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6 *Attorneys for Santa Cruz County Defendants*

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

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

11 Plaintiffs,

12 vs.

No. 2:24-CV-02030-PHX-KML

**SANTA CRUZ COUNTY**  
**DEFENDANTS'**  
**ANSWER**

13 STEPHEN RICHER in his official capacity as  
14 Maricopa County Recorder, and MARICOPA  
COUNTY;  
15 LARRY NOBLE, in his official capacity as  
Apache County Recorder, and APACHE  
16 COUNTY;  
17 DAVID W. STEVENS, in his official capacity  
as Cochise County Recorder, and COCHISE  
18 COUNTY;  
19 PATTY HANSEN, in her official capacity as  
Coconino County Recorder, and COCONINO  
COUNTY;  
20 SADIE JO BINGHAM, in her official capacity  
as Gila County Recorder, and GILA COUNTY  
21 POLLY MERRIMAN, in her official capacity  
as Graham County Recorder, and GRAHAM  
COUNTY;  
22 SHARIE MILHEIRO, in her official capacity as  
Greenlee County Recorder, and GREENLEE  
23 COUNTY;  
24 RICHARD GARCIA, in his official capacity as  
La Paz County Recorder, and LA PAZ  
COUNTY;  
25 LYDIA DURST, in her official capacity as  
Mohave County Recorder, and MOHAVE  
26 COUNTY;  
27 MICHAEL SAMPLE, in his official capacity as  
Navajo County Recorder, and NAVAJO  
COUNTY  
28 GABRIELLA CAZARES-KELLY, in her

1 official capacity as Pima County Recorder, and  
PIMA COUNTY;  
2 DANA LEWIS, in her official capacity as Pima  
County Recorder, and PINAL COUNTY;  
3 ANITA MORENO, in her official capacity as  
Santa Cruz County Recorder, and SANTA  
4 CRUZ COUNTY;  
MICHELLE BURCHILL, in her official  
5 capacity as Yavapai County Recorder, and  
YAVAPAI COUNTY;  
6 RICHARD COLWELL, in his official capacity  
as Yuma County Recorder, and YUMA  
7 COUNTY;

Defendants.

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10 Defendants Santa Cruz County Recorder Anita Moreno, in her official capacity, and  
11 Santa Cruz County (hereinafter, “SANTA CRUZ COUNTY DEFENDANTS”)) answer  
12 Plaintiffs’ Complaint as follows.

13 **SANTA CRUZ COUNTY DEFENDANTS’ PREFATORY STATEMENT**

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15 SANTA CRUZ COUNTY DEFENDANTS, overall, adopt and incorporate by  
16 reference the MARICOPA COUNTY DEFENDANTS’ Answer and republish it here.  
17 SANTA CRUZ COUNTY DEFENDANTS have edited some responses, based on  
18 knowledge, lack thereof, or specifics pertinent to SANTA CRUZ COUNTY  
19 DEFENDANTS’ situation different from Maricopa County Defendants.  
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21 Arizona has a bifurcated system of voter registration. To be a “Full Ballot” voter,  
22 eligible to vote in federal, state, and local elections, voters must provide documentary proof  
23 of citizenship (“DPOC”). A.R.S. § 16-166(F) (as limited by *Arizona v. Inter Tribal Council*  
24 *of Arizona, Inc.*, 570 U.S. 1 (2013) (“*ITCA*”). Those registrants who do not provide DPOC,  
25 but who nonetheless swear or affirm that they are United States citizens, are registered as  
26 “Federal Only” voters and are eligible to vote in federal elections only. This result is  
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1 required by federal law, which requires states to “accept and use” a uniform federal form  
2 (the “Federal Form”) produced by the Elections Assistance Commission (the “EAC”) for  
3 voter registration for federal elections. 52 U.S.C. § 20505(a)(1). States are prohibited from  
4 requiring federal voter registration applicants to submit additional information beyond that  
5 required by the Federal Form. *ITCA*, 570 U.S. at 15. Because the Federal Form does not  
6 require DPOC, 52 U.S.C. § 20508(b), Arizona is prohibited from requiring DPOC for  
7 Federal Only voters.<sup>1</sup>

8  
9 Even under the bifurcated voter registration system just described, noncitizens are not  
10 allowed to register to vote in federal elections. The Federal Form requires that registrants  
11 attest that they are United States citizens and sign the Form under penalty of perjury. 52  
12 U.S.C. § 20508(b)(2). Thus, every voter registrant in Maricopa County demonstrates their  
13 citizenship, either by providing DPOC or by attestation under penalty of perjury.  
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16 In Arizona, each county’s recorder maintains the county’s roll of registered voters.  
17 Both federal and state law require the county recorders to perform “list maintenance” of the  
18 voter registration rolls, which involves removing those who have moved out of the county,  
19 are deceased, or are otherwise have become ineligible to vote. This lawsuit concerns that  
20 process.  
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22 In their four-count Complaint, Plaintiffs allege that the Recorder is not properly  
23 performing list maintenance regarding noncitizens who are unlawfully registered to vote. In  
24 Counts I – III they allege that, pursuant to 8 U.S.C. § 1373 and § 1644, he is required to  
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27 <sup>1</sup> The EAC’s instructions for using the Federal Form are available at  
28 [https://www.eac.gov/sites/default/files/eac\\_assets/1/6/Federal\\_Voter\\_Registration\\_ENG.pdf](https://www.eac.gov/sites/default/files/eac_assets/1/6/Federal_Voter_Registration_ENG.pdf). The Federal Form itself is between pages 2 and 3 of the EAC instructions.

1 make “1373/1644 Requests” to the Department of Homeland Security for Maricopa  
2 County’s voters’ citizenship information but is not doing so. In Count IV, Plaintiffs allege  
3 that Arizona law requires the Recorder to send lists of certain voters, as well as certain voter  
4 registration applications, to the Arizona Attorney General but he has not done so. But  
5 Plaintiffs are incorrect about all of this. Each of their claims misunderstands, or misstates,  
6 what the law requires. Accordingly, the Complaint fails as a matter of law.  
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8 **SANTA CRUZ COUNTY DEFENDANTS’ GENERAL DENIAL**

9 Every allegation in the Complaint that is not specifically admitted in this Answer is  
10 denied.  
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12 **(PLAINTIFFS’) INTRODUCTION**

13 1. The SANTA CRUZ COUNTY DEFENDANTS admit the allegations of  
14 Paragraph 1.

15 2. The quoted portion of the Rasmussen Report speaks for itself and does not  
16 require a response. To the extent a response is required, the SANTA CRUZ COUNTY  
17 DEFENDANTS admit that the article contains the quoted text, but lack sufficient knowledge  
18 to admit or deny and, therefore, DENY any allegations, inferences, and conclusions in  
19 Paragraph 2.  
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21 3. The quoted portion of the Rasmussen Report speaks for itself and does not  
22 require a response. To the extent a response is required, the SANTA CRUZ COUNTY  
23 DEFENDANTS admit that the article contains the quoted text, but lack sufficient knowledge  
24 to admit or deny and, therefore, DENY any allegations, inferences, and conclusions in  
25 Paragraph 3.  
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1           4.       SANTA CRUZ COUNTY DEFENDANTS lack sufficient knowledge to  
2 admit or deny and, therefore, DENY any allegations, inferences, and conclusions in  
3 Paragraph 4.

4           5.       Paragraph 5 contains legal conclusions to which no response is required. To  
5 the extent a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit that  
6 the Legislature enacted H.B. 2243 and H.B. 2492 that concerned voter registration list  
7 maintenance in 2022 and that the legislation was signed into law by the Governor. The  
8 SANTA CRUZ COUNTY DEFENDANTS lack sufficient knowledge to admit or deny and,  
9 therefore, DENY any allegations, inferences, and conclusions in the remaining allegations  
10 of Paragraph 5.  
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12           6.       The SANTA CRUZ COUNTY DEFENDANTS lack sufficient knowledge to  
13 admit or deny and, therefore, DENY any allegations, inferences, and conclusions in  
14 Paragraph 6.  
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16           7.       The SANTA CRUZ COUNTY DEFENDANTS admit that the cited statute  
17 contains the quoted text. The SANTA CRUZ COUNTY DEFENDANTS admit to an  
18 obligation to conduct voter list maintenance. The SANTA CRUZ COUNTY  
19 DEFENDANTS DENY Plaintiffs' interpretation that the cited statute requires them to  
20 "ensure" that ineligible voters are removed from the voter rolls. The SANTA CRUZ  
21 COUNTY DEFENDANTS deny all remaining allegations in Paragraph 7. The SANTA  
22 CRUZ COUNTY DEFENDANTS join the Maricopa County Defendants and affirmatively  
23 state as follows: the cited statute, 52 U.S.C. § 21083, concerns how a County Recorder must  
24 perform voter registration list maintenance activities. It requires that a County Recorder  
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1 ensure that the only voters whose names are removed from the voter registration list are  
2 those who are *actually* ineligible to vote. *See* 52 U.S.C. § 21083(a)(2)(B)(ii) (providing that  
3 “[t]he list maintenance performed under subparagraph (A) shall be conducted in a manner  
4 that ensures that-- . . . only voters who are not registered or who are not eligible to vote are  
5 removed from the computerized list”). The cited statute is better interpreted as a voter-  
6 protection statute, placing a requirement upon the Recorder that s/he take appropriate steps  
7 to make certain that no one who is eligible to vote is removed by mistake from the voter  
8 registration list. Plaintiffs, however, understate the balance of voters’ rights versus directives  
9 within the statute to the “State and local election official” and overstates a Recorder’s  
10 obligation as “ensure” that no one who is ineligible to vote is listed on the voter registration  
11 list. No statute or law requires the Recorder to “ensure” that the voter registration list is  
12 completely free from even a single ineligible voter. SANTA CRUZ COUNTY  
13 DEFENDANTS, otherwise, demand Plaintiffs provide strict proof, thereof.

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17 8. The SANTA CRUZ COUNTY DEFENDANTS deny all allegations and  
18 commentary made in Paragraph 8 as they relate to the SANTA CRUZ COUNTY  
19 DEFENDANTS. The SANTA CRUZ COUNTY DEFENDANTS lack sufficient knowledge  
20 or information to form a belief as to the truth or falsity of Paragraph 8’s allegations as they  
21 relate to the other Defendants and so deny them and demand strict proof, thereof. The  
22 SANTA CRUZ COUNTY DEFENDANTS affirmatively state that Santa Cruz County  
23 Recorder, Anita Moreno, complies with all legal requirements concerning voter registration  
24 list maintenance and any allegation to the contrary is without basis and expressly denied.

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27 9. The SANTA CRUZ COUNTY DEFENDANTS deny that they have “failed”  
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1 to follow the law as alleged in Paragraph 9. The SANTA CRUZ COUNTY DEFENDANTS  
2 lack sufficient knowledge or information to form a belief as to the truth or falsity of whether  
3 the other Defendants have “failed” to follow the law as alleged in Paragraph 9 and therefore  
4 deny such allegations and inferences and demand strict proof thereof. The SANTA CRUZ  
5 COUNTY DEFENDANTS lack sufficient knowledge or information to form a belief as to  
6 whether voters have “los[t] confidence in the integrity of our election system” as alleged in  
7 Paragraph 9 and therefore deny the allegation, as well as, demand strict proof, thereof. More  
8 important, SANTA CRUZ COUNTY DEFENDANTS question Paragraph 9’s foundation  
9 and relevance.  
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12 10. For support for the allegations in Paragraph 10, Plaintiffs supplied a link to a  
13 Rasmussen Reports article. However, the link only brings up a selected portion of the article,  
14 the remainder of which is unavailable without cost. It also brings up a message stating:  
15 “Archived Page Not Found.” The portion of the article does not say what Plaintiffs allege  
16 in Paragraph 10. Accordingly, the SANTA CRUZ COUNTY DEFENDANTS lack  
17 sufficient knowledge or information to form a belief as to the foundation, credibility, and  
18 relevance of the allegations in Paragraph 10 and therefore deny them.  
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21 11. For support for the allegations made in Paragraph 11, Plaintiffs supplied  
22 another link to a Rasmussen Reports article. However, just like the link supplied for  
23 Paragraph 10, the link to support the allegations made in Paragraph 11 only brings up a  
24 selected portion of the Rasmussen Reports article, the remainder of which is unavailable  
25 absent paying for it. It also brings up a message stating: “Archived Page Not Found.” The  
26 snippet of the article does, however, say what Plaintiffs allege that it says. Accordingly, the  
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1 SANTA CRUZ COUNTY DEFENDANTS admit that the cited Rasmussen Report article  
2 contains the quoted text. The SANTA CRUZ COUNTY DEFENDANTS, otherwise, lack  
3 sufficient knowledge or information to form a belief as to the foundation, credibility, and  
4 relevance of the allegations in Paragraph 11 and therefore deny them..

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6 12. The SANTA CRUZ COUNTY DEFENDANTS lack sufficient knowledge or  
7 information to form a belief as to the allegations of Paragraph 12. The SANTA CRUZ  
8 COUNTY DEFENDANTS affirmatively state that Recorder Moreno has no “failures” as  
9 alleged in this lawsuit and all allegations to the contrary are false.

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11 **PARTIES**

12 13. The SANTA CRUZ COUNTY DEFENDANTS lack sufficient knowledge or  
13 information to form a belief as to the truth or falsity of the allegations in Paragraph 13 and  
14 therefore deny them.

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16 14. The SANTA CRUZ COUNTY DEFENDANTS lack sufficient knowledge or  
17 information to form a belief as to the truth or falsity of the allegations in Paragraph 14 and  
18 therefore deny them.

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20 15. The SANTA CRUZ COUNTY DEFENDANTS lack sufficient knowledge or  
21 information to form a belief as to the truth or falsity of the allegations in Paragraph 15 and  
22 therefore deny them.

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24 16. The SANTA CRUZ COUNTY DEFENDANTS lack sufficient knowledge or  
25 information to form a belief as to the truth or falsity of the allegations in Paragraph 16 and  
26 therefore deny them.

27 17. The SANTA CRUZ COUNTY DEFENDANTS deny that there is any  
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1 “unlawful failure” on the part of Recorder Moreno “to comply with required voter list  
2 maintenance practices” as alleged in Paragraph 17. The SANTA CRUZ COUNTY  
3 DEFENDANTS affirmatively state that the Santa Cruz County Recorder complies with, *and*  
4 *is in compliance with*, the laws that concern voter registration list maintenance and any  
5 allegation to the contrary is misguided, misleading, and/or false. The SANTA CRUZ  
6 COUNTY DEFENDANTS lack sufficient knowledge or information to form a belief as to  
7 the truth or falsity of the remaining allegations in Paragraph 17 and therefore deny them.  
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10 18. The allegations in Paragraph 18 state a legal conclusion to which no response  
11 is required. To the extent that a response is required, the SANTA CRUZ COUNTY  
12 DEFENDANTS deny all allegations in Paragraph 18.

13 19. The SANTA CRUZ COUNTY DEFENDANTS lack sufficient knowledge or  
14 information to form a belief as to the allegations in Paragraph 19 and, therefore, deny them.

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16 20. The SANTA CRUZ COUNTY DEFENDANTS lack sufficient knowledge or  
17 information to form a belief as to the allegations in Paragraph 20 and therefore deny them.

18 21. The SANTA CRUZ COUNTY DEFENDANTS admit that Stephen Richer  
19 is the Maricopa County Recorder and that he is sued in his official capacity. The remainder  
20 of this Paragraph states legal conclusions to which no response is required. The SANTA  
21 CRUZ COUNTY DEFENDANTS otherwise adopt and incorporate by reference the  
22 responses of Maricopa County Defendants.  
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24 22. The SANTA CRUZ COUNTY DEFENDANTS admit that Maricopa County  
25 is a political subdivision of the State of Arizona and that Recorder Richer is an elected officer  
26 of Maricopa County. The remainder of the Paragraph states a legal conclusion to which no  
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1 response is required. To the extent a response is required, the SANTA CRUZ COUNTY  
2 DEFENDANTS admit that Maricopa County has the power to sue and be sued, as with any  
3 Arizona county. The SANTA CRUZ COUNTY DEFENDANTS further affirmatively state  
4 that, in order for someone to sue one of Arizona's Counties, they must be able to articulate  
5 an injury caused by the County or otherwise be able to state why the County is a necessary  
6 party.  
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8 23. The SANTA CRUZ COUNTY DEFENDANTS admit that Larry Noble is the  
9 Apache County Recorder and that he is sued in his official capacity. The remainder of this  
10 Paragraph states legal conclusions to which no response is required. To the extent that a  
11 response is required, the SANTA CRUZ COUNTY DEFENDANTS admit that the office of  
12 Recorder is created by Arizona's Constitution; that the Recorder is one of the principal  
13 elections officers of Apache County; that the Recorder is responsible for overseeing and  
14 directing numerous components of election administration within the county; and, that some  
15 of the Recorder's responsibilities concern voter registration list maintenance and verifying  
16 citizenship status of voter-registration applicants. To the extent that Paragraph 23 contains  
17 additional allegations beyond those admitted, they are denied by the SANTA CRUZ  
18 COUNTY DEFENDANTS.  
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22 24. The SANTA CRUZ COUNTY DEFENDANTS admit that Apache County  
23 is a county in the State of Arizona and that Recorder Noble is an elected officer of the county.  
24 The remainder of the Paragraph states a legal conclusion to which no response is required.  
25 To the extent a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit  
26 that an Arizona county has the power to sue and be sued. To the extent that Paragraph 24  
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1 contains additional allegations beyond those admitted, they are denied by the SANTA CRUZ  
2 COUNTY DEFENDANTS. The SANTA CRUZ COUNTY DEFENDANTS further  
3 affirmatively state that, in order for someone to sue one of Arizona's counties, they must be  
4 able to articulate an injury caused by the county or otherwise be able to state why the county  
5 is a necessary party.  
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7 25. The SANTA CRUZ COUNTY DEFENDANTS admit that David Stevens is  
8 the Cochise County Recorder and that he is sued in his official capacity. The remainder of  
9 this Paragraph states legal conclusions to which no response is required. To the extent that  
10 a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit that the office  
11 of Recorder is created by Arizona's Constitution; that the Recorder is one of the principal  
12 elections officers of Cochise County; that the Recorder is responsible for overseeing and  
13 directing numerous components of election administration within the county; and, that some  
14 of the Recorder's responsibilities concern voter registration list maintenance and verifying  
15 citizenship status of voter-registration applicants. To the extent that Paragraph 25 contains  
16 additional allegations beyond those admitted, they are denied by the SANTA CRUZ  
17 COUNTY DEFENDANTS.  
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21 26. The SANTA CRUZ COUNTY DEFENDANTS admit that Cochise County  
22 is a county in the State of Arizona and that Recorder Stevens is an elected officer of the  
23 county. The remainder of the Paragraph states a legal conclusion to which no response is  
24 required. To the extent a response is required, the SANTA CRUZ COUNTY  
25 DEFENDANTS admit that an Arizona county has the power to sue and be sued. To the  
26 extent that Paragraph 26 contains additional allegations beyond those admitted, they are  
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1 denied by the SANTA CRUZ COUNTY DEFENDANTS. The SANTA CRUZ COUNTY  
2 DEFENDANTS further affirmatively state that, in order for someone to sue one of Arizona's  
3 counties, they must be able to articulate an injury caused by the county or otherwise be able  
4 to state why the county is a necessary party.  
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6 27. The SANTA CRUZ COUNTY DEFENDANTS admit that Patty Hansen is  
7 the Coconino County Recorder and that she is sued in her official capacity. The remainder  
8 of this Paragraph states legal conclusions to which no response is required. To the extent  
9 that a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit that the  
10 office of Recorder is created by Arizona's Constitution; that the Recorder is one of the  
11 principal elections officers of Coconino County; that the Recorder is responsible for  
12 overseeing and directing numerous components of election administration within the county;  
13 and, that some of the Recorder's responsibilities concern voter registration list maintenance  
14 and verifying citizenship status of voter-registration applicants. To the extent that Paragraph  
15 27 contains additional allegations beyond those admitted, they are denied by the SANTA  
16 CRUZ COUNTY DEFENDANTS.  
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19 28. The SANTA CRUZ COUNTY DEFENDANTS admit that Coconino County  
20 is a county in the State of Arizona and that Recorder Hansen is an elected officer of the  
21 county. The remainder of the Paragraph states a legal conclusion to which no response is  
22 required. To the extent a response is required, the SANTA CRUZ COUNTY  
23 DEFENDANTS admit that an Arizona county has the power to sue and be sued. To the  
24 extent that Paragraph 28 contains additional allegations beyond those admitted, they are  
25 denied by the SANTA CRUZ COUNTY DEFENDANTS. The SANTA CRUZ COUNTY  
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1 DEFENDANTS further affirmatively state that, in order for someone to sue one of Arizona's  
2 counties, they must be able to articulate an injury caused by the county or otherwise be able  
3 to state why the county is a necessary party.

4           29. The SANTA CRUZ COUNTY DEFENDANTS admit that Sadie Jo Bingham  
5 is the Gila County Recorder and that she is sued in her official capacity. The remainder of  
6 this Paragraph states legal conclusions to which no response is required. To the extent that  
7 a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit that the office  
8 of Recorder is created by Arizona's Constitution; that the Recorder is one of the principal  
9 elections officers of Gila County; that the Recorder is responsible for overseeing and  
10 directing numerous components of election administration within the county; and, that some  
11 of the Recorder's responsibilities concern voter registration list maintenance and verifying  
12 citizenship status of voter-registration applicants. To the extent that Paragraph 29 contains  
13 additional allegations beyond those admitted, they are denied by the SANTA CRUZ  
14 COUNTY DEFENDANTS.  
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18           30. The SANTA CRUZ COUNTY DEFENDANTS admit that Gila County is a  
19 county in the State of Arizona and that Recorder Bingham is an elected officer of the county.  
20 The remainder of the Paragraph states a legal conclusion to which no response is required.  
21 To the extent a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit  
22 that an Arizona county has the power to sue and be sued. To the extent that Paragraph 30  
23 contains additional allegations beyond those admitted, they are denied by the SANTA CRUZ  
24 COUNTY DEFENDANTS. The SANTA CRUZ COUNTY DEFENDANTS further  
25 affirmatively state that, in order for someone to sue one of Arizona's counties, they must be  
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1 able to articulate an injury caused by the county or otherwise be able to state why the county  
2 is a necessary party.

3 31. The SANTA CRUZ COUNTY DEFENDANTS admit that Polly Merriman  
4 is the Graham County Recorder and that she is sued in her official capacity. The remainder  
5 of this Paragraph states legal conclusions to which no response is required. To the extent  
6 that a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit that the  
7 office of Recorder is created by Arizona's Constitution; that the Recorder is one of the  
8 principal elections officers of Graham County; that the Recorder is responsible for  
9 overseeing and directing numerous components of election administration within the county;  
10 and, that some of the Recorder's responsibilities concern voter registration list maintenance  
11 and verifying citizenship status of voter-registration applicants. To the extent that Paragraph  
12 31 contains additional allegations beyond those admitted, they are denied by the SANTA  
13 CRUZ COUNTY DEFENDANTS.  
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17 32. The SANTA CRUZ COUNTY DEFENDANTS admit that Graham County  
18 is a county in the State of Arizona and that Recorder Merriman is an elected officer of the  
19 county. The remainder of the Paragraph states a legal conclusion to which no response is  
20 required. To the extent a response is required, the SANTA CRUZ COUNTY  
21 DEFENDANTS admit that an Arizona county has the power to sue and be sued. To the  
22 extent that Paragraph 32 contains additional allegations beyond those admitted, they are  
23 denied by the SANTA CRUZ COUNTY DEFENDANTS. The SANTA CRUZ COUNTY  
24 DEFENDANTS further affirmatively state that, in order for someone to sue one of Arizona's  
25 counties, they must be able to articulate an injury caused by the county or otherwise be able  
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1 to state why the county is a necessary party.

2 33. The SANTA CRUZ COUNTY DEFENDANTS admit that Sharie Milheiro is  
3 the Greenlee County Recorder and that she is sued in her official capacity. The remainder  
4 of this Paragraph states legal conclusions to which no response is required. To the extent  
5 that a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit that the  
6 office of Recorder is created by Arizona's Constitution; that the Recorder is one of the  
7 principal elections officers of Greenlee County; that the Recorder is responsible for  
8 overseeing and directing numerous components of election administration within the county;  
9 and, that some of the Recorder's responsibilities concern voter registration list maintenance  
10 and verifying citizenship status of voter-registration applicants. To the extent that Paragraph  
11 33 contains additional allegations beyond those admitted, they are denied by the SANTA  
12 CRUZ COUNTY DEFENDANTS.  
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15 34. The SANTA CRUZ COUNTY DEFENDANTS admit that Greenlee County  
16 is a county in the State of Arizona and that Recorder Milheiro is an elected officer of the  
17 county. The remainder of the Paragraph states a legal conclusion to which no response is  
18 required. To the extent a response is required, the SANTA CRUZ COUNTY  
19 DEFENDANTS admit that an Arizona county has the power to sue and be sued. To the  
20 extent that Paragraph 34 contains additional allegations beyond those admitted, they are  
21 denied by the SANTA CRUZ COUNTY DEFENDANTS. The SANTA CRUZ COUNTY  
22 DEFENDANTS further affirmatively state that, in order for someone to sue one of Arizona's  
23 counties, they must be able to articulate an injury caused by the county or otherwise be able  
24 to state why the county is a necessary party.  
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1           35.     The SANTA CRUZ COUNTY DEFENDANTS admit that Richard Garcia is  
2 the La Paz County Recorder and that he is sued in his official capacity. The remainder of  
3 this Paragraph states legal conclusions to which no response is required. To the extent that  
4 a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit that the office  
5 of Recorder is created by Arizona’s Constitution; that the Recorder is one of the principal  
6 elections officers of La Paz County; that the Recorder is responsible for overseeing and  
7 directing numerous components of election administration within the county; and, that some  
8 of the Recorder’s responsibilities concern voter registration list maintenance and verifying  
9 citizenship status of voter-registration applicants. To the extent that Paragraph 35 contains  
10 additional allegations beyond those admitted, they are denied by the SANTA CRUZ  
11 COUNTY DEFENDANTS.  
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14           36.     The SANTA CRUZ COUNTY DEFENDANTS admit that La Paz County is  
15 a county in the State of Arizona and that Recorder Garcia is an elected officer of the county.  
16 The remainder of the Paragraph states a legal conclusion to which no response is required.  
17 To the extent a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit  
18 that an Arizona county has the power to sue and be sued. To the extent that Paragraph 36  
19 contains additional allegations beyond those admitted, they are denied by the SANTA CRUZ  
20 COUNTY DEFENDANTS. The SANTA CRUZ COUNTY DEFENDANTS further  
21 affirmatively state that, in order for someone to sue one of Arizona’s counties, they must be  
22 able to articulate an injury caused by the county or otherwise be able to state why the county  
23 is a necessary party.  
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27           37.     The SANTA CRUZ COUNTY DEFENDANTS admit that Lydia Durst is the  
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1 Mohave County Recorder and that she is sued in her official capacity. The remainder of this  
2 Paragraph states legal conclusions to which no response is required. To the extent that a  
3 response is required, the SANTA CRUZ COUNTY DEFENDANTS admit that the office of  
4 Recorder is created by Arizona's Constitution; that the Recorder is one of the principal  
5 elections officers of Mohave County; that the Recorder is responsible for overseeing and  
6 directing numerous components of election administration within the county; and, that some  
7 of the Recorder's responsibilities concern voter registration list maintenance and verifying  
8 citizenship status of voter-registration applicants. To the extent that Paragraph 37 contains  
9 additional allegations beyond those admitted, they are denied by the SANTA CRUZ  
10 COUNTY DEFENDANTS.  
11  
12

13 38. The SANTA CRUZ COUNTY DEFENDANTS admit that Mohave County  
14 is a county in the State of Arizona and that Recorder Durst is an elected officer of the county.  
15 The remainder of the Paragraph states a legal conclusion to which no response is required.  
16 To the extent a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit  
17 that an Arizona county has the power to sue and be sued. To the extent that Paragraph 38  
18 contains additional allegations beyond those admitted, they are denied by the SANTA CRUZ  
19 COUNTY DEFENDANTS. The SANTA CRUZ COUNTY DEFENDANTS further  
20 affirmatively state that, in order for someone to sue one of Arizona's counties, they must be  
21 able to articulate an injury caused by the county or otherwise be able to state why the county  
22 is a necessary party.  
23  
24

25  
26 39. The SANTA CRUZ COUNTY DEFENDANTS admit that Michael Sample  
27 is the Navajo County Recorder and that he is sued in his official capacity. The remainder of  
28

1 this Paragraph states legal conclusions to which no response is required. To the extent that  
2 a response is required, SANTA CRUZ COUNTY DEFENDANTS admit that the office of  
3 Recorder is created by Arizona's Constitution; that the Recorder is one of the principal  
4 elections officers of Navajo County; that the Recorder is responsible for overseeing and  
5 directing numerous components of election administration within the county; and, that some  
6 of the Recorder's responsibilities concern voter registration list maintenance and verifying  
7 citizenship status of voter-registration applicants. To the extent that Paragraph 39 contains  
8 additional allegations beyond those admitted, they are denied by the SANTA CRUZ  
9 COUNTY DEFENDANTS.  
10  
11

12 40. The SANTA CRUZ COUNTY DEFENDANTS admit that Navajo County is  
13 a county in the State of Arizona and that Recorder Sample is an elected officer of the county.  
14 The remainder of the Paragraph states a legal conclusion to which no response is required.  
15 To the extent a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit  
16 that an Arizona county has the power to sue and be sued. To the extent that Paragraph 40  
17 contains additional allegations beyond those admitted, they are denied by the SANTA CRUZ  
18 COUNTY DEFENDANTS. The SANTA CRUZ COUNTY DEFENDANTS further  
19 affirmatively state that, in order for someone to sue one of Arizona's counties, they must be  
20 able to articulate an injury caused by the county or otherwise be able to state why the county  
21 is a necessary party.  
22  
23

24 41. The SANTA CRUZ COUNTY DEFENDANTS admit that Gabriella  
25 Cázares-Kelly is the Pima County Recorder and that she is sued in her official capacity. The  
26 remainder of this Paragraph states legal conclusions to which no response is required. To  
27  
28

1 the extent that a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit  
2 that the office of Recorder is created by Arizona's Constitution; that the Recorder is one of  
3 the principal elections officers of Pima County; that the Recorder is responsible for  
4 overseeing and directing numerous components of election administration within the county;  
5 and, that some of the Recorder's responsibilities concern voter registration list maintenance  
6 and verifying citizenship status of voter-registration applicants. To the extent that Paragraph  
7 41 contains additional allegations beyond those admitted, they are denied by the SANTA  
8 CRUZ COUNTY DEFENDANTS.  
9

10  
11 42. The SANTA CRUZ COUNTY DEFENDANTS admit that Pima County is a  
12 county in the State of Arizona and that Recorder Cázares-Kelly is an elected officer of the  
13 county. The remainder of the Paragraph states a legal conclusion to which no response is  
14 required. To the extent a response is required, the SANTA CRUZ COUNTY  
15 DEFENDANTS admit that an Arizona county has the power to sue and be sued. To the  
16 extent that Paragraph 42 contains additional allegations beyond those admitted, they are  
17 denied by the SANTA CRUZ COUNTY DEFENDANTS. The SANTA CRUZ COUNTY  
18 DEFENDANTS further affirmatively state that, in order for someone to sue one of Arizona's  
19 counties, they must be able to articulate an injury caused by the county or otherwise be able  
20 to state why the county is a necessary party.  
21

22  
23 43. The SANTA CRUZ COUNTY DEFENDANTS admit that Dana Lewis is the  
24 Pinal County Recorder and that she is sued in her official capacity. The remainder of this  
25 Paragraph states legal conclusions to which no response is required. To the extent that a  
26 response is required, the SANTA CRUZ COUNTY DEFENDANTS admit that the office of  
27  
28

1 Recorder is created by Arizona's Constitution; that the Recorder is one of the principal  
2 elections officers of Pinal County; that the Recorder is responsible for overseeing and  
3 directing numerous components of election administration within the county; and, that some  
4 of the Recorder's responsibilities concern voter registration list maintenance and verifying  
5 citizenship status of voter-registration applicants. To the extent that Paragraph 43 contains  
6 additional allegations beyond those admitted, they are denied by the SANTA CRUZ  
7 COUNTY DEFENDANTS.  
8

9  
10 44. The SANTA CRUZ COUNTY DEFENDANTS admit that Pinal County is a  
11 county in the State of Arizona and that Recorder Lewis is an elected officer of the county.  
12 The remainder of the Paragraph states a legal conclusion to which no response is required.  
13 To the extent a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit  
14 that an Arizona county has the power to sue and be sued. To the extent that Paragraph 44  
15 contains additional allegations beyond those admitted, they are denied by the SANTA CRUZ  
16 COUNTY DEFENDANTS. The SANTA CRUZ COUNTY DEFENDANTS further  
17 affirmatively state that, in order for someone to sue one of Arizona's counties, they must be  
18 able to articulate an injury caused by the county or otherwise be able to state why the county  
19 is a necessary party.  
20  
21

22 45. The SANTA CRUZ COUNTY DEFENDANTS admit that Anita Moreno is  
23 the Santa Cruz County Recorder and that she is sued in her official capacity. The remainder  
24 of this Paragraph states legal conclusions to which no response is required. To the extent  
25 that a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit that the  
26 office of Recorder is created by Arizona's Constitution; that the Recorder is one of the  
27  
28

1 principal elections officers of Santa Cruz County; that the Recorder is responsible for  
2 overseeing and directing numerous components of election administration within the county;  
3 and, that some of the Recorder's responsibilities concern voter registration list maintenance  
4 and verifying citizenship status of voter-registration applicants. To the extent that Paragraph  
5 45 contains additional allegations beyond those admitted, they are denied by the SANTA  
6 CRUZ COUNTY DEFENDANTS.  
7

8 46. The SANTA CRUZ COUNTY DEFENDANTS admit that Santa Cruz  
9 County is a county in the State of Arizona and that Recorder Moreno is an elected officer of  
10 the county. The remainder of the Paragraph states a legal conclusion to which no response  
11 is required. To the extent a response is required, the SANTA CRUZ COUNTY  
12 DEFENDANTS admit that an Arizona county has the power to sue and be sued. To the  
13 extent that Paragraph 46 contains additional allegations beyond those admitted, they are  
14 denied by the SANTA CRUZ COUNTY DEFENDANTS. The SANTA CRUZ COUNTY  
15 DEFENDANTS further affirmatively state that, in order for someone to sue one of Arizona's  
16 counties, they must be able to articulate an injury caused by the county or otherwise be able  
17 to state why the county is a necessary party.  
18  
19  
20

21 47. The SANTA CRUZ COUNTY DEFENDANTS admit that Michelle Burchill  
22 is the Yavapai County Recorder and that she is sued in her official capacity. The remainder  
23 of this Paragraph states legal conclusions to which no response is required. To the extent  
24 that a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit that the  
25 office of Recorder is created by Arizona's Constitution; that the Recorder is one of the  
26 principal elections officers of Yavapai County; that the Recorder is responsible for  
27  
28

1 overseeing and directing numerous components of election administration within the county;  
2 and, that some of the Recorder's responsibilities concern voter registration list maintenance  
3 and verifying citizenship status of voter-registration applicants. To the extent that Paragraph  
4 47 contains additional allegations beyond those admitted, they are denied by the SANTA  
5 CRUZ COUNTY DEFENDANTS.  
6

7 48. The SANTA CRUZ COUNTY DEFENDANTS admit that Yavapai County  
8 is a county in the State of Arizona and that Recorder Burchill is an elected officer of the  
9 county. The remainder of the Paragraph states a legal conclusion to which no response is  
10 required. To the extent a response is required, the SANTA CRUZ COUNTY  
11 DEFENDANTS admit that an Arizona county has the power to sue and be sued. To the  
12 extent that Paragraph 48 contains additional allegations beyond those admitted, they are  
13 denied by the SANTA CRUZ COUNTY DEFENDANTS. The SANTA CRUZ COUNTY  
14 DEFENDANTS further affirmatively state that, in order for someone to sue one of Arizona's  
15 counties, they must be able to articulate an injury caused by the county or otherwise be able  
16 to state why the county is a necessary party.  
17  
18

19 49. The SANTA CRUZ COUNTY DEFENDANTS admit that Richard Colwell  
20 is the Yuma County Recorder and that he is sued in his official capacity. The remainder of  
21 this Paragraph states legal conclusions to which no response is required. To the extent that  
22 a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit that the office  
23 of Recorder is created by Arizona's Constitution; that the Recorder is one of the principal  
24 elections officers of Yuma County; that the Recorder is responsible for overseeing and  
25 directing numerous components of election administration within the county; and, that some  
26  
27  
28

1 of the Recorder’s responsibilities concern voter registration list maintenance and verifying  
2 citizenship status of voter-registration applicants. To the extent that Paragraph 49 contains  
3 additional allegations beyond those admitted, they are denied by the SANTA CRUZ  
4 COUNTY DEFENDANTS.

5  
6 50. The SANTA CRUZ COUNTY DEFENDANTS admit that Yuma County is  
7 a county in the State of Arizona and that Recorder Colwell is an elected officer of the county.  
8 The remainder of the Paragraph states a legal conclusion to which no response is required.  
9 To the extent a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit  
10 that an Arizona county has the power to sue and be sued. To the extent that Paragraph 50  
11 contains additional allegations beyond those admitted, they are denied by the SANTA CRUZ  
12 COUNTY DEFENDANTS. The SANTA CRUZ COUNTY DEFENDANTS further  
13 affirmatively state that, in order for someone to sue one of Arizona’s counties, they must be  
14 able to articulate an injury caused by the county or otherwise be able to state why the county  
15 is a necessary party.  
16  
17

18 **JURISDICTION AND VENUE**

19  
20 51. Paragraph 51 states a legal conclusion to which no response is required. To  
21 the extent that a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit  
22 that (1) 28 U.S.C. § 1331 conveys original jurisdiction to federal district courts for “all civil  
23 actions arising under the Constitution, laws, or treaties of the United States”; (2) the First  
24 Amended Complaint alleges violations of the National Voter Registration Act (the  
25 “NVRA”); and, (3) that the NVRA is a law of the United States. The SANTA CRUZ  
26 COUNTY DEFENDANTS deny that this Court has subject matter jurisdiction, because  
27  
28

1 Plaintiffs lack Article III standing. Further, Plaintiffs lack standing because, upon  
2 information and belief, they did not provide the ninety-day NVRA Notice Letter required by  
3 52 U.S.C. § 20510(b) to the “chief election official of the State,” which would be the Arizona  
4 Secretary of State.<sup>2</sup> SANTA CRUZ COUNTY DEFENDANTS, otherwise, demand strict  
5 proof, thereof.  
6

7 52. The SANTA CRUZ COUNTY DEFENDANTS admit that Plaintiffs  
8 provided a letter from American First Legal to the Santa Cruz County Recorder alleging a  
9 failure “... to remove foreign citizens” from the County’s voter rolls. Upon information and  
10 belief, a sufficient “notice” was not given to the “chief election official of the State,” which  
11 would be the Arizona Secretary of State. The SANTA CRUZ COUNTY DEFENDANTS  
12 further admit that the violations alleged in the original Complaint occurred within 120 days  
13 before an election for federal office. The SANTA CRUZ COUNTY DEFENDANTS deny  
14 all other allegations made in Paragraph 52. The SANTA CRUZ COUNTY DEFENDANTS  
15 affirmatively state and repeat as follows. (1) County recorders are not “chief election  
16 officials” within the meaning of 52 U.S.C. § 20510(b); (2) Plaintiffs filed their lawsuit on  
17 August 5, 2024, which is within 120 days of the next federal election that will occur on  
18 November 5, 2024; (3) Section 20510(b) requires that a plaintiff may only file a lawsuit  
19 alleging a violation of the NVRA occurring within 120 days before the date of a federal  
20 election after providing written notice of the violation “to the chief election official of the  
21 State involved” (the “NVRA Notice Letter”) and providing that official twenty days to  
22  
23  
24  
25  
26

27 \_\_\_\_\_  
28 <sup>2</sup> See also, 52 U.S.C §21083(1)(A) and (A)(v), which distinguishes between “chief State election  
official” and “local election official.”

1 correct the alleged violation, 52 U.S.C. § 20510(b)(2); (4) the Arizona Secretary of State is  
2 the “chief state election officer” under NVRA, A.R.S. § 16-142(A); (5) Plaintiffs failed to  
3 provide the NVRA Notice Letter to the Secretary of State prior to filing their lawsuit as  
4 required by 52 U.S.C. § 20510(b); (6) Thus, Plaintiffs failed to comply with the law’s  
5 requirements for bringing a lawsuit alleging violations of the NVRA.  
6

7 53. The SANTA CRUZ COUNTY DEFENDANTS admit 28 U.S.C. §§ 1651,  
8 2201, and 2202 and 52 U.S.C. § 20510(b)(2) provide this Court jurisdiction to grant  
9 declaratory, injunctive, and/or mandamus relief, but deny that the Court has such jurisdiction  
10 for this matter because the Court does not have the required subject matter jurisdiction to  
11 hear this matter.  
12

13 54. The SANTA CRUZ COUNTY DEFENDANTS admit that 28 U.S.C. § 1367  
14 confers supplemental jurisdiction over state law claims, but deny that this Court has such  
15 jurisdiction in this matter because the Court does not have the required subject matter  
16 jurisdiction.  
17

18 55. The SANTA CRUZ COUNTY DEFENDANTS deny the allegations of  
19 Paragraph 55.  
20

21 56. The SANTA CRUZ COUNTY DEFENDANTS admit that, if the Court had  
22 subject matter jurisdiction, venue would be appropriate in the District of Arizona and the  
23 Court would have personal jurisdiction over the Defendants.  
24

### 25 GENERAL ALLEGATIONS

26 57. Paragraph 57 states a legal conclusion to which no response is required. To  
27 the extent that a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit  
28

1 that it is illegal for foreign nationals, who do not possess dual citizenship, to register to vote  
2 or vote, and further admit that there is no legitimate reason for a foreign national, otherwise  
3 authorized to register to vote in the United States, to cause himself to be included on the  
4 voter registration rolls in this State. To the extent that Paragraph 57 contains additional  
5 allegations beyond those here admitted, the Maricopa County Defendants deny all such  
6 additional allegations.  
7

8 ***I. Arizona's Federal-Only Voters***

9 58. Paragraph 58 contains legal conclusions to which no response is required. To  
10 the extent that a response is required, the SANTA CRUZ COUNTY DEFENDANTS deny  
11 that the first sentence of the Paragraph correctly states Arizona law and admit that the United  
12 States Supreme Court held in *Inter Tribal Council* that Arizona may not impose documentary  
13 proof of citizenship requirements on those registering to vote in federal elections. To the  
14 extent that Paragraph 58 contains additional allegations beyond those here admitted, the  
15 SANTA CRUZ COUNTY DEFENDANTS deny all such additional allegations. The  
16 SANTA CRUZ COUNTY DEFENDANTS affirmatively state that Arizona law requires that  
17 the voter registration applications of persons registering as Full Ballot Voters, eligible to  
18 vote in federal, state, and local contests, must be accompanied by documentary proof of  
19 citizenship (DPOC).  
20  
21  
22

23 59. Paragraph 59 contains legal conclusions to which no response is required and  
24 contains quotations from a cited Supreme Court decision to which no response is required.  
25 To the extent a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit  
26 the cited case contains the quoted text. To the extent that Paragraph 59 contains additional  
27  
28

1 allegations beyond those here admitted, the SANTA CRUZ COUNTY DEFENDANTS deny  
2 all such additional allegations.

3           60. Paragraph 60 contains legal conclusions to which no response is required. To  
4 the extent a response is required the SANTA CRUZ COUNTY DEFENDANTS admit that  
5 Arizona may establish its own requirements for state and local elections and that State law  
6 requires that only those voter registrants whose registrations are accompanied by  
7 documentary proof of their citizenship may vote in state and local elections. To the extent  
8 that Paragraph 60 contains additional allegations beyond those here admitted, the SANTA  
9 CRUZ COUNTY DEFENDANTS deny all such additional allegations.  
10  
11

12           61. The SANTA CRUZ COUNTY DEFENDANTS admit that Arizona has a  
13 bifurcated system of voter registration and that voter registrants whose registrations are not  
14 accompanied by documentary proof of citizenship are only allowed to vote in elections for  
15 candidates running for federal office. To the extent that Paragraph 61 contains additional  
16 allegations beyond those here admitted, the SANTA CRUZ COUNTY DEFENDANTS deny  
17 all such additional allegations.  
18

19           62. The cited document speaks for itself and no response is required. To the  
20 extent that a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit that  
21 the cited document contains a numerical breakdown, by county, of the active and inactive  
22 voters who are registered as Federal Only voters as of April 1, 2024, and that the cited  
23 document states that there were 35,273 such voters in Arizona as of that date. The SANTA  
24 CRUZ COUNTY DEFENDANTS deny that the cited document states that these voters “had  
25 failed to provide proof of citizenship.” The SANTA CRUZ COUNTY DEFENDANTS lack  
26  
27  
28

1 sufficient knowledge or information to form a belief as to the remaining allegations in  
2 Paragraph 62 and therefore deny them.

3 63. The cited document speaks for itself and no response is required. To the  
4 extent that a response is required, the Maricopa County Defendants admit that the cited  
5 document contains a numerical breakdown, by county, of the active and inactive voters who  
6 are registered as Federal Only Voters as of July 1, 2024, and that the cited document states  
7 that there were 42,301 such voters in Arizona as of that date.  
8

9 64. The SANTA CRUZ COUNTY DEFENDANTS admit the allegations made  
10 in Paragraph 64, to the extent the conclusions are supported by mathematical calculations.  
11

12 65. The SANTA CRUZ COUNTY DEFENDANTS deny the allegations in  
13 Paragraph 65 as they related to Santa Cruz County and lack knowledge or information  
14 sufficient to form a belief as to the allegations as they relate to the other Defendants and  
15 therefore deny them. The SANTA CRUZ COUNTY DEFENDANTS further affirmatively  
16 state as follows: The voter registration rolls are not static but fluid, changing on a minute-  
17 by-minute basis as new voters register and voters who have become ineligible are removed  
18 via list maintenance efforts. There have been some months during which the number of  
19 Federal Only voters have increased as compared to the prior month, but there have also been  
20 months during which the number of Federal Only voters has *decreased* as compared to the  
21 prior month. Plaintiffs' allegation to the contrary in this Paragraph is incorrect and therefore  
22 the allegation is denied.  
23  
24

25 66. The cited website speaks for itself and no response is required. To the extent  
26 that a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit the  
27  
28

1 allegations in Paragraph 66.

2 67. The SANTA CRUZ COUNTY DEFENDANTS admit that the increase in  
3 Federal Only voters in Maricopa County increased by an approximate 21% from April 1,  
4 2024 to July 1, 2024, based on the original source. The SANTA CRUZ COUNTY  
5 DEFENDANTS deny all remaining allegations in Paragraph 67.  
6

7 ***II. Voter List Maintenance Requirements***

8 68. Paragraph 68 states legal conclusions to which no response is required. To  
9 the extent that a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit  
10 that the cited case contains the quoted language; that the NVRA does not require states to  
11 register as voters those who are ineligible to vote; and, that the cited case does not prohibit  
12 States from engaging in voter registration list maintenance procedures required by the Help  
13 America Vote Act. The SANTA CRUZ COUNTY DEFENDANTS deny any remaining  
14 allegations in Paragraph 33.  
15  
16

17 69. Paragraph 69 states a legal conclusion to which no response is required and  
18 does not provide a citation to authority to support that conclusion. To the extent that a  
19 response is required, the SANTA CRUZ COUNTY DEFENDANTS deny any allegations in  
20 Paragraph 69.  
21

22 70. The SANTA CRUZ COUNTY DEFENDANTS admit that the Legislature  
23 enacted, and Governor Ducey signed, H.B. 2492 and H.B. 2243 in 2022. The remaining  
24 allegations in Paragraph 35 state legal conclusions to which no response is required. To the  
25 extent that a response is required, the SANTA CRUZ COUNTY DEFENDANTS deny the  
26 allegations in Paragraph 70.  
27  
28

1           71. Paragraph 71 states legal conclusions to which no response is required. To  
2 the extent that a response is required, the SANTA CRUZ COUNTY DEFENDANTS deny  
3 the allegations.

4           72. The SANTA CRUZ COUNTY DEFENDANTS deny that they have “failed  
5 to perform” any “required list maintenance.” The SANTA CRUZ COUNTY  
6 DEFENDANTS lack knowledge or information sufficient to form a belief as to whether any  
7 other Defendants have “failed to perform” any “required list maintenance” and so deny that  
8 allegation. The SANTA CRUZ COUNTY DEFENDANTS affirmatively state that Santa  
9 Cruz County Recorder Moreno has performed all of her required list maintenance  
10 responsibilities.  
11

12           73. Paragraph 73 states legal conclusions to which no response is required. To  
13 the extent that a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit  
14 that A.R.S. § 16-121.01(D) (*not* A.R.S. § 16-143(D), as Plaintiffs mistakenly allege) requires  
15 that, “[w]ithin ten days after receiving an application for registration on the Federal Form  
16 that is not accompanied by satisfactory evidence of citizenship, the county recorder” must  
17 attempt to verify the citizenship status of the registrant as set forth in the remainder of A.R.S.  
18 § 16-121.01(D). To the extent that Paragraph 73 contains additional allegations beyond  
19 those admitted, they are denied by the SANTA CRUZ COUNTY DEFENDANTS.  
20  
21

22           74. The SANTA CRUZ COUNTY DEFENDANTS deny all of the allegations  
23 contained in Paragraph 74 as they relate to the SANTA CRUZ COUNTY DEFENDANTS.  
24 The SANTA CRUZ COUNTY DEFENDANTS lack knowledge or information sufficient to  
25 form a belief as to whether other Defendants have “failed to perform” any “required list  
26  
27  
28

1 maintenance” and therefore deny that allegation as it relates to the other Defendants. The  
2 SANTA CRUZ COUNTY DEFENDANTS further affirmatively state that Santa Cruz  
3 County Recorder Moreno has performed all of her required list maintenance responsibilities.

4  
5 75. The SANTA CRUZ COUNTY DEFENDANTS deny that the State of  
6 Arizona does not have adequate permissions to use *for list maintenance purposes* (as alleged  
7 in this Paragraph) the U.S. Department of Homeland Security’s Systematic Alien  
8 Verification for Entitlements (SAVE), since this has more recently been acquired and the  
9 Santa Cruz County Recorder is engaged in training for use of SAVE. SANTA CRUZ  
10 COUNTY DEFENDANTS lacks information to form a belief as to whether the State of  
11 Arizona has sufficient access to the Social Security Administration (SSA) database and the  
12 National Association for Public Health Statistics and Information Systems (NAPHSIS)  
13 electronic verification of vital events system (EVVE) for use in citizenship verification and,  
14 therefore, denies the allegation. Upon information and belief, in fact, the State of Arizona  
15 and Santa Cruz County is in contract negotiations for NAPHSIS. To the extent that  
16 Paragraph 75 contains additional allegations beyond those admitted, they are denied by the  
17 SANTA CRUZ COUNTY DEFENDANTS.  
18  
19  
20

21 76. Paragraph 76 states legal conclusions to which no response is required. To  
22 the extent that a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit  
23 that Arizona and federal law have list maintenance requirements, which may include  
24 “consulting these three databases” referenced in Paragraph 75, “provided the county has  
25 access,”. (see A.R.S. §16-121.01(D)). To the extent that Paragraph 76 contains additional  
26 allegations beyond those admitted, they are denied by the SANTA CRUZ COUNTY  
27  
28

1 DEFENDANTS.

2 77. The SANTA CRUZ COUNTY DEFENDANTS admit that the cited statute  
3 contains the quoted text. To the extent that Paragraph 77 contains additional allegations  
4 beyond those admitted, they are denied by the SANTA CRUZ COUNTY DEFENDANTS.  
5

6 78. The SANTA CRUZ COUNTY DEFENDANTS admit that the cited statute  
7 contains the quoted text. To the extent that Paragraph 78 contains additional allegations  
8 beyond those admitted, they are denied by the SANTA CRUZ COUNTY DEFENDANTS.  
9

10 79. The SANTA CRUZ COUNTY DEFENDANTS admit that the cited statute  
11 contains the quoted text. To the extent that Paragraph 79 contains additional allegations  
12 beyond those admitted, they are denied by the SANTA CRUZ COUNTY DEFENDANTS.  
13

14 80. The SANTA CRUZ COUNTY DEFENDANTS admit that the cited statute  
15 contains the quoted text. The SANTA CRUZ COUNTY DEFENDANTS deny all other  
16 allegations in this Paragraph, including that the cited statute requires that local election  
17 officials “ensure” that ineligible voters are removed from the voter registration rolls, as  
18 Plaintiffs incorrectly allege in this Paragraph. The SANTA CRUZ COUNTY  
19 DEFENDANTS affirmatively state that the cited statute requires that local election officials  
20 ensure that the only voters whose names are removed from the voter registration list are  
21 those who are *actually* ineligible to vote. *See* 52 U.S.C. § 21083(a)(2)(B)(ii) (providing that  
22 “[t]he list maintenance performed under subparagraph (A) shall be conducted in a manner  
23 that ensures that-- . . . only voters who are not registered or who are not eligible to vote are  
24 removed from the computerized list”). The cited statute is as much a voter-protection statute,  
25 placing a requirement upon the Recorder to take appropriate steps to make certain that no  
26  
27  
28

1 one who is eligible to vote is disenfranchised or mistakenly removed from the voter  
2 registration list. Plaintiffs, however, misrepresent and present to this Court a requirement  
3 that the Recorder “ensure” that no one who is ineligible to vote is listed on the voter  
4 registration list. The statute does not require that. In fact, no statute or law requires the  
5 Recorder to “ensure” that the voter registration list is completely free from even a single,  
6 solitary ineligible voter. The law requires that the Recorder perform list maintenance and  
7 remove voters that sufficient proof establishes the registrant to have become ineligible to  
8 vote, after the Recorder receives such proof. Any allegation to the contrary is denied.  
9 Plaintiffs’ (and their attorneys’) misrepresentation of the statute to this Court should not be  
10 countenanced.  
11

12  
13 81. Paragraph 81 states legal conclusions to which no response is required. To  
14 the extent that a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit  
15 that it is illegal for those who are not citizens of the United States to register to vote in federal  
16 elections; that any foreign citizen who is registered to vote is ineligible; and that federal law  
17 requires county recorders to perform voter registration list maintenance. The SANTA CRUZ  
18 COUNTY DEFENDANTS deny all remaining allegations in this Paragraph, including that  
19 county recorders are subject to any legal requirement to “ensure” that foreign citizens are  
20 not registered to vote.  
21  
22

23 ***III. Foreign citizens do register to vote.***

24 82. Paragraph 82 states an opinion. SANTA CRUZ COUNTY DEFENDANTS  
25 lack sufficient information to form a belief and, therefore, deny the allegation and demand  
26 strict proof, thereof.  
27  
28

1 83. SANTA CRUZ COUNTY DEFENDANTS lack sufficient information to  
2 form a belief and, therefore, deny the allegation and demand strict proof, thereof.<sup>3</sup>

3 84. The cited authority speaks for itself and no response is required. The SANTA  
4 CRUZ COUNTY DEFENDANTS, otherwise, lack knowledge or information sufficient to  
5 form a belief as to the relevance and accuracy of those allegations and therefore deny them  
6 and demand strict proof, thereof.

7 85. The cited authority speaks for itself and no response is required. SANTA  
8 CRUZ COUNTY DEFENDANTS, otherwise, lack sufficient information to form a belief as  
9 to accuracy and relevance and, therefore, deny the allegations in Paragraph 85 and demand  
10 strict proof, thereof.

11 86. The cited authority speaks for itself and no response is required. SANTA  
12 CRUZ COUNTY DEFENDANTS, otherwise, lack sufficient information to form a belief as  
13 to accuracy and relevance and, therefore, deny the allegations in Paragraph 86 and demand  
14 strict proof, thereof.

15 87. The cited authority speaks for itself and no response is required. SANTA  
16 CRUZ COUNTY DEFENDANTS, otherwise, lack sufficient information to form a belief as  
17 to accuracy and relevance and, therefore, deny the allegations in Paragraph 87 and demand  
18 strict proof, thereof.

19  
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21  
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<sup>3</sup> The SANTA CRUZ COUNTY DEFENDANTS adopt and incorporate by reference  
25 Maricopa County Defendants’ footnote regarding performance of the various inquiries on  
26 new voter registration applicants that are required by law and occasional discovering voter  
27 registration applicants who the inquiries indicate are not United States citizens. Those  
28 indications do not “prove” that the applicants are not citizens, but only reveal that the  
databases or systems checked cannot confirm their citizenship. Pursuant to the law’s  
requirements, those applicants are not registered to vote but are notified that, to be eligible  
to vote, they must provide documentary proof of their citizenship.

1 88. The cited authority speaks for itself and no response is required. SANTA  
2 CRUZ COUNTY DEFENDANTS, otherwise, lack sufficient information to form a belief as  
3 to accuracy and relevance and, therefore, deny the allegations in Paragraph 88 and demand  
4 strict proof, thereof.

5  
6 ***SAVE, SSA, and EVVE are Insufficient to Definitively Verify Citizenship***

7 89. The SANTA CRUZ COUNTY DEFENDANTS admit that SAVE is  
8 “insufficient to definitively verify the citizenship of all Federal-Only Voters” as alleged in  
9 this Paragraph. SANTA CRUZ COUNTY DEFENDANTS, otherwise, lack sufficient  
10 information to form a belief and, therefore, deny the allegations in Paragraph 89 and demand  
11 strict proof, thereof.  
12

13 90. Paragraph 90 states a legal conclusion to which no response is required. To  
14 the extent that a response is required, the SANTA CRUZ COUNTY DEFENDANTS deny  
15 all allegations in Paragraph 90.  
16

17  
18 ***SAVE***

19 91. The cited authorities speak for themselves and no response is required. To  
20 the extent that a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit  
21 the allegation made in Paragraph 91.  
22

23 92. The cited authorities speak for themselves and no response is required. To  
24 the extent that a response is required, the SANTA CRUZ COUNTY DEFENDANTS lack  
25 sufficient knowledge or information to form a belief as to the allegations and opinion in  
26 Paragraph 92 and therefore deny them.  
27  
28

1           93.     The cited authority speaks for itself and no response is required. To the extent  
2 that a response is required, the SANTA CRUZ COUNTY DEFENDANTS disagree that the  
3 cited authority supports the allegation made in Paragraph 93. SANTA CRUZ COUNTY  
4 DEFENDANTS, otherwise, lack sufficient information to form a belief as to the allegation’s  
5 accuracy and relevance and, therefore, deny the allegations in Paragraph 93 and demand  
6 strict proof, thereof.  
7

8           94.     The cited authority speaks for itself and no response is required. To the extent  
9 that a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit that the  
10 quoted material appears in the court decision cited. To the extent that Paragraph 94 contains  
11 additional allegations beyond those admitted, they are denied by the SANTA CRUZ  
12 COUNTY DEFENDANTS.  
13

14           95.     Paragraph 95 states an opinion and legal conclusion and no response is  
15 required. SANTA CRUZ COUNTY DEFENDANTS, otherwise, lack sufficient information  
16 to form a belief as to its accuracy and, therefore, deny the allegations in Paragraph 95 and  
17 demand strict proof, thereof.  
18

19           96.     The document cited in Paragraph 96 speaks for itself and no response is  
20 required. To the extent that a response is required, the SANTA CRUZ COUNTY  
21 DEFENDANTS admit that one cannot use SAVE to inquire into the citizenship status of an  
22 individual unless one provides that individual’s specific immigration enumerator (what  
23 Plaintiffs refer to as a “specific ‘numeric identifier’”). The SANTA CRUZ COUNTY  
24 DEFENDANTS further admit that the specific immigration enumerators identified by  
25 Plaintiffs in this Paragraph are the ones identified by the document cited in this Paragraph,  
26  
27  
28

1 which was prepared by the Department of Homeland Security to provide a tutorial  
2 concerning SAVE. The SANTA CRUZ COUNTY DEFENDANTS lack sufficient  
3 knowledge or information to form a belief as to the allegation in Paragraph 96 that “SAVE  
4 is hobbled by a critical design flaw” and, therefore, deny it. To the extent that Paragraph 96  
5 contains additional allegations beyond those admitted, they are denied by the SANTA CRUZ  
6 COUNTY DEFENDANTS.  
7

8 97. The cited authority speaks for itself and no response is required. To the extent  
9 that a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit that the  
10 quoted text appears in the cited authority. The SANTA CRUZ COUNTY DEFENDANTS  
11 deny that providing a numeric identifier “is a statutory requirement” because the statute  
12 contemplates other possible options. To the extent that Paragraph 97 contains additional  
13 allegations beyond those admitted, they are denied by the SANTA CRUZ COUNTY  
14 DEFENDANTS.  
15  
16

17 98. The cited authority speaks for itself and no response is required. To the extent  
18 that a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit that the  
19 quoted text appears in the cited authority.  
20

21 99. The cited authority speaks for itself and no response is required. To the extent  
22 that a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit that the  
23 quoted language appears in the cited authority. The SANTA CRUZ COUNTY  
24 DEFENDANTS lack sufficient knowledge or information to form a belief as to the allegation  
25 in Paragraph 99 and therefore deny it.  
26

27 100. The cited authority speaks for itself and no response is required. To the extent  
28

1 that a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit that the  
2 quoted language appears in the cited authority.

3 101. The SANTA CRUZ COUNTY DEFENDANTS admit that, as currently  
4 constituted, SAVE cannot perform inquiries concerning persons for whom at least one  
5 specific immigration enumerator is not known. The SANTA CRUZ COUNTY  
6 DEFENDANTS lack sufficient knowledge or information to form a belief as to the  
7 remaining allegations in Paragraph 101 and therefore deny them.  
8

9 102. The SANTA CRUZ COUNTY DEFENDANTS admit that specific  
10 immigration enumerators are not required for voter registration on the Arizona state voter  
11 registration form or the EAC-designed federal voter registration form. SANTA CRUZ  
12 COUNTY DEFENDANTS, otherwise, lack sufficient knowledge or information to form a  
13 belief as to the remaining allegations in Paragraph 102 and therefore deny them.  
14

15 103. The judicial decision quoted in Paragraph 103 speaks for itself and no  
16 response is required. To the extent that a response is required, the SANTA CRUZ COUNTY  
17 DEFENDANTS admit that the quoted text appears in the cited judicial decision.  
18

19 104. The cited authority speaks for itself and no response is required. To the extent  
20 that a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit that SAVE  
21 cannot utilize social security or driver's license numbers to identify individuals for  
22 citizenship inquiries, but rather requires the individual's specific immigration enumerator.  
23 Upon information and belief, the SANTA CRUZ COUNTY DEFENDANTS admit that  
24 social security and driver's license numbers are not specific immigration enumerators and  
25 so cannot be used by the SAVE program for citizenship inquiries. The SANTA CRUZ  
26  
27  
28

1 COUNTY DEFENDANTS further admit that many voter registration applicants provide  
2 their driver's license numbers and the final four digits of their social security numbers. The  
3 SANTA CRUZ COUNTY DEFENDANTS, otherwise, lack sufficient knowledge or  
4 information to form a belief as to the other allegations in Paragraph 104 and therefore deny  
5 them.  
6

7 105. The SANTA CRUZ COUNTY DEFENDANTS admit that, to use SAVE for  
8 citizenship inquiries, one must provide the specific immigration enumerator of the person  
9 whose citizenship status is to be verified. The SANTA CRUZ COUNTY DEFENDANTS  
10 further admit that neither the Federal Form, created by the Election Assistance Commission,  
11 nor the State Form created by the Secretary of State, require voter registration applicants to  
12 provide specific immigration enumerator or enumerators. To the extent that Paragraph 105  
13 contains additional allegations beyond those admitted, they are denied by the SANTA CRUZ  
14 COUNTY DEFENDANTS.  
15  
16

17  
18 ***V. SSA and EVVE***

19 106. The cited judicial decision speaks for itself and no further response is  
20 required. To the extent that a response is required, the SANTA CRUZ COUNTY  
21 DEFENDANTS admit that the quoted text appears in the cited opinion and that it effectively  
22 constitutes a finding by that court at that time. SANTA CRUZ COUNTY DEFENDANTS  
23 add that the finding is dated and that the Recorder's Office in process of gaining access to  
24 NAPHSIS.  
25  
26

27 107. Paragraph 107 states a legal conclusion to which no response is required. To  
28

1 the extent that a response is required, the SANTA CRUZ COUNTY DEFENDANTS lack  
2 sufficient knowledge or information to form a belief as the allegations in Paragraph 107 and  
3 therefore deny them.

4 108. The cited judicial decision speaks for itself and no further response is  
5 required. To the extent that a response is required, the SANTA CRUZ COUNTY  
6 DEFENDANTS admit that the quoted text appears in the cited opinion.

8 109. Paragraph 109 states a legal conclusion to which no response is required. To  
9 the extent that a response is required, the SANTA CRUZ COUNTY DEFENDANTS lack  
10 sufficient knowledge or information to form a belief as to the allegations in Paragraph 109  
11 and therefore deny them.

13 110. The SANTA CRUZ COUNTY DEFENDANTS lack sufficient knowledge or  
14 information to form a belief as to the allegations in Paragraph 110 and therefore deny them.

16 111. The SANTA CRUZ COUNTY DEFENDANTS lack sufficient knowledge or  
17 information to form a belief as to the truth or falsity of the allegations in Paragraph 111 and  
18 therefore deny them.

19 112. The SANTA CRUZ COUNTY DEFENDANTS lack sufficient knowledge or  
20 information to form a belief as to the allegations in Paragraph 112 and therefore deny them.

22 113. The SANTA CRUZ COUNTY DEFENDANTS lack sufficient knowledge or  
23 information to form a belief as to the allegations in Paragraph 113 and therefore deny them.

24 114. The SANTA CRUZ COUNTY DEFENDANTS lack sufficient knowledge or  
25 information to form a belief as to the allegations in Paragraph 114 and therefore deny them.

27 115. The SANTA CRUZ COUNTY DEFENDANTS lack sufficient knowledge or  
28

1 information to form a belief as to the allegations in Paragraph 115 and therefore deny them.

2 116. The SANTA CRUZ COUNTY DEFENDANTS lack sufficient knowledge or  
3 information to form a belief as to the allegations in Paragraph 116 and therefore deny them.

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

5  
6 117. The SANTA CRUZ COUNTY DEFENDANTS deny the allegations in  
7 Paragraph 117 to the extent that they reference the requirements of 8 U.S.C. § 1373 and 8  
8 U.S.C. § 1644, because citizenship inquiries pursuant to those statutes require the use of  
9 SAVE. To the extent that the allegations in Paragraph 117 do not reference the requirements  
10 of U.S.C. § 1373 and 8 U.S.C. § 1644, the SANTA CRUZ COUNTY DEFENDANTS lack  
11 sufficient knowledge or information to form a belief as the allegations in Paragraph 117 and  
12 therefore deny them.  
13

14 118. The cited statute speaks for itself and no response is required. To the extent  
15 that a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit that the  
16 cited statute includes the quoted language. To the extent that Paragraph 118 contains  
17 additional allegations beyond those admitted, they are denied by the SANTA CRUZ  
18 COUNTY DEFENDANTS.  
19

20 119. Paragraph 119 states legal conclusions to which no response is required. To  
21 the extent that a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit  
22 that Arizona law authorizes the county recorders to attempt to verify the citizenship status  
23 of voters who register to vote using the Federal Form. To the extent that Paragraph 119  
24 contains additional allegations beyond those admitted, they are denied by the SANTA CRUZ  
25 COUNTY DEFENDANTS.  
26  
27  
28

1 120. The cited statute speaks for itself and no response is required. To the extent  
2 that a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit that the  
3 cited statute includes the quoted language. The SANTA CRUZ COUNTY DEFENDANTS  
4 deny any remaining allegations as they are stated in Paragraph 120.  
5

6 121. The SANTA CRUZ COUNTY DEFENDANTS admit the allegation in  
7 Paragraph 121.  
8

9 122. The cited authority speaks for itself and no response is required. To the extent  
10 that a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit that the  
11 quoted language appears in the cited authority.

12 123. The cited statute speaks for itself and no response is required. To the extent  
13 that a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit that the  
14 cited statute includes the quoted language. To the extent that Paragraph 123 contains  
15 additional allegations beyond those admitted, they are denied by the SANTA CRUZ  
16 COUNTY DEFENDANTS.  
17

18 124. The SANTA CRUZ COUNTY DEFENDANTS admit the allegation in  
19 Paragraph 124.  
20

21 125. The cited authority speaks for itself and no response is required. To the extent  
22 that a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit that the  
23 quoted language appears in the cited authority. The SANTA CRUZ COUNTY  
24 DEFENDANTS lack knowledge or information sufficient to form a belief as to what was  
25 “Congress’s intent” as alleged in Paragraph 125 and so denies that allegation. To the extent  
26 that Paragraph 125 contains additional allegations beyond those admitted, they are denied  
27  
28

1 by the SANTA CRUZ COUNTY DEFENDANTS.

2 126. Paragraph 126 states legal conclusions to which no response is required. To  
3 the extent that a response is required, the SANTA CRUZ COUNTY DEFENDANTS deny  
4 the allegation in this Paragraph as it concerns 8 U.S.C. § 1644 and admit the allegation as it  
5 concerns 8 U.S.C. § 1373.  
6

7 127. The SANTA CRUZ COUNTY DEFENDANTS lack sufficient information  
8 to form a belief as to the allegation in Paragraph 127 and, therefore, deny it and demand  
9 strict proof, thereof.  
10

11 128. The SANTA CRUZ COUNTY DEFENDANTS lack knowledge or  
12 information sufficient to form a belief as to whether DHS currently maintains the Person  
13 Centric Query System (PCQS) and so denies the same and demands strict proof, thereof.  
14 Upon information and belief, the SANTA CRUZ COUNTY DEFENDANTS note that the  
15 authority that Plaintiffs cite for support for their allegation only pertains to determining  
16 whether noncitizens with lawful permanent resident status within the United States have paid  
17 their required Form I-131A fee to USCIS.  
18

19 129. The SANTA CRUZ COUNTY DEFENDANTS lack sufficient information  
20 to form a belief as to Paragraph 129. Plaintiffs' claim is rather broad and to assert DHS has  
21 the time and resources to “,,answer all of the inquiries ...” is rather bold. SANTA CRUZ  
22 COUNTY DEFENDANTS, otherwise, deny all allegations in Paragraph 129 and demand  
23 strict proof, thereof.  
24

25 130. Paragraph 130 states legal conclusions to which no response is required. To  
26 the extent that a response is required, the SANTA CRUZ COUNTY DEFENDANTS deny  
27  
28

1 the allegations in this Paragraph.

2 131. Paragraph 131 states legal conclusions to which no response is required. To  
3 the extent that a response is required, the SANTA CRUZ COUNTY DEFENDANTS deny  
4 the allegations in this Paragraph.

5 132. Paragraph 132 states legal conclusions to which no response is required. To  
6 the extent that a response is required, the SANTA CRUZ COUNTY DEFENDANTS deny  
7 the allegations in this Paragraph.

8 133. Paragraph 133 states legal conclusions to which no response is required. To  
9 the extent that a response is required, the SANTA CRUZ COUNTY DEFENDANTS deny  
10 the allegations in this Paragraph.

11 134. Paragraph 134 states legal conclusions to which no response is required. To  
12 the extent that a response is required, the SANTA CRUZ COUNTY DEFENDANTS deny  
13 the allegations in this Paragraph.

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

16 135. The cited House Bill and statute speak for themselves and no response is  
17 required. To the extent that a response is required, the SANTA CRUZ COUNTY  
18 DEFENDANTS admit that the quoted language appears in the cited sources and deny all  
19 additional allegations in this Paragraph. The SANTA CRUZ COUNTY DEFENDANTS  
20 join Maricopa County Defendants and incorporate by reference in affirmatively stating as  
21 follows:

22 House Bill 2492, codified at A.R.S. § 16-143(A), provided in pertinent part  
23  
24  
25  
26  
27  
28

1 that “[t]he secretary of state and each county recorder shall make available to the  
2 attorney general a list of all individuals who are registered to vote and who have not  
3 provided satisfactory evidence of citizenship pursuant to § 16-166 **and shall provide,**  
4 ***on or before October 31, 2022, the applications of individuals who are registered to***  
5 ***vote and who have not provided satisfactory evidence of citizenship pursuant to §***  
6 ***16-166.***” (emphasis added). Plaintiffs omit the relevant date from the Complaint and  
7 imply that the Recorder has an ongoing obligation to provide voters’ applications to the  
8 Attorney General. He does not. To the extent that Plaintiffs allege that the Recorder  
9 has failed to meet his legal obligations, it is denied.  
10  
11

12 Further, House Bill 2492 was not effective until December 31, 2022—***after***  
13 the October 31, 2022 deadline. House Bill 2492 was Chapter 99 of Laws 2022. *See*  
14 Chaptered Version of H.B. 2492, Laws 2022, *available at*  
15 <https://www.azleg.gov/legtext/55leg/2R/laws/0099.pdf>. The general effective date for  
16 Bills signed into law during the 2022 legislative session, absent emergency clauses or  
17 subsequent legislation altering the effective date, was September 24, 2022. *See* Policy  
18 Development & Government Relations: 2022 Arizona Legislative Session Summary, at  
19 1, *available at* [https://www.azed.gov/sites/default/files/2022/07/-  
20 DRAFT\\_2022%20ADE%20Legislative%20Session%20Summary\\_%2804.25.22%29  
21 LF\\_RT.pdf](https://www.azed.gov/sites/default/files/2022/07/-DRAFT_2022%20ADE%20Legislative%20Session%20Summary_%2804.25.22%29_LF_RT.pdf) (noting the September 24, 2022, general effective date). But after the  
22 governor signed House Bill 2492, the legislature passed—and, the governor signed—  
23 Senate Bill 1638, which is available at  
24 <https://www.azleg.gov/legtext/55leg/2r/laws/0174.pdf>. That Bill expressly provided  
25  
26  
27  
28

1 that “Laws 2022, chapter 99 [*i.e.*, H.B. 2492] is effective from and after December 31,  
2 2022.” S.B. 1638, Sec. 4(A), at 2:15-17. Thus, House Bill 2492 did not take effect  
3 until December 31, 2022—after the October 31, 2022 deadline for the Secretary of State  
4 and the Recorder to provide voter registration applications to the Attorney General.  
5

6 Because the requirement that the Recorder provide voter registration  
7 applications to the Attorney General “on or before October 31, 2022” was not effective  
8 as of that date, the Recorder had no legal obligation or authority to provide the  
9 applications to the Attorney General. The Recorder has fully complied with this law,  
10 and any allegations to the contrary are denied.  
11

12 136. The cited statute speaks for itself and no response is required. To the extent  
13 that a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit that the  
14 quoted language appears in the cited statute. The SANTA CRUZ COUNTY  
15 DEFENDANTS lack sufficient knowledge or information to form a belief as to of the  
16 remaining allegations in Paragraph 136 and therefore deny them.  
17

18 137. The SANTA CRUZ COUNTY DEFENDANTS admit that the requirement  
19 of A.R.S. § 16-143(A), that the county recorders “make available to the attorney general a  
20 list of all individuals who are registered to vote and who have not provided satisfactory  
21 evidence of citizenship”, is currently in force and is not enjoined by any court, as alleged in  
22 this Paragraph. The SANTA CRUZ COUNTY DEFENDANTS deny all other allegations  
23 in Paragraph 137.  
24

25 138. The SANTA CRUZ COUNTY DEFENDANTS deny the allegations in  
26 Paragraph 138 as they relate to the Santa Cruz County County Recorder. The SANTA  
27  
28

1 CRUZ COUNTY DEFENDANTS further affirmatively state that the Recorder follows and  
2 complies with all applicable law, and any allegations to the contrary stated or implied or  
3 denied. The SANTA CRUZ COUNTY DEFENDANTS lack knowledge or information  
4 sufficient to form a belief as to the allegations as they relate to the other Defendants and so  
5 deny them.  
6

7 139. The SANTA CRUZ COUNTY DEFENDANTS admit that the Recorder did  
8 not send to the Attorney General a list of all of Santa Cruz County's Federal Only voters on  
9 or before October 31, 2022, as stated in A.R.S. § 16-143(A), *because there was no*  
10 *requirement that she do so.* The SANTA CRUZ COUNTY DEFENDANTS further  
11 affirmatively state that, as explained in the Answer to Paragraph 135, the requirement that  
12 the Recorder send voters' applications to the Attorney General by October 31, 2022 did not  
13 become effective until after that date. Consequently, the Recorder had no legal obligation  
14 or authority to send voter registration applications to the Attorney General "on or before  
15 October 31, 2022," as the law would have required *if it had been in effect.* But because the  
16 law was not in effect on October 31, 2022, but did not take effect until after that date, § 16-  
17 143(A) did not require the county recorders to send any lists to the Attorney General.  
18  
19  
20

21 140. The term, "provide," in the allegation that "[t]he Defendants have also failed  
22 . . . to *provide* to the Attorney General the applications of all Federal-Only Voters", is vague  
23 and undefined, resulting in the SANTA CRUZ COUNTY DEFENDANTS being unable to  
24 ascertain what is being alleged. As a result, the SANTA CRUZ COUNTY DEFENDANTS  
25 deny the allegation. The SANTA CRUZ COUNTY DEFENDANTS further affirmatively  
26 state that no law requires the county recorders to "provide" lists of Federal Only Voters to  
27  
28

1 the Attorney General. The statute in question, A.R.S. § 16-143, requires the county recorders  
2 to “make available” to the Attorney General the referenced lists. The Santa Cruz County  
3 Recorder has fully complied with this legal requirement, and any allegation to the contrary  
4 is denied.

5  
6 ***Pre-Litigation Efforts to Request Compliance as to Maricopa County***

7 141. SANTA CRUZ COUNTY DEFENDANTS lack sufficient information to  
8 form a belief, but defers to Maricopa County Defendants’ response. To the extent that  
9 Paragraph 141 contains additional allegations pertaining to SANTA CRUZ COUNTY  
10 DEFENDANTS beyond those deemed admitted, they are denied by the SANTA CRUZ  
11 COUNTY DEFENDANTS.  
12

13 142. The statute and letter cited in this Paragraph speak for themselves and no  
14 response is required. To the extent that a response is required, the SANTA CRUZ COUNTY  
15 DEFENDANTS admit that the quoted language appears in the cited statute and that the letter  
16 referenced in this Paragraph made the erroneous claim alleged in this Paragraph. To the  
17 extent that Paragraph 142 contains additional allegations beyond those admitted, they are  
18 denied by the SANTA CRUZ COUNTY DEFENDANTS.  
19

20 143. The SANTA CRUZ COUNTY DEFENDANTS defer to, adopt, and  
21 incorporate by reference the Maricopa County Defendants response to this Paragraph.  
22

23 144. Considering Maricopa County Defendants’ response to this claim, the  
24 SANTA CRUZ COUNTY DEFENDANTS join in denying the allegations in this Paragraph.  
25

26 145. The SANTA CRUZ COUNTY DEFENDANTS defer to, adopt, and  
27 incorporate by reference the Maricopa County Defendants’ response to this Paragraph.  
28

1 146. Considering Maricopa County Defendants' response to this claim, the  
2 SANTA CRUZ COUNTY DEFENDANTS join in denying the allegations in this Paragraph.

3 147. The SANTA CRUZ COUNTY DEFENDANTS defer to, adopt, and  
4 incorporate by reference the Maricopa County Defendants' response to this Paragraph.  
5

6 148. The SANTA CRUZ COUNTY DEFENDANTS defer to, adopt, and  
7 incorporate by reference the Maricopa County Defendants' response to Paragraphs 147 and  
8 148.

9 149. The cited judicial decision speaks for itself and no response is required. To  
10 the extent that a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit  
11 that the quoted language appears in the cited decision.  
12

13 150. The cited judicial decision speaks for itself and no response is required. To  
14 the extent that a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit  
15 that the quoted language appears in the cited decision.  
16

17 151. The SANTA CRUZ COUNTY DEFENDANTS defer to, adopt, and  
18 incorporate by reference the Maricopa County Defendants' response to this Paragraph.  
19

20 152. The SANTA CRUZ COUNTY DEFENDANTS defer to, adopt, and  
21 incorporate by reference the Maricopa County Defendants' response to this Paragraph 152.

22 153. The SANTA CRUZ COUNTY DEFENDANTS defer to, adopt, and  
23 incorporate by reference the Maricopa County Defendants' response to this Paragraph.  
24

25 154. The SANTA CRUZ COUNTY DEFENDANTS defer to, adopt, and  
26 incorporate by reference the Maricopa County Defendants' response to this Paragraph 154.

27 155. The SANTA CRUZ COUNTY DEFENDANTS defer to, adopt, and  
28

1 incorporate by reference the Maricopa County Defendants’ response to this Paragraph..

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

3 156. The SANTA CRUZ COUNTY DEFENDANTS admit receiving a letter from  
4 “America First Legal,” which was dated July 16, 2024.  
5

6 157. The SANTA CRUZ COUNTY DEFENDANTS defer to, adopt, and  
7 incorporate the Pima County Defendants’ response to this Paragraph 157. The SANTA  
8 CRUZ COUNTY DEFENDANTS, otherwise, lack sufficient information to form a belief  
9 and denies the allegation.  
10

11 158. The SANTA CRUZ COUNTY DEFENDANTS defer to, adopt, and  
12 incorporate the Pima County Defendants’ response to this Paragraph 158. The SANTA  
13 CRUZ COUNTY DEFENDANTS, otherwise, lack sufficient information to form a belief  
14 and denies the allegation.  
15

16 159. The SANTA CRUZ COUNTY DEFENDANTS deny that “PCQS only  
17 requires a name and date of birth” for citizenship inquiries. The SANTA CRUZ COUNTY  
18 DEFENDANTS lack knowledge or information sufficient to form a belief as what PCQS  
19 requires for other types of inquiries and so denies the allegation as it relates to other types of  
20 inquiries (*i.e.*, inquiries that are not citizenship inquiries). To the extent that Paragraph 159  
21 contains additional allegations beyond those already denied, they are also denied by the  
22 SANTA CRUZ COUNTY DEFENDANTS.  
23

24 160. The SANTA CRUZ COUNTY DEFENDANTS defer to and adopt the Pima  
25 County Defendants’ response to this Paragraph 160. The SANTA CRUZ COUNTY  
26 DEFENDANTS, otherwise, lack sufficient information to form a belief and denies the  
27  
28

1 allegation..

2 161. The SANTA CRUZ COUNTY DEFENDANTS deny the allegations made in  
3 Paragraph 161.

4 162. The SANTA CRUZ COUNTY DEFENDANTS lack knowledge or  
5 information sufficient to form a belief as to the truth or falsity of the allegations made in  
6 Paragraph 162 and so deny them.

7 163. The SANTA CRUZ COUNTY DEFENDANTS lack knowledge or  
8 information sufficient to form a belief as to the truth or falsity of the allegations made in  
9 Paragraph 163 and so deny them.  
10  
11

12 **COUNT 1**

13 **Failure to Use “All Available Resources” for**  
14 **Voter List Maintenance of Federal-Only Voters**  
15 **(Special Action, Declaratory, and Injunctive Relief)**

16 **A.R.S. §§ 16-121.01(D), 12-1801, 12-1831, 12-1832,**  
17 **12-2021, Ariz. R. Civ. P. 65, RPSA 3, and 28 U.S.C. § 1651)**

18 164. The SANTA CRUZ COUNTY DEFENDANTS incorporate by reference  
19 each of their preceding admissions, denials, and affirmative statements as if fully set forth  
20 herein.

21 165. The cited statute speaks for itself and no response is required. To the extent  
22 that a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit that the  
23 quoted language appears in the cited statute. The SANTA CRUZ COUNTY  
24 DEFENDANTS further affirmatively state as follows: A.R.S. § 16-121.01(D), by its plain  
25 language and terms, only applies to voter registration applications made using the Federal  
26 Form—that is, in the words of the statute, the “form produced by the United States election  
27 assistance commission”. Plaintiffs omit the latter part of the statute from their quote, thereby  
28

1 implying that A.R.S. § 16-121.01(D) applies to *State Form* applications, produced by the  
2 Arizona Secretary of State, that are not accompanied by satisfactory evidence of citizenship,  
3 too. SANTA CRUZ COUNTY DEFENDANTS affirmatively claim the law does not apply  
4 to State Form registrations. Plaintiffs misunderstand the statutory requirement.  
5

6 166. The SANTA CRUZ COUNTY DEFENDANTS deny the allegations in this  
7 Paragraph and affirmatively state that a “1373/1644 Request” would only result in a SAVE  
8 inquiry, which the Santa Cruz County Recorder already makes.  
9

10 167. The SANTA CRUZ COUNTY DEFENDANTS admit that the Santa Cruz  
11 County Recorder has not submitted any citizenship inquiries to the Department of Homeland  
12 Security pursuant to 8 U.S.C. §§ 1373 or 1644. The SANTA CRUZ COUNTY  
13 DEFENDANTS lack knowledge or information sufficient to form a belief as to the  
14 allegations made in Paragraph 167 and so deny them. The SANTA CRUZ COUNTY  
15 DEFENDANTS deny any remaining allegations in this Paragraph.  
16

17 168. The SANTA CRUZ COUNTY DEFENDANTS deny the allegations in this  
18 Paragraph as it relates to the Santa Cruz County Recorder. SANTA CRUZ COUNTY  
19 DEFENDANTS affirmatively state that the Recorder fully complies with A.R.S. § 16-  
20 121.01(D), as well as, Arizona’s chief State election official [Arizona Secretary of State], as  
21 required under Federal law.  
22

23 169. The SANTA CRUZ COUNTY DEFENDANTS deny the allegations in this  
24 Paragraph as they relate to the Santa Cruz County Recorder and affirmatively state that the  
25 Recorder fully complies with A.R.S. § 16-121.01(D) and chief State election official  
26 [Arizona Secretary of State].  
27  
28

**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. P. 65, RPSA 3, and 28 U.S.C. § 1651)**

1  
2  
3  
4  
5 170. The SANTA CRUZ COUNTY DEFENDANTS incorporate by reference  
6 each of their preceding admissions, denials, and affirmative statements as if fully set forth  
7 herein.

8  
9 171. The cited statute speaks for itself and no response is required. To the extent  
10 that a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit that the  
11 quoted language appears in the cited statute. The SANTA CRUZ COUNTY  
12 DEFENDANTS joins the Maricopa County Defendants and incorporates by reference their  
13 affirmative statement that A.R.S. § 16-121.01(D), by its plain language and terms, only  
14 applies to voter registration applications made using the Federal Form—that is, in the words  
15 of the statute, the “form produced by the United States election assistance commission”.  
16 Despite that, Plaintiffs omit that part of the statute from their quote, thereby implying that  
17 A.R.S. § 16-121.01(D) applies to *State Form* applications, produced by the Arizona  
18 Secretary of State, that are not accompanied by satisfactory evidence of citizenship, too. But  
19 the law does not apply to State Form registrations. Plaintiffs misunderstand the statutory  
20 requirement.  
21  
22

23  
24 172. The SANTA CRUZ COUNTY DEFENDANTS lack sufficient knowledge to  
25 form a belief as to Paragraph 172 and denies the allegation, further demanding strict proof,  
26 thereof.

27  
28 173. The SANTA CRUZ COUNTY DEFENDANTS admit that the Recorder has

1 not submitted any citizenship inquiries to the Department of Homeland Security pursuant to  
2 8 U.S.C. §§ 1373 or 1644 and incorporates by reference the Maricopa County Defendants’  
3 answer to this Paragraph in their Answer to this same allegation. The SANTA CRUZ  
4 COUNTY DEFENDANTS, otherwise, lack sufficient knowledge to form a belief as to the  
5 relevance of the allegation.  
6

7 174. The SANTA CRUZ COUNTY DEFENDANTS deny the allegations in this  
8 Paragraph as they relate to the Santa Cruz County Recorder and affirmatively state that the  
9 Recorder fully complies with A.R.S. § 16-121.01(D) and the State election official [Arizona  
10 Secretary of State]. The SANTA CRUZ COUNTY DEFENDANTS, otherwise, lack  
11 knowledge or information sufficient to form a belief as to the allegations made in Paragraph  
12 174 and demand strict proof, thereof.  
13

14 175. The SANTA CRUZ COUNTY DEFENDANTS deny the allegations in this  
15 Paragraph and affirmatively state that the Recorder fully complies with A.R.S. § 16-  
16 121.01(D) and State election director official [Arizona Secretary of State]. The SANTA  
17 CRUZ COUNTY DEFENDANTS lack knowledge or information sufficient to form a belief  
18 as to the allegations made in Paragraph 175 and demand strict proof, thereof.  
19

20 21 176. The SANTA CRUZ COUNTY DEFENDANTS deny the allegations in this  
22 Paragraph and affirmatively state that the Recorder fully complies with A.R.S. § 16-  
23 121.01(D) and the State election director official [Arizona Secretary of State]. The SANTA  
24 CRUZ COUNTY DEFENDANTS, otherwise, lack knowledge or information sufficient to  
25 form a belief as to the allegations made in Paragraph 176 and demand strict proof, thereof.  
26

27 **COUNT III**  
28 **Failure to Conduct Regular Voter List Maintenance**

**of Federal-Only Voters Using Accessible Databases  
(Special Action, Declaratory, and Injunctive Relief)  
A.R.S. §§ 16-165(K), 12-1801, 12-1831, 12-1832,  
12-2021, Ariz. R. Civ. P. 65, RPSA 3, and 28 U.S.C. § 1651)**

1  
2  
3  
4 177. The SANTA CRUZ COUNTY DEFENDANTS incorporate by reference  
5 each of their preceding admissions, denials, and affirmative statements as if fully set forth  
6 herein.

7  
8 178. The cited statute speaks for itself and no response is required. To the extent  
9 that a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit that the  
10 quoted language appears in the cited statute.

11 179. The allegations in Paragraph 179 state a legal conclusion to which no  
12 response is required. To the extent that a response is required, the SANTA CRUZ COUNTY  
13 DEFENDANTS admit that applicable law requires the Recorder to cancel the voter  
14 registrations of those who he learns through an inquiry authorized by law are not United  
15 States citizens. The SANTA CRUZ COUNTY DEFENDANTS deny all remaining  
16 allegations in this Paragraph.  
17

18  
19 180. The Plaintiffs state a misguided interpretation and draw a legal conclusion.  
20 No response is needed. The SANTA CRUZ COUNTY DEFENDANTS, otherwise,  
21 incorporate by reference Maricopa County Defendants' analysis in their response to  
22 Paragraph 180.

23  
24 181. The cited statute speaks for itself and no response is required. To the extent  
25 that a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit that the  
26 quoted language appears in the cited statute and that A.R.S. § 16-165(K) requires that "[t]o  
27 the extent practicable, the county recorder shall review relevant city, town, county, state and  
28

1 federal databases to which the county recorder has access to confirm information obtained  
2 that requires cancellation of registrations pursuant to this section.” The SANTA CRUZ  
3 COUNTY DEFENDANTS deny Plaintiffs’ unqualified allegation that the cited statute  
4 “requires” that the Recorder perform the confirmation because the statute, by its terms, only  
5 requires confirmation “to the extent practicable.” The SANTA CRUZ COUNTY  
6 DEFENDANTS deny all remaining allegations in this Paragraph.  
7

8 182. The SANTA CRUZ COUNTY DEFENDANTS lack sufficient information  
9 to form a belief as to the allegations in this Paragraph and, therefore, deny the allegation and  
10 demand strict proof, thereof.  
11

12 183. The SANTA CRUZ COUNTY DEFENDANTS admit that the Recorder has  
13 not submitted any citizenship inquiries to the Department of Homeland Security pursuant to  
14 8 U.S.C. §§ 1373 or 1644. The SANTA CRUZ COUNTY DEFENDANTS, otherwise,  
15 replead their response in Paragraph 173.  
16

17 184. The SANTA CRUZ COUNTY DEFENDANTS deny the allegations in this  
18 Paragraph.  
19

20 185. The SANTA CRUZ COUNTY DEFENDANTS deny the allegations in this  
21 Paragraph and affirmatively state that the Recorder fully complies with A.R.S. § 16-165(K).

22 186. The SANTA CRUZ COUNTY DEFENDANTS deny the allegations in this  
23 Paragraph and affirmatively state that the Recorder fully complies with A.R.S. § 16-165(K).  
24

25 **COUNT IV**  
26 **Failure to Send Information About**  
27 **Federal-Only Voters to the Attorney General**  
28 **(Special Action, Declaratory, and Injunctive Relief)**  
**A.R.S. §§ 16-143, 12-1801, 12-1831, 12-1832,**  
**12-2021, Ariz. R. Civ. P. 65, RPSA 3, and 28 U.S.C. § 1651)**

1 187. The SANTA CRUZ COUNTY DEFENDANTS incorporate by reference  
2 each of their preceding admissions, denials, and affirmative statements as if fully set forth  
3 herein.

4 188. The cited statute speaks for itself and no response is required. To the extent  
5 that a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit that the  
6 quoted text appears in the cited statute.

7 189. The SANTA CRUZ COUNTY DEFENDANTS deny that the Recorder has  
8 not “made available” to the Attorney General the information that the statute requires that  
9 she make available. The SANTA CRUZ COUNTY DEFENDANTS, denies not providing  
10 any information about Federal-Only Voters that the Attorney General has requested. The  
11 SANTA CRUZ COUNTY DEFENDANTS, otherwise, lack sufficient information to form  
12 a belief as to Paragraph 189, including relevance and implications, and therefore denies the  
13 allegation to that effect and demands strict proof, thereof.  
14  
15  
16

17 190. The SANTA CRUZ COUNTY DEFENDANTS deny the allegations in this  
18 Paragraph and affirmatively state that the Recorder fully complies with A.R.S. § 16-143(A)  
19 and the State election official. The SANTA CRUZ COUNTY DEFENDANTS affirmatively  
20 maintain there is no ongoing requirement that the county recorders “provide” information  
21 about Federal Only Voters to the Attorney General absent a request from the Attorney  
22 General.  
23

24  
25 **COUNT V**  
26 **Voter List Maintenance Procedures**  
27 **that Are Discriminatory or Not Uniform**  
28 **(52 U.S.C. §§ 20507(b)(1) and 20510(b), and 28 U.S.C. § 1651)**

191. The SANTA CRUZ COUNTY DEFENDANTS incorporate by reference

1 each of their preceding admissions, denials, and affirmative statements as if fully set forth  
2 herein.

3 192. The cited statute speaks for itself and no response is required. To the extent  
4 that a response is required, the SANTA CRUZ COUNTY DEFENDANTS admit that the  
5 quoted text appears in the cited statute.  
6

7 193. The SANTA CRUZ COUNTY DEFENDANTS lack sufficient information  
8 to form a belief as to the allegations in this Paragraph as they relate to the Santa Cruz County  
9 Recorder and therefore deny it. SANTA CRUZ COUNTY DEFENDANTS affirmatively  
10 state that, when receiving alien number and/or other acceptable DHS numerical identifiers,  
11 the Santa Cruz County Recorder will input that into AVID, which will be transmitted to  
12 Arizona Secretary of State. Whether this information is transmitted to DHS is a question for  
13 Arizona's Secretary of State, who may actually be a required party to this litigation.  
14

15  
16 194. The SANTA CRUZ COUNTY DEFENDANTS deny the allegations in  
17 Paragraph 194.

18 195. The SANTA CRUZ COUNTY DEFENDANTS admit the allegations in this  
19 Paragraph.  
20

21 196. The SANTA CRUZ COUNTY DEFENDANTS lack sufficient information  
22 to form a belief and therefor deny the allegations in Paragraph 196.

23 197. Paragraph 197 states a conclusion of law to which no response is required.  
24 To the extent that a response is required, the SANTA CRUZ COUNTY DEFENDANTS  
25 deny all allegations in Paragraph 197, including that the submission of citizenship checks to  
26 DHS, as described in Paragraph 193, is a "list maintenance practice" as alleged in Paragraph  
27  
28

1 197.

2 198. Paragraph 198 states a conclusion of law to which no response is required.  
3 To the extent that a response is required, the SANTA CRUZ COUNTY DEFENDANTS  
4 deny all allegations in Paragraph 198.

5 199. Paragraph 199 states a conclusion of law to which no response is required.  
6 To the extent that a response is required, the SANTA CRUZ COUNTY DEFENDANTS join  
7 Maricopa County Defendants and incorporate by reference their response to this same  
8 allegation and deny that the Defendants' citizenship inquiries with DHS, which are made  
9 within ten days of receiving a voter registrants' application and are done pursuant to A.R.S.  
10 § 16-121.01(D), violates the NVRA's nondiscrimination requirement as alleged in  
11 Paragraph 199. Further, the Maricopa County Defendants affirmatively assert that  
12 citizenship inquiries made utilizing SAVE concerning naturalized citizens have already been  
13 found by this federal district court to **not** violate the NVRA's uniformity requirement. *Mi*  
14 *Familia Vota v. Fontes*, No. CV-24-00509-PHX-SRB, \_\_\_ F.Supp.3d\_\_\_, 2024 WL 862406,  
15 at \*42-43 (D. Ariz. Feb. 29, 2024), judgment entered, No. CV-22-00509-PHX-SRB, 2024  
16 WL 2244338 (D. Ariz. May 2, 2024) (currently on appeal).

17  
18  
19  
20  
21 **(PLAINTIFFS') PRAYER FOR RELIEF**

22 The SANTA CRUZ COUNTY DEFENDANTS deny that Plaintiffs are entitled to  
23 any of their requested relief.

24 **AFFIRMATIVE DEFENSES**

25 SANTA CRUZ COUNTY DEFENDANTS join and incorporates Maricopa County  
26 Defendants' Affirmative Defenses:  
27  
28

- 1 1. Plaintiffs lack Article III standing.
- 2 2. Plaintiffs cannot maintain their claims because they failed to comply with the  
3 notice requirements of 52 U.S.C. § 20510(b) prior to filing their lawsuit.
- 4 3. Plaintiffs failed to state a claim upon which relief can be granted.
- 5 4. Plaintiffs failed to sue necessary parties to obtain the relief they request.
- 6 5. Some of the relief that Plaintiffs request, or implicitly request, would be illegal  
7 under federal law.
- 8 6. Plaintiffs' proposed interpretation of Arizona's and federal-law citizenship-  
9 inquiry requirements, which Plaintiffs seek to impose on Defendants, would lead to futile  
10 and absurd results, and courts do not construe statutes to produce such results. *Church of*  
11 *Scientology of California v. U.S. Dep't of Just.*, 612 F.2d 417, 422 (9th Cir. 1979) (*quoting*  
12 *United States v. Am. Trucking Ass'ns*, 310 U.S. 534, 543-44 (1940)).
- 13 7. Santa Cruz County is not a proper defendant to this action and must be  
14 dismissed.
- 15 8. The SANTA CRUZ COUNTY DEFENDANTS reserve the right to assert  
16 additional affirmative defenses as additional facts are discovered.

17  
18  
19  
20  
21 **SANTA CRUZ COUNTY DEFENDANTS' PRAYER FOR RELIEF**

22 The SANTA CRUZ COUNTY DEFENDANTS joins and incorporates Maricopa  
23 County Defendants' pray for relief as follows.

- 24 A. That the Court dismiss Plaintiffs' Complaint;
- 25 B. That judgment be entered in favor of the SANTA CRUZ COUNTY  
26 DEFENDANTS and against Plaintiffs on Plaintiffs' Complaint;

1 C. That the SANTA CRUZ COUNTY DEFENDANTS be awarded their  
2 reasonable attorneys' fees and costs under any applicable statute, rule, or equitable doctrine;  
3 and

4 D. For any and all other and further relief as the Court deems appropriate.  
5

6 RESPECTFULLY SUBMITTED this 14<sup>th</sup> day of November, 2024.  
7

8 GEORGE E. SILVA  
9 SANTA CRUZ COUNTY ATTORNEY

10 /s/Robert F. May  
11 ROBERT F. MAY  
12 BUREAU CHIEF – CIVIL DIVISION

13 **CERTIFICATE OF SERVICE**

14 I hereby certify that on this 14<sup>th</sup> day of November, 2024, I electronically filed the  
15 foregoing with the Clerk of the Court for the United States District Court for the District  
16 of Arizona using the CM/ECF filing system. Counsel for all prior Defendants, as well as,  
17 Plaintiffs, who have appeared and are registered CM/ECF users will be served by the  
18 CM/ECF system pursuant to the notice of electronic filing, with courtesy copies emailed  
19 as follows:  
20

21  
22 Honorable Krissa M. Lanham  
23 District Court Judge  
24 [Lanham\\_chambers@azd.uscourts.gov](mailto:Lanham_chambers@azd.uscourts.gov)

25  
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\_\_\_\_\_  
/s/