



U.S. Election Assistance Commission
1201 New York Ave. NW – Suite 300
Washington, DC 20005

August 13, 2013

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

Dear Secretary Bennett:

Thank you for your recent correspondence to this office requesting modification of instructions relative to Arizona on the national mail voter registration form (Federal Form). Please be advised that upon review the U.S. Election Assistance Commission (EAC) staff cannot process your request due to a lack of a quorum on the Commission.

As you know, EAC currently has four Commissioner vacancies. EAC staff is authorized to process State requests to modify state-specific instructions on the Federal Form but according to current procedures must defer any requests that raise “issues of broad policy concern to more than one state” until EAC has a quorum. I have attached a copy of the November 9, 2011 memo to former EAC Commissioners Donetta Davidson and Gineen Bresso from former Executive Director Thomas Wilkey delineating the process EAC staff must follow when processing State requests to modify their state-specific instructions on the Federal Form.

Your correspondence indicates that the result of the authorizing Arizona statute and corresponding modification to the state-specific instruction on the Federal Form would be that the Federal Form would be rejected without the proper citizenship documentation. The first sentence of the proposed instruction reads:

If this is your first time registering to vote in Arizona or you have moved to another county in Arizona, your voter registration form must also include proof of citizenship or the form will be rejected.

Failure to “accept and use” the Federal Form has broad policy impact that could affect more than one State.

In addition, citizenship documentation is not addressed in the National Voter Registration Act or the Help America Vote Act and the inclusion of such information with the Federal Form constitutes a policy question which EAC Commissioners must decide. EAC staff has no authority to establish policy for EAC.

The requested modification to the state-specific instruction on the Federal Form appears to raise issues of broad policy concern to more than one state. EAC staff is therefore constrained to defer the request until EAC has a quorum.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alice Miller".

Alice Miller,
Acting Executive Director &
Chief Operating Officer