

# ARIZONA v. ITCA

KEEP VOTER REGISTRATION AVAILABLE



## WHAT'S THE NVRA?

The National Voter Registration Act was passed in 1993 to make voter registration more accessible to all voters, and particularly those who had suffered from discriminatory and unfair voter registration practices. The NVRA requires that states "accept and use" the national, uniform Federal Mail-in Voter Registration Form provided by the federal Election Assistance Commission.

## HOW DOES PROP 200 AFFECT REGISTRATION?

Arizona's Proposition 200 requires specific forms of evidence of U.S. citizenship from persons registering to vote. Some registrants are required to provide copies of birth certificates, passports or other sensitive personal documents. Election officials are required to reject any voter registration application that does not provide the additional evidence of U.S. citizenship set out in Prop 200. Because the Federal Form contains specific safeguards against fraudulent or mistaken registration by non-citizens, Arizona's proof of citizenship requirement is unnecessary when it is applied to the Federal Form and defeats the basic purpose of the Federal Form.

## WHO IS AFFECTED?

Having the Federal Form readily available means that there will always be a means to register to vote even if a state or county provides inadequate voter registration forms or in-person registration opportunities for heavily-minority, poor or other traditionally disenfranchised communities.

## ABOUT THE CASE

The Supreme Court heard oral arguments in *Arizona v. ITCA* on March 18, 2013. The case is about an Arizona voter registration law that conflicts with the National Voter Registration Act.

In 2004, voters in Arizona approved Prop 200, a state ballot initiative that requires election officials to reject voter registration applications that lack certain documentation that Arizona claims establishes U.S. citizenship.

In 2006, Arizona voters and voting rights groups filed suits in federal court to challenge Proposition 200's new voting restrictions. A three-judge panel of the U.S. Court of Appeals for the Ninth Circuit, including former Supreme Court Justice Sandra Day O'Connor, held that Arizona's proof of citizenship procedure violates the NVRA. The Ninth Circuit sitting en banc then decided by a vote of 8 to 2 that the Proposition 200 proof of citizenship procedure conflicts with the NVRA and is preempted by federal law.

