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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 PODER LATINX**
) **AND CPLC'S SECOND 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.)
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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)

15 Defendant Katie Hobbs, in her official capacity as Arizona Secretary of State
16 (“Secretary”) answers Plaintiff Poder Latinx, Chicanos Por La Causa, Inc., and Chicanos Por
17 La Causa Action Fund (“Plaintiffs”) Second Amended Complaint [Doc. 169] (“SAC”) as
18 follows:

19 **Nature of Action**

20 1. Responding to Paragraph 1 of the SAC, the Secretary admits that Plaintiffs
21 generally describe the nature of their claims in this action, and lacks knowledge or information
22 sufficient to form a belief about the truth of the remaining allegations in Paragraph 1.

23 2. Responding to Paragraph 2 of the SAC, the Secretary admits that HB 2492 and
24 HB 2243’s amendments to A.R.S. § 16-165 take effect on January 1, 2023. The Secretary lacks
25 knowledge or information sufficient to form a belief about the truth of the remaining
26 allegations in Paragraph 2.

1 3. Responding to Paragraph 3 of the SAC, the Secretary admits that Plaintiffs
2 generally describe the nature of their claims in this action challenging provisions in HB 2492
3 and HB 2243, and lacks knowledge or information sufficient to form a belief about the truth
4 of the remaining allegations in Paragraph 3.

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

6 5. Responding to Paragraph 5 of the SAC, the Secretary admits that HB 2492
7 provides that election officials must “use all available resources,” including any “state, city,
8 town, county or federal database relating to voter registration to which the county recorder has
9 access,” to “verify the citizenship status” of voter registration applicants and registered voters
10 who have not provided proof of citizenship; that HB 2492 and HB 2243 require the county
11 recorders to reject registration forms and cancel voter registrations based on “information” that
12 the applicant or registered voter “is not a United States citizen”; that HB 2492 requires the
13 Secretary and county recorders to provide a list of individuals who have not submitted proof
14 of citizenship required under Arizona law; that HB 2492 provides that the Attorney General
15 must investigate the citizenship status of and potentially prosecute individuals on those lists;
16 and that HB 2492 and HB 2243 authorize the county recorders to reject registration forms,
17 cancel existing registered voters’ records, and subject those individuals to investigation and
18 prosecution based on certain citizenship information derived from potentially outdated and
19 unreliable sources. The Secretary lacks knowledge or information sufficient to form a belief
20 about the truth of the remaining allegations in Paragraph 5.

21 6. Responding to Paragraph 6 of the SAC, the Secretary admits that Plaintiffs quote
22 a portion of the Governor’s veto letter in which he explained why he vetoed HB 2617 and that
23 HB 2492 includes provisions similar to HB 2617, and lacks knowledge or information
24 sufficient to form a belief about the truth of the remaining allegations in Paragraph 6.

25 7. Responding to Paragraph 7 of the SAC, the Secretary admits that Plaintiffs quote
26 the language in HB 2243, and that HB 2492 requires county recorders to subject applicants and

1 registered voters to investigation and potential cancellation of voter registrations based on
2 “information” that the applicant or registered voter “is not a United States citizen.” The
3 Secretary lacks knowledge or information sufficient to form a belief about the truth of the
4 remaining allegations in Paragraph 7.

5 8. Responding to Paragraph 8 of the SAC, the Secretary admits that HB 2492 and
6 HB 2243 will add additional restrictions in Arizona’s voter registration system, and admits
7 that, in her view as the Chief Election Officer for the State of Arizona, the challenged
8 provisions do not advance any legitimate regulatory interest in ensuring free, fair, and secure
9 elections, furthering the orderly and efficient administration of elections, or preventing fraud
10 in elections. The Secretary lacks knowledge or information sufficient to form a belief about
11 the truth of the remaining allegations in Paragraph 8.

12 9. Responding to Paragraph 9 of the SAC, the Secretary admits that HB 2492 and
13 HB 2243 do not specify what information suffices to determine that a voter registration
14 applicant or registered voter is not a U.S. citizen and that some United States citizens may be
15 erroneously flagged as non-citizens based on potentially outdated and inaccurate data. The
16 Secretary lacks knowledge or information sufficient to form a belief about the truth of the
17 remaining allegations in Paragraph 9.

18 10. Responding to Paragraph 10 of the Complaint, the Secretary admits that, in her
19 view as the Chief Election Officer for the State of Arizona, the challenged DPOR provisions
20 of HB 2492 conflict with the NVRA and the U.S. Supreme Court’s decision in *Arizona v. Inter*
21 *Tribal Council of Arizona (ITCA)*, 570 U.S. 1 (2013).

22 11. Responding to Paragraph 11 of the SAC, the Secretary admits that Plaintiffs
23 generally describe the nature of their claims and their request for relief.

24 **JURISDICTION AND VENUE**

25 12. The Secretary admits the allegations in Paragraph 12.

26 13. The Secretary admits the allegations in Paragraph 13.

1 14. The Secretary admits the allegations in Paragraph 14.

2 15. Responding to Paragraph 15 of the SAC, the Secretary denies that Plaintiff
3 should be entitled to an award of its attorneys' fees and costs as against her, and admits the
4 remaining allegations in Paragraph 15.

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

6 17. The Secretary admits the allegations in Paragraph 17.

7 **PARTIES**

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

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

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

14 21. Responding to Paragraph 21 of the SAC, the Secretary admits the allegations in
15 the first three sentences. Responding to the remaining allegations in Paragraph 16, the
16 Secretary admits that she is the public officer responsible for coordination of state
17 responsibilities under the National Voter Registration Act of 1993 and the Uniformed and
18 Overseas Citizens Absentee Voting Act and that under A.R.S. § 16-452, the Secretary
19 promulgates binding rules and regulations for voter registration through the Elections
20 Procedures Manual ("EPM"), which is subject to approval by the Governor and Attorney
21 General. The Secretary denies that she "has power to compel the county recorders to comply
22 with state and federal election laws," except through the EPM after approval by the Governor
23 and Attorney General.

24 22. The Secretary admits the allegations in Paragraph 22.

25 23. The Secretary admits the allegations in Paragraph 23.

26 24. The Secretary admits the allegations in Paragraph 24.

1 25. The Secretary admits the allegations in Paragraph 25.

2 26. The Secretary admits the allegations in Paragraph 26.

3 **BACKGROUND**

4 27. The Secretary admits the allegations in Paragraph 27.

5 28. Responding to Paragraph 28 of the SAC, the Secretary admits the allegations in
6 the first three sentences. Responding to the remaining allegations, the Secretary admits that an
7 applicant who possesses an “F-type” license (*i.e.*, a license type that indicates non-citizenship
8 at the time of issuance) would need to submit another form of evidence of citizenship to register
9 to vote a full ballot, and lacks knowledge or information sufficient to form a belief about the
10 truth of the remaining allegations in Paragraph 28.

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

12 30. Responding to Paragraph 30 of the SAC, the Secretary admits that Arizona voters
13 who have provided DPOC may vote in all elections, including federal, state, and local
14 elections, and Arizona voters who have not provided DPOC, and for whom proof of citizenship
15 has not been located by county recorders, are only permitted to vote in federal elections. The
16 Secretary further admits that HB 2492 will prohibit “federal only” voters from voting in
17 presidential elections or receiving an early ballot by mail. The Secretary lacks knowledge or
18 information sufficient to form a belief about the truth of the remaining allegations in Paragraph
19 30.

20 31. The Secretary admits the allegations in Paragraph 31.

21 32. Responding to Paragraph 32 of the SAC, the Secretary admits that when HB
22 2492 takes effect, a state voter registration form that is submitted without DPOC must be
23 rejected by the county recorder’s office and that failing to reject the form will be a class 6
24 felony. The Secretary also admits that a registration applicant must be notified and afforded an
25 opportunity to provide DPOC and that Plaintiffs quote Ariz. Rev. Stat. § 16-134(B) before it
26 was amended by HB 2492. The Secretary lacks knowledge or information sufficient to form a

1 belief about the truth of the remaining allegations in Paragraph 32.

2 33. Responding to Paragraph 33 of the SAC, the Secretary admits the allegations in
3 the first two sentences, and lacks knowledge or information sufficient to form a belief about
4 the truth of the allegations in the last sentence.

5 34. Responding to Paragraph 34 of the SAC, the Secretary admits that Plaintiffs
6 generally describe portions of HB 2492 Section 4, A.R.S. § 16-121.01(D). The Secretary lacks
7 knowledge or information sufficient to form a belief about the truth of the remaining
8 allegations in Paragraph 34.

9 35. Responding to Paragraph 35 of the SAC, the Secretary admits that Plaintiffs
10 generally describe the three “scenarios” described in HB 2492 Section 4, A.R.S. § 16-
11 121.01(E), and lacks knowledge or information sufficient to form a belief about the truth of
12 the remaining allegations in Paragraph 35.

13 36. The Secretary admits the allegations in Paragraph 36.

14 37. The Secretary admits the allegations in Paragraph 37.

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

17 39. Responding to Paragraph 39 of the SAC, the Secretary admits that under HB
18 2243, if a county recorder “obtains information pursuant to this section and confirms that the
19 person registered is not a United States citizen,” and if after receiving a notice the voter does
20 not provide proof of citizenship within 35 days, the recorder must cancel the registration. The
21 Secretary lacks knowledge or information sufficient to form a belief about the truth of the
22 remaining allegations in Paragraph 39.

23 40. Responding to Paragraph 40 of the SAC, the Secretary admits the allegations in
24 the second sentence, and admits the allegations in the third sentence except that the county
25 recorders must perform such monthly comparisons only “to the extent practicable.”
26 Responding to the allegations in the first sentence, the Secretary admits that HB 2243 requires

1 that the Secretary perform monthly comparisons against the driver license database maintained
2 by ADOT, and that HB 2243 requires that county recorders, to the extent practicable, perform
3 reviews of certain federal, state, and local databases to which they have access.

4 41. Responding to Paragraph 41 of the SAC, the Secretary admits that HB 2243
5 requires that, “[t]o the extent practicable, each month the county recorder shall compare
6 persons who are registered to vote in that county and who the county recorder has reason to
7 believe are not United States citizens and persons who are registered to vote without
8 satisfactory evidence of citizenship as prescribed by Section 16-166 with the Systematic Alien
9 Verification for Entitlements program maintained by the United States Citizenship and
10 Immigration Services to verify the citizenship status of the persons registered.” The Secretary
11 also admits that HB 2243 does not include any indicia or criteria that would provide a predicate
12 for the county recorder’s “reason to believe” a person is not a United States citizen. The
13 Secretary lacks knowledge or information sufficient to form a belief about the truth of the
14 remaining allegations in Paragraph 41.

15 42. Responding to Paragraph 42 of the SAC, the Secretary admits the allegations
16 except that county recorders must compare such data only “if accessible.”

17 43. Responding to Paragraph 43 of the SAC, the Secretary admits the allegations
18 except that county recorders must review such databases only “to the extent practicable.”

19 44. Responding to Paragraph 44 of the SAC, the Secretary admits that HB 2492 and
20 HB 2243 do not specify what type, set, or combination of “information” establishes that a
21 registered voter “is not a United States citizen” or what information is sufficient to match an
22 individual in a database with the registered voter or applicant, and that some United States
23 citizens may be erroneously flagged as non-citizens based on potentially outdated and
24 inaccurate data. The Secretary lacks knowledge or information sufficient to form a belief about
25 the truth of the remaining allegations in Paragraph 44.

26 45. Responding to Paragraph 45 of the SAC, the Secretary admits that HB 2617,

1 which was vetoed by Governor Doug Ducey, included a registration cancellation provision
2 similar to provisions in HB 2492 and HB 2243. The Secretary also admits that Plaintiffs quote
3 portions of the Governor's veto letter in which he explained why he vetoed HB 2617, and lacks
4 knowledge or information sufficient to form a belief about the truth of the remaining
5 allegations in Paragraph 45.

6 46. Responding to Paragraph 46 of the SAC, the Secretary admits that Arizona's
7 preexisting DPOC law enumerates the specific forms of proof that a voter registration applicant
8 can provide to establish U.S. citizenship, and that HB 2492 and HB 2243 do not enumerate
9 what specific "information" proves that a voter registration applicant or a registered voter "is
10 not a U.S. citizen." The Secretary lacks knowledge or information sufficient to form a belief
11 about the truth of the remaining allegations in Paragraph 46.

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

14 48. Responding to Paragraph 48 of the SAC, the Secretary admits that, in her view
15 as the Chief Election Officer for the State of Arizona, the challenged HB 2492 and HB 2243
16 provisions do not advance any legitimate regulatory interest in ensuring free, fair, and secure
17 elections, furthering the orderly and efficient administration of elections, or preventing fraud
18 in elections. The Secretary lacks knowledge or information sufficient to form a belief about
19 the truth of the remaining allegations in Paragraph 48.

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

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

24 51. Responding to Paragraph 51 of the SAC, the Secretary admits that certain of the
25 databases listed in HB 2492 and HB 2243 may include potentially outdated and unreliable
26 information.

1 52. Responding to Paragraph 52 of the SAC, the Secretary admits that SAVE is not
2 a universal or exhaustive list of U.S. citizens and may contain outdated or inaccurate data on
3 citizenship status. The Secretary lacks knowledge or information sufficient to form a belief
4 about the truth of the allegations in Paragraph 52.

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

7 54. The Secretary lacks knowledge or information sufficient to form a belief about
8 the truth of the allegations in Paragraph 54.

9 55. The Secretary lacks knowledge or information sufficient to form a belief about
10 the truth of the allegations in Paragraph 55.

11 56. The Secretary lacks knowledge or information sufficient to form a belief about
12 the truth of the allegations in Paragraph 56.

13 57. The Secretary lacks knowledge or information sufficient to form a belief about
14 the truth of the allegations in Paragraph 57.

15 58. The Secretary admits the allegations in Paragraph 58.

16 59. Responding to the first sentence in Paragraph 59 of the SAC, the Secretary
17 admits that HB 2492 requires that “a person who registers to vote shall provide an identifying
18 document that establishes proof of location of residence.” The Secretary admits the remaining
19 allegations in Paragraph 59.

20 60. The Secretary admits the allegations in Paragraph 60.

21 61. The Secretary admits the allegations in Paragraph 61.

22 62. Responding to Paragraph 62 of the SAC, the Secretary admits that, in her view
23 as the Chief Election Officer for the State of Arizona, the proof of residence provision of HB
24 2492 conflicts with the NVRA and the Supreme Court’s decision in *ITCA* by imposing
25 requirements for registering to vote in federal elections using the Federal Form beyond those
26 prescribed by the U.S. Election Assistance Commission.

1 63. The Secretary lacks knowledge or information sufficient to form a belief about
2 the truth of the allegations in Paragraph 63.

3 64. The Secretary lacks knowledge or information sufficient to form a belief about
4 the truth of 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 the allegations in Paragraph 66 of the SAC, the Secretary admits
8 that, under the LULAC Consent Decree, voter registration applicants submitting either the state
9 or federal voter registration form can still be registered to vote in federal elections even if they
10 do not submit DPOC, and that under HB 2492, state registration forms submitted without
11 DPOC will be rejected as incomplete. The Secretary lacks knowledge or information sufficient
12 to form a belief about the truth of the remaining allegations in Paragraph 66.

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

15 68. The Secretary lacks knowledge or information sufficient to form a belief about
16 the truth of the allegations in Paragraph 68.

17 69. The Secretary lacks knowledge or information sufficient to form a belief about
18 the truth of the allegations in Paragraph 69.

19 70. The Secretary lacks knowledge or information sufficient to form a belief about
20 the truth of the allegations in Paragraph 70.

21 71. The Secretary lacks knowledge or information sufficient to form a belief about
22 the truth of the allegations in Paragraph 71.

23 72. The Secretary lacks knowledge or information sufficient to form a belief about
24 the truth of the allegations in Paragraph 72.

25 73. Responding to Paragraph 73 of the SAC, the Secretary admits that HB 2492
26 requires that a voter registration form be accompanied by DPOR to be complete, and lacks

1 knowledge or information sufficient to form a belief about the truth of the remaining
2 allegations in Paragraph 73.

3 74. The Secretary lacks knowledge or information sufficient to form a belief about
4 the truth of the allegations in Paragraph 74.

5 75. The Secretary lacks knowledge or information sufficient to form a belief about
6 the truth of the allegations in Paragraph 75.

7 76. The Secretary lacks knowledge or information sufficient to form a belief about
8 the truth of the allegations in Paragraph 76.

9 77. The Secretary lacks knowledge or information sufficient to form a belief about
10 the truth of the allegations in Paragraph 77.

11 78. The Secretary lacks knowledge or information sufficient to form a belief about
12 the truth of the allegations in Paragraph 78.

13 79. The Secretary lacks knowledge or information sufficient to form a belief about
14 the truth of the allegations in Paragraph 79.

15 80. The Secretary lacks knowledge or information sufficient to form a belief about
16 the truth of the allegations in Paragraph 80.

17 81. The Secretary lacks knowledge or information sufficient to form a belief about
18 the truth of the allegations in Paragraph 81.

19 82. The Secretary lacks knowledge or information sufficient to form a belief about
20 the truth of the allegations in Paragraph 82.

21 83. The Secretary lacks knowledge or information sufficient to form a belief about
22 the truth of the allegations in Paragraph 83.

23 84. The Secretary lacks knowledge or information sufficient to form a belief about
24 the truth of the allegations in Paragraph 84.

25 85. The Secretary lacks knowledge or information sufficient to form a belief about
26 the truth of the allegations in Paragraph 85.

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CLAIMS

**COUNT ONE
(All Plaintiffs)**

(Violation of Section 8(b) of the National Voter Registration Act (NVRA), 52 U.S.C. § 20507(b) and 42 U.S.C. § 1983 HB 2492 Secs. 4, 7, and 8 (Ariz. Rev. Stat. §§ 16-121.01(D), 16-121.01(E), and 16-121.01(F); Ariz. Rev. Stat. § 16-143; Ariz. Rev. Stat. § 16-165(A)(10))

86. The Secretary incorporates by reference all preceding paragraphs as if fully set forth herein.

87. The Secretary admits the allegations in Paragraph 87.

88. Responding to Paragraph 88 of the SAC, the Secretary admits that Plaintiffs generally describe portions of the court's findings in *Project Vote v. Blackwell*, 455 F. Supp. 2d 694, 703 (N.D. Ohio 2006).

89. The Secretary lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 89.

90. Responding to Paragraph 90 of the SAC, the Secretary admits that Arizona's preexisting DPOC requirement contains an objective list of the specific forms of documentation that prove a registration applicant's U.S. citizenship, and that HB 2492 and HB 2243 do not articulate what "information" will establish that a registration applicant or registered voter "is not a United States citizen," how to "confirm[]" a lack of U.S. citizenship, or what would constitute a "reason to believe" an individual is not a U.S. citizen. The Secretary lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 90.

91. Responding to Paragraph 91 of the SAC, the Secretary admits that HB 2492 and HB 2243 require county recorders to use "all available resources" to verify U.S. citizenship status when an applicant does not include DPOC, and that some United States citizens may be erroneously identified as non-citizens based on potentially outdated and inaccurate information. The Secretary lacks knowledge or information sufficient to form a belief about

1 the truth of the remaining allegations in Paragraph 91.

2 92. The Secretary lacks knowledge or information sufficient to form a belief about
3 the truth of the allegations in Paragraph 92.

4 93. Responding to Paragraph 93 of the SAC, the Secretary admits that SAVE is not
5 a universal or exhaustive list of U.S. citizens and may contain outdated or inaccurate data on
6 citizenship status. The Secretary further admits that HB 2243 requires county recorders, to the
7 extent practicable, to compare registered voters whom “the county recorder has reason to
8 believe are not United States citizens” with SAVE “to verify the citizenship status of the
9 persons registered.” If a county recorder “confirms that the person registered is not a United
10 States citizen” based on the review of the SAVE database, and if after receiving a notice the
11 voter does not provide proof of citizenship within 35 days, the recorder must cancel the
12 registration. The Secretary lacks knowledge or information sufficient to form a belief about
13 the trust of the remaining allegations in Paragraph 93.

14 94. Responding to Paragraph 94 of the SAC, the Secretary admits that Section 16-
15 165(I) as revised by HB 2243 requires county recorders, to the extent practicable, to compare
16 registered voters whom “the county recorder has reason to believe are not United States
17 citizens” with the SAVE database “to verify the citizenship status of the persons registered.”
18 The Secretary lacks knowledge or information sufficient to form a belief about the truth of the
19 remaining allegations in Paragraph 94.

20 95. The Secretary admits the allegations in Paragraph 95.

21 96. The Secretary lacks knowledge or information sufficient to form a belief about
22 the truth of the allegations in Paragraph 96.

23 97. The Secretary lacks knowledge or information sufficient to form a belief about
24 the truth of the allegations in Paragraph 97.

25 98. Responding to Paragraph 98 of the SAC, the Secretary denies that she has taken
26 any unlawful actions under color of state law. The Secretary lacks knowledge or information

1 sufficient to form a belief about the truth of the remaining allegations in Paragraph 98.

2 **COUNT TWO**
3 **(All Plaintiffs)**
4 **(Discriminatory Practices and Procedures for Voter Qualification Determinations, 52**
5 **U.S.C. § 10101(a)(2)(A) and 42 U.S.C. § 1983)**
6 **HB 2243 Section 2 (Ariz. Rev. Stat. § 16-165(H))**

7 99. The Secretary incorporates by reference all preceding paragraphs as if fully set
8 forth herein.

9 100. Responding to Paragraph 100 of the SAC, the Secretary admits that Plaintiffs
10 quote a portion of 52 U.S.C. § 10101(a)(2)(A).

11 101. Responding to Paragraph 101 of the SAC, the Secretary admits that Plaintiffs
12 quote a portion of 52 U.S.C. § 10101(a)(2)(A), and lacks knowledge or information sufficient
13 to form a belief about the truth of the remaining allegations in Paragraph 101.

14 102. Responding to Paragraph 102 of the SAC, the Secretary admits that HB 2243
15 requires a different “standard, practice, or procedure” for determining a voter’s qualifications
16 for voters who a county recorder “has reason to believe are not United States citizens” than for
17 voters who a county recorder does not have reason to believe are not United States citizens.
18 The Secretary lacks knowledge or information sufficient to form a belief about the truth of the
19 remaining allegations in Paragraph 102.

20 103. Responding to Paragraph 103 of the SAC, the Secretary admits that voters who
21 are not suspected of lacking U.S. citizenship will not be subjected to the investigation and
22 potential cancellations provisions set forth in HB 2243. The Secretary lacks knowledge or
23 information sufficient to form a belief about the truth of the remaining allegations in Paragraph
24 103.

25 104. The Secretary lacks knowledge or information sufficient to form a belief about
26 the truth of the allegations in Paragraph 104

105. Responding to Paragraph 105 of the SAC, the Secretary denies that she has taken
any unlawful actions under color of state law.

1 106. The Secretary lacks knowledge or information sufficient to form a belief about
2 the truth of the allegations in Paragraph 106.

3 **Count Three**
4 **(All Plaintiffs)**
5 **(Racial and National Origin Discrimination, Equal Protection Clause of Fourteenth**
6 **Amendment to the U.S. Constitution and Fifteenth Amendment, and 42 U.S.C. § 1983)**
7 **HB 2243 Section 2 (Ariz. Rev. Stat. § 16-165(I))**

8 107. The Secretary incorporates by reference all preceding paragraphs as if fully set
9 forth herein.

10 108. Responding to Paragraph 108 of the SAC, the Secretary admits that the Equal
11 Protection Clause of the Fourteenth Amendment to the United States Constitution prohibits
12 discrimination based on race or national origin, and that Plaintiffs quote portions of the cited
13 cases.

14 109. Responding to Paragraph 109 of the SAC, the Secretary admits that Plaintiffs
15 quote a portion of the Fifteenth Amendment to the United States Constitution.

16 110. Responding to Paragraph 110 of the SAC, the Secretary admits that Plaintiffs
17 quote a portion of *Louisiana v. United States*, 380 U.S. 145, 152–53 (1965).

18 111. Responding to Paragraph 111 of the SAC, the Secretary admits that HB 2243
19 requires that county recorders, to the extent practicable, check the SAVE database each month
20 “to verify the citizenship status” of any “persons who are registered to vote in that county and
21 who the county recorder has reason to believe are not United States citizens.” The Secretary
22 also admits that SAVE is not a universal or exhaustive list of U.S. citizens and may contain
23 outdated or inaccurate data on citizenship status. The Secretary lacks knowledge or information
24 sufficient to form a belief about the truth of the remaining allegations in Paragraph 111.

25 112. Responding to Paragraph 112 of the SAC, the Secretary admits that HB 2243
26 requires that county recorders, to the extent practicable, check the SAVE database each month
“to verify the citizenship status” of any “persons who are registered to vote in that county and
who the county recorder has reason to believe are not United States citizens.”

1 113. The Secretary lacks knowledge or information sufficient to form a belief about
2 the truth of the allegations in Paragraph 113.

3 114. Responding to Paragraph 114 of the SAC, the Secretary admits that HB 2243
4 does not specify that any particular information is improper or insufficient to establish “reason
5 to believe” that a person is not a United States citizen. The Secretary lacks knowledge or
6 information sufficient to form a belief about the remaining allegations in Paragraph 114.

7 115. The Secretary lacks knowledge or information sufficient to form a belief about
8 the truth of the allegations in Paragraph 115.

9 116. The Secretary lacks knowledge or information sufficient to form a belief about
10 the truth of the allegations in Paragraph 116.

11 117. Responding to Paragraph 117 of the SAC, the Secretary denies that she has taken
12 any unlawful actions under color of state law.

13 118. The Secretary lacks knowledge or information sufficient to form a belief about
14 the truth of the allegations in Paragraph 118.

15 **COUNT FOUR**
16 **(All Plaintiffs)**
17 **(Arbitrary and Disparate Treatment of Voter Registration Applicants Using the**
18 **Federal Form and Currently Registered Voters, Equal Protection Clause of Fourteenth**
19 **Amendment to the U.S. Constitution and 42 U.S.C. § 1983)**
20 **The Citizenship Investigation Provisions (Both HB 2492 and HB 2243)**

21 119. The Secretary incorporates by reference all preceding paragraphs as if fully set
22 forth herein.

23 120. Responding to Paragraph 120 of the SAC, the Secretary admits that Plaintiffs
24 describe portions of the cited cases, and lacks knowledge or information sufficient to form a
25 belief about the truth of the remaining allegations in Paragraph 120.

26 121. Responding to Paragraph 121 of the SAC, the Secretary admits that Plaintiffs
describe portions of the cited cases, and lacks knowledge or information sufficient to form a
belief about the truth of the remaining allegations in Paragraph 121.

1 122. Responding to Paragraph 122 of the SAC, the Secretary admits that Arizona law
2 enumerates the specific forms of proof that a voter registration applicant can provide to
3 establish U.S. citizenship and that HB 2492 does not enumerate what specific “information”
4 proves that a voter registration applicant or a registered voter “is not a U.S. citizen.” The
5 Secretary lacks knowledge or information sufficient to form a belief about the truth of the
6 remaining allegations in Paragraph 122.

7 123. The Secretary admits the allegations in Paragraph 123.

8 124. Responding to Paragraph 124 of the SAC, the Secretary admits that the first
9 sentence quotes a portion of HB 2492, and lacks knowledge or information sufficient to form
10 a belief about the truth of the remaining allegations in Paragraph 124.

11 125. Responding to Paragraph 125 of the SAC, the Secretary admits that, for
12 registered Arizona voters who have not provided documentary proof of citizenship and can
13 only vote in congressional elections, HB 2492 requires the Attorney General to engage in a
14 similar database review to identify voters who are not U.S. citizens and “prosecute individuals
15 who are found to not be United States citizens.” The Secretary lacks knowledge or information
16 sufficient to form a belief about the truth of the remaining allegations in Paragraph 125.

17 126. Responding to Paragraph 126 of the SAC, the Secretary admits that under HB
18 2243, if a county recorder “obtains information pursuant to this section and confirms that the
19 person registered is not a United States citizen,” and if after receiving a notice the voter does
20 not provide proof of citizenship within 35 days, the recorder must cancel the registration. The
21 Secretary also admits that HB 2243 does not specify what type, set, or combination of
22 “information” establishes that a registered voter “is not a United States citizen” currently, and
23 it does not specify what it means to “confirm” a person is not a United States citizen. The
24 Secretary lacks knowledge or information sufficient to form a belief about the truth of the
25 remaining allegations in Paragraph 126.

26 127. Responding to Paragraph 127 of the SAC, the Secretary admits that she is not

1 aware of any database that has current, up-to-date citizenship status information for all
2 residences of the United States or Arizona and that existing databases that she is aware of may
3 contain outdated or inaccurate citizenship status information. The Secretary lacks knowledge
4 or information sufficient to form a belief about the truth of the allegations in Paragraph 127.

5 128. Responding to Paragraph 128 of the SAC, the Secretary admits that HB 2243
6 requires that, “[t]o the extent practicable, each month the county recorder shall compare
7 persons who are registered to vote in that county and who the county recorder has reason to
8 believe are not United States citizens and persons who are registered to vote without
9 satisfactory evidence of citizenship” with the SAVE database “to verify the citizenship status
10 of the persons registered.” The Secretary lacks knowledge or information sufficient to form a
11 belief about the truth of the remaining allegations in Paragraph 128.

12 129. The Secretary lacks knowledge or information sufficient to form a belief about
13 the truth of the allegations in Paragraph 129.

14 130. Responding to Paragraph 130 of the SAC, the Secretary denies that she has taken
15 any unlawful actions under color of state law.

16 131. The Secretary lacks knowledge or information sufficient to form a belief about
17 the truth of the allegations in Paragraph 131.

18 **COUNT FIVE**
19 **(All Plaintiffs)**
20 **(Violation of Procedural Due Process as to Voter Registration Applicants Using the**
21 **Federal Voter Registration Form Who Do Not Provide Documentary Proof of**
22 **Citizenship, Fourteenth Amendment to the U.S. Constitution and 42 U.S.C. § 1983)**
23 **HB 2492 Section 5 (Ariz. Rev. Stat. § 16-121.01(E))**

24 132. The Secretary incorporates by reference all preceding paragraphs as if fully set
25 forth herein.

26 133. Responding to Paragraph 133 of the SAC, the Secretary admits that Plaintiffs
describe portions of the cited constitutional amendment and cases, and lacks knowledge or
information sufficient to form a belief about the truth of the remaining allegations in Paragraph

1 133.

2 134. Responding to Paragraph 134 of the SAC, the Secretary admits that Plaintiffs
3 quote a portion of the cited case, and lacks knowledge or information sufficient to form a belief
4 about the truth of the remaining allegations in Paragraph 134.

5 135. Responding to Paragraph 135 of the SAC, the Secretary admits that Plaintiffs
6 quote a portion of the cited case, and lacks knowledge or information sufficient to form a belief
7 about the truth of the remaining allegations in Paragraph 135.

8 136. Responding to Paragraph 136 of the SAC, the Secretary admits that Plaintiffs
9 quote portions of the cited cases, and lacks knowledge or information sufficient to form a belief
10 about the truth of the remaining allegations in Paragraph 136.

11 137. The Secretary admits the allegations in Paragraph 137.

12 138. The Secretary admits the allegations in Paragraph 138.

13 139. Responding to Paragraph 139 of the SAC, the Secretary admits that Plaintiffs
14 quote portions of the cited cases, and lacks knowledge or information sufficient to form a belief
15 about the truth of the remaining allegations in Paragraph 139.

16 140. The Secretary lacks knowledge or information sufficient to form a belief about
17 the truth of the allegations in Paragraph 140.

18 141. The Secretary admits the allegations in Paragraph 141.

19 142. Responding to Paragraph 142 of the SAC, the Secretary admits that Plaintiffs
20 quote a portion of the cited case, and lacks knowledge or information sufficient to form a belief
21 about the truth of the remaining allegations in Paragraph 142.

22 143. Responding to Paragraph 143 of the SAC, the Secretary admits that, in her view
23 as the Chief Election Officer for the State of Arizona, the challenged HB 2492 provisions do
24 not advance any legitimate regulatory 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 lacks knowledge or information sufficient to form a belief about the truth of the

1 remaining allegations in Paragraph 143.

2 144. Responding to Paragraph 144 of the SAC, the Secretary denies that she has taken
3 any unlawful actions under color of state law, and lacks knowledge or information sufficient
4 to form a belief about the truth of the remaining allegations in Paragraph 144.

5 **COUNT SIX**
6 **(Poder Latinx)**
7 **(Violation of NVRA Requirement That States Accept and Use Timely-Submitted**
8 **Federal Registration Forms to Register Voters, 52 U.S.C. §§ 20505, 20507(a) HB 2492**
9 **Section 5 (Ariz. Rev. Stat. §§ 16-123, 16-121.01(A))**

8 145. The Secretary incorporates by reference all preceding paragraphs as if fully set
9 forth herein.

10 146. The Secretary admits the allegations in Paragraph 146.

11 147. Responding to Paragraph 147 of the SAC, the Secretary admits that, in her view
12 as the Chief Election Officer for the State of Arizona, the challenged HB 2492 provisions
13 conflict with the NVRA and the U.S. Supreme Court's decision in *ITCA*.

14 148. The Secretary admits the allegations in Paragraph 148.

15 149. Responding to Paragraph 149 of the SAC, the Secretary admits that, in her view
16 as the Chief Election Officer for the State of Arizona, the challenged HB 2492 provisions
17 conflict with the NVRA and the U.S. Supreme Court's decision in *ITCA*.

18 150. The Secretary admits the allegations in Paragraph 150.

19 151. Responding to Paragraph 151 of the SAC, the Secretary denies that she has taken
20 any unlawful actions under color of state law.

21 152. The Secretary lacks knowledge or information sufficient to form a belief about
22 the truth of the allegations in Paragraph 152.

23 153. The Secretary denies each and every allegation in the SAC that is not specifically
24 admitted herein, including (i) any implied allegations, inferences, or characterizations not
25 specifically admitted, and (ii) any and all allegations stated or implied in unnumbered
26 paragraphs, footnotes, and headings.

PRAYER FOR RELIEF

1
2 154. Responding to Plaintiffs’ prayer for relief, the Secretary states that, other than
3 providing her view on certain provisions as Arizona’s Chief Election Officer, she takes no
4 position regarding the ultimate merits of Plaintiffs’ claims against the challenged laws and
5 Plaintiffs’ request for substantive relief in the form of a declaratory judgment and a permanent
6 injunction. The Secretary denies that Plaintiffs should be entitled to an award of their
7 reasonable costs and attorneys’ fees as against her.

8 Respectfully submitted this 19th day of December, 2022.

9 **COPPERSMITH BROCKELMAN PLC**

10 By /s/ D. Andrew Gaona
11 D. Andrew Gaona

12 **STATES UNITED DEMOCRACY CENTER**

13 Sambo (Bo) Dul
14 Christine Bass *

15 **Admitted Pro Hac Vice*

16 *Attorneys for Defendant Arizona Secretary of*
17 *State Katie Hobbs*

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