



OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

TERRY GODDARD
ATTORNEY GENERAL

August 17, 2005

The Honorable Janice K. Brewer
Secretary of State
1700 West Washington Street
Phoenix, Arizona 85007

Re: Procedures for Proof of Identification at the Polls

Dear Secretary Brewer:

This letter constitutes my approval, pursuant to A.R.S. § 16-452(B), of the Procedures for Proof of Identification at the Polls, which supercedes pages 92-96 of the 2004 Secretary of State's Electronic Voting System Instructions and Procedures Manual relating to provisional ballots. In approving these Procedures, I understand that certain unclear or ambiguous provisions are to be interpreted to have the following meanings:

On page 2, the Procedures provide, "If the name on the identification(s) does not reasonably appear to be the same as the announced name, the elector shall be instructed to obtain proper identification." This provision does not apply to a person who has a name change due to marriage or a court order. Such a person would be entitled to vote a provisional ballot pursuant to A.R.S. § 16-137 following the "Polling Place Process for Elector Whose Name Does Not Appear on the Signature Roster" that appears on page 3 of the Procedures.

Page 4 of the Procedures makes it clear that the official signature rosters for the polling places shall include the elector's residence address and mailing address, if different. When the Procedures direct poll workers to compare the address on the ID with the address on the signature roster and more than one address appears, only one of the signature roster addresses must reasonably appear to be the same as the ID address.

Pages 1 and 4 of the Procedures refer to Native Americans by several different terms. All the different terms used have the same meaning, *i.e.* "members of federally-recognized Native American Tribes." Further, the term "tribal identification" on page 4 includes any identification document that bears the name of a member of a federally-recognized Native American Tribe that is issued by a Tribe or by the federal government, including but not limited to a Certificate of Indian Blood or a voter registration card issued by an appropriate tribal authority.

Page 1 of the Procedures includes a recorder's certificate as a form of acceptable identification without a photograph. However, on page 3, the Procedures state that if a voter "presents two forms of identification that bear the name and address of the elector without a photograph of the elector, the poll

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worker shall compare the name and address on the two pieces of identification with the name and address on the recorder's certificate." In this instance, the recorder's certificate serves a dual purpose: (1) it takes the place of the voter's name on the signature roster; and (2) it serves as one form of acceptable identification. Only one additional form of acceptable identification would need to be produced, not two.

Upon receiving the Governor's approval, I will submit the Procedures to the Department of Justice and request expedited consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Goddard", with a stylized flourish at the end.

Terry Goddard
Arizona Attorney General

cc: The Honorable Janet Napolitano
The Honorable Ken Bennett
The Honorable Linda Aguirre
The Honorable Tim Bee
The Honorable James Weiers
The Honorable Phil Lopes
The Honorable Steve Tully