

1 Roy Herrera (No. 032901)
Daniel A. Arellano (No. 032304)
2 **HERRERA ARELLANO LLP**
530 East McDowell Road, Suite 107-150
3 Phoenix, Arizona 85004-1500
4 Telephone: (602) 567-4820
roy@ha-firm.com
5 daniel@ha-firm.com

6 Aria C. Branch*
Daniel J. Cohen*
7 Joel Ramirez*
Tina Meng*
8 **ELIAS LAW GROUP LLP**
10 G Street NE, Suite 600
9 Washington, D.C. 20002
10 Telephone: (202) 968-4490
Facsimile: (202) 968-4498
11 abranch@elias.law
12 dcohen@elias.law
jramirez@elias.law
13 tmeng@elias.law

14 * *Admitted Pro Hac Vice*

15 *Attorneys for Plaintiffs*

16 UNITED STATES DISTRICT COURT
17 DISTRICT OF ARIZONA

18
19 Arizona Alliance for Retired Americans,
et al.,

20 Plaintiffs,

21 v.

22
23 Katie Hobbs, in her official capacity as
Secretary of State for the State of
24 Arizona, et al.,

25 Defendants.
26
27
28

No. CV-22-1374-PHX-GMS

**PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

ORAL ARGUMENT REQUESTED

TABLE OF CONTENTS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

INTRODUCTION 1

BACKGROUND 3

 I. The Felony Provision 3

 II. The Cancellation and Removal Provisions 3

 III. Impact of SB 1260..... 5

LEGAL STANDARD 6

ARGUMENT 6

 I. Plaintiffs are likely to succeed on the merits of their claims. 6

 A. The Felony Provision violates the First and Fourteenth Amendments. 7

 1. The Felony Provision is unconstitutionally vague..... 7

 2. The Felony Provision is also unconstitutionally overbroad..... 9

 B. The Cancellation Provision violates and is preempted by the NVRA. 11

 C. The Cancellation and Removal Provisions violate due process..... 13

 II. Absent an injunction, Plaintiffs will suffer irreparable harm..... 16

 III. The balance of equities and the public interest favor an injunction..... 17

CONCLUSION 17

TABLE OF AUTHORITIES

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Page(s)

Cases

Arizona Democratic Party v. Hobbs,
18 F.4th 1179 (9th Cir. 2021) 14

Arizona Dream Act Coal. v. Brewer,
757 F.3d 1053 (9th Cir. 2014) 6

Baggett v. Bullitt,
377 U.S. 360 (1964)..... 7

Buckley v. American Constitutional Law Foundation Inc.,
525 U.S. 182 (1999)..... 11

Butcher v. Knudsen,
38 F.4th 1163 (9th Cir. 2022) 7, 8

City of Chicago v. Morales,
527 U.S. 41 (1999)..... 10

Elrod v. Burns,
427 U.S. 347 (1976)..... 16

Forbes v. Napolitano,
236 F.3d 1009 (9th Cir. 2000) 7, 9

Gooding v. Wilson,
405 U.S. 518 (1972)..... 10

Grayned v. City of Rockford,
408 U.S. 104 (1972)..... 7, 8

Hernandez v. Woodard,
714 F. Supp. 963 (N.D. Ill. 1989) 8

Isaacson v. Brnovich,
-- F.Supp.3d --, No. CV-21-01417-PHX-DLR, 2022 WL 2665932 (D.
Ariz. July 11, 2022) 16

Isabel v. Reagan,
394 F. Supp. 3d 966 (D. Ariz. 2019) 11

1 *Jones v. Governor of Florida,*
 2 950 F.3d 795 (11th Cir. 2020) 17

3 *Kolender v. Lawson,*
 4 461 U.S. 352 (1983)..... 9

5 *League of Women Voters of Florida v. Browning,*
 6 863 F. Supp. 2d 1155 (N.D. Fla. 2012) 8

7 *League of Women Voters of North Carolina v. North Carolina,*
 8 769 F.3d 224 (4th Cir. 2014) 17

9 *League of Women Voters v. Hargett,*
 10 400 F. Supp. 3d 706 (M.D. Tenn. 2019)..... 10

11 *League of Women Voters v. Sullivan,*
 12 5 F.4th 714 (7th Cir. 2021) 12, 13

13 *Melendres v. Arpaio,*
 14 695 F.3d 990 (9th Cir. 2012) 16, 17

15 *Meyer v. Grant,*
 16 486 U.S. 414 (1988)..... 10, 11

17 *Mi Familia Vota v. Hobbs,*
 18 492 F. Supp. 3d 980 (D. Ariz. 2020) 16

19 *National Council of La Raza v. Cegavske,*
 20 800 F.3d 1032 (9th Cir. 2015) 6, 11

21 *Nken v. Holder,*
 22 556 U.S. 418 (2009)..... 6

23 *Obama for America v. Husted,*
 24 697 F.3d 423 (6th Cir. 2012) 17

25 *Raetzl v. Parks/Bellefont Absentee Election Board.,*
 26 762 F. Supp. 1354 (D. Ariz. 1990) 14, 15

27 *Ripplinger v. Collins,*
 28 868 F.2d 1043 (9th Cir. 1989) 11

Shell Offshore, Inc. v. Greenpeace, Inc.,
 709 F.3d 1281 (9th Cir. 2013) 6

1 *Stanley v. University of Southern California,*
 2 13 F.3d 1313 (9th Cir. 1994) 6, 17

3 *Stormans, Inc. v. Selecky,*
 4 586 F.3d 1109 (9th Cir. 2009) 16

5 *United States v. Stevens,*
 6 559 U.S. 460 (2010)..... 9

7 *University of Hawaii Profesional Assembly v. Cayetano,*
 8 183 F.3d 1096 (9th Cir. 1999) 17

9 *Winter v. Natural Resource Defense Council, Inc.,*
 555 U.S. 7 (2008)..... 6

10 **Statutes**

11 A.R.S. § 13-702(D) 3, 9

12 A.R.S. § 13-904(A)(1)..... 3

13 A.R.S. § 16-544(E) 15

14 A.R.S. § 16-165(A)(10)..... 1, 2, 3, 12, 14

15 A.R.S. § 16-165(B)..... 1, 2, 3, 12, 14

16 A.R.S. § 16-452(C)..... 15

17 A.R.S. § 16-544(Q) 1, 2, 3, 14

18 A.R.S. § 16-544(R)..... 1, 2, 3, 14

19 A.R.S. § 16-1016(12) 1, 3, 7

20 52 U.S.C. § 20507(a)(3) 12

21 52 U.S.C. § 20507(a)(4) 12

22 52 U.S.C. § 20507(d)(1)..... 12, 13

23 **Other Authorities**

24 Arizona State Legislature, *General Effective Dates,*
 25 <https://www.azleg.gov/general-effective-dates/> 2

26
 27
 28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Jan. 31, 2022 Hr’g on S.B. 1260 Before H. Comm. on Gov’t & Elections,
2022 Leg., 55th Sess. (Ariz. 2022), available at <https://www.azleg.gov/videoplayer/?clientID=6361162879&eventID=2022031079> 9, 15

Sec’y Katie Hobbs, *2019 Elections Procedures Manual* (2019),
[https://azsos.gov/sites/default/files/2019_ELECTIONS_PROCEDURES
_MANUAL_APPROVED.pdf](https://azsos.gov/sites/default/files/2019_ELECTIONS_PROCEDURES_MANUAL_APPROVED.pdf) 12, 15

RETRIEVED FROM DEMOCRACYDOCKET.COM

INTRODUCTION

1
2 This case challenges several interrelated provisions of recently enacted Senate Bill
3 (“SB”) 1260, which makes it unjustifiably harder for lawful Arizona voters to exercise
4 their right to vote and threatens Plaintiffs with criminal penalties for engaging in core
5 First Amendment activity, including assisting eligible Arizonans to exercise that
6 fundamental right. The Court should enjoin the Felony Provision, A.R.S. § 16-1016(12);
7 the Cancellation Provisions, A.R.S. § 16-165(A)(10), (B); and the Removal Provisions,
8 A.R.S. § 16-544(Q)–(R) (collectively, the “Challenged Provisions”) for the reasons
9 discussed further below.¹

10 *First*, Plaintiffs challenge SB 1260’s Felony Provision, A.R.S. § 16-1016(12),
11 which threatens with criminal penalties anyone who “knowingly provides a mechanism
12 for voting” to someone who is registered to vote in another state, even if the voter never
13 intends to—and does not—vote in multiple jurisdictions. Many Americans are registered
14 to vote in more than one state. When Americans move, they often do not think to
15 affirmatively cancel their voter registration in the jurisdiction they are leaving, nor are
16 there always easy, obvious, or reliable ways to do so. The Felony Provision is not only
17 unjustifiable, it is unconstitutionally vague and overbroad: it fails to define “mechanism
18 for voting,” a term which could be read to encompass nearly all forms of voter assistance
19 and education, including activity that is clearly protected under the First Amendment. As
20 a result, it fails to provide Plaintiffs with adequate notice as to which acts are prohibited
21 and which remain permissible. Plaintiffs seek a preliminary injunction against the Felony
22 Provision based on their claims that it violates the First Amendment and Due Process
23 Clause (Counts I and II of the Amended Complaint, ECF No. 20).

24
25
26 _____
27 ¹ Section 3 of SB 1260 contains the Felony Provision; Section 1 of SB 1260 contains the
28 Cancellation Provisions; and Section 2 of SB 1260 contains the Removal Provisions.
References to these provisions are cited throughout this brief as they are proposed to be
codified in the Arizona Revised Statutes.

1 *Second*, Plaintiffs challenge SB 1260’s Cancellation and Removal Provisions,
2 A.R.S. § 16-165(A)(10) and (B), and A.R.S. § 16-544(Q)–(R), respectively, which
3 require county recorders to cancel a voter’s registration and remove them from the active
4 early voting list (“AEVL”) if the voter is registered to vote in another Arizona county.
5 There is no requirement that a voter be notified or consent before their registration is
6 cancelled or they are removed from the AEVL; in fact, the Provisions do not require
7 county recorders to make *any* inquiry at all of the voter, including to find out where the
8 voter currently resides and intends to vote. Again, it is not uncommon for Americans to
9 be registered to vote in more than one jurisdiction—especially those who move
10 frequently—yet under SB 1260, the cancellation of the voter’s registration or removal
11 turns *solely* on the existence of another voter registration. It does not require any
12 evidence that the voter intends to vote (or attempts to vote) in more than one jurisdiction,
13 nor does it provide any guidance as to how recorders are to determine which county a
14 voter is eligible to vote in, when the voter is registered in more than one county. To the
15 contrary, the plain text requires that county recorders cancel a voter’s registration or
16 remove them from the AEVL simply upon confirming that the voter has another
17 registration—meaning that a voter who recently moved could be cancelled in *all*
18 jurisdictions in which they are registered, without any notice and without their consent.
19 Moreover, the provisions encourage—and include no protection against—strategic efforts
20 to disqualify voters based on nothing more than “credible information” indicating that the
21 voters may be registered to vote in more than one Arizona county. Plaintiffs seek a
22 preliminary injunction against the Cancellation and Removal Provisions based on their
23 claim that they violate procedural due process (Count VI). Plaintiffs also seek a
24 preliminary injunction against the Cancellation Provision on the ground that it violates
25 the National Voter Registration Act (“NVRA”) (Count IV).

26 None of these provisions are currently in effect: they become law on September
27 24, 2022. *See* Arizona State Legislature, *General Effective Dates*,
28 <https://www.azleg.gov/general-effective-dates/> (last visited Sept. 7, 2022) (55th

1 Legislature – Second Regular Session effective date). Issuing an injunction now would
 2 preserve the status quo. Each of the relevant factors favors Plaintiffs’ requested
 3 injunction: not only are Plaintiffs likely to succeed on the claims at issue, but without an
 4 injunction, Plaintiffs, their members, and the constituencies they serve will suffer severe
 5 irreparable harm. Finally, the public interest and the equities also favor injunctive relief.

6 BACKGROUND

7 I. The Felony Provision

8 The Felony Provision imposes criminal penalties on anyone who “knowingly
 9 provides a mechanism for voting to another person who is registered in another state,”
 10 regardless of the voter’s eligibility to vote in Arizona, or their intent (or lack thereof) to
 11 vote in more than one jurisdiction. A.R.S. § 16-1016(12). The term “mechanism for
 12 voting” is not defined, but the statute sweeps broadly enough to include the mere act of
 13 “forwarding an early ballot” addressed to the voter. *Id.* Individuals convicted of violating
 14 this provision receive a class 5 felony conviction, which is punishable by imprisonment
 15 of six months or more, *id.* § 13-702(D), and loss of the right to vote, *id.* § 13-904(A)(1).

16 II. The Cancellation and Removal Provisions

17 SB 1260 also contains two related provisions that force county recorders to take
 18 certain actions upon receiving “credible information” from a third party that a person is
 19 registered to vote in more than one Arizona county. *Id.* §§ 16-165(B); 16-544(R). Under
 20 the Cancellation Provision, county recorders must cancel a voter’s registration upon
 21 receipt and confirmation that the voter is registered in another county, *id.* §§ 16-
 22 165(A)(10), (B), and under the Removal Provision, county recorders must remove that
 23 individual from the county’s AEVL, *id.* §§ 16-544(Q)–(R). Neither provision requires
 24 county recorders to notify the voter or obtain their consent before taking action. In fact,
 25 the law does not require that *any* inquiry be made of the voter at all, including finding out
 26 where the voter currently resides or intends to vote.

27 The Cancellation and Removal Provisions thus allow third parties to force county
 28 recorders to cancel voter registrations and remove voters from the AEVL *en masse* by

1 simply identifying any voter in the county who appears to be registered elsewhere, even
2 if that person does not intend to vote illegally, and even though it is perfectly legal (and
3 even common, particularly among voters who move frequently) to be registered to vote in
4 more than one jurisdiction. These provisions also create an environment for confusion
5 and administrative chaos—the term “credible information” is undefined, and neither
6 provision explains how county recorders should coordinate cancellations or removals,
7 such that two county recorders might *each* cancel a voter’s registration (or remove the
8 voter from the AEVL) in their respective counties upon receiving confirmation of a
9 voter’s registration in the other county. This could result in a person being suddenly
10 stripped of *any* active voter registration or early voting status, without any notice
11 whatsoever. Similarly, the provisions do not distinguish between a county where the
12 affected voter intends to vote and where they may simply have an outdated voter
13 registration. Voters may therefore find that their registrations have been cancelled or that
14 they are removed from the AEVL *for counties in which they are entirely eligible to and*
15 *intend to lawfully vote.*

16 The Cancellation and Removal Provisions do not have any reasonable relation to a
17 legitimate state interest. A person’s voter registration or AEVL status in another county is
18 not related to whether that person is eligible to vote in Arizona. There is no reason why
19 county recorders cannot, at the very least, provide notice and obtain consent before
20 cancelling a registration or removing a voter from the AEVL. Moreover, the Provisions
21 presume—without any basis—that all voters who are registered in more than one location
22 intend to commit voter fraud. Yet study after study has demonstrated that voter fraud is
23 vanishingly rare. There are far less burdensome means of protecting the integrity of
24 Arizona’s elections than unilaterally invalidating the registrations of voters who have
25 registrations in more than one jurisdiction. The same rationale applies for people on the
26 AEVL. Further, the Cancellation Provision threatens to “clean up” the voter rolls in ways
27 prohibited by federal law: the NVRA contains specific and careful procedures for
28 removing voters from the rolls—safeguards to ensure that list maintenance procedures do

1 not result in disenfranchising lawful voters. Yet that is exactly what will follow if
2 Defendants are permitted to implement these provisions.

3 **III. Impact of SB 1260**

4 SB 1260 will have a profound impact on Plaintiffs' voter registration and
5 mobilization activities, which include phone and text banking; tabling in public locations;
6 running digital media and word-of-mouth campaigns to remind voters to vote, update
7 their registrations, and direct them to voting resources; and conducting get-out-the-vote
8 and general voter education campaigns. *See* Ex. A, Cole Decl. ¶¶ 5, 7–13, 23; Ex. B,
9 Patel Decl. ¶¶ 5, 7, 10–14; Ex. C, Cecil Decl. ¶¶ 4–5, 8, 10–11. Plaintiffs do not currently
10 expend any resources on assisting voters with canceling their other voter registrations.
11 Cole Decl. ¶ 14; Patel Decl. ¶ 21; Cecil Decl. ¶ 16. If SB 1260 goes into effect, Plaintiffs
12 will be severely restricted in their ability to assist eligible Arizonans in accessing the
13 franchise. Among other things, Plaintiffs will have to (1) develop processes and
14 procedures to determine whether a voter or would-be voter may have outdated
15 registrations in another state or county, and (2) be satisfied that any other voter
16 registrations in other jurisdictions have been affirmatively canceled, *before* offering voter
17 assistance. Cole Decl. ¶¶ 13, 21, 26; Patel Decl. ¶¶ 12–14, 21; Cecil Decl. ¶¶ 15–17.
18 Otherwise, Plaintiffs' volunteers and employees will be at risk of felony prosecution if
19 they help voters who happen to have an earlier (even if inactive) registration in another
20 state. Further, Plaintiffs will now need to help voters identify and personally cancel any
21 other voter registrations in other counties, *see, e.g.*, Cecil Decl. ¶ 16, because failing to do
22 so would risk the voter's registration being cancelled or the voter being removed from the
23 AEVL without notice. This, too, would require a massive diversion of resources that
24 would otherwise go toward Plaintiffs' traditional voter registration and mobilization
25 activities. Cole Decl. ¶¶ 12, 14–15, 20–21, 26–27, 29; Patel Decl. ¶¶ 3–5, 12–14, 20–21,
26 24–25; Cecil Decl. ¶¶ 9–13, 15–18, 20. And Plaintiffs will be injured by SB 1260 in other
27 ways, too: they will need to divert resources to develop voter education and training
28 programs to work around SB 1260's restrictive provisions, and potentially respond to

1 coordinated third-party voter suppression efforts which are enabled by SB 1260. Cole
2 Decl. ¶¶ 12–13, 21, 26–27; Patel Decl. ¶¶ 14, 19–20, 24; Cecil Decl. ¶¶ 9, 15, 17.

3 LEGAL STANDARD

4 A preliminary injunction should issue where the moving party shows: (1) they are
5 likely to succeed on the merits; (2) they will likely suffer irreparable harm in the absence
6 of relief; (3) the balance of equities tips in their favor; and (4) an injunction is in the
7 public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). Even if the
8 moving party can only show that there are “serious questions going to the merits—a
9 lesser showing than likelihood of success on the merits—then a preliminary injunction
10 may still issue so long as the balance of hardships tips *sharply* in the [moving party’s]
11 favor, and the other two *Winter* factors are satisfied.” *Shell Offshore, Inc. v. Greenpeace,*
12 *Inc.*, 709 F.3d 1281, 1291 (9th Cir. 2013) (quotation omitted). When the government is a
13 party, the balance of equities and public interest merge. *Nken v. Holder*, 556 U.S. 418,
14 435 (2009). Courts also consider whether the requested injunctive relief preserves or
15 seeks to go beyond the status quo, as only the latter is disfavored and subject to a
16 heightened burden of proof. *Stanley v. Univ. of S. Cal.*, 13 F.3d 1313, 1320 (9th Cir.
17 1994); *Ariz. Dream Act Coal. v. Brewer*, 757 F.3d 1053, 1060 (9th Cir. 2014).

18 ARGUMENT

19 I. Plaintiffs are likely to succeed on the merits of their claims.

20 Plaintiffs are likely to succeed on their claims that the Felony, Cancellation, and
21 Removal Provisions violate the U.S. Constitution and the NVRA. Plaintiffs have standing
22 to bring these claims—as described above, Plaintiffs provide voters with assistance
23 registering to vote and voting and will suffer concrete injuries as a result of the
24 enforcement of these Provisions, including having to divert mission-critical resources to
25 attempt to counteract the negative impacts of the new law. *See generally* Cole Decl.;
26 Patel Decl.; Cecil Decl.; *see also Nat’l Council of La Raza v. Cegavske*, 800 F.3d 1032,
27 1039–41 (9th Cir. 2015).

1 **A. The Felony Provision violates the First and Fourteenth Amendments.**

2 The Felony Provision violates the First and Fourteenth Amendments on two
3 independent grounds: it provides no adequate notice of the scope of what it prohibits, and
4 it sweeps far too broadly, covering a great deal of protected speech.

5 **1. The Felony Provision is unconstitutionally vague.**

6 Plaintiffs are likely to succeed on their claim that the Felony Provision is
7 unconstitutionally vague. “It is a basic principle of due process that an enactment is void
8 for vagueness if its prohibitions are not clearly defined.” *Grayned v. City of Rockford*,
9 408 U.S. 104, 108 (1972); *see also Forbes v. Napolitano*, 236 F.3d 1009, 1011–12 (9th
10 Cir. 2000) (“The due process clause of the Fourteenth Amendment guarantees individuals
11 the right to fair notice of whether their conduct is prohibited by law.”). A law is
12 unconstitutionally vague when it “fails to provide a person of ordinary intelligence fair
13 notice of what is prohibited, or is so standardless that it authorizes or encourages
14 seriously discriminatory enforcement,” because there are “heightened risks of . . .
15 disparate treatment of less popular speakers or viewpoints.” *Butcher v. Knudsen*, 38 F.4th
16 1163, 1169 (9th Cir. 2022). This analysis is conducted with a particularly skeptical eye
17 when a law “abut[s] upon sensitive areas of basic First Amendment freedoms.” *Baggett v.*
18 *Bullitt*, 377 U.S. 360, 372 (1964). When a law implicating free speech is impermissibly
19 vague, “it risks repressing the very discourse that the First Amendment protects and
20 encourages.” *Butcher*, 38 F.4th at 1169 (citing *FCC v. Fox Television Stations, Inc.*, 567
21 U.S. 239, 253–54 (2012)); *see also Grayned*, 408 U.S. at 109 (explaining that, when the
22 scope of a law infringing on First Amendment-protected activity is unclear, it will
23 “inevitably lead citizens to ‘steer far wider of the unlawful zone’ . . . than if the
24 boundaries of the forbidden areas were clearly marked” (quotation omitted)).

25 By making it a felony to “knowingly” provide a “mechanism for voting” to
26 persons registered to vote in another state, A.R.S. § 16-1016(12), the Felony Provision
27 threatens Plaintiffs’ First Amendment rights. While the scope of the undefined phrase
28 “mechanism for voting” is vague, it expressly encompasses acts as minimal as

1 “forwarding an early ballot addressed to the other person.” *Id.* Thus, the Felony Provision
2 as written is broad enough to cover voter registration and mobilization activities that are
3 at the heart of Plaintiffs’ organizational missions. *See* Cole Decl. ¶¶ 18–19; Patel Decl.
4 ¶ 10; Cecil Decl. ¶ 8. Courts have recognized that the act of “encouraging others to
5 register to vote” is “pure speech,” and because that speech is political in nature, it is a
6 “core First Amendment activity.” *League of Women Voters of Fla. v. Browning*, 863 F.
7 Supp. 2d 1155, 1158 (N.D. Fla. 2012). Similarly, “[w]here groups, formal or informal,
8 seek to advance their goals through the electoral process, regulations preventing their
9 members from” engaging in their organizations’ missions around voting and advocacy
10 “impair their ability effectively to organize and make their voices heard.” *Hernandez v.*
11 *Woodard*, 714 F. Supp. 963, 973 (N.D. Ill. 1989) (citing *R.I. Minority Caucus, Inc. v.*
12 *Baronian*, 590 F.2d 372, 376–77 (1st Cir. 1979)). Thus, where the Felony Provision
13 implicates Plaintiffs’ voter-support activities that are protected by the First Amendment,
14 the court must “proceed with vigilance” in evaluating Plaintiffs’ vagueness challenge.
15 *Butcher*, 38 F.4th at 1169.

16 The Felony Provision’s prohibition on providing a “mechanism for voting” is
17 unconstitutionally vague because it fails to give “the person of ordinary intelligence a
18 reasonable opportunity to know what is prohibited, so that he may act accordingly.”
19 *Grayned*, 408 U.S. at 108. The law criminalizes conduct—providing a “mechanism for
20 voting”—but does not define the term. The potential scope of activities prohibited under
21 this new provision is nearly limitless, and given the severe criminal penalties, Plaintiffs
22 are forced to interpret this provision broadly to minimize their potential liability. *See* Cole
23 Decl. ¶¶ 20–23; Patel Decl. ¶¶ 10–14; Cecil Decl. ¶ 8. In fact, even the act of helping a
24 person *cancel* an out-of-state voter registration could be considered providing them with
25 a “mechanism for voting” under SB 1260 because doing so facilitates their ability to vote
26 in Arizona. To make matters worse, the law’s only limiting language—the specification
27 that a person must act “knowingly”—lacks clarity: it does not specify if the person must
28 know that they are providing a mechanism for voting, that the other voter is registered in

1 another state, or both.

2 Though some of SB 1260’s proponents asserted in legislative committee meetings
3 that the law is limited to preventing acts of illegal voting, the actual text of the statute is
4 not so limited. *Jan. 31, 2022 Hr’g on S.B. 1260 Before H. Comm. on Gov’t & Elections*,
5 2022 Leg., 55th Sess. (Ariz. 2022) (bill sponsor Sen. J.D. Mesnard asserting the law is
6 intended to stop “a deliberate act to try to help somebody vote who is not legally allowed
7 to vote”), available at [https://www.azleg.gov/videoplayer/?eventID=2022011106&start](https://www.azleg.gov/videoplayer/?eventID=2022011106&startStreamAt=2098)
8 [StreamAt=2098](https://www.azleg.gov/videoplayer/?eventID=2022011106&startStreamAt=2098) (40:10–40:16). Nothing in the law restricts it to criminalizing only those
9 activities that facilitate or lead to illegal or fraudulent voting in Arizona. Rather, the text
10 of the bill broadly targets perfectly legal conduct: sending a ballot to someone who may
11 be registered in another state, for instance a college student, regardless of whether the
12 recipient intends to cast that ballot legally or does, in fact, cast the ballot legally. That the
13 bill encompasses *non-fraudulent* activity further underscores its vagueness.

14 For these reasons, every operative portion of the Felony Provision is
15 unconstitutionally vague. This lack of clarity is especially harsh because violating the
16 Felony Provision can lead to a felony conviction, imprisonment, and disenfranchisement.
17 A.R.S. §§ 13-702(D); 13-904. Statutes that impose criminal penalties require an exacting
18 vagueness review, *see Kolender v. Lawson*, 461 U.S. 352, 357 (1983), as the arbitrary
19 deprivation of liberty is offensive to the Constitution’s due process guarantee, *Forbes*,
20 236 F.3d at 1012 (citing *Smith v. Goguen*, 415 U.S. 566, 575 (1972)). Thus, the Felony
21 Provision should be enjoined.

22 **2. The Felony Provision is also unconstitutionally overbroad.**

23 Plaintiffs are also likely to succeed on their claim that the Felony Provision is
24 unconstitutionally overbroad because it “create[s] a criminal prohibition of alarming
25 breadth,” pulling within its ambit a significant amount of protected speech. *United States*
26 *v. Stevens*, 559 U.S. 460, 474 (2010). The overbreadth doctrine is premised on the notion
27 that free-speech “freedoms need breathing space to survive” because “persons whose
28 expression is constitutionally protected may well refrain from exercising their rights for

1 fear of criminal sanctions provided by a statute susceptible of application to protected
2 expression.” *Gooding v. Wilson*, 405 U.S. 518, 521–22 (1972). As a result, the
3 “government may regulate in the area only with narrow specificity,” and speech
4 regulations must “be carefully drawn or be authoritatively construed to punish
5 unprotected speech and not be susceptible of application to protected expression.” *Id.* at
6 522. “[T]he overbreadth doctrine permits the facial invalidation of laws that inhibit the
7 exercise of First Amendment rights if the impermissible applications of the law are
8 substantial when judged in relation to the statute’s plainly legitimate sweep.” *City of*
9 *Chicago v. Morales*, 527 U.S. 41, 52 (1999) (quotation omitted).

10 As discussed, the Felony Provision inhibits the exercise of First Amendment
11 rights. *See supra* II.A.1. In particular, it chills Plaintiffs’ ability to engage in a range of
12 mobilization and mission-critical work, including phone banking, tabling in public
13 locations, running digital media and word-of-mouth campaigns to engage with voters,
14 conducting get-out-the-vote and general voter education campaigns, and organizing
15 communities of voters to participate in elections. *See* Cole Decl. ¶¶ 5, 7–13, 23; Patel
16 Decl. ¶¶ 5, 7, 10–14; Cecil Decl. ¶¶ 4–5, 8, 10–11. All of these activities could be
17 considered to provide a “mechanism for voting” under the overbroad language of SB
18 1260. As a result, these activities are at risk of becoming illegal if any of the voters
19 receiving assistance are registered to vote in another state—a fact not easily ascertainable
20 by Plaintiffs through regular interactions with their constituents and other voters.

21 The First Amendment protects the rights of free speech and expression, including
22 “the type of interactive communication concerning political change that is appropriately
23 described as ‘core political speech.’” *Meyer v. Grant*, 486 U.S. 414, 421–22 (1988).
24 Encouraging voters to cast a ballot and assisting voters to do so “necess[arily] involves
25 . . . the expression of a desire for political change.” *Id.* at 421. Discussions about voting
26 “implicate[] political thought and expression.” *League of Women Voters v. Hargett*, 400
27 F. Supp. 3d 706, 724 (M.D. Tenn. 2019) (citing *Buckley v. Am. Const. Law Found. Inc.*,
28 525 U.S. 182, 195 (1999)).

1 Plaintiffs’ voting-related initiatives and efforts are typically accompanied by
2 conversations and interactions between Plaintiffs’ representatives or volunteers and
3 voters, all of which constitute protected core political speech. *See Meyer*, 486 U.S. at
4 421–22; *see also* Cole Decl. ¶¶ 8–11; Patel Decl. ¶¶ 5, 7. Without clear guidelines about
5 what is legally permissible, the Felony Provision effectively criminalizes a broad host of
6 ordinary activities in which organizations engage as part of their right to associate and
7 participate in the political process. *Cf. Buckley*, 525 U.S. at 203–04 (concluding that
8 “absent evidence to the contrary,” it would be improper to assume that there is fraud in
9 the ballot initiative circulation process) (citing *Meyer*, 486 U.S. at 426).

10 Similarly, as discussed above, although the provision requires an individual to act
11 “knowingly,” it is unclear whether that individual simply must know whether they have
12 provided a mechanism for voting, or whether they must know that the person they are
13 helping is registered to vote in another state. *See supra* II.A.1. The Ninth Circuit has
14 found scienter requirements like this one to be unconstitutionally overbroad in other
15 contexts. *See Ripplinger v. Collins*, 868 F.2d 1043, 1056 (9th Cir. 1989) (finding an
16 Arizona statute describing a class 5 felony to be unconstitutionally overbroad where “the
17 [knowledge] scienter provision . . . unduly chill[ed] the exercise of protected expression,”
18 where it was unclear what knowledge was required for someone to be found guilty of the
19 law). For these reasons, the Felony Provision is unconstitutionally overbroad and should
20 be enjoined.

21 **B. The Cancellation Provision violates and is preempted by the NVRA.**

22 Plaintiffs are likely to succeed on their claim that the Cancellation Provision
23 violates the NVRA. “The NVRA expressly creates a private right of action for its
24 violation: an aggrieved person may bring a civil action for declaratory or injunctive relief
25 after complying with the applicable notice requirements.” *Isabel v. Reagan*, 394 F. Supp.
26 3d 966, 976 (D. Ariz. 2019) (citing 52 U.S.C. § 20510(b)); *see also La Raza*, 800 F.3d at
27 1035 (noting that a “person” aggrieved includes “organizations as well as individuals”).
28 The NVRA provides procedural safeguards before a voter’s registration can be cancelled

1 and permits cancellation only in certain circumstances.

2 Section 8 of the NVRA makes it unlawful for voters to be removed from official
3 lists of eligible voters unless it is either at the voter’s request, because of a criminal
4 conviction or mental incapacity, or under “a general program” to remove ineligible voters
5 from the official lists by reason of death or “a change in the residence of the registrant[.]”
6 52 U.S.C. § 20507(a)(3)–(4). The NVRA provides that a state can remove a person on the
7 basis of a change in address only if the person either confirms their change of residence
8 in writing or has failed to respond to a notice and has not voted in two consecutive
9 election cycles. *Id.* § 20507(d)(1). The Cancellation Provision, however, requires Arizona
10 county recorders to cancel an individual’s voter registration after receiving “credible
11 information” and confirmation that the voter is registered elsewhere, without anything
12 further. A.R.S. §§ 16-165(A)(10), (B). The Cancellation Provision thus violates Section 8
13 of the NVRA because it requires Arizona county recorders to remove individuals from
14 the official list of eligible voters without the person providing written confirmation of
15 their change of address or having the opportunity to respond to a notice and subsequently
16 failing to vote in two consecutive election cycles.²

17 Recently, the Seventh Circuit concluded that analogous laws that circumvent the
18 NVRA’s strict notice-and-waiting requirements violated federal law. In *League of*
19 *Women Voters v. Sullivan*, the court assessed a law that “allowed Indiana election
20 officials to remove a voter from the state’s voter rolls automatically (meaning without
21 directly contacting the person in question) based on information acquired through a third-
22 party database[.]” 5 F.4th 714, 718 (7th Cir. 2021). Like the Cancellation Provision here,
23 the Indiana law required county officials to confirm that the voter had a registration out
24 of state, and upon confirmation, cancel the voter’s registration “without further notice or
25

26 ² The Cancellation Provision is also inconsistent with NVRA obligations laid out in
27 Arizona’s operative Elections Procedures Manual (“EPM”). *See* Sec’y Katie Hobbs, *2019*
28 *Elections Procedures Manual* 37–40 (2019), https://azsos.gov/sites/default/files/2019_ELECTIONS_PROCEDURES_MANUAL_APPROVED.pdf.

1 opportunity for the voter to contest her removal.” *Id.* SB 1260 is even worse than the
2 Indiana law, which at least required county officials to confirm that the out-of-state
3 registration postdated the Indiana registration. *Id.*

4 The Seventh Circuit enforced the NVRA’s express notice-and-waiting
5 requirements, holding that under the plain language of 52 U.S.C. § 20507(d)(1), “a state
6 may not remove a voter from its voter rolls without either (1) receiving a direct
7 communication from the voter that she wishes to be removed or (2) going through the
8 NVRA-prescribed process of (a) notifying the voter, (b) giving her an opportunity to
9 respond, and (c) then waiting two inactive election cycles before removing her. *Any state*
10 *law that fails to follow that prescription cannot stand.” Id.* at 723 (emphasis added). The
11 court held that the Indiana law “impermissibly allow[ed] Indiana to cancel a voter’s
12 registration without either direct communication from the voter or compliance with the
13 NVRA’s notice-and-waiting procedures.” *Id.* at 724. Thus, the Indiana law “conflict[ed]
14 with, and [wa]s thus preempted by, the federal NVRA.” *Id.* at 730.³

15 The same rationale applies here: the Cancellation Provision requires Arizona
16 recorders to cancel a voter’s registration “without either direct communication from the
17 voter or compliance with the NVRA’s notice-and-waiting procedures.” *Id.* at 724. In fact,
18 the Cancellation Provision is even *less* protective of voters’ rights than the Indiana law
19 because it does not require county recorders to determine which of a voter’s registrations
20 is the most recent before cancellation. But even if it did, it would still violate the NVRA.

21 **C. The Cancellation and Removal Provisions violate due process.**

22 Plaintiffs are likely to succeed on their claim that the Cancellation and Removal
23 Provisions violate procedural due process. “Because voting is a fundamental right, the
24 right to vote is a ‘liberty’ interest which may not be confiscated without due process.”

25
26 ³ The Seventh Circuit also noted that there was no presumption against preemption when
27 the NVRA was involved because “Congress’s authority for the NVRA is rooted in the
28 Constitution itself, whose Elections Clause expressly empowers Congress to make or
alter state election regulations.” *Id.* at 723.

1 *Raetzel v. Parks/Bellefont Absentee Election Bd.*, 762 F. Supp. 1354, 1357 (D. Ariz.
2 1990). Voting absentee is also “deserving of due process.” *Id.* at 1358.

3 In the Ninth Circuit, a court considering a due process challenge to a state election
4 law must carefully weigh “the character and magnitude of the asserted injury to the rights
5 protected by the First and Fourteenth Amendments that the plaintiff seeks to vindicate
6 against the precise interests put forward by the State as justifications for the burden
7 imposed by its rule, taking into consideration the extent to which those interests make it
8 necessary to burden the plaintiff’s rights.” *Ariz. Democratic Party v. Hobbs*, 18 F.4th
9 1179, 1187 (9th Cir. 2021) (cleaned up). This balancing test uses a flexible sliding scale,
10 where the rigorousness of scrutiny depends upon the extent to which the challenged law
11 burdens voting rights. A law that imposes a “severe” burden must meet strict scrutiny. *Id.*

12 The Cancellation and Removal Provisions compel county recorders to cancel
13 registrations and remove voters from the AEVL if the voter has a registration in another
14 county. A.R.S. § 16-165(A)(10), (B); *id.* § 16-544(Q), (R). As discussed, there is no
15 requirement that county recorders notify the affected voters, receive their consent, or
16 even attempt to determine which voter registration or AEVL status should remain active.

17 The Cancellation and Removal Provisions place several burdens on voters. Many
18 will not be aware that their registration or AEVL enrollment could be unilaterally
19 cancelled without notice simply because they have a voter registration elsewhere (a fact
20 of which they may also be unaware). Such voters are unlikely to take any steps to protect
21 themselves against cancellation or removal and may not learn that there is an issue until
22 right before or on election day, when it is too late to re-register. This is especially so if
23 organizations such as Plaintiffs are chilled in their outreach to voters. These voters are at
24 risk of the most severe burden—disenfranchisement. But even voters who happen to
25 learn that their registration or AEVL enrollment is at risk will hardly be spared from
26 harm or even severe burdens. Many jurisdictions do not have an easy, obvious, or reliable
27 way to ensure that a voter’s registration has been cancelled. The burden to
28 prophylactically cancel registrations will be particularly severe for voters who have

1 moved frequently, and may have multiple registrations, across many different
2 jurisdictions.

3 There is no reason why county recorders cannot provide notice and obtain consent
4 before cancelling a registration or removing a voter from the AEVL—in fact, Arizona
5 law currently provides for a process whereby county recorders “shall take the necessary
6 steps to contact the voter at the voter’s new residence address” before removing the voter
7 from the AEVL. A.R.S. § 16-544(E). SB 1260 amends § 16-544 but does not incorporate
8 any notice requirement into the Cancellation and Removal Provisions. This omission
9 evinces a legislative intent *not* to provide notice and an opportunity to cure, in violation
10 of due process. *See Raetzel*, 762 F. Supp. at 1358 (“[D]ue process is not provided when
11 the election procedures do not give some form of post-deprivation notice to the affected
12 individual so that any defect in eligibility can be cured and the individual is not
13 continually and repeatedly denied so fundamental a right.”).⁴

14 The Cancellation and Removal Provisions also do not have any reasonable relation
15 to a legitimate state interest. First, SB 1260 will not prevent election fraud: having
16 multiple voter registrations is common, does not mean a person is ineligible to vote using
17 a given voter registration, and does not mean a person is committing, plans to commit, or
18 has committed election fraud. Second, although the Legislature sought to eliminate
19 duplicate registrations, *see, e.g., Jan. 31, 2022 Hr’g on S.B. 1260 Before H. Comm. on*
20 *Gov’t & Elections*, 2022 Leg., 55th Sess. (Ariz. 2022) (bill sponsor Sen. J.D. Mesnard
21 asserting the law was “to go after duplicate registration” and ensure “folks aren’t
22 registered in more than one place at a time”), *available at*
23 <https://www.azleg.gov/videoplayer/?clientID=6361162879&eventID=2022031079>
24 (38:57–39:06), the Cancellation and Removal Provisions are a blunt instrument to

25 ⁴ The Cancellation and Removal Provisions are also inconsistent with the Arizona
26 Election Procedures Manual, which carries the force of law, A.R.S. § 16-452(C), and
27 requires that county recorders conduct “individualized inquir[ies] before canceling any
28 registration record” on the basis of information received from another jurisdiction that
may implicate a voter’s registration. *2019 Elections Procedures Manual* at 35.

1 achieve this result. Because the provisions do not require county recorders to inquire
2 where a voter presently lives or plans to vote, and because they generally lack guidance
3 as to which of multiple registrations to cancel, the law is likely to lead to the cancellation
4 of *all* of a voter’s registrations or the wrong registration. Ultimately, these provisions
5 may lead to the total disenfranchisement of eligible Arizona voters without any notice.
6 And these provisions invite coordinated voter suppression from third parties, who are
7 now incentivized to provide “credible information” to county recorders *en masse*,
8 identifying voters with multiple registrations, to initiate a mandatory confirm-and-cancel
9 or confirm-and-remove process.

10 **II. Absent an injunction, Plaintiffs will suffer irreparable harm.**

11 Unless SB 1260 is enjoined, Plaintiffs will suffer severe and irreparable harm.
12 “[U]nlike monetary injuries, constitutional violations cannot be adequately remedied
13 through damages.” *Stormans, Inc. v. Selecky*, 586 F.3d 1109, 1138 (9th Cir. 2009). It is
14 well established that the deprivation of constitutional rights “unquestionably constitutes
15 irreparable injury.” *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012).

16 Because of its vagueness and overbreadth, the Felony Provision threatens to
17 deprive Plaintiffs of important First Amendment rights, which “constitutes irreparable
18 injury” even if the deprivation is for “minimal periods of time.” *Elrod v. Burns*, 427 U.S.
19 347, 373 (1976). The law’s vagueness also deprives Plaintiffs of their procedural due
20 process rights guaranteed by the Fourteenth Amendment. *See Isaacson v. Brnovich*, –
21 F.Supp.3d –, No. CV-21-01417-PHX-DLR, 2022 WL 2665932, at *9 (D. Ariz. July 11,
22 2022). As for the Cancellation and Removal Provisions, courts in this District have found
23 that real harm is suffered through the “loss of possibly tens of thousands of voter
24 registrations” and infringement on plaintiffs’ “First and Fourteenth Amendment rights to
25 organize voters.” *Mi Familia Vota v. Hobbs*, 492 F. Supp. 3d 980, 988 (D. Ariz. 2020).
26 SB 1260 will cause such harm here.

27 Finally, where SB 1260 operates to limit the rights of voters to participate in an
28 election, such impact and denial of access to the franchise constitutes irreparable injury.

1 *See, e.g., Jones v. Governor of Fla.*, 950 F.3d 795, 828 (11th Cir. 2020) (“The denial of
2 the opportunity to cast a vote that a person may otherwise be entitled to cast—even
3 once—is an irreparable harm.”); *League of Women Voters of N.C. v. North Carolina*, 769
4 F.3d 224, 247 (4th Cir. 2014) (finding irreparable injury on the basis that “once the
5 election occurs, there can be no do-over and no redress”).

6 Both individually and cumulatively, the injuries Plaintiffs will experience due to
7 the Challenged Provisions weigh in favor of granting Plaintiffs’ request for relief.

8 **III. The balance of equities and the public interest favor an injunction.**

9 The balance of equities and the public interest also strongly favor injunctive relief.
10 To make this determination, a court must “identify the possible harm caused by the
11 preliminary injunction against the possibility of the harm caused by not issuing it,” and
12 then weigh “the hardships of each party against one another.” *Univ. of Haw. Prof’l*
13 *Assembly v. Cayetano*, 183 F.3d 1096, 1108 (9th Cir. 1999).

14 First, “it is always in the public interest to prevent the violation of a party’s
15 constitutional rights.” *Melendres*, 695 F.3d at 1002. Second, there is a strong public
16 interest in “permitting as many qualified voters to vote as possible.” *Obama for Am. v.*
17 *Husted*, 697 F.3d 423, 437 (6th Cir. 2012). SB 1260 directly contravenes that interest by
18 unnecessarily purging voters from the voter rolls, removing voters’ ability to participate
19 in early voting by mail, and broadly criminalizing behavior that facilitates participation in
20 elections. Finally, because SB 1260 has not yet gone into effect, the requested relief is
21 “[a] prohibitory injunction [that] preserves the status quo,” *Stanley*, 13 F.3d at 1320,
22 meaning there is no burden on Defendants to implement an injunction, if granted.

23 **CONCLUSION**

24 For the reasons set forth herein, Plaintiffs’ Motion for Preliminary Injunction
25 should be granted.
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: September 8, 2022

/s/ Daniel A. Arellano
Roy Herrera (No. 032901)
Daniel A. Arellano (No. 032304)
HERRERA ARELLANO LLP
530 East McDowell Road, Suite 107-150
Phoenix, Arizona 85004-1500

Aria C. Branch*
Daniel J. Cohen*
Joel Ramirez*
Tina Meng*
ELIAS LAW GROUP LLP
10 G Street NE, Suite 600
Washington, D.C. 20002

* Admitted *Pro Hac Vice*
Counsel for Plaintiffs

RETRIEVED FROM DEMOCRACYDOCKET.COM

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2022, I electronically transmitted the attached document to the Clerk’s Office using the ECF System for filing and transmittal of a Notice of Electronic Filing to the ECF registrants.

/s/ Daniel A. Arellano

RETRIEVED FROM DEMOCRACYDOCKET.COM

EXHIBIT A

RETRIEVED FROM DEMOCRACYDOCKET.COM

1 Roy Herrera (No. 032901)
Daniel A. Arellano (No. 032304)
2 **HERRERA ARELLANO LLP**
530 East McDowell Road, Suite 107-150
3 Phoenix, Arizona 85004-1500
Telephone: (602) 567-4820
4 roy@ha-firm.com
daniel@ha-firm.com

5
6 Aria C. Branch*
Daniel J. Cohen*
Joel Ramirez*
7 Tina Meng*
8 **ELIAS LAW GROUP LLP**
10 G Street NE, Suite 600
Washington, D.C. 20002
9 Telephone: (202) 968-4490
Facsimile: (202) 968-4498
10 abranch@elias.law
dcohen@elias.law
11 jramirez@elias.law
tmeng@elias.law

12 * Admitted *Pro Hac Vice*

13 *Attorneys for Plaintiffs*

14
15 **UNITED STATES DISTRICT COURT**
16 **DISTRICT OF ARIZONA**

17 Arizona Alliance for Retired Americans;
18 Voto Latino; Priorities USA,
19 Plaintiffs,

No. CV-22-1374-PHX-GMS

20 v.

21 Katie Hobbs, in her official capacity as
Secretary of State for the State of
22 Arizona; Mark Brnovich, in his official
capacity as Attorney General for the State
23 of Arizona; Larry Noble, in his official
capacity as Apache County Recorder;
24 David Stephens, in his official capacity as
Cochise County Recorder; Patty Hansen,
25 in her official capacity as Coconino
County Recorder; Sadie Jo Bingham, in
26 her official capacity as Gila County
Recorder; Wendy John, in her official
27 capacity as Graham County Recorder;
Sharie Milheiro, in her official capacity

DECLARATION OF SAUNDRA COLE

28

1 as Greenlee County Recorder; Richard
2 Garcia, in his official capacity as La Paz
3 County Recorder; Stephen Richer, in his
4 official capacity as Maricopa County
5 Recorder; Kristi Blair, in her official
6 capacity as Mohave County Recorder;
7 Michael Sample, in his official capacity
8 as Navajo County Recorder; Gabriella
9 Cázares-Kelly, in her official capacity as
Pima County Recorder; Dana Lewis, in
her official capacity as Pinal County
Recorder; Suzanne Sainz, in her official
capacity as Santa Cruz County Recorder;
Michelle Burchill, in her official capacity
as Yavapai County Recorder; and
Richard Colwell, in his official capacity
as Yuma County Recorder;

10 Defendants.

11
12 I, Sandra Cole, hereby declare, under the penalty of perjury, and state the following:

13 1. I am over the age of 18, have personal knowledge of the facts below, and can
14 competently testify to their truth.

15 2. My name is Sandra Cole. I am currently the President of the Arizona
16 Alliance for Retired Americans, Inc. (the “Arizona Alliance”), a nonprofit corporation
17 organized under section 501(c)(4) of the Internal Revenue Code. I also serve as an
18 Executive Council Member at the Arizona American Federation of Labor and Congress of
19 Industrial Organizations (“AFL-CIO”).

20 3. The Arizona Alliance is a chartered affiliate of the Alliance for Retired
21 Americans, an allied organization of the AFL-CIO, and counts approximately 50,000
22 retirees as members, hailing from every county in Arizona. Many of these members have
23 moved addresses or have multiple addresses. The Arizona Alliance’s members include
24 senior citizens and Indigenous peoples of Arizona. The Arizona Alliance also charters its
25 own affiliate groups.

26 4. The Arizona Alliance’s mission is to ensure that retirees, after a lifetime of
27 work, have access to social and economic justice and full civil rights.
28

1 5. The Arizona Alliance accomplishes this mission in part through voter
2 registration, education, and mobilization activities that help ensure that its members and
3 prospective members are able to register to vote and meaningfully participate in Arizona's
4 elections. These activities include encouraging voter registration at member meetings and
5 events, participating in phone banking drives organized by the AFL-CIO, engaging in
6 person-to-person outreach encouraging all Arizonans to vote (including via Spanish-
7 speaking groups), answering questions about voter registration, posting on social media to
8 encourage members and prospective members to register to vote and vote, and directing
9 members and prospective members to information regarding voter registration and voting.

10 6. The Arizona Alliance's website (<https://arizona.retiredamericans.org/>) also
11 helps direct Arizona seniors to external resources to verify their voter registration, ensure it
12 is up to date, and register to vote.

13 7. Eligible Arizona voters rely on the Arizona Alliance to help them navigate
14 the voting process, and if the Arizona Alliance is unable to help them, then they are less
15 likely to register to vote, know how to vote, and ultimately cast a ballot that will be counted.

16 8. While many other groups conduct voter registration activities for younger
17 voters, the Arizona Alliance's voter outreach efforts are focused specifically on the senior
18 demographic. Seniors in Arizona often have questions about voter registration and the
19 voting process, and the Arizona Alliance helps educate this group so that they are not
20 disenfranchised. As a result, the Arizona Alliance is an important source of information for
21 its members, prospective members, and constituents to update their voter registration
22 information and exercise their right to vote.

23 9. For example, some seniors ask the Arizona Alliance how to determine if they
24 are registered to vote, and the Arizona Alliance will help them determine that information.
25 The Arizona Alliance will also help direct them to other sources of information as well as
26 to places where they can get registered or update their voter registration.

27
28

1 10. In anticipation of the upcoming Arizona state and federal general election,
2 staff and members of the Arizona Alliance have already conducted several phone banking
3 efforts with the AFL-CIO and plan to conduct more in the near future. These phone banking
4 activities are targeted directly at seniors in Arizona and have reached out to hundreds of
5 Arizona seniors.

6 11. Members of the Arizona Alliance also mail voter registration forms to
7 Indigenous peoples of Arizona and follow up with regular phone banking activities to assist
8 those communities with registering to vote. Members of the Arizona Alliance also set up
9 registration tables in public locations every week to assist with voter registration, and
10 advertises those locations on social media.

11 12. Arizona's Senate Bill 1260 ("SB 1260") will have a profound impact on the
12 Arizona Alliance's voter registration, education, and mobilization activities. The Arizona
13 Alliance has a limited budget and only two paid staff members who work part-time. Its
14 budget and limited staff resources will need to be reallocated to adjust for the additional
15 time and resources needed to educate citizens on SB 1260. As just one example, because of
16 SB 1260, the Arizona Alliance would consider creating a training program on how to cancel
17 an out-of-state or out-of-county voter registration.

18 13. SB 1260 will make it significantly more difficult for the Arizona Alliance to
19 advise Arizona citizens through phone banking or at member events about the process of
20 casting their ballot. The Arizona Alliance will not only need to ask citizens if they are
21 registered to vote, but also whether they have any previous addresses, and whether they
22 might still be registered to vote there.

23 14. The Arizona Alliance does not currently expend any resources toward
24 identifying voters who have multiple registrations or helping voters cancel their other voter
25 registrations; instead, the Arizona Alliance's resources for voter registration, education, and
26 mobilization are used to help voters update their registration information, register to vote,
27 or vote.

28

1 15. SB 1260 will severely chill these activities because it creates a risk of criminal
2 liability for engaging in many of the Arizona Alliance’s activities. SB 1260 will require
3 the diversion of the Arizona Alliance’s resources toward helping members and prospective
4 members cancel their other voter registrations; these resources would otherwise be directed
5 toward traditional voter mobilization efforts if not for SB 1260.

6 16. Further, many of the Arizona Alliance’s members are threatened with being
7 removed from voter registration lists or early voting lists without any notice or opportunity
8 to contest their removal as a direct result of SB 1260.

9 **The Felony Provision**

10 17. I am aware of SB 1260’s Felony Provision, which makes it a felony to provide
11 a “mechanism for voting” to someone who is also registered to vote in another state,
12 including by merely forwarding them a ballot.

13 18. The broad and vague wording of the Felony Provision could apply to a wide
14 range of the Arizona Alliance’s activities because the Arizona Alliance encourages voter
15 registration in a variety of forms and helps mobilize its members and prospective members
16 to vote. Many of the Arizona Alliance’s members and prospective members may have voter
17 registrations in other states, including the seniors who the Arizona Alliance calls as part of
18 its phone banking activities.

19 19. I am very concerned that the Felony Provision would thus criminalize the
20 Arizona Alliance’s efforts to assist its members and prospective members in either
21 registering to vote or in voting. This would chill the Arizona Alliance’s traditional voter
22 registration and mobilization activities.

23 20. Even if the Felony Provision would not criminalize all of the Arizona
24 Alliance’s voter-related activities, the severe felony penalty and potential for imprisonment
25 would require the Arizona Alliance to err on the side of assuming the Felony Provision
26 applies whenever in doubt, in order to avoid and minimize that risk. This would result in
27 the Arizona Alliance scaling back or reorienting its voter-related activities to ensure that
28

1 voters affirmatively cancel their other registrations.

2 21. For example, the Arizona Alliance will need to divert resources to educate its
3 members and prospective members about the Felony Provision and how to check if they
4 have any other voter registrations, and how to cancel those other registrations, *before*
5 encouraging them to either register to vote, update their voter registration information, or
6 vote. It may not even be possible for the Arizona Alliance to obtain this information for its
7 members and prospective members, as the process varies among other states.

8 22. This would be a very significant diversion of resources because many of the
9 Arizona Alliance's members have multiple addresses and may be registered to vote in
10 multiple states or Arizona counties. Also, many of the Arizona Alliance's members may
11 not know where they have previously registered to vote or even how to determine where
12 they previously registered. They may ultimately decide not to vote or to update their voter
13 registration information simply to avoid the trouble and confusion brought about by SB
14 1260.

15 23. The Arizona Alliance will also need to analyze its ongoing social media and
16 word-of-mouth campaigns to determine how to adjust them in ways that will minimize
17 potential criminal liability created by the Felony Provision.

18 **The Cancellation and Removal Provisions**

19 24. I am also aware of SB 1260's Cancellation and Removal Provisions, which
20 threaten voters with removal from voter registration rolls and early voting lists without any
21 notice, merely for having another registration in another Arizona county.

22 25. This will require the Arizona Alliance to help ensure that all of its members
23 and prospective members are only registered to vote in one location, so that they are not
24 removed from the voter registration roll or active early voting list in the county in which
25 they intend to vote.

26 26. To accomplish the Arizona Alliance's mission, the organization will need to
27 create specialized trainings, use professional and volunteer time, and spend money in order
28

1 to educate its members about the effects of the Cancellation and Removal Provisions,
2 including how voters can be disenfranchised as a result of those provisions, how they can
3 check if they have any other voter registrations, and how they can cancel those other voter
4 registrations. The Arizona Alliance will also need to help answer questions from its
5 members about these provisions and how they will operate.

6 27. If not for the Cancellation and Removal Provisions, the Arizona Alliance
7 would spend that time and money on its traditional voter registration and mobilization
8 activities: helping voters register to vote, update their voting information, and determine a
9 method of voting that is most convenient to them.

10 **Impact of SB 1260 on the Arizona Alliance**

11 28. SB 1260 severely frustrates the Arizona Alliance's mission and its efforts to
12 educate, register, and mobilize Arizona voters.

13 29. If SB 1260 is not enjoined, it will directly impact the Arizona Alliance's
14 allocation of resources and reshape its voter education, registration, and mobilization
15 activities to prioritize the need to affirmatively cancel other voter registrations, which the
16 Arizona Alliance has never before spent significant time or money on. Affirmative
17 cancellation will be a costly prerequisite not only to the Arizona Alliance assisting anyone
18 in the act of registering to vote or voting, but also for the Arizona Alliance's members to
19 avoid being disenfranchised without any notice. This is all a direct result of SB 1260.

20
21 I certify under penalty of perjury that the foregoing is true and correct.

22
23 Dated: September 1, 2022



24 Sandra Cole
25 President of the Arizona Alliance for Retired
26 Americans
27
28

EXHIBIT B

RETRIEVED FROM DEMOCRACYDOCKET.COM

1 Roy Herrera (No. 032901)
Daniel A. Arellano (No. 032304)
2 **HERRERA ARELLANO LLP**
530 East McDowell Road, Suite 107-150
3 Phoenix, Arizona 85004-1500
Telephone: (602) 567-4820
4 roy@ha-firm.com
daniel@ha-firm.com

5 Aria C. Branch*
6 Daniel J. Cohen*
Joel Ramirez*
7 Tina Meng*
ELIAS LAW GROUP LLP
8 10 G Street NE, Suite 600
Washington, D.C. 20002
9 Telephone: (202) 968-4490
Facsimile: (202) 968-4498
10 abranch@elias.law
dcohen@elias.law
11 jramirez@elias.law
tmeng@elias.law

12 * Admitted *Pro Hac Vice*

13 *Attorneys for Plaintiffs*

14 UNITED STATES DISTRICT COURT
15 DISTRICT OF ARIZONA

16
17 Arizona Alliance for Retired Americans;
18 Voto Latino; Priorities USA,
19 Plaintiffs,

No. CV-22-1374-PHX-GMS

20 v.

21 Katie Hobbs, in her official capacity as
Secretary of State for the State of
22 Arizona; Mark Brnovich, in his official
capacity as Attorney General for the State
23 of Arizona; Larry Noble, in his official
capacity as Apache County Recorder;
24 David Stephens, in his official capacity as
Cochise County Recorder; Patty Hansen,
25 in her official capacity as Coconino
County Recorder; Sadie Jo Bingham, in
26 her official capacity as Gila County
Recorder; Wendy John, in her official
27 capacity as Graham County Recorder;
Sharie Milheiro, in her official capacity

DECLARATION OF AMEER PATEL

28

1 as Greenlee County Recorder; Richard
2 Garcia, in his official capacity as La Paz
3 County Recorder; Stephen Richer, in his
4 official capacity as Maricopa County
5 Recorder; Kristi Blair, in her official
6 capacity as Mohave County Recorder;
7 Michael Sample, in his official capacity
8 as Navajo County Recorder; Gabriella
9 Cázares-Kelly, in her official capacity as
Pima County Recorder; Dana Lewis, in
her official capacity as Pinal County
Recorder; Suzanne Sainz, in her official
capacity as Santa Cruz County Recorder;
Michelle Burchill, in her official capacity
as Yavapai County Recorder; and
Richard Colwell, in his official capacity
as Yuma County Recorder;

10 Defendants.

11
12
13 **DECLARATION OF AMEER PATEL IN SUPPORT OF PLAINTIFFS' MOTION**
14 **FOR A PRELIMINARY INJUNCTION**

15 I, Ameer Patel, according to 28 U.S. § 1749, hereby state:

16 1. My name is Ameer Patel. I am over 18 years of age, am competent to testify, and
17 declare the following facts based on my personal knowledge.

18 2. I am currently employed as the Vice President of Programs of Voto Latino, a
19 nonprofit corporation organized under section 501(c)(4) of the Internal Revenue Code. I
20 have been in this position since September of 2019. My duties require me to be
21 knowledgeable about Voto Latino's voting and voter-registration activities. I am also
22 familiar with Voto Latino's resource-allocation decisions.

23 3. Voto Latino is the largest Latinx advocacy organization in the nation. Its mission
24 is to grow political engagement in historically underrepresented communities, especially its
25 core constituency: young Latinx voters.

26 4. In 2020, Voto Latino, along with its sister organization, Voto Latino Foundation,
27 Inc. (a non-profit, non-partisan 501(c)(3) organization), successfully registered over
28

1 650,000 voters. Since 2012, Voto Latino has registered over 60,000 people in Arizona
2 alone.

3 5. To further its mission, Voto Latino spends significant resources on voter education
4 and mobilization initiatives, including efforts to encourage voters to vote, remind them to
5 update their voter registrations, and inform them about available means of voting, such as
6 early voting and voting by mail. These initiatives take the form of voter registration drives,
7 email and social media campaigns, and text banking.

8 6. For the 2022 election cycle, Voto Latino's program cost for these initiatives in
9 Arizona exceeds \$2 million. These initiatives will launch in mid-September.

10 7. As part of its voter education and mobilization efforts, Voto Latino's employees
11 and volunteers frequently engage with college students, new residents of Arizona, and
12 young and Latinx voters in the state. Voto Latino currently reaches over 22 million viewers
13 through its digital platforms, including 7,000 Arizonans.

14 8. Arizona is one of Voto Latino's highest priority states. In 2020, Voto Latino and
15 Voto Latino Foundation, Inc. collected over 50,000 unique voter registration applications
16 in Arizona. There are currently approximately 650,000 unregistered Latinx voters in
17 Arizona, and the largest bloc of Latinx voters in Arizona are young voters (age 18–29).
18 Voto Latino currently has over 200 volunteers active in the state.

19 9. Arizona's recent Senate Bill ("SB") 1260 will severely harm Voto Latino's voter
20 registration and outreach activities, requiring Voto Latino to divert resources from its other
21 voter-engagement work to counteract the law's harmful effects.

22 **The Felony Provision**

23 10. I am aware of SB 1260's Felony Provision, which broadly criminalizes assisting
24 voters who have multiple voter registrations with voting. Though the full scope of the
25 Felony Provision is unclear, it appears to criminalize several of Voto Latino's signature
26 activities. For example, Voto Latino's digital campaigns informing voters where they can
27 vote and how to vote, and Voto Latino's initiatives to sign up voters in Arizona, could be
28

1 considered to “knowingly” provide “a mechanism for voting” to individuals who are
2 registered to vote in more than one state.

3 11. I am concerned that the risk of criminal penalties, including jail time, under the
4 Felony Provision will make it more difficult for Voto Latino to retain and recruit employees
5 and volunteers to carry out its mission-critical work of registering its constituents to vote
6 and providing them with assistance in voting in Arizona.

7 12. To counteract the harms imposed by the Felony Provision, Voto Latino will need
8 to expend resources to overhaul its voter registration drives to screen voters to ensure that
9 they do not have pre-existing voter registrations in other states. If they do, Voto Latino’s
10 employees and volunteers would be at risk of engaging in criminal activity merely for
11 helping these voters to register to vote. This risk will stifle Voto Latino’s ability to engage
12 with its constituents.

13 13. Voto Latino’s employees and volunteers will also be required to divert their time
14 and resources away from their other work in service of Voto Latino’s mission to focus on
15 identifying members and constituents who have multiple pre-existing voter registrations.

16 14. Additionally, Voto Latino will need to develop new training materials to educate
17 its employees and volunteers about the Felony Provision and instruct them on how to
18 properly screen voters for pre-existing voter registrations in other states. Voto Latino will
19 then need to expend significant resources retraining its employees and volunteers with these
20 new materials to protect them from liability under the Felony Provision.

21 **The Cancellation and Removal Provisions**

22 15. I am also aware of the Cancellation and Removal Provisions, which are
23 especially threatening to Voto Latino’s constituents because they may cause them to be
24 removed from the voter registration rolls and early voting lists, without any forewarning or
25 notice after the fact, if they have multiple voter registrations.

26 16. Young Latinx individuals—Voto Latino’s core constituency—are an especially
27 mobile population. Thus, they are particularly likely to have multiple voter registrations.
28

1 17. Additionally, early voting and voting by mail are of great importance to the
2 Latinx community in Arizona. In addition to its voter registration work, Voto Latino has
3 focused its get-out-the-vote efforts on increasing Latinx vote-by-mail and early-vote
4 turnout.

5 18. Because the Cancellation and Removal provisions threaten to disenfranchise
6 individuals by removing them from the voter registration rolls and early voting lists without
7 any notice, they threaten Voto Latino's constituents' fundamental rights and strike directly
8 at the heart of the organization's mission to grow the political engagement of the young
9 Latinx community.

10 19. Moreover, the Cancellation and Removal Provisions make it easier for third
11 parties to engage in coordinated efforts to target Voto Latino's core constituency and purge
12 them from Arizona's voter registration system and early voting lists with unreliable data
13 and for specious reasons. This risk is not new; Voto Latino is well aware that this tactic has
14 taken place in other states and is currently engaged in efforts to prevent it. Voto Latino will
15 need to divert additional time and resources to monitor for attempted voter purges in
16 Arizona to safeguard its constituents from harm.

17 20. To counteract the harms imposed by the Cancellation and Removal Provisions,
18 Voto Latino will be required to launch an educational campaign informing its constituents
19 about these provisions and emphasizing the need for them to check whether they have
20 multiple voter registrations or active early voting list memberships.

21 21. Voto Latino will also need to divert its resources, including staff and volunteer
22 time, to check whether its constituents have voter registrations in multiple states or Arizona
23 counties and help them to cancel their non-active registrations. This is time and money Voto
24 Latino would otherwise be spending on achieving its goal of increasing the Latinx voting
25 share across key states, including Arizona.

26
27
28

EXHIBIT C

RETRIEVED FROM DEMOCRACYDOCKET.COM

1 Roy Herrera (No. 032901)
Daniel A. Arellano (No. 032304)
2 **HERRERA ARELLANO LLP**
530 East McDowell Road, Suite 107-150
3 Phoenix, Arizona 85004-1500
Telephone: (602) 567-4820
4 roy@ha-firm.com
daniel@ha-firm.com

5 Aria C. Branch*
6 Daniel J. Cohen*
Joel Ramirez*
7 Tina Meng*
ELIAS LAW GROUP LLP
10 G Street NE, Suite 600
8 Washington, D.C. 20002
9 Telephone: (202) 968-4490
Facsimile: (202) 968-4498
10 abranch@elias.law
dcohen@elias.law
11 jramirez@elias.law
tmeng@elias.law

12 * Admitted *Pro Hac Vice*

13 *Attorneys for Plaintiffs*

14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF ARIZONA**

16 Arizona Alliance for Retired Americans;
17 Voto Latino; Priorities USA;

18 Plaintiffs,

19 v.

20 Katie Hobbs, in her official capacity as
Secretary of State for the State of Arizona;
21 Mark Brnovich, in his official capacity as
Attorney General for the State of Arizona;
22 Larry Noble, in his official capacity as
Apache County Recorder; David Stevens, in
23 his official capacity as Cochise County
Recorder; Patty Hansen, in her official
24 capacity as Coconino County Recorder;
Sadie Jo Bingham, in her official capacity as
25 Gila County Recorder; Wendy John, in her
official capacity as Graham County
26 Recorder; Sharie Milheiro, in her official
capacity as Greenlee County Recorder;
27 Richard Garcia, in his official capacity as La
Paz County Recorder; Stephen Richer, in his
28

No. CV-22-1374-PHX-GMS

DECLARATION OF GUY CECIL

1 official capacity as Maricopa County
2 Recorder; Kristi Blair, in her official
3 capacity as Mohave County Recorder;
4 Michael Sample, in his official capacity as
5 Navajo County Recorder; Gabriella Cázares-
6 Kelly, in her official capacity as Pima
7 County Recorder; Dana Lewis, in her
8 official capacity as Pinal County Recorder;
9 Suzanne Sainz, in her official capacity as
10 Santa Cruz County Recorder; Michelle
11 Burchill, in her official capacity as Yavapai
12 County Recorder; and Richard Colwell, in
13 his official capacity as Yuma County
14 Recorder;

15 Defendants.

16 I, Guy Cecil, hereby declare, under the penalty of perjury, and state the following:

17 1. I am over the age of 18, have personal knowledge of the facts below, and can
18 competently testify to their truth.

19 2. My name is Guy Cecil. I am currently the Chairman of Priorities USA
20 (“Priorities”), a nonprofit corporation organized under section 501(c)(4) of the Internal
21 Revenue Code.

22 3. Priorities is a voter-centric progressive advocacy and service organization. Its
23 mission is to build a permanent infrastructure to engage Americans by educating,
24 persuading, registering, and mobilizing citizens around issues and elections that affect their
25 lives.

26 4. To accomplish these goals, Priorities has made and will continue to make
27 contributions and expenditures in the millions of dollars to educate, register, mobilize, and
28 turn out voters in upcoming state and federal elections around the country. As part of a \$30
million investment in digital mobilization and persuasion efforts, Priorities has committed
\$8.4 million in Arizona to engage in crucial voter education efforts for the 2022 election
cycle. These funds are focused on: (1) get-out-the-vote efforts, (2) vote-by-mail education
programs, (3) sponsoring search ads that provide instructions on how to vote and how voters
can check the status of their registration, and (4) encouraging early voting in person.

5. In anticipation of the upcoming Arizona state and federal elections, Priorities

1 has already spent over \$4.8 million this year on advertising and voter education activities
2 in Arizona, including efforts targeted at voters who have recently moved.

3 6. Arizona’s recent Senate Bill (“SB”) 1260 will severely impact every aspect
4 of Priorities’ strategy development and programming, requiring the diversion of resources
5 that would otherwise be directed towards other get-out-the-vote and voter protection efforts
6 if the law had not been enacted.

7 **The Felony Provision**

8 7. I am aware of SB 1260’s Felony Provision, which criminalizes a broad range
9 of activities related to providing voting assistance to individuals who have multiple voter
10 registrations.

11 8. It is unclear what conduct the Felony Provision criminalizes but it appears to
12 render a broad swath of Priorities’ current voter support activities illegal. I am concerned
13 that the Felony Provision will chill the activities of Priorities and organizations that
14 Priorities supports and funds because the Felony Provision creates new risks of jail time for
15 engaging in simple voter mobilization efforts. For instance, a website funded and hosted by
16 Priorities currently provides information and links that allow Arizona voters to request their
17 ballot online, look up election deadlines, ballot drop off locations and early voting hours,
18 and register to vote or update their registration. Because Priorities permits all voters to avail
19 themselves of these resources, not just Arizona voters who are only registered to vote in
20 Arizona and no other state, all of these activities could be considered “knowingly”
21 providing “a mechanism of voting,” if they are provided to a person who is registered to
22 vote in more than one state, which is now prohibited by the Felony Provision. The threat of
23 criminal prosecution means Priorities must rethink how it has structured its strategy along
24 these and other mission-critical areas.

25 9. The vagueness of the Felony Provision means that organizations and
26 individuals will also have to spend additional resources trying to understand what the law
27 prohibits, including by expending resources on legal counsel.

28

1 10. The Felony Provision will also force Priorities and its partner organizations
2 to shift money and resources towards assessing how to engage in Arizona in light of the
3 new statute. For instance, a large part of Priorities' activities in the state relate to targeting
4 ads at younger voters, college students, and frequent movers. In particular, Priorities
5 recently invested \$2 million in ad campaigns urging voters to check their voter registration
6 status. These additional investments are driven in part by new laws like SB 1260 that
7 criminalize the involvement of others in assisting voters in checking and updating their
8 registration.

9 11. Recently, Priorities provided \$25,000 grants, along with specialized training
10 and ongoing support from Priorities staff, to assist with partner organizations' voter
11 registration and anti-misinformation voter education campaigns in Arizona. Because of the
12 Felony Provision, Priorities will be forced to dedicate additional money and staff time to
13 explaining (or attempting to explain) the contours of the Felony Provision and how that may
14 affect partner organizations' programming. Priorities is concerned that these Arizona
15 partner organizations may "knowingly" provide a "mechanism for voting" to voters who
16 have multiple registrations through programming that is funded using Priorities' grant
17 money.

18 12. Priorities' grant program will expand in size and scope in the fall. Priorities
19 intends to grant funds to more Arizona organizations, which will require Priorities to
20 continue to divert time and resources towards counteracting the restrictions of SB 1260,
21 including the Felony Provision.

22 13. If SB 1260 had not been enacted, Priorities would be utilizing its funds and
23 staff resources to engage in the campaigns it originally planned for without concern about
24 how those campaigns would be impacted by a restrictive voting law.

25 **The Cancellation and Removal Provisions**

26 14. I am also aware of SB 1260's Cancellation and Removal Provisions, which
27 threaten an unknown number of voters with disenfranchisement and removal from the voter
28

1 registration rolls and early voting lists.

2 15. To continue effectuating its mission of educating and turning out Arizona
3 voters in light of SB 1260, Priorities must significantly rethink its strategy across the state.
4 For instance, the Cancellation and Removal Provisions will require Priorities to provide
5 more grant funds to in-state partner organizations so that they can provide education and
6 training on the harms of the Cancellation and Removal Provisions, namely that significant
7 numbers of voters could be purged from the registration rolls and the early voting lists
8 without any notice or opportunity to contest their removal.

9 16. Priorities will spend time and funds on making voters aware that they need to
10 determine whether they have multiple voter registrations and that they should cancel any
11 prior registrations so that they are not removed from the voter registration rolls and early
12 voting lists pursuant to the Cancellation and Removal Provisions. But if those provisions
13 had never been enacted, Priorities would be able to spend its time and funding to focus on
14 true voter mobilization activities.

15 17. Priorities is also in the impossible position of having to rethink its trainings
16 for partner organizations on how to engage with voters in a way that reconciles SB 1260
17 and federal law, as the new law creates inherent contradictions between the two.

18 18. Finally, because of the Challenge and Removal Provisions, Priorities will
19 have to utilize more staff time to analyze data and reports on voting activities to obtain the
20 same understanding of the voting landscape and where to focus its efforts in response to
21 these new state laws.

22 **Impact of SB 1260 on Priorities**

23 19. SB 1260 directly harms Priorities by frustrating its mission and its efforts to
24 educate, register, and turn out Arizona voters.

25 20. Unless these provisions are enjoined, SB 1260 will have a tangible impact on
26 Priorities' allocation of resources and undermine its core voter registration and mobilization
27 efforts, resulting in Arizona residents having less support in registering to vote and voting.
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I certify under penalty of perjury that the foregoing is true and correct.

Dated: September 1, 2022



Guy Cecil

RETRIEVED FROM DEMOCRACYDOCKET.COM

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Arizona Alliance for Retired Americans,
et al.,

Plaintiffs,

v.

Katie Hobbs, in her official capacity as
Secretary of State for the State of
Arizona; et al.

Defendants.

No. CV-22-1374-PHX-GMS

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Plaintiffs Arizona Alliance for Retired Americans, Voto Latino, and Priorities USA moved to enjoin the Felony, Cancellation, and Removal Provisions (the “Challenged Provisions”) of Arizona Senate Bill (“SB”) 1260 for violations of the First and Fourteenth Amendments and the National Voter Registration Act. Having considered the parties’ pleadings, arguments of counsel, and the record in this case, the Court finds that Plaintiffs have demonstrated both a strong likelihood of success on the merits and that, absent an injunction, they face immediate, irreparable injury from the Challenged Provisions in SB 1260. The Court hereby **GRANTS** the motion and orders the following:

1. It is **HEREBY ORDERED** that Plaintiffs’ Motion for Preliminary Injunction is **GRANTED**;

- 1 2. Defendants, their officers, agents, servants, employees, and all persons in active
2 concert or participation with them are **ENJOINED** from taking any action to
3 enforce, or implement the Challenged Provisions;
- 4 3. No person who has notice of this injunction shall fail to comply with it, nor shall any
5 person subvert the injunction by sham, indirection or other artifice.
- 6 4. The bond requirement is hereby **WAIVED**.
- 7 5. This injunction will go into effect immediately and shall remain in effect pending
8 further order from this Court.

9
10 **IT IS SO ORDERED.**
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

RETRIEVED FROM DEMOCRACYDOCKET.COM