

1 D. Andrew Gaona (028414)
Austin C. Yost (034602)
2 **COPPERSMITH BROCKELMAN PLC**
2800 North Central Avenue, Suite 1900
3 Phoenix, Arizona 85004
T: (602) 381-5486
4 agaona@cblawyers.com
ayost@cblawyers.com

5 Lalitha D. Madduri*
6 Christopher D. Dodge*
Tyler L. Bishop*
7 Renata O'Donnell*
ELIAS LAW GROUP LLP
8 250 Massachusetts Ave NW, Suite 400
Washington, D.C. 20001
9 T: (202) 968-4330
lmadduri@elias.law
10 cdodge@elias.law
tbishop@elias.law
11 rodonnell@elias.law

12 *Attorneys for Proposed Intervenor-Defendants*
Voto Latino and One Arizona

13 **Pro Hac Vice Application Forthcoming*

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

16 Strong Communities Foundation of Arizona
17 Incorporated, and Yvonne Cahill,

18 Plaintiffs,

19 v.

20 Stephen Richer, in his official capacity as
21 Maricopa County Recorder, and Maricopa
County,

22 Defendants.
23
24

No. 24-CV-02030-SMB

**VOTO LATINO AND ONE
ARIZONA'S MOTION TO
INTERVENE AS
DEFENDANTS**

Oral Argument Requested

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26
27
28

INTRODUCTION

1
2 Plaintiffs’ lawsuit seeks to compel sweeping and haphazard investigations into
3 lawful Maricopa County voters, threatening a systematic purge of the voter rolls just weeks
4 before voting in the 2024 general election begins. Plaintiffs demand this radical relief based
5 on little more than their own preferences about how Maricopa County performs its voter
6 registration duties. Plaintiffs ask the Court to order Maricopa County Recorder Richer to
7 submit inquiries to the U.S. Department of Homeland Security’s Immigration and
8 Naturalization Service (“INS”) about the citizenship status of *every* Federal-Only voter in
9 Maricopa County—*i.e.*, every voter who has not produced documentary proof of citizenship
10 (“DPOC”) when registering to vote¹—and to submit weekly lists of those voters to the
11 Attorney General for investigation, all with the goal of systematically removing voters from
12 the county’s voter rolls before the impending election. *See* Compl. ¶¶ 8–9, 21. Such relief,
13 aside from being inconsistent with state and federal law, would be disastrous, creating a
14 severe risk of disenfranchising lawful voters through a hasty purge of the voter rolls.

15 Proposed Intervenors Voto Latino and One Arizona seek to intervene as defendants
16 to protect the fundamental voting rights of their members and constituents in Maricopa
17 County, as well as their organizational interests, which would be impaired if Plaintiffs
18 succeed in compelling citizenship investigations and purges of all Federal-Only voters in
19 Maricopa County. Both organizations work to empower and enfranchise historically
20 underrepresented communities, including Arizona’s Latino voters. Collectively, Proposed
21 Intervenors have registered nearly three quarters of a million voters in Arizona over the last
22 decade, including Federal-Only voters, most of whom live and vote in Maricopa County.
23 Proposed Intervenors’ members and constituents are among those most likely to lack access
24 to DPOC and thus to register as Federal-Only voters—the target of Plaintiffs’ desired
25 purges. If Plaintiffs succeed, Proposed Intervenors would be forced to divert scarce

26 ¹ Since the Supreme Court’s decision in *Arizona v. Inter Tribal Council of Arizona, Inc.*
27 (“*ITCA*”), 570 U.S. 1 (2013), Arizona has bifurcated its voter registration system into
28 “Federal-Only” voters, who do not provide DPOC when registering and may not vote in
state and local elections, and “Full-Ballot” voters, who do provide DPOC and are eligible
to vote in all of the state’s elections. *See infra* Background § I.

1 resources in the middle of an election season to combat the reality that their members and
2 constituents may be improperly investigated, purged, and barred from voting.

3 Proposed Intervenors and their members have initiated successful litigation to
4 challenge burdensome registration laws and practices that risk disenfranchising Federal-
5 Only voters, including provisions of the same laws Plaintiffs seek to enforce here. *See Mi*
6 *Familia Vota v. Fontes*, No. CV-22-00509, 2024 WL 862406, at *31 (D. Ariz. Feb. 29,
7 2024) (holding that certain citizenship verification and list maintenance procedures under
8 A.R.S. §§ 16-121.01(A), 16-121.01(C), 16-121.01(E), 16-127(A), 16-165(A)(10), and 16-
9 165(I) were preempted by Civil Rights Act and/or NVRA); *Ariz. All. for Retired Ams. v.*
10 *Hobbs*, 630 F. Supp. 3d 1180, 1192–94 (D. Ariz. 2022) (granting preliminary injunction
11 enjoining provisions of A.R.S. §§ 16-165(A)(10) and 16-165(B) that authorized county
12 recorders to cancel registrations without notice or authorization from the voter in violation
13 of the NVRA). Plaintiffs’ requested relief seeks to undermine Proposed Intervenors’ prior
14 success in defending the rights of Federal-Only voters in those related lawsuits.²

15 The existing government defendants do not adequately represent Proposed
16 Intervenors’ interests here. They represent the interests of the government—and the
17 conflicting obligations that come with responding to constituents with different views on
18 how the relevant laws should be enforced—while Proposed Intervenors seek to prevent
19 investigation and removal of their members and constituents from the rolls. And whereas
20 Proposed Intervenors have a strong interest in preserving successful rulings obtained as
21 plaintiffs in prior litigation, the Recorder was a named *defendant* in those prior cases. Even
22 assuming that Recorder Richer—who recently lost his primary—might have similar
23 interests to Proposed Intervenors in this suit, there is no guarantee that his successor will.

24 Finally, Proposed Intervenors’ motion is undoubtedly timely. Because Proposed
25 Intervenors satisfy each requirement for intervention as a matter of right under Federal Rule

26 ² Defendants’ Notice of Removal requests that this case be related to *Mi Familia Vota*, No.
27 2:22-cv-00509 (D. Ariz 2024). *See* ECF No. 1 at 1, 5. Given the overlap between the issues
28 in Plaintiffs’ Complaint and that case—including but not limited to a direct conflict between
the relief requested here and the injunction issued there, *see infra* Argument § I.B—
Proposed Intervenors support this request.

1 of Civil Procedure 24(a), the motion to intervene should be granted. Alternatively, the
2 motion should be granted on a permissive basis under Rule 24(b).

3 Proposed Intervenors conferred with counsel for the existing parties on this Motion.
4 Defendants do not object to this Motion, and Plaintiffs do not consent to this Motion.

5 **BACKGROUND**

6 **I. Maricopa County’s Voter Registration and List Maintenance Obligations**

7 Arizona has enacted procedures to verify whether people who seek to register to vote
8 are qualified, and to remove individuals who are no longer qualified to vote. *See* A.R.S. §§
9 16-121.01 (registration requirements), 16-165 (procedures for initiating removal procedures
10 for categories of potentially ineligible individuals), 16-166 (procedures for verifying the
11 residence and citizenship of registrants); *State of Ariz. 2023 Elections Procedure Manual*
12 36–48, Ariz. Sec’y of State (Dec. 30, 2023) (“EPM”).³ The Secretary of State and county
13 recorders each play significant roles in the state’s list-maintenance. *See* EPM at 36–48.

14 As relevant here, Arizona law requires individuals registering to vote provide
15 “satisfactory evidence of citizenship,” also known as DPOC. A.R.S. § 16-166(F). In 2013,
16 however, the U.S. Supreme Court held that the NVRA preempted Arizona’s DPOC
17 requirement as applied to persons registering to vote with a federally provided voter
18 registration form (“Federal Form”), which does *not* require DPOC—requiring county
19 recorders to register Federal Form applicants who do not supply DPOC as Federal-Only
20 voters. *See ITCA*, 570 U.S. 1. Following *ITCA*, Arizona counties continued to reject *state*
21 forms that were not accompanied by DPOC.

22 In 2018, to resolve litigation, the Secretary entered into a consent decree requiring
23 that for *every* applicant—regardless of the kind of form they use—election officials must
24 review the state’s motor vehicle division (“MVD”) database to determine if the state already
25 has proof of their citizenship, and register them as a “full” voter if so or as a “Federal-Only”
26 voter if not. *Mi Familia Vota*, 2024 WL 862406, at *2 (summarizing this background). As
27 it stands, “elections officials must accept the registration applications of otherwise

28 ³ The EPM is available at: azsos.gov/elections/about-elections/elections-procedures/epm.

1 qualifying applicants who do not provide DPOC for at least federal elections.” *Mi Familia*
2 *Vota v. Fontes*, No. 24-3188, 2024 WL 3618336, at *4 (9th Cir. Aug. 1, 2024).

3 **II. Plaintiffs’ Lawsuit**

4 Plaintiffs allege that Arizona law requires Recorder Richer to submit inquiries about
5 the citizenship status of *every* Federal-Only voter in the County to INS, and that the
6 Recorder is currently in violation of that ongoing duty.

7 In support, in Counts I and II, Plaintiffs point to A.R.S. § 16-121.01(D), which states
8 that: “[w]ithin ten days after receiving a [federal] application . . . that is not accompanied
9 by [DPOC], the county recorder . . . shall use all available resources to verify the citizenship
10 status of the applicant and at a minimum shall compare the information available on the
11 application” with four specified state and federal databases, as well as any “other state, city,
12 town, county or federal database and any other database relating to voter registration to
13 which the county recorder . . . has access.” Plaintiffs claim that federal statutes requiring
14 INS to “respond to an inquiry by a Federal, State, or local government agency, seeking to
15 verify or ascertain the citizenship or immigration status of any individual within the
16 jurisdiction of the agency for any purpose authorized by law, by providing the requested
17 verification or status information,” 8 U.S.C. § 1373; *see also id.* § 1644, amount to an
18 “available resource[] to verify the citizenship status of [an] applicant” that the Recorder
19 must use to verify citizenship, as well as a “federal database” to which the Recorder “has
20 access.” Compl. ¶¶ 95–107 (quoting A.R.S. § 16-121.01(D)). Plaintiffs thus insist the
21 Recorder must immediately submit these requests for every Federal-Only voter. *Id.* at 17.

22 In Count III, Plaintiffs point to A.R.S. § 16-165(K), which provides that: “[t]o the
23 extent practicable, the county recorder shall review relevant city, town, county, state and
24 federal databases to which the county recorder has access to confirm information obtained
25 that requires cancellation of registrations pursuant to this section.” Even though this
26 provision expressly applies only when information has been provided to the county that
27 would *itself* be sufficient to require cancellation, *id.*, Plaintiffs assert that the mere failure
28 to provide DPOC by a Federal-Only voter when registering in and of itself constitutes

1 “information obtained that requires cancellation of registrations,” triggering the obligation
2 for the Recorder to “review relevant city, town, county, state and federal databases to which
3 the county recorder has access.” Compl. ¶¶ 108–17; A.R.S. § 16-165(K).⁴ Plaintiffs again
4 claim this includes a “1373/1644 Request” requiring the Recorder to send these requests to
5 INS for every Federal-Only voter on this ground as well. Compl. at 18.

6 The Complaint separately alleges in Count IV that the Recorder has violated A.R.S.
7 § 16-143(A) by failing to “make available to the Attorney General a list of all Maricopa
8 County Federal-Only Voters” and “the voter registration applications of all such
9 individuals.” *Id.* at 18; *id.* ¶¶ 118–21.

10 In sum, Plaintiffs request that the Court order the Recorder to submit “1373/1644
11 Requests” to INS for “every Maricopa County Federal-Only Voter who has registered since
12 A.R.S. § 16-121.01(D) became effective,” and to provide a list of all Maricopa County
13 Federal-Only voters and their registration applications to the Attorney General on a weekly
14 basis. Compl. at 17–18. Even though non-citizen registration and voting is exceedingly rare
15 in Arizona, Plaintiffs—without any support—believe that these checks should result in the
16 removal of countless allegedly ineligible voters, and that these investigations and “list
17 maintenance” must take place before the upcoming elections. *Id.* ¶¶ 8–9.

18 Plaintiffs’ lawsuit is unfortunately part of a broader effort to use the judiciary to
19 remake Arizona’s election procedures—no fewer than ten lawsuits have been filed in
20 Arizona state and federal courts challenging state and local election procedures, with at least
21 eight filed this year alone. Many were brought by these same Plaintiffs or their attorneys.⁵

22
23 ⁴ The Legislature’s use of the term “to the extent practicable” also creates a fundamentally
24 “discretionary” function, as that language necessarily requires the official to “balance
25 competing concerns.” *Ariz. Minority Coal. for Fair Redistricting v. Ariz. Indep.*
Redistricting Comm’n, 208 P.3d 676, 686 (Ariz. 2009) (en banc).

26 ⁵ These lawsuits include *American Encore v. Fontes*, No. 2:24-CV-01673-MTL (D. Ariz.)
27 (challenging EPM guidance seeking to prevent voter intimidation and provision making
28 clear that election returns must be canvassed by statutory deadline; motion to dismiss
pending); *Ariz. Free Enter. Club v. Fontes*, No. CV2024-002760 (Maricopa Cnty. Super.
Ct.) (challenging voter intimidation guidance and other EPM provisions; temporary
injunction granted on portion of voter intimidation guidance, which has been appealed,
while most claims dismissed); *Ariz. Free Enter. Club v. Fontes*, No. S1300CV202300202

1 III. Proposed Intervenor-Defendants

2 Voto Latino is a nonprofit, nonpartisan 501(c)(4) corporation dedicated to growing
 3 political engagement in historically underrepresented communities, specifically young and
 4 Latinx voters. *See Ex. B*, Decl. of Ameer Patel (“Patel Decl.”) ¶ 3. It is the largest Latinx
 5 advocacy organization in the nation. *Id.* Since 2012, Voto Latino has registered over 60,000
 6 voters in Arizona. Voto Latino spends resources to educate, mobilize, and turn out voters
 7 in Arizona, including through voter-education and -mobilization initiatives, such as voter-
 8 registration drives, email and social-media campaigns, digital ads communicating directly
 9 with Latinx voters, and mail and text banking to encourage voters to register and vote,
 10 remind them to update their voter registrations, and inform them about available means of
 11 voting. *Id.* ¶¶ 3–5. Through these initiatives, Voto Latino employees and volunteers
 12 encourage Arizonans—particularly Voto Latino’s core constituency, young and Latinx
 13 voters—to register, stay registered, and vote. *Id.* Voto Latino’s top priority is ensuring that
 14 its constituency can vote free from unnecessary barriers. *Id.* ¶ 6.

15 One Arizona is a nonprofit, nonpartisan 501(c)(3) corporation with a mission of
 16 building a culture of civic engagement and democratic participation among historically
 17 underrepresented communities in Arizona. *See Ex. C*, Decl. of Natali Fierros Bock (“Bock
 18 Decl.”) ¶¶ 2, 4. One Arizona was formed in 2010 as a response to growing
 19 disenfranchisement of voters and the attack on Arizona’s Latinx community resulting from
 20 S.B. 1070, which enacted “a variety of immigration-related state offenses and defin[ed] the
 21 immigration-enforcement authority of Arizona’s state and local law enforcement officers.”

22 _____
 23 (Yavapai Cnty. Super. Ct.) (challenge to EPM’s signature matching procedures; summary
 24 judgment granted to defendants, which plaintiffs appealed); *Ariz. Free Enter. Club v.*
 25 *Fontes*, No. S1300CV202300872 (Yavapai Cnty. Super. Ct.) (challenge to EPM provision
 26 authorizing use of drop boxes; motions to dismiss granted); *Gould v. Mayes*, No. CV2024-
 27 000815 (Maricopa Cnty. Super. Ct.) (challenge by Mohave County Supervisor against
 28 Attorney General seeking to conduct full hand count of ballots; motion to dismiss pending);
Petersen v. Fontes, No. CV2024-001942 (Maricopa Cnty. Super. Ct.) (challenge to various
 EPM provisions by legislators; judgment pending); *RNC v. Fontes*, CV2024-050553
 (Maricopa Cnty. Super. Ct.) (challenge to EPM and several individual provisions; motion
 to dismiss granted, which plaintiffs appealed); *Strong Cmty. Found. v. Yavapai Cnty.*, No.
 S1300CV202400175 (Yavapai Cnty. Super. Ct.) (challenge to 12 election administration
 practices; litigation ongoing); and *Mussi v. Fontes*, No. 24-CV-01310-PHX-DWL (D.
 Ariz.) (seeking to compel voter roll purges under the NVRA; motion to dismiss pending).

1 *United States v. Arizona*, 641 F.3d 339, 344 (9th Cir. 2011) (enjoining provisions of S.B.
2 1070), *aff'd in part, rev'd in part*, 567 U.S. 387 (2012); Bock Decl. ¶ 3. Since then, One
3 Arizona has grown to include 29 member groups that represent diverse communities
4 throughout the state, including in Maricopa County. Bock Decl. ¶ 4. Through its member
5 organizations, One Arizona represents thousands of members and constituents. *See id.*

6 One Arizona provides training and other resources to its member groups, who work
7 collaboratively to advance One Arizona's mission of ensuring that all Arizonans can
8 participate in the state's elections. *Id.* ¶ 5. One Arizona also provides direct grants to its
9 member groups who implement its mission-critical programs, including voter registration
10 and grassroots get-out-the-vote programs, youth advocacy programs, and immigration
11 support services. *Id.* In the last six years, One Arizona's members have registered more than
12 600,000 voters—including 185,000 during 2020 alone. *Id.* One Arizona invests substantial
13 resources coordinating field work aimed at engaging directly with potential voters, as well
14 as voter education and outreach—especially through social media and other digital
15 programs geared toward young voters and underrepresented groups. *Id.* ¶ 6.

16 Proposed Intervenors have repeatedly brought litigation to protect the ability of their
17 members and constituents—including many Federal-Only voters—to register and vote, as
18 well as by intervening as defendants to defend against challenges to election procedures.⁶
19 Proposed Intervenors seek to participate in this case to protect their significant interests in
20 favorable rulings from related, still-pending federal litigation—rulings this suit seeks to
21 undermine. Patel Decl. ¶¶ 6–11; Bock Decl. ¶¶ 7–13. They also seek to protect the voting
22 rights of their members and constituents as well as their own organizational resources. Patel
23 Decl. ¶¶ 12–16; Bock Decl. ¶¶ 7–13.

24
25 ⁶ *Mi Familia Vota*, 2024 WL 862406; *see also, e.g.*, Minute Order, *RNC v. Fontes*, CV2024-
26 050553 (Maricopa Cnty. Super. Ct. May 10, 2024) (noting Voto Latino's intervention and
27 granting motion to dismiss); Order, *Ariz. Free Enter. Club v. Fontes*, No.
28 S1300CV202300872 (Yavapai Cnty. Super. Ct. April 25, 2024) (noting Voto Latino's
intervention and granting motion for summary judgment); Order, *Ariz. Free Enter. Club v.*
Fontes, No. S1300CV202300202 (Yavapai Cnty. Super. Ct. April 25, 2024) (same); Minute
Order, *Strong Cmty's Found. v. Yavapai County*, No. CV2024-002441 (Yavapai Cnty.
Super. Ct. April 3, 2024) (granting the Voto Latino's motion to intervene as defendant).

LEGAL STANDARD

The standard for intervention is “broadly construed” because “a liberal policy in favor of intervention serves both efficient resolution of issues and broadened access to the courts.” *Arizonans for Fair Elections v. Hobbs*, 335 F.R.D. 261, 265 (D. Ariz. 2020) (quoting *Wilderness Soc’y v. U.S. Forest Serv.*, 630 F.3d 1173, 1177 (9th Cir. 2011)).

To determine whether an applicant has a right to intervene under Federal Rule of Civil Procedure 24(a)(2), courts apply a “four-part test”:

(1) the motion must be timely; (2) the applicant must claim a “significantly protectable” interest relating to the property or transaction which is the subject of the action; (3) the applicant must be so situated that the disposition of the action may as a practical matter impair or impede its ability to protect that interest; and (4) the applicant’s interest must be inadequately represented by the parties to the action.

United States v. Aerojet Gen. Corp., 606 F.3d 1142, 1148 (9th Cir. 2010) (quoting *California ex rel. Lockyer v. United States*, 450 F.3d 436, 440 (9th Cir. 2006)).

Rule 24(b) permits the Court to allow anyone to intervene “where the applicant for intervention shows (1) independent grounds for jurisdiction; (2) the motion is timely; and (3) the applicant’s claim or defense, and the main action, have a question of law or a question of fact in common.” *Arizonans for Fair Elections*, 335 F.R.D. at 268 (quoting *United States v. City of Los Angeles*, 288 F.3d 391, 403 (9th Cir. 2002)).⁷ Proposed Intervenors satisfy both standards.

ARGUMENT

I. Proposed Intervenors are entitled to intervene as a matter of right.

The Court should grant Proposed Intervenors’ motion to intervene as of right under Rule 24(a)(2) because they have timely sought leave to participate, the disposition of this case could impair their ability to protect significant interests—preserving prior litigation

⁷ Rule 24(c) requires a motion to intervene to “be accompanied by a pleading that sets out the claim or defense for which intervention is sought.” Fed. R. Civ. P. 24(c). Proposed Intervenors therefore attach a proposed Answer to this motion. **Ex. A.** Proposed Intervenors, however, believe the Complaint should be dismissed under Rule 12(b) and intend to move for dismissal under that Rule. Should they be granted intervention, Proposed Intervenors request that the Court allow them to file that motion before their Answer.

1 victories from collateral attack, protecting members’ and constituents’ right to vote, and
2 preserving critical resources—and no existing party adequately represents their interests.

3 **A. The motion to intervene is timely and does not prejudice the parties.**

4 Proposed Intervenors’ motion is indisputably timely. Plaintiffs filed suit on August
5 5, and this motion follows just over a week later—before any responsive pleadings have
6 been filed, and just days after Defendants removed the case. Allowing intervention would
7 not require altering any existing deadlines, and Proposed Intervenors agree to abide by any
8 future deadlines set by the Court—so there is “no possible prejudice” to any party if they
9 are allowed to intervene. *Arizonans for Fair Elections*, 335 F.R.D. at 265–66.

10 **B. The disposition of this case will impair Proposed Intervenors’ ability to**
11 **protect their interests.**

12 Proposed Intervenors have significant protectable interests that stand to be impaired
13 by Plaintiffs’ suit, satisfying the intertwined second and third elements of Rule 24(a).

14 “[A] prospective intervenor ‘has a sufficient interest for intervention purposes if it
15 will suffer a practical impairment of its interests as a result of the pending litigation.’”
16 *Wilderness Soc’y*, 630 F.3d at 1179 (quoting *Lockyer*, 450 F.3d at 441). Consistent with its
17 liberal standard, “Rule 24(a)(2) does not require a specific legal or equitable interest,” and
18 “it is generally enough that the interest is protectable under some law, and that there is a
19 relationship between the legally protected interest and the claims at issue.” *Id.* (quoting
20 *Sierra Club v. EPA*, 995 F.2d 1478, 1484 (9th 1993)). “[T]he ‘interest’ test is primarily a
21 practical guide to disposing of lawsuits by involving as many apparently concerned persons
22 as is compatible with efficiency and due process.” *Id.* (cleaned up). As such, applicants need
23 not show that impairment is a “certainty,” only that “disposition of the action ‘may’
24 practically impair a party’s ability to protect their interest in the subject matter of the
25 litigation.” *Citizens for Balanced Use v. Mont. Wilderness Ass’n*, 647 F.3d 893, 900 (9th
26 Cir. 2011) (quoting Fed. R. Civ. P. 24(a)(2)). Once an applicant has shown some protectible
27 interest, courts generally “have little difficulty concluding that the disposition of [a] case
28 may, as a practical matter, affect” an intervenor’s interests. *Lockyer*, 450 F.3d at 442.

1 Proposed Intervenors each have at least three significant, protectable interests that this
2 action threatens to impair.

3 *First*, the disposition of this case risks undermining Proposed Intervenors’
4 significant interests in favorable rulings they obtained in related federal litigation—
5 including court orders that preserve the ability of all Arizonans to register as Federal-Only
6 voters without DPOC. As noted, in 2022, Voto Latino and a coalition of One Arizona
7 member groups challenged the validity of several new statutory provisions, which required
8 “heightened proof of citizenship and residency from Arizona applicants and registrants and
9 mandate[d] certain consequences if a registrant does not provide such proof.” *Mi Familia*
10 *Vota v. Fontes*, 691 F. Supp. 3d 1077, 1083 (D. Ariz. 2023). The *Mi Familia Vota* court
11 enjoined several challenged provisions, including in relevant part: (1) a provision restricting
12 registration for presidential elections and voting by mail to voters who provided DPOC,
13 A.R.S. §§ 16-121.01(E), 16-127(A); (2) a provision mandating rejection of any state
14 registration form without DPOC, *id.* § 16-121.01(C); and (3) a provision requiring that
15 individuals registering with the state form provide DPOC to register for federal elections,
16 *id.* § 16-121.01(A). *See Mi Familia Vota v. Fontes*, No. CV-22-00509-PHX-SRB, 2024 WL
17 2244338, at *1–3 (D. Ariz. May 2, 2024) (entering permanent injunction). The rulings in
18 *Mi Familia Vota*, among other things, recognize that Federal-Only voters must be permitted
19 to vote in presidential elections and to cast ballots by mail, and that state-form applicants
20 without DPOC must be registered as Federal-Only voters. *See id.*⁸

21 Plaintiffs’ action here seeks to undercut that relief by compelling error-prone
22 investigations and purges of this same group of voters—even though they have done
23 everything that is required by law to register and vote in Arizona’s federal elections—based
24 on unspecified requests for citizenship information from INS, with no guarantees of
25 reliability, under procedures that may themselves violate federal law. *See Compl.* ¶¶ 95–

26 _____
27 ⁸ Voto Latino also introduced expert testimony, which the district court credited as reliable,
28 establishing that non-citizen voting is exceedingly rare in Arizona. *Mi Familia Vota*, 2024
WL 862406, at *16 (concluding that “non-citizens voting in Arizona is quite rare, and non-
citizen voter fraud in Arizona is rarer still”). The premise of Plaintiffs’ claims in this case
is that non-citizen voting presents a serious issue in Arizona.

1 117. In particular, Plaintiffs’ claims rely in part on the assertion that a voter’s “failure to
 2 provide DPOC” *itself* amounts to “information . . . that requires cancellation,” A.R.S. § 16-
 3 165(K)—the exact *opposite* of what *Mi Familia Vota*, applying *ITCA*, held. *Mi Familia*
 4 *Vota*, 2024 WL 862406, at *40–41. Only if the county obtains *other* information that
 5 “confirms the voter’s non-citizenship” may the recorder even conduct further citizenship
 6 review under that provision. *Id.* at *41. Proposed Intervenor seek to intervene to ensure
 7 that the resolution of this case does not undermine the relief they secured in prior litigation
 8 that protects these voters from unlawful scrutiny. Patel Decl. ¶¶ 6–9; Bock Decl. ¶ 4.

9 *Second*, Proposed Intervenor have an interest in ensuring that their members and
 10 constituents are not purged from the rolls, as well as in preventing the threat of criminal
 11 investigations that may chill participation by voters who are targeted by Plaintiffs’ efforts.
 12 Numerous courts have agreed that similar threats to similar interests were sufficient to meet
 13 Rule 24’s standard. *See, e.g., Jud. Watch, Inc. v. Ill. State Bd. of Elections*, No. 24 C 1867,
 14 2024 WL 3454706, at *1–2 (N.D. Ill. July 18, 2024); *Bellitto v. Snipes*, No. 16-cv-61474,
 15 2016 WL 5118568, at *2–3 (S.D. Fla. Sept. 21, 2016).⁹ As in *Bellitto*, for example,
 16 Proposed Intervenor should be permitted to intervene because “the interests of its members
 17 would be threatened by [any] court-ordered ‘voter list maintenance’ sought by Plaintiffs,”
 18 a “potential harm” that is “particularly great in light of the upcoming . . . General Election.”
 19 2016 WL 5118568, at *2; *see also* Patel Decl. ¶¶ 8–13; Bock Decl. ¶¶ 9–12.

20 Courts have consistently held that an organization’s interest in protecting its
 21 constituents’ and/or members’ voting rights satisfies even the “more stringent” requirement
 22 of Article III, which “compels the conclusion that they have an adequate interest” for
 23 purposes of Rule 24. *Yniguez v. Arizona*, 939 F.2d 727, 735 (9th Cir. 1991); *see also March*
 24 *for Our Lives Idaho v. McGrane*, No. 1:23-CV-00107, 2023 WL 6623631, at *7 (D. Idaho
 25 Oct. 11, 2023) (holding organization had standing to challenge amendments to voter ID

26 ⁹ *See also Pub. Interest L. Found., Inc. v. Winfrey*, 463 F. Supp. 3d 795, 799–800, 802 (E.D.
 27 Mich. 2020) (granting organization permissive intervention in NVRA list maintenance
 28 case); Order, *Daunt v. Benson*, 1:20-cv-522 (W.D. Mich. Sept. 28, 2020), ECF No. 30
 (same); Order, *Voter Integrity Project NC, Inc. v. Wake Cnty. Bd. of Elections*, No. 5:16-
 cv-683 (E.D.N.C. Dec. 1, 2016), ECF No. 26 (granting voters permissive intervention).

1 laws to protect constituents' voting rights); *Mi Familia Vota*, 2024 WL 862406, at *29–32
2 (finding One Arizona member group Promise Arizona had associational standing to protect
3 members' voting rights). Here, Proposed Intervenors' interests are particularly significant
4 because they represent constituencies who face an acute risk from systematic court-ordered
5 investigations and voter roll purges based on a purported lack of citizenship documentation.
6 Patel Decl. ¶ 10; Bock Decl. ¶ 11; *see Mi Familia Vota*, 2024 WL 862406, at *31
7 (recognizing this point). Many of Proposed Intervenors' members and constituents are
8 naturalized citizens or come from Native American tribes and are thus more likely to face
9 difficulty producing DPOC. Patel Decl. ¶ 10; Bock Decl. ¶ 9–10. Many others live on and
10 around college campuses and change addresses frequently due to their age and financial
11 circumstances; they thus may have trouble locating and providing DPOC when they register
12 to vote. Patel Decl. ¶ 10; Bock Decl. ¶¶ 9–10. Language barriers, which disproportionately
13 affect Proposed Intervenors' voters, also substantially increase the likelihood that they will
14 face difficulty in proving their citizenship when they register to vote. Patel Decl. ¶ 10.
15 Proposed Intervenors thus have protectible interests in ensuring that their voters are not
16 unlawfully investigated and removed from Maricopa County's voter rolls.

17 *Third*, the disposition of this case threatens Proposed Intervenors' interests in
18 preserving their mission-critical organizational resources at the height of election season.
19 Specifically, if Plaintiffs' requested relief is granted, Voto Latino would be forced to divert
20 resources away from volunteer phone banking and other outreach aimed at increasing
21 political participation among its core constituency toward identifying and educating
22 Federal-Only constituents about the impending investigations and purges, and how to
23 ensure voters remain registered. Patel Decl. ¶¶ 14–15. Similarly, One Arizona would be
24 forced to redirect resources away from their investments in programs like providing grants
25 to members to conduct voter registration drives and coordinating digital communications
26 programs, toward educating voters about the impending investigation and purges and
27 ensuring that their member organizations are prepared to counteract such relief. Bock Decl.
28 ¶ 13. Additionally, there is a serious risk that Proposed Intervenors' members and

1 constituents will be chilled by investigations into their citizenship status from exercising
2 their fundamental right to vote. Patel Decl. ¶¶ 10–13; Bock Decl. ¶ 12. Accordingly,
3 Proposed Intervenors would have to further expend resources to ensure that they can reach
4 and register as many voters as they otherwise would be able to and provide assistance to
5 voters in responding to removal notices and inquiries, diverting time and resources away
6 from their other priorities. Patel Decl. ¶¶ 14–15; Bock Decl. ¶ 13.

7 Proposed Intervenors’ interests in protecting their organizational missions and
8 resources would also suffice to meet even Article III’s more demanding standard for
9 standing. *See E. Bay Sanctuary Covenant v. Biden*, 993 F.3d 640, 663 (9th Cir. 2021) (“[A]n
10 organization has direct standing to sue where it establishes that the defendant’s behavior
11 has frustrated its mission and caused it to divert resources in response to that frustration of
12 purpose.”); *Mi Familia Vota*, 2024 WL 862406, at *29–31 (holding that One Arizona
13 member groups Mi Familia Vota, Promise Arizona, Poder Latinx, in addition to Voto Latino
14 had standing to challenge provisions of H.B. 2243 and H.B. 2492 because the laws
15 frustrated their missions, causing “diversion of resources to counteract [the laws’] effects”);
16 *Ariz. All. for Retired Americans*, 630 F. Supp. 3d at 1194 n.7 (Voto Latino had standing to
17 challenge S.B. 1260 on similar grounds). The threatened impairment of this interest alone
18 supplies a more than sufficient basis to grant intervention. *See Yniguez*, 939 F.2d at 735.

19 **C. Proposed Intervenors’ interests are not adequately represented.**

20 Proposed Intervenors will not be assured adequate representation in this matter if
21 they are denied intervention. “[T]he burden of making this showing is minimal” and is
22 “satisfied if the applicant shows that representation of its interests *may* be inadequate.”
23 *Hoopa Valley Tribe v. U.S. Bureau of Reclamation*, 648 F. Supp. 3d 1196, 1204 (E.D. Cal.
24 2022) (emphasis added) (quoting *Sagebrush Rebellion Inc. v. Watt*, 713 F.2d 525, 528 (9th
25 Cir. 1983)); *Berger v. N.C. State Conf. of the NAACP*, 597 U.S. 179, 196 (2022) (citing
26 *Trbovich v. United Mine Workers of Am.*, 404 U.S. 528, 538 n.10 (1972)). Accordingly,
27 courts are “liberal in finding” this requirement to be met because “there is good reason in
28 most cases to suppose that the applicant is the best judge of the representation of the

1 applicant’s own interests.” 7C Charles Alan Wright & Arthur R. Miller, *Federal Practice*
2 & *Procedure* § 1909 (3d ed. 2024). In the Ninth Circuit, in evaluating adequacy of
3 representation, courts examine three factors: (1) “whether the interest of a present party is
4 such that it will undoubtedly make all of a proposed intervenor’s arguments,” (2) whether
5 the present party is capable and willing to make such arguments,” and (3) whether a
6 proposed intervenor would offer any necessary elements to the proceeding that other parties
7 would neglect.” *Citizens for Balanced Use*, 647 F.3d at 898 (cleaned up). Under this rubric,
8 neither Plaintiffs nor Defendants adequately represent Proposed Intervenors’ interests.

9 Of course, Proposed Intervenors’ interests cannot be represented by Plaintiffs, as
10 Proposed Intervenors strongly oppose the investigations, purges, and other relief Plaintiffs
11 seek. And while Defendants—Recorder Richer and Maricopa County—are on the side of
12 the lawsuit that Proposed Intervenors seek to join, they do not adequately represent
13 Proposed Intervenors’ specific interests. The Supreme Court recently cautioned that courts
14 should not conduct this inquiry at too “high [a] level of abstraction,” and reaffirmed that,
15 even where the parties interests “seem[] closely aligned,” the burden to demonstrate
16 inadequate representation remain “minimal” unless those interests are “identical.” *Berger*,
17 597 U.S. at 196. In other words, even if Defendants oppose the relief Plaintiffs seek, it does
18 not follow that they will adequately represent Proposed Intervenors’ interests. *Citizens for*
19 *Balanced Use*, 647 F.3d at 899 (“[T]he government’s representation of the public interest
20 may not be ‘identical to the individual parochial interest’ of a particular group just because
21 ‘both entities occupy the same posture in the litigation.’” (quoting *WildEarth Guardians v.*
22 *U.S. Forest Serv.*, 573 F.3d 992, 996 (10th Cir. 2009))).¹⁰

23
24 ¹⁰ Accordingly, courts have “often concluded that governmental entities do not adequately
25 represent the interests of aspiring intervenors.” *Fund for Animals, Inc. v. Norton*, 322 F.3d
26 728, 736 (D.C. Cir. 2003). This is because a government-official defendant’s interests are
27 “necessarily colored by [their] view of the public welfare rather than the more parochial
28 views of a proposed intervenor whose interest is personal to it.” *Kleissler v. U.S. Forest*
Serv., 157 F.3d 964, 972 (3d Cir. 1998) (explaining that the burden in these circumstances
is “comparatively light”); accord *Berger*, 597 U.S. at 196 (emphasizing that *Trbovich*
refused to presume the Secretary of Labor was adequate representative of a union member’s
interest even where both sought “relief against the union” because “the Secretary also had
to bear in mind broader public-policy implications”).

1 Here, given the differing “nature” of their “interests,” it is far from clear that the
2 existing defendants “will undoubtedly make all of a proposed intervenor’s arguments.” *Id.*
3 at 898. The divergence of interests between government officials and private parties is
4 particularly sharp in actions like this one seeking to identify and remove voters from the
5 rolls. *See, e.g., Winfrey*, 463 F. Supp. 3d at 799–800; *Jud. Watch, Inc.*, 2024 WL 3454706,
6 at *4–5. Government defendants have competing obligations “to protect the integrity of the
7 electoral process and to ensure that accurate and current voter registration rolls are
8 maintained,” while groups like Proposed Intervenors have a more limited focus on
9 protecting their own interests and those of their voters. *Winfrey*, 463 F. Supp. 3d at 800
10 (citing *Bellitto*, 935 F.3d at 1198). That is the case here: While Proposed Intervenors oppose
11 laws that permit investigations of Federal-Only voters and purging of the voter rolls, the
12 Recorder has an *obligation* to enforce them. As another federal court recently explained,
13 the government party’s “execution of its duties may be in tension with Proposed
14 Intervenors’ interests” because “the [government] might deem the potential for costly
15 litigation in this case a suboptimal use of its resources and might therefore enter into a more
16 generous settlement agreement with Plaintiffs that might run contrary to [the] Proposed
17 Intervenors’ interests.” *Jud. Watch, Inc.*, 2024 WL 3454706, at *4.

18 It is also unlikely that Defendants will be “willing” to make all of the arguments that
19 Proposed Intervenors would make. *Citizens for Balanced Use*, 647 F.3d at 898. Voto Latino
20 and One Arizona have unique interests “in preserving *their* resources and protecting the
21 voting rights of *their* members,” while the government “has no obligation to protect these
22 specific resources or voting interests.” *Jud. Watch, Inc.*, 2024 WL 3454706, at *4.
23 Proposed Intervenors are thus willing to make arguments necessary to limit any kind of
24 further scrutiny on Federal Only voters, while Defendants will be cabined by their statutory
25 obligations to carry out citizenship review and other list-maintenance protocols. Indeed,
26 Proposed Intervenors have brought suit *against* the Recorder and other officials challenging
27 some of the same and related provisions of Arizona law at issue here. *See Mi Familia Vota*,
28 2024 WL 862406, at *1; *see also Ariz. All. for Retired Americans*, 630 F. Supp. 3d at 1185.

1 For largely the same reasons, Defendants will likewise not add the same unique
 2 perspectives that Proposed Intervenors can bring to the issues presented. *Id.*¹¹ In particular,
 3 Proposed Intervenors will provide unique insight on how this case overlaps with their
 4 related pending litigation, including the *Mi Familia Vota* litigation repeatedly referenced in
 5 Plaintiffs’ complaint. *See supra* Argument § I-B. And as the only parties *solely* focused on
 6 representing the interests of voters who stand to be investigated and purged from the rolls,
 7 Proposed Intervenors are uniquely positioned to provide arguments that are relevant to the
 8 disposition of Plaintiffs’ claims, including about the potential injuries to voters and voter-
 9 advocacy groups that could follow from the relief that Plaintiffs seek. *See Winfrey*, 463 F.
 10 Supp. 3d at 802. The factors for determining whether existing parties adequately represent
 11 a proposed intervenor thus each favor granting intervention here.

12 **II. Proposed Intervenors should alternatively be granted permissive intervention.**

13 In the alternative, the Court should grant Proposed Intervenors permissive
 14 intervention because they have “defense[s] that share[] with the main action a common
 15 question of law or fact” and their intervention will not “unduly delay or prejudice the
 16 adjudication of the original parties’ rights.” *Ariz. Democratic Party v. Hobbs*, No. CV-20-
 17 01143, 2020 WL 6559160, at *1 (D. Ariz. June 26, 2020) (quoting Fed. R. Civ. P. 24(b)).
 18 The motion is timely and risks no prejudice to the existing parties for the reasons already
 19 explained. *Supra* Argument § I.A. And Proposed Intervenors’ defenses depend on
 20 resolution of many of the same questions of fact and law—including the proper
 21

22 ¹¹ Even assuming *arguendo* that Defendants’ interests in this litigation currently align with
 23 Proposed Intervenors’ interests, there is no guarantee that would remain true through the
 24 litigation. Recorder Richer lost his primary bid to a candidate who shares views similar to
 25 Plaintiffs. *Compare Arizona Legislators Demand County Recorders Enforce Voter*
 26 *Registration Requirements*, *Ariz. Daily Indep.* (July 25, 2024),
 27 [https://arizonadailyindependent.com/2024/07/25/arizona-legislators-demand-county-](https://arizonadailyindependent.com/2024/07/25/arizona-legislators-demand-county-recorders-enforce-voter-registration-requirements/)
 28 [recorders-enforce-voter-registration-requirements/](https://arizonadailyindependent.com/2024/07/25/arizona-legislators-demand-county-recorders-enforce-voter-registration-requirements/) (noting that Richer’s replacement on the
 ballot sent a letter to recorders demanding citizenship investigations, including through the
 same federal laws urged in this suit, 8 U.S.C. §§ 1373, 1644), *with* Compl. at 18 (Prayer for
 Relief). This further confirms that Proposed Intervenors’ interests “may” be inadequately
 represented. *Cf. Sw. Ctr. for Biological Diversity v. Berg*, 268 F.3d 810, 824 (9th Cir. 2001)
 (explaining “it is not Applicants’ burden at this stage in the litigation to anticipate specific
 differences in trial strategy”).

1 interpretation of Arizona’s election laws that form the bases of Plaintiffs’ claims, and
2 whether Plaintiffs’ interpretation would conflict with federal law.

3 In deciding whether to exercise discretion to permit intervention under Rule 24(b),
4 courts may also consider “several relevant factors . . . including the nature and extent of the
5 intervenors’ interest, the legal position they seek to advance, and whether parties seeking
6 intervention will significantly contribute to full development of the underlying factual
7 issues in the suit and to the just and equitable adjudication of the legal questions presented.”
8 *Ariz. All. for Retired Ams.*, 2022 WL 4448320, at *2 (citation omitted). Such considerations,
9 as explained fully above, militate in favor of granting permissive intervention here.

10 As described, Proposed Intervenors have distinct interests in preserving the relief
11 obtained in *Mi Familia Vota* that protects Federal-Only voters. They further have significant
12 and parochial interests in preventing unlawful investigations and purges of their members
13 and constituents and ensuring they are not disenfranchised or unlawfully chilled from
14 voting, as well as protecting their mission-critical, election-year resources that would be
15 diverted if Plaintiffs’ requested relief is granted. *Supra* Argument § I-C. For these same
16 reasons, as detailed, Proposed Intervenors will aid the Court in developing a full record of
17 the relevant considerations—including the impact of this litigation on voters and avoidance
18 of issuing relief that might conflict with the relief that has been ordered in related litigation.
19 *See id.* Defendants do not adequately represent these interests because they are obligated
20 under state law to perform list maintenance that risks wrongful removal of Proposed
21 Intervenors’ members and constituents. *See id.*

22 In short, because Rule 24 is liberally construed to ensure that all interested parties
23 have the opportunity to protect their rights and interests, if the Court is inclined not to grant
24 intervention as a matter of right, it should grant permissive intervention.

25 CONCLUSION

26 Proposed Intervenors respectfully request that the Court grant their motion to
27 intervene.

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RESPECTFULLY SUBMITTED this 16th day of August, 2024.

COPPERSMITH BROCKELMAN PLC

By: /s/ D. Andrew Gaona
D. Andrew Gaona
Austin C. Yost

ELIAS LAW GROUP, LLP

Lalitha D. Madduri*
Christopher D. Dodge*
Tyler L. Bishop*
Renata M. O'Donnell*

*Attorneys for Proposed Intervenor-Defendants
Voto Latino and One Arizona*

**Pro Hac Vice Application Forthcoming*

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EXHIBIT A

1 D. Andrew Gaona (028414)
Austin C. Yost (034602)
2 **COPPERSMITH BROCKELMAN PLC**
2800 North Central Avenue, Suite 1900
3 Phoenix, Arizona 85004
T: (602) 381-5486
4 agaona@cblawyers.com
ayost@cblawyers.com

5
6 Lalitha D. Madduri*
Christopher D. Dodge*
Tyler L. Bishop*
7 Renata O'Donnell*
8 **ELIAS LAW GROUP LLP**
250 Massachusetts Ave NW, Suite 400
Washington, D.C. 20001
9 T: (202) 968-4330
lmadduri@elias.law
10 cdodge@elias.law
tbishop@elias.law
11 rodonnell@elias.law

12 *Attorneys for Proposed Intervenor-Defendants*
13 *Voto Latino and One Arizona*

14 **Pro Hac Vice Application Forthcoming*

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

16 Strong Communities Foundation of Arizona
17 Incorporated, and Yvonne Cahill,

18 Plaintiffs,

19 v.

20 Stephen Richer, in his official capacity as
21 Maricopa County Recorder, and Maricopa
County,

22 Defendants.
23
24

No. 24-CV-02030-SMB

**[PROPOSED] ANSWER TO
VERIFIED SPECIAL ACTION
COMPLAINT**

25
26
27
28

INTRODUCTION

1
2 Proposed Intervenor-Defendants Voto Latino and One Arizona (together, “Proposed
3 Intervenor”) answer Plaintiffs’ Verified Special Action Complaint (“Complaint”) as
4 follows:

5 1. Admitted.

6 2. The quoted portion of the Rasmussen Report speaks for itself and does not
7 require a response. To the extent a response is required, Proposed Intervenor admit that the
8 article contains the quoted text and deny the remaining allegations in Paragraph 2.

9 3. The quoted portion of the article speaks for itself and does not require a
10 response. To the extent a response is required, Proposed Intervenor admit that the article
11 contains the quoted text and deny the remaining allegations in Paragraph 3.

12 4. Proposed Intervenor lack sufficient knowledge or information to form a belief
13 as to the truth or falsity of the allegations in Paragraph 4 and therefore deny them.

14 5. Paragraph 5 contains legal contentions, characterizations, conclusions, and
15 opinions to which no response is required. To the extent a response is required, Proposed
16 Intervenor deny the allegations.

17 6. Proposed Intervenor lack sufficient knowledge or information to form a belief
18 as to the truth or falsity of the allegations in Paragraph 6 and therefore deny them.

19 7. Paragraph 7 contains legal contentions, characterizations, conclusions, and
20 opinions to which no response is required. To the extent a response is required, Proposed
21 Intervenor admit that the cited statute contains the quoted text and deny the remaining
22 allegations in Paragraph 7.

23 8. Denied.

24 9. Denied.

PARTIES

25 10. Proposed Intervenor lack sufficient knowledge or information to form a belief
26 as to the truth or falsity of the allegations in Paragraph 10 and therefore deny them.
27
28

1 Intervenor deny that this Court has subject-matter jurisdiction or the authority to grant
2 relief under the cited statutes.

3 22. Paragraph 22 contains legal contentions, characterizations, conclusions, and
4 opinions to which no response is required. To the extent a response is required Proposed
5 Intervenor admit that Recorder Richer “holds office in Maricopa County.” Proposed
6 Intervenor otherwise lack sufficient knowledge or information to form a belief as to the
7 truth or falsity of the remaining allegations in Paragraph 22 and therefore deny the
8 remaining allegations.

9 23. Paragraph 23 contains legal contentions, characterizations, conclusions, and
10 opinions to which no response is required. To the extent a response is required, Proposed
11 Intervenor deny the allegations.

12 **GENERAL ALLEGATIONS**

13 24. Paragraph 22 contains legal contentions, characterizations, conclusions, and
14 opinions to which no response is required. To the extent a response is required, Proposed
15 Intervenor deny the allegations.

16 25. Paragraph 25 contains legal contentions, characterizations, conclusions, and
17 opinions to which no response is required. To the extent a response is required, Proposed
18 Intervenor deny the allegations in the first sentence of Paragraph 25. Proposed Intervenor
19 admit that the U.S. Supreme Court has held that the State may not impose a documentary
20 proof of citizenship requirement on voters who register using the federal voter registration
21 form.

22 26. Paragraph 26 contains legal contentions, characterizations, conclusions, and
23 opinions to which no response is required. To the extent a response is required, Proposed
24 Intervenor admit that the cited case contains the quoted text and deny the remaining
25 allegations in Paragraph 26.

26 27. Paragraph 27 contains legal contentions, characterizations, conclusions, and
27 opinions to which no response is required. To the extent a response is required, Proposed
28

1 Intervenor admit that Arizona requires voters to provide documentary proof of citizenship
2 to register to vote in state and local elections and deny the remaining allegations.

3 28. Proposed Intervenor admit that Arizona has a bifurcated system of voter
4 registration. The remaining allegations in Paragraph 28 contain legal contentions,
5 characterizations, conclusions, and opinions to which no response is required. To the extent
6 a response is required, Proposed Intervenor deny the remaining allegations.

7 29. The cited document speaks for itself. To the extent a response is required,
8 Proposed Intervenor admit that the cited document states that there were 35,273 “Federal
9 Only Registrants as of April 1, 2024 (Active and Inactive Voters).” Proposed Intervenor
10 otherwise lack sufficient knowledge or information to form a belief as to the truth or falsity
11 of the allegations in Paragraph 29 and therefore deny them.

12 30. Proposed Intervenor lack sufficient knowledge or information to form a belief
13 as to the truth or falsity of the allegations in Paragraph 30 and therefore deny them.

14 31. The cited website speaks for itself. To the extent a response is required,
15 Proposed Intervenor admit that the cited website states that “In accordance with A.R.S. §
16 16-161(B), as of July 1, 2024 the number of persons who registered to vote in Maricopa
17 County using the federal or state voter registration form and who have not provided valid
18 proof of citizenship to the Maricopa County Recorder’s Office is 26,108,” and the same
19 figure reported for April 1, 2024 was 21,595.

20 32. Proposed Intervenor lack sufficient knowledge or information to form a belief
21 as to the truth or falsity of the allegations in Paragraph 30 and therefore deny them.

22 33. Paragraph 33 contains legal contentions, characterizations, conclusions, and
23 opinions to which no response is required. To the extent a response is required, Proposed
24 Intervenor admit that the case contains the quoted text and deny the remaining allegations
25 in Paragraph 33.

26 34. Paragraph 34 contains legal contentions, characterizations, conclusions, and
27 opinions to which no response is required. To the extent a response is required, Proposed
28 Intervenor deny the allegations.

1 35. Proposed Intervenors admit that the Legislature enacted and Governor Ducey
2 signed H.B. 2492 and H.B. 2243 in 2022. The remaining allegations in Paragraph 35
3 contains legal contentions, characterizations, conclusions, and opinions to which no
4 response is required. To the extent a response is required, Proposed Intervenors deny the
5 remaining allegations.

6 36. Paragraph 36 contains legal contentions, characterizations, conclusions, and
7 opinions to which no response is required. To the extent a response is required, Proposed
8 Intervenors deny the allegations.

9 37. Denied.

10 38. Paragraph 38 contains legal contentions, characterizations, conclusions, and
11 opinions to which no response is required. To the extent a response is required, Proposed
12 Intervenors deny the allegations.

13 39. Denied.

14 40. Proposed Intervenors lack sufficient knowledge or information to form a belief
15 as to the truth or falsity of the allegations in Paragraph 40 and therefore deny them.

16 41. Paragraph 41 contains legal contentions, characterizations, conclusions, and
17 opinions to which no response is required. To the extent a response is required, Proposed
18 Intervenors admit that there are state and federal laws related to list maintenance and deny
19 the remaining allegations in Paragraph 41.

20 42. Paragraph 42 contains legal contentions, characterizations, and conclusions,
21 and opinions to which no response is required. To the extent a response is required,
22 Proposed Intervenors admit that the cited statute contains the quoted text and deny the
23 remaining allegations in Paragraph 42.

24 43. Paragraph 43 contains legal contentions, characterizations, and conclusions,
25 and opinions to which no response is required. To the extent a response is required,
26 Proposed Intervenors admit that the cited statute contains the quoted text and deny the
27 remaining allegations in Paragraph 43.

28

1 44. Paragraph 44 contains legal contentions, characterizations, and conclusions,
2 and opinions to which no response is required. To the extent a response is required,
3 Proposed Intervenor admits that the cited statute contains the quoted text and deny the
4 remaining allegations in Paragraph 44.

5 45. Paragraph 45 contains legal contentions, characterizations, and conclusions,
6 and opinions to which no response is required. To the extent a response is required,
7 Proposed Intervenor admits that the cited statute contains the quoted text and deny the
8 remaining allegations in Paragraph 45.

9 46. Paragraph 46 contains legal contentions, characterizations, and conclusions,
10 and opinions to which no response is required. To the extent a response is required,
11 Proposed Intervenor admits that the statute cited in Paragraph 45 contains the quoted text
12 and deny the remaining allegations in Paragraph 46.

13 47. Proposed Intervenor lacks sufficient knowledge or information to form a belief
14 as to the truth or falsity of the allegations in Paragraph 47 and therefore deny them.

15 48. Paragraph 48 contains legal contentions, characterizations, and conclusions,
16 and opinions to which no response is required. To the extent a response is required,
17 Proposed Intervenor denies the allegations.

18 49. The document quoted in Paragraph 49 speaks for itself. To the extent a
19 response is required, Proposed Intervenor lacks sufficient knowledge or information to form
20 a belief as to the truth or falsity of the allegations in Paragraph 48 and therefore deny them.

21 50. The judicial decision quoted in Paragraph 50 speaks for itself. Further,
22 Paragraph 50 contains legal contentions, characterizations, conclusions, and opinions to
23 which no response is required. To the extent a response is required, Proposed Intervenor
24 admits that the cited case contains the quoted text and deny the remaining allegations in
25 Paragraph 50.

26 51. Proposed Intervenor admits that SAVE does not process social security
27 numbers. As to the remaining allegations, Proposed Intervenor lacks sufficient knowledge
28

1 or information to form a belief as to the truth or falsity of the allegations in Paragraph 51
2 and therefore deny them.

3 52. Proposed Intervenors lack sufficient knowledge or information to form a belief
4 as to the truth or falsity of the allegations in Paragraph 52 and therefore deny them.

5 53. Paragraph 53 contains legal contentions, characterizations, conclusions, and
6 opinions to which no response is required. To the extent a response is required, Proposed
7 Intervenors admit that the cited case contains the quoted text and deny the remaining
8 allegations in Paragraph 53.

9 54. Proposed Intervenors lack sufficient knowledge or information to form a belief
10 as to the truth or falsity of the allegations in Paragraph 54 and therefore deny them.

11 55. Paragraph 55 contains legal contentions, characterizations, conclusions, and
12 opinions to which no response is required. To the extent a response is required, Proposed
13 Intervenors admit that the cited case contains the quoted text and deny the remaining
14 allegations in Paragraph 55.

15 56. Proposed Intervenors lack sufficient knowledge or information to form a belief
16 as to the truth or falsity of the allegations in Paragraph 56 and therefore deny them.

17 57. Proposed Intervenors lack sufficient knowledge or information to form a belief
18 as to the truth or falsity of the allegations in Paragraph 57 and therefore deny them.

19 58. Proposed Intervenors lack sufficient knowledge or information to form a belief
20 as to the truth or falsity of the allegations in Paragraph 58 and therefore deny them.

21 59. Proposed Intervenors lack sufficient knowledge or information to form a belief
22 as to the truth or falsity of the allegations in Paragraph 59 and therefore deny them.

23 60. Proposed Intervenors lack sufficient knowledge or information to form a belief
24 as to the truth or falsity of the allegations in Paragraph 60 and therefore deny them.

25 61. Proposed Intervenors lack sufficient knowledge or information to form a belief
26 as to the truth or falsity of the allegations in Paragraph 61 and therefore deny them.

27 62. Proposed Intervenors lack sufficient knowledge or information to form a belief
28 as to the truth or falsity of the allegations in Paragraph 62 and therefore deny them.

1 63. Proposed Intervenors lack sufficient knowledge or information to form a belief
2 as to the truth or falsity of the allegations in Paragraph 63 and therefore deny them.

3 64. Proposed Intervenors lack sufficient knowledge or information to form a belief
4 as to the truth or falsity of the allegations in Paragraph 64 and therefore deny them.

5 65. Paragraph 65 contains legal contentions, characterizations, conclusions, and
6 opinions to which no response is required. To the extent a response is required, Proposed
7 Intervenors admit that the cited statute contains the quoted text and deny the remaining
8 allegations in Paragraph 65.

9 66. Paragraph 66 contains legal contentions, characterizations, conclusions, and
10 opinions to which no response is required. To the extent a response is required, Proposed
11 Intervenors deny the allegations.

12 67. Paragraph 67 contains legal contentions, characterizations, conclusions, and
13 opinions to which no response is required. To the extent a response is required, Proposed
14 Intervenors admit that the cited statute contains the quoted text and deny the remaining
15 allegations in Paragraph 67.

16 68. Paragraph 68 contains legal contentions, characterizations, conclusions, and
17 opinions to which no response is required. To the extent a response is required, Proposed
18 Intervenors deny the allegations.

19 69. Paragraph 69 contains legal contentions, characterizations, conclusions, and
20 opinions to which no response is required. To the extent a response is required, Proposed
21 Intervenors admit that the cited statute contains the quoted text and deny the remaining
22 allegations in Paragraph 69.

23 70. Paragraph 70 contains legal contentions, characterizations, conclusions, and
24 opinions to which no response is required. To the extent a response is required, Proposed
25 Intervenors deny the allegations.

26 71. Paragraph 71 contains legal contentions, characterizations, conclusions, and
27 opinions to which no response is required. To the extent a response is required, Proposed
28 Intervenors deny the allegations.

1 72. Paragraph 72 contains legal contentions, characterizations, conclusions, and
2 opinions to which no response is required. To the extent a response is required, Proposed
3 Intervenor deny the allegations.

4 73. Paragraph 73 contains legal contentions, characterizations, conclusions, and
5 opinions to which no response is required. To the extent a response is required, Proposed
6 Intervenor deny the allegations.

7 74. Paragraph 74 contains legal contentions, characterizations, conclusions, and
8 opinions to which no response is required. To the extent a response is required, Proposed
9 Intervenor admit that the cited bill contains the quoted text and deny the remaining
10 allegations in Paragraph 74.

11 75. Paragraph 75 contains legal contentions, characterizations, conclusions, and
12 opinions to which no response is required. To the extent a response is required, Proposed
13 Intervenor admit that the cited statute contains the quoted text and deny the remaining
14 allegations in Paragraph 75.

15 76. Paragraph 76 contains legal contentions, characterizations, conclusions, and
16 opinions to which no response is required. To the extent a response is required, Proposed
17 Intervenor deny the allegations.

18 77. Proposed Intervenor lack sufficient knowledge or information to form a belief
19 as to the truth or falsity of the allegations in Paragraph 77 and therefore deny them.

20 78. Proposed Intervenor lack sufficient knowledge or information to form a belief
21 as to the truth or falsity of the allegations in Paragraph 78 and therefore deny them.

22 79. Proposed Intervenor lack sufficient knowledge or information to form a belief
23 as to the truth or falsity of the allegations in Paragraph 79 and therefore deny them.

24 80. Proposed Intervenor lack sufficient knowledge or information to form a belief
25 as to the truth or falsity of the allegations in Paragraph 80 and therefore deny them.

26 81. Paragraph 81 contains legal contentions, characterizations, conclusions, and
27 opinions to which no response is required. To the extent a response is required, Proposed
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1 Intervenor admit that the cited letter contains the quoted text and deny the remaining
2 allegations in Paragraph 81.

3 82. Proposed Intervenor lack sufficient knowledge or information to form a belief
4 as to the truth or falsity of the allegations in Paragraph 82 and therefore deny them.

5 83. Proposed Intervenor lack sufficient knowledge or information to form a belief
6 as to the truth or falsity of the allegations in Paragraph 83 and therefore deny them.

7 84. Proposed Intervenor lack sufficient knowledge or information to form a belief
8 as to the truth or falsity of the allegations in Paragraph 84 and therefore deny them.

9 85. Proposed Intervenor lack sufficient knowledge or information to form a belief
10 as to the truth or falsity of the allegations in Paragraph 85 and therefore deny them.

11 86. Proposed Intervenor lack sufficient knowledge or information to form a belief
12 as to the truth or falsity of the allegations in Paragraph 86 and therefore deny them.

13 87. Proposed Intervenor lack sufficient knowledge or information to form a belief
14 as to the truth or falsity of the allegations in Paragraph 87 and therefore deny them.

15 88. Paragraph 88 contains legal contentions, characterizations, conclusions, and
16 opinions to which no response is required. To the extent a response is required, Proposed
17 Intervenor admit that the cited case contains the quoted text and deny the remaining
18 allegations in Paragraph 88.

19 89. Paragraph 89 contains legal contentions, characterizations, conclusions, and
20 opinions to which no response is required. To the extent a response is required, Proposed
21 Intervenor admit that the cited case contains the quoted text and deny the remaining
22 allegations in Paragraph 89.

23 90. Proposed Intervenor lack sufficient knowledge or information to form a belief
24 as to the truth or falsity of the allegations in Paragraph 90 and therefore deny them.

25 91. Proposed Intervenor lack sufficient knowledge or information to form a belief
26 as to the truth or falsity of the allegations in Paragraph 91 and therefore deny them.

27 92. Proposed Intervenor lack sufficient knowledge or information to form a belief
28 as to the truth or falsity of the allegations in Paragraph 92 and therefore deny them.

1 104. Proposed Intervenors lack sufficient knowledge or information to form a belief
2 as to the truth or falsity of the allegations in Paragraph 104 and therefore deny them.

3 105. Denied.

4 106. Denied.

5 107. Denied.

6 **COUNT III**

7 108. Proposed Intervenors incorporate by reference each of their preceding
8 admissions, denials, and statements as if fully set forth herein.

9 109. Paragraph 109 contains legal contentions, characterizations, conclusions, and
10 opinions to which no response is required. To the extent a response is required, Proposed
11 Intervenors admit that the cited statute contains the quoted text and deny the remaining
12 allegations in Paragraph 109.

13 110. Paragraph 110 contains legal contentions, characterizations, conclusions, and
14 opinions to which no response is required. To the extent a response is required, Proposed
15 Intervenors deny the allegations.

16 111. Denied.

17 112. Paragraph 112 contains legal contentions, characterizations, conclusions, and
18 opinions to which no response is required. To the extent a response is required, Proposed
19 Intervenors deny the allegations.

20 113. Paragraph 113 contains legal contentions, characterizations, conclusions, and
21 opinions to which no response is required. To the extent a response is required, Proposed
22 Intervenors deny the allegations.

23 114. Proposed Intervenors lack sufficient knowledge or information to form a belief
24 as to the truth or falsity of the allegations in Paragraph 114 and therefore deny them.

25 115. Paragraph 115 contains legal contentions, characterizations, conclusions, and
26 opinions to which no response is required. To the extent a response is required, Proposed
27 Intervenors deny the allegations.

28 116. Denied.

1 117. Denied.

2 **COUNT IV**

3 118. Proposed Intervenors incorporate by reference each of their preceding
4 admissions, denials, and statements as if fully set forth herein.

5 119. Paragraph 119 contains legal contentions, characterizations, conclusions, and
6 opinions to which no response is required. To the extent a response is required, Proposed
7 Intervenors admit that the cited statute contains the quoted text and deny the remaining
8 allegations in Paragraph 119.

9 120. Proposed Intervenors lack sufficient knowledge or information to form a belief
10 as to the truth or falsity of the allegations in Paragraph 120 and therefore deny them.

11 121. Denied.

12 **PRAYER FOR RELIEF**

13 Proposed Intervenors deny that Plaintiffs are entitled to any relief.

14 **GENERAL DENIAL**

15 Proposed Intervenors deny every allegation in Plaintiffs' Complaint that is not
16 expressly admitted herein.

17 **AFFIRMATIVE DEFENSES**

18 1. Plaintiffs' claims are barred in whole or in part for failure to state a claim upon
19 which relief can be granted.

20 2. Plaintiffs' claims are barred because Plaintiffs lack Article III standing.

21 3. Plaintiffs' claims are barred because they seek relief inconsistent with federal
22 and state law.

23 4. Plaintiffs' claims are equitably barred.

24 5. Proposed Intervenors reserve the right to assert additional affirmative
25 defenses, including, but not limited to, those set forth in Rule 8(d) of the Arizona Rules of
26 Civil Procedure, as additional facts are discovered.

27 WHEREFORE, having fully answered Plaintiffs' Complaint, Proposed Intervenors
28 pray for judgment as follows:

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- A. That the Court dismiss Plaintiffs' Complaint;
- B. That judgment be entered in favor of Proposed Intervenors and against Plaintiffs on Plaintiffs' Complaint and that Plaintiffs take nothing thereby;
- C. That Proposed Intervenors be awarded reasonable attorneys' fees and costs under any applicable statute or equitable doctrine; and
- D. For such other and further relief as the Court, deems appropriate.

RESPECTFULLY SUBMITTED this 16th day of August, 2024.

COPPERSMITH BROCKELMAN PLC

By: /s/ D. Andrew Gaona
D. Andrew Gaona
Austin C. Yost

ELIAS LAW GROUP, LLP

Lalitha D. Madduri*
Christopher D. Dodge*
Tyler L. Bishop*
Renata M. O'Donnell*

*Attorneys for Proposed Intervenor-Defendants
Voto Latino and One Arizona*

**Pro Hac Vice Application Forthcoming*

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EXHIBIT B

1 D. Andrew Gaona (028414)
Austin C. Yost (034602)
2 **COPPERSMITH BROCKELMAN PLC**
2800 North Central Avenue, Suite 1900
3 Phoenix, Arizona 85004
T: (602) 381-5486
4 agaona@cblawyers.com
ayost@cblawyers.com

5
6 Lalitha D. Madduri*
Christopher D. Dodge*
Tyler L. Bishop*
7 Renata O'Donnell*
ELIAS LAW GROUP LLP
8 250 Massachusetts Ave NW, Suite 400
Washington, D.C. 20001
9 T: (202) 968-4330
lmadduri@elias.law
10 cdodge@elias.law
tbishop@elias.law
11 rodonnell@elias.law

12 *Attorneys for Proposed Intervenor-Defendants*
13 *One Arizona and Voto Latino*

14 **Pro Hac Vice Application Forthcoming*

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

16 Strong Communities Foundation of Arizona
17 Incorporated, and Yvonne Cahill,

18 Plaintiffs,

19 v.

20 Stephen Richer, in his official capacity as
21 Maricopa County Recorder, and Maricopa
County,

22 Defendants.

No. 24-CV-02030-SMB

**DECLARATION OF AMEER
PATEL IN SUPPORT OF
VOTO LATINO'S AND ONE
ARIZONA'S MOTION TO
INTERVENE AS
DEFENDANTS**

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1 I, Ameer Patel, hereby declare and state the following:

2 1. I am over 18 years of age and competent to testify, and the following facts are
3 based on my personal knowledge.

4 2. I am the Chief Programs Officer of Voto Latino, a nonpartisan, nonprofit
5 corporation organized under section 501(c)(4) of the Internal Revenue Code. I have been in
6 this position since 2023, and I oversee all of the organization's operations and programs.
7 Prior to becoming Chief Programs Officer, I served as Voto Latino's Vice President of
8 Programs. In that role, I focused on designing programming aimed at increasing Latinx
9 registration and turnout rates. Through these positions, I am personally knowledgeable
10 about Voto Latino's voter-registration and election-related activities, as well as its resource-
11 allocation decisions.

12 3. Voto Latino is the largest Latinx advocacy organization in the nation. Its
13 mission is to grow political engagement in historically underrepresented communities,
14 especially among its core constituency: young Latinx voters. To further its mission, Voto
15 Latino spends significant resources on voter education and mobilization initiatives in
16 Arizona, including efforts to encourage voters to turn out to vote, register voters and remind
17 them to update their voter registrations to ensure that they are current and remain active,
18 and inform them about available means of exercising their right to vote. Voto Latino
19 employees and volunteers further these initiatives through email, text banking, in-person
20 canvassing, organizing by on-campus chapters, and social media campaigns in Arizona.
21 This programming is critical for Voto Latino's get-out-the-vote efforts, especially during
22 this important presidential election year. Voto Latino's top priority is to ensure that its
23 constituents can register to vote and cast a ballot that will be counted—enabling them to
24 make their voices heard in the state's democratic process.

25 4. Because of the state's large and growing Latinx population, Arizona is one of
26 Voto Latino's highest priority states. Since 2012, Voto Latino has registered more than
27 65,000 voters in Arizona. In 2022 and 2023 alone, Voto Latino spent approximately \$2.4
28 million on voter registration, voter turnout, and voter persuasion and advocacy initiatives

1 in Arizona. This year, Voto Latino currently has deployed five on-campus partners across
2 the state who represent students, student organizations, and other campus entities engaged
3 in voter registration and engagement projects.

4 5. The Latinx community in Arizona includes a considerably large population
5 of young voters: The largest bloc of Latinx voters in Arizona is comprised of voters between
6 the ages of 18 and 29. It is critical to Voto Latino’s effectiveness as an organization to
7 harness the political power of these young people and students in Arizona. In fact,
8 organizing and educating students in Arizona ahead of the 2024 general election is one of
9 our major priorities for the year. Our employees and volunteers are therefore engaged in
10 extensive outreach toward this community this year, with the goal of ensuring that as many
11 as possible are able register to vote, cast a ballot, and have it counted. Currently, several
12 hundreds of thousands of Latinx voters remain unregistered in Arizona.

13 6. Voto Latino has also been repeatedly involved in litigation—as a plaintiff to
14 challenge burdensome and restrictive voting laws in Arizona, and as an intervenor
15 defendant to defend against efforts to undermine Arizona laws and practices that protect the
16 ability of Voto Latino’s constituents to cast a ballot and have it counted. *See, e.g., Mi*
17 *Familia Vota v. Fontes*, No. CV-22-00509-PHX-SRB, 2024 WL 862406 (D. Ariz. Feb. 29,
18 2024) (holding that certain citizenship verification procedures conflicted with the Civil
19 Rights Act and/or the NVRA); *see also Ariz. All. for Retired Ams. v. Hobbs*, 630 F. Supp.
20 3d 1180 (D. Ariz. 2022) (enjoining provisions of S.B. 1260 that authorized recorders to
21 cancel registrations without notice in violation of the NVRA).¹

22 7. Much of our work in these cases was aimed at preserving the rights of Federal-
23 Only voters who are targeted by this lawsuit. For example, in the *Mi Familia Vota* litigation
24 described above, we successfully preserved the ability of voters who lack documentary
25 proof of citizenship (“DPOC”) to register to vote at least as Federal-Only voters in Arizona.

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27 ¹ *See also RNC v. Fontes*, No. CV2024-050553 (Maricopa Cnty. Super. Ct.); *Strong*
28 *Cmtys. Found. v. Yavapai Cnty.*, No. S1300CV202400175 (Yavapai Cnty. Super. Ct.);
Ariz. Free Enter. Club v. Fontes, No. S1300CV202300202 (Yavapai Cnty. Super. Ct.);
Ariz. Free Enter. Club v. Fontes, No. S1300CV202300872 (Yavapai Cnty. Super. Ct.).

1 We also introduced extensive evidence and expert testimony refuting false claims about
2 non-citizen voting in Arizona. *Mi Familia Vota*, 2024 WL 862406, at *16, *31. Preserving
3 the rights of voters, including those who are Federal-Only voters, is core to our mission of
4 empowering Latinx voters in Arizona.

5 8. This lawsuit severely threatens Voto Latino’s constituents, mission, and all of
6 the mission-critical work that I have described above. The plaintiffs seek to compel
7 Maricopa County Recorder Stephen Richer to investigate the citizenship of tens of
8 thousands of Arizonans who are registered as Federal-Only voters in the state’s largest
9 county, even though those voters have attested on pain of perjury that they are citizens—
10 with the goal of immediately purging anyone who officials believe is not a citizen. The
11 plaintiffs further seek to compel the Recorder to refer the names and applications of all
12 Federal-Only voters to the state Attorney General for further investigation.

13 9. Hasty and haphazard investigations into voter qualifications are likely to lead
14 to misidentification of purportedly unqualified voters—substantially risking improper
15 removal from the rolls and disenfranchisement, as well as improper exposure to criminal
16 investigation. The looming threat of investigation by federal and state authorities merely
17 for registering to vote without producing DPOC is further likely to chill many would-be
18 voters among Voto Latino’s core constituency from registering to vote and from casting a
19 ballot if they are registered.

20 10. Latinx citizens are more likely than others to lack ready access to DPOC, and
21 also more likely to lack DPOC at all. Additionally, as a highly transient population, young
22 citizens frequently find themselves in circumstances that cause them to have difficulty
23 accessing DPOC. For example, college students often live away from their family homes
24 and voting residences for long periods of time while at school. They also frequently change
25 their temporary address while at school—for example, by moving between dorm rooms or
26 to off-campus apartments, while still maintaining their permanent residence with family.
27 Latinx citizens are also more likely to have been born outside of the United States and thus
28 have more difficulty obtaining DPOC. Language barriers also disproportionately affect

1 Voto Latino's constituents, increasing the likelihood that these voters will face difficulty in
2 successfully proving their citizenship when they register to vote.

3 11. Further, almost half of Arizona's Latinx households live in impoverished or
4 low-income conditions. As a result, many Latinx voters in Arizona lack access to regular,
5 reliable transportation, and also work multiple jobs with demanding schedules. These
6 conditions make it more difficult and costly for Latinx voters in Arizona to obtain DPOC,
7 which can take months and costs upwards of hundreds of dollars.

8 12. As a result of these and other circumstances, Voto Latino's core constituency
9 is highly likely to be implicated by the relief that the plaintiffs request. And, of course, if
10 voters are removed from the rolls, they may find themselves completely barred from voting
11 in the 2024 general election, posing a direct threat to Voto Latino's mission and diminishing
12 the voting power of Voto Latino's core constituency.

13 13. Indeed, because the relief that the plaintiffs seek would threaten to
14 disenfranchise individuals by removing them from the voter registration rolls and would
15 effectively subject all voters who lack DPOC to extensive state and federal investigation,
16 this action threatens Voto Latino's constituents' fundamental rights and strikes directly at
17 the heart of the organization's mission to grow political engagement among the young
18 Latinx community.

19 14. In addition to potentially undermining hard-fought victories we have achieved
20 in prior litigation to preserve the voting rights of the Latinx community in Arizona, the
21 relief plaintiffs are seeking in this case would further cause Voto Latino to expend
22 significant resources and staff time to educate constituents about the risks associated with
23 the new citizenship investigations of Federal-Only-voters and the associated risk of
24 wrongful purging. To combat the effects of such relief, Voto Latino would educate voters
25 on how to check whether they have been removed from the rolls, and how to navigate re-
26 registering (assuming they would even have time to do so). Such programming would be at
27 the expense of the other critical work Voto Latino is engaged in, posing a threat to the
28

1 effectiveness of Voto Latino's other programs and resources at a particularly critical time
2 as we enter the final weeks before a major presidential election.

3 15. Specifically, because Voto Latino has limited resources, these efforts would
4 necessarily curtail already planned text banking, campus organizing, and voter registration
5 efforts, as well as campaigns about issues of importance for our young and Latinx
6 constituents including healthcare, gun violence prevention, immigration, the environment,
7 reproductive justice, and voting rights.

8 16. For all of these reasons, the plaintiffs' requested relief would harm Voto
9 Latino and the communities of voters we serve in Arizona. We simply cannot realize our
10 mission as an organization if our constituents are prevented from voting as a result of voter
11 purges and/or the chilling effects of criminal investigation. And we as an organization will
12 struggle to realize our goals and grow and expand our work in Arizona if we are forced to
13 divert our limited resources to last-minute, error-prone voter purges and investigations that
14 disproportionately affect our constituents.

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

16 EXECUTED this 16th day of August, 2024.

17
18 By: Ameer Patel
19 Ameer Patel
20 Chief Programs Officer
21 Voto Latino
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EXHIBIT C

1 D. Andrew Gaona (028414)
Austin C. Yost (034602)
2 **COPPERSMITH BROCKELMAN PLC**
2800 North Central Avenue, Suite 1900
3 Phoenix, Arizona 85004
T: (602) 381-5486
4 agaona@cblawyers.com
ayost@cblawyers.com
5

Lalitha D. Madduri*
6 Christopher D. Dodge*
Tyler L. Bishop*
7 Renata O'Donnell*
ELIAS LAW GROUP LLP
8 250 Massachusetts Ave NW, Suite 400
Washington, D.C. 20001
9 T: (202) 968-4330
lmadduri@elias.law
10 cdodge@elias.law
tbishop@elias.law
11 rodonnell@elias.law

12 *Attorneys for Proposed Intervenor-Defendants*
13 *One Arizona and Voto Latino*

14 **Pro Hac Vice Application Forthcoming*

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

16 Strong Communities Foundation of Arizona
17 Incorporated, and Yvonne Cahill,

18 Plaintiffs,

19 v.

20 Stephen Richer, in his official capacity as
21 Maricopa County Recorder, and Maricopa
22 County,

23 Defendants.
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No. 24-CV-02030-SMB

**DECLARATION OF NATAL
FIERROS BOCK IN SUPPORT
OF VOTO LATINO'S AND
ONE ARIZONA'S MOTION TO
INTERVENE AS
DEFENDANTS**

O A R

1 I, Natal Fierros Bock, hereby declare and state the following:

2 1. I am over 18 years of age and competent to testify, and the following facts are
3 based on my personal knowledge.

4 2. I am the Executive Director of One Arizona, a nonpartisan, nonprofit
5 corporation organized under section 501(c)(3) of the Internal Revenue Code. I have been in
6 this position since May 2024, and I oversee all of the organization's operations and
7 programs. Prior to becoming Executive Director, I served as the Executive Director of Rural
8 Arizona Engagement ("RA E"), one of One Arizona's member organizations. As the head
9 of a member organization, I was part of One Arizona's "table," which brings together each
10 of One Arizona's member organizations to allow members to collaborate. I also served as
11 the Secretary for the Executive Committee of One Arizona beginning in 2022. In my role
12 as Secretary, I was responsible for maintaining notes from Board meetings and other
13 important information for the organization, and I was also a voting member of the Executive
14 Committee. Through these positions, I am personally knowledgeable about One Arizona's
15 work throughout the state, including its voter registration, voter protection, get-of-the-vote,
16 and other election related activities, as well as its resource allocation decisions.

17 3. One Arizona initially formed in 2010 as a direct response to growing
18 disenfranchisement of Latino voters in the state and in the wake of SB 1070—also known
19 as the "Show Me Your Papers Law." The law introduced a variety of immigration-related
20 state offenses and enhanced the immigration-related enforcement authority of Arizona's
21 state and local law enforcement officers, which disproportionately impacted people of color
22 in Arizona, particularly Latino people. Recognizing the chilling effect that SB 1070 and
23 increased animus against Latino people was having on the exercise of basic civil rights, four
24 immigration advocacy groups banded together in 2010 with a goal of registering 12,000
25 voters and, shortly after, One Arizona was born.

26 4. Since then, One Arizona has expanded into a nonpartisan, nonprofit advocacy
27 group made up of 29 organizations who together focus on building a culture of civic
28 engagement and democratic participation, especially among voters in historically

1 underrepresented communities, including Latino voters, other communities of color, and
2 young people. One Arizona is the umbrella organization for these 29 groups, who are the
3 members of One Arizona and who represent a diverse coalition of multicultural groups that
4 are focused on advancing a variety of fundamental civil rights in Arizona.¹ To become a
5 member of One Arizona an organization must, among other things, apply to One Arizona
6 and explain why the group aligns with One Arizona's values. The table members
7 representing the existing member organizations then hold a vote on whether to add the new
8 member organization. The table members representing the member organizations also vote
9 on the leadership of One Arizona.

10 5. The centerpiece of One Arizona's mission today is its commitment to
11 increasing civic engagement and democratic participation. As a result, One Arizona heavily
12 invests in voter registration efforts, get-out the-vote projects, voter protection programs,
13 and election-related efforts. In particular, One Arizona provides training, written materials,
14 and other resources to its member groups, who work collaboratively to advance One
15 Arizona's mission of ensuring that all Arizonans are able to participate in the state's
16 elections. One Arizona also provides direct grants to its member groups so that those groups
17 can implement One Arizona's programs, including its voter registration and grassroots get-
18 out-the-vote programs, youth-advocacy programs, and immigration support services. In the
19 last six years alone, One Arizona's members have registered more than 600,000 voters in
20 the state—including 185,000 during 2020 alone.

22 ¹ Those 29 organizations are: All Voting Is Local; Arizona Advocacy Network;
23 Arizona Center for Empowerment; Arizona Coalition for Change; Arizona Democracy
24 Resource Center; Arizona Dream Act Coalition; Arizona Students' Association; Asian
25 Pacific Community in Action; Black Phoenix Organizing Collective; CAIR Arizona;
26 CASE; CHiSPA Arizona; Corazon A ; Fuerte; Instituto; Inter Tribal Council of Arizona,
27 Inc.; Mi Familia Vota; Mountain Park Health Center; New American Leaders; OCA Greater
28 Phoenix; Phoenix Indian Center; Planned Parenthood Arizona; Poder in Action; Poder
Latinx; Progress Arizona Institute; Promise Arizona; Protecting Arizona's Family; Puente
Movement; and Rural Arizona Engagement. Of these 29 organizations, Mi Familia Vota,
Promise Arizona, Arizona Democracy Resource Center, Inter Tribal Council of Arizona,
Arizona Coalition for Change, Poder Latinx, and Arizona Asian American Native Hawaiian
and Pacific Islander For Equity Coalition were litigants in *Mi Familia Vota v. Fontes*.

1 6. One Arizona also invests substantial resources to directly coordinate field
2 work aimed at engaging with potential voters, as well as voter education and community
3 outreach—especially through social media campaigns and other digital programs geared
4 toward young voters and underrepresented groups in Arizona. One Arizona also employs
5 its resources in a similar manner to combat anti-immigrant animus and to stand up for
6 communities impacted by that animus. Consistent with these objectives, during this critical
7 election year, One Arizona is in the midst of coordinating statewide voter registration and
8 get-out-the-vote activities, election protection work, and democracy defense efforts across
9 the state. To date, we have hired 15 paid employees to help us carry out these mission-
10 critical programs.

11 7. This lawsuit severely threatens One Arizona’s members, mission, and all of
12 the work described above. Plaintiffs seek to force investigations into the citizenship of tens
13 of thousands of Arizonans in Maricopa County who are registered as Federal-Only voters,
14 even though those voters have attested on pain of perjury that they are citizens. Plaintiffs
15 also want to immediately purge anyone who officials believe is not a citizen from the voter
16 rolls.

17 8. The kind of investigations that Plaintiffs seek are likely to misidentify
18 noncitizens and risk improperly removing the members and constituents of One Arizona’s
19 member organizations from the rolls, subjecting those Arizonans to improper criminal
20 investigations. In addition, the looming threat of increased scrutiny on voters who register
21 to vote without presenting DPOC by state and federal authorities is likely to chill our
22 members’ planned activities around voter registration and may lead some individuals to
23 decide not to engage in such activities at all, rather than risk the potential consequences.

24 9. Latino citizens and naturalized citizens are more likely than others to lack
25 ready access to DPOC or to completely lack DPOC. These groups are more likely to have
26 been born outside of the United States and face questioning about their citizenship. Our
27 member organizations also serve members and constituents in tribes throughout the state,
28 who face similar barriers in accessing and providing DPOC and affirmatively proving their

1 citizenship. Language barriers disproportionately affect all of these communities,
2 increasing the likelihood that their members will face difficulty in successfully proving their
3 citizenship when they register to vote or responding to citizenship inquiries. Young citizens
4 are also more likely to lack access to DPOC due to transience, including temporary address
5 changes for school or short-term work.

6 10. Obtaining DPOC can take months and costs upwards of hundreds of dollars.
7 Many Latino citizens, Native American citizens, naturalized citizens, and other historically
8 marginalized groups in Arizona live in low-income households and work multiple jobs. As
9 a result, the time and money required to obtain DPOC can be burdensome or not feasible at
10 all.

11 11. As a result of these and other circumstances, the members and constituents of
12 One Arizona's member organizations are highly likely to be implicated by the relief that
13 Plaintiffs' request. Plaintiffs' requested relief threatens to disenfranchise these individuals
14 by removing them from the voter rolls. And, of course, if voters are wrongly removed from
15 the rolls, they may not realize until it is too late and find themselves completely
16 disenfranchised, posing a direct threat to One Arizona's members' fundamental rights and
17 the organization's mission by diminishing its organizing power and ability to grow political
18 engagement among young people and people of color across Arizona.

19 12. Moreover, the relief that Plaintiffs seek would effectively subject all voters
20 who lack DPOC to an intimidating investigation. Such relief is likely to chill political
21 participation of our members due to the fear of possible citizenship and criminal
22 investigations.

23 13. Given that One Arizona's top priority is to create a healthy ecosystem of civic
24 engagement and democratic participation, Plaintiffs' requested relief will force One
25 Arizona to expend significant resources and staff time to educate constituents about the
26 risks associated with the new citizenship investigations of Federal-Only-voters and the
27 associated risk of wrongful purging. Further, to combat the effects of such relief, One
28 Arizona would expend staff time and financial resources developing coordinated

1 communications campaigns to educate voters about how to check whether they have been
2 removed from the rolls and reregistering. One Arizona would further provide financial
3 support to its member organizations that provide direct support to voters who seek
4 assistance after becoming subject to investigations and/or purges. Because One Arizona has
5 limited resources, funding for this kind of programming would necessarily be diverted away
6 from One Arizona's investments in its other critical programming described above,
7 including the voter registration and get-out-the-vote efforts that we are already
8 implementing this year. Diverting these resources would be detrimental to our work and our
9 mission, particularly given that we are just a few months away from the 2024 general
10 election.

11 14. For all these reasons, Plaintiffs' requested relief would harm One Arizona
12 directly as well as the communities of people of color and young people that we serve in
13 Arizona. If our members' constituents are purged from the rolls, disenfranchised, or chilled
14 from political participation, we cannot achieve our mission to improve the lives of
15 Arizonans by building a culture of civic participation across the state.

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

17 EXECUTED this 16th day of August, 2024.

18
19 By: Natalí Fierros Bock

20 Natalí Fierros Bock
21 Executive Director
22 One Arizona
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