



OFFICE OF THE PINAL COUNTY ATTORNEY
BRAD MILLER
COUNTY ATTORNEY

October 22, 2025

Kris Mayes
Office of the Arizona Attorney General
2005 North Central Avenue
Phoenix, AZ 85004

To: Kris Mayes, Arizona Attorney General
RE: Request for opinion

Madam Attorney General:

The purpose of this request is to seek clarification from the Arizona Attorney General regarding Attorney General Opinion I25-007 (“I25-007”) dated August 18, 2025. I25-007 addressed the treatment of voters with legacy MVD credentials who may not have provided proof of authorized presence to MVD. The “Summary Answers” section of I25-007 states the following:

County recorders currently have no legal authority to cancel registrations of the Affected Voters, in whole or in part, merely because of the error in Arizona’s voter registration system relating to the issuance date of licenses. Absent a change in the law, county recorders must maintain the existing registration status of each Affected Voter unless a recorder has affirmative evidence that a specific voter is ineligible to vote, such as evidence that the voter is not a U.S. citizen.

The Pinal County Attorney’s Office agrees with the above, however additional questions remain as to how to address those Affected Voters who attempt to update their voter registration records themselves.

A.R.S. § 16-121.01(C) requires the County Recorder to reject “any application for registration that is not accompanied by satisfactory evidence of citizenship”. Any person who moves from one county to another and who registers to vote in that new county is required to provide satisfactory evidence of United States citizenship, commonly referred to as documentary proof of citizenship, or “DPOC”. A.R.S. § 16-166(F) and (G). In addition, voters are required to reregister to vote in the event of a change to their name, political party, or address. A.R.S. §§ 16-135–137.

Under A.R.S. § 16-542, voters may “update” their voter registration information at the time of submitting a request to receive an official early ballot. Part of this “update” includes that the voter provide their name, address, and date of birth. The voter may make this request of the county recorder or other officer in charge of elections by means of either a verbal request or a signed request. This request does not require the use of a voter registration form as prescribed in

A.R.S. § 16-152. This request is typically submitted via a ‘90 Day Notice’ that is sent to the county recorder in advance of the election date.

Arizona Constitution Article 4, Part 1, Section 1(5), states that any measure or amendment to the Constitution proposed under an initiative shall become law (the “effective date”) when approved by a majority of the votes cast and upon proclamation of the Governor. The 2019, 2021 Draft, and 2023 Elections Procedures Manual (EPM) each used December 13, 2004 as the effective date as to when Proposition 200 (“Prop 200”) (2004) became law. However, the current 2025 EPM Draft states that January 24, 2005 is the effective date as to when Prop 200 became law. Other legal resources, such as Thomson Reuters (Westlaw), have stated December 8, 2004 is the effective date of Prop 200. The effective date of Prop 200 matters because this affects whether or not certain voters are or are not required to provide DPOC pursuant to the requirements of A.R.S. § 16-166.

Accordingly, I am respectfully requesting an Attorney General Opinion as to the following:

1. Does the term “any application for registration” as used in A.R.S. § 16-121.01(C) refer to only first-time (“new”) registrations submitted by applicants that have never previously submitted an application for registration to the county recorder, or does the term “any application for registration” include the aforementioned “updates” to registrations as occur under A.R.S. §§ 16-135 – 137?
2. Does a voter registration “update” as occurs under A.R.S. § 16-542 constitute an application for reregistration as outlined in A.R.S. §§ 16-135 – 137?
3. What is the effective date of Prop 200 (2004) as referenced in A.R.S. § 16-166(G)?

Thank you for your consideration of this request.

Sincerely,



Brad Miller
Pinal County Attorney

cc: Joshua Bendor, Solicitor General
Joshua Whitaker, Special Litigation Unit Chief
Dana Lewis, Pinal County Recorder