

Extending the Voter-Registration Deadline in Arizona Because of a Pandemic

Mi Familia Vota v. Hobbs
(Steven P. Logan, D. Ariz. 2:20-cv-1903)

Because of social distancing made necessary by the global Covid-19 infectious pandemic, a district court extended the voter-registration deadline. The court of appeals stayed the injunction, but it allowed a grace period of two days before the stay went into effect.

Subject: Registration procedures. *Topics:* Registration procedures; Covid-19; interlocutory appeal; intervention.

Three voter-registration organizations filed a federal complaint in the District of Arizona against Arizona’s secretary of state on September 30, 2020, seeking an extension of the deadline for voter registration from October 5 to no earlier than October 27 “to ensure that all Arizonans who want to register to vote in this year’s Presidential election will have the time necessary to do so, notwithstanding the COVID-19 pandemic.”¹ With their complaint, the plaintiffs filed a motion for a temporary restraining order and a preliminary injunction.²

Judge Steven P. Logan set the case for a telephonic status conference on October 1.³ At the conference, he set the case for oral argument on Monday, October 5,⁴ and posted contact information for the telephonic oral argument on the court’s website.⁵ He granted an intervention motion by the Republican National Committee and the National Republican Senatorial Committee.⁶

He consolidated a trial on the merits with the injunction hearing and issued a preliminary injunction on October 5 extending the voter-registration deadline until Friday, October 23: “Plaintiffs offer data that shows that they could not reach the same number of voters during the pandemic months.”⁷

1. Complaint at 3, *Mi Familia Vota v. Hobbs*, No. 2:20-cv-1903 (D. Ariz. Sept. 30, 2020), D.E. 1; *see Mi Familia Vota v. Hobbs*, 977 F.3d 948, 950–51 (9th Cir. 2020); *Mi Familia Vota v. Hobbs*, 492 F. Supp. 3d 980, 983 (D. Ariz. 2020); *see also* Howard Fischer, *Federal Judge Asked to Extend Period for Voter Registration*, Ariz. Daily Star, Oct. 2, 2020, at B1.

2. Motion, *Mi Familia Vota*, No. 2:20-cv-1903 (D. Ariz. Sept. 30, 2020), D.E. 2; *Mi Familia Vota*, 492 F. Supp. 3d at 983.

3. Order, *Mi Familia Vota*, No. 2:20-cv-1903 (D. Ariz. Oct. 1, 2020), D.E. 8; *see Mi Familia Vota*, 492 F. Supp. 3d at 984; Minutes, *Mi Familia Vota*, No. 2:20-cv-1903 (D. Ariz. Oct. 5, 2020), D.E. 32.

4. Minutes, *Mi Familia Vota*, No. 2:20-cv-1903 (D. Ariz. Oct. 1, 2020), D.E. 11.

5. Order, *id.* (Oct. 2, 2020), D.E. 13; Order, *id.* (Oct. 2, 2020), D.E. 12 (specifying that oral argument would be telephonic); *see* Howard Fischer, *Hobbs: It’s Too Late to Extend Voter Registration*, Ariz. Daily Star, Oct. 6, 2020, at B2.

6. Intervention Order, *Mi Familia Vota*, No. 2:20-cv-1903 (D. Ariz. Oct. 5, 2020), D.E. 25; Intervention Motion, *id.* (Oct. 2, 2020), D.E. 15; *Mi Familia Vota*, 977 F.3d at 950; *Mi Familia Vota*, 492 F. Supp. 3d at 983–84.

7. *Mi Familia Vota*, 492 F. Supp. 3d at 987; *see Mi Familia Vota*, 977 F.3d at 950; *see also*

The court of appeals stayed the injunction on October 13 and delayed the effect of the stay for a grace period of two days.⁸ The extension of the registration deadline imposed a significant administrative burden on Arizona's election officials, and the original deadline was not a severe burden on voters.⁹

A newspaper reported, "More than 35,000 people signed up to vote during [the] 10-day extension of Arizona's voter registration deadline"¹⁰

Appeals were dismissed voluntarily in 2021.¹¹

Jen Fifield & Andrew Oxford, *Voter Sign-Up Extension Met with Cheers, Concern*, Ariz. Republic, Oct. 7, 2020, at A14; Howard Fischer, *AZ Judge Extends Voter Registration Deadline*, Ariz. Daily Star, Oct. 7, 2020, at A1.

8. *Mi Familia Vota*, 977 F.3d 948; see Andres Oxford, *Register by Today to Vote in Election*, Ariz. Republic, Oct. 15, 2020, at A8.

9. *Mi Familia Vota*, 977 F.3d at 952–53.

10. Andrew Oxford, *Extension Lets 35,000 New Voters Join Ranks*, Ariz. Republic, Oct. 17, 2020, at A8.

11. Order, *Mi Familia Vota v. Hobbs*, No. 20-16932 (9th Cir. Feb. 2, 2021), D.E. 59.