.

The impact of the Proposition 200 restrictions on voter registration is significant and demonstrable. For example, the Election Director of Maricopa County has testified before the Arizona Legislature that about thirty percent of the registration applications her office has received have been rejected because of Proposition 200's restrictions.

For a copy of the complaint, see www.lawyerscommittee.org