

The Arizona Legislative Alert [UUJAZ](#) / [VUU](#)

Giving Voice to UU Values in Arizona

What to Expect in the 2019 AZ Legislature:

Voting, Elections, & Democracy Issues

A Special Issue of the AZ Legislative Alert

Prepared by Anne L. Schneider, PH.D. All opinions are those of the author.

December 13, 2017

Get the printable / readable PDF of this issue of the Arizona Legislative Alert [here](http://files.vuu.org/uujaz/2018/alert-121318.pdf). <http://files.vuu.org/uujaz/2018/alert-121318.pdf>

The “holiday season” is a good time to continue the on-going process of educating ourselves about the ways in which social justice is affected by public policy, and what we can expect when the Arizona Legislature meets again beginning January 15. Last week was the first issue in this special series on [education](#) and this one focuses on [voting and elections](#).

What's Inside:

[Voter Suppression, Election Integrity & Democracy](#)

[Initiatives & Petitions](#)

[Campaign Finance Reform](#)

[Article V Constitutional Conventions](#)

[Electoral College & National Popular Vote Compact](#)

[Calendar & Advocacy Training](#)

Voter Suppression and Election Integrity

Legislatures across the United States will be dealing with the intertwined issues of how to make voting as accessible as possible for all citizens and also ensure the integrity of the election and its outcome. Especially to be avoided are legislative proposals that claim to protect against election fraud but primarily restrict access to voting by persons who already find voting difficult due to time pressures, lack of information, distance to polls, inability to stand in long lines, lack of transportation, lack of photo ID, and other reasons. Bipartisan support is needed

to craft legislation that will actually improve election integrity and simultaneously make voting more accessible.

Voting in Arizona

In Arizona, you **MUST** have an official photo ID to vote in state, and local elections. To ***register to vote in state and local elections***, you also either need an official photo ID or a birth certificate. Registering to vote is relatively easy (you can do it on line) IF you have an official photo ID. You can vote in federal elections but not state and local, if you have alternative identification that does **NOT** require a Photo ID.

What is an official photo ID?

An Arizona driver's license, passport, or government-issued alternative photo ID.

How do you get an alternative, if you don't have a driver's license? You get one from the Department of Motor Vehicles or your county recorder's office, but you need a social security card plus other documents such as utility bills, employment records, bank account, birth certificate, etc. Some other documents will work, such as an Indian tribal enrollment card. To get a social security card, you need a birth certificate, or need to request one. Basically, to vote in local and state elections, you **MUST** have a photo ID to register to vote or a birth certificate and you **MUST** take a photo ID to the polls with you (or put the ID number on your mail-in ballot), even though you have documented your citizenship at the time you registered. Here's the link showing the "proof of citizenship" documents needed to register to vote in Arizona. <https://azsos.gov/elections/voting-election/register-vote-or-update-your-current-voter-information>

But it gets complicated! Federal law does not require a photo ID to register or to vote – other forms of identification can be used to verify your status. Thus, Arizona has a two-tier system of voting: one for voting **ONLY** in federal elections where the federal requirements have been met and the other – the photo ID card – for voting in state and local elections. The federal rules require documentation – two pieces of identification from lists of acceptable evidence – and a signed statement under penalty of perjury that the person is a U. S. citizen.

Most of the logistical details of voting are determined by the county recorder and vary from one county to the next. Thus, number of voting locations, hours and days of early voting, whether persons are notified if their mail-in ballot is disqualified and amount of time to validate (“cure”) the problems, etc. are determined by the county recorder--an elected official.

Why do some want voting (or registering to vote) to be so difficult? There are many reasons and arguments, such as the very old ideas that only those who know enough should vote, or only those who have economic interests such as owning property should vote, or only men should vote because women are not constitutionally able to deal with the force and brutality of governing! These arguments have lost out to the idea of “one person, one vote” because every person has “interests” and is affected by what government does; therefore they are the best judge of how to protect their own interests, and to know which candidates and which proposals they are for or against.

The contemporary talking points, however, mainly focus on fear of fraud even though making voting more difficult for eligible persons does almost nothing to address the greatest threats to election integrity – which are based in new technologies that may enable hacking, changing vote totals, wide-spread purging of people from voting rolls, instantaneous distribution of false news and false information, changing data in the voting rolls that result in eligible voters appearing to be ineligible, and other things not yet thought of!

Here are some bills to watch for in Arizona:

- (Support) Reforms that will **eliminate the photo ID requirement** and use the federal rules for state and local elections, eliminating the two tier system of voting. Unfortunately, the photo ID requirement was included in a 2004 citizen initiative. Thus, it is now protected by the “voter protection act” and the Legislature cannot pass legislation by a majority vote that would undermine it This will have to be done by legal rulings or by a citizen initiative to overturn the previous one (2004, proposition 200). Since almost no cases of voter fraud have been traced to lying about citizenship, and most concerns about election integrity emerge from other problems, the Legislature could pass a bill referring this to the voters as a Legislative referendum which, if passed, could bring Arizona rules in line with federal

rules. This would be worth supporting. Estimates are there may be as many as 26,000 people in Maricopa county alone who are disenfranchised because of the photo ID law. Because of hacking issues, however, a good law might require that the person show up in person at the Department of Motor Vehicles (as is the case to get a driver's license) or at the county recorder's office and have a picture taken at that point for a photo ID that can be used at the polls for voting, and for other ID purposes. The photo ID requirement at the polls or to use the early voting system really is not necessary as you must be on the voter rolls with your name, address, date of birth and to be on the rolls you already had to show proof of citizenship.

- (Support) bills that **protect recent reforms making voting more convenient for eligible voters**, such as protecting an extended length of time when voting can occur (early voting), extending on-line voting for more elections, protect the access to permanent early voting list (PEVL) and staying on it, avoiding "purges" of voter rolls if a person has not voted in one or more previous elections. Arizona has a reasonably good record on these issues, but protection may be needed to avoid reducing accessibility when protecting election integrity.
- (Support) Legislation that would automatically restore voting rights at the time a sentence is finished to persons who have been convicted of a felony. The ACLU is actively working to make it easier for persons convicted of felonies to have their full constitutional voting rights restored.
- (Oppose) Bills that make voting more difficult, such as these examples that typically are included in bills introduced in Arizona:
 - Bills that automatically **remove from the voter data base** those who have not voted in some specified number of previous elections. Why? Because this excludes thousands of citizens from voting, when an election comes along that they want to vote in. They are citizens. They should be on the voter rolls.
 - Bills that **shorten the period of time** for mail-in ballots to be sent or that otherwise make it more problematic for mail-in ballots to be sent on time. Why? Well, why not? More time gives more voters the opportunity to get acquainted with the candidates and the issues.
 - Bills that require **additional identification** at the polls or mail in ballots, including a requirement that some states have for notarizing mail in ballots! That would be a significant burden for most people.

Also, this is not necessary, as persons had to show proof of citizenship to get on the voter rolls.

- Bills that **reduce funding for county election boards** to use to staff polls, upgrade voting equipment, etc. The long lines people have experienced in Arizona and elsewhere generally are due to shortness in staffing or inadequate funds to pre-test equipment.
- Bills that **shorten the time period for counties to finish their voting count** and to certify the results. We need to be patient! All votes must be verified and counted.
- (Support) There may be some innovative legislation introduced to assist county recorders in **making voting more secure** and accessible such as:
 - Funding for security upgrades to **prevent hacking** of voting machines, hacking of voter data bases, false information distribution.
 - Requirements to ensure that **all votes have a paper trail**. Most counties in Arizona do, but it does not seem to be required. This is increasingly important, given the technological advances that might be used to manipulate counts or malfunction of voting machines.
 - **Requirements that all counties attempt to “cure” disqualified ballots**. When a voter mails in the ballot, the signature on the envelope is compared with the signature in the data base (that was recorded when the person registered) and if they two do not match, the envelope is not opened but it set aside. Some counties contact the voter, using the phone number or email or address on the envelope, and attempt to “cure” – that is, fix – the problem if the person is an eligible citizen.

Voters whose ballots are disqualified should be contacted to validate the authenticity of their ballots, and since mail- in ballots can be dropped off at the polls on election day, the “curing” process may take some time. But to ensure that every vote is counted, an attempt must be made to reach persons whose ballots have been disqualified. This should NOT have to be finished by the end of election day, because thousands of ballots are dropped off at the polls and there isn’t time to complete this process.

Requirements that all counties give voters who have been given “**provisional**” **ballots time to verify** their ballot and have it counted if they are an eligible voter.

Provisional ballots are given for a variety of reasons including voting at an “at-large” polling place, the wrong polling place or issues with addresses, signature, and so on. Most of these ballots are from eligible voters and the voter as well as staff should be given time to “cure” them.

Initiatives / Referenda

Arizona has [three ways](#) that citizens participate in law-making through direct democracy. And there are efforts every year to make the citizen initiatives harder to use.

- **Citizen Referenda** – This is the “citizen veto” -- the constitutional requirement in Arizona where citizens may actually “veto” a bill passed by the Legislature. The group must collect signatures and if enough signatures are validated, the bill is placed on the next general election ballot to be voted up or down. This is how Arizona “vetoed” the massive expansion of education vouchers that are used for private schooling. For 2020, 118, 823 signatures will be needed to get the bill on the general election to be voted on.
- **Citizen Initiative** – This is where citizens can actually propose a new law, amend an existing law, or propose a constitutional amendment. They collect signatures (356,467 will be needed for a constitutional amendment or 237,645 for a new or amended law), collect signatures, and if enough signatures are gathered, the proposal is placed on the next general election ballot to be voted up or down.
- **Legislative Referenda** – A legislative referendum is where the Legislature decides to refer an issue to the electorate. The Legislature passes a bill or a proposal to amend the constitution that is then placed on the next general election ballot to be voted up or down. No signatures are needed.

As might be expected, states that have a trifecta government (all three branches controlled by the same party) do not like citizens to exercise “direct democracy,” as this enables people to by-pass the elected leaders who generally believe they have more expertise and are more representative of citizen preferences. As more and more money from wealthy individuals and organizations is used to sponsor these

initiatives, the arguments become more intense and the issue of whether citizen initiatives and referenda really are “democratic” needs to be addressed.

Legislation is needed that will provide greater accessibility to direct democracy by eligible voters, and that will restrict and greatly reduce the influence of money on these elections.

- (Support) A bill could be passed that would permit signatures for citizen initiatives / referenda to be collected on-line, in the same way that candidates running as “clean election” candidates can collect signatures, on line, to run for office. The bill would need to contain ways of verifying that the signatures come from eligible voters, but there are numerous way to do that including actual verification of a sample of signatures via telephone, mail, or e-mail contacts.
- (Support) A bill that would “outlaw dark money” by requiring that the original donor has to be identified for all contributions above some specified dollar amount and that identify who is paying persons to circulate petitions.
- (Support) A bill that would restrict amounts given by any one person or organization in support or opposition to initiatives/referenda.
- (Oppose) Bills that will make it more difficult for citizens to “veto” legislation or introduce new legislation, such as:
 - Bills making it difficult or impossible to hire people to circulate the petitions such as requiring that collectors be paid only by the hour;
 - Bills that would require reauthorization every 10 years, again by collecting signatures and then having another vote
 - Bills that would require a set percentage of signatures from every county, or would shorten the time period when signatures have to be obtained, or require “strict” compliance with all technicalities, such as no writing outside the lines, no abbreviation of city or state, no deviation from the “correct” way to provide the date, and other information that is not relevant to whether the person signing is an eligible voter.

Arizona (and the nation) desperately need good legislation to reduce the influence of money on elections. Most important would be for the U.S. Supreme Court to overturn the "*Citizen United*" ruling that equated money with speech and that said corporations are the same kind of "person" as a real human individual.

Combined, these two principles have enabled some persons and groups to have far more influence than the principle of "one person, one vote" would permit. The likelihood of the Court overturning "*Citizen United*" are slim, but state legislatures need to find ways to reduce the influence. Here are a few:

- Support bills (or another citizen initiative) that would require the original donor to be identified in ALL campaign contributions or independent expenditures above some specified amount (such as \$2,500). This is what "outlaw dirty money" was attempting to do, but did not make it on the ballot when a legal case was filed requiring persons who circulated petitions to show up in court to verify their work, and when most did not show, all the petitions they collected were invalidated. (This ruling was consistent with too needs to be repealed and replaced).
- **Protect the Clean Elections Commission from any farther erosion of its authority.** Superior Court Judge David Palmer in December ruled that much of SB1516 violated the voter protection act of 1998 and therefore is invalid. SB1516 was an effort to reduce regulations and reduce enforcement of campaign finance laws. This victory by advocates of getting money out of politics may be challenged with new laws in the 2019 session designed to again open up elections for unlimited spending by "independent" groups and mask the identity of contributors.
- **Repeal HB 2107 (2014 session) that requires persons who circulate petitions to show up in court if subpoenaed and invalidates all petitions they circulated if they do not appear.** This is the bill, passed in 2014, that was the primary reason the "outlaw dirty money" initiative did not make it onto the ballot in 2018. Passed in 2014, it permits a group opposed to the initiative to subpoena all the people who circulated petitions and requires them to show up in court to testify as to the validity of their petitions. If they do not show up, no matter how short the time frame, the expense of them coming, or evidence that they even received the subpoena, all the signatures on all the petitions they circulated are invalidated. This bill specifically exempts the usual requirement that a subpoena has to be actually hand delivered to the person. There needs to be a way to ensure against

fraudulent signatures, but this bill places an undue burden on volunteers and young people who circulate petitions to suddenly show up in court! There must be a better way.

Article V Conventions –

Although the Article V convention movement – almost entirely by extremely conservative people and organizations – is becoming better known, it still is mainly an “under the radar” initiative, and the American Legislative Exchange Council (ALEC) is attempting to put new energy into it by endorsing a new balanced budget proposal designed to overcome some of the issues raised by opponents, who include even some conservative constitutional scholars.

An Article V convention, a “con con,” is a way to amend the U. S. Constitution but it has never been used. Most amendments are proposed by a 2/3 vote of Congress and then submitted to the states for ratification, requiring a 3/4 vote. This second method, however, by-passes Congress. If 2/3 (34) states petition Congress to call a constitutional convention on a specific topic, Congress would be required to call it. The states would select delegates (by the legislature or by however the state wants to choose them), and the convention then would propose one or more amendments to the U.S. Constitution. Each state’s delegates would have only one vote. Amendments developed this way would then be submitted to the states for ratification. If 3/4 of the states ratified, these amendments would become part of the constitution. Many applications for a “con con” have been made to Congress, but none has reached the level of having 34 states call for a convention on the same topic.

Several different topics are currently in play – almost all proposed by conservative organizations – that would require a balanced federal budget or restrict the authority of the federal government in other ways.

Arizona has already voted to be a part of three different versions of these “con cons” (see an article on it, here), but the newest wrinkle is that the American Legislative Exchange Council (ALEC) has proposed a new version of the balanced budget amendment that is intended to overcome the objections and fears of opponents.

The objections center around the problem that a constitutional convention could be a “runaway” convention because, once states send their delegates, there would be no constitutional control over them. Courts would not have jurisdiction, nor would Congress or the states. Most constitutional scholars, including conservatives such as the late Anthony Scalia, agree there would be no way to prevent a constitutional convention from proposing whatever changes they want and submitting them to the voters. If $\frac{3}{4}$ of the states (with each state having one vote) approve these amendments, they would become part of the constitution. Further, the states would not have to put the proposal up for a popular vote, but could have the ratification done by the state legislature or by a state “convention” with delegates appointed in whatever way the state decided. This has been popular for several decades with conservatives because so many of the states in the U.S. are governed by a trifecta – all three branches in control of one party, mainly Republican.

In the 2019 legislative session, watch for legislation in which Arizona would now endorse this newest proposal from the ALEC. It requires a balanced federal budget, but includes provisions that are different from previous balanced budget proposals and therefore $\frac{2}{3}$ of the states will need to endorse this new version.

Electoral College – National Popular Vote Compact

The national popular vote compact (NPVC) is a proposal in which states that join the compact agree to bind their delegates to the electoral college to cast all the state’s electoral votes for the presidential candidate who won the national popular vote. When enough states have joined the compact so that all of their electoral votes combined would provide a winning margin, the compact would go into effect. If this had been in effect in the 2016 election, Arizona and other states in the compact would have required the persons serving as “electors” to vote for Hillary Clinton, as she won the national popular vote. Similarly, in the Gore vs. Bush election, if the NPVC had been in place, enough states would have cast their votes for Gore instead of the candidate that actually won in their state, because Gore won the national popular vote.

This is a strategy to eliminate some of the undemocratic aspects of the electoral college and would at least insure that whoever actually won the most votes for President would become the President. (Surely, the Presidential election is the only election in any organization or level of government in the United States where the person who wins the most votes can lose the election!)

Only a few years ago, a bill authorizing Arizona to join the the national popular vote compact had enough co-sponsors (Republican and Democrats both) to have passed in both chambers. Legislative leaders, however, refused to call it up for a final vote. Watch for this legislation to (perhaps) be introduced again in Arizona.

Mark Your Calendar

Next Week! Environment Advocacy Training – Workshops sponsored by the Sierra Club will cover the basics on the Arizona Legislature and executive branch of government, and Dos and Don'ts of Advocacy at the Legislature. The workshops will also briefly cover some of the expectations for the 2019 legislative session.

Tuesday, December 18, 2018, 6 PM – 8 PM [514 W Roosevelt St, Phoenix](#) [RSVP](#)

Tuesday, January 15, 2019, 6 PM – 8 PM [738 N 5th Ave, Tucson](#) [RSVP](#)

If you would like to schedule a workshop in your area or for more information, please contact Sandy Bahr at (602) 253-8633 or sandy.bahr@sierraclub.org.

January 6. The Legislature is Coming! The Legislature is Coming! Advocacy Training – sponsored by League of Women Voters. **Sunday, January 6, Scottsdale Congregational Church. 1-3:30. Scottsdale Congregational Church Fellowship Hall 4425 N. Granite Reef Scottsdale, AZ 85251**

This workshop will cover the basics, from the inside out:

- **Part 1. Legislative Sausage -- Why do we get the kind of public policy we have (Dr. Anne L. Schneider) including the way it REALLY works in Arizona;**
- **Part II. Computer power—How to Use Request to Speak and Track Legislation you are especially interested in.**

- **Part III. Here's What I've Learned. Kim MacEachern, former lobbyist. How to talk to your legislator; how things work from the inside. AND a bonus from Kim and Anne: What to expect in the 2019 Legislative Session.**

Register Now!

January 20. Anniversary of the Women's March. Watch for Arizona events!

February 18 (Monday). UUJAZ "Day at the Legislature!" President's Day. All day event sponsored by Unitarian Universalist Justice Advocacy Network.

Want to subscribe to the *Arizona Legislative Alert*? The AZ Legislative Alert is published weekly during the session to alert progressive, social justice advocates, to legislation that they may want to support or oppose. When the Legislature is not in session, it is published sporadically!
You can sign up by sending an email to legislativeadvocacy@vuu.org. It is written and published by Anne L. Schneider, Ph.D. retired political science professor and former Dean of ASU's College of Public Programs.

Valley Unitarian Universalist Congregation –

Senior Minister, Rev. Dr. Andy Burnette; Music Minister, Rev. Kellie Walker; Director of Faith Formation, Marci Beaudoin. Administrator, Sue Ringler. Located: 6400 W. Del Rio Drive, Chandler, AZ 480 899 4249 www.vuu.org
For previous copies of the *Arizona Legislative Alert*, and for all weeks (so far) of the 50 Week Action Plan go to <https://www.vuu.org/legislative-advocacy>. VUU holds services twice on Sunday, one at 9:15 and the second at 11:30 In between are a wide variety of adult and children's workshops and discussion groups. You are welcome here.

Unitarian Universalist Justice Arizona Network -- Executive Director Rev. Lisa McDaniel-Hutchings; Policy Coordinator, Anne L. Schneider. Board Members, UUJAZ: Sharon Travis, Liz Swan (Chair), Rev. Matthew Crary, Bobbi Bollinger; Rev. Terry Sims, Molly Divine, and Katie Phares www.uujaz.org.