January 17, 2014

Honorable Ken Bennett  
Secretary of State  
Office of the Arizona Secretary of State  
1700 W. Washington Street, 7th Floor  
Phoenix, AZ 85007-2808  

Re:  Docket No. EAC-2013-004: State Requests to Include Additional Proof of Citizenship Instructions on the National Mail Voter Registration Form  

Dear Secretary Bennett:

I write in reference to your request dated June 19, 2013 for the U.S. Election Assistance Commission (“EAC”) to modify the state-specific instructions of the National Mail Voter Registration Form (“Federal Form”) to include instructions mandating that, as a precondition to registering to vote in federal elections in Arizona, applicants must provide additional proof of their United States citizenship not otherwise required by the Federal Form.

As you know, the EAC initially deferred consideration of your request pending the reestablishment of a quorum of EAC commissioners, in accordance with the EAC’s internal procedures. On December 13, 2013, the EAC was ordered by the United States District Court for the District of Kansas to render final agency action in regard to your request by January 17, 2014. The EAC solicited public comments regarding your request, see 78 Fed. Reg. 77666 (Dec. 24, 2013), and has reviewed those comments, including the submission from Arizona.

For the reasons discussed in the attached Memorandum of Decision, the Commission denies your request to modify the Federal Form’s state-specific instructions. The attached decision constitutes final agency action with respect to your request, in accordance with 5 U.S.C. § 704.

Sincerely,

Alice Miller  
Acting Executive Director &  
Chief Operating Officer