

1 **KRISTIN K. MAYES**
 2 **ATTORNEY GENERAL**
 3 Hayleigh S. Crawford (No. 032326)
 4 Joshua M. Whitaker (No. 032724)
 5 Robert J. Makar (No. 033579)
 6 *Assistant Attorneys General*
 7 2005 N. Central Avenue
 8 Phoenix, Arizona 85004
 9 Telephone: (602) 542-5200
 10 Email: Hayleigh.Crawford@azag.gov
 11 Email: Joshua.Whitaker@azag.gov
 12 Email: Robert.Makar@azag.gov

13 **FENNEMORE CRAIG, P.C.**
 14 Douglas C. Northup (No. 013987)
 15 Timothy J. Berg (No. 004170)
 16 Emily Ward (No. 029963)
 17 2394 E. Camelback Road, Suite 600
 18 Phoenix, Arizona 85016
 19 Telephone: (602) 916-5000
 20 Email: dnorthup@fennemorelaw.com
 21 Email: tberg@fennemorelaw.com
 22 Email: eward@fennemorelaw.com

23 *Attorneys for Defendant*
 24 *Attorney General Kristin K. Mayes*

25 UNITED STATES DISTRICT COURT
 26 DISTRICT OF ARIZONA

27 Mi Familia Vota, et al.,
 28 Plaintiffs,

v.

Adrian Fontes, et al.,
 Defendants.

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

**DEFENDANT ATTORNEY
 GENERAL KRISTIN K. MAYES’S
 ANSWER TO AMENDED
 COMPLAINT FILED BY
 PLAINTIFFS TOHONO O’ODHAM
 NATION ET AL.**

THIS DOCUMENT RELATES TO:

No. CV-22-01901-PHX-SRB

Defendant Attorney General Kristin K. Mayes (the “Attorney General”) answers the Amended Complaint filed by Plaintiffs Tohono O’odham Nation, Gila River Indian Community, Keanu Stevens, Alanna Siquieros, and La Donna Jacket (collectively, “Plaintiffs”) on December 9, 2022 in Case No. CV-22-01901-PHX-SRB 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. The Attorney General admits that Plaintiffs generally describe the nature of
6 their claims in this action. The Attorney General denies any remaining allegations in
7 Paragraph 2.

8 3. The Attorney General admits that Plaintiffs generally describe the nature of
9 their claims in this action. The Attorney General denies any remaining allegations in
10 Paragraph 3.

11 4. The Attorney General admits that Plaintiffs generally describe the nature of
12 their claims in this action. The Attorney General denies any remaining allegations in
13 Paragraph 4.

14 5. The Attorney General admits that Plaintiffs generally describe the nature of
15 their claims in this action. The Attorney General denies any remaining allegations in
16 Paragraph 5.

JURISDICTION AND VENUE

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18 6. The Attorney General admits that the Court has subject matter jurisdiction.

19 7. Admit.

PARTIES

Plaintiffs

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

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

26 10. The Attorney General admits that Plaintiffs generally describe the nature of
27 Plaintiff Tohono O’odham Nation’s claims in this action but denies any allegations that HB
28 2492 violates the U.S. Constitution or federal law.

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

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

5 13. The Attorney General admits that Plaintiffs generally describe the nature of
6 Plaintiff Gila River Indian Community's claims in this action but denies any allegations
7 that HB 2492 violates the U.S. Constitution or federal law.

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 lacks sufficient information to admit or deny the
15 allegations in Paragraph 17 and therefore denies the same.

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

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

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

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

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

26 Defendants

27 23. The Attorney General admits that the Secretary of State "serves as the chief
28 state election officer for Arizona" and that he has related statutory authority. The specific

1 laws identified in Paragraph 23 speak for themselves, and the Attorney General denies any
2 allegations inconsistent with those laws.

3 24. The Attorney General admits that the Arizona Attorney General is the “State’s
4 chief legal officer,” that she is authorized to enforce certain election laws, and that she has
5 related statutory authority. The specific laws identified in Paragraph 24 speak for
6 themselves, and the Attorney General denies any allegations inconsistent with those laws.

7 25. The Attorney General admits that the county recorders are “election officers
8 at the local level” and that they have related statutory authority in implementing registration
9 of voters and maintaining voter rolls, but she lacks sufficient information to admit or deny
10 the remaining allegations in Paragraph 25 and therefore denies the same.

11 **FACTUAL BACKGROUND**

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

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

16 Current mechanism for specifying residence location

17 28. The Attorney General admits that, under Arizona law, voter registration
18 applicants provide their residence address or location. The Attorney General lacks sufficient
19 information to admit or deny the “purpose” of the law as described in Paragraph 28 and
20 therefore denies the same.

21 29. Admit.

22 30. Admit.

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

25 Documentary proof of location of residence requirement in HB 2492

26 32. The Attorney General admits that Arizona passed H.B. 2492, which includes
27 a proof of residence requirement. The Attorney General denies any remaining allegations
28 in Paragraph 32.

1 33. The Attorney General admits that the documents prescribed in A.R.S. § 16-
2 579(A)(1) are sufficient proof of location of residence, but deny that these are the only
3 documents that may constitute such proof.

4 34. The Attorney General admits that certain documents are sufficient proof of
5 location of residence, but denies that these are the only documents that may constitute such
6 proof, and further denies the description of HB 2492 as a “Physical Address Requirement.”

7 35. The Attorney General admits that A.R.S. § 16-121.01 refers to registration
8 forms that contain “the residence address or the location” of the applicant. The Attorney
9 General lacks sufficient information to admit or deny any remaining allegations in
10 Paragraph 35 and therefore denies the same.

11 *Tohono O’odham Nation*

12 36. The Attorney General denies that a physical address is necessary to satisfy
13 the DPOR requirement. The Attorney General lacks sufficient information to admit or deny
14 the remaining allegations in Paragraph 36 and therefore denies the same.

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

17 38. The Attorney General lacks sufficient information to admit or deny the
18 allegations in Paragraph 38 and therefore denies the same.

19 39. Deny.

20 40. The Attorney General denies that a physical address is necessary to satisfy
21 the DPOR requirement. The Attorney General lacks sufficient information to admit or deny
22 the remaining allegations in Paragraph 40 and therefore denies the same.

23 41. The Attorney General denies that a physical address is necessary to satisfy
24 the DPOR requirement. The Attorney General lacks sufficient information to admit or deny
25 the remaining allegations in Paragraph 41 and therefore denies the same.

26 42. The Attorney General denies that a physical address is necessary to satisfy
27 the DPOR requirement. The Attorney General lacks sufficient information to admit or deny
28 the remaining allegations in Paragraph 42 and therefore denies the same.

Gila River Indian Community

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2 43. The Attorney General lacks sufficient information to admit or deny the
3 allegations in Paragraph 43 and therefore denies the same.

4 44. The Attorney General denies that a physical address is necessary for
5 satisfying the DPOR requirement. The Attorney General lacks sufficient information to
6 admit or deny the remaining allegations in Paragraph 44 and therefore denies the same.

7 45. The Attorney General denies that a physical address is necessary for
8 satisfying the DPOR requirement. The Attorney General lacks sufficient information to
9 admit or deny the remaining allegations in Paragraph 45 and therefore denies the same.

10 46. The Attorney General denies that a physical address is necessary for
11 satisfying the DPOR requirement. The Attorney General lacks sufficient information to
12 admit or deny the allegations in Paragraph 46 and therefore denies the same.

13 47. The Attorney General lacks sufficient information to admit or deny the
14 allegations in Paragraph 47 and therefore denies the same.

15 48. The Attorney General lacks sufficient information to admit or deny the
16 allegations in Paragraph 48 and therefore denies the same.

17 49. The Attorney General denies that a physical address is necessary for
18 satisfying the DPOR requirement. The Attorney General lacks sufficient information to
19 admit or deny the allegations in Paragraph 49 and therefore denies the same.

Hopi Indian Reservation

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21 50. The Attorney General lacks sufficient information to admit or deny the
22 allegations in Paragraph 50 and therefore denies the same.

23 51. The Attorney General denies that a physical address is necessary to satisfy
24 the DPOR requirement. The Attorney General lacks sufficient information to admit or deny
25 the remaining allegations in Paragraph 51 and therefore denies the same.

26 52. The Attorney General denies that a physical address is necessary to satisfy
27 the DPOR requirement. The Attorney General lacks sufficient information to admit or deny
28 the remaining allegations in Paragraph 52 and therefore denies the same.

1 53. The Attorney General denies that a physical address is necessary to satisfy
2 the DPOR requirement. The Attorney General lacks sufficient information to admit or deny
3 the remaining allegations in Paragraph 53 and therefore denies the same.

4 Enactment of HB 2492's Physical Address Requirement

5 54. The Attorney General alleges that the quoted statements speak for themselves
6 and further denies any allegations contained in this paragraph that are inconsistent with or
7 otherwise mischaracterize their language. The Attorney General lacks sufficient
8 information to admit or deny all remaining allegations in Paragraph 54 and therefore denies
9 the same.

10 55. The Attorney General denies the description of HB 2492 as a “Physical
11 Address Requirement.” The Attorney General lacks sufficient information to admit or deny
12 the remaining allegations in Paragraph 55 and therefore denies the same.

13 56. Admit.

14 57. Deny.

15 **CLAIMS FOR RELIEF**

16 **COUNT 1**

17 **National Voter Registration Act Section 6, 52 U.S.C. § 20505**
18 **Failure to Accept and Use Federal Form**
19 **(On Behalf of All Plaintiffs and as to All Defendants)**

20 58. This paragraph includes legal conclusions that require no response. If a
21 response is required, the Attorney General admits the quoted language is accurately
22 reproduced.

23 59. This paragraph includes legal conclusions that require no response. If a
24 response is required, the Attorney General admits that in *Arizona v. Inter Tribal Council of*
25 *Ariz., Inc.*, 570 U.S. 1 (2013), the Supreme Court held that the NVRA preempted a certain
26 application of Arizona law. The Court’s opinion speaks for itself, and the Attorney General
27 denies any allegations in Paragraph 59 inconsistent with the opinion.
28

1 60. This paragraph includes legal conclusions that require no response. If a
2 response is required, the Attorney General admits that the quoted material is accurately
3 reproduced.

4 61. The Attorney General admits that the “Federal Form directs people that live
5 in rural areas and that do not have a street address to show where they live by filling in a
6 map.” The Attorney General denies the remaining allegations in Paragraph 61.

7 62. The Attorney General admits that, under HB 2492, the DPOR requirement
8 applies to all Arizona registrations including for federal elections.

9 63. This paragraph includes legal conclusions that require no response at this
10 time. If a response is required at this time, the Attorney General denies the allegations in
11 Paragraph 63.

12 64. This paragraph includes legal conclusions that require no response. If a
13 response is required, the Attorney General admits that the quoted material is accurately
14 reproduced.

15 65. Deny.

16 66. This paragraph includes legal conclusions that require no response at this
17 time. If a response is required at this time, the Attorney General denies the allegations in
18 Paragraph 66.

19 67. Deny.

20 **COUNT 2**

21 **First and Fourteenth Amendment of the U.S. Constitution;**
22 **42 U.S.C. § 1983**
23 **Severe and Unjustifiable Burden on the Right to Vote**
24 **(On behalf of Plaintiffs Tohono O’odham Nation, Keanu Stevens, Alanna Siquieros,**
25 **and La Donna Jacket and as to all Defendants)**

26 68. This paragraph includes legal conclusions that require no response. If a
27 response is required, the Attorney General admits that the Supreme Court’s decisions in
28 *Burdick v. Takushi*, 504 U.S. 428 (1992), and *Anderson v. Celebrezze*, 460 U.S. 780 (1983),
provide the general framework governing the constitutional challenges Plaintiffs assert
against HB 2492. The Attorney General denies any remaining allegations in Paragraph 68.

1 69. This paragraph includes legal conclusions that require no response. If a
2 response is required, the Attorney General admits that the quoted material is accurately
3 reproduced.

4 70. This paragraph includes legal conclusions that require no response. If a
5 response is required, the Attorney General admits that the quoted material is accurately
6 reproduced.

7 71. Deny.

8 **AFFIRMATIVE DEFENSES**

9 1. The Court lacks jurisdiction for lack of standing.

10 2. Plaintiffs' claims fail because they are not ripe, and thus, not yet fit for judicial
11 review.

12 3. Plaintiffs fail to state a claim upon which relief can be granted.

13 4. Plaintiffs fail to meet the requirements for declaratory or preliminary or
14 permanent injunctive relief.

15 WHEREFORE, having fully answered Plaintiffs' Amended Complaint, the Attorney
16 General respectfully requests that the Court dismiss Plaintiffs' Amended Complaint with
17 prejudice, deny Plaintiffs' request for injunctive relief, deny Plaintiffs' request for
18 declaratory relief, order that Plaintiffs take nothing, and award the Attorney General such
19 other and further relief as the Court deems appropriate.

20 **DEMAND FOR JURY TRIAL**

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

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DATED this 29th day of March, 2023.

KRISTIN K. MAYES
ATTORNEY GENERAL

By: s/ Hayleigh S. Crawford
Hayleigh S. Crawford (No. 032326)
Joshua M. Whitaker (No. 032724)
Robert J. Makar (No. 033579)

Attorneys for Defendant
Attorney General Kristin K. Mayes

FENNEMORE CRAIG, P.C.

By: s/ Emily Ward
Douglas C. Northup (No. 013987)
Timothy J. Berg (No. 004170)
Emily Ward (No. 029963)

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