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18 *State of Arizona*

14 UNITED STATES DISTRICT COURT
15 DISTRICT OF ARIZONA

16 Mi Familia Vota, et al.,
17 Plaintiffs,
18 v.
19 Adrian Fontes, et al.,
20 Defendants.

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

**DEFENDANT STATE OF
ARIZONA'S ANSWER TO
COMPLAINT FILED BY PLAINTIFF
UNITED STATES OF AMERICA**

21
22 THIS DOCUMENT RELATES TO:

No. CV-22-01124-PHX-SRB

23
24 Defendant the State of Arizona (the "State") answer the Complaint filed by Plaintiff
25 United States of America ("Plaintiff") on July 5, 2022 in Case No. CV-22-01124-PHX-
26 SRB as follows:

27 1. The State admits that Arizona enacted House Bill 2492 in March 2022. The
28 State denies the remaining allegations in Paragraph 1.

1 2. The State admits that Plaintiff generally describes the nature of its claims in
2 this action. The State denies any remaining allegations in Paragraph 2.

3 3. This paragraph includes legal conclusions that require no response. If a
4 response is required, the State denies the allegations in Paragraph 3.

5 4. Deny.

6 5. This paragraph includes legal conclusions that require no response. If a
7 response is required, the State denies the allegations in Paragraph 5.

8 6. Deny.

9 7. Admit.

10 8. Deny.

11 9. The State admits that “[t]he Federal Form already includes an attestation
12 demonstrating a prospective voter’s citizenship, which Arizona continues to accept for in-
13 person voting in congressional elections,” but otherwise denies the allegations in Paragraph
14 9.

15 10. The State admits that HB 2492 includes a requirement that voters “check a
16 box indicating that the voter is a citizen,” but otherwise denies the allegations in Paragraph
17 10.

18 11. The State denies that birthplace “is not material to establishing a voter’s
19 qualifications.” The State lacks sufficient information to admit or deny the remaining
20 allegations in Paragraph 11 and therefore denies the same.

21 12. The State admits that Plaintiff generally describes the nature of its claims in
22 this action. The State denies any remaining allegations in Paragraph 12.

23 **JURISDICTION AND VENUE**

24 13. The States admits that the Court has jurisdiction pursuant to 28 U.S.C. §§
25 1331, 1345 and 52 U.S.C. §§ 20510(a) and 10101(d). The State further admits that the
26 Court has authority to grant declaratory relief under 28 U.S.C. § 2201(a) in appropriate
27 cases but denies that this is such a case.

28 14. Admit.

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PARTIES

15. Admit.

16. Admit.

17. The States admits that “[t]he Arizona Secretary of State is the chief state election officer,” that the Secretary of State “is responsible for coordinating state responsibilities under the NVRA,” and has related statutory authority. The State denies any remaining allegations in Paragraph 17.

LEGAL FRAMEWORK

Section 6 of the NVRA

18. This paragraph includes legal conclusions that require no response. If a response is required, the State admits the quoted language is accurately reproduced, but denies any remaining allegations in Paragraph 18.

19. This paragraph includes legal conclusions that require no response. If a response is required, the State denies the allegations in Paragraph 19.

20. This paragraph includes legal conclusions that require no response. If a response is required, the States admits the allegations in Paragraph 20.

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

22. Admit.

23. Deny.

24. Deny.

The Materiality Provision of the Civil Rights Act of 1964

25. This paragraph includes legal conclusions that require no response. If a response is required, the State admits the quoted language is accurately reproduced.

FACTUAL ALLEGATIONS

Arizona Demographics

26. The State lacks sufficient information to admit or deny the allegations in

1 Paragraph 26 and therefore denies the same.

2 27. The State lacks sufficient information to admit or deny the allegations in
3 Paragraph 27 and therefore denies the same.

4 28. The State lacks sufficient information to admit or deny the allegations in
5 Paragraph 28 and therefore denies the same.

6 **Arizona House Bill 2492**

7 29. The States admits that “Arizona Governor Doug Ducey signed HB 2492 into
8 law on March 30, 2022,” that it was set to go into effect on January 1, 2023, and that “HB
9 2492 amends several sections of Arizona’s election code relating to voter registration.”

10 30. This paragraph includes legal conclusions that require no response. If a
11 response is required, the State admits the quoted language is accurately reproduced and that
12 the allegations in Paragraph 30 generally describe *some* of the requirements for eligibility
13 for Arizona voters.

14 31. The State admits that HB 2492 requires potential registrants using the Federal
15 Form to submit proof in citizenship in some instances. The State denies the remaining
16 allegations in Paragraph 31.

17 32. The State admits that HB 2492 requires all voter registration applications “to
18 include a ‘checkmark or other appropriate mark in the “Yes” box next to the question
19 regarding citizenship.” The State denies the remaining allegations in Paragraph 32.

20 33. This paragraph includes legal conclusions that require no response. If a
21 response is required, the State admits the allegations in Paragraph 33.

22 34. This paragraph includes legal conclusions that require no response. If a
23 response is required, the State denies the allegations in Paragraph 34.

24 35. Admit.

25 **HB 2492’s DPOC Requirements**

26 36. This paragraph includes legal conclusions that require no response. The State
27 alleges that HB 2492 speaks for itself and further denies any allegations contained in this
28 paragraph that are inconsistent with or otherwise mischaracterize HB 2492’s language.

1 37. This paragraph includes legal conclusions that require no response. If a
2 response is required, the State denies the allegations in Paragraph 37.

3 38. This paragraph includes legal conclusions that require no response. If a
4 response is required, the State denies the allegations in Paragraph 38.

5 39. This paragraph includes legal conclusions that require no response. If a
6 response is required, the State denies the allegations in Paragraph 39.

7 40. This paragraph includes legal conclusions that require no response. If a
8 response is required, the State denies the allegations in Paragraph 40.

9 **Arizona cannot require applicants completing the Federal Form who seek to vote in**
10 **federal elections to submit DPOC**

11 41. The State admits that Arizona voters approved Proposition 200 in 2004. The
12 State denies the remaining allegations in Paragraph 41.

13 42. This paragraph includes legal conclusions that require no response. If a
14 response is required, the State denies the allegations in Paragraph 42.

15 43. This paragraph describes legal conclusions that require no response. If a
16 response is required, the State denies the allegations in Paragraph 43.

17 44. This paragraph describes legal conclusions that require no response. If a
18 response is required, the State denies the allegations in Paragraph 44.

19 45. The State lacks sufficient information to admit or deny the allegations in
20 Paragraph 45 and therefore denies the same.

21 46. The State alleges that the quoted statement speaks for itself and further denies
22 any allegations contained in this paragraph that are inconsistent with, or otherwise,
23 mischaracterize their language. The State lacks sufficient information to admit or deny all
24 remaining allegations in Paragraph 46 and therefore denies the same.

25 47. Deny.

26 **Birthplace Requirement**

27 48. Admit.

28 49. This paragraph includes legal conclusions that require no response. If a

1 response is required, the State alleges that HB 2492 and the Arizona Election Procedures
2 Manual speak for themselves and admits that they are accurately quoted. The State denies
3 any allegations contained in Paragraph 49 that are inconsistent with or otherwise
4 mischaracterize either's language.

5 50. This paragraph includes legal conclusions that require no response. If a
6 response is required, the State alleges that HB 2492 speaks for itself and admits that it is
7 accurately quoted. The State denies any allegations contained in Paragraph 50 that are
8 inconsistent with or otherwise mischaracterize either's language.

9 51. Deny.

10 52. Admit that Paragraph 52 describes some of the ways in which a person may
11 obtain citizenship.

12 53. Deny.

13 54. Deny.

14 55. Deny.

15 56. Deny.

16 **Citizenship Checkbox Requirement**

17 57. This paragraph includes legal conclusions that require no response. The State
18 admits that portions of HB 2492 are accurately reproduced but further alleges that HB 2492
19 speaks for itself, but denies any allegations contained in Paragraph 57 that are inconsistent
20 with, or otherwise, mischaracterize HB 2492's language.

21 58. This paragraph includes legal conclusions that require no response. The State
22 admits that portions of HB 2492 are accurately reproduced but further alleges that HB 2492
23 speaks for itself, but denies any allegations contained in Paragraph 58 that are inconsistent
24 with, or otherwise, mischaracterize HB 2492's language.

25 59. Deny.

26 60. Deny

27 61. Deny.

28

1 **FIRST CAUSE OF ACTION**

2 62. The State incorporates by reference all proceeding paragraphs as if fully set
3 forth herein.

4 63. This paragraph includes legal conclusions that require no response. If a
5 response is required, the State denies the allegations in Paragraph 63.

6 64. Deny.

7 65. Deny.

8 **SECOND CAUSE OF ACTION**

9 66. The State incorporates by reference all proceeding paragraphs as if fully set
10 forth herein.

11 67. This paragraph includes legal conclusions that require no response. If a
12 response is required, the State denies the allegations in Paragraph 67.

13 68. Deny.

14 69. Deny.

15 70. Deny.

16 71. Deny.

17 **AFFIRMATIVE DEFENSES**

18 1. Plaintiff fails to state a claim upon which relief can be granted.

19 2. Plaintiff fails to meet the requirements for declaratory relief or preliminary or
20 permanent injunctive relief.

21 WHEREFORE, having fully answered Plaintiff's Complaint, the State respectfully
22 requests that the Court dismiss the remaining counts of Plaintiff's Complaint with prejudice,
23 deny Plaintiff's request for injunctive relief, deny Plaintiff's request for declaratory relief,
24 order that Plaintiff take nothing, and award the State any such other and further relief as the
25 Court deems appropriate.

26 **DEMAND FOR JURY TRIAL**

27 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, the State hereby
28 demands a trial by jury in this action of all issues so triable.

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DATED this 17th day of March, 2023.

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