



KATIE HOBBS
SECRETARY OF STATE
State of Arizona

June 30, 2022

VIA HAND DELIVERY AND EMAIL

The Honorable Governor Doug Ducey
State of Arizona
1700 W. Washington Street
Executive Tower, 9th Floor
Phoenix, Arizona 85007

RE: Recommended Veto of HB2243

Dear Governor Ducey:

I write to you today to respectfully request a veto of HB2243 (voter registration; state residency; cancellation). With this bill, the Legislature again attempts to codify provisions similar to those you already vetoed, with good reason, in HB2617 (voter registration; cancellations; causes). Like HB2617 before it, this bill allows anyone to make a claim that a voter is improperly registered. It also imposes new requirements on County Recorders, the Department of Transportation, and the Secretary of State.

You and I agree that "Arizona has long been – and will remain – a national leader in election integrity." Once again, with HB2243, the Legislature has approved legislation that makes the question of residency a disqualifying factor for voter registration without requiring a fact-specific inquiry. The legislation requires the Department of Transportation and the Secretary of State to engage in policing out-of-state driver license activity. This goes farther than ever before in equating the two for purposes of the right to vote in one's state of residence. In fact, the Arizona Supreme Court has noted that residency is based on much more than a person's statements or a single fact; there are various surrounding circumstances that contribute to whether a person is a resident pursuant to A.R.S. § 16-101(B) (*i.e.*, "has actual physical presence in this state. . . combined with an intent to remain"). See *McDowell Mountain Ranch Land Coalition v. Vizcaino*, 190 Ariz. 1, 3 (1997). To burden two state agencies with a mission to police this matter and additionally ask all fifteen County Recorder's offices to reach out and ask registered voters to confirm that they remain a resident of Arizona simply based on an out-of-state driver's license is misguided and may unfairly disenfranchise properly qualified electors who may rent or own property in other states.

1700 West Washington Street, Floor 7
Phoenix, Arizona 85007-2808
Telephone (602) 542-4285 Fax (602) 542-1575
www.azsos.gov

Additionally, this bill, like HB 2617 before it, requires unreasonable investigation into registered voters, who have already fulfilled citizenship requirements. Anyone, without evidence, could submit a list of voters suspected not to be United States citizens for the county to investigate. This is despite Arizona's existing requirement to provide proof of citizenship in order to register to vote that has been in place since voters approved Proposition 200 in 2004. And once again, there is no guidance on what constitutes when a county would be "reasonable to believe" that investigation is warranted. Bad faith actors could call in or submit claims anonymously against their neighbors as much as they like. Counties would still have to investigate the person complained against, whether fairly or unfairly. Additionally, as the Arizona Association of Counties noted in its letter to you regarding HB2617, this means "counties would have no mechanism to track or halt bad actors who use this new law to report, without any evidence, anyone they believe to be suspicious." Because of this, I believe HB2243 is in violation of the federal National Voter Registration Act, 52 U.S. Code Chapter 205, which requires that any list maintenance program must be uniform, nondiscriminatory, and in compliance with the Voting Rights Act. Allowing HB2243 to become law will therefore expose the state to unnecessary litigation.

For these reasons, I request that you veto HB2243 (voter registration; state residency; cancellation).

Sincerely,

A handwritten signature in blue ink, appearing to be 'KH', followed by a long horizontal line extending to the right.

Kate Hobbs
Secretary of State