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Citizen Engagement Group Seeks to Stop Unconstitutional Voter Registration Procedures

New Law Harms Naturalized Citizens, Provokes Unwarranted Investigations

PHOENIX -- Fair Elections Center, the Arizona Center for Law in the Public Interest and the law firm of Arnold & Porter filed a complaint today on behalf of civic engagement organization Poder Latinx in the U.S. District Court for the District of Arizona, seeking to block a new state law's arbitrary and vague procedures for investigating the citizenship status of Arizona voters. Poder Latinx works to register and engage Latinx voters in Arizona, and its efforts will be frustrated by a voter registration system that is ever-changing and complicated, and that will baselessly harass naturalized voters.

The core of this new law, HB 2492 (which will go into effect in January), requires Arizona election officials to conduct open-ended investigations of voter registration status by searching all available federal, state, and local databases for evidence that registration applicants and registered voters lack U.S. citizenship. County recorders are also instructed to reject registration forms and cancel voter registrations based on "information" that the applicant or registered voter "is not a U.S. citizen." This vague phrase invites rejection or cancellation of voter registration based on any "information" that someone is a noncitizen, regardless of accuracy, and can result in disenfranchisement based on old or obsolete information, or nothing more than a private citizen's verbal accusation.

The law will cause Arizona election officials to flag countless naturalized voters in error, and the consequences will range from registration form rejection, to removal from the rolls, to law enforcement investigations and prosecution. Per the filed complaint, the challenged law violates the Fourteenth Amendment's Equal Protection and Due Process Clauses.

"This year alone, Arizona legislators have led an onslaught of voting rights attacks under the guise of improving election integrity. This is simply a political backlash to suppress the vote of the growing Latinx community in Arizona. Hundreds of thousands of already-valid voter registrations are in danger today. There is no question about the legality of this. We will not let Arizonans be disenfranchised," said Poder Latinx Executive Director Yadira Sanchez.

“PoderLatinx will fight tooth and nail to ensure that we protect Arizona’s right to vote. We need to give the power to the people to decide what the future of their communities looks like.”

“Arizona has adopted a voter registration law that relies on stale government records and hearsay in evaluating voters’ eligibility. If it is allowed to go into effect, HB 2492 will wreak havoc for naturalized U.S. citizens who have lawfully registered to vote,” said Jon Sherman, Fair Elections Center litigation director and senior counsel. “Once a pioneer in voting modernization, now the state only innovates new ways to violate the U.S. Constitution.”

“We are proud to stand with our client in challenging this law,” said John A. Freedman, Arnold & Porter senior pro bono counsel. “Instead of solving problems and making voting easier, HB 2492 will result in the disenfranchisement of eligible voters, particularly naturalized citizens.”

“As written, this law will inevitably deprive lawful, naturalized citizens of the right to vote,” said Danny Adelman, Executive Director of the Arizona Center for Law in the Public Interest. “The Center is proud to challenge this law in order to protect that most precious right.”

Read the complaint [here](#).

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Poder Latinx’s mission is to build a political wave where Latinx communities, immigrants, and people of color are decision-makers in this country’s democracy.

Fair Elections Center is a national nonpartisan and non-profit voting rights and election reform organization based in Washington, DC whose mission is to use litigation, public education, and advocacy to remove barriers to registration and voting, and to improve election administration.

The Arizona Center for the Law in the Public Interest is a nonprofit public interest law firm dedicated to a just, prosperous, and environmentally secure future for Arizona. Since 1974, the Center has successfully used the legal system to protect the rights of all citizens and to hold the government and corporations accountable when they violate the law.

Arnold & Porter is a law firm with a long history of fighting for equal access to justice through its pro bono efforts. With nearly 1,000 lawyers practicing in 13 offices around the globe, Arnold & Porter serves clients across 40 distinct practice areas. The firm offers 100 years of renowned regulatory expertise, sophisticated litigation and transactional practices, and leading multidisciplinary offerings in the life sciences and financial services industries.