

Issue: AZ Voter Suppression

## Attack on Democracy: Republicans Suppress Voting and Silence Citizens

### Overview

The Republican attack on voting rights is not just anti-Democrat; it is anti-democracy. Gutting the citizen initiative process, impeding voter registration, raising barriers to voting by mail, severely reducing the number of polling places, limiting acceptable forms of voter IDs, disenfranchising former offenders, purging voter registration rolls—these are just some of the ways that Republican policies are undermining the fundamental democratic institution of a citizen’s right to vote.

Because of its long history of voter discrimination, Arizona was one of nine states required under Section 5 of the Voting Rights Act (VRA) to get federal approval before changing any state voting-related laws. However, based on a ruling by the U.S. Supreme Court in 2013 (*Shelby County v. Holder*), Arizona is no longer subject to the preclearance requirement.<sup>1</sup> Ever since, Republicans have sponsored a barrage of bills and election practices purporting to address unsubstantiated claims of voter fraud, but which in effect discriminate against low-income citizens, ethnic and racial minorities, and young people.

Right out of the gate in 2013, Republican legislators passed a comprehensive bill curtailing a panoply of voting rights. Citizens organized a referendum to repeal the law, but the legislature repealed it themselves before the referendum could appear on the ballot. Rather than risk being overturned by the voters, the Republicans adopted a new strategy—“death by a thousand cuts.” Now they pass bills that chip away at voting rights one by one, knowing that it is too difficult and too expensive for citizens to challenge each law individually through the referendum process. And on top of their piecemeal approach to diminishing voter participation, Republican lawmakers have been relentless in their efforts to weaken or essentially eliminate citizen initiatives and referendums altogether.<sup>2</sup>

Voter fraud is the Republicans’ rationale for their voter suppression policies—a rationale that has been proven bogus over and over again by studies and investigations conducted by universities, nonprofits, government agencies, and journalists.<sup>3</sup> One comprehensive study showed that the rate of voter impersonation is less than the chance of being hit by lightning.<sup>4</sup> A constitutional law professor found only 31 credible incidents out of more than a billion votes cast between 2000 and 2012.<sup>5</sup> Two recent studies at Arizona State University found the rate of voter fraud to be “infinitesimal.”<sup>6</sup> The Republicans have invented a problem that does not exist, causing huge numbers of legitimate voters to be excluded from the ballot box. Even worse, they are endangering the lives of citizens by using these false arguments to block efforts to expand voting by mail during the COVID-19 pandemic.<sup>7</sup>

### Gutting the Citizen Initiative and Referendum Processes

The state constitution gave citizens the power of ballot initiatives and referendums when Arizona was admitted to the United States in 1912. Initiatives allow citizens to propose a new law when the legislature has failed to act on an issue. Referendums give voters the opportunity to repeal laws enacted by the legislature. The right to sponsor such ballot measures makes citizens co-lawmakers with legislators and holds the legislature accountable to the people of Arizona. In 1998 citizens passed the Voter Protection Act (Prop 105), a constitutional amendment that prevents the legislature from repealing, amending, or defunding laws enacted through the citizen-initiative process. Any changes

must be passed by a three-fourths vote of the legislature, and those changes must advance the original purpose of the law.<sup>8</sup>

In recent years the Republicans have been waging a full-scale assault on the initiative and referendum processes. The attack became even more vicious after the passage of the minimum wage measure in 2016, with the Republican legislators taking direction and support from the Chamber of Commerce. So far they have been unsuccessful in their attempts to amend the state constitution to remove the initiative and referendum rights altogether. In the meantime they have been pursuing an effective alternative strategy—attack the petition process so that citizen measures never get to the point of qualifying for the ballot. Republicans have made the process of gathering signatures so difficult and expensive that it's practically impossible for grass-roots groups to conduct ballot measure campaigns.<sup>9</sup> As a League of Women Voters spokesperson said, “Although direct democracy remains in our laws, so many barriers have been placed before it that it may shortly become a part of history and unusable by Arizona citizens.”<sup>10</sup> The most onerous of these anti-initiative/referendum laws are:

### **Strict Compliance**

Petitions and ballot measures must comply perfectly with requirements set by the legislature. They can be disqualified on technicalities, such as using the wrong font size, setting the wrong paper margins, and putting documents in the wrong order.<sup>11</sup>

### **Ban on Pay-Per-Signature**

Sponsors of ballot measures can no longer pay petition circulators by the number of signatures they gather, thereby eliminating the incentive that helps organizers acquire the hundreds of thousand of signatures needed to qualify for the ballot.<sup>12</sup> The alternatives are payment by the hour and volunteers, but no measure with a volunteer staff has been able to qualify in the past 30 years.<sup>13</sup>

### **Strikeout Law**

Opponents to a ballot measure may subpoena petition circulators to confirm the validity of the signatures they gathered. If a circulator does not appear in court, all signatures gathered by that circulator are not counted. The organizers of the ballot measure are forced to pay the legal fees and expenses of circulators who must travel, secure lodgings, and miss work. If enough circulators fail to show and too many signatures are thrown out, the measure will not qualify for the ballot. This law was passed on a bipartisan vote, but conservative groups have been abusing it as a weapon to defeat measures they oppose, rather than to prevent fraud. It was used in 2018 against the renewable energy initiative (which was opposed by utility companies) when all 1,180 circulators were subpoenaed. It was also used against the Outlaw Dark Money initiative in 2014 when 15 circulators did not respond to the subpoena, resulting in the exclusion of 8,824 signatures and the demise of the initiative.<sup>14</sup>

Republicans tried but failed to enact more anti-initiative/referendum laws, including proposals to:<sup>15</sup>

- Fine organizers \$1,000 for every violation committed by a petition circulator<sup>16</sup>
- Ban any out-of-state funding for ballot measures<sup>17</sup>
- Require a certain percentage of petition signatures in each electoral district instead of a statewide total<sup>18</sup>
- Exempt the citizen referendum from the Voter Protection Act<sup>19</sup>
- Repeal the Voter Protection Act altogether<sup>20</sup>

The restrictions on citizen petitions do not apply to the nominating petitions circulated by legislators to qualify for elections. Legislators can pay circulators by the signature; their petitions are not subject to strict compliance; their circulators cannot be subpoenaed; and out-of-state funding is allowed.<sup>21</sup>

Furthermore, legislators are allowed to gather signatures online for their nominating petitions. Yet Republicans defeated lawsuits by citizen groups seeking the same right to collect signatures online for ballot measures. These recent lawsuits arose from the COVID-19 pandemic, which has prevented the citizen initiative groups from gathering signatures in person. Because of the court ruling, some of those citizen groups have abandoned their petition drives, including Arizonans for Fair Elections. That ballot measure would have established automatic voter registration, allowed election-day registration, expanded early voting, allowed audits of election results, located polling places on tribal lands, bolstered the public campaign financing program, and imposed more restrictions on lobbyists—essentially everything the Republicans fight against.<sup>22</sup>

The Republicans are not done yet, as evidenced by these prohibitive bills proposed during the spring 2020 legislative session before it ended early due to the pandemic:<sup>23</sup>

- Ballot measures passed after 2020 would have to be re-approved by voters every 10 years.<sup>24</sup>
- Citizen initiatives would be limited to a single subject.<sup>25</sup> (For example, the 2016 initiative covering the issues of minimum wage and paid sick leave would have had to be two separate ballot measures with two petition drives.)
- The strikeout (subpoena) law would apply to recall petitions, thereby making it harder to remove elected officials.<sup>26</sup>
- The Voter Protection Act would be amended to require only a simple majority (instead of a three-fourths vote) of the legislature to override citizen initiatives, and changes would not have to further the intent of the original law.<sup>27</sup>

## Making Voter Registration Difficult

For decades Arizona has failed to comply with federal laws that facilitate voter registration. A lawsuit just settled in January 2020 revealed that Arizona had been violating the mandates of the National Right to Vote Act (NRVA) by:

- not automatically updating the voter registration of citizens when they change their address on their driver's license
- not offering the opportunity to register to vote at state agencies that serve low-income clients
- not consistently providing adequate language assistance to Spanish and Native American speakers seeking to register

Because Arizona had ignored the NRVA since it was enacted in 1993, the number of affected voters is unknown. However, just since 2016, the state failed to update the voter registrations of 390,000 Arizonans who changed the address on their driver's license. Such address inconsistencies can cause citizens to be purged from the voter rolls.<sup>28</sup>

The 2018 settlement of another lawsuit addressed several other long-standing voter registration barriers arising out of the Arizona Taxpayer and Citizen Protection Act (Prop 200), an initiative passed in 2004 requiring proof of citizenship to register to vote. Specifically:

- Instead of making voters re-register from scratch every time they move, the state must develop a database that county recorders can check to see whether the registrant previously provided proof of citizenship in another county.
- The registrar cannot reject a registrant without first checking the Motor Vehicle Department (MVD) database to see whether the applicant has a valid driver's license issued after October 1, 1996. If so, the applicant must be approved because, as of that date, Arizona law required proof of citizenship to obtain a driver's license.

- The federal voter registration form requires a sworn statement signed under penalty of perjury that the registrant is a citizen. The Arizona voter registration form requires citizenship documentation. In 2013 the U.S. Supreme Court ruled that a person who submits a federal registration form cannot be required to submit a higher level of proof than what is required by federal law. Arizona election officials were summarily rejecting state forms that lacked citizenship documents. Now they must inform those applicants about the federal form and their eligibility to vote in presidential and congressional races. This dual registration system disenfranchised at least 26,000 eligible voters in Maricopa County alone.<sup>29</sup>

While Democratic legislators introduce bills to make voter registration more accessible and inclusive, Republican lawmakers focus on thwarting the registration process and excluding potential voters. In 2018 and 2019, Democrats proposed bills to allow election-day registration, automatic registration when applying for services at public agencies, and a ballot initiative for Arizona citizens to decide on automatic registration. The Republican majority killed all these bills in committee without allowing a floor vote.<sup>30</sup> Conversely, in 2019, House Republicans passed a bill that would have imposed criminal penalties and fines on people who register voters if they did not return the registration forms within 10 days. If the bill had not failed in the state Senate, the law would have stymied registration drives, especially those in rural areas where drives are conducted over longer periods of time.<sup>31</sup>

## Discouraging Vote By Mail and Early Voting

Although Arizona allows absentee ballots, early in-person voting, and emergency voting, Republican lawmakers are steering the state backward on these policies. Vote-by-mail is the preferred choice of about 80% of Arizona voters.<sup>32</sup> Most are registered on the Permanent Early Voting List (PEVL), which means that they automatically receive a ballot in the mail for every election. Vote-by-mail is especially important now that the COVID-19 pandemic makes voting in person dangerous. In fact, all 15 county recorders (both Republican and Democrat) and the Arizona Association of Counties requested the option of an all-mail election in November if COVID-19 continues to pose a threat to the health and safety of citizens. However, the Republican legislature rebuffed the proposal.<sup>33</sup> Instead, they have been making absentee voting, early voting, and emergency voting less accessible.

In 2016 Republicans enacted a law making it a felony for anyone other than a family member or caretaker to deliver another person's mail-in ballot. While Republican legislators pointed to ballot tampering and voter fraud as reasons to ban so-called "ballot harvesting," they did not produce even one case in which a ballot had been altered or not delivered.<sup>34</sup> In January 2020 the Ninth U.S. Circuit Court of Appeals ruled that the law was racially motivated and disproportionately affected Native Americans, Hispanics, and African Americans. These groups are more likely to have problems returning their ballots and rely on civic groups and campaign workers to collect and deliver them on their behalf.<sup>35</sup> However, the law banning ballot collection will remain in effect pending the State Attorney General's appeal to the U.S. Supreme Court.<sup>36</sup>

Republicans sponsored four more recent bills to stifle voting by mail, early voting, and emergency voting. The most egregious was an attempt last year to purge voters from the Permanent Early Voting List (PEVL) if they did not use their mail ballots in the last two consecutive elections. An estimated 200,000 voters would have been removed and would not have received the ballots they expected in the mail. The bill passed the state Senate but died in the House.<sup>37</sup>

Two other restrictive bills were passed successfully. One requires an ID for early in-person voting. The other switches authority over emergency voting centers from the county recorder to the county board of supervisors and allows felony charges if a voter's emergency is deemed to be false.<sup>38</sup>

The fourth bill was in progress before the legislature ended their session early due to the pandemic. The original bill would have prohibited election officials from contacting voters who forgot to sign their mail-in ballot envelope. The bill was amended to allow but not require county recorders to follow up on unsigned ballots. The Senate passed the bill and sent it to the House.<sup>39</sup>

Despite the urgency for all-mail elections during the pandemic, Republicans continue to use the specious voter fraud argument to attack absentee voting. However, that argument is contradicted by the experience of the five red, blue, and purple states that use all-mail ballots in every election. In Utah, Oregon, Washington, Hawaii, and Colorado, where ballots are automatically mailed to every registered voter in every election, state officials report that voter fraud is very rare.<sup>40</sup> The irony is that despite their claims that voting by mail is fraught with security risks, at least 79% (37 out of 47) of the Republican state legislators vote by mail. So does Republican Governor Ducey.<sup>41</sup> In fact, several Republicans (including Trump), have admitted that the real reason for not expanding vote-by-mail is that Republicans fare better when voter turnout is lower.<sup>42</sup>

### Closing Polls and Intimidating Voters

Reducing the number of polling sites discourages voter participation. Longer distances between polls present transportation problems, and longer lines cause impractical wait times. Both obstacles impact low-income voters and minorities who rely on public transportation and cannot afford to miss hours of work or pay for childcare.<sup>43</sup> After the *Shelby* decision, historically discriminatory states (those formerly covered by Section 5 of the VRA) engaged in massive poll closures. From 2012 to 2018, Arizona closed 320 polling places—second only to Texas. Most of the closures (171) were in Maricopa County, which is 31% Latino.<sup>44</sup> In the 2016 election, Maricopa had one poll for every 21,000 registered voters, and wait times were up to 5 hours.<sup>45</sup>

Some Arizona counties have switched to the “vote center” model, which allows citizens to vote at any center within the county instead of at a specific precinct. The problem is not with the model, but with its implementation. Where those centers are located and how many polling places are consolidated into centers can have discriminatory impacts, as the following table shows:

	Minority population	# of polling places in 2012	# of polling centers in 2018	% loss
Cochise County	35% Latino	49	17	65%
Graham County	33% Latino 13% Native American	18	9 (hybrid model: 6 centers, 3 precincts)	50%
Gila County	19% Latino 16% Native American	33	17	48%

But switching to vote centers does not necessitate a reduction in sites. Navajo County, which is almost 50% Native American, switched to vote centers but reduced the number of poll locations by only 4%.<sup>46</sup>

One rationale for reducing polling sites is the high level of vote-by-mail in Arizona. However, the disaster in Maricopa County in 2016 is evidence that vote centers and mail ballots are not enough to offset the poll closures.

The COVID-19 pandemic will only intensify the problems caused by poll closures. A nationwide study found that long lines caused 3% of voters to leave before casting their ballots in the 2016 election.<sup>47</sup> If long lines were daunting then, imagine how ridiculously long they will look with 6-foot social distancing. Voters may not even bother to get in line.

Now Republican state legislators are in the process of adding an intimidation factor that could keep racial minorities from voting—a police presence at the polls. In 2020, the House Republicans passed and sent to the Senate a bill that authorizes the Republican Attorney General to manage a hotline and website for complaints of “suspicious” voter activity. If passed, the police would be allowed to enter polling sites to investigate those complaints. The Democratic Secretary of State already runs a hotline for complaints and refers any suspected cases of voter fraud to county prosecutors.<sup>48</sup>

## Limiting Acceptable Forms of Voter ID

Voter ID at the polls is yet another hurdle that keeps some citizens away from the ballot box. For many, the costs of obtaining the necessary IDs are prohibitive—fees for the supporting documents (e.g., birth certificate), fees for the ID itself, transportation costs to get to the issuing agency, and lost time from work. For others, restrictions on the types of acceptable IDs preclude them from voting. Among voters as a whole, 11% lack the necessary ID to vote. The rate is higher among young, old, minority, and low-income groups. For African Americans, 25% do not have the required ID.<sup>49</sup>

At the polls in Arizona, a voter must produce ID according to one of the following lists:<sup>50</sup>

List #1 - Only one of the following if it includes the voter’s photo, name, and address that matches the address in the voter register:

- Valid Arizona driver’s license
- Valid Arizona non-operating ID
- Tribal enrollment card or other form of tribal ID
- Valid United States federal, state, or local government-issued ID

List #2 - Two of the following non-photo IDs showing the voter’s name and address that matches the address in the voter register:

- Utility bill dated within 90 days of the election
- Bank or credit union statement dated within 90 days of the election
- Valid Arizona vehicle registration
- Indian census card
- Property tax statement
- Tribal enrollment card or other form of tribal identification
- Arizona vehicle insurance card
- Recorder’s certificate
- Valid United States federal, state, or local government-issued ID
- Any mailing to the voter marked “Official Election Material”

List #3 - Mix and match from other lists:

- Any photo ID from List #1 in which the address does not match the voter register, accompanied by a non-photo ID from List #2 in which the address does match the voter register
- U.S. passport without address and one item from List #2
- U.S. military ID without address and one item from List #2

Students 18 years or older have a choice of where to vote based on either their school address or their family residence.<sup>51</sup> However, students have difficulty meeting the voter ID requirements to vote near their school. They do not pay property taxes; they do not get utility bills in the dorm; and if they share off-campus housing, only one resident's name is on the utility bill.<sup>52</sup> The other forms of voter ID require a stable address to be practicable, and students typically move frequently—from a dorm to different summer housing to another dorm or off-campus housing.

Although a student ID from a public institution is a government-issued ID, it lacks address information. If the student ID did include an address, it would meet the requirements of list #1 and would be the only ID that a student would need at the polls. As a preemptive strategy, Republican legislators have introduced bills to prevent that from ever happening. The most recent one would specifically ban high school, college, and university IDs, as well as utility bills, bank statements, and vehicle registration, from the list of acceptable forms of voter ID.<sup>53</sup>

Native Americans are also especially vulnerable to being disenfranchised by voter ID laws.

Acceptable forms of tribal identification include:<sup>54</sup>

- Tribal ID or tribal enrollment card issued by the Bureau of Indian Affairs or a tribe
- Certificate of Indian Blood issued by the Bureau of Indian Affairs or a tribe
- Voter ID card issued by a tribe
- Home site assignment lease, permit or allotment from the Bureau of Indian Affairs or a tribe
- Grazing permit or allotment issued by the Bureau of Indian Affairs or a tribe

Native Americans who present one of the above forms of tribal identification must be issued a provisional ballot and do not need to return to confirm their identity, even if the item does not meet the requirements of List #1. However, poorly trained poll workers still turn Native American voters away even with the above IDs. The voters themselves may not know their rights, and some of them simply do not have or are unable to get any of the acceptable IDs.<sup>55</sup> The following obstacles prevent Native Americans not only from obtaining IDs, but also from registering to vote, voting by mail, and/or voting in person at the polls:<sup>56</sup>

- **No residential address**—Native Americans live in remote areas of reservations with dirt or gravel roads and no street names. Most get mail via P.O. boxes, and many families share the same box to save money. Voter registration forms and voter IDs require a residential address.
- **Lack of supporting documents for voter ID**—Native Americans in Arizona are less likely to have a utility bill because 62% lack phone service, 33% lack full plumbing, and 56% of Navajo Nation homes are heated by wood. Tribal reservation land is not subject to property taxes.
- **No transportation**—Native Americans are twice as likely to have no access to a vehicle. In some parts of the Navajo Nation, only 1 in 10 families owns a car. Reservations do not have public transportation. Native Americans have difficulty getting to government offices to register, obtain documents, or get IDs, and polling places are often more than 60 miles away.
- **Unreliable mail service**—Poorly maintained roads become impassable after storms. Mail delays are common, and service is unreliable. Election materials are not delivered or picked up in a timely manner. Home delivery is not available to 82% of tribal reservation households.<sup>57</sup> Residents can travel to their P.O. boxes only infrequently.
- **No internet access**—Fewer than half of the homes on tribal lands have reliable broadband service, so many Native Americans cannot download forms or register online.
- **Language barriers**—The illiteracy rate among Arizona Native Americans is 19 times higher than the national rate, and many of the indigenous languages are oral, not written. Therefore, many Native Americans require in-person assistance when registering and voting.

- **Poverty**—With an average poverty rate of 42% on Arizona tribal reservations (94% in Fort Yuma), Native Americans cannot afford the fees and transportation costs associated with registering to vote, securing an ID, and traveling to government offices and the polls.
- **No financial assistance from the state for tribal ID programs**—Tribes cannot afford to provide IDs to all members. Multiple offices and operating funds are needed to cover the vast area over which tribal members are spread. In 2011 the Navajos started offering tribal IDs, but they require payment of a fee and are available from only one location.<sup>58</sup>

## Disenfranchising Former Felons

The U.S. is only one of two democracies in the world that deny the right to vote to large numbers of people for lengthy or indefinite periods of time after they have been released from prison. Within the U.S., Arizona is among the ten most punitive states in its treatment of former felons—even more restrictive than its five neighboring states.

In Arizona, a person who is in prison, on probation, or on parole cannot vote. Voting rights are automatically restored to first-time offenders, but only if the individual has completed all stages of the sentence and has paid any outstanding restitution. For those with more than one conviction, the individual must either petition the state court or seek a pardon from the governor. Otherwise, the former felon is forever barred from casting a ballot. An estimated 221,170 people in Arizona cannot vote because of a criminal record. Of that number, 80% are not in prison, and 53% have fully completed their sentences.

Arizona's regressive policy disproportionately affects African Americans. They make up 12% of the disenfranchised group, but only 4% of the voting-age population. That rate gives Arizona the dubious rank of 8<sup>th</sup> in the nation for preventing African Americans from voting due to a past record.<sup>59</sup>

## Purging Voters

A staggering number of names are deleted from the Arizona voter registration rolls as a result of routine purges. In Maricopa County alone, 1.1 million potential voters were erased between 2008 and 2018. The number of voters deleted erroneously is unknown, but minorities and low-income voters are more likely to suffer the impact.<sup>60</sup>

Federal law requires states to maintain a centralized voter registration database. Each state develops processes for removing voters who have become ineligible because of death, felony conviction, mental incompetency, or change of residence. Data sources include the Social Security Administration (SSA) Master Death List and periodic reports from public health agencies, law enforcement agencies, and courts.<sup>61</sup> In Arizona, when the county recorder receives some indication that a resident has moved (such as undelivered voter pamphlets returned by the post office), a notice is mailed to the address on file. If no response arrives within 35 days, the voter is reclassified as "inactive." If the voter does not cast a ballot in the next two general elections, the name is purged.<sup>62</sup>

However, the system is only as good as the data on which it is based. Inaccurate databases, clerical errors, data entry mistakes, and infrequent report updates from government agencies rob legitimate voters of their eligibility.<sup>63</sup> For example, the SSA mistakenly identifies 14,000 people annually as deceased.<sup>64</sup> As noted above, because the MVD did not notify the elections department when people changed addresses on their driver's license, 390,000 Arizonans in the past four years had inaccurate addresses in the voter registration database.<sup>65</sup> Because low-income and minority voters are less likely to own a home and tend to move more frequently, their names are more likely to be purged from

the voter rolls. In an analysis of zip codes in Maricopa County, the highest purge rates were in zip codes with large minority populations and poverty rates 2.5 times higher than the state level.<sup>66</sup>

Arizona participated for eight years in the Interstate Voter Registration Crosscheck Program, the controversial program championed by former Kansas Secretary of State Kris Kobach. By comparing a state's voter registration database with those of other states, it was designed to identify potential "double voters"—citizens who moved to another state and registered to vote there without canceling their previous registration. However, Crosscheck was notorious for being wildly inaccurate—misidentifying potential "double voters" in 99% of the cases.<sup>67</sup> Arizona was active in Crosscheck from 2009 through 2017, but did not formally withdraw until March 2019.<sup>68</sup> In December 2018 Arizona joined the Electronic Registration Information Center (ERIC), a more sophisticated interstate database cross-checking program developed with assistance from the Pew Charitable Trust.<sup>69</sup>

## Attacking the Redistricting Commission

In 2000 Arizona voters passed a state constitutional amendment creating the Arizona Independent Redistricting Commission. Instead of state legislators drawing the election district lines every ten years after the census, a five-member independent panel determines the boundaries. As a result, Arizona is now one of the least gerrymandered states in the country.<sup>70</sup>

However, the Republicans have challenged the authority of the Commission in multiple lawsuits. One lawsuit challenged the constitutionality of independent commissions altogether, claiming that only state legislatures could configure election districts.<sup>71</sup> Another claimed partisan gerrymandering because the population of each district was not equal. (The Commission had allowed some minor deviations in population in a few districts so that racial and ethnic minorities would have an opportunity to elect minority candidates.)<sup>72</sup> The Supreme Court ruled against the Republican plaintiffs in 2015 and 2016, respectively.<sup>73</sup>

Since then, Republican lawmakers have continued their attack on the Commission. In 2018 they introduced a constitutional amendment that would have changed the composition of the panel from five (two Republicans, two Democrats, one independent) to nine (three of each) and would have required that the smallest and largest districts have a 2% or less difference in population.<sup>74</sup> It passed the House but died in the Senate.<sup>75</sup> This year the Republicans tried to limit the population difference among the districts to a specific number—5,000 people or fewer.<sup>76</sup> Having passed the Senate, the proposed constitutional amendment would have to be passed by the House before being placed on the ballot for citizen approval.<sup>77</sup>

A new Commission will be appointed in Arizona in 2021 to adopt new congressional and legislative districts following the completion of the U.S. Census.<sup>78</sup> The role of state legislators in maintaining and supporting the independent nature of this new Commission will be critical to ensure fair elections for the decade to come.

## Conclusion

Republicans have sponsored bills and enacted laws that suppress voter participation in virtually every aspect of the election process. The comprehensive nature of their efforts points to a deliberate strategy to limit voters—particularly certain groups of voters—from having a voice in political decisions. Without any evidence-based justification for these laws, they serve only to suppress the right of every citizen to vote—the very essence of our democracy.

## Source Notes

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### OVERVIEW

<sup>1</sup> “Democracy Diverted”

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<sup>3</sup> “Debunking the Voter Fraud Myth”

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<sup>4</sup> “The Truth About Voter Fraud”

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<sup>5</sup> “A comprehensive investigation of voter impersonation finds 31 credible incidents out of one billion ballots cast”

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<sup>6</sup> “Comprehensive Database of U.S. Voter Fraud Uncovers No Evidence That Photo ID Is Needed”

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<sup>7</sup> “Officials in all-mail balloting states say GOP claims of fraud are false”  
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## GUTTING THE CITIZEN INITIATIVE AND REFERENDUM PROCESSES

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