



MEMORANDUM

Date: April 10, 2017

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator

A handwritten signature in black ink, appearing to read "CHH", is written over the printed name "C.H. Huckelberry".

Re: **Voter Registration System Dispute**

A dispute has arisen regarding the voter registration system in Arizona. The dispute is primarily between the Recorders in each county in Arizona and the Secretary of State.

The Secretary of State has asked the Arizona Legislature to require that a new voter registration system be imposed on all counties in Arizona. Because of the number of voters in both Maricopa and Pima Counties, Maricopa and Pima have developed their own voter registration systems and databases. Pima County's system has been in existence for almost 20 years. A significant upgrade was implemented in 2014 to modernize the system. Over the past decade, approximately \$4 million has been spent on designing, developing and implementing our voter registration system; and it has served Pima County, the voters and taxpayers well over the years.

Attached is an April 6, 2017 letter from the Pima County Recorder to the Secretary of State and a March 20, 2017 letter from Secretary of State requesting an Attorney General opinion. In reviewing the questions asked in the March 20, 2017 letter, it is clear the request is directed to the Attorney General regarding the voter registration systems, databases and operation of same in Maricopa and Pima Counties.

I have asked our Elections Attorney, Daniel Jurkowitz, as well as Chief Civil Deputy County Attorney Thomas Weaver, to review this request and provide appropriate input to the Attorney General, if so requested, regarding the answers that may be provided to the opinion request.

The County will oppose any unilateral imposition of new voter registration database systems and/or standards that impose an undue burden on the Recorder, as well as additional costs to Pima County taxpayers for replacing systems that are adequate and secure today.

CHH/anc
Attachments

c: The Honorable F. Ann Rodriguez, Pima County Recorder
Thomas Weaver, Chief Civil Deputy County Attorney
Daniel Jurkowitz, Deputy County Attorney
John Voorhees, Assistant County Administrator
Michael Racy, Racy Associates, Inc.



MICHELE REAGAN
Secretary of State
State of Arizona

- b. For example, 13 Arizona counties keep electronic records in the statewide voter registration database of voter registrations that have been held in suspense or have been rejected, whereas Maricopa County does not transmit information about rejected registrations and Pima County does not transmit information about rejected registrations or registrations held in suspense. Are Maricopa and Pima Counties required to transmit this information to the statewide voter registration database?
 - c. As another example, 13 Arizona counties keep electronic records in the statewide voter registration database of registrants who voted a provisional or early ballot and specify whether that ballot was counted or rejected, whereas Maricopa and Pima Counties only transmit provisional and early ballot information in cases where the ballot was counted. Are Maricopa and Pima Counties required to transmit all provisional and early ballot information, regardless of whether the ballot was counted or rejected?
3. Under federal and state law governing public records and voter registration information, is the Secretary of State permitted to decline to fulfill a proper request for voter registration information and instead direct the requester to seek that information from each individual county?
- a. Does the answer to Question 3 depend upon whether the public records request specifically cites the federal National Voter Registration Act versus Arizona's public records laws?
4. Under federal and state law (including court rules), is the Secretary of State permitted to decline to respond to a subpoena or request for production in litigation for voter registration information and instead direct the requester to seek the voter registration information from each individual county?

Thank you for your prompt attention to this matter. If you have any questions, please contact Eric Spencer, State Election Director, at (602) 542-8683.

Sincerely,

A handwritten signature in blue ink that reads "Michele Reagan".

Michele Reagan
Secretary of State