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7 **IN THE UNITED STATES DISTRICT COURT**  
 8 **FOR THE DISTRICT OF ARIZONA**

Case No: Case No: 2:24-cv-02030-KML

10 Strong Communities Foundation of Arizona, Inc.,  
 11 and Yvonne Cahill,

12 Plaintiffs,

13 v.

14 Stephen Richer, in his official capacity as Maricopa  
 15 County Recorder, *et al.*,

16 Defendants.

**GRAHAM COUNTY  
 DEFENDANTS' ANSWER TO  
 FIRST AMENDED COMPLAINT**

17 Defendants Graham County Recorder Polly Merriman (the "Recorder") and Graham County  
 18 (together, the "Graham County Defendants") answer Plaintiffs' First Amended Complaint ("Amended  
 19 Complaint") as follows.

20 **GRAHAM COUNTY DEFENDANTS' JOINDER AND GENERAL DENIAL**

21 The Graham County Defendants join the Maricopa County Defendants' Answer to Plaintiffs'  
 22 First Amended Complaint filed on September 17, 2024, unless otherwise noted herein. Every allegation  
 23 in Plaintiffs' Amended Complaint that is not specifically admitted in this Answer is denied.

24 **INTRODUCTION**

- 25 1. The Graham County Defendants join the Maricopa County Defendants in their  
 26 responses to the allegations in Paragraphs 1-7 of the Amended Complaint.  
 27 2. The Graham County Defendants deny all allegations made in Paragraph 8 as to the  
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Graham County Defendants, and further affirmatively state that the Graham County Recorder complies with all legal requirements concerning voter registration list maintenance. The Graham County Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations concerning the other Defendants.

3. Answering Paragraph 9, Graham County Defendants deny that they have failed to follow the law. The Graham County Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations concerning the voters or the other Defendants. The Graham County Defendants join Maricopa County Defendants in asserting that to the extent there has been any loss of confidence in the integrity of the election system, it is far more likely the result of the repeated, false allegations against election officers and their administration of elections.

4. The Graham County Defendants join the Maricopa County Defendants in their responses to Paragraphs 10 and 11.

5. Answering Paragraph 12, the Graham County Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations concerning the Plaintiffs' motive in filing this lawsuit. The Graham County Defendants further deny that the Graham County Recorder has failed to comply with the list maintenance procedures required by law.

#### **PARTIES**

6. The Graham County Defendants join the Maricopa County Defendants in their responses to Paragraphs 13-16.

7. Answering Paragraph 17, the Graham County Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations concerning EZAZ.org's members. The Graham County Defendants deny that the Graham County Recorder has failed to comply with required voter list maintenance practices.

8. The Graham County Defendants join the Maricopa County Defendants in their responses to Paragraphs 18-50.

#### **JURISDICTION AND VENUE**

9. The Graham County Defendants join the Maricopa County Defendants in their response to Paragraph 51.

10. Answering Paragraph 52, the Graham County Defendants admit that Plaintiff Strong Communities Foundation sent a letter to the Graham County Recorder asserting the Graham County Recorder had failed to comply with her purported mandatory obligation to submit a request to DHS for citizenship confirmation. Graham County further admits that said letter alleges a violation that occurred within 120 days before an election for a federal office. The Graham County Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations concerning the other Defendants. The Graham County Defendants deny all other allegations made in Paragraph 52. Additionally, the Graham County Defendants affirmatively state as follows: (1) County recorders are not “chief election officials” within the meaning of 52 U.S.C. § 20510(b); (2) Plaintiffs sent their “notice” on July 16, 2024, which is within 120 days of the next federal election; (3) Section 20510(b) requires that a plaintiff may only file a lawsuit alleging a violation of the NVRA occurring within 120 days before the date of a federal election after providing written notice of the violation “to the chief election official of the state involved” (the “NVRA Notice Letter”) and providing that official twenty days to correct the alleged violation, 52 U.S.C. § 20510(b)(2); (4) the Arizona Secretary of State is the “chief state election officer” under NVRA, A.R.S. § 16-142(A); and (5) Plaintiffs failed to provide the NVRA Notice Letter to the Secretary of State prior to filing their lawsuit as required by 52 U.S.C. § 20510(b). Thus, Plaintiffs failed to comply with the law’s requirements for bringing a lawsuit alleging violations of the NVRA.

11. The Graham County Defendants join the Maricopa County Defendants in their responses to Paragraphs 53-56.

#### GENERAL ALLEGATIONS

12. The Graham County Defendants join the Maricopa County Defendants in their response to Paragraph 57.

##### *I. Arizona’s Federal-Only Voters*

13. The Graham County Defendants join the Maricopa County Defendants in their responses to Paragraphs 58-64.

14. Answering Paragraph 65, the Graham County Defendants deny that the number of Federal-Only Voters increases in Graham County each month. In fact, between April 1, 2024, and

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October 7, 2024, the number of Federal-Only Voters in Graham County decreased from 47 to 43. The Graham County Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations concerning the other Defendants.

15. The Graham County Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraphs 66 and 67.

## ***II. Voter List Maintenance Requirements***

16. The Graham County Defendants join the Maricopa County Defendants in their responses to Paragraphs 68-71.

17. Answering Paragraph 72, the Graham County Defendants deny that the Graham County Recorder has failed to perform required list maintenance. The Graham County Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations concerning the other Defendants.

18. The Graham County Defendants join the Maricopa County Defendants in their response to Paragraph 73.

19. Answering Paragraph 74, the Graham County Defendants deny that the Graham County Recorder has failed to perform required list maintenance. The Graham County Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations concerning the other Defendants.

20. The Graham County Defendants join the Maricopa County Defendants in their responses to Paragraphs 75-81.

## ***III. Foreign Citizens do register to vote.***

21. The Graham County Defendants join the Maricopa County Defendants in their responses to Paragraphs 82-88.

## ***IV. SAVE, SSA, and EVVE are Insufficient to Definitively Verify Citizenship***

22. The Graham County Defendants join the Maricopa County Defendants in their responses to Paragraphs 89-105.<sup>1</sup>

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<sup>1</sup> Maricopa County inadvertently referred to paragraph 89 when answering Plaintiffs' allegations in Paragraph 93 of the First Amended Complaint. Graham County wishes to correct this for their own Answer.

***V. SSA and EVVE***

1           23.     The Graham County Defendants join the Maricopa Defendants in their responses to  
2 Paragraphs 106-116.

3           ***VI. Federal Law Entitles County Recorders to Submit Citizenship Inquiries to DHS***

4           24.     The Graham County Defendants join the Maricopa County Defendants in their  
5 responses to Paragraphs 117-127.

6           25.     The Graham County Defendants lack knowledge and information sufficient to form a  
7 belief about the truth of the allegations in Paragraph 128.

8           26.     The Graham County Defendants join the Maricopa County Defendants in their  
9 responses to Paragraphs 129-134.

10           ***VII. County Recorder Obligations to Provide to the Attorney General a List of Federal-Only Voters***

11           27.     The Graham County Defendants join the Maricopa County Defendants in their  
12 responses to Paragraphs 135-137.

13           28.     Answering Paragraph 138, the Graham County Defendants deny the allegations as to  
14 the Graham County Recorder. The Graham County Defendants further affirmatively state that the  
15 Graham County Recorder follows and complies with all applicable law, and any allegations to the  
16 contrary stated and implied are denied. The Graham County Defendants lack knowledge or  
17 information sufficient to form a belief about the truth of the allegations concerning the other  
18 Defendants.

19           29.     Answering Paragraph 139, the Graham County Defendants admit that they have not  
20 sent a list of Federal-Only Voters to the Attorney General. The Graham County Defendants further  
21 affirmatively state that the Recorder complies with A.R.S. § 16-143(A), and that there is no ongoing  
22 requirement that the county recorders “provide” information about Federal-Only Voters to the  
23 Attorney General. The Graham County Defendants lack knowledge or information sufficient to form  
24 a belief about the truth of the allegations concerning the other Defendants.

25           30.     Answering Paragraph 140, the Graham County Defendants admit that the Graham  
26 County Recorder did not send the Attorney General applications of all of Graham County’s Federal-  
27 Only Voters on or before October 31, 2022, as contemplated by A.R.S. § 16-143(A), because there was  
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1 no requirement that she do so, nor did she have any authority to do so. The Graham County Defendants  
2 further affirmatively state that, as explained in the answer to Paragraph 135, the requirement that the  
3 Recorder send voters' applications to the Attorney General by October 31, 2022, did not become  
4 effective until after that date. Consequently, the Recorder had no legal obligation or authority to send  
5 voter registration applications to the Attorney General "on or before October 31, 2022."

6 ***VIII. Pre-Litigation Efforts to Request Compliance as to Maricopa County***

7 31. The Graham County Defendants lack knowledge or information sufficient to form a  
8 belief about the truth of the allegations in Paragraphs 141-148.

9 32. The Graham County Defendants join the Maricopa County Defendants in their  
10 responses to Paragraphs 149-150.

11 33. The Graham County Defendants lack knowledge and information sufficient to form a  
12 belief about the truth of the allegations in Paragraphs 151-155.

13 ***IX. Pre-Litigation Efforts to Request Compliance as the Other Counties***

14 34. Answering Paragraph 156, the Graham County Defendants admit that the Graham  
15 County Recorder received a letter from Strong Communities Foundation on or about July 16, 2024,  
16 and that the letter purported to "remind" the Recorder of list maintenance responsibilities. The  
17 Graham County Defendants further admit that the letter erroneously claimed that a citizenship inquiry  
18 made to DHS pursuant to 8 U.S.C. §§ 1373 and 1644 would allow the Recorder to fulfill those  
19 obligations. The Graham County Defendants lack knowledge or information sufficient to form a  
20 belief about the truth of the allegations concerning the other Defendants.

21 35. The Graham County Defendants join the Maricopa County Defendants in their  
22 responses to Paragraphs 157-158.

23 36. The Graham County Defendants lack knowledge or information sufficient to form a  
24 belief about the truth of the allegations in Paragraph 159.

25 37. The Graham County Defendants join the Maricopa County Defendants in their  
26 responses to Paragraphs 160-162.

27 38. Answering Paragraph 163, the Graham County Defendants admit that they did not  
28 respond to the Strong Communities Foundation letter, but they lack knowledge or information

sufficient to form a belief about the truth of the allegations concerning the other Defendants.

**COUNT I**

**Failure to Use “All Available Resources” for Voter List Maintenance of Federal-Only Voters (Special Action, Declaratory, and Injunctive Relief) A.R.S. §§ 16-121.01(D), 12-1801, 12-1832, 12-2021, Ariz. R. Civ. P. 65, RPSA 3, and 28 U.S.C. § 1651**

39. Answering Paragraph 164, the Graham County Defendants incorporate their responses to the incorporated allegations.

40. The Graham County Defendants join the Maricopa County Defendants in their response to Paragraph 165.

41. The Graham County Defendants deny the allegations in Paragraph 166.

42. Answering Paragraph 167, the Graham County Defendants admit that the Graham County Recorder has not submitted any citizenship inquiries to DHS pursuant to 8 U.S.C. §§ 1373 or 1644. The Graham County Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations.

43. The Graham County Defendants deny the allegations in Paragraph 168 as it relates to the Graham County Recorder and affirmatively state that the Recorder fully complies with A.R.S. § 16-121.01(D). The Graham County Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations concerning the other Defendants.

44. The Graham County Defendants deny the allegations in Paragraph 169 as they relate to the Graham County Recorder and affirmatively state that the Recorder fully complies with A.R.S. § 16-121.01(D). The Graham County Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations concerning the other Defendants.

**COUNT II**

**Failure to Consult Accessible Databases for Voter List Maintenance of Federal-Only Voters (Special Action, Declaratory, and Injunctive Relief) A.R.S. §§ 16-121.01(D)(5), 12-1801, 12-1831, 12-1832, 12-2021, Ariz. R. Civ. O. 65, RPSA 3, and 28 U.S.C. § 1651**

45. Answering Paragraph 170, the Graham County Defendants incorporate their responses to the incorporated allegations.

46. The Graham County Defendants join the Maricopa County Defendants in their responses to Paragraphs 171-172.

47. Answering Paragraph 173, the Graham County Defendants admit that the Graham

1 County Recorder has not submitted any citizenship inquiries to DHS pursuant to 8 U.S.C. §§ 1373 or  
2 1644—because (1) the Recorder already uses DHS’s citizenship-inquiry process with SAVE pursuant  
3 to A.R.S. § 16-121.01(D), for those registrants whose specific immigration enumerators are accessible  
4 and known, and (2) there is no other DHS citizenship inquiry available unless one has the specific  
5 immigration enumerators for those whose citizenship is being investigated. Thus, all those for whom  
6 inquiries to DHS could be made have already been made, and there is no additional inquiry that can be  
7 made. The Graham County Defendants lack knowledge or information sufficient to form a belief about  
8 the truth of the allegations concerning the other Defendants.

9 48. The Graham County Defendants deny the allegations in Paragraph 174 as they relate  
10 to the Graham County Recorder and affirmatively state that the Recorder complies with A.R.S. §16-  
11 121.01(D). The Graham County Defendants lack knowledge or information sufficient to form a belief  
12 about the truth of the allegations concerning the other Defendants.

13 49. The Graham County Defendants deny the allegations in Paragraph 175 as they relate  
14 to the Graham County Recorder and affirmatively state that the Recorder complies with A.R.S. §16-  
15 121.01(D). The Graham County Defendants lack knowledge or information sufficient to form a belief  
16 about the truth of the allegations concerning the other Defendants.

17 50. The Graham County Defendants deny the allegations in Paragraph 176 as they relate  
18 to the Graham County Recorder and affirmatively state that the Recorder complies with A.R.S. §16-  
19 121.01(D). The Graham County Defendants lack knowledge or information sufficient to form a belief  
20 about the truth of the allegations concerning the other Defendants.

### 21 **COUNT III**

#### 22 **Failure to Conduct Regular Voter List Maintenance of Federal-Only Voters Using Accessible 23 Databases (Special Action, Declaratory, and Injunctive Relief) A.R.S. §§ 16-165(K), 12-1801, 24 12-1831, 12-1832, 12-2021, Ariz. R. Civ. O. 65, RPSA 3, and 28 U.S.C. § 1651**

25 51. Answering Paragraph 177, the Graham County Defendants incorporate their  
26 responses to the incorporated allegations.

27 52. The Graham County Defendants join the Maricopa County Defendants in their  
28 responses to Paragraphs 178-182.

53. Answering Paragraph 183, the Graham County Defendants admit that the Graham

1 County Recorder has not submitted any citizenship inquiries to DHS pursuant to 8 U.S.C. §§ 1373 or  
2 1644. The Graham County Defendants lack knowledge or information sufficient to form a belief  
3 about the truth of the allegations concerning the other Defendants.

4 54. The Graham County Defendants deny the allegations in Paragraph 184.

5 55. Answering Paragraph 185, the Graham County Defendants deny that the Graham  
6 County Recorder has violated any mandatory duties under A.R.S. § 16-165(K). Graham County  
7 Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations  
8 concerning the other Defendants.

9 56. Answering Paragraph 186, the Graham County Defendants deny allegations as they  
10 relate to the Graham County Recorder. The Graham County Defendants lack knowledge or information  
11 sufficient to form a belief about the truth of the allegations concerning the other Defendants.

#### 12 **COUNT IV**

#### 13 **Failure to Send Information About Federal-Only Veterans to the Attorney General (Special 14 Action, Declaratory, and Injunctive Relief) A.R.S. §§ 16-143, 12-1801, 12-1831, 12-1832, 12- 15 2021, Ariz. R. Civ. O. 65, RPSA 3, and 28 U.S.C. § 1651**

16 57. Answering Paragraph 187, the Graham County Defendants incorporate their responses  
17 to the incorporated allegations.

18 58. The Graham County Defendants join the Maricopa County Defendants in their  
19 response to Paragraph 188.

20 59. Answering Paragraph 189, the Graham County Defendants deny that the Graham  
21 County Recorder has not “made available” to the Attorney General information that the statute requires  
22 be made available. The Graham County Defendants admits that the Graham County Recorder has not  
23 provided to the Attorney General any voter registration applications pursuant to this statute, which  
24 required that they be provided on or before October 31, 2022. The Graham County Defendants  
25 affirmatively state, as previously explained above, that the cited statute did not take effect until  
26 December 31, 2022—after the October 31, 2022, deadline to provide the application. Therefore, the  
27 statute was not in effect on October 31, 2022, and the statute’s requirement—i.e., that the Recorder  
28 provide to the Attorney General voter registration applications by that date—has (and had) no legal  
force. The Graham County Defendants lack knowledge or information sufficient to form a belief about





**CERTIFICATE OF SERVICE**

I hereby certify that on October 31, 2024, I caused the foregoing document to be electronically transmitted to the Clerk's Office using the CM/ECF system for filing and served on counsel of record via the Court's CM/ECF system.

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