

1 D. Andrew Gaona (028414)
2 **COPPERSMITH BROCKELMAN PLC**
3 2800 North Central Avenue, Suite 1900
4 Phoenix, Arizona 85004
5 T: (602) 381-5478
6 agaona@cblawyers.com

7 Sambo (Bo) Dul (030313)
8 **STATES UNITED DEMOCRACY CENTER**
9 8205 South Priest Drive, #10312
10 Tempe, Arizona 85284
11 T: (480) 253-9651
12 bo@statesuniteddemocracy.org

13 Christine Bass *
14 **STATES UNITED DEMOCRACY CENTER**
15 506 S. Spring Street, Suite #13308
16 Los Angeles, California 90013
17 T: (309) 242-8511
18 christinebass@statesuniteddemocracy.org

19 * *Admitted Pro Hac Vice*

20 *Attorneys for Defendant*
21 *Arizona Secretary of State Katie Hobbs*

22 **UNITED STATES DISTRICT COURT**
23 **DISTRICT OF ARIZONA**

24 Mi Familia Vota, et al.,

25 Plaintiffs,

26 v.

Katie Hobbs, in her official capacity as
Arizona Secretary of State, et al.,

Defendants.

) No. 2:22-cv-00509-SRB
) (Consolidated)

) **DEFENDANT SECRETARY OF**
) **STATE KATIE HOBBS' ANSWER**
) **TO PLAINTIFFS TOHONO**
) **O'ODHAM NATION, GILA RIVER**
) **INDIAN COMMUNITY, KEANU**
) **STEVENS, ALANNA SIQUIEROS,**
) **AND LA DONNA JACKET'S**
) **AMENDED COMPLAINT**

1 Living United for Change in Arizona, et al.,)
2)
3 Plaintiffs,)
4)
5 v.)
6)
7 Katie Hobbs, in her official capacity as)
8 Arizona Secretary of State, et al.,)
9 Defendants.)

10 Poder Latinx, et al.,)
11)
12 Plaintiffs,)
13)
14 v.)
15)
16 Katie Hobbs, in her official capacity as)
17 Arizona Secretary of State, et al.,)
18 Defendants.)

19 United States of America,)
20)
21 Plaintiff,)
22)
23 v.)
24)
25 Katie Hobbs, in her official capacity as)
26 Arizona Secretary of State, et al.,)
Defendants.)

Democratic National Committee, et al.,)
Plaintiffs,)
v.)
Katie Hobbs, in her official capacity as)
Arizona Secretary of State, et al.,)
Defendants.)

1	Arizona Asian American Native Hawaiian)
2	and Pacific Islander for Equity Coalition,)
3	Plaintiff,)
4	v.)
5	Katie Hobbs, in her official capacity as)
6	Arizona Secretary of State, et al.,)
7	Defendants.)
8	Promise Arizona, et al.,)
9	Plaintiffs,)
10	v.)
11	Katie Hobbs, in her official capacity as)
12	Arizona Secretary of State, et al.,)
13	Defendants.)
14	Tohono O’odham Nation, et al.,)
15	Plaintiffs,)
16	v.)
17	Mark Brnovich, in his official capacity as)
18	Attorney General of Arizona, et al.,)
19	Defendants.)
20)
21)

22 Defendant Katie Hobbs, in her official capacity as Arizona Secretary of State
23 (“Secretary”) answers Plaintiffs Tohono O’odham Nation, Gila River Indian Community,
24 Keanu Stevens, Alanna Siquieros, and La Donna Jacket (“Plaintiffs”) Amended Complaint
25 [Doc. 21, No. 2:22-cv-01901-SRB] (“Amended Complaint”) as follows:

Introduction

1
2 1. Responding to Paragraph 1 of the Amended Complaint, the Secretary admits that
3 Plaintiffs challenge the documentary proof of location of residence requirement (hereinafter
4 “DPOR” or Physical Address Requirement”) imposed by Arizona HB 2492. The Secretary
5 lacks knowledge or information sufficient to form a belief about the truth of the remaining
6 allegations in Paragraph 1.

7 2. The Secretary lacks knowledge or information sufficient to form a belief about
8 the truth of the allegations in Paragraph 2.

9 3. Responding to Paragraph 3 of the Amended Complaint, the Secretary admits
10 that, in her view as the Chief Election Officer for the State of Arizona, the DPOR requirement
11 does not serve any legitimate governmental interest in ensuring free, fair, and secure elections,
12 furthering the orderly and efficient administration of elections, or preventing fraud in elections.
13 The Secretary admits that Arizona has for years implemented a successful voter registration
14 and list maintenance program that allows voters who lack standard physical addresses to
15 submit a description and/or graphic depiction of their location of residence, using either the
16 state or federal voter registration form. The Secretary lacks knowledge or information
17 sufficient to form a belief about the truth of the remaining allegations in Paragraph 3.

18 4. Responding to Paragraph 4 of the Amended Complaint, the Secretary admits
19 that, in her view as the Chief Election Officer for the State of Arizona, HB 2492’s DPOR
20 requirement conflicts with the National Voter Registration Act and *Arizona v. Inter Tribal*
21 *Council of Arizona*, 570 U.S. 1 (2013). The Secretary lacks knowledge or information
22 sufficient to form a belief about the truth of the remaining allegations in Paragraph 4.

23 5. Responding to Paragraph 5 of the Amended Complaint, the Secretary admits that
24 Plaintiffs seek declaratory and injunctive relief with respect to the Physical Address
25 Requirement. The Secretary lacks knowledge or information sufficient to form a belief about
26 the truth of the remaining allegations in Paragraph 5.

Jurisdiction and Venue

6. The Secretary admits the allegations in Paragraph 6.

7. The Secretary admits the allegations in Paragraph 7.

Parties

8. The Secretary lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 8.

9. The Secretary lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 9.

10. The Secretary lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 10.

11. The Secretary lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 11.

12. The Secretary lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 12.

13. The Secretary lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 13.

14. The Secretary lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 14.

15. The Secretary lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 15.

16. The Secretary lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 16.

17. The Secretary lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 17.

18. The Secretary lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 18.

1 19. The Secretary lacks knowledge or information sufficient to form a belief about
2 the truth of the allegations in Paragraph 19.

3 20. The Secretary lacks knowledge or information sufficient to form a belief about
4 the truth of the allegations in Paragraph 20.

5 21. The Secretary lacks knowledge or information sufficient to form a belief about
6 the truth of the allegations in Paragraph 21.

7 22. The Secretary lacks knowledge or information sufficient to form a belief about
8 the truth of the allegations in Paragraph 22.

9 23. Responding to Paragraph 23 of the Amended Complaint, the Secretary admits
10 that she serves as the Chief Election Officer for Arizona; that she is the statewide elected public
11 officer responsible for coordination of state responsibilities under the National Voter
12 Registration Act (“NVRA”) and Uniformed and Overseas Citizens Absentee Voting Act
13 (“UOCAVA”); that she issues the Elections Procedures Manual, which must be approved by
14 the Governor and Attorney General and includes rules for, among other things, voter
15 registration; and that Plaintiffs sued her in her official capacity. The Secretary lacks knowledge
16 or information sufficient to form a belief about the truth of the remaining allegations in
17 Paragraph 23.

18 24. Responding to Paragraph 24 of the Amended Complaint, the Secretary admits
19 that Defendant Mark Brnovich, as Arizona’s Attorney General, is the State’s chief legal officer;
20 that he, with the Governor, approves the Election Procedures Manual; and that he is sued in
21 his official capacity. The Secretary lacks knowledge or information sufficient to form a belief
22 about the truth of the remaining allegations in Paragraph 24.

23 25. Responding to Paragraph 25 of the Amended Complaint, the Secretary admits
24 that Defendants Dana Lewis, Gabriella Cázares-Kelly, and Stephen Richer are sued in their
25 official capacities as Arizona County Recorders and that their responsibilities include
26 processing voter registration forms, rejecting a voter’s registration form, and canceling a

1 voter's registration. The Secretary lacks knowledge or information sufficient to form a belief
2 about the truth of the remaining allegations in Paragraph 25.

3 **Factual Background**

4 26. Responding to Paragraph 26 of the Amended Complaint, the Secretary admits
5 that Arizona is home to twenty-two federally recognized Native American Tribes. The
6 Secretary lacks knowledge or information sufficient to form a belief about the truth of the
7 remaining allegations in Paragraph 26.

8 27. The Secretary lacks knowledge or information sufficient to form a belief about
9 the truth of the allegations in Paragraph 27.

10 28. Responding to Paragraph 28 of the Amended Complaint, the Secretary admits
11 the allegations in the first sentence and admits that one of the purposes of requiring voter
12 registration applicants to provide their residence address or location is to allow election
13 administrators to identify the precinct where voters live so they can be provided with the correct
14 ballot style.

15 29. The Secretary admits the allegations in Paragraph 29.

16 30. The Secretary admits the allegations in Paragraph 30.

17 31. Responding to Paragraph 31 of the Amended Complaint, the Secretary admits
18 that it is common for homes on tribal reservations to lack standard addresses and that some
19 Arizona voters from Native American areas register by drawing a map of the location of their
20 residence on their voter registration form. The Secretary lacks knowledge or information
21 sufficient to form a belief about the truth of the remaining allegations in Paragraph 31.

22 32. Responding to Paragraph 32 of the Amended Complaint, the Secretary admits
23 that Arizona passed HB 2492 which requires that eligible Arizona voters, with narrow
24 exceptions for qualified individuals temporarily absent from the State, provide documentary
25 proof of residence to register to vote in any election. The Secretary lacks knowledge or
26 information sufficient to form a belief about the truth of the remaining allegations in Paragraph

1 32.

2 33. The Secretary admits the allegations in Paragraph 33.

3 34. The Secretary admits the allegations in Paragraph 34.

4 35. The Secretary admits the allegations in Paragraph 35.

5 36. The Secretary lacks knowledge or information sufficient to form a belief about
6 the truth of the allegations in Paragraph 36.

7 37. The Secretary lacks knowledge or information sufficient to form a belief about
8 the truth of the allegations in Paragraph 37.

9 38. The Secretary lacks knowledge or information sufficient to form a belief about
10 the truth of the allegations in Paragraph 38.

11 39. The Secretary lacks knowledge or information sufficient to form a belief about
12 the truth of the allegations in Paragraph 39.

13 40. Responding to Paragraph 40 of the Amended Complaint, the Secretary admits
14 that a P.O. Box number is insufficient to satisfy the Physical Address Requirement in HB 2492.
15 The Secretary lacks knowledge or information sufficient to form a belief about the truth of the
16 remaining allegations in Paragraph 40.

17 41. Responding to Paragraph 41 of the Amended Complaint, the Secretary admits
18 that a P.O. Box number is insufficient to satisfy the Physical Address Requirement in HB 2492.
19 The Secretary lacks knowledge or information sufficient to form a belief about the truth of the
20 remaining allegations in Paragraph 41.

21 42. The Secretary lacks knowledge or information sufficient to form a belief about
22 the truth of the allegations in Paragraph 42.

23 43. The Secretary lacks knowledge or information sufficient to form a belief about
24 the truth of the allegations in Paragraph 43.

25 44. The Secretary lacks knowledge or information sufficient to form a belief about
26 the truth of the allegations in Paragraph 44.

1 45. Responding to Paragraph 45 of the Amended Complaint, the Secretary admits
2 that a P.O. Box number is insufficient to satisfy the Physical Address Requirement in HB 2492.
3 The Secretary lacks knowledge or information sufficient to form a belief about the truth of the
4 remaining allegations in Paragraph 45.

5 46. Responding to Paragraph 46 of the Amended Complaint, the Secretary admits
6 that a P.O. Box number is insufficient to satisfy the Physical Address Requirement in HB 2492.
7 The Secretary lacks knowledge or information sufficient to form a belief about the truth of the
8 remaining allegations in Paragraph 46.

9 47. The Secretary lacks knowledge or information sufficient to form a belief about
10 the truth of the allegations in Paragraph 47.

11 48. The Secretary lacks knowledge or information sufficient to form a belief about
12 the truth of the allegations in Paragraph 48.

13 49. The Secretary lacks knowledge or information sufficient to form a belief about
14 the truth of the allegations in Paragraph 49.

15 50. The Secretary lacks knowledge or information sufficient to form a belief about
16 the truth of the allegations in Paragraph 50.

17 51. Responding to Paragraph 51 of the Amended Complaint, the Secretary admits
18 that a P.O. Box number is insufficient to satisfy the Physical Address Requirement in HB 2492.
19 The Secretary lacks knowledge or information sufficient to form a belief about the truth of the
20 remaining allegations in Paragraph 51.

21 52. Responding to Paragraph 52 of the Amended Complaint, the Secretary admits
22 that a P.O. Box number is insufficient to satisfy the Physical Address Requirement in HB 2492.
23 The Secretary lacks knowledge or information sufficient to form a belief about the truth of the
24 remaining allegations in Paragraph 52.

25 53. The Secretary lacks knowledge or information sufficient to form a belief about
26 the truth of the allegations in Paragraph 53.

1 requirement conflicts with the National Voter Registration Act and *Arizona v. Inter Tribal*
2 *Council of Arizona*, 570 U.S. 1 (2013). The Secretary lacks knowledge or information
3 sufficient to form a belief about the truth of the remaining allegations in Paragraph 63.

4 64. The Secretary admits the allegations in Paragraph 64.

5 65. The Secretary lacks knowledge or information sufficient to form a belief about
6 the truth of the allegations in Paragraph 65.

7 66. Responding to Paragraph 66 of the Amended Complaint, the Secretary admits
8 that, in her view as the Chief Election Officer for the State of Arizona, HB 2492's DPOR
9 requirement conflicts with the National Voter Registration Act and *Arizona v. Inter Tribal*
10 *Council of Arizona*, 570 U.S. 1 (2013). The Secretary lacks knowledge or information
11 sufficient to form a belief about the truth of the remaining allegations in Paragraph 66.

12 67. The Secretary lacks knowledge or information sufficient to form a belief about
13 the truth of the allegations in Paragraph 67.

14 **Count 2**

15 **First and Fourteenth Amendments to the U.S. Constitution; 42 U.S.C. § 1985**
16 **Severe and Unjustifiable Burden on the Right to Vote (On Behalf of Plaintiffs Tohono**
17 **O'odham Nation, Keanu Stevens, Alanna Siquieros, and La Donna Jacket and as to All**
18 **Defendants)**

19 68. The Secretary admits the allegations in Paragraph 68.

20 69. The Secretary admits the allegations in Paragraph 69.

21 70. The Secretary admits the allegations in Paragraph 70.

22 71. Responding to Paragraph 71 of the Amended Complaint, the Secretary admits
23 that, in her view as the Chief Election Officer for the State of Arizona, the DPOR requirement
24 does not serve any legitimate governmental interest in ensuring free, fair, and secure elections,
25 furthering the orderly and efficient administration of elections, or preventing fraud in elections.
26 The Secretary admits that Arizona has for years implemented a successful voter registration
program whereby voters with nonstandard addresses may describe and/or depict their location
of residence in a way that fully facilitates all aspects of local election administration, including

1 polling place precinct assignments. The Secretary lacks knowledge or information sufficient
2 to form a belief about the truth of the remaining allegations in Paragraph 71.

3 72. The Secretary denies each and every allegation in the Amended Complaint that
4 is not specifically admitted herein, including (i) any implied allegations, inferences, or
5 characterizations not specifically admitted, and (ii) any and all allegations stated or implied in
6 unnumbered paragraphs, footnotes, and headings.

7 **Prayer for Relief**

8 73. Responding to Plaintiffs' prayer for relief, the Secretary states that, other than
9 providing her view on certain provisions as Arizona's Chief Election Officer, she takes no
10 position regarding the ultimate merits of Plaintiffs' claims against the challenged laws and
11 Plaintiffs' request for substantive relief in the form of a declaratory judgment and a permanent
12 injunction. The Secretary denies that Plaintiffs should be entitled to an award of their
13 reasonable attorneys' fees and costs as against her.

14 Respectfully submitted this 28th day of December, 2022.

15 **COPPERSMITH BROCKELMAN PLC**

16 By /s/ D. Andrew Gaona
17 D. Andrew Gaona

18 **STATES UNITED DEMOCRACY CENTER**

19 Sambo (Bo) Dul
20 Christine Bass *

21 **Admitted Pro Hac Vice*

22 *Attorneys for Defendant Arizona Secretary of*
23 *State Katie Hobbs*