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18 *State of Arizona*

17 UNITED STATES DISTRICT COURT
18 DISTRICT OF ARIZONA

19 Mi Familia Vota, et al.,
20 Plaintiffs,
21 v.
22 Adrian Fontes, et al.,
23 Defendants.

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

**DEFENDANTS ATTORNEY
GENERAL KRISTIN K. MAYES
AND STATE OF ARIZONA'S
STATEMENT OF FACTS IN
SUPPORT OF MOTION FOR
PARTIAL SUMMARY JUDGMENT**

24 AND CONSOLIDATED CASES.

No. CV-22-00519-PHX-SRB
No. CV-22-01003-PHX-SRB
No. CV-22-01124-PHX-SRB
No. CV-22-01369-PHX-SRB
No. CV-22-01381-PHX-SRB
No. CV-22-01602-PHX-SRB
No. CV-22-01901-PHX-SRB

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1 Defendants State of Arizona and Attorney General Kristin K. Mayes (collectively
2 “the State”) submit the following statements of fact in support of their Motion for Partial
3 Summary Judgment:

4 1. On March 30, 2022, the Arizona Legislature enacted and the Governor signed
5 House Bill 2492 into law. See Bill Status Inquiry: HB 2492, available at
6 <https://apps.azleg.gov/BillStatus/BillOverview/76970> (last accessed May 4, 2023). A copy
7 of HB 2492 is attached hereto as **Exhibit A**.

8 2. On July 6, 2022, the Arizona Legislature enacted and the Governor signed
9 House Bill 2243 into law. See Bill Status Inquiry: HB 2243, available at
10 <https://apps.azleg.gov/BillStatus/BillOverview/76698> (last accessed May 4, 2023). A copy
11 of HB 2243 is attached hereto as **Exhibit B**.

12 3. The U.S. Election Assistance Commission created the National Voter
13 Registration Application Form under the authority conferred by the National Voter
14 Registration Act (“NVRA”), 52 U.S.C. § 20508.

15 4. A current copy of the National Voter Registration Application Form,
16 as well as its accompanying General Instructions, Application Instructions, and State-
17 specific Instructions, are available at
18 https://www.eac.gov/sites/default/files/eac_assets/1/6/Federal_Voter_Registration_ENG.pdf,
19 and are attached hereto as **Exhibit C**.

20 5. The General Instructions explain how to submit an application—namely by
21 submitting a completed National Voter Registration Application Form either in person or
22 by mail:

23 **How to Submit Your Application**

24 Mail your application to the address listed under your State in the State
25 Instructions. Or, deliver the application in person to your local voter
26 registration office. The States that are required to accept the national form
27 will accept copies of the application printed from the computer image on
28 regular paper stock, signed by the applicant, and mailed in an envelope with
the correct postage.

See Exhibit C at 2.

1 6. A copy of the Arizona Voter Registration Form and its instructions can be
2 accessed at https://azsos.gov/sites/default/files/voter_registration_form.pdf and is attached
3 hereto as **Exhibit D**.

4 7. Since 2003, Arizona has placed a check box to affirm U.S. citizenship on the
5 Arizona Voter Registration Form. *See* 2003 Ariz. Legis. Serv. Ch. 260 (S.B. 1075) (West)
6 (revising A.R.S. § 16-152(A)(14)), attached hereto as **Exhibit E**.

7 8. In 2004, Arizona law specified that checking the box to affirm an applicant’s
8 U.S. citizenship was a condition for being “presumed to be properly registered.” *See* 2004
9 Ariz. Legis. Serv. Ch. 184 (S.B. 1250) (West) (revising A.R.S. § 16-121.01(A)), attached
10 hereto as **Exhibit F**.

11 9. Since 1979, Arizona’s voter registration form has contained a space for
12 prospective voters to write their “state or country of birth.” *See* 1979 Ariz. Sess. Laws Ch.
13 209, at 823 (codified then at A.R.S. § 16-152(A)(9)), attached hereto as **Exhibit G**.

14 10. A copy of the U.S. Department of State’s Foreign Affairs Manual is available
15 at <https://fam.state.gov/fam/08fam/08fam040304.html> (last updated Apr. 19, 2022), and is
16 attached hereto as **Exhibit H**.

17 11. The U.S. Department of State’s Foreign Affairs Manual states: “[T]he United
18 States will not issue a U.S. passport with non POB [Place of Birth] listing. The POB
19 designation is an integral part of establishing an individual’s identity. It distinguishes that
20 individual from other persons with similar names and/or dates of birth, and helps identify
21 claimants attempting to use another person’s identity.” Exhibit H at 8 FAM 403.4-6(A).

22 12. The following states have a space on their voter registration applications for
23 place of birth: Alabama, Louisiana, Missouri, Nebraska, Nevada, North Carolina,
24 Tennessee, Utah, and Vermont. The voter registration applications for these states are
25 attached hereto in alphabetical order as **Exhibit I**.

26 13. The following states appear to require an applicant state place of birth in order
27 to be registered: Alabama (see form itself in Exhibit I), Nevada (see form itself in Exhibit I),
28 Tennessee (Tenn. Code Ann. § 2-2-116), and Vermont (17 V.S.A. § 2145).

