

1 D. Andrew Gaona (028414)
Kristen Yost (034052)
2 **COPPERSMITH BROCKELMAN PLC**
2800 North Central Avenue, Suite 1900
3 Phoenix, Arizona 85004
T: (602) 381-5478
4 agaona@cblawyers.com
kyost@cblawyers.com

5 Sambo (Bo) Dul (030313)
6 **STATES UNITED DEMOCRACY CENTER**
8205 South Priest Drive, #10312
7 Tempe, Arizona 85284
T: (480) 253-9651
8 bo@statesuniteddemocracy.org

9 Christine Bass *
10 **STATES UNITED DEMOCRACY CENTER**
506 S. Spring Street, Suite #13308
Los Angeles, California 90013
11 T: (309) 242-8511
christinebass@statesuniteddemocracy.org

12 * *Application for Pro Hac Vice Forthcoming*

13 *Attorneys for Defendant*
14 *Arizona Secretary of State Katie Hobbs*

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

17 Arizona Asian American Native Hawaiian
18 and Pacific Islander for Equity Coalition,

19 Plaintiff,

20 v.

21 Katie Hobbs, in her official capacity as
22 Arizona Secretary of State, et al.,

23 Defendants.
24

) No. 2:22-cv-01381-SRB
)
) **DEFENDANT SECRETARY OF**
) **STATE KATIE HOBBS' ANSWER**
) **TO PLAINTIFF ARIZONA ASIAN**
) **AMERICAN NATIVE HAWAIIAN**
) **AND PACIFIC ISLANDER FOR**
) **EQUITY COALITION'S**
) **COMPLAINT**

1 Defendant Katie Hobbs, in her official capacity as Arizona Secretary of State
2 (“Secretary”) answers Plaintiff Arizona Asian American Native Hawaiian and Pacific Islander
3 for Equity Coalition’s (“Plaintiff”) [Doc. 1] Complaint as follows:

4 **INTRODUCTION**

5 1. The Secretary lacks knowledge or information sufficient to form a belief about
6 the truth of the allegations in Paragraph 1.

7 2. The Secretary admits the allegations in Paragraph 2.

8 3. Responding to Paragraph 3 of the Complaint, the Secretary admits that after
9 *Arizona v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1 (2013) was decided, the State
10 unsuccessfully sought to change the state-specific instructions to the Federal Form to require
11 DPOC, and admits the allegations in the last sentence in Paragraph 3. The Secretary lacks
12 knowledge or information sufficient to form a belief about the truth of the remaining
13 allegations in Paragraph 3.

14 4. The Secretary admits the allegations in Paragraph 4.

15 5. Responding to Paragraph 5 of the Complaint, the Secretary admits the allegations
16 in the last sentence, and lacks knowledge or information sufficient to form a belief about the
17 truth of the remaining allegations in Paragraph 5.

18 6. Responding to Paragraph 6 of the Complaint, the Secretary lacks knowledge or
19 information sufficient to form a belief about the truth of the allegations in the first three
20 sentences. Responding to the bullet points in the last sentence, the Secretary admits that HB
21 2492 and HB 2243 will prevent applicants registering with the Federal Form without DPOC
22 from voting in presidential elections or casting a ballot by mail, prohibit already-registered
23 voters who did not provide DPOC from voting in presidential elections or casting a ballot by
24 mail, require applicants registering with the Arizona state form to provide their place of birth—
25 a requirement with no material connection to an applicant’s qualifications register to vote,
26 require that an investigation be initiated if a county recorder decides, based on potentially

1 outdated and unreliable information, that a registration applicant is not a U.S. citizen, create an
2 investigation of citizenship system, and allow county recorders to cancel voter registrations as
3 a result of these citizenship investigations.

4 7. The Secretary lacks knowledge or information sufficient to form a belief about
5 the truth of the allegations in Paragraph 7.

6 8. Responding to Paragraph 8 of the Complaint, the Secretary admits that a so-
7 called “audit” of the 2020 general election results in Maricopa County was performed by a
8 third-party contractor hired by Arizona Senate President Karen Fann, and that the “audit” did
9 not uncover evidence of voter fraud. The Secretary also admits that Plaintiff quotes a statement
10 attributed to Governor Doug Ducey in the cited article. The Secretary lacks knowledge or
11 information sufficient to form a belief about the truth of the remaining allegations in Paragraph
12 8.

13 9. Responding to Paragraph 9 of the Complaint, the Secretary admits that Governor
14 Ducey signed HB 2492 on March 30, 2022 and noted in his signing letter that the law sought
15 to protect “[e]lection integrity” and to “prohibit[] any attempt to illegally cast a vote.” The
16 Secretary also admits that Plaintiff describes portions of Attorney General Mark Brnovich’s
17 August 1, 2022 letter cited in footnote 3. The Secretary lacks knowledge or information
18 sufficient to form a belief about the truth of the remaining allegations in Paragraph 9.

19 10. Responding to Paragraph 10 of the Complaint, the Secretary admits that under
20 HB 2243, if a county recorder obtains information and confirms that a registered voter is not a
21 United States citizen, and if, after receiving a notice, the voter does not provide proof of
22 citizenship within 35 days, the recorder must cancel the registration. The Secretary also admits
23 that Governor Ducey signed HB 2243 on July 6, 2022, that Governor Ducey previously vetoed
24 a similar bill, HB 2617, and that Plaintiff quotes portions of Governor Ducey’s letter describing
25 his veto of HB 2617. The Secretary lacks knowledge or information sufficient to form a belief
26 about the truth of the remaining allegations in Paragraph 10.

1 11. The Secretary lacks knowledge or information sufficient to form a belief about
2 the truth of the allegations in Paragraph 11.

3 12. Responding to Paragraph 12 of the Complaint, the Secretary admits that under
4 HB 2243, if a county recorder obtains information and confirms that a registered voter is not a
5 United States citizen, which may be based on potentially unreliable and outdated sources, and
6 if, after receiving a notice, the voter does not provide proof of citizenship within 35 days, the
7 recorder must cancel the registration and notify the county attorney and Attorney General for
8 possible investigation. The Secretary lacks knowledge or information sufficient to form a belief
9 about the truth of the remaining allegations in Paragraph 12.

10 13. Responding to Paragraph 13 of the Complaint, the Secretary admits that certain
11 of HB 2243's provisions will become effective September 24, 2022; however, the Secretary
12 has consistently taken the position that Section 2 of HB 2243 (amending A.R.S. § 16-165 as
13 amended by HB 2492) cannot take effect until January 1, 2023. The Secretary lacks knowledge
14 or information sufficient to form a belief about the truth of the remaining allegations in
15 Paragraph 13.

16 14. Responding to Paragraph 14 of the Complaint, the Secretary admits that HB 2243
17 requires county election officials to initiate the cancellation of voter registrations based on
18 potentially inaccurate and outdated data and information sources purporting to contain U.S.
19 citizenship and residence information, and that if election officials are notified that a voter has
20 been issued the equivalent of a driver's license in another state, the voter may remain registered
21 if the voter returns a form within 90 days stating under oath that they are a resident of Arizona
22 and are not knowingly registered to vote in another state. The Secretary lacks knowledge or
23 information sufficient to form a belief about the truth of the remaining allegations in Paragraph
24 14.

25 15. Responding to Paragraph 15 of the Complaint, the Secretary admits that HB 2243
26 is similar to HB 2617, which the Governor vetoed on May 27, 2022. The Secretary also admits

1 that Plaintiff includes a screenshot of a portion of a Twitter thread posted on May 27, 2022 by
2 the Arizona Free Enterprise Club. The Secretary lacks knowledge or information sufficient to
3 form a belief about the truth of the remaining allegations in Paragraph 15.

4 16. Responding to Paragraph 16 of the Complaint, the Secretary admits that HB 2617
5 provided a 90-day notice period for voters to provide satisfactory evidence that they are
6 Arizona residents or U.S. citizens, and that Governor Ducey vetoed HB 2617. The Secretary
7 lacks knowledge or information sufficient to form a belief about the truth of the remaining
8 allegations in Paragraph 16.

9 17. Responding to the first sentence in Paragraph 17 of the Complaint, the Secretary
10 admits that Governor Ducey signed HB 2243 and that portions of that bill differ from HB 2617.
11 The Secretary admits the remaining allegations in Paragraph 17.

12 18. The Secretary lacks knowledge or information sufficient to form a belief about
13 the truth of the allegations in Paragraph 18.

14 19. Responding to Paragraph 19, the Secretary admits that HB 2492 and HB 2243
15 may subject eligible voters to potential criminal investigation or prosecution by the Attorney
16 General based on certain citizenship information derived from potentially outdated and
17 unreliable sources. The Secretary also admits that, unless enjoined, certain of HB 2243's
18 provisions will become effective September 24, 2022, except Section 2 of HB 2243 (amending
19 A.R.S. § 16-165 as amended by HB 2492) does not take effect until January 1, 2023. The
20 Secretary lacks knowledge or information sufficient to form a belief about the truth of the
21 remaining allegations in Paragraph 19.

22 20. The Secretary lacks knowledge or information sufficient to form a belief about
23 the truth of the allegations in Paragraph 20.

24 21. The Secretary lacks knowledge or information sufficient to form a belief about
25 the truth of the allegations in Paragraph 21.

26

JURISDICTION AND VENUE

1
2 22. Responding to Paragraph 22 of the Complaint, the Secretary denies that she has
3 taken any unlawful actions under color of state law and lacks knowledge or information
4 sufficient to form a belief about the remaining allegations in Paragraph 22.

5 23. The Secretary admits the allegations in Paragraph 23.

6 24. The Secretary admits the allegations in Paragraph 24.

7 25. Responding to Paragraph 25 of the Complaint, the Secretary denies that Plaintiff
8 should be entitled to an award of its attorneys' fees and costs as against her, and admits the
9 remaining allegations in Paragraph 25.

10 26. The Secretary admits the allegations in Paragraph 26.

11 27. The Secretary admits the allegations in Paragraph 27.

12 28. The Secretary admits the allegations in Paragraph 28.

13 29. The Secretary admits the allegations in Paragraph 29.

14 **PARTIES**

15 30. The Secretary lacks knowledge or information sufficient to form a belief about
16 the truth of the allegations in Paragraph 30.

17 31. The Secretary lacks knowledge or information sufficient to form a belief about
18 the truth of the allegations in Paragraph 31.

19 32. The Secretary lacks knowledge or information sufficient to form a belief about
20 the truth of the allegations in Paragraph 32.

21 33. The Secretary lacks knowledge or information sufficient to form a belief about
22 the truth of the allegations in Paragraph 33.

23 34. Responding to Paragraph 34 of the Complaint, the Secretary admits that she is
24 the Chief Election Officer for the State of Arizona and is sued in her official capacity, and that
25 she has certain responsibilities related to voter registration detailed in HB 2492 and HB 2243.

26 35. The Secretary lacks knowledge or information sufficient to form a belief about

1 the truth of the allegations in Paragraph 35.

2 36. The Secretary lacks knowledge or information sufficient to form a belief about
3 the truth of the allegations in Paragraph 36.

4 **FACTUAL ALLEGATIONS**

5 37. The Secretary lacks knowledge or information sufficient to form a belief about
6 the truth of the allegations in Paragraph 37.

7 38. The Secretary lacks knowledge or information sufficient to form a belief about
8 the truth of the allegations in Paragraph 38.

9 39. The Secretary lacks knowledge or information sufficient to form a belief about
10 the truth of the allegations in Paragraph 39.

11 40. The Secretary admits the allegations in Paragraph 40.

12 41. The Secretary admits the allegations in Paragraph 41.

13 42. The Secretary admits the allegations in Paragraph 42.

14 43. The Secretary admits the allegations in Paragraph 43.

15 44. The Secretary admits the allegations in Paragraph 44.

16 45. The Secretary admits the allegations in Paragraph 45.

17 46. Responding to Paragraph 46 of the Complaint, the Secretary admits that the
18 parties entered into a Consent Decree to end the litigation and that Plaintiff describes portions
19 of the Consent Decree.

20 47. The Secretary admits the allegations in Paragraph 47.

21 48. Responding to Paragraph 48 of the Complaint, the Secretary admits the
22 allegations in the first sentence, and admits that the House Rules Committee voted to approve
23 HB 2492 on February 22, 2022 and that Plaintiffs quote portions of Rep. Travis Grantham's
24 statements during the House Rules Committee meeting that day. The Secretary lacks
25 knowledge or information sufficient to form a belief about the truth of the remaining
26 allegations in Paragraph 48.

1 49. The Secretary lacks knowledge or information sufficient to form a belief about
2 the truth of the allegations in Paragraph 49.

3 50. Responding to Paragraph 50 of the Complaint, the Secretary admits that Plaintiff
4 quotes portions of Sen. Martin Quezada’s statements at a March 10, 2022 Senate Judiciary
5 Committee Hearing, and that the Secretary sent a letter to Governor Ducey on March 24, 2022
6 urging him to veto HB 2492, a portion of which Plaintiff quotes. The Secretary lacks
7 knowledge or information sufficient to form a belief about the remaining allegations in
8 Paragraph 50.

9 51. Responding to Paragraph 51 of the Complaint, the Secretary admits that the
10 Governor signed HB 2492 on March 30, 2022, and lacks knowledge or information sufficient
11 to form a belief about the remaining allegations in Paragraph 51.

12 52. Responding to the first two sentences in Paragraph 52 of the Complaint, the
13 Secretary admits that, in the signing letter in support of HB 2492, Governor Ducey explained
14 that in 2014, there were 21 registered voters statewide who had not provided DPOC, but in the
15 2020 general election, the number of registered voters who had not provided DPOC had
16 increased in 11,600. Responding to the remaining allegations in Paragraph 52, the Secretary
17 admits that Plaintiff describes and quotes portions of Governor Ducey’s signing letter when he
18 signed HB 2492.

19 53. Responding to Paragraph 53 of the Complaint, the Secretary admits that there is
20 no evidence of widespread voter fraud in Arizona that threatens election integrity or impacts
21 election results, including the 2020 presidential election. The Secretary also admits that a so-
22 called “audit” of the 2020 general election results in Maricopa County was performed by a
23 third-party contractor hired by Arizona Senate President Karen Fann, and that the “audit” did
24 not uncover evidence of voter fraud. The Secretary also admits that, in her view as the Chief
25 Election Officer for the State of Arizona, the challenged HB 2492 provisions do not advance
26 any legitimate regulatory interest in ensuring free, fair, and secure elections, furthering the

1 orderly and efficient administration of elections, or preventing fraud in elections. The Secretary
2 lacks knowledge or information sufficient to form a belief about the truth of the remaining
3 allegations in Paragraph 53.

4 54. Responding to Paragraph 54 of the Complaint, the Secretary admits that
5 Governor Ducey noted in his signing letter for HB 2492 that the number of people who
6 registered to vote without providing DPOC increased from 21 registered voters statewide in
7 2014 to 11,600 in 2020, and admits that there is no evidence that the uptick in registrants who
8 had not provided DPOC in this 6-year period was due to non-citizens registering to vote. The
9 Secretary lacks knowledge or information sufficient to form a belief about the truth of the
10 remaining allegations in Paragraph 54.

11 55. Responding to Paragraph 55 of the Complaint, the Secretary admits that there is
12 no evidence of widespread voter fraud in Arizona that threatens election integrity or impacts
13 election results. The Secretary also admits that HB 2492 requires applicants to provide DPOC
14 and DPOR, as well as other information that, in the Secretary's view as the Chief Election
15 Officer for the State of Arizona, are immaterial to a person's eligibility to register to vote.

16 56. Responding to Paragraph 56 of the Complaint, the Secretary admits that HB 2492
17 requires county recorders to investigate the citizenship status of new applicants and reject voter
18 registration applications that fail to meet the new registration requirements imposed by HB
19 2492.

20 57. Responding to Paragraph 57 of the Complaint, the Secretary admits that HB 2617
21 was introduced on January 31, 2022 and was similar to HB 2243, and lacks knowledge or
22 information sufficient to form a belief about the truth of the remaining allegations in Paragraph
23 57.

24 58. Responding to Paragraph 58 of the Complaint, the Secretary admits that certain
25 counties opposed HB 2617, that Governor Ducey vetoed HB 2617 on May 27, 2022, and that
26 Plaintiff quotes portions of Governor Ducey's letter describing his veto of HB 2617. The

1 Secretary lacks knowledge or information sufficient to form a belief about the truth of the
2 remaining allegations in Paragraph 58.

3 59. Responding to Paragraph 59 of the Complaint, the Secretary admits that the
4 Senate amended HB 2243 to include provisions similar to HB 2617 after the Governor vetoed
5 HB 2617, and that Plaintiff quotes a portion of a statement made by Sen. Warren Peterson on
6 the Senate floor on June 22, 2022. The Secretary lacks knowledge or information sufficient to
7 form a belief about the truth of the remaining allegations in Paragraph 59.

8 60. Responding to Paragraph 60 of the Complaint, the Secretary admits that one
9 difference between HB 2243 and HB 2617 is that HB 2617 contained a 90-day period to submit
10 DPOC, while HB 2243 contains a 35-day period to submit DPOC. The Secretary lacks
11 knowledge or information sufficient to form a belief about the truth of the remaining
12 allegations in Paragraph 60.

13 61. Responding to Paragraph 61 of the Complaint, the Secretary admits that Plaintiff
14 quotes portions of Sen. Martin Quezada's statements on the Senate floor on June 22, 2022, and
15 lacks knowledge or information sufficient to form a belief about the truth of the remaining
16 allegations in Paragraph 61.

17 62. The Secretary admits the allegations in Paragraph 62.

18 63. Responding to Paragraph 63, the Secretary admits that HB 2492 requires voter
19 registration applicants to disclose their place of birth on the State Form to register to vote and
20 that a voter's place of birth is immaterial to a voter's qualifications to register and vote. The
21 Secretary lacks knowledge or information sufficient to form a belief about the truth of the
22 remaining allegations in Paragraph 63.

23 64. The Secretary admits the allegations in Paragraph 64.

24 65. The Secretary admits the allegations in Paragraph 65.

25 66. The Secretary denies the allegations in Paragraph 66.

26 67. The Secretary admits the allegations in Paragraph 67.

1 68. The Secretary admits the allegations in Paragraph 68.

2 69. Responding to Paragraph 69, the Secretary admits that HB 2492 requires county
3 recorders to verify the citizenship of any voter who submits a Federal Form without DPOC by
4 consulting the databases listed in Paragraph 69, provided the county has access.

5 70. The Secretary admits the allegations in Paragraph 70.

6 71. The Secretary admits the allegations in Paragraph 71.

7 72. Responding to Paragraph 72 of the Complaint, the Secretary admits that HB 2492
8 distinguishes between registered voters who are eligible to vote in all local, state, and federal
9 elections (*i.e.*, those who have provided DPOC and are registered as “full-ballot” voters) and
10 registered voters who are eligible to vote only for U.S. House and Senate elections and only
11 in-person (*i.e.*, those who have not provided DPOC and are registered as “federal-only” voters).
12 The Secretary further admits that certain voters are eligible to vote only for President pursuant
13 to A.R.S. § 16-126, but this provision existed before, and was not modified by, HB 2492.

14 73. Responding to Paragraph 73 of the Complaint, the Secretary admits that HB 2492
15 prohibits voters who have not provided DPOC from voting in presidential elections or
16 receiving a ballot by mail, that HB 2492 requires county recorders to cancel the voter
17 registration records of individuals when they “receive[] and confirm[] information that the
18 person registered is not a United States citizen,” that HB 2492 does not specify what
19 “information” establishes that a registered voter “is not a United States citizen” currently, that
20 HB 2492 may subject individuals to investigation and prosecution based on certain citizenship
21 information derived from potentially outdated and unreliable sources, and that HB 2492 would
22 require the Secretary and Maricopa County Recorder to violate the Consent Decree in *LULAC*
23 *v. Reagan*. The Secretary lacks knowledge or information sufficient to form a belief about the
24 truth of the remaining allegations in Paragraph 73.

25 74. The Secretary denies the allegations in Paragraph 74.

26 75. The Secretary admits the allegations in Paragraph 75.

1 76. The Secretary admits the allegations in Paragraph 76.

2 77. The Secretary admits the allegations in Paragraph 77.

3 78. The Secretary admits the allegations in Paragraph 78.

4 79. The Secretary admits the allegations in Paragraph 79.

5 80. The Secretary admits the allegations in Paragraph 80.

6 81. The Secretary admits the allegations in Paragraph 81.

7 82. The Secretary admits the allegations in Paragraph 82.

8 83. Responding to Paragraph 83 of the Complaint, the Secretary admits that HB 2492
9 will strip registered voters who have not submitted DPGC of their eligibility to vote in
10 presidential elections and to receive an early ballot by mail and does not provide for notification
11 to these voters. The Secretary also admits that HB 2492 requires county recorders to cancel the
12 voter registration records of individuals when they “receive[] and confirm[] information that
13 the person registered is not a United States citizen” and that HB 2492 does not specify what
14 “information” establishes that a registered voter “is not a United States citizen” currently. The
15 Secretary lacks knowledge or information sufficient to form a belief about the truth of the
16 remaining allegations in Paragraph 83.

17 84. The Secretary admits the allegations in Paragraph 84.

18 85. Responding to the first two sentences of Paragraph 85 of the Complaint, the
19 Secretary admits that HB 2243 requires the Secretary and county recorders to engage in a
20 number of database checks, in most cases monthly and to the extent practicable, to confirm
21 registered voters’ residence and/or citizenship status, including the databases listed in
22 Paragraph 85. The Secretary admits the remaining allegations in Paragraph 85.

23 86. Responding to Paragraph 86 of the Complaint, the Secretary admits that, HB
24 2492 requires that, to the extent practicable, if a county recorder has reason to believe a
25 registered voter is not a U.S. citizen, the county recorder must compare them against the
26 Systematic Alien Verification for Entitlements (SAVE) database maintained by USCIS, which

1 may contain potentially unreliable and outdated U.S. citizenship data. The Secretary lacks
2 knowledge or information sufficient to form a belief about the truth of the remaining
3 allegations in Paragraph 86.

4 87. Responding to Paragraph 87 of the Complaint, the Secretary admits the
5 allegations in the first sentence, and lacks knowledge or information sufficient to form a belief
6 about the truth of the allegations in the second sentence.

7 88. Responding to Paragraph 88 of the Complaint, the Secretary admits that, in her
8 view as the Chief Election Officer for the State of Arizona, the challenged provisions in HB
9 2492 and 2243 do not advance any legitimate regulatory interest in ensuring free, fair, and
10 secure elections, furthering the orderly and efficient administration of elections, or preventing
11 fraud in elections. The Secretary lacks knowledge or information sufficient to form a belief
12 about the truth of the remaining allegations in Paragraph 88.

13 89. Responding to Paragraph 89 of the Complaint, the Secretary admits the
14 allegations in the first sentence, and lacks knowledge or information sufficient to form a belief
15 about the truth of the remaining allegations in Paragraph 89.

16 90. The Secretary lacks knowledge or information sufficient to form a belief about
17 the truth of the allegations in Paragraph 90.

18 91. The Secretary lacks knowledge or information sufficient to form a belief about
19 the truth of the allegations in Paragraph 91.

20 92. The Secretary lacks knowledge or information sufficient to form a belief about
21 the truth of the allegations in Paragraph 92.

22 93. The Secretary lacks knowledge or information sufficient to form a belief about
23 the truth of the allegations in Paragraph 93.

24 94. Responding to Paragraph 94 of the Complaint, the Secretary admits that Plaintiff
25 quotes portions of testimony at a March 10, 2022 Senate Judiciary Committee meeting, that
26 HB 2492 does not explain how a voter registration applicant's birthplace will be used, and that,

1 under HB 2492, applicants using the State Form must submit DPOC or the application must
2 be rejected as incomplete. The Secretary lacks knowledge or information sufficient to form a
3 belief about the truth of the remaining allegations in Paragraph 94.

4 95. Responding to Paragraph 95 of the Complaint, the Secretary admits that HB 2492
5 requires county recorders to cancel the voter registration records of individuals when they
6 “receive[] and confirm[] information that the person registered is not a United States citizen”
7 and that HB 2492 does not specify what “information” establishes that a registered voter “is
8 not a United States citizen” currently, how county recorders may receive such information, or
9 how to confirm such information. The Secretary lacks knowledge or information sufficient to
10 form a belief about the truth of the remaining allegations in Paragraph 95.

11 96. Responding to Paragraph 96 of the Complaint, the Secretary admits that HB 2243
12 will subject voters to cancellation of their voter registration and investigation based on
13 potentially unreliable and outdated U.S. citizenship data. The Secretary lacks knowledge or
14 information sufficient to form a belief about the truth of the remaining allegations in Paragraph
15 96.

16 97. Responding to Paragraph 97 of the Complaint, the Secretary admits that, under
17 HB 2492, registered voters who have not provided DPOC are ineligible to vote for president
18 or to receive an early ballot by mail and that HB 2492 does not provide for notice to these
19 voters before losing the right to vote for president or receive an early ballot by mail. The
20 Secretary lacks knowledge or information sufficient to form a belief about the truth of the
21 remaining allegations in Paragraph 97.

22 98. Responding to Paragraph 96 of the Complaint, the Secretary admits that HB 2492
23 and HB 2243 will subject voters to investigation by the Attorney General based on potentially
24 unreliable and outdated U.S. citizenship data. The Secretary lacks knowledge or information
25 sufficient to form a belief about the truth of the remaining allegations in Paragraph 98.

26 99. Responding to Paragraph 99 of the Complaint, the Secretary admits that HB 2492

1 and HB 2243 will go into effect absent a court order concluding that the challenged provisions
2 violate federal law or otherwise enjoining those provisions. The Secretary lacks knowledge or
3 information sufficient to form a belief about the truth of the remaining allegations in Paragraph
4 99.

5 100. The Secretary incorporates by reference all preceding paragraphs as if fully set
6 forth herein.

7 101. The Secretary lacks knowledge or information sufficient to form a belief about
8 the truth of the allegations in Paragraph 101.

9 102. The Secretary lacks knowledge or information sufficient to form a belief about
10 the truth of the allegations in Paragraph 102.

11 103. The Secretary lacks knowledge or information sufficient to form a belief about
12 the truth of the allegations in Paragraph 103.

13 104. The Secretary lacks knowledge or information sufficient to form a belief about
14 the truth of the allegations in Paragraph 104.

15 105. The Secretary lacks knowledge or information sufficient to form a belief about
16 the truth of the allegations in Paragraph 105.

17 106. The Secretary lacks knowledge or information sufficient to form a belief about
18 the truth of the allegations in Paragraph 106.

19 107. The Secretary lacks knowledge or information sufficient to form a belief about
20 the truth of the allegations in Paragraph 107.

21 108. The Secretary lacks knowledge or information sufficient to form a belief about
22 the truth of the allegations in Paragraph 108.

23 109. The Secretary lacks knowledge or information sufficient to form a belief about
24 the truth of the allegations in Paragraph 109.

25 110. The Secretary lacks knowledge or information sufficient to form a belief about
26 the truth of the allegations in Paragraph 110.

1 111. The Secretary lacks knowledge or information sufficient to form a belief about
2 the truth of the allegations in Paragraph 111.

3 112. The Secretary lacks knowledge or information sufficient to form a belief about
4 the truth of the allegations in Paragraph 112.

5 **CLAIMS FOR RELIEF**

6 **FIRST CLAIM FOR RELIEF**

7 **(Undue Burden on the Right to Vote in Violation of the First and Fourteenth**
8 **Amendments to the U.S. Constitution)**

9 113. The Secretary incorporates by reference all preceding paragraphs as if fully set
10 forth herein.

11 114. Responding to Paragraph 114 of the Complaint, the Secretary admits the
12 allegations in the first sentence, and lacks knowledge or information sufficient to form a belief
13 about the truth of the allegations in the second sentence.

14 115. Responding to Paragraph 115 of the Complaint, the Secretary admits that
15 Plaintiff generally describes the test set forth in *Burdick v. Takushi*, 504 U.S. 428 (1992) and
16 *Anderson v. Celebrezze*, 460 U.S. 780 (1983).

17 116. Responding to Paragraph 116 of the Complaint, the Secretary admits that, in her
18 view as the Chief Election Officer for the State of Arizona, the challenged provisions in HB
19 2492 do not advance any legitimate regulatory interest in ensuring free, fair, and secure
20 elections, furthering the orderly and efficient administration of elections, or preventing fraud
21 in elections. The Secretary lacks knowledge or information sufficient to form a belief about
22 the truth of the remaining allegations in Paragraph 116.

23 117. Responding to Paragraph 117 of the Complaint, the Secretary admits that, in her
24 view as the Chief Election Officer for the State of Arizona, the challenged provisions in HB
25 2492 do not advance any legitimate regulatory interest in ensuring free, fair, and secure
26 elections, furthering the orderly and efficient administration of elections, or preventing fraud

1 in elections. The Secretary lacks knowledge or information sufficient to form a belief about
2 the truth of the remaining allegations in Paragraph 117.

3 118. Responding to Paragraph 118 of the Complaint, the Secretary admits that, in her
4 view as the Chief Election Officer for the State of Arizona, the challenged provisions in HB
5 2492 do not advance any legitimate regulatory interest in ensuring free, fair, and secure
6 elections, furthering the orderly and efficient administration of elections, or preventing fraud
7 in elections. The Secretary lacks knowledge or information sufficient to form a belief about
8 the truth of the remaining allegations in Paragraph 118.

9 **SECOND CLAIM FOR RELIEF**

10 **(Arbitrary and Disparate Treatment of Voter Registration Applicants Using the State**
11 **Form in Violation of the Equal Protection Clause of the Fourteenth Amendment to the**
12 **U.S. Constitution)**

13 119. The Secretary incorporates by reference all preceding paragraphs as if fully set
14 forth herein.

15 120. Responding to Paragraph 120 of the Complaint, the Secretary admits that
16 Plaintiff quotes a portion of the Equal Protection Clause of the Fourteenth Amendment to the
17 U.S. Constitution and *City of Cleburne v. Cleburn Living Ctr.*, 473 U.S. 432, 439 (1985).

18 121. Responding to Paragraph 121 of the Complaint, the Secretary admits that the
19 right to vote is a fundamental right, and that Plaintiff quotes portions of the cited cases.

20 122. Responding to Paragraph 122 of the Complaint, the Secretary admits that HB
21 2492 treats voters who register using the Federal Form differently from voters who register
22 using the State Form and requires rejection of the voter registration application if a voter
23 submits a State Form without DPOC. The Secretary also admits that, in her view as the Chief
24 Election Officer for the State of Arizona, these provisions in HB 2492 do not advance any
25 legitimate regulatory interest in ensuring free, fair, and secure elections, furthering the orderly
26 and efficient administration of elections, or preventing fraud in elections. The Secretary lacks

1 knowledge or information sufficient to form a belief about the truth of the remaining
2 allegations in Paragraph 122.

3 123. Responding to Paragraph 123 of the Complaint, the Secretary admits that HB
4 2492 treats voters who register using the Federal Form differently from voters who register
5 using the State Form and requires rejection of the voter registration application if a voter
6 submits a State Form without providing their place of birth. The Secretary also admits that, in
7 her view as the Chief Election Officer for the State of Arizona, these provisions in HB 2492
8 do not advance any legitimate regulatory interest in ensuring free, fair, and secure elections,
9 furthering the orderly and efficient administration of elections, or preventing fraud in elections.
10 The Secretary lacks knowledge or information sufficient to form a belief about the truth of the
11 remaining allegations in Paragraph 123.

12 124. The Secretary lacks knowledge or information sufficient to form a belief about
13 the truth of the allegations in Paragraph 124.

14 **THIRD CLAIM FOR RELIEF**

15 **(National Origin Discrimination in Violation of the Equal Protection Clause of the**
16 **Fourteenth Amendment to the U.S. Constitution)**

17 125. The Secretary incorporates by reference all preceding paragraphs as if fully set
18 forth herein.

19 126. Responding to Paragraph 126 of the Complaint, the Secretary admits that
20 Plaintiff quotes a portion of the Equal Protection Clause of the Fourteenth Amendment to the
21 U.S. Constitution and generally describes the standard for a violation of the Equal Protection
22 Clause.

23 127. Responding to Paragraph 127 of the Complaint, the Secretary admits that
24 Plaintiff generally describes the standard set forth in *Vill. of Arlington Heights v. Metro. Hous.*
25 *Dev. Corp.*, 429 U.S. 252, 265 (1977).
26

1 128. The Secretary lacks knowledge or information sufficient to form a belief about
2 the truth of the allegations in Paragraph 128.

3 129. The Secretary lacks knowledge or information sufficient to form a belief about
4 the truth of the allegations in Paragraph 129.

5 130. The Secretary lacks knowledge or information sufficient to form a belief about
6 the truth of the allegations in Paragraph 130.

7 131. The Secretary lacks knowledge or information sufficient to form a belief about
8 the truth of the allegations in Paragraph 131.

9 132. The Secretary lacks knowledge or information sufficient to form a belief about
10 the truth of the allegations in Paragraph 132.

11 133. The Secretary lacks knowledge or information sufficient to form a belief about
12 the truth of the allegations in Paragraph 133.

13 **FOURTH CLAIM FOR RELIEF**

14 **(Violation of the Procedural Due Process Rights Under the Fourteenth Amendment to**
15 **the U.S. Constitution)**

16 134. The Secretary incorporates by reference all preceding paragraphs as if fully set
17 forth herein.

18 135. Responding to Paragraph 135 of the Complaint, the Secretary admits that
19 Plaintiff quotes a portion of the Due Process Clause of the Fourteenth Amendment to the U.S.
20 Constitution.

21 136. Responding to Paragraph 136 of the Complaint, the Secretary admits that the
22 right to vote is a fundamental right, and lacks knowledge or information sufficient to form a
23 belief about the truth of the remaining allegations in Paragraph 136.

24 137. The Secretary lacks knowledge or information sufficient to form a belief about
25 the truth of the allegations in Paragraph 137.

26 138. The Secretary lacks knowledge or information sufficient to form a belief about

1 the truth of the allegations in Paragraph 138.

2 139. The Secretary lacks knowledge or information sufficient to form a belief about
3 the truth of the allegations in Paragraph 139.

4 140. The Secretary lacks knowledge or information sufficient to form a belief about
5 the truth of the allegations in Paragraph 140.

6 141. The Secretary lacks knowledge or information sufficient to form a belief about
7 the truth of the allegations in Paragraph 141.

8 142. The Secretary lacks knowledge or information sufficient to form a belief about
9 the truth of the allegations in Paragraph 142.

10 **FIFTH CLAIM FOR RELIEF**

11 **(Race Discrimination in Violation of the Fourteenth & Fifteenth Amendment to the U.S.
12 Constitution)**

13 143. The Secretary incorporates by reference all preceding paragraphs as if fully set
14 forth herein.

15 144. Responding to Paragraph 144 of the Complaint, the Secretary admits that
16 Plaintiff quotes Section 1 of the Fourteenth Amendment to the U.S. Constitution.

17 145. Responding to Paragraph 145 of the Complaint, the Secretary admits that
18 Plaintiff quotes a portion of the Fifteenth Amendment to the U.S. Constitution and portions of
19 *Rice v. Cayetano*, 528 U.S. 495, 512, 523 (2000) and *Terry v. Adams*, 345 U.S. 461, 469 70
20 (1953).

21 146. Responding to Paragraph 146 of the Complaint, the Secretary admits that
22 Plaintiff generally describes standards set forth in *Vill. of Arlington Heights v. Metro. Hous.
23 Dev. Corp.*, 429 U.S. 252, 265 (1977).

24 147. The Secretary lacks knowledge or information sufficient to form a belief about
25 the truth of the allegations in Paragraph 147.

26 148. The Secretary lacks knowledge or information sufficient to form a belief about

1 the truth of the allegations in Paragraph 148.

2 149. The Secretary lacks knowledge or information sufficient to form a belief about
3 the truth of the allegations in Paragraph 149.

4 150. The Secretary lacks knowledge or information sufficient to form a belief about
5 the truth of the allegations in Paragraph 150.

6 151. The Secretary lacks knowledge or information sufficient to form a belief about
7 the truth of the allegations in Paragraph 151.

8 **SIXTH CLAIM FOR RELIEF**

9 **(Denial of Right to Vote Based on Immaterial Omission on Voter Registration Form in**
10 **Violation of the Civil Rights Act, 52 U.S.C. § 10101)**

11 152. The Secretary incorporates by reference all preceding paragraphs as if fully set
12 forth herein.

13 153. The Secretary admits the allegations in Paragraph 153.

14 154. Responding to Paragraph 154 of the Complaint, the Secretary admits that a
15 voter's place of birth is not material to whether they qualify to vote under Arizona law.
16 Therefore, the Secretary admits that, in her view as the Chief Election Officer for the State of
17 Arizona, HB 2492 conflicts with the Materiality Provision in 52 U.S.C. § 10101(a)(2)(B) to
18 the extent that it requires rejection of a voter registration application if the applicant does not
19 provide their place of birth.

20 155. The Secretary lacks knowledge or information sufficient to form a belief about
21 the truth of the allegations in Paragraph 155.

22 **SEVENTH CLAIM FOR RELIEF**

23 **(Violation of the National Voter Registration Act of 1993)**

24 156. The Secretary incorporates by reference all preceding paragraphs as if fully set
25 forth herein.

26 157. The Secretary admits the allegations in Paragraph 157.

1 158. The Secretary lacks knowledge or information sufficient to form a belief about
2 the truth of the allegations in Paragraph 158.

3 159. Responding to Paragraph 159 of the Complaint, the Secretary admits that
4 Plaintiff quotes portions of Section 5 of the NVRA.

5 160. Responding to Paragraph 160 of the Complaint, the Secretary admits that
6 Plaintiff quotes portions of Section 6 of the NVRA.

7 161. Responding to Paragraph 161 of the Complaint, the Secretary admits that
8 Plaintiff quotes portions of Section 8 of the NVRA and generally describes a violation of
9 Section 8.

10 162. Responding to Paragraph 162 of the Complaint, the Secretary admits that
11 Plaintiff quotes portions of Section 8 of the NVRA.

12 163. Responding to Paragraph 163 of the Complaint, the Secretary admits that
13 Plaintiff quotes portions of Section 8 of the NVRA.

14 164. The Secretary lacks knowledge or information sufficient to form a belief about
15 the truth of the allegations in Paragraph 164.

16 165. Responding to Paragraph 165 of the Complaint, the Secretary admits that, in her
17 view as the Chief Election Officer for the State of Arizona, the challenged provisions of HB
18 2492 conflict with the NVRA to the extent they impose requirements for registering to vote in
19 federal elections using the Federal Form beyond those prescribed by the U.S. Election
20 Assistance Commission.

21 166. The Secretary lacks knowledge or information sufficient to form a belief about
22 the truth of the allegations in Paragraph 166.

23 167. The Secretary lacks knowledge or information sufficient to form a belief about
24 the truth of the allegations in Paragraph 167.

25 168. The Secretary lacks knowledge or information sufficient to form a belief about
26 the truth of the allegations in Paragraph 168.

1 169. The Secretary lacks knowledge or information sufficient to form a belief about
2 the truth of the allegations in Paragraph 169.

3 170. The Secretary lacks knowledge or information sufficient to form a belief about
4 the truth of the allegations in Paragraph 170.

5 171. The Secretary lacks knowledge or information sufficient to form a belief about
6 the truth of the allegations in Paragraph 171.

7 172. The Secretary lacks knowledge or information sufficient to form a belief about
8 the truth of the allegations in Paragraph 172.

9 173. The Secretary lacks knowledge or information sufficient to form a belief about
10 the truth of the allegations in Paragraph 173.

11 174. The Secretary lacks knowledge or information sufficient to form a belief about
12 the truth of the allegations in Paragraph 174.

13 175. The Secretary denies each and every allegation in the Complaint that is not
14 specifically admitted herein, including (i) any implied allegations, inferences, or
15 characterizations not specifically admitted, and (ii) any and all allegations stated or implied in
16 unnumbered paragraphs, footnotes, and headings, including the unnumbered paragraphs before
17 the introduction in the Complaint.

18 **PRAYER FOR RELIEF**

19 176. Responding to Plaintiff's prayer for relief, the Secretary states that, other than
20 providing her view on certain provisions as Arizona's Chief Election Officer, she takes no
21 position regarding the ultimate merits of Plaintiff's claims against the challenged laws and
22 Plaintiff's request for substantive relief in the form of a declaratory judgment and a permanent
23 injunction. The Secretary denies that Plaintiff should be entitled to an award of its attorneys'
24 fees and costs as against her.

25
26

1 Respectfully submitted this 16th day of September, 2022.

2 **COPPERSMITH BROCKELMAN PLC**

3 By /s/ D. Andrew Gaona

4 D. Andrew Gaona
5 Kristen Yost

6 **STATES UNITED DEMOCRACY CENTER**

7 Sambo (Bo) Dul
8 Christine Bass *

9 **Application for Pro Hac Vice Forthcoming*

10 *Attorneys for Defendant Arizona Secretary of
11 State Katie Hobbs*

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
RETRIEVED FROM DEMOCRACYDOCK.COM