



VOTING RIGHTS FOR PERSONS WITH DISABILITIES

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Federal and state law can change at any time. If there is any question about the validity of any information contained in this document, please call the Arizona Center for Disability Law or an attorney in your community.

The purpose of this guide is to provide general information to individuals regarding their rights and protections under the law. It is not intended as a substitute for legal advice. You may wish to contact the Arizona Center for Disability Law or a private attorney if you require further information.

- This guide is available in alternative formats upon request.

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Introduction

This guide was prepared by the Arizona Center for Disability Law, which is a non-profit, public interest law firm dedicated to protecting the civil rights of persons with disabilities. The Center provides free advocacy, information and referral services, legal research, community legal education, and, in selected cases, legal representation to individuals with disabilities and advocacy organizations. The Center is the protection and advocacy (P&A) system for Arizonans with mental and/or physical disabilities. Assistance is provided for disability-related issues in established priority areas. Information about the eligibility requirements and priorities is available from the Center and is posted on the Center's website at: www.azdisabilitylaw.org. Assistance is provided according to program eligibility requirements, priorities, and staff availability.

This guide is not a substitute for legal advice. The Center recommends that persons obtain professional legal advice to resolve disputes regarding discrimination on the basis of disability.

The Center has several other instructional guides and materials available on our website. In addition, there is a section on the Center's website dedicated to voting rights. If you would like to obtain our other self advocacy guides and materials, please visit our website at: www.azdisabilitylaw.org

Overview of Laws That Protect Voters with Disabilities

Voting is a fundamental right for all Americans, and there are numerous federal laws that protect the rights of persons with disabilities in the voting process. The U.S. Supreme Court has stated, "*No right is more precious in a free economy than that of having a voice in the election of those who make laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined.*" (*Westbury v. Sanders*, 376 U.S. 1, 17 (1964)). Yet, historically, for a person with a disability, voting has been a difficult and cumbersome process, resulting in persons with disabilities being dissuaded from participating in the electoral process.

A series of federal laws incrementally increased equal, independent access for voters with disabilities. Most recently, Congress passed the Help America Vote Act of 2002 (HAVA), which provides federal funding to the states to ensure equal access for voters with disabilities. This guide will detail the history of voting rights for persons with disabilities, and describe how to take action to enforce one's voting rights if those rights have been violated.

Section 504 of the Rehabilitation Act of 1973
29 U.S.C. §794

- ◊ This federal law states in part, “*No otherwise qualified individual with a disability in the United States, as defined in section 705(20) of this title, shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service.*”
- ◊ Voting is considered a ‘program’ or ‘service’ of the County and State.
- ◊ If one feels there has been discrimination on the basis of disability in violation of Section 504, one may file a complaint with the U.S. Department of Justice. (See Appendix at E). Such a complaint must be filed not later than 180 days from the date of the discrimination. The Department of Justice may extend the time for filing a complaint for good cause, but you should not expect such an extension.

Voting Rights Act of 1982
42 U.S.C. §1973aa-6

- ◊ Provision for voters who require assistance to vote by reason of blindness, disability or inability to read or write;
- ◊ Such voters may be given assistance by the person of their choice, except:
 - ☒ The voters' employer or agent of their employer, or
 - ☒ An officer or agent of the voter's Union.
- ◊ In Arizona, the person assisting may be a minor or the voter's own choice of election officials (one from each party), but cannot be a candidate for office. (See A.R.S. 16-580).

Voting Accessibility for the Elderly and Handicapped Act of 1984
42 U.S.C. §1973 et seq
A.R.S. 16-581

- ◊ Polling places for federal elections must be accessible. If not accessible, one must be allowed another way of voting;
- ◊ States must assist persons with disabilities to register to vote;
- ◊ Persons with disabilities must be able to access voter information by TDD/TTY.

Americans With Disabilities Act (ADA) of 1990
42 U.S.C. §12101 *et seq*

- ◊ Title II of the ADA prohibits discrimination on the basis of disability by state and local governmental entities, and includes non-discrimination in voting as a “program” or “service” of the state and local governmental entity;
- ◊ Voter registration, polling places and voting must be accessible.

National Voter Registration Act of 1993
42 U.S.C. §1973 (gg) *et seq*
A.R.S. 16-140

- ◊ Commonly known as the “Motor Voter” Act;
- ◊ Allows one to register to vote at any state office that provides public assistance, or any state funded program that serves persons with disabilities. (For example, your local DMV or DES office).

Help America Vote Act of 2002
42 U.S.C. §15301
A.R.S. 16-441 *et seq*

- ◊ Title III of HAVA applies only to elections for *federal* office;
- ◊ Provided federal funds to states to improve election administration and replace outdated and inaccessible voting systems;
- ◊ Created minimum standards that states must follow in election administration;
- ◊ HAVA created a new federal agency to serve as a clearinghouse for election administration, the “Election Assistance Commission” (EAC). Each state must file a plan with the EAC describing how it intends to use its HAVA funds to implement voter education, adopt guidelines and performance measures, and conduct ongoing management of the state’s plan. The EAC has a Standards Board and a Board of Advisors to review voting system guidelines and recommendations, including accessibility.

General Rights

- ☒ Polling sites must be physically accessible to persons with disabilities;
- ☒ People have the right to a private and independent vote;
- ☒ By January 1, 2006, must have at least one voting system that is accessible to voters with disabilities in each precinct;
- ☒ Must provide training for election officials and poll workers regarding disability issues;

Federal money is used to improve physical accessibility of polling places.

Physical access

- ☞ Requires that polling sites meet the ADA Accessibility Guidelines (ADAAG) for accessibility. The U.S. Department of Justice has issued a publication, *ADA Checklist for Polling Places*, which one can view on their website at: www.ada.gov/votingck.htm

Accessible Voting systems

- ☞ Must have one accessible voting system in each voting precinct. In Arizona, Sequoia equipment is used in Maricopa County, Automark in Cochise, Graham and Greenlee Counties, and Diebold is used in all other counties.

Special Elections Boards A.R.S. §16-549

Generally, this state law provides for the ability to vote for persons who are ill or disabled, and are not able to vote in person and do not wish to vote by mail. If one is confined as a result of illness or disability, the person may make a request to the County Recorder to have their ballot delivered to their location (i.e.: hospital, nursing home, etc.) Such requests must be made by 5:00 p.m. on the second Friday before the election. If one becomes disabled or ill after the second Friday before the election, the person can still request that a ballot be delivered and the County Recorder must make an effort to do so. However, in this case, if the County Recorder is able to accommodate the request, the voted ballot shall be sealed in an envelope and is processed as a provisional ballot.

Federal Agencies with Voting Rights and Oversight Responsibilities

- ◊ U.S. Department of Justice (ADA, Section 504, HAVA)
 - ☞ USDOJ has filed 11 HAVA related lawsuits against states, counties and cities, and have issued opinion letters and memoranda.
- ◊ U.S. Department of Health and Human Services (HAVA - provides funds to states and P&A programs)
- ◊ Federal Election Commission
 - ☞ The FEC was created by Congress in 1975 to administer and enforce the Federal Election Campaign Act (FECA). The FECA is the statute that governs the financing of federal elections. The FEC is an independent regulatory agency which discloses campaign finance information, enforces laws such as the limits and prohibitions on contributions, and oversees funding of Presidential elections.

◊ Election Assistance Commission (EAC)

- ☞ The EAC was created under HAVA as an independent commission which provides guidance on HAVA, adopts voluntary voting system guidelines, and provides guidance to election officials. It also administers a national information clearinghouse regarding election administration and maintains the national mail voter registration form.

◊ National Institute of Standards and Technology (NIST)

- ☞ The NIST chairs the Technical Guidelines Development Committee, which was enacted by HAVA, to assist the EAC with development of voting systems guidelines.

◊ General Services Administration (HAVA - provides funds to state)

Voting Rights Complaints

One may file a voting rights complaint regarding the following issues:

- ☞ Polling place accessibility
(HAVA - Secretary of State, ADA/Section 504 - U.S. Department of Justice);
- ☞ Casting a private and independent ballot
(HAVA - Secretary of State);
- ☞ Voter registration issues
(HAVA - Secretary of State, ADA/Section 504 - U.S. Department of Justice);
- ☞ Lack of accommodations/modifications to allow equal access to voting
(HAVA - Secretary of State, ADA/Section 504 - U.S. Department of Justice.)
Depending on whether election is local, state or federal, and the specifics of the complaint, there may be multiple avenues for complaints.

Arizona Administrative Complaint Process

The Arizona Secretary of State's Office accepts complaints with respect to violations of Title III of the Help America Vote Act only. One must submit the complaint form to the Secretary of State's office, or can draft their own written complaint. ***However, regardless of whether one uses the complaint form or drafts their own complaint, such a complaint must be in writing, notarized, signed and sworn to and must include information on the alleged violation and whether a hearing is requested.*** (See Election Grievance Form in the appendix). The complaint must be filed either in person or by mail. The deadline for filing such a complaint is 60 days following the occurrence of the alleged violation.

◊ **Administrative Hearing Process**

The Secretary of State will notify all respondents within 5 business days after receipt of the complaint. If a hearing has been requested, the Secretary of State will notify the Office of Administrative Hearings (OAH) within 5 business days so that a hearing can be scheduled. The hearing

will be conducted within 10-60 days after receipt of the complaint by the Secretary of State. In the hearing, the Complainant bears the burden of persuasion. In other words, if you file a complaint alleging violation of HAVA, you will have to prove your position. The hearing is conducted according to OAH rules. (See appendix for a copy of OAH rules). The Administrative Law Judge (ALJ) will hear your case, and will issue a *recommended* decision with an appropriate remedy, if the ALJ finds that a HAVA violation has occurred. The ALJ decision is sent to the Secretary of State, who may accept, reject or modify the ALJ's recommended decision, and will issue its *final* decision, which will be sent to the parties.

Final determination shall be made within 90 days of filing of the complaint with the Secretary of State's office, unless Complainant consents to an extension.

◊ **Alternative Dispute Resolution Process**

If the Secretary of State fails to meet the 90 day deadline for the hearing process, the complaint shall be resolved within 60 days through Alternative Dispute Resolution (ADR). Within 5 days after the 90 day deadline, the Secretary of State shall designate an ALJ who will sit as a neutral party, and will review the record. The ALJ may request additional documents, briefs, memoranda and/or testimony from the parties. The ALJ will then make a decision and decide an appropriate remedy if a HAVA violation is found. The ALJ will issue a written decision within 60 days of the initial 90 day deadline. A new 60 day deadline can be extended with the consent of the Complainant.

◊ **Remedies Available**

The ALJ can recommend, and/or the Secretary of State can order:

- ☒ A plan to rectify the violation (for instance, if the complaint involved physical accessibility, it may be ordered that the entity undertake accessibility modification to the polling site, or use an alternative, accessible site);
- ☒ An order requiring additional training of election officials;
- ☒ An order requiring additional voter education.

There are no compensatory or punitive damages available for HAVA complaints, nor a finding that an election official is subject to civil penalties.

◊ **Complaint Record**

The Secretary of State will compile and maintain an official record of each complaint, which will be retained for 24 months.

Information, References and Websites

Arizona Secretary of State - Voting/Election Section: www.azsos.gov/election

HAVA Section: www.azsos.gov/hava

*The HAVA state plan is included in this site

Arizona Secretary of State Election Procedures Manual:

www.azsos.gov/election/Electronic_Voting_System/2007/Manual.pdf

Election Assistance Commission: www.eac.gov/index_html1

Federal Election Commission: www.fec.gov

National Institute of Standards and Technology: www.vote.nist.gov

General Services Administration: www.gsa.gov

U.S. Department of Health and Human Services: www.os.dhhs.gov

U.S. Department of Justice Voting Home Page: www.usdoj.gov/crt/voting/

*Voting rights complaints can be filed with USDOJ by calling (800) 253-3931

*Questions on HAVA can be directed to Chris Herren, Esq., at (202) 514-1416 or Brian Heffernan, Esq., at (202) 514-4755

U.S. Department of Justice's *ADA Checklist for Polling Places*: www.ada.gov/votingck.htm

Appendices

- A. Arizona Secretary of State Election Grievance Form
- B. Arizona Secretary of State - County Recorder and Election Offices List
- C. USDOJ Opinion Letter of September 1, 2005, to Arizona Secretary of State Janice Brewer, regarding voter ID and provisional ballots.
- D. USDOJ Opinion Letter of March 4, 2005 to Mississippi Secretary of State John Eads, concerning physical accessibility of polling places and accessible voting systems.
- E. U.S. Department of Justice Title II of the Americans with Disabilities Act/Section 504 of the Rehabilitation Act of 1973 Discrimination Complaint Form

Appendix A

Arizona Secretary of State Election Grievance Form



State of Arizona

Election Administrative Complaint Form

MICHELE REAGAN, SECRETARY OF STATE

Election Services Division, 1700 W. Washington, 7th Fl., Phoenix,
Arizona 85007

**MICHELE
REAGAN**
Secretary of State

This form is to be used by anyone alleging a violation of Title III of the Help America Vote Act (HAVA) of 2002, 52 U.S.C. § 21112.

Secretary of State Use Only
Do not write or staple in this space

TYPE or PRINT ALL INFORMATION.

Please fill out this form completely, have it notarized and return it to the address above. **The form must be received no later than 60 days from the date of the alleged violation.**

For more information, call Toll-free (in-state) 1-877-THE VOTE (1-877-843-8683); or 602-542-8683. TDD # 602-255-8683. Visit www.azsos.gov for more information about HAVA and the State of Arizona HAVA Plan.

Personal Information

Last Name	First Name		
Mailing Address (include apartment # if applicable)	City	State	Zip Code
Daytime Phone Number (include area code)	Fax Number (include area code)		
E-mail address			

Federal Law Violations

Under HAVA individuals may file a complaint if a violation: has occurred; is occurring; or is about to occur.

Date of alleged violation	Place of alleged violation		
<i>Provisional Ballot</i> <input type="checkbox"/> I was not allowed to vote using a provisional ballot	<i>New Voter Registration</i> <input type="checkbox"/> Provisions regarding verification of new voter registration were not followed	<i>Provisional Ballot Not Counted</i> <input type="checkbox"/> I was not able to determine whether my provisional ballot was counted	<i>Posting Voter Information</i> <input type="checkbox"/> Required voting information was not publicly posted in a polling place on Election Day
<i>Other federal law violation</i> <input type="checkbox"/> If other violation, fill out information to the right.	Section of Title III of the Help America Vote Act of 2002 allegedly violated. Describe Violation Here:		
<input type="checkbox"/> Would you like the Office of Administrative Hearings to conduct a hearing on the record?			

Signature of complainant

State of Arizona _____)
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____, _____.

(seal)

Notary Public

Appendix B

Arizona Secretary of State - County Recorder and Election Offices List

Contact Information for County Election Officials

[Apache](#) | [Cochise](#) | [Coconino](#) | [Gila](#) | [Graham](#) | [Greenlee](#) | [La Paz](#) | [Maricopa](#) | [Mohave](#) | [Navajo](#) | [Pima](#) | [Pinal](#) | [Santa Cruz](#) | [Yavapai](#) | [Yuma](#)

Apache County

<http://www.co.apache.az.us/> (<http://www.co.apache.az.us/>)

Register to vote

LeNora Y. Fulton
Apache County Recorder
Physical: 75 West Cleveland
Mailing: PO Box 425
St. Johns, Arizona 85936
PHONE 928-337-7515
FAX 928-337-7676
TDD 800-361-4402
Email: lfulton@co.apache.az.us (<mailto:lfulton@co.apache.az.us>)
Website <http://www.co.apache.az.us/recorder/> (<http://www.co.apache.az.us/recorder/>)

Election Information and Where to Vote

Angela C. Romero, Director
Apache County Elections
Physical: 75 West Cleveland
Mailing: PO Box 425
St. Johns, Arizona 85936
Phone 928-337-7537
FAX 928-337-7676
TDD 800-361-4402
Email: aromero@co.apache.az.us (<mailto:aromero@co.apache.az.us>)
<http://www.co.apache.az.us/Departments/Elections/Elections.htm>
Website <http://www.co.apache.az.us/Departments/Elections/Elections.htm>
<http://www.co.apache.az.us/Departments/Elections/Elections.htm>

Cochise County

<http://www.co.cochise.az.us/> (<http://www.co.cochise.az.us/>)

Register to vote

Christine Rhodes
Cochise County Recorder
1415 Melody Lane, Bldg. B
Bisbee, Arizona 85603

PHONE 520-432-8354 or 1-888-457-4513

FAX 520-432-8368

TDD 520-432-8360

Email voterreg@cochise.az.gov (<mailto:voterreg@cochise.az.gov>)

Website <http://www.co.cochise.az.us/recorders/> (<http://www.co.cochise.az.us/recorders/>)

Election Information and Where to Vote

Katie Howard, Director

Cochise County Elections

1415 Melody Lane, Bldg. A

Bisbee, Arizona 85603

Phone 520-432-8970

FAX 520-432-8995

Email khoward@cochise.az.gov (<mailto:khoward@cochise.az.gov>)

Website <http://www.co.cochise.az.us/elections/> (<http://www.co.cochise.az.us/elections/>)

Coconino County

<http://www.coconino.az.gov/> (<http://www.coconino.az.gov/>)

Register to vote

Patty Hansen

Coconino County Recorder

110 East Cherry Avenue

Flagstaff, Arizona 86001

PHONE 928-679-7860 or 1-800-793-6181

FAX 928-679-7851

TDD 928-679-7131

Email ccelections@coconino.az.gov (<mailto:ccelections@coconino.az.gov>)

Website <http://www.coconino.az.gov/index.aspx?nid=319> (<http://www.coconino.az.gov/index.aspx?nid=319>)

Election Information and Where to Vote

Sidney Browning, Elections Administrator

Coconino County Elections

110 East Cherry Avenue

Flagstaff, Arizona 86001

Phone 928-679-7860 or 1-800-793-6181

FAX 928-679-7851

TDD 928-679-7131

Email ccelections@coconino.az.gov (<mailto:ccelections@coconino.az.gov>)

Website <http://www.coconino.az.gov/index.aspx?nid=195> (<http://www.coconino.az.gov/index.aspx?nid=195>)

Gila County

<http://www.gilacountyaz.gov/> (<http://www.gilacountyaz.gov/>)

Register to vote

Sadie Jo Bingham
Gila County Recorder
1400 East Ash Street
Globe, Arizona 85501
PHONE 928-402-8731
FAX 928-425-9270
TDD 7-1-1
Email sbingham@gilacountyaz.gov (<mailto:sbingham@gilacountyaz.gov>)
Website <http://www.gilacountyaz.gov/government/recorder/>
[\(http://www.gilacountyaz.gov/government/recorder/\)](http://www.gilacountyaz.gov/government/recorder/)

Election Information and Where to Vote

Eric A. Mariscal, Director
Gila County Elections
5515 South Apache Avenue, Suite 900
Globe, Arizona 85501
Phone 928-402-8708
FAX 928-402-4319
TDD 7-1-1
Email emariscal@gilacountyaz.gov (<mailto:emariscal@gilacountyaz.gov>)
Website <http://www.gilacountyaz.gov/government/elections/>
[\(http://www.gilacountyaz.gov/government/elections/\)](http://www.gilacountyaz.gov/government/elections/)

Graham County

<http://www.graham.az.gov/> (<http://www.graham.az.gov/>)

Register to vote

Wendy John
Graham County Recorder
Physical: 921 Thatcher Boulevard (zip: 85546)
Mailing: PO Box 747
Safford, Arizona 85548
PHONE 928-428-3560
FAX 928-428-8829
TDD 928-428-3562
Email recorder@graham.az.gov (<mailto:recorder@graham.az.gov>)
Website <http://www.graham.az.gov/county-recorder/> (<http://www.graham.az.gov/county-recorder/>)

Election Information and Where to Vote

Judy Dickerson, Director
Graham County Elections
921 Thatcher Boulevard
Safford, Arizona 85546
Phone 928-792-5037
FAX 928-428-5951
TDD 928-428-3562
Email jdickerson@graham.az.gov (<mailto:jdickerson@graham.az.gov>)
[\(http://www.graham.az.gov/elections/\)](http://www.graham.az.gov/elections/)
Website <http://www.graham.az.gov/elections/> (<http://www.graham.az.gov/elections/>)

Greenlee County

<http://www.co.greenlee.az.us/> (<http://www.co.greenlee.az.us/>)

Register to vote

Berta Manuz
Greenlee County Recorder
Physical: 253 5th Street
Mailing: PO Box 1625
Clifton, Arizona 85533
PHONE 928-865-2632
FAX 928-865-4417
TDD 928-865-2632

Email bmanuz@co.greenlee.az.us (<mailto:bmanuz@co.greenlee.az.us>)

Website <http://www.co.greenlee.az.us/recorder/> (<http://www.co.greenlee.az.us/recorder/>)

Election Information and Where to Vote

Yvonne Pearson, Clerk/Director
Greenlee County Elections
Physical: 253 5th Street
Mailing: PO Box 908
Clifton, Arizona 85533
Phone 928-865-2072
FAX 928-865-9332
TDD 928-865-2632

Email ypearson@co.greenlee.az.us (<mailto:ypearson@co.greenlee.az.us>)
<http://www.graham.az.gov/elections/>

Website <http://www.co.greenlee.az.us/elections/> (<http://www.co.greenlee.az.us/elections/>)

La Paz County

<http://www.co.la-paz.az.us/> (<http://www.co.la-paz.az.us/>)

Register to vote

Shelly Baker
La Paz County Recorder
1112 Joshua Avenue, Suite 201
Parker, Arizona 85344
PHONE 928-669-6136 or 888-526-8685
FAX 928-669-5638
TDD 928-669-8400

Email recorder@co.la-paz.az.us (<mailto:recorder@co.la-paz.az.us>)

Website <http://www.co.la-paz.az.us/Recorder.html> (<http://www.co.la-paz.az.us/Recorder.html>)

Election Information and Where to Vote

Kevin Scholl, Director
La Paz County Elections
1108 Joshua Avenue
Parker, Arizona 85344
Phone 928-669-6115

FAX 928-669-9709

TDD 928-669-8400

Email kscholl@co.la-paz.az.us (<mailto:kscholl@co.la-paz.az.us>)

Website <http://www.co.la-paz.az.us/Elections.html> (<http://www.co.la-paz.az.us/Elections.html>)

Maricopa County

<http://www.maricopa.gov/> (<http://www.maricopa.gov/>)

Register to vote

Helen Purcell

Maricopa County Recorder

111 South 3rd Avenue, #103

Phoenix, Arizona 85003

PHONE 602-506-1511

FAX 602-506-5112

TDD 602-506-2348

Email voterinfo@risc.maricopa.gov (<mailto:voterinfo@risc.maricopa.gov>)

Website <http://recorder.maricopa.gov/> (<http://recorder.maricopa.gov/>)

Election Information and Where to Vote

Karen Osborne, Director

Maricopa County Elections

111 South 3rd Avenue, #102

Phoenix, Arizona 85003

Phone 602-506-1511

FAX 602-506-5112

TDD 602-506-2348

Email voterinfo@risc.maricopa.gov (<mailto:voterinfo@risc.maricopa.gov>)

Website <http://recorder.maricopa.gov/elections/> (<http://recorder.maricopa.gov/elections/>)

Mohave County

<http://www.mohavecounty.us/> (<http://www.mohavecounty.us/>)

Register to vote

Robert Ballard

Mohave County Recorder (Interim)

Physical: 700 West Beale Street (zip: 86401)

Mailing: PO Box 7000

Kingman, Arizona 86402

PHONE 928-753-0767 or 888-607-0733

FAX 928-718-4917

TDD 928-753-0769

Email voterregistration@mohavecounty.us (<mailto:voterregistration@mohavecounty.us>)

Website <http://www.mohavecounty.us/ContentPage.aspx?id=129>

(<http://www.mohavecounty.us/ContentPage.aspx?id=129>)

Election Information and Where to Vote

Allen P. Tempert, Director
Mohave County Elections
Physical: 700 West Beale Street (zip: 86401)
Mailing: PO Box 7000
Kingman, Arizona 86402
Phone 928-753-0733 opt. 2
FAX 928-718-4956
Email [\(mailto:elections@mohavecounty.us\)](mailto:elections@mohavecounty.us)
Website [\(http://www.mohavecounty.us/ContentPage.aspx?id=118\)](http://www.mohavecounty.us/ContentPage.aspx?id=118)

Navajo County

<http://www.navajocountyaz.gov/> (<http://www.navajocountyaz.gov/>)

Register to vote

Laura Sanchez
Navajo County Recorder
Physical: 100 East Code Talkers Drive/South Hwy 77
Mailing: PO Box 668
Holbrook, Arizona 86025
PHONE 928-524-4191
FAX 928-524-4308
TDD 928-524-4294
Email [\(mailto:laura.sanchez@navajocountyaz.gov\)](mailto:laura.sanchez@navajocountyaz.gov)
Website [\(http://www.navajocountyaz.gov/Departments/Recorder\)](http://www.navajocountyaz.gov/Departments/Recorder)

Election Information and Where to Vote

Rayleen Richards, Director
Navajo County Elections
Physical: 100 East Code Talkers Drive/South Hwy 77
Mailing: PO Box 668
Holbrook, Arizona 86025
Phone 928-524-4062
FAX 928-524-4048
Email [\(mailto:rayleen.richards@navajocountyaz.gov\)](mailto:rayleen.richards@navajocountyaz.gov)
Website [\(http://www.navajocountyaz.gov/Departments/Elections\)](http://www.navajocountyaz.gov/Departments/Elections)

Pima County

<http://www.pima.gov/> (<http://www.pima.gov/>)

Register to vote

F. Ann Rodriguez
Pima County Recorder
Physical: 240 N Stone Ave, Tucson, Arizona 85701
Mailing: PO Box 3145, Tucson, Arizona 85702
PHONE 520-724-4330
FAX 520-623-1785

TDD 520-724-4320

Email recorder@recorder.pima.gov (<mailto:recorder@recorder.pima.gov>)

Website <http://www.recorder.pima.gov/> (<http://www.recorder.pima.gov/>)

Election Information and Where to Vote

Brad R. Nelson, Director
Pima County Elections
6550 South Country Club Road
Tucson, Arizona 85756
Phone 520-724-6830
FAX 520-724-6870
TDD 520-724-6871

Email elections@pima.gov ([mailto:selections@pima.gov](mailto:elections@pima.gov))

Website <http://www.pima.gov/elections/> (<http://www.pima.gov/elections/>)

Pinal County

<http://pinalcountyaz.gov/> (<http://pinalcountyaz.gov/>)

Register to vote

Virginia Ross
Pinal County Recorder
31 North Pinal Street, Bldg. E
Florence, Arizona 85132
PHONE 520-866-6830

FAX 520-866-6831

TDD 520-866-6851

Email virginia.ross@pinalcountyaz.gov (<mailto:virginia.ross@pinalcountyaz.gov>)

Website <http://pinalcountyaz.gov/Recorder/Pages/home.aspx>

(<http://pinalcountyaz.gov/Recorder/Pages/home.aspx>)

Election Information and Where to Vote

Michele Forney, Director

Pinal County Elections

Physical: 188 South Main Street

Mailing: PO Box 460

Coolidge, Arizona 85132

Phone 520-866-7550

FAX 520-866-7551

Email michele.forney@pinalcountyaz.gov (<mailto:michele.forney@pinalcountyaz.gov>)

Website <http://pinalcountyaz.gov/elections/Pages/home.aspx>

(<http://pinalcountyaz.gov/elections/Pages/home.aspx>)

Santa Cruz County

<http://www.co.santa-cruz.az.us/> (<http://www.co.santa-cruz.az.us/>)

Register to vote

Suzanne "Suzie" Sainz
Santa Cruz County Recorder
2150 North Congress Drive
Nogales, Arizona 85621
PHONE 520-375-7990
FAX 520-375-7996
TDD 520-375-7934
Email ssainz@santacruzcountyaz.gov (<mailto:ssainz@santacruzcountyaz.gov>)
Website <http://az-santacruzcounty.civicplus.com/287/Recorder> (<http://az-santacruzcounty.civicplus.com/287/Recorder>)

Election Information and Where to Vote

Melinda Meek, Clerk/Director
Santa Cruz County Board of Supervisors
2150 North Congress Drive, Suite 119
Nogales, Arizona 85621
Phone 520-375-7808
FAX 520-761-7843
TDD 520-375-7934
Email mmeek@santacruzcountyaz.gov (<mailto:mmeek@santacruzcountyaz.gov>)
Website <http://www.santacruzcountyaz.gov/173/Elections> (<http://www.santacruzcountyaz.gov/173/Elections>)

Yavapai County

<http://www.yavapai.us/> (<http://www.yavapai.us/>)

Register to vote

Leslie M. Hoffman
Yavapai County Recorder
1015 Fair Street, Room # 228
Prescott, Arizona 86305
PHONE 928-771-3248
FAX 928-771-3446
TDD 928-771-3530
Email web.voter.registration@yavapai.us (<mailto:web.voter.registration@yavapai.us>)
Website <http://www.yavapai.us/recorder> (<http://www.yavapai.us/recorder>)

Election Information and Where to Vote

Lynn Constabile, Director
Yavapai County Elections
1015 Fair Street, Room # 228
Prescott, Arizona 86305
Phone 928-771-3250
FAX 928-771-3446
TDD 928-771-3530
Email web.elections@yavapai.us (<mailto:web.elections@yavapai.us>)
Website <http://www.yavapai.us/electsosvr/> (<http://www.yavapai.us/electsosvr/>)

Yuma County

<http://www.yumacountyaz.gov/> (<http://www.yumacountyaz.gov/>)

Register to vote

Robyn S. Pouquette
Yuma County Recorder
410 South Maiden Lane, #B
Yuma, Arizona 85364
PHONE 928-373-6034
FAX 928-373-6024
TDD 928-373-6033
Email Robyn.Pouquette@yumacountyaz.gov (<mailto:Robyn.Pouquette@yumacountyaz.gov>)
Website <http://www.yumacountyaz.gov/government/recorder>
(<http://www.yumacountyaz.gov/government/recorder>)

Election Information and Where to Vote

Sue Stallworth Reynolds, Director
Yuma County Elections
198 South Main Street
Yuma, Arizona 85364
Phone 928-373-1014
FAX 928-373-1154
Email Sue.Reynolds@yumacountyaz.gov (<mailto:Sue.Reynolds@yumacountyaz.gov>)
Website <http://www.yumacountyaz.gov/departments-and-services/election-services>
(<http://www.yumacountyaz.gov/departments-and-services/election-services>)

Upcoming Dates

Date	Event
May 11, 2016	Primary Election
July 11, 2016	Primary Election
September 13, 2016	Primary Election
November 8, 2016	General Election

Appendix C

USDOJ Opinion Letter of September 1, 2005,
to Arizona Secretary of State Janice Brewer
regarding voter ID and provisional ballots.

You may view the [letter](#) in PDF format.

**U.S. Department of
Justice
Civil Rights Division**

Office of the Assistant Attorney General

*Washington,
D.C. 20035*

September 1, 2005

Honorable Janice K. Brewer
Secretary of State
State of Arizona
1700 West Washington Street, 7th Floor
Phoenix, AZ 85007-2888

Dear Secretary Brewer:

I am writing in further response to your April 5, 2005 correspondence to Steven G. Bradbury, Principal Deputy Assistant Attorney General in the Office of Legal Counsel, requesting a formal opinion from the Department of Justice on certain issues relating to the Help America Vote Act of 2002 ("HAVA"), 42 U.S.C. 15301-15545. As you know, because the Office of Legal Counsel is not authorized to provide legal advice to persons outside the Executive Branch of the federal government, your request was assigned to the Civil Rights Division. Although we initially replied to you in a letter dated April 15, 2005, we feel it necessary to clarify our earlier interpretation in order to ensure an accurate representation of the Justice Department's views.

At the outset, let me reiterate that, while the Department of Justice does on occasion offer its general views on the manner in which it intends to enforce a particular statute or set of laws, the Department states its formal positions with respect to the statutes it enforces only through case-by-case litigation. HAVA vests the Attorney General with the responsibility of enforcing Title III of HAVA, which imposes uniform and nondiscriminatory election technology and administration requirements on the 55 States and Territories. The Attorney General, in turn, has delegated those enforcement functions to the Civil Rights Division. In light of this authority, we will attempt to answer the question posed in your letter to the extent we can, but we emphasize that the opinions expressed here are not binding.

Your letter focused on the requirements of HAVA related to provisional ballots in elections for Federal office. Specifically, you inquired whether it is permissible under HAVA for a state to mandate that potential voters show identification at the polls prior to receiving a provisional ballot. The short answer is that HAVA requires States to allow voters who meet certain specified conditions the opportunity to cast a provisional ballot. States, however, are free to prescribe their own rules for deciding whether to count those provisional ballots. Thus, if an individual who casts a provisional ballot does not comply with a State's identification requirement, the State is under no obligation to count the ballot. See *Sandusky County Democratic Party v. Blackwell*, 387 F.3d 565, 576-78 (6th Cir. 2004); *Florida*

Democratic Party v. Hood, 342 F. Supp. 2d 1073, 1079-81 (N.D. Fla. 2004); *Hawkins v. Blunt*, No. 04-4177, slip op. at 17 (W.D. Mo. Oct. 12, 2004).

HAVA Section 302(a), 42 U.S.C. 15482(a), sets forth the eligibility requirements and mechanics for administering provisional ballots. In relevant part, this statute provides:

Provisional Voting Requirements --- If an individual declares that such individual is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote in an election for Federal office, but the name of the individual does not appear on the official list of eligible voters for the polling place or an election official asserts that the individual is not eligible to vote, such individual shall be permitted to cast a provisional ballot as follows:

(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election.

(2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is--

(A) a registered voter in the jurisdiction in which the individual desires to vote; and

(B) eligible to vote in that election.

(3) An election official at the polling place shall transmit the ballot cast by the individual or the voter information contained in the written affirmation executed by the individual under paragraph (2) to an appropriate State or local election official for prompt verification under paragraph (4).

(4) If the appropriate State or local election official to whom the ballot or voter information is transmitted under paragraph (3) determines that the individual is eligible under State law to vote, the individual's provisional ballot shall be counted as a vote in that election in accordance with State law.

* * *

Taken together, we construe these provisions of HAVA to require that individuals be permitted to cast a provisional ballot if they present themselves to vote at a polling place in an election for Federal office and either: (i) do not appear on the official list of eligible voters for that polling place but claim to be registered, or (ii) have their eligibility challenged by an election official, *so long as* they execute a written affirmation to the effect that they are registered and eligible to vote in the jurisdiction in which they seek to cast their ballot.⁽¹⁾

All that having been said, whether an individual is allowed to *cast* a provisional ballot and whether that provisional ballot must be *counted* are two distinct questions. There is a *federal law* requirement in HAVA that, in elections for Federal office, an individual who meets the conditions set forth in Sections 302(a) or 303(b) must be offered, and allowed to

cast, a provisional ballot. However, HAVA further provides that the question of whether the person casting a provisional ballot is actually eligible to vote, and whether the cast provisional ballot should be counted, are to be determined by the appropriate state or local election official *pursuant to state law*. Thus, if a State adopts a law providing that no voter, including a provisional voter, is eligible to have his/her ballot counted unless proper identification is presented to election officials on or after election day, the State is entirely free to do so.⁽²⁾

In addition to tracking the statutory text, the interpretation articulated herein fulfills the purposes behind HAVA's provisional ballot requirements, *i.e.*, ensuring that individuals are not deprived of the opportunity to vote because of some administrative error or delay or overzealous poll official, while at the same time respecting the traditional authority of the States to regulate the administration of elections. *Cf. Tashjian v. Republican Party of Conn.*, 479 U.S. 208, 217 (1986) (States exercise "broad power to prescribe the 'Times, Places and Manner of holding Elections for Senators and Representatives,' . . . which power is matched by state control over the election process for state offices."); *Roudebush v. Hartke*, 405 U.S. 15, 24 (1972) (States may "provide a complete code for congressional elections, not only as to times and places, but in relation to notices, registration, supervision of voting, protection of voters, prevention of fraud and corrupt practices, counting of votes, duties of inspectors and canvassers, and making and publication of election returns.").

We apologize for any confusion generated by our earlier response. We hope that this letter clarifies our answer and is responsive to your questions. If you have any additional concerns, please do not hesitate to contact us.

Sincerely,

Bradley J. Schlozman

Acting Assistant Attorney General

-
1. Incidentally, also included in this category of persons entitled to a provisional ballot are individuals who present themselves to vote at a polling place in an election for Federal office who are covered by, and have not met, the HAVA identification requirements on or before election day. *See* HAVA Section 303(b), 42 U.S.C. 15483(b) (requiring presentation of identification at the polls by certain individuals who registered to vote for the first time by mail).
 2. On this point, we note that the Department of Justice recently pre-cleared Arizona's election law amendments adopted by the State as part of Proposition 200, which mandate that individuals seeking to vote must present certain specified forms of identification at the time they cast their ballot. *See* Ariz. Rev. Stat. 16-579(A).

Appendix D

USDOJ Opinion Letter of March 4, 2005
to Mississippi Secretary of State John Eads
concerning physical accessibility of polling places
and accessible voting systems.



U. S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

March 4, 2005

VIA FACSIMILE

John W. Eads, Esq.
Assistant Secretary of State for Elections
Office of the Secretary of State
P.O. Box 136
Jackson, Mississippi 39205-0136

Dear Mr. Eads:

This letter responds to your email of February 25 to the Civil Rights Division requesting a formal opinion from the Department of Justice ("the Department") on certain issues concerning the Help America Vote Act of 2002, 42 U.S.C. 15301-15545 ("HAVA").

The Attorney General has assigned to the Civil Rights Division the Department's enforcement responsibilities under Section 401 of HAVA. Although the Department states its formal positions with respect to statutes it enforces only through case-by-case litigation, the Department does on occasion offer its general views on the manner in which it intends to enforce a particular statute or set of laws. Therefore, while we cannot issue a formal advisory opinion, we will attempt to answer the questions posed in your email to the extent we can based on our responsibilities to enforce Title III of HAVA, which imposes uniform and nondiscriminatory election technology and administration requirements on the 55 States and Territories. It must be emphasized, however, that the opinions expressed here are not binding.

Your email reiterates a question which your office posed during a meeting with the Voting Section on February 8, concerning the requirements of Section 301(a)(3) of HAVA, 42 U.S.C. 15481(a)(3), for the accessibility of voting systems and polling places. You have advised that Mississippi is considering a plan for compliance with Section 301(a)(3) which would consist of at least one accessible polling place with one accessible voting system in each of the five supervisor districts in Mississippi's 82 counties. A voter who is physically disabled and whose polling place is not accessible would be allowed to have his or her ballot made available at the nearest polling place which is able to accommodate such elector's physical disability, so long as the voter submits a written request at least 45 days before the election and the registrar verifies the voter's existing polling place is not accessible. This would be a temporary plan in place through July

2007, after which all polling places would be physically accessible with accessible voting systems. Your question seeks our view on whether this plan comports with HAVA.

Section 301(a) of HAVA requires that "each voting system used in an election for federal office" meet certain requirements. Among these requirements is Section 301(a)(3)(A), which provides that the voting system shall "be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters." Section 301(a)(3)(B) provides that States may "satisfy the requirement of [Section 301(a)(3)(A)] through the use of at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place." Section 301(d) provides that "[e]ach State and jurisdiction shall be required to comply with the requirements of this section on and after January 1, 2006."

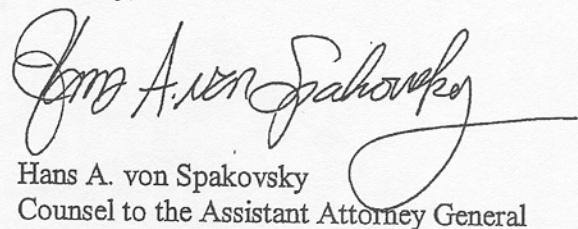
The Department has previously expressed its view on the meaning of Section 301(a)(3) at numerous conferences of state and local election officials around the country. Section 301(a)(3) means what it says – all polling places in the United States which are used for elections for federal office must have at least one voting system which is accessible to persons with disabilities for use in elections for federal office on and after January 1, 2006. As we have expressed, logically, persons with disabilities must be able to gain access to the polling place in order to be able to use the accessible voting system. Having an accessible voting system does little good if voters cannot enter the polling place to use it. Hence, not only must the voting system be accessible to persons with disabilities but also the polling place where the voting system is located.

The only exception to the physical accessibility requirement for polling places might arise if a polling place uses a portable voting system that is accessible to persons with disabilities and can be taken out to a car at the curbside, but only if such system is fully accessible and gives the voter the same opportunity to vote privately and independently as other voters. With respect to the deadline under Section 301(a)(3), the Department has also answered this question at a number of conferences – Congress has set the date for compliance as January 1, 2006, and the Attorney General does not have the legal authority to extend this deadline.

We understand that you are concerned about the practicalities of timely compliance. We recognize that significant effort may have to be expended by states and local jurisdictions to achieve compliance with Section 301(a)(3) of HAVA. However, Congress has made funds available under Sections 101, 102, 251, 261 and 291 of HAVA which can be used to ensure accessibility of polling places and voting systems. With respect to polling place accessibility, the Department has prepared an Americans with Disabilities Act checklist which may be of assistance to you. See <http://www.usdoj.gov/crt/ada/votingck.htm>. It offers practical and effective ways of making polling places accessible. With respect to the accessibility of voting systems, the Election Assistance Commission ("EAC") will be issuing voluntary guidance. Until the EAC guidance is adopted, the voluntary guidance of the Federal Election Commission ("FEC") can be used to determine the accessibility of voting machines. See http://www.eac.gov/election_resources/vss.html (at section 2.2.7 of the Voting System Standards).

We hope that this is responsive to your questions. If you have any additional questions or concerns, please do not hesitate to contact us.

Sincerely,



A handwritten signature in black ink, appearing to read "Hans A. von Spakovsky".

Hans A. von Spakovsky
Counsel to the Assistant Attorney General

Appendix E

USDOJ Title II/Section 504 Complaint Form

U.S. Department of Justice
Civil Rights Division
Disability Rights Section

OMB No. 1190-0009

**Title II of the Americans with Disabilities Act
Section 504 of the Rehabilitation Act of 1973
Discrimination Complaint Form**

Instructions: Please fill out this form completely, in black ink or type. Sign and return to the address on page 3.

Complainant:

Address:

City, State and Zip Code:

Telephone: Home:

Business:

Person Discriminated Against:
(if other than the complainant)

Address:

City, State, and Zip Code:

Telephone: Home:

Business:

Government, or organization, or institution which you believe has discriminated:

Name: _____

Address: _____

County: _____

City: _____

State and Zip Code: _____

Telephone Number: _____

When did the discrimination occur? Date: _____

Describe the acts of discrimination providing the name(s) where possible of the individuals who discriminated (use space on page 3 if necessary):

Have efforts been made to resolve this complaint through the internal grievance procedure of the government, organization, or institution?

Yes _____ No _____

If yes: what is the status of the grievance?

Has the complaint been filed with another bureau of the Department of Justice or any other Federal,

State, or local civil rights agency or court?

Yes _____ No _____

If yes:

Agency or Court: _____

Contact Person: _____

Address: _____

City, State, and Zip Code: _____

Telephone Number: _____

Date Filed: _____

Do you intend to file with another agency or court?

Yes _____ No _____

Agency or Court: _____

Address: _____

City, State and Zip Code: _____

Telephone Number: _____

Additional space for answers:

Signature: _____

Date: _____

Return to:

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Disability Rights - NYAV
Washington, D.C. 20530

Paperwork Reduction Act Statement:

A federal agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. Public burden for the collection of this information is estimated to average 45 minutes per response. Comments regarding this collection of information should be directed to the Department Clearance Officer, U.S. Department of Justice, Justice Management Division, Office of the Chief Information Officer, Policy and Planning Staff, Two Constitution Square, 145 North Street, N.E., Room 2E-508, Washington, D.C. 20530.

OMB No. 1190-0009. Expiration Date: July 31, 2018.

last updated May 7, 2012