



U.S. Department of Justice

Civil Rights Division

JKT:RPL:ANS:par
DJ 166-012-3
2005-2943

*Voting Section - NWB.
950 Pennsylvania Avenue, N.W.
Washington, DC 20530*

October 7, 2005

Jessica Funkhouser, Esq.
Special Counsel
1275 West Washington
Phoenix, Arizona 85007-2926

Dear Ms. Funkhouser:

This refers to the procedures to implement Proposition 200, regarding proof of identification at the polls, for the State of Arizona, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on August 19, 2005; supplemental information was received through September 28, 2005.

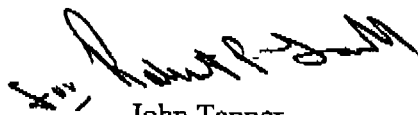
The Attorney General does not interpose any objection to the specified change. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change. In addition, as authorized by Section 5, we reserve the right to reexamine this submission if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. Procedures for the Administration of Section 5 of the Voting Rights Act (28 C.F.R. 51.41 and 51.43).

We note that the September 28, 2005, email notice from Mr. Joseph Kanefield, State Election Director, to County Recorders and Election Directors, clarifies an important point. Recorders have discretion in determining the most convenient locations for receiving voters' identification where the voters have been issued provisional ballots because they did not provide the appropriate identification at the polls. Thus, the various counties will be able to establish satellite offices or sites, in addition to the county recorder's office, for such purpose, as a number of counties have already done. Local jurisdictions, however, are not relieved of their responsibility to seek Section 5 review of any changes affecting voting that are adopted in this regard (e.g., the establishment of receiving locations for identification, and any related attendant

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changes affecting voting). See 28 C.F.R. 51 . We will endeavor to expedite our review of such submissions so as to serve the convenience of voters.

Sincerely,

A handwritten signature in black ink, appearing to read "John Tanner", is written over the typed name.

John Tanner
Chief, Voting Section

TOTAL P.03