



Written by [R. Cort Kirkwood](#) on September 6, 2024

## Federal Lawsuit: Arizona Counties Refuse to Purge Noncitizens From Voter Rolls

The lawsuit filed by America First Legal (AFL) against Maricopa County, Arizona, to stop illegal aliens from voting now includes 14 more of the Grand Canyon State's counties.

The suit argues that officials are not, as required by law, purging noncitizens' names from voter rolls, and demands that the court order those counties to rectify their refusal to comply with the law.

This is not just to ensure that illegal aliens don't vote. Citing surveys, the lawsuit argues that public trust in elections is eroding because millions of Americans believe illegal aliens are voting.



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### First, the Letter...

Trouble began for county officials in July, when [AFL sent a letter](#) to demand that they remove illegal aliens from voter rolls.

That letter followed a previous one [sent to all 50 states](#) demonstrating how they can use federal law and databases to stop foreigners from voting.

"Arizona election officials have a mandatory obligation to ensure that foreign nationals are removed from their voter rolls and that they use the available access to federal databases," [AFL explained](#) in a news release:

For background, Arizona law requires proof of citizenship to register to vote. However, the U.S. Supreme Court has ruled that in federal elections, States cannot impose additional voter registration requirements beyond what the federal voter registration form requires, which only requires registrants to check a box affirming they are a citizen. Thus, the Supreme Court held that because the form does not require documentary proof of citizenship, Arizona cannot require such proof when someone registers to vote in federal elections. Therefore, if someone registering to vote in Arizona refuses to provide proof of citizenship, the State is required to allow that person to vote in Arizona's federal elections (unless the State discovers the individual is an ineligible voter), but that person is not allowed to vote in State and local elections.

Shockingly, as of April 1, [AFL reported](#), more than 35,000 registered voters in the state had failed to prove citizenship. Significantly, the 2020 presidential election there was decided by a little more than 10,000 votes.



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But county recorders can, AFL averred, use two, three-decade-old federal statutes to verify citizenship. [8 U.S.C. § 1373\(c\)](#) and [8 U.S.C. § 1644](#) permit state and local officials to seek information about citizenship for any lawful purpose.

AFL gave the 15 counties a week to comply. One did, [AFL next reported](#):

Maricopa County Recorder Stephen Richer replied through his attorney, brazenly stating that he would not be taking any action. He incorrectly claimed that his office is already following the law about verifying the citizenship of voters. This claim is incorrect because the number of registered voters without confirmed citizenship continues to rise under his watch, and his office has not even bothered to obtain access to any of the necessary databases for checking the citizenship of already registered voters.

### **Then the Lawsuit**

Thus, on behalf of naturalized citizen Yvonne Cahill and the Strong Communities Foundation of Arizona, [AFL filed suit](#) on August 5 in Maricopa County Superior Court to force Richer to enforce the law.

The [lawsuit offered](#) three important points up top:

Sixty percent of Arizonans “are concerned that cheating will affect the outcome of the 2024 election.”

A July 2024 survey of likely voters in Arizona and five other states found that “a little more than one percent (1%) of Likely Voters say they’re not U.S. citizens.”

Many recent electoral races in Arizona have been decided by margins of less than one percent.

State law requires voter-roll maintenance, the lawsuit said. Federal law requires states “to ensure that ‘voters ... who are not eligible to vote [in federal elections] are removed.’”

However, the suit continued:

Puzzlingly, Maricopa County Recorder Stephen Richer has ignored these requirements. He has failed to take the actions required by law to ensure that foreign citizens are removed from Maricopa County’s voter rolls.

Rather than fight the lawsuit, the county removed the case to federal court on the grounds it involved a federal law that must be examined by a federal court, [AFL explained](#).

### **Amended Complaint**

On September 4, AFL amended its complaint against Maricopa County to include the other 14 Arizona counties. They also received the letter in July.

Again citing the federal statutes that allow state and local officials access to federal databases to prove an individual’s citizenship, [AFL explained](#) that “counties in Arizona have decided to ignore these tools and threaten the integrity of the 2024 Presidential election by failing to remove foreign nationals from their voter rolls.”



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The 35-page complaint was filed in Arizona’s federal district court on September 3. Aside from alleging the counties are ignoring laws ensuring that only citizens vote, it includes more survey data. The failures of the defendants “cause voters to lose confidence in the integrity of our election system,” [the lawsuit avers](#):

For example, a recent national survey of likely voters found that 52% believe that election officials are either doing nothing to prevent foreign citizens from voting or are not doing enough. Only 26% believed that election officials have effective plans to deal with foreign citizen voting.

Another recent survey found “that 55% of Likely U.S. Voters believe it is likely that non-citizens are illegally registered to vote in the state where they live, including 32% who say it’s Very Likely. Thirty-seven percent (37%) don’t think it’s likely there are non-citizens registered to vote in their state, including 14% who consider it Not At All Likely.”

### **Is Noncitizen Voting Rare?**

Just five days ago, [The Associated Press published](#) a story under this loaded headline:

Illegal voting by noncitizens is rare, yet Republicans are making it a major issue this election.

Despite the headline, the story provided proof that it might not be rare. Whether it is or not might depend upon a person’s definition of “rare.”

Three states have purged more than 11,000 voters from the rolls.

[Click here](#) to learn about The John Birch Society’s campaign to *Restore Election Integrity*.



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