



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

<p>ATTORNEY GENERAL OPINION By KRIS MAYES ATTORNEY GENERAL December 23, 2025</p>	<p>No. I25-009 (R25-017) Re: Treatment of Voters with Legacy MVD Credentials Who May Not Have Provided Proof of Authorized Presence to MVD and Who Seek to Update Their Registration Records; Effective Date of Proposition 200</p>
--	---

To: Brad Miller
Pinal County Attorney

Questions Presented

Under Arizona law, people who seek to register to vote may demonstrate that they are U.S. citizens by providing “satisfactory evidence of United States citizenship.” A.R.S. § 16-166(F). The most common type of evidence is the number of a person’s Arizona driver license if the license was issued after October 1, 1996. A.R.S. § 16-166(F)(1).

In the last two decades, many Arizona voters provided an Arizona driver license number when they registered to vote. For some voters, their license had been issued before October 1, 1996, but county recorders deemed it satisfactory evidence of citizenship anyway due to an error in Arizona’s registration system. This opinion refers to this group as the “Affected Voters.” It is unclear how many of the Affected Voters provided other evidence of citizenship (in addition to a driver license number) when they registered to vote.

Election officials discovered this error in Arizona’s voter registration system last year. Earlier this year, the Secretary of State asked my office for a legal opinion on how county recorders may treat the Affected Voters. My office explained: Under current law, county recorders must maintain the existing registration 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. County recorders may ask Affected Voters to resubmit evidence of citizenship, but if an Affected Voter does not respond, the mere lack of response would not authorize the recorder to cancel or downgrade the voter’s registration. *See* Ariz. Att’y Gen. Op. I25-007 (Aug. 18, 2025), available at 2025 WL 2492118.

You have asked follow-up questions about two issues.¹ The first issue is how county recorders may treat Affected Voters who seek to update their registration records. Arizona voters can update their registration records in some situations, including when requesting an early ballot (*see* A.R.S. § 16-542), and these updates may include changes in the voter’s address, political party, and name (*see* A.R.S. § 16-135 through -137). Thus, you have asked: When Affected Voters update their registration records, may county recorders require them to submit evidence of citizenship?

The second issue is the date on which Arizona’s evidence-of-citizenship requirement became effective. When Arizona amended its laws decades ago to add an evidence-of-citizenship requirement, people who were already registered to vote “on the effective date” of the amendment were exempt. A.R.S. § 16-166(G). Thus, you have asked: What was the effective date of that amendment?

¹ Your request lists three questions, but your first two questions are closely related. For simplicity, this opinion combines your first two questions into one and rephrases them.

Summary Answers

1. When an Affected Voter seeks to update a registration record in the county in which he or she is registered, the county recorder is not permitted to require evidence of citizenship. However, when an Affected Voter seeks to register in a new county, the recorder of the new county must require evidence of citizenship as a condition of registration for at least some elections, unless the recorder already can access satisfactory evidence of the voter's citizenship.
2. The effective date of the amendment that created Arizona's evidence-of-citizenship requirement is January 24, 2005.

Background for Question #1

(How to Treat Affected Voters Who Update Their Registration)

Since statehood, the right to vote in Arizona has been limited to U.S. citizens. Ariz. Const. art. VII, § 2(A). Whether and how voters in Arizona must prove their citizenship is a question that has become complex in recent years.

Much of the relevant background was explained in my office's recent opinion in response to the Secretary of State's question about how county recorders may treat Affected Voters. *See* Ariz. Att'y Gen. Op. I25-007 (Aug. 18, 2025), available at 2025 WL 2492118. That opinion summarized the history of Arizona's evidence-of-citizenship requirement, described Arizona's process for rejecting incomplete voter registration forms, and described Arizona's process for cancelling registrations of existing voters who are ineligible to vote. *See id.*

This opinion assumes that you are familiar with my office's recent opinion about how county recorders may treat Affected Voters. Additional background information relevant to your questions is provided here.

I. In Arizona, once a county recorder has approved a voter’s evidence of citizenship, the recorder may not require the voter to resubmit evidence of citizenship in the county unless there is affirmative evidence that the voter is not a citizen.

In Arizona, when someone applies to register to vote, the county recorder determines at the time of registration whether the applicant has satisfactory evidence of U.S. citizenship. This is because Arizona law requires county recorders to evaluate whether the “application for registration” is accompanied by satisfactory evidence of citizenship. A.R.S. § 16-166(F). Recent statutes require county recorders to reject any state-created “application for registration” (known as a State Form) that is not accompanied by satisfactory evidence of citizenship, *see* A.R.S. § 16-121.01(C), and to reject any federally created “application for registration” (known as a Federal Form) when the applicant is found to be a non-citizen, *see* A.R.S. § 16-121.01(D), (E).

Upon receiving an application for registration, the county recorder must evaluate the applicant’s evidence of citizenship promptly. If the application is a State Form, the county recorder must notify the applicant of any missing evidence of citizenship “within ten business days of receipt” of the application. A.R.S. § 16-134(B); *see also* A.R.S. § 16-121.01(C) (following A.R.S. § 16-134(B)). Similarly, if the application is a Federal Form, the county recorder must use all available resources to verify citizenship status “[w]ithin ten days after receiving” the application and must notify applicants who are found to be non-citizens or whose citizenship could not be verified. A.R.S. § 16-121.01(D)–(E).

Importantly, once a county recorder determines that an applicant provided satisfactory evidence of U.S. citizenship and registers the applicant to vote, the recorder may not require the person to resubmit evidence of citizenship in the county unless there is affirmative evidence that the voter is not a U.S. citizen. In other words, the recorder’s approval of evidence of citizenship is permanent within the county, absent evidence of non-citizenship. This permanence has long been a feature of Arizona’s evidence-of-citizenship requirement, as explained below.

A. Relevant provisions of Proposition 200

The history of Arizona's evidence-of-citizenship requirement began when Arizonans approved Proposition 200 in 2004. Under Proposition 200, a county recorder's approval of a voter's evidence of citizenship is permanent within the county. Proposition 200 specified that voters who update their residence "shall not be required to submit" evidence of citizenship; indeed, once a voter demonstrates his or her citizenship to a county recorder, the voter is "not required to resubmit" evidence of citizenship in that county:

A person who modifies voter registration records with a new residence ballot *shall not be required to submit* evidence of citizenship. After citizenship has been demonstrated to the county recorder, the person *is not required to resubmit* satisfactory evidence of citizenship in that county.

A.R.S. § 16-166(I) (emphasis added). The Legislative Council provided a similar explanation of Proposition 200 in 2004, stating: "Once a person has submitted sufficient evidence of citizenship, the person *is not required to resubmit* the evidence when making changes to voter registration information in the county where the evidence has been submitted." (Emphasis added.)²

Another part of Proposition 200 confirms that a county recorder's approval of evidence of citizenship was intended to be permanent within the county. Under Proposition 200, if a county recorder finds that a voter submitted satisfactory evidence of citizenship, this finding must be logged in the voter's "permanent voter file," but the recorder may "destroy" all underlying citizenship documents submitted by the voter after two years:

After a person has submitted satisfactory evidence of citizenship, the county recorder shall indicate this information in the person's *permanent voter file*. After two years the county recorder may *destroy* all documents that were submitted as evidence of citizenship.

² The text of Proposition 200 and contemporaneous analysis by the Legislative Council are available at <https://apps.azsos.gov/election/2004/info/PubPamphlet/english/prop200.htm> (accessed Dec. 15, 2025).

A.R.S. § 16-166(J) (emphasis added). In other words, the authors of Proposition 200 decided that a recorder’s approval of evidence of citizenship is a permanent record, even though the supporting documents need not be kept.

That said, Proposition 200 identifies at least one situation in which a county recorder may require a voter to submit evidence of citizenship after the voter is registered. Specifically, voters who were already registered in Arizona when the evidence-of-citizenship requirement became effective were “deemed to have provided” satisfactory evidence of citizenship, but county recorders may require such voters to resubmit evidence of citizenship if they are “changing voter registration from one county to another”:

[A]ny person who is registered in this state on the effective date of this amendment to this section is deemed to have provided satisfactory evidence of citizenship and shall not be required to resubmit evidence of citizenship *unless the person is changing voter registration from one county to another.*

A.R.S. § 16-166(G) (emphasis added). In other words, the authors of Proposition 200 decided to exempt already-registered voters from the new evidence-of-citizenship requirement, but such voters would lose this exemption if they move to a new county.

Similarly, Proposition 200 clarifies that a voter’s “proof of voter registration from another state or county” is not, by itself, satisfactory evidence of citizenship. A.R.S. § 16-166(H). Thus, a voter who previously registered in one county and seeks to register in a new county may not rely merely on his or her registration from the old county to prove citizenship.

B. Relevant provisions of Arizona’s Elections Procedures Manual

To understand how the abovementioned provisions in Proposition 200 have worked in practice, consider the history of Arizona’s Elections Procedures Manual (“EPM”).³

³ Arizona’s Secretary of State periodically issues an EPM for the benefit of election workers after approval of the Governor and Attorney General. *See* A.R.S. § 16-452(B). Previous versions of the EPM are available at <https://azmemory.azlibrary.gov/>.

1. 2006–2018

In 2006, after Proposition 200 passed, Arizona’s EPM explained that a voter who merely modifies his or her registration record in a county “does not need to provide” evidence of citizenship, but a voter who previously registered in one county and now seeks to register in a new county is “required to provide” evidence of citizenship:

Any registrant modifying their registration record in the county they are currently registered in *does not need to provide* proof of citizenship. If the registrant is registered in Arizona and now is registering in a new county, the registrant *is required to provide* proof of citizenship pursuant to A.R.S. § 16-166(G).

2006 Ariz. EPM at 43 (emphasis added).

Similarly, when instructing county recorders how to treat voters who submit a driver license number that does not prove citizenship, Arizona’s EPM distinguished between voters who are already registered in the county and are just updating their information (in which case “no citizenship proof is required”) and voters who are registering in a new county (in which case “other satisfactory proof of citizenship” is required):

If the driver license[] number entered on the voter registration form was issued on or before October 1, 1996, or the driver license type is “F” (foreign or out of country) or “N” (commercial foreign or out of country), the recorder shall take the following steps:

- a. Ensure the driver license number was entered correctly. . . .
- b. If the driver license number was entered correctly, check the current database to determine if the registrant is currently registered to vote in that county. If the voter *is registered to vote in that county and is only updating the voter registration information, no citizenship proof is required.*
- c. If it is determined that the voter is a first time registrant or *is reregistering in a different county, check to see if other citizenship documents were provided* with the voter registration application. *If the registrant provided other satisfactory proof of citizenship, the registration should be accepted.*
- d. If no satisfactory proof of citizenship is provided, the voter registration record should be cancelled and the voter should be contacted within ten business days

of receipt of the registration form as provided by A.R.S. § 16-134 with a request to provide proper proof of citizenship.

2006 Ariz. EPM at 45–46 (emphasis added).

Consistent with these EPM instructions to county recorders, the State Form in 2006 gave similar instructions to voters. The State Form explained to voters that, if they are already registered and are just updating their information, they “do not need to provide” evidence of citizenship; but if they move to a new county, then they “need to provide” evidence of citizenship:

If this is your first time registering to vote in Arizona or you have moved to another county in Arizona, your voter registration form must also include proof of citizenship or the form will be rejected. . . .

If you are registered in Arizona and use this registration form because you move within a county, change your name, or change your political party affiliation, you *do not need to provide* photocopies of proof of citizenship. If you move to a different Arizona county, you will *need to provide* proof of citizenship.

2006 Ariz. EPM at 228 (emphasis added) (quoting State Form).

Subsequent versions of Arizona’s EPM included similar instructions to county recorders, and subsequent versions of the State Form included similar instructions to voters. *See* 2007 Ariz. EPM at 45, 47–48, 279; 2010 Ariz. EPM at 36, 39, 294; 2012 Ariz. EPM at 10, 12–13, 296; 2013 Ariz. EPM at 13, 15–16, 301; 2014 Ariz. EPM at 18, 20, 308.

2. 2019–present

In 2019, after a five-year period in which Arizona’s EPM was not updated, the Secretary of State issued a new EPM with significant updates. The 2019 EPM explained that voters who were already registered when Proposition 200 became effective (and thus were exempt from the evidence-of-citizenship requirement) still “must submit” evidence of citizenship if they move to a new county:

A voter who registered to vote before December 13, 2004, and was therefore exempted from the requirement of providing DPOC, *must submit* valid DPOC if

the voter is changing voter registration from one county to another in order to be registered as a “full-ballot” voter in the new county. A.R.S. § 16-166(G).

2019 Ariz. EPM at 8 (emphasis added).⁴ However, even for such voters, if there is already a record of satisfactory evidence of the voter’s citizenship that the recorder in the new county can access, then the voter “need not resubmit” evidence of citizenship:

Registered voters who submitted valid DPOC to the County Recorder in their county of residence *need not resubmit* evidence of citizenship upon moving and registering to vote in a new county in Arizona so long as a record of their previously-submitted DPOC is accessible by the new County Recorder (e.g., via AZMVD records or the statewide voter registration database) and can be made part of their voter registration file in the new county.

Id. (emphasis added). In other words, if satisfactory evidence of a voter’s citizenship is “documented in the statewide voter registration database,” then this evidence may be used “if the voter registers in another county.” *Id.* at 8–9. The 2023 EPM included these same provisions. *See* 2023 Ariz. EPM at 9.

Similarly, the State Form in 2019 included updated instructions to voters. The State Form explained that, for voters who are already registered and previously submitted evidence of citizenship and are just updating their information, such voters “don’t need to resubmit” evidence of citizenship:

You *don’t need to resubmit* proof of citizenship if you previously registered to vote in Arizona and submitted citizenship proof, and are using this form to update your name, party affiliation, or address after moving within the state.

2019 Ariz. EPM at App’x A70 (emphasis added) (quoting State Form).

The current State Form has similar instructions to voters. The current State Form explains that, for voters who are already registered and previously submitted evidence of citizenship and are just updating their information, such voters “don’t need to resubmit” evidence of citizenship:

⁴ “DPOC” refers to “Documentary Proof of Citizenship,” a common shorthand for Arizona’s evidence-of-citizenship requirement.

If you are updating your name, party affiliation, or address after moving within the state, you *don't need to resubmit* proof of citizenship if you submitted it with your original registration.

(Emphasis added.)⁵

C. Relevant statute about cancelling voter registrations

Although a county recorder's approval of a voter's evidence of citizenship is permanent within the county under Proposition 200, county recorders may still cancel a voter's registration if they learn that the voter is, in fact, not a U.S. citizen.

Historically, the basis for this cancellation power was that the Arizona Constitution limits voting to U.S. citizens. Ariz. Const. art. VII, § 2(A); *see also* A.R.S. § 16-101(A) (listing U.S. citizenship as a voter qualification). For example, older versions of Arizona's EPM directed county recorders to cancel a voter's registration upon learning that the voter signed a juror questionnaire indicating that he or she is not a citizen. *See* 2006 Ariz. EPM at 50, 238; 2007 Ariz. EPM at 53, 296; 2010 Ariz. EPM at 44, 312; 2012 Ariz. EPM at 18, 29, 314; 2013 Ariz. EPM at 26, 37, 319; 2014 Ariz. EPM at 29, 42, 329. The 2019 EPM updated this practice slightly, so that county recorders who learn that a voter signed a juror questionnaire indicating non-citizenship must first give the voter an opportunity to provide evidence of citizenship before cancelling the registration. *See* 2019 Ariz. EPM at 36–37, App'x A87.

The Legislature codified and expanded this practice in 2022. *See* 2022 Ariz. Legis. Serv. ch. 370 (H.B. 2243), § 2 (amending A.R.S. § 16-165). Today, if a county recorder obtains official information pursuant to statute and confirms that a registered voter “is not a United States citizen,”

⁵ The current State Form is available at <https://azsos.gov/elections/voters/registering-vote> (accessed Dec. 15, 2025).

then the recorder must give the voter an opportunity to provide evidence of citizenship; if the voter does not do so, the recorder must cancel the registration. A.R.S. § 16-165(A)(10).

Thus, although a county recorder's approval of a voter's evidence of citizenship is permanent within the county under Proposition 200, an exception exists when a recorder obtains official information and confirms that a specific voter is, in fact, not a U.S. citizen.

II. In Arizona, voters may update their registration records.

Apart from the evidence-of-citizenship requirement, other Arizona laws govern how voters update their registration records. In general, voters in Arizona are free to update their registration records. In some situations, the update process is set forth in statute, as explained below.

A. Updates to residence address, political party, or name

If a registered voter in Arizona wishes to update his or her address, political party, or name, then a specific statute applies. A voter who seeks to update his or her residence address must either “reregister with the new residence address” or “correct the voter registration record as prescribed” by statute. A.R.S. § 16-135(A). A voter who seeks to update his or her political party must “reregister.” A.R.S. § 16-136. And a voter who seeks to update his or her name must either “reregister” or “correct the voter registration record by providing the new name while voting a provisional ballot.” A.R.S. § 16-137.

These statutes were enacted decades ago, before Arizona added an evidence-of-citizenship requirement for voter registration or offered online voter registration. These statutes do not specify whether a voter must provide evidence of citizenship when updating his or her registration record.

In view of these statutes, the State Form has historically instructed voters who wish to change their address, name, or political party, to either re-register or update their registration. Specifically, older versions of the State Form instructed voters to “re-register” if they wanted to change these parts of their record. *See* 2006 Ariz. EPM at 228; 2007 Ariz. EPM at 279; 2010 Ariz.

EPM at 294; 2012 Ariz. EPM at 296; 2013 Ariz. EPM at 301; 2014 Ariz. EPM at 308. Modern versions of the State Form use different language, instructing voters to “update” their registration if they want to change these parts of their record. 2019 Ariz. EPM at App’x A70 (quoting State Form).⁶

B. Methods of updating registration records

As a practical matter, when a voter in Arizona wishes to update his or her registration record, several methods are available. Three examples are discussed below.

One method is for the voter to submit a new registration form containing his or her updated information. This update method has long been recognized in Arizona’s EPM. *See, e.g.*, 2006 Ariz. EPM at 47–48; 2007 Ariz. EPM at 50–51; 2010 Ariz. EPM at 41–43; 2012 Ariz. EPM at 15–17; 2013 Ariz. EPM at 23–26; 2014 Ariz. EPM at 26–29; 2019 Ariz. EPM at 2, 22; 2023 Ariz. EPM at 2, 25–26. Consistent with the EPM, modern versions of the State Form tell voters that they may use the State Form “to register to vote in Arizona *or update* your voter registration.” *See, e.g.*, 2019 Ariz. EPM at App’x A70 (emphasis added) (quoting State Form). And registration forms need not be delivered in person, since registration can occur online. *See, e.g.*, 2019 Ariz. EPM at 23 (describing online registration through www.servicearizona.com); *accord* A.R.S. § 16-166(A) (directing county recorders to provide “an appropriate internet address for revising voter registration information or a registration form”).

Another method for a voter to update his or her registration record is to submit a request for an early ballot and include his or her updated information on the request. This method is recognized by statute, as a county recorder generally “may use the information from an early ballot

⁶ The current State Form includes this same instruction. As mentioned, the current State Form is available at <https://azsos.gov/elections/voters/registering-vote>.

request form to update voter registration records.” A.R.S. § 16-542(F). This method has also long been recognized in Arizona’s EPM. *See, e.g.*, 2006 Ariz. EPM at 62–64; 2007 Ariz. EPM at 65–66, 70; 2010 Ariz. EPM at 61–62, 66; 2012 Ariz. EPM at 38, 42; 2013 Ariz. EPM at 46–47, 50; 2014 Ariz. EPM at 51–52, 55–56; 2019 Ariz. EPM at 2, 47–48; 2023 Ariz. EPM at 2, 56–57. Accordingly, the standard form that voters use to request an early ballot asks the requestor whether he or she “would like to update their registration record with the information provided.” 2023 Ariz. EPM at 56–57.

A third method for a voter to update his or her registration record is to respond to the standard pre-election notice that county recorders send to voters on the early voting list.⁷ By law, county recorders generally must send such voters a notice at least 90 days before each election, and the notice must include (among other things) a way for voters to update their address. A.R.S. § 16-544(D). Accordingly, Arizona’s EPM has historically required such notices to include a section allowing voters to respond by updating their registration information, including at least their address. *See, e.g.*, 2007 Ariz. EPM at 67–68; 2010 Ariz. EPM at 63–64; 2012 Ariz. EPM at 40; 2013 Ariz. EPM at 48; 2014 Ariz. EPM at 53–54; 2019 Ariz. EPM at 53; 2023 Ariz. EPM at 63. Likewise, the notices themselves have historically informed voters that they may respond by updating their registration information. *See, e.g.*, 2007 Ariz. EPM at 310; 2010 Ariz. EPM at 328; 2012 Ariz. EPM at 330; 2013 Ariz. EPM at 335; 2014 Ariz. EPM at 345; 2019 Ariz. EPM at App’x A218.

There are other methods by which voters in Arizona may update their registration records, but these examples are illustrative.

⁷ The early voting list consists of voters who have signed up to automatically receive early ballots by mail. *See* A.R.S. § 16-544(A), (B), (C).

Analysis of Question #1

(How to Treat Affected Voters Who Update Their Registration)

When an Affected Voter seeks to update a registration record, the legal authority of the county recorder differs depending on whether the Affected Voter is (1) seeking an update in the county in which he or she is already registered or (2) seeking to register in a new county. Both situations are discussed below.

I. When an Affected Voter seeks to update a registration record in the county in which the voter is registered, the county recorder is not permitted to require evidence of citizenship.

As explained above, once a county recorder determines that a voter registration applicant has provided satisfactory evidence of U.S. citizenship and registers the applicant, the recorder may not require the applicant to resubmit evidence of citizenship in the county, absent affirmative evidence that the voter is not a U.S. citizen. *See Background § I above.* This is because the authors of Proposition 200 decided that a county recorder's approval of evidence of citizenship is permanent within the county. Proposition 200 specified: "After citizenship has been demonstrated to the county recorder, the person *is not required to resubmit* satisfactory evidence of citizenship in that county." A.R.S. § 16-166(I) (emphasis added); *see also* Background § I.A above.

The decision to assign permanence to a county recorder's approval of evidence of citizenship was a policy decision. The authors of Proposition 200 may have reasoned that U.S. citizens nearly always remain U.S. citizens, so requiring voters to resubmit evidence of citizenship when they update their registration records in a county would not be worthwhile. Whatever the reason, the authors of Proposition 200 made this decision, and Arizonans enacted it.

Consistent with this policy decision, Arizona's EPM and Arizona's voter registration forms have long recognized that a county recorder's approval of evidence of U.S. citizenship is permanent within the county. *See Background § I.B above.* For decades, the practice among

election officials in Arizona has been: When a registered voter (whose evidence of citizenship was previously approved) seeks to update his or her registration record in a county, the voter need not submit evidence of citizenship. *See id.* Rather, in those situations, the county recorder's prior approval of the voter's evidence of citizenship governs—except in the rare case where the recorder obtains official information and confirms that the voter is, in fact, not a citizen. *See A.R.S. § 16-165(A)(10); Background § I.C above.*

This principle of permanence applies to the Affected Voters too. The Affected Voters submitted an Arizona driver license number when they registered to vote, and county recorders deemed it satisfactory evidence of citizenship based on the information they had. *See Ariz. Att'y Gen. Op. I25-007* (Aug. 18, 2025), available at 2025 WL 2492118. Some of the Affected Voters may have provided other types of evidence of citizenship (in addition to a driver license number) when they registered to vote. *See id.* Because a county recorder's approval of evidence of citizenship is permanent within the county, a recorder may not require an Affected Voter to submit evidence of citizenship to update his or her registration record in the county. To do so would conflict with Proposition 200.⁸

Despite the fact that county recorders are not permitted to require Affected Voters to submit evidence of citizenship for intra-county registration updates, county recorders may still have concerns about Affected Voters. One concern may arise from the possibility that some of the Affected Voters never actually provided satisfactory evidence of citizenship, even though the

⁸ Even if there were no conflict with Proposition 200, county recorders might still lack authority to require Affected Voters to submit evidence of citizenship for intra-county registration updates. *See Arizona Pub. Integrity All. v. Fontes*, 250 Ariz. 58, 62 ¶ 14 (2020) (county recorder authority “is limited to those powers expressly or impliedly delegated” by state law); Ariz. Att'y Gen. Op. I25-007 (Aug. 18, 2025), available at 2025 WL 2492118 (generally discussing county recorder authority with respect to Affected Voters). It is unnecessary to consider this issue further, given the conflict with Proposition 200.

county recorder previously approved the evidence they submitted. Another concern may arise from the fact that some updates to voter registration records resemble applications for registration, which generally require evidence of citizenship. Both concerns are addressed below.

A. Uncertainty about an Affected Voter’s previous evidence of citizenship does not permit a county recorder to require evidence of citizenship to update a registration record in the county.

County recorders may be unsure whether Affected Voters in their county did, in fact, provide satisfactory evidence of citizenship when they registered to vote. This is because county recorders’ previous approval of Affected Voters’ driver license numbers was based on a technical error that went undiscovered for years, and it is unknown how many of the Affected Voters provided other types of evidence of citizenship (in addition to driver license numbers) when they registered to vote. *See Ariz. Att’y Gen. Op. I25-007* (Aug. 18, 2025), available at 2025 WL 2492118.

This uncertainty, however, is the natural result of Proposition 200. Indeed, Proposition 200 specified that county recorders must log their approval of a voter’s evidence of citizenship in the voter’s “permanent voter file,” but may “destroy” all underlying documents submitted by the voter after two years. A.R.S. § 16-166(J). By making the county recorder’s *approval* of evidence of citizenship a permanent record, while allowing underlying *documents* to be destroyed, the authors of Proposition 200 made possible a situation in which a recorder becomes unsure whether a voter’s previous evidence of citizenship was sufficient but has no way to check.

This, too, was a policy decision. The authors of Proposition 200 may have reasoned that the importance of finality and cost-effectiveness in evaluating voters’ evidence of citizenship outweighs the importance of keeping records that would allow re-examination of a county recorder’s evaluation years later. Again, whatever the reason, the authors of Proposition 200 made this decision, and Arizonans enacted it.

Moreover, county recorders are not entirely without tools to handle the Affected Voters. As explained in a previous opinion, county recorders may inquire whether Affected Voters are U.S. citizens, including by asking them to voluntarily provide satisfactory evidence of citizenship. *See* Ariz. Att'y Gen. Op. I25-007 (Aug. 18, 2025), available at 2025 WL 2492118. And, in the rare case that a county recorder obtains affirmative evidence that a specific voter is not a U.S. citizen, the recorder may initiate a notice and cancellation process for that voter, following statutory procedural protections. *See id.*

But the tools available to county recorders do not include the power to require Affected Voters to submit evidence of citizenship when they update a registration record in a county. Such a power would be inconsistent with the text, context, and history of Proposition 200.

B. Updating a registration record in a county is not an “application for registration” that would permit the recorder to require evidence of citizenship.

A related issue is whether a voter’s update to a registration record in a county is, itself, an application for registration. This issue matters because Proposition 200 required county recorders to reject any “application for registration” that is not accompanied by satisfactory evidence of citizenship. A.R.S. § 16-166(F). Similarly, recent statutes require county recorders to reject any State Form “application for registration” that is not accompanied by satisfactory evidence of citizenship, *see* A.R.S. § 16-121.01(C), and to reject any Federal Form “application for registration” when the applicant is found to be a non-citizen, *see* A.R.S. § 16-121.01(D), (E).

At first glance, one might think that a voter’s update to a registration record in a county could be deemed an “application for registration” in some sense. For example, a voter who updates his or her political party is said to “reregister.” A.R.S. § 16-136; *see also* Background § II.A above. Similarly, voters use a variety of methods to update their registration records, and some methods resemble an application for registration—including submitting a registration form with updated

information about the voter, or submitting a request for an early ballot that includes updated information about the voter. *See Background II.B above.*

However, none of these updates is an “application for registration” in the sense used in Proposition 200 (or in more recent statutes) for purposes of Arizona’s evidence-of-citizenship requirement.

Start by reviewing Proposition 200. Although Proposition 200 required county recorders to reject any “application for registration” not accompanied by satisfactory evidence of citizenship, Proposition 200 also specified that voters who submit satisfactory evidence of citizenship need not “resubmit” such evidence in the county—including when a voter “modifies voter registration records” to update his or her residence. *Compare A.R.S. § 16-166(F) with § 16-166(I).* Similarly, the Legislative Council’s analysis of Proposition 200 explained that, once a voter submits sufficient evidence of citizenship, the voter “is not required to resubmit the evidence when making changes to voter registration information in the county.” *Background I.A above.*

Evidently, the authors of Proposition 200 interpreted the term “application for registration” narrowly, to mean when someone *initially* registers to vote in a county. They did not interpret the term to include post-registration updates to a voter’s record in a county. Indeed, that broad interpretation—which would require voters to resubmit evidence of citizenship when updating registration records—would contradict the principle of permanence discussed above: a county recorder’s approval of a voter’s evidence of citizenship is permanent within a county. To avoid this contradiction, Proposition 200 should be interpreted “as a consistent and harmonious whole.”

Hoffman v. Chandler ex rel. Cnty. of Pima, 231 Ariz. 362, 363 ¶ 7 (2013) (cleaned up).

The historical application of Proposition 200 confirms that, for decades, election officials in Arizona have understood “application for registration” to refer to a person’s *initial* application

to register to vote in a county—not an existing voter’s effort to update a registration record in a county. Indeed, Arizona’s EPM and Arizona’s voter registration forms have long distinguished between people who initially register to vote in a county (in which case evidence of citizenship is generally required) and existing voters who seek to update their registration records in a county (in which case evidence of citizenship is not required). *See Background § I.B above.*

And there is no indication that more recent statutes about Arizona’s evidence-of-citizenship requirement redefine the term “application for registration” to depart from the well-established meaning of the term in Proposition 200. *See A.R.S. § 16-121.01(C), (D), (E).*⁹

For these reasons, a voter who seeks to update a registration record in a county is not submitting an “application for registration” for purposes of Arizona’s evidence-of-citizenship requirement. This is true regardless of which parts of the registration record the voter seeks to update and regardless of which method the voter uses to accomplish the update.

The correct understanding of the term “application for registration” in Proposition 200 confirms: When an Affected Voter seeks to update his or her registration record in a county, the recorder is not permitted to require the voter to provide evidence of citizenship.

II. When an Affected Voter seeks to register in a new county, the recorder of the new county must require evidence of citizenship for at least some elections, unless the recorder already can access satisfactory evidence of the voter’s citizenship.

Although Proposition 200 specified that a county recorder’s approval of a voter’s evidence of citizenship is permanent “in that county,” A.R.S. § 16-166(I), this principle of permanence does not apply when a voter seeks to register in a new county. Rather, in such situations, the authors of

⁹ Indeed, there are limits on the Legislature’s ability to enact a statute redefining the term “application for registration” to depart from the meaning in Proposition 200. This is because Arizona’s Voter Protection Act “restricts the legislature’s power to repeal, amend, or supersede” voter-approved laws such as Proposition 200. *Cave Creek Unified Sch. Dist. v. Ducey*, 233 Ariz. 1, 6 ¶ 20 (2013).

Proposition 200 anticipated that the recorder of the new county would independently evaluate the voter's evidence of citizenship.

Consistent with this view, Proposition 200 specified that voters who were already registered to vote when the evidence-of-citizenship requirement became effective were exempt from the requirement "unless the person is changing voter registration from one county to another." A.R.S. § 16-166(G). Similarly, Proposition 200 specified that a voter's proof of registration in another county is not, itself, satisfactory evidence of citizenship. A.R.S. § 16-166(H); *see also* Background I.A above.

The decision to confine a county recorder's approval of evidence of citizenship to county boundaries was a policy decision. The authors of Proposition 200 may have reasoned that different county recorders could develop slightly differing processes for approving and recording evidence of citizenship, so a recorder in one county may prefer not to rely on a process used by a recorder elsewhere. Again, whatever the reason, the authors of Proposition 200 made this decision, and Arizonans enacted it.

The historical application of Proposition 200 confirms that, for decades, election officials in Arizona have generally treated voters seeking to register in a new county differently from voters seeking to update their registration record in their current county. For voters who seek to register in a new county, Arizona's EPM and Arizona's voter registration forms have generally instructed that evidence of citizenship is required. *See* Background I.B above.

That said, since at least 2019, election officials in Arizona have recognized that voters seeking to register in a new county need not submit evidence of citizenship when doing so would be unnecessary—that is, when the recorder of the new county already can access satisfactory evidence of the voter's citizenship. The 2019 EPM explained that, when a voter seeks to register

in a new county, the voter “need not resubmit evidence of citizenship” if “a record of their previously submitted DPOC is accessible by the new County Recorder (e.g., via AZMVD records or the statewide voter registration database) and can be made part of their voter registration file in the new county.” 2019 Ariz. EPM at 8. The 2023 EPM included this same provision. 2023 Ariz. EPM at 9; *see also* Background I.B above.

In other words, when a voter seeks to register in a new county, the recorder of the new county is not required to blindly accept the previous recorder’s *approval* of the voter’s evidence of citizenship—but at the same time, the recorder cannot ignore existing *evidence* of citizenship that is readily available to the recorder.

These principles apply to the Affected Voters too. As mentioned, the Affected Voters submitted an Arizona driver license number when they registered to vote, and county recorders deemed it satisfactory evidence of citizenship based on the information they had. *See* Ariz. Att’y Gen. Op. I25-007 (Aug. 18, 2025), available at 2025 WL 2492118. Some of the Affected Voters may have provided other types of evidence of citizenship (in addition to a driver license number) when they registered to vote. *See id.* Accordingly, when an Affected Voter seeks to register to vote in another county, the recorder of the new county is not required to uncritically adopt the previous recorder’s approval of the voter’s evidence of citizenship. Rather, the recorder of the new county must require evidence of the Affected Voter’s citizenship as a condition of registration for at least some elections, unless the recorder already can access satisfactory evidence of the voter’s citizenship.

Two examples may illustrate the point. Consider two hypothetical Affected Voters who move from Yavapai County to Pinal County and seek to register in Pinal County using a State Form (not a Federal Form):¹⁰

- 1) For the first Affected Voter, suppose that the only evidence of citizenship accessible to the Pinal County Recorder is the Arizona driver license number that was submitted in Yavapai County. And suppose that the Pinal County Recorder can see from current Arizona MVD data that the license was issued before October 1, 1996, so it is not satisfactory evidence of citizenship.¹¹ Here, the Pinal County Recorder *must require* the voter to submit additional evidence of citizenship, even though the Yavapai County Recorder previously approved the voter's evidence of citizenship.
- 2) For the second Affected Voter, the situation is similar. Suppose that the only evidence of citizenship accessible to the Pinal County Recorder is the Arizona driver license number that was submitted in Yavapai County. This time, however, suppose that the Pinal County Recorder can see from current Arizona MVD data (which may have been recently updated) that the license has been issued after October 1, 1996, so it is satisfactory evidence of citizenship. Here, the Pinal County Recorder *may not require* the voter to submit additional evidence of citizenship.

In each situation, the Pinal County Recorder would not merely rely on the Yavapai County Recorder's approval of the voter's evidence of citizenship, but would independently evaluate whether satisfactory evidence of citizenship exists for the voter. If no satisfactory evidence of citizenship is accessible to the Pinal County Recorder, then the Recorder must require additional evidence of citizenship, consistent with Proposition 200 and the EPM.

¹⁰ As explained below, the result may differ depending on whether a voter uses a State Form or Federal Form.

¹¹ For a fuller discussion of how county recorders use Arizona MVD data, see Ariz. Att'y Gen. Op. I24-015 (Sept. 20, 2024), available at 2024 WL 4357383.

Note that the abovementioned examples involve Affected Voters who submit State Forms (not Federal Forms) to register to vote in a new county. In such situations, if no satisfactory evidence of the voter’s citizenship is accessible to the recorder, then under current law the recorder must require additional evidence of citizenship before registering the voter for any election. *See* Ariz. Att’y Gen. Op. I25-007 (Aug. 18, 2025), available at 2025 WL 2492118 (describing history of Arizona’s evidence-of-citizenship requirement and current litigation status). However, if an Affected Voter submits a Federal Form (not a State Form) to register to vote in a new county, the result may be different: If no satisfactory evidence of the voter’s citizenship is accessible to the recorder, then under current law the recorder must require additional evidence of citizenship before registering the voter for *state* elections, but in the meantime must still register the voter for *federal* elections. *See id.*

While there is a difference between how exactly to treat State Forms and Federal Forms, the basic legal principle is clear: When an Affected Voter seeks to register to vote in a new county, the recorder of the new county must require evidence of citizenship as a condition of registration for at least some elections, unless the recorder already can access satisfactory evidence of the voter’s citizenship.

Background for Question #2

(Effective Date of Proposition 200)

Proposition 200 amended Arizona law to add an evidence-of-citizenship requirement, but it contained an exemption for voters who were already registered to vote “on the effective date of this amendment.” A.R.S. § 16-166(G).

Arizona voters approved Proposition 200 in the November 2004 election. The early history of the law is documented in court opinions and other records. This history shows that two dates

are relevant: the day the Governor proclaimed Proposition 200 into law (in December 2004) and the day the U.S. Department of Justice precleared the voting-related parts of Proposition 200 under the Voting Rights Act (in January 2005). This history also shows that, for the most part, election officials in Arizona have considered the effective date of Proposition 200 to be the January 2005 preclearance date, not the December 2004 proclamation date.

I. Governor’s Proclamation (in December 2004)

Under the Arizona Constitution, voter initiatives “shall become law when approved by a majority of the votes cast thereon and upon proclamation of the governor, and not otherwise.” Ariz. Const. art. IV, pt. 1, § 1(5).

According to several sources, the Governor proclaimed Proposition 200 into law on December 13, 2004. *See, e.g.*, Ariz. Exec. Order No. 2004-30, *Directing Implementation of Proposition 200 and Full Compliance with Related Federal Law*¹² (stating that “on December 13, 2004, Proposition 200 was officially proclaimed into law subject to the terms and duration of” a federal temporary restraining order); *Yes on Prop 200 v. Napolitano*, 215 Ariz. 458, 468 ¶ 28 (App. 2007) (stating that “[t]he Governor did fully proclaim the proposition to be law on December 13, 2004”); *Gonzalez v. Arizona*, No. CV-06-1268-PHX-ROS, 2008 WL 11395512, at *1 (D. Ariz. Aug. 20, 2008) (stating that Proposition 200 “was officially proclaimed law by Governor Janet Napolitano on December 13, 2004”).¹³

¹² This executive order is available at <https://azmemory.azlibrary.gov/>.

¹³ At the time the Governor proclaimed Proposition 200 into law, a federal court had issued a temporary restraining order precluding enforcement of part of it. But the restrained part of Proposition 200 was not about voting, and the court lifted the order later that month. *See Yes on Prop 200*, 215 Ariz. at 463 ¶ 4 (summarizing history).

Some sources, however, indicate that the relevant proclamation date was five days earlier, on December 8, 2004. *See, e.g., Gonzalez v. Arizona*, 485 F.3d 1041, 1047 (9th Cir. 2007) (stating that Proposition 200 “was enacted on December 8, 2004”).

II. U.S. Department of Justice’s Preclearance (in January 2005)

When Proposition 200 passed, Arizona was subject to federal preclearance requirements under Section 5 of the Voting Rights Act. *See generally Shelby Cnty. v. Holder*, 570 U.S. 529, 538–39 (2013) (summarizing history of Section 5 of Voting Rights Act).

The U.S. Department of Justice precleared the voting-related provisions of Proposition 200 on January 24, 2005. *See, e.g., Gonzalez v. Arizona*, 435 F. Supp. 2d 997, 1004 (D. Ariz. 2006) (“The parties agree that the Department of Justice precleared Proposition 200 in a letter dated January 24, 2005.”).

III. Historical views of Arizona officials on effective date of Proposition 200

On January 25, 2005, the Arizona Secretary of State’s Election Director emailed all county recorders in Arizona recommending that they apply the new evidence-of-citizenship requirement to “registrations received after January 24, 2005.” *Gonzalez v. Arizona*, No. 06-CV-1268-PHX-ROS (D. Ariz.), Doc. 27-1 at 3 (May 31, 2006) (affidavit of Joseph Kanefield).

On February 4, 2005, the Arizona Attorney General observed that “Arizona could not implement the provisions relating to voting and voter registration in Proposition 200 until the U.S. Department of Justice precleared them as required under the federal Voting Rights Act,” which occurred “on January 24, 2005.” Ariz. Att’y Gen. Op. No. I05-001 (Feb. 4, 2005), available at 2005 WL 436194, at *1 n.1.

Early court decisions suggest that the January 2005 preclearance date was widely considered the effective date of Proposition 200. *See, e.g., Gonzalez v. Arizona*, No. 06-CV-1268-

PHX-ROS, 2006 WL 3627297, at *9 (D. Ariz. Sept. 11, 2006) (“Proposition 200 has been in effect since January 2005 and elections have been held after its adoption.”); *Gonzalez v. Arizona*, No. 06-CV-1268-PHX-ROS, 2008 WL 11395512, at *1 (D. Ariz. Aug. 20, 2008) (“Upon approval by the Justice Department, Proposition 200 became effective January 25, 2005.”).

For the most part, Arizona’s EPM has historically treated the January 2005 preclearance date as the effective date of Proposition 200. From 2006 through 2014, the EPM contained sample forms stating that Proposition 200 “became law effective January 24, 2005.” 2006 Ariz. EPM at 235–36; 2007 Ariz. EPM at 286, 291; 2010 Ariz. EPM at 301, 306; 2012 Ariz. EPM at 303, 308; 2013 Ariz. EPM at 308, 313; 2014 Ariz. EPM at 317, 322.

But in 2019, the EPM changed course and began treating the December 2004 proclamation date as the effective date of Proposition 200. The 2019 EPM stated that voters who “registered to vote before December 13, 2004” were “exempted from” the evidence-of-citizenship requirement. 2019 Ariz. EPM at 8. The 2023 EPM included the same provision. 2023 Ariz. EPM at 9.¹⁴

Analysis of Question #2

(Effective Date of Proposition 200)

Arizona’s evidence-of-citizenship requirement exempts voters who were already registered to vote “on the effective date of this amendment.” A.R.S. § 16-166(G). The term “effective date” is best understood as the day of the U.S. Department of Justice’s preclearance: January 24, 2005. Ordinary meaning, context, and history support this view.

First, the term “effective date” generally means “[t]he date on which a statute, contract, insurance policy, or other such instrument *becomes enforceable* or otherwise takes effect.” *Date*,

¹⁴ A new EPM is scheduled to be issued later this month. *See* A.R.S. § 16-452(B) (requiring new EPM every two years). The current draft of the new EPM returns to the earlier view, treating the January 2005 preclearance date as the effective date of Proposition 200.

Black’s Law Dictionary (12th ed. 2024) (emphasis added) (defining “effective date”). Notably, an effective date “sometimes differs from the date on which the instrument was enacted.” *Id.*

Here, before the U.S. Department of Justice precleared Arizona’s evidence-of-citizenship requirement, federal law prohibited election officials in Arizona from enforcing it. This is because at that time, under Section 5 of the Voting Rights Act, “no change in voting procedures could take effect until it was approved by federal authorities in Washington, D.C.” *Shelby Cnty. v. Holder*, 570 U.S. 529, 537 (2013). Thus, Arizona’s evidence-of-citizenship requirement did not become enforceable until preclearance.

Although the Governor proclaimed Proposition 200 into law in December 2004, election officials were not allowed to act on that proclamation at that time. This is because state law cannot authorize what federal law prohibits. *See* U.S. Const. art. VI, cl. 2 (federal supremacy clause); *accord Yes on Prop 200 v. Napolitano*, 215 Ariz. 458, 468 ¶ 28 (App. 2007) (explaining that Governor’s proclamation recognized a federal temporary restraining order governing another part of Proposition 200 “as she was required to do under the supremacy clause”).

Second, the context in which Proposition 200 used the term “effective date” confirms that it means a date of enforceability. Proposition 200 used the term to specify when people in Arizona needed to start including evidence of citizenship in voter registration applications. *See* A.R.S. § 16-166(F), (G). Placing this start date before the U.S. Department of Justice’s preclearance date would mean that people in Arizona needed to start including evidence of citizenship before Arizona was allowed to require evidence of citizenship. That cannot be right.

Third, the historical application of Proposition 200 confirms that, as a matter of practice, the effective date was the U.S. Department of Justice’s preclearance date. In the two decades since Arizona’s evidence-of-citizenship requirement was enacted, election officials in Arizona have

generally considered the preclearance date to be the effective date. *See* Background § III above. These “contemporary and consistent views of a coordinate branch of government can provide evidence of the law’s meaning.” *Bondi v. VanDerStok*, 145 S. Ct. 857, 874 (2025).

Conclusion

When an Affected Voter seeks to update a registration record in the county in which he or she is registered, the county recorder is not permitted to require evidence of citizenship. However, when an Affected Voter seeks to register in a new county, the recorder of the new county must require evidence of citizenship as a condition of registration for at least some elections, unless the recorder already can access satisfactory evidence of the voter’s citizenship.

The effective date of the amendment that created Arizona’s evidence-of-citizenship requirement is January 24, 2005.

* * *

Kris Mayes
Attorney General