

YELLOW SHEET REPORT

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Thursday, July 01, 2021

NEWS NOTES AND GOSSIP

THE OPINION WE'VE ALL BEEN WAITING FOR

The US Supreme Court today in a 6-3 decision upheld Arizona's ban on ballot harvesting and its requirement that voters must vote in the correct precinct for their ballots to count. The decision in *Brnovich v DNC* was highly anticipated, as experts were eager to get a sense of how this court would handle issues related to the Voting Rights Act. "The reason why this case is so important is in part because of the Arizona laws at issue, but more importantly because of the standards that the court identifies today that will govern how federal courts resolve other legal challenges involving other voting laws all over the country," ASU associate law professor Joshua Sellers told *KJZZ's The Show* ([LINK](#)). The court reversed the 9th Circuit Court of Appeals' ruling, which had found the precinct policy violated Section 2 of the Voting Rights Act and that the ballot harvesting law violated Section 2 and the 15th Amendment. Our inbox was stuffed with reactions from Arizona and beyond – a sample of which we've included below:



Brnovich: "Today is a win for election integrity safeguards in Arizona and across the country... Fair elections are the cornerstone of our republic, and they start with rational laws that protect both the right to vote and the accuracy of the results."

Ugenti-Rita: "Despite Democrat's continual effort to exploit the judicial system to circumvent the will of the public and levy false accusations of racism and suppression, I'm gratified the US Supreme Court saw through the rhetoric on behalf of the voters."

GOP gubernatorial candidate Matt Salmon: "[D]espite today's victory, ominous and very real threats remain. For one, President Biden and Vice President Harris alongside Speaker Nancy Pelosi and Majority Leader Chuck Schumer support the so-called 'For the People Act,' which would eviscerate voter identification and codify ballot harvesting on a national level. Further, in Arizona, Secretary of State and gubernatorial candidate Katie Hobbs opposed the ban on ballot harvesting while in the state legislature and now supports this radical federal legislation... The choice between Hobbs and me on this critical issue could not be clearer."

GOP gubernatorial candidate Karrin Taylor Robson: "I thank President Trump for appointing the conservative court majority that helped make possible this decision upholding Arizona's election security measures, including a ban on ballot harvesting and decades-old requirement that people vote within their designated precinct. These are common sense safeguards. That they were challenged by the Democratic National Committee, and Secretary of State Katie Hobbs refused to do her job in defending Arizona's own election laws, says something about the state of the radical Left in 2021."

Hobbs: "The Voting Rights Act was passed to protect the right to vote and to fight against racial discrimination. The Supreme Court weakened one of our country's landmark civil rights laws. It is truly a sad day for the future of our democracy."

The DNC: "This ruling is exactly why we urgently need to take action at the state and federal levels to protect voters from Republicans' unprecedented efforts to undermine the right to vote."

Arizona Democratic Party Chair Raquel Terán: "This disappointing Supreme Court decision is an attack on Arizonans trying to exercise their right to vote."

July 1, 2021

IT'S NBD, REPUBLICAN LAWYERS SAY

Former Arizona Elections Director Eric Spencer said the Supreme Court's decision was a narrow one and not a landmark inflection point in elections law. "It doesn't really break new ground," Spencer said. "It essentially reaffirms the very reasonable and rational decision reached by the district court and gives a rather expected and not infrequent finger wag to the 9th Circuit, which all too often goes off on an appellate tangent in odd ways and causes frequent reversal." The court did not take up any of the proposed tests to govern how it handles Section 2 claims. "[A]s this is our first foray into the area, we think it sufficient for present purposes to identify certain guideposts that lead us to our decision in these cases," Justice Alito wrote.

Republican attorney Kory Langhofer said the court's choice to not decide a test for future Section 2 claims was a wise choice. He said the Supreme Court sees other VRA cases bubbling up that deal with numerous different theories and is making a good call in not making a test for all cases for all time. "We're just going to sort of say you have some big principles, and let's work this out together over the next few years or decades," Langhofer said. Spencer, who testified in trial and in front of the Legislature on behalf of the ballot collection ban, said the opinion was well reasoned but "relatively unremarkable." He also highlighted Alito's point of saying that states can create laws to prevent future fraud, something he argued in his 2016 testimony. "And it should go without saying that a state may take action to prevent election fraud without waiting for it to occur and be detected within its own borders," Alito wrote.



IT ACTUALLY IS NBD



The Supreme Court's decision to uphold the ban on counting out-of-precinct ballots won't matter to the vast majority of Arizona's population, as Maricopa, Cochise, Yavapai and Yuma counties already use vote centers, and Pima County says it is making the switch. Several other counties – including at least Pinal, Graham and Navajo counties – use hybrid models that offer both traditional polling places and vote centers. With traditional polling places, voters must show up to the correct polling place for their precinct – if you're not on the voting rolls there, you

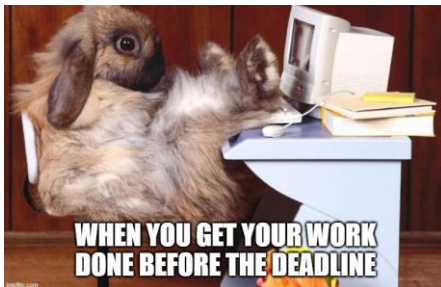
can still cast a provisional ballot, but if you're in the wrong precinct, it won't count. With voting centers, voters from anywhere in the county can show up and get a customized ballot printed with the relevant races for their specific precincts. There's a longstanding history of counties having different procedures of whether to count wrong-precinct provisional ballots ([LINK](#)) – which was partially at issue in the lawsuit. But in 2011, at the urging of then Secretary of State Ken Bennett ([LINK](#)), Mesnard sponsored Laws 2011, chapter 331 (H2303: voting centers; polling places), which allowed counties to switch to a voting center model. Yuma and Yavapai counties were the first to adopt the centers, which were designed to cut down on the large number of rejected provisional ballots in Arizona ([LINK](#)).

THEY'LL HAND OVE THE RECORDS WHEN TRUMP IS REINSTATED

The Arizona audit is winding down, but the fight for transparency continues as Cyber Ninjas and the Senate are facing a lawsuit from the *Arizona Republic* over records. The state's largest paper is taking them to court over their refusal to provide what media attorney David Bodney declares are public records, including communications between legislators and Cyber Ninjas ([LINK](#)). Meanwhile, yesterday was the final day of the renewed contract between the Senate and Veterans Memorial Coliseum, but the ballots and other materials are still on the property in the Wesley Bolin building – the same area where everything was moved last month during graduations. It's also the same building the State Fair Grounds website said should be avoided during summer months due to high temperatures. Fann was evasive to a *Republic* reporter questioning whether the Senate would extend its stay at the Coliseum and why they are holding onto the ballots and machines ([LINK](#)). The public and lawmakers are still awaiting the final report which could be completed anywhere from a couple of weeks to a couple of months, just another example of the opacity that has been prevalent since Cyber Ninjas was hired. The livestream on the audit's website is still active, except for camera seven, and everything on the floor has been taken down. The machines in the Senate and contractors' possession also will not be used in future elections, as Maricopa County officials announced earlier this week. Chairman Jack Sellers released a statement yesterday taking another shot at the partisan review and recount. "Calling what has happened under the Senate contractor in the Coliseum an 'audit' insults the voters' intelligence and fuels the imaginations of those who wish to tear our democracy apart," he said. He also asked many questions that have continued to go unanswered like why we don't know who all the subcontractors are and who is being paid to count the ballots.



AND IT'S NOT EVEN AN ELECTION YEAR

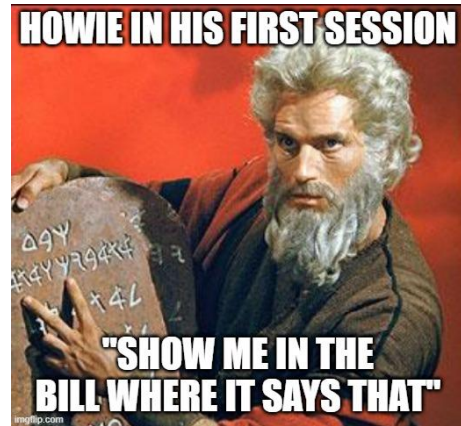


The 2022 election is still a long way away, but we already know at least three issues that will be on the ballot. Lawmakers this year referred three questions to the voters in 2022: whether to grant in-state tuition to undocumented immigrants who went to high school here, whether to limit initiatives to a single subject and whether to allow lawmakers to scrap or tweak any initiative that is found to contain an illegal or unconstitutional provision. Boyer's SCR1044 (tuition; postsecondary education) would repeal portions of Prop 300 from 2006, which voters passed by a margin of 71-29 percent,

and which barred undocumented immigrants from receiving in-state college tuition and any fee waivers, grants, scholarships, financial aid or any tuition assistance "paid in whole or in part with state monies." Instead, voters will be asked to allow students who have attended high school in Arizona for two years, or graduated any high school in Arizona, to receive in-state tuition, including undocumented immigrants (but excluding those here on tourist or student visas). Kavanagh's SCR1001 (initiatives; single subject; title) would tie initiatives to the same kind of single-subject rules that bind lawmakers. And Leach's SCR1034 (voter protection act; court determinations) would allow lawmakers, with a simple majority, to amend or repeal any voter-approved measure with any provision that is found unconstitutional. It's unclear whether the referral, if approved, would apply only proactively or could be applied to voter-protected measures with provisions that have already been found unconstitutional, such as the Clean Elections Act, which had its matching funds provision struck down by the US Supreme Court in 2011.

ONE OF THE FEW WHO HAS SERVED MORE TIME THAN HOWIE

The Senate's public records attorney, Norm Moore, officially retired yesterday after 37 years in the Legislature. Moore told our reporter via email that he's looking forward to spending more time with his family, including three grandsons, and traveling to visit extended family and friends throughout the country. "I am so fortunate and happy that I got to serve the legislative institution about which I care for so deeply and that I have wonderful friends and experiences from my career at the Legislature," he said. Moore has been a fixture since he started as a page in 1976, and with the exception of the three years he spent at law school in his home state of Nebraska, he spent most of his adult life working in the House, and was on hand for some of the most dramatic moments from the past few decades, including Gov Evan Mecham's impeachment. Moore, then the assistant rules attorney, was working with special counsel Bill French to lead the team of attorneys, and he recounted needing a DPS escort from the House to a separate location to draft the articles of impeachment because of death threats. He also remembered where he was when he got the news that Gov Wesley Bolin died of a heart attack on March 4, 1978. Excessive rain at the Capitol on March 3 and 4 sparked fears of flooding, and Moore and fellow pages were laying sandbags and hauling furniture, filing cabinets, books and papers from the basement to the second floor when they heard the news. From 1992 to 2009, Moore served as the House's chief clerk. He "retired" in 2009 to partner with longtime lobbyist and his former House colleague, Don Isaacson, and talked to the *Capitol Times* at the time about the biggest changes in the Legislature – less collegiality, no more smoke-filled rooms and more computers – and his childhood as the son of a mortuary owner, where he played hide-and-seek in caskets and helped his dad recover bodies ([LINK](#)). After five years in the lobbying business, Moore returned to the House in 2015 as the chamber's rules attorney ([YS, 12/3/14](#)), then moved to the upper chamber in 2017. Senate Rules Attorney Chris Kleminich will fill in temporarily as public records attorney.



WELCOME ABOARD, LORI

The IRC this week voted unanimously to hire Lori Van Haren, a city of Phoenix assistant prosecutor, as its deputy executive director and public records manager. Van Haren has been an assistant prosecutor for two years. Before that, she served as chief of staff for Phoenix Councilwoman Felicita Mendoza, who was appointed to Kate Gallego's seat in 2018 when Gallego resigned to run for mayor. "She not only has a tremendous amount of knowledge on the legal side with public records but also with community outreach and engagement," IRC Executive Director Brian Schmitt said, also highlighting that she speaks Spanish.

·WAKE UP CALL·

Sine finally die!

Arizona Capitol Times

After 171 days and several false starts and with mere hours to spare before a government shutdown, Gov. Doug Ducey signed a budget and the Arizona Legislature finally succeeded in adjourning sine die at 4:54 p.m. Wednesday.

Court: Mesnard lost immunity with press release

Capitol Media Services

State lawmakers have absolute immunity from being sued by those who are the targets of legislative investigative reports, the Arizona Supreme Court ruled Wednesday.

Supreme Court upholds Arizona voting restrictions

Capitol Media Services

In a 6-3 ruling the U.S. Supreme Court said that while the laws affect minority voters, Arizona can continue to ban “ballot harvesting” as well as deciding to count only votes cast within the proper precinct.

Arizona legislators OK tripling their per diem

Capitol Media Services

Saying it might lead to more —and better — candidates, state lawmakers voted Wednesday to more than triple their own cost-of-living allowance, at least for those who live outside Maricopa County.

Ducey signs \$12.8 billion budget with large tax cut

Capitol Media Services

Gov. Doug Ducey on Wednesday signed legislation putting in place an immediate \$1.3 billion tax cut, set to rise to \$1.9 billion, that is designed largely to benefit the most wealthy.

Mesa officials aiming for ‘carbon neutrality’

East Valley Tribune

Mesa is “going green.” Last week, Mesa joined the likes of Stockholm, London, New York City and Portland – which all have formal plans to achieve “carbon neutrality,” viewed by many as a crucial step to curbing climate change.

County sees sudden rise in COVID cases

Payson Roundup

Gila County has seen a sudden increase in COVID-19 positive cases in the Payson, Star Valley and Pine areas, according to a June 25 report from the Gila County Health and Emergency Management Department.

Election conspiracy film stars promoted vigilante action against officials

Arizona Mirror

At a question-and-answer session following the premiere of a conspiracy theory film that had unprecedented access to the people conducting the Arizona Senate’s review of Maricopa County’s 2020 election results, the film’s participants said their baseless allegations of election fraud warranted “drastic” action.

Sentencing reform dies for third straight year after Fann blocks Senate vote

Arizona Mirror

Arizona will continue to have some of the strictest criminal sentencing laws in the country after Senate President Karen Fann refused to let the Senate vote on a bill that would allow some nonviolent inmates to earn early releases.

The founders anticipated — and feared — Trump’s ‘big lie’

The Hill (Opinion, Neil Baron)

Arizona Republicans’ comically slapdash audit of Maricopa County’s 2020 election results is the latest attempt to reinforce the “big lie” that the election was stolen through massive voter fraud. Incredibly, recent polls show 56 percent of Republicans believe it.

GOP lawmakers said ‘NO’ to Arizona students and teachers

Arizona Mirror (Opinion, Julie Erfle)

This legislative session will go down in history as one gigantic missed opportunity.

Reps. Biggs, Gosar and Lesko got it wrong when they voted to protect Confederate statues

Arizona Republic (Opinion, Laurie Roberts)

Reps. Andy Biggs, Paul Gosar and Debbie Lesko just embarrassed Arizona again. This time, by voting to leave statues of Confederate and white supremacy leaders on display in the U.S. Capitol.

This year’s Legislature was great ... if you own a sports team or enjoy a six-figure salary

Arizona Republic (Opinion, Laurie Roberts)

Arizona’s legislative session was great, if you own a sports team or enjoy a six-figure income. For the rest of us, the good news is, well, that the Arizona Legislature has left town.

Republicans won the Game of Politics. Can Democrats redeem themselves next year?

Arizona Republic (Opinion, Elvia Diaz)

Gov. Doug Ducey and Republican lawmakers gave a huge tax to the rich, and Democrats were powerless to stop it. Will Democrats learn their lesson?

Supreme Court upholds Arizona law, giving voter protections their last gasp

Arizona Republic (Op-ed, Priya Sundareshan)

The U.S. Supreme Court upheld Arizona laws on how and where ballots are collected, neutering what few Voting Rights Act provisions remain.

·PRESS RELEASES·

Release: ADP Statement on Brnovich v. DNC Supreme Court Decision

PHOENIX – In a 6-3 decision, the Supreme Court today decided to allow [two of Arizona’s burdensome voter restriction policies to stand](#). One of the policies largely bans third-party ballot collection, which [particularly threatens Native American voters](#) and another rejects voters’ ballots if cast outside their precinct.

This decision sets a dangerous precedent for partisan efforts to restrict eligible voters. However, the Arizona Democratic Party and the 2022 Mission for Arizona Coordinated Campaign have already begun preparing for a massive voter education and protection program to ensure eligible Arizona voters have the information and support they need to cast their ballots.

In the wake of this decision, ADP Chair Raquel Terán released the following statement:

“This disappointing Supreme Court decision is an attack on Arizonans trying to exercise their right to vote. But, even in the face of this decision, Arizona Democrats are organized earlier than ever before to inform Arizonans on how to overcome these restrictions and make their voices heard at the ballot box.

“It’s impossible to ignore that this ruling and these voter restriction laws are the culmination of Republicans’ longtime efforts to sow distrust and doubt in our election system, with politicians like Mark Brnovich leading the charge. In open court, the Arizona Republican Party’s own lawyer admitted that the purpose of the laws was to gain political advantage. This is just the latest proof that Republican leaders are willing to betray Arizona voters for their own political gain.”

Representative Shawna Bolick Reacts to SCOTUS Siding with Arizona’s Election Integrity Laws

July 1, 2021

Contact: joanna@theresolute.group

PHOENIX, ARIZ. – Today, the United States Supreme Court upheld Arizona’s common-sense election laws, protecting our ability to conduct honest and fair elections. The 6-3 decision in *Brnovich v. DNC* upheld Arizona state’s law to restrict ballot harvesting and out-of-precinct voting, ensuring all legal votes are counted.

“This decision is a massive victory and a necessary step towards securing our elections,” said Bolick, candidate for Secretary of State. “Despite a politically motivated attack by the Democratic party, the constitutionality of this common-sense law stood.”

“In Arizona, every registered voter can vote, and every legal vote will be counted,” Bolick continued. “I would remind the opposition of the facts of Arizona law that allows ample time and methods for voting: A 27-day early voting window, day-of voting, and ability to request an early ballot by mail up to 11 days prior to any election.”

Concerns about election integrity surfaced long before 2020. The conclusion of a 2005 Carter-Baker Commission on Federal Election Reform, warned of potential voter fraud with mail-in ballots. Mail-in ballots have been termed “the tool of choice” of vote thieves and others hoping to compromise the election process.

In 2016, the Arizona Legislature took the necessary steps to make it a felony to harvest ballots with exceptions for family members, people living in the same household, and caregivers.

Fears of ballot harvesting are real. “Stories abound,” said Bolick. “In August 2018, a neighbor of mine sought out advice for another neighbor who had had a ballot harvester come to their door to collect their early ballot. My neighbor switched her party affiliation from Democrat to Independent, worried someone else would come to their home in the future to take their ballot.”

In December 2020, the Arizona Attorney General announced a grand jury [indictment](#) for ballot harvesting in San Luis, Arizona. The indictment alleges two individuals knowingly collected four voted ballots from another person, in violation of Arizona law.

“Today is a win for Arizona. There is more work to do, but I am committed to securing Arizona’s elections and restoring your confidence that your vote counts.”

U.S. Supreme Court Rules Against Arizona Voters

Tucson, AZ –Today, the U.S. Supreme Court announced its decision in the case of Brnovich v. Democratic National Committee. In a 6-3 opinion, the Court rejected the approach of the U.S. Court of Appeals for the 9th Circuit, which had invalidated Arizona’s fully-discarding out-of-precinct ballots policy and prohibition on ballot collection (HB2023).

The 9th Circuit Court of Appeals ruled that both policies disproportionately impacted voters of color and the ban on ballot collection was enacted with the intent to racially discriminate against Latino/a voters.

Pima County Recorder Gabriella Cázares-Kelly says she is “deeply disappointed” with the Court’s decision. “We are witnessing a historic attack on voting rights. The 2013 Shelby County v. Holder decision allowed voter suppression tactics like the ballot collection prohibition to be passed. In this year’s legislative session, we have seen a recordbreaking number of bills introduced in state legislatures across the nation aimed at disenfranchising voters. It has never been clearer that we need strong protections for voters of color, and it is appalling to see further weakening of the Voting Rights Act through today’s decision.”

In siding with state of Arizona, the Supreme Court concluded that the disparate impact of the out-of-precinct policy on voters of color is insignificant and there is still an “equal opportunity to vote.” It goes on to say that “having to identify one’s polling place and travel there to vote does not exceed the ‘usual burden of voting.’” However, this discounts the systemic inequities in access to transportation, internet infrastructure to determine one’s polling place, and high residential mobility which leads to confusion in identifying one’s correct polling place.

The Court states that the ballot-collection prohibition is not proven to result in racially disparate burdens, may lead to voter pressure and intimidation, and is effective at preventing election fraud by prohibiting a third party to return someone’s ballot for them. It also says that HB2023 was not enacted with racially-discriminatory intent because there was “genuine, legislative debate.” Cázares-Kelly says that it is disgraceful to see the Supreme Court further the false narrative around fraudulent activities in elections. There have never been any incidents of fraud in the long history of third party ballot collection in Arizona.

“Now, more than ever, as many Arizonans have leaned on their neighbors for help with basic needs during a global pandemic, we see the disparity of resources in our communities. This decision prohibits neighbors from helping neighbors to vote and we are disappointed with the Court’s decision, to say the least.

Today’s decision from the Court completely disregards the present-day racial disparities in access to voting and allows us to continue to challenge white supremacist laws and policies in the election process. I hope Congress will recognize the racial disparities in access to voting, end the filibuster, and pass both the For the People Act and the John Lewis Act to protect the right to vote for marginalized communities. These bills will be a step in the right direction to allow everyone to participate in our democracy.”

Brnovich’s Partisan Lawsuit Guts Voter Protections

The Suit Weakened A Crucial Provision of the Voting Rights Act, Making it Harder for Arizona’s Tribal Communities to Vote

PHOENIX — Honest Arizona executive director Niles Harris issued the following statement after Arizona Attorney General Mark Brnovich undermined the most important voting rights law enacted in the 20th century.

“Mark Brnovich has used his office for partisan gain, supporting the ongoing attempt by the Arizona Senate to sow distrust in the state’s election system and now undermining the Voting Rights Act that has protected minority voting rights for half a century. Mark Brnovich must stop his partisan attacks on the rights of Arizonans and start using his office to advance the needs of the people he swore an oath to serve.”

Brnovich targeted Section 2 of the Voting Rights Act, which allows voters to challenge discriminatory voter restrictions. It also defended two Arizona laws that make it more difficult for Arizona’s already marginalized communities to access the ballot box.

Salmon For Arizona Reacts To U.S. Supreme Court Ruling

Phoenix – Former Congressman and Republican gubernatorial candidate Matt Salmon released the following statement today:

“Among fellow conservatives across the country, I’m grateful the U.S. Supreme Court ruled today against the far-left’s attempt to undo Arizona’s ballot harvesting ban and our election integrity measures. The court’s decision reflects the will of Arizonans and reminds voters of the consequence of President Trump’s three nominees and now-justices. For those who opposed President Trump or supported liberal candidates, this is as much a stark refutation as it is a defense of the rule of law.

“Yet, despite today’s victory, ominous and very real threats remain. For one, President Biden and Vice President Harris alongside Speaker Nancy Pelosi and Majority Leader Chuck Schumer support the so-called ‘For the People Act,’ which would eviscerate voter identification and codify ballot harvesting on a national level. Further, in Arizona, Secretary of State and gubernatorial candidate Katie Hobbs opposed the ban on ballot harvesting while in the state legislature and now supports this radical federal legislation. As governor, I will strengthen voter ID by making it the law for mail-in voting just as it is required for in-person voting. Next, I will permanently ban ballot harvesting against threats at a state and local level. The choice between Hobbs and me on this critical issue could not be clearer.”

“Election Fraud is a Crime against Democracy”

Karrin Taylor Robson commends SCOTUS decision upholding Arizona election integrity measures

Today, Republican and Arizona gubernatorial candidate Karrin Taylor Robson issued a statement on the U.S. Supreme Court decision in the case of *Brnovich v. Democratic National Committee*. By a 6-3 decision, the justices upheld Arizona provisions that bar ballot harvesting and out-of-precinct voting.

“Nothing could be more fundamental to our system of government than the right to free, fair and honest elections. Election fraud is a crime against democracy. I thank President Trump for appointing the conservative court majority that helped make possible this decision upholding Arizona’s election security measures, including a ban on ballot harvesting and decades-old requirement that people vote within their designated precinct.

“These are common sense safeguards. That they were challenged by the Democratic National Committee, and Secretary of State Katie Hobbs refused to do her job in defending Arizona’s own election laws, says something about the state of the radical Left in 2021. If they had their way, it’s clear that liberal extremists would eliminate voter ID and other protections as they open the ballot box to non-citizens and anyone else intent on defrauding the election. And Democrat Katie Hobbs would do nothing to stop them.

“As Governor, I’ll ensure Arizona elections are the nation’s best: accessible to voters and impenetrable to fraudsters and cheats.”

DNC on Brnovich v. DNC SCOTUS Decision

In response to the Supreme Court’s decision today in *Brnovich v. DNC*, DNC Chair Jaime Harrison released the following statement:

“The DNC challenged two Arizona laws in 2016 that were intended to, and did, have a suppressive effect on the votes of minorities. One law resulted in the rejection of the votes of minorities by a ratio of 2:1. The other law effectively ended the ballot collection process that many minority communities in Arizona rely upon, particularly on Native American lands.

“We’re disappointed in the Court’s ruling today, but we will continue to work to make sure every voter’s vote is counted and protected. This ruling is exactly why we urgently need to take action at the state and federal levels to protect voters from Republicans’ unprecedented efforts to undermine the right to vote

“All Americans should have the same opportunity to exercise their right to vote. Every person’s vote should be counted and treated in the same manner.”

Below are some key background points on the *Brnovich v. DNC* decision:

TIMING

- 2016: The case has been five years in the making. In 2016, the DNC, DSCC, Hillary for America, and Arizona Democratic Party joined together with individual Arizona voters to bring suit against Arizona for violations of the Voting Rights Act and the First, Fourteenth, and Fifteenth Amendments.
- 2017: After a full trial in the fall of 2017, a federal district court issued a decision upholding both laws.

- 2020: The en banc Ninth Circuit reversed in early 2020. In the decision, the en banc court recognized that Arizona has a long history of discrimination against racial minorities, and that both challenged laws disproportionately impacted minority voters in Arizona. It also held that the ballot collection law was passed under “suspicious” circumstances, using racially tinged rhetoric, and that the law is not effective at achieving the state’s purported goal of fraud prevention. It also acknowledged that Arizona is capable of alleviating some of the penalty for voting out-of-precinct by partially counting ballots. Accordingly, the court found that both laws violated Section 2 of the Voting Rights Act and that the ballot collection law was passed with racially discriminatory intent in violation of Section 2 and the Fifteenth Amendment.
- 2021: On March 2, the Supreme Court heard oral arguments. And today the Court issued its ruling.

KEY ISSUES

- The suit focuses on two of Arizona’s laws: (1) the ballot collection law, which criminalized possession of another voter’s ballot; and (2) Arizona’s wholesale rejection of ballots cast in the wrong precinct. Both challenged practices severely burden Arizona voters—particularly Arizona’s minority voters—without sufficient justification. Additionally, the suit alleges that the Arizona legislature passed the ballot collection law with the intent to discriminate.
- Plaintiffs asked the court for two remedies: (1) to strike down the ballot collection law, and (2) to require Arizona to partially count ballots cast in the wrong precinct, rather than reject them in their entirety.

BRINGING OUR CASE FORWARD

- A number of positive election law changes have already resulted from our litigation. Arizona counties have taken affirmative steps to reduce the number of out-of-precinct voters through the use of vote centers, better poll worker training, and polling place signage.
- With respect to ballot collection, our suit has highlighted issues with access to reliable mail services, particularly in rural tribal areas of the state. In response, many counties have increased the number of ballot dropboxes available to voters who used to rely on ballot collection. Other counties have reduced the instances of late-arriving ballots—one problem that ballot collection was addressing before it was banned—by sending election officials to post offices to directly collect ballots that were placed in the mail stream before the Election Day deadline.

Voto Latino Calls SCOTUS Voting Rights Ruling ‘Full-On Adoption of the Big Lie’

WASHINGTON – This morning, the Supreme Court on Thursday upheld two restrictive voting laws in the 2020 battleground state of Arizona. According to [reports](#), in a 6-3 ruling the conservative justices said the state did not violate the Voting Rights Act when it passed a 2016 law allowing only voters, their family members or their caregivers to collect and deliver a completed ballot. The ruling also upheld a longstanding state policy requiring election officials to throw out ballots accidentally cast in the wrong precincts.

Following the ruling, Voto Latino President and CEO Maria Teresa Kumar, issued the following statement:

“Let’s call this ruling what it is: a full-on adoption by the Supreme Court’s conservative justices of Donald Trump and the Republican Party’s ‘Big Lie.’ It furthers the belief that Arizona’s restrictive voting laws reasonably guard against nonexistent voter fraud, when in reality, they explicitly discriminate against, and disproportionately impact voters of color.

“The real-time dismantling of the Voting Rights Act, now diminishing Section 2’s safeguards that protect against bills disadvantaging voters by race, is a worrisome setback to overturning the dozens of discriminatory laws being pushed, and passed, across state legislatures. By disallowing the collection and delivery of completed ballots, and requiring officials to throw out ballots accidentally cast in the wrong precinct, we are actively seeking ways to make it harder to vote, disenfranchising voters who may need assistance reaching faraway polling places, or penalizing them for not keeping up with the ever-changing location of precincts.

“These laws disproportionately target Arizona’s Latinx voters, its indigenous voters, and all voters of color, as well as low-income voters. It also sends the wrong message to young Latino voters, who made up over 27 percent of Arizona’s electorate in 2020 and is growing, making it harder for them to participate. This is not how we create a more inclusive democracy that ensures every voice can be heard in our elections.”

If you’d be interested in speaking with Maria Teresa further about the impact of this SCOTUS ruling on Arizona’s Latinx voters, and the continued threat of restrictive voting laws across the country, we’d be happy to arrange a call.

STATEMENT FROM SUPERVISOR GALLARDO ABOUT THE LEGISLATIVE SESSION AND ONGOING FRAUDIT

The legislative session thankfully came to a close Wednesday and yet the fraudit started by the Senate Republican leadership lives on. To what end? I thought Senate President Karen Fann said the “full forensic audit” would inform legislation that could improve elections in Arizona. Senator Kelly Townsend said she wouldn’t vote on a budget until the fraudit was complete. The chance to fulfill those promises ended yesterday – not that they were ever sincere. The truth is, the fraudit being conducted by the Cyber Ninjas was never about good policy or good governance. It continues to be about the “Big Lie,” making money for future GOP political campaigns, and sadly, damaging our democratic republic in the process.

Nobody needed to crack open expensive tabulation machines to know the election in Maricopa County was free and fair, run by professionals with decades of knowledge and a high degree of training. Nobody needed to pretend partisan volunteers can do a better job than machines when it comes to counting dots on pieces of paper. Nobody needed to flash the paper ballots with black lights or photograph microscopic fibers.

The processes detailed in Arizona law and the Elections Procedures Manual define the checks and balances that make Arizona’s elections some of the most secure in the country. So, I ask President Fann, Senator Townsend and others in their caucus who pretend their fraudit is about gathering vital insight to admit the opportunity to change elections laws in 2020 is over. And the fraudit should sine die along with the legislative session.

Arizona Comment on Today’s National Jobs Report

State took good measures to speed economic recovery, says small-business leader

PHOENIX, July 1, 2021—There’s no cause to pop champagne corks yet, according to today’s release of NFIB’s monthly Jobs Report, a national barometer of the small-business economy, but the state for NFIB said Arizona is well-positioned to beat its neighbors to full economic recovery.

“Early legislative action this year to enact COVID-19 liability protection for businesses followed by recently adopted, historic tax reforms for income and property taxpayers will feed the flames of optimism and build confidence in business owners—leading to more investment, hiring and growth of small businesses in Arizona,” said Chad Heinrich, Arizona state director for NFIB. “While small-business owners remain in a struggle to fill open jobs, in Arizona our small businesses are seeing the support that comes from having a pro-small-business Legislature as our elected officials wrap up business at the State Capitol.”

Highlights from the Jobs Report

- According to NFIB’s monthly jobs report, 46% of small business owners reported job openings they could not fill in the current period, down two points from May but still above the 48-year historical average of 22%. Small business owners continue to struggle to find qualified workers for their open positions while raising compensation at a record high level.
- A net 39% (seasonally adjusted) of owners reported raising compensation (up five points), a record high. A net 26% plan to raise compensation in the next three months (up four points).

From NFIB Chief Economist Bill Dunkelberg

- “In the busy summer season, many firms haven’t been able to hire enough workers to efficiently run their businesses, which has restricted sales and output,” said NFIB Chief Economist Bill Dunkelberg. “In June, we saw a record high percent of owners raising compensation to help attract needed employees and job creation plans also remain at record highs. Owners are doing everything they can to get back to a full, productive staff.”

NFIB’s Jobs Report is a national snapshot not broken down by state. Today’s results were based on 592 respondents to the June survey of a random sample of NFIB’s member firms, surveyed through 6/28/2021. The NFIB Research Foundation has collected Small Business Economic Trends data with quarterly surveys since 1974 and monthly surveys since 1986.

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“QUOTE OF THE DAY”

“Despite Democrat’s continual effort to exploit the judicial system to circumvent the will of the public and levy false accusations of racism and suppression, I’m gratified the US Supreme Court saw through the rhetoric on behalf of the voters.”

- *Ugenti-Rita, on SCOTUS upholding her ballot harvesting law*