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COURT URGED TO UPHOLD ARIZONA LAW DESIGNED TO PREVENT ALIEN VOTING

(Gonzalez v. State of Arizona)

The Washington Legal Foundation (WLF) today urged the U.S. District Court for the District of Arizona to reject a challenge to Proposition 200, an initiative adopted in November 2004 by Arizona voters. The initiative was designed to prevent aliens from voting.

In a brief filed in *Gonzalez v. State of Arizona*, WLF argued that Arizona voters were well within their rights in adopting measures designed to prevent election fraud -- including a requirement that those seeking to register to vote must provide documentary proof of citizenship and a requirement that voters provide a picture ID when they come to the polls. WLF argued that these measures violate neither the U.S. Constitution nor the National Voting Rights Act of 1993 (NVRA), which requires all States to permit mail-in voter registration.

WLF is representing Protect Arizona NOW (PAN), the group that spearheaded adoption of Proposition 200. WLF also represented PAN in prior litigation challenging other portions of Proposition 200 that seek to prevent illegal aliens from collecting welfare benefits. WLF prevailed in the prior litigation, and the welfare-related provisions are not at issue in the latest round of lawsuits.

Three separate lawsuits were filed within the past four months challenging Proposition 200's election fraud provisions. Those cases have been consolidated, and the Plaintiffs have filed motions asking the district court judge to issue a preliminary injunction against the election fraud provisions. WLF filed its brief in opposition to the requested injunction.

"Evidence suggests that thousands of aliens are improperly registered to vote in Arizona and elsewhere in this country," said WLF Chief Counsel Richard Samp after filing WLF's brief. "Americans will soon lose faith in the integrity of the election process if States are not permitted to take effective steps to ensure that aliens are not voting," Samp said.

The plaintiffs assert that Proposition 200 imposes onerous documentation requirements that will discourage citizens from attempting to register and vote. In its

brief opposing a preliminary injunction, WLF disputed that assertion, noting that one of the many documents accepted by Arizona election officials as proof of citizenship is a driver's license and that 90% of all Arizona citizens possess a license. WLF argued that in light of the relatively minor documentation burden imposed by Proposition 200 on prospective voters and Arizona's significant interest in preventing election fraud, Proposition 200 does not infringe on anyone's constitutional right to vote. WLF also argued that while the NVRA (a 1993 federal law often referred to as the "motor-voter" law) mandates that States permit voter registration by mail, nothing in the NVRA prohibits States from requiring anyone registering by mail to attach to his registration form copies of documents (*e.g.*, a birth certificate or a driver's license) evidencing citizenship. WLF also disputed the plaintiffs' claim that Arizona violated Section 5 of the federal Voting Rights Act by failing to obtain U.S. Department of Justice approval for the election changes mandated by Proposition 200.

WLF is a public-interest law and policy center with supporters in all 50 states, including many in Arizona. It devotes a significant portion of its resources to combatting illegal immigration and ensuring that aliens who engage in criminal activities are excluded from American society.

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For further information, contact WLF Chief Counsel Richard A. Samp (202) 588-0302. A copy of WLF's brief is posted on its web site, www.wlf.org.