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 23 *Attorney General Kristin K. Mayes*

24 UNITED STATES DISTRICT COURT
 25 DISTRICT OF ARIZONA

26 Mi Familia Vota, et al.,
 27 Plaintiffs,
 28 v.
 29 Adrian Fontes, et al.,
 30 Defendants.

No. CV-22-00509-PHX-SRB (Lead)

**DEFENDANT ATTORNEY
 GENERAL KRISTIN K. MAYES'S
 ANSWER TO COMPLAINT FOR
 DECLARATORY AND INJUNCTIVE
 RELIEF FILED BY PLAINTIFFS
 DEMOCRATIC NATIONAL
 COMMITTEE AND ARIZONA
 DEMOCRATIC PARTY**

31 THIS DOCUMENT RELATES TO:

No. CV-22-01369-PHX-SRB

32 Defendant Attorney General Kristin K. Mayes (the "Attorney General") answers the
 33 Complaint filed by Plaintiffs Democratic National Committee and Arizona Democratic
 34 Party (collectively, "Plaintiffs") on August 15, 2022 in Case No. CV-22-01369-PHX-SRB
 35 as follows:

INTRODUCTION

1
2 1. The Attorney General admits that Plaintiffs generally describe the nature of
3 their claims in this action. The Attorney General denies any remaining allegations in
4 Paragraph 1.

5 2. This paragraph includes legal conclusions that require no response. If a
6 response is required, the Attorney General admits that Plaintiffs generally describe the
7 nature of their claims in this action, but she lacks sufficient information to admit or deny
8 the remaining allegations in Paragraph 2 and therefore denies the same.

9 3. This paragraph includes legal conclusions that require no response. If a
10 response is required, the Attorney General admits that Plaintiffs generally describe the
11 nature of their claims in this action, but she lacks sufficient information to admit or deny
12 the remaining allegations in Paragraph 3 and therefore denies the same.

13 4. This paragraph includes legal conclusions that require no response. If a
14 response is required, the Attorney General admits that Plaintiffs generally describe the
15 nature of their claims in this action, but she lacks sufficient information to admit or deny
16 the remaining allegations in Paragraph 4 and therefore denies the same.

17 5. This paragraph includes legal conclusions that require no response. If a
18 response is required, the Attorney General admits that Plaintiffs generally describe the
19 nature of their claims in this action, but she lacks sufficient information to admit or deny
20 the remaining allegations in Paragraph 5 and therefore denies the same.

21 6. Deny.

JURISDICTION AND VENUE

22
23 7. Admit.

24 8. Admit.

25 9. Admit.

26 10. The Attorney General admits that the Court has authority to grant declaratory
27 and/or injunctive relief, but she denies any remaining allegations in Paragraph 10.
28

PARTIES

1
2 11. The Attorney General lacks sufficient information to admit or deny the
3 allegations in Paragraph 11 and therefore denies the same.

4 12. The Attorney General lacks sufficient information to admit or deny the
5 allegations in Paragraph 12 and therefore denies the same.

6 13. The Attorney General lacks sufficient information to admit or deny the
7 allegations in Paragraph 13 and therefore denies the same.

8 14. The Attorney General lacks sufficient information to admit or deny the
9 allegations in Paragraph 14 and therefore denies the same.

10 15. The Attorney General lacks sufficient information to admit or deny the
11 allegations in Paragraph 15 and therefore denies the same.

12 16. The Attorney General lacks sufficient information to admit or deny the
13 allegations in Paragraph 16 and therefore denies the same.

14 17. The Attorney General admits that the Arizona Secretary of State is the “chief
15 elections official” and is “responsible for overseeing elections in the state and (under federal
16 law) for coordinating the state’s compliance with the NVRA.” The Attorney General lacks
17 sufficient information to admit or deny any remaining allegations in Paragraph 17 and
18 therefore denies the same.

19 18. The Attorney General admits that the Arizona Attorney General is the “chief-
20 law-enforcement official” and has statutory authority relating to HB 2492. The Attorney
21 General lacks sufficient information to admit or deny any remaining allegations in
22 Paragraph 18 and therefore denies the same.

FACTUAL ALLEGATIONS

23
24 *The National Voter Registration Act of 1993*

25 19. This paragraph includes legal conclusions that require no response. If a
26 response is required, the Attorney General admits that quoted the language is accurately
27 reproduced, but she lacks sufficient information to admit or deny any remaining allegations
28 in Paragraph 19 and therefore denies the same.

1 20. This paragraph includes legal conclusions that require no response. If a
2 response is required, the Attorney General admits that quoted the language is accurately
3 reproduced, but she lacks sufficient information to admit or deny any remaining allegations
4 in Paragraph 20 and therefore denies the same.

5 21. This paragraph includes legal conclusions that require no response. If a
6 response is required, the Attorney General lacks sufficient information to admit or deny the
7 allegations in Paragraph 21 and therefore denies the same.

8 Arizona's Two-Tiered Voter-Registration System

9 22. The Attorney General admits that there are two classes of voters in Arizona:
10 federal-only and those who can vote in federal, state, and local elections. The Attorney
11 General lacks sufficient information to admit or deny any remaining allegations in
12 Paragraph 22 and therefore denies the same.

13 23. This paragraph includes legal conclusions that require no response. If a
14 response is required, the Attorney General admits that the quoted language is accurately
15 reproduced and that *some* of the eligibility qualifications for Arizona are described. The
16 Attorney General lacks sufficient information to admit or deny any remaining allegations
17 in Paragraph 23 and therefore denies the same.

18 24. The Attorney General lacks sufficient information to admit or deny the
19 allegations in Paragraph 24 and therefore denies the same.

20 25. The Attorney General lacks sufficient information to admit or deny the
21 allegations in Paragraph 25 and therefore denies the same.

22 26. The Attorney General lacks sufficient information to admit or deny the
23 allegations in Paragraph 26 and therefore denies the same.

24 27. The Attorney General lacks sufficient information to admit or deny the
25 allegations in Paragraph 27 and therefore denies the same.

26 28. The Attorney General lacks sufficient information to admit or deny the
27 allegations in Paragraph 28 and therefore denies the same.

28 29. The Attorney General lacks sufficient information to admit or deny the

1 allegations in Paragraph 29 and therefore denies the same.

2 30. The Attorney General lacks sufficient information to admit or deny the
3 allegations in Paragraph 30 and therefore denies the same.

4 31. The Attorney General lacks sufficient information to admit or deny the
5 allegations in Paragraph 31 and therefore denies the same.

6 H.B. 2492 Imposes Additional Burdens on Voters Who Use The Federal Form Or Who
7 Registered Prior To 2004

8 32. This paragraph includes legal conclusions that require no response. The
9 Attorney General alleges that HB 2492 speaks for itself and is accurately quoted, and further
10 denies any allegations contained in this paragraph that are inconsistent with or otherwise
11 mischaracterize HB 2492's language. The Attorney General lacks sufficient information to
12 admit or deny all remaining allegations in Paragraph 32 and therefore denies the same.

13 33. This paragraph includes legal conclusions that require no response. If a
14 response is required, the Attorney General lacks sufficient information to admit or deny the
15 remaining allegations in Paragraph 33 and therefore denies the same.

16 34. This paragraph includes legal conclusions that require no response. The
17 Attorney General alleges that HB 2492 speaks for itself and is accurately quoted, and further
18 denies any allegations contained in this paragraph that are inconsistent with or otherwise
19 mischaracterize HB 2492's language. The Attorney General lacks sufficient information to
20 admit or deny all remaining allegations in Paragraph 34 and therefore denies the same.

21 35. This paragraph includes legal conclusions that require no response. The
22 Attorney General alleges that HB 2492 speaks for itself and further denies any allegations
23 contained in this paragraph that are inconsistent with or otherwise mischaracterize HB
24 2492's language. The Attorney General lacks sufficient information to admit or deny all
25 remaining allegations in Paragraph 35 and therefore denies the same.

26 36. This paragraph includes legal conclusions that require no response. The
27 Attorney General alleges that HB 2492 speaks for itself and is accurately quoted, and further
28 denies any allegations contained in this paragraph that are inconsistent with or otherwise

1 mischaracterize HB 2492’s language. The Attorney General lacks sufficient information to
2 admit or deny all remaining allegations in Paragraph 36 and therefore denies the same.

3 37. The Attorney General lacks sufficient information to admit or deny the
4 allegations in Paragraph 37 and therefore denies the same.

5 38. This paragraph includes legal conclusions that require no response. The
6 Attorney General alleges that HB 2492 speaks for itself and is accurately quoted, and further
7 denies any allegations contained in this paragraph that are inconsistent with or otherwise
8 mischaracterize HB 2492’s language. The Attorney General lacks sufficient information to
9 admit or deny all remaining allegations in Paragraph 38 and therefore denies the same.

10 39. This paragraph includes legal conclusions that require no response. The
11 Attorney General alleges that HB 2492 speaks for itself and is accurately quoted, and further
12 denies any allegations contained in this paragraph that are inconsistent with or otherwise
13 mischaracterize HB 2492’s language. The Attorney General lacks sufficient information to
14 admit or deny all remaining allegations in Paragraph 39 and therefore denies the same.

15 40. The Attorney General lacks sufficient information to admit or deny the
16 remaining allegations in Paragraph 40 and therefore denies the same.

17 41. This paragraph includes legal conclusions that require no response. If a
18 response is required, the Attorney General lacks sufficient information to admit or deny the
19 remaining allegations in Paragraph 41 and therefore denies the same.

20 *Plaintiffs Timely Provided Defendants With Notice Of The NVRA Violations*

21 42. The Attorney General lacks sufficient information to admit or deny that
22 Plaintiffs provided notice of the purported NVRA violations, and therefore denies the
23 allegations in Paragraph 42.

24 **CLAIMS FOR RELIEF**

25 **Count I: Violation of the First and Fourteenth Amendment to the United States**
26 **Constitution – Undue Burden on the Fundamental Right to Vote**

27 43. The Attorney General incorporates by reference all preceding paragraphs as
28 if fully set forth herein.

1 44. This paragraph includes legal conclusions that require no response. If a
2 response is required, the Attorney General admits the quoted language is accurately
3 reproduced, but she lacks sufficient information to admit or deny the remaining allegations
4 in Paragraph 44 and therefore denies the same.

5 45. Deny.

6 46. Deny.

7 47. Deny.

8 48. Deny.

9 49. Deny.

10 50. Deny.

11 51. Deny.

12 52. Deny.

13 **Count II: Violation of the Fourteenth Amendment to the United States Constitution**

14 **– Procedural Due Process¹**

15 53. The Attorney General incorporates by reference all preceding paragraphs as
16 if fully set forth herein.

17 54. This paragraph includes legal conclusions that require no response. If a
18 response is required, the Attorney General admits the quoted language is accurately
19 reproduced, but she lacks sufficient information to admit or deny the remaining allegations
20 in Paragraph 54 and therefore denies the same.

21 55. This paragraph includes legal conclusions that require no response. If a
22 response is required, the Attorney General lacks sufficient information to admit or deny the
23 allegations in Paragraph 55 and therefore denies the same.

24 56. Deny.

25 57. Deny.

26 58. Deny.

27 _____
28 ¹ The Court dismissed any “freestanding procedural due process claims.” (Doc. 304 at 1.)
Accordingly, the Attorney General only answers this claim to the extent it asserts an undue
burden on the right to vote under the *Anderson-Burdick* framework.

1 reproduced, but she lacks sufficient information to admit or deny the remaining allegations
2 in Paragraph 70 and therefore denies the same.

3 71. The Attorney General lacks sufficient information to admit or deny the
4 allegations in Paragraph 71 and therefore denies the same.

5 72. Deny.

6 **Count V: Violation of Section 8 of the NVRA, 52 U.S.C. §20507(b)(1)**

7 **– Uniformity and Non-discrimination**

8 73. The Attorney General incorporates by reference all preceding paragraphs as
9 if fully set forth herein.

10 74. This paragraph includes legal conclusions that require no response. If a
11 response is required, the Attorney General admits the quoted language is accurately
12 reproduced, but she denies the remaining allegations in Paragraph 74.

13 75. Deny.

14 76. Deny.

15 77. Deny.

16 78. Deny.

17 **Count VI: Violation of the NVRA, 52 U.S.C. §20504(c)(2)(B)(i)-(ii) – Minimum-**
18 **Information-Necessary Requirement**

19 79. The Attorney General incorporates by reference all preceding paragraphs as
20 if fully set forth herein.

21 80. This paragraph includes legal conclusions that require no response. If a
22 response is required, the Attorney General admits the quoted language is accurately
23 reproduced, but she denies any remaining allegations in Paragraph 80.

24 81. This paragraph includes legal conclusions that require no response. If a
25 response is required, the Attorney General admits the quoted language is accurately
26 reproduced, but she denies the remaining allegations in Paragraph 81.

27 82. Deny.

28 83. Deny.

1 **Count VII: Violation of Section 8 of the NVRA, 52 U.S.C. §20507(c)(2)(A) –**
2 **Removing Voters from the Rolls Shortly Before an Election**

3 84. The Attorney General incorporates by reference all preceding paragraphs as
4 if fully set forth herein.

5 85. This paragraph includes legal conclusions that require no response. If a
6 response is required, the Attorney General admits the quoted language is accurately
7 reproduced, but she denies the remaining allegations in Paragraph 85.

8 86. Deny.

9 **Count VIII: Violation Of Section 101 Of The Civil Rights Act, 52 U.S.C.**
10 **§10101(a)(2)(B) – Materiality Provision**

11 87. The Attorney General incorporates by reference all preceding paragraphs as
12 if fully set forth herein.

13 88. This paragraph includes legal conclusions that require no response. If a
14 response is required, the Attorney General admits the quoted language is accurately
15 reproduced, but she denies the remaining allegations in Paragraph 88.

16 89. Deny.

17 90. Deny.

18 **AFFIRMATIVE DEFENSES**

- 19 1. The Court lacks jurisdiction for lack of standing.
20 2. Plaintiffs' claims fail because they are not ripe, and thus, not yet fit for judicial
21 review.
22 3. Plaintiffs fail to state a claim upon which relief can be granted.
23 4. Plaintiffs fail to meet the requirements for declaratory relief or preliminary or
24 permanent injunctive relief.

25 WHEREFORE, having fully answered Plaintiffs' Complaint, the Attorney General
26 respectfully requests that the Court dismiss the remaining counts of Plaintiffs' Complaint
27 with prejudice, deny Plaintiffs' request for injunctive relief, deny Plaintiffs' request for
28 declaratory relief, order that Plaintiffs take nothing, and award the Attorney General any

1 such other and further relief as the Court deems appropriate.

2 **DEMAND FOR JURY TRIAL**

3 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, the Attorney General
4 hereby demands a trial by jury in this action of all issues so triable.

5 DATED this 17th day of March, 2023.

6 **KRISTIN K. MAYES**
7 **ATTORNEY GENERAL**

8
9 By: /s/ Hayleigh S. Crawford
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11 Joshua M. Whitaker (No. 032724)
12 Robert J. Makar (No. 033579)

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14 *Attorney General Kristin K. Mayes*

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16 By: /s/ Emily Ward
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