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15 **IN THE UNITED STATES DISTRICT COURT**  
16 **FOR THE DISTRICT OF ARIZONA**

17 Strong Communities Foundation of  
18 Arizona Inc., and Yvonne Cahill,

19 Plaintiffs,

20 vs.

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

24 Defendants.

No. 24-CV-02030-PHX-SMB

**MARICOPA COUNTY DEFENDANTS'**  
**ANSWER**

1 Defendants Maricopa County Recorder Stephen Richer (the “Recorder”) and  
2 Maricopa County (together, the “Maricopa County Defendants”) answer Plaintiffs’  
3 Complaint as follows.

4 **MARICOPA COUNTY DEFENDANTS’ PREFATORY STATEMENT**

5  
6 Arizona has a bifurcated system of voter registration. To be a “Full Ballot” voter,  
7 eligible to vote in federal, state, and local elections, voters must provide documentary proof  
8 of citizenship (“DPOC”). A.R.S. § 16-166(F) (as limited by *Arizona v. Inter Tribal Council*  
9 *of Arizona, Inc.*, 570 U.S. 1 (2013) (“*ITCA*”). Those registrants who do not provide DPOC,  
10 but who nonetheless swear or affirm that they are United States citizens, are registered as  
11 “Federal Only” voters and are eligible to vote in federal elections only. This result is  
12 required by federal law, which requires states to “accept and use” a uniform federal form  
13 (the “Federal Form”) produced by the Elections Assistance Commission (the “EAC”) for  
14 voter registration for federal elections. 52 U.S.C. § 20505(a)(1). States are prohibited from  
15 requiring federal voter registration applicants to submit additional information beyond that  
16 required by the Federal Form. *ITCA*, 570 U.S. at 15. Because the Federal Form does not  
17 require DPOC, 52 U.S.C. § 20508(b), Arizona is prohibited from requiring DPOC for  
18 Federal Only voters.<sup>1</sup>

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21  
22 Even under the bifurcated voter registration system just described, noncitizens are not  
23 allowed to register to vote in federal elections. The Federal Form requires that registrants  
24 attest that they are United States citizens and sign the Form under penalty of perjury. 52

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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 U.S.C. § 20508(b)(2). Thus, every voter registrant in Maricopa County demonstrates their  
2 citizenship, either by providing DPOC or by attestation under penalty of perjury.

3 In Arizona, each county’s recorder maintains the county’s roll of registered voters.  
4 Both federal and state law require the county recorders to perform “list maintenance” of the  
5 voter registration rolls, which involves removing those who have moved out of the county,  
6 are deceased, or are otherwise have become ineligible to vote. This lawsuit concerns that  
7 process.  
8

9 In their five-count First Amended Complaint, Plaintiffs allege that Arizona’s county  
10 recorders are not properly performing list maintenance regarding noncitizens who are  
11 unlawfully registered to vote. In Counts I – III and V, they allege that, pursuant to 8 U.S.C.  
12 § 1373 and § 1644, the recorders are required to make “1373/1644 Requests” to the  
13 Department of Homeland Security for their counties’ voters’ citizenship information but is  
14 not doing so. In Count IV, Plaintiffs allege that Arizona law requires the county recorders  
15 to send lists of certain voters, as well as certain voter registration applications, to the Arizona  
16 Attorney General but they have not done so. But Plaintiffs are incorrect about all of this.  
17 Each of their claims misunderstands, or misstates, what the law requires. Accordingly, the  
18 Complaint fails as a matter of law.  
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22 **MARICOPA COUNTY DEFENDANTS’ GENERAL DENIAL**

23 Every allegation in the Complaint that is not specifically admitted in this Answer is  
24 denied.  
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26 **(PLAINTIFFS’) INTRODUCTION**

27 1. The Maricopa County Defendants admit the allegations of Paragraph 1.  
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1           2.       The quoted portion of the Rasmussen Report speaks for itself and does not  
2 require a response. To the extent a response is required, the Maricopa County Defendants  
3 admit that the article contains the quoted text and deny all remaining allegations in Paragraph  
4  
5 2.

6           3.       The quoted portion of the Rasmussen Report speaks for itself and does not  
7 require a response. To the extent a response is required, the Maricopa County Defendants  
8 admit that the article contains the quoted text and deny all remaining allegations in Paragraph  
9  
10 3.

11           4.       Plaintiffs' allegation in Paragraph 4 uses a descriptor, "many," that is not  
12 defined with specificity but is subject to interpretation and is therefore vague. Accordingly,  
13 the Maricopa County Defendants deny the allegations in Paragraph 4.

14           5.       Paragraph 5 contains legal conclusions to which no response is required. To  
15 the extent a response is required, the Maricopa County Defendants admit that the Legislature  
16 enacted H.B. 2243 and H.B. 2492 that concerned voter registration list maintenance in 2022  
17 and that the legislation was signed into law by the Governor. The Maricopa County  
18 Defendants deny that the legislation was "stricter" than the list maintenance requirements  
19 that were then in effect. The Maricopa County Defendants deny all remaining allegations in  
20 Paragraph 5.  
21

22           6.       The Maricopa County Defendants lack sufficient knowledge or information  
23 to form a belief as to the truth or falsity of the allegations in Paragraph 6 and therefore deny  
24 them.  
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26           7.       The Maricopa County Defendants admit that the cited statute contains the  
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1 quoted text. The Maricopa County Defendants deny that the cited statute requires them to  
2 “ensure” that ineligible voters are removed from the voter rolls. The Maricopa County  
3 Defendants deny all remaining allegations in Paragraph 7. The Maricopa County Defendants  
4 affirmatively state as follows: the cited statute, 52 U.S.C. § 21083, concerns how the  
5 Maricopa County Recorder must perform voter registration list maintenance activities. It  
6 requires that the Maricopa County Recorder ensure that the only voters whose names are  
7 removed from the voter registration list are those who are *actually* ineligible to vote. *See* 52  
8 U.S.C. § 21083(a)(2)(B)(ii) (providing that “[t]he list maintenance performed under  
9 subparagraph (A) shall be conducted in a manner that ensures that-- . . . only voters who are  
10 not registered or who are not eligible to vote are removed from the computerized list”). The  
11 cited statute is thus a voter-protection statute, placing a requirement upon the Recorder that  
12 he take appropriate steps to make certain that no one who is eligible to the franchise is  
13 removed by mistake from the voter registration list. Plaintiffs, however, turn the statute on  
14 its head and present it to this Court as requiring that the Recorder “ensure” that no one who  
15 is ineligible to vote is listed on the voter registration list. But the statute does not require  
16 that. In fact, no statute or law requires the Recorder to “ensure” that the voter registration  
17 list is completely free from even a single, solitary illegible voter. Plaintiffs’ (and their  
18 attorneys’) misrepresentation of the statute to this Court should not be countenanced.

23 8. The Maricopa County Defendants deny all allegations made in Paragraph 8  
24 as they relate to the Maricopa County Defendants. The Maricopa County Defendants lack  
25 sufficient knowledge or information to form a belief as to the truth or falsity of Paragraph  
26 8’s allegations as they relate to the other Defendants and so deny them. The Maricopa  
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1 County Defendants further affirmatively state that Maricopa County Recorder Stephen  
2 Richer complies with all legal requirements concerning voter registration list maintenance  
3 and any allegation to the contrary is false. During Recorder Richer’s term of office, the  
4 Recorder has reduced Maricopa County’s voter registration list by over 400,000 voters who  
5 had become ineligible to vote as a result of his list maintenance efforts. Plaintiffs’ (and their  
6 attorneys’) accusation, that the Recorder “ignore[s]” applicable list maintenance  
7 requirements, is what is “[p]uzzling[.]”. The mischaracterization by Plaintiffs and their  
8 attorneys should not be countenanced by this Court.  
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11 9. The Maricopa County Defendants deny that they have “failed” to follow the  
12 law as alleged in Paragraph 9. The Maricopa County Defendants lack sufficient knowledge  
13 or information to form a belief as to the truth or falsity of whether the other Defendants have  
14 “failed” to follow the law as alleged in Paragraph 9 and therefore deny that such has  
15 happened. The Maricopa County Defendants lack sufficient knowledge or information to  
16 form a belief as to the truth or falsity of whether voters have “los[t] confidence in the integrity  
17 of our election system” as alleged in Paragraph 9 and therefore deny that such has occurred.  
18 If such has occurred, the Maricopa County Defendants lack sufficient knowledge or  
19 information to form a belief as to the truth or falsity of why such loss of confidence has  
20 occurred and so deny the allegation that it is because of any alleged “failures” of the  
21 Defendants (which the Maricopa County Defendants deny have happened). Accordingly,  
22 all allegations in Paragraph 9 are denied.  
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26 Additionally, the Maricopa County Defendants affirmatively state as follows: *If*  
27 voters have “los[t] confidence in the integrity of our election system[.]” as alleged in  
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1 Paragraph 9, it is far more likely the result of the repeated, false allegations against election  
2 officers and their administration of elections than it is the result of non-existent failures of  
3 those officials to “take the actions required by law” (as alleged in Paragraphs 8 and 9 of the  
4 First Amended Complaint).

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6 10. For support for the allegations in Paragraph 10, Plaintiffs supplied a link to a  
7 Rasmussen Reports article. However, the link only brings up a snippet of the article, the  
8 remainder of which is behind a paywall. It also brings up a message stating: “Archived Page  
9 Not Found.” The snippet of the article does not say what Plaintiffs allege in Paragraph 10.  
10 Accordingly, the Maricopa County Defendants lack sufficient knowledge or information to  
11 form a belief as to the truth or falsity of the allegations in Paragraph 10 and therefore deny  
12 them.  
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14 11. For support for the allegations made in Paragraph 11, Plaintiffs supplied  
15 another link to a Rasmussen Reports article. However, just like the link supplied for  
16 Paragraph 10, the link to support the allegations made in Paragraph 11 only brings up a  
17 snippet of the Rasmussen Reports article, the remainder of which is behind a paywall. It  
18 also brings up a message stating: “Archived Page Not Found.” The snippet of the article  
19 does, however, say what Plaintiffs allege that it says. Accordingly, the Maricopa County  
20 Defendants admit that the cited Rasmussen Report article contains the quoted text. The  
21 Maricopa County Defendants lack sufficient knowledge or information, however, to form a  
22 belief as to whether the article accurately reports the purported survey results, and also lack  
23 sufficient knowledge or information to form a belief as to whether the survey results as  
24 reported in the snippet of the article are reliable indicators of the thinking of the general  
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1 public or whether the survey methodology, sample size, or question-bias render the survey  
2 results unreliable. Accordingly, the Maricopa County Defendants deny all remaining  
3 allegations made in Paragraph 11.

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5 12. The Maricopa County Defendants lack sufficient knowledge or information  
6 to form a belief as to the truth or falsity of Paragraph 12's allegations concerning why  
7 Plaintiffs and their attorneys brought this lawsuit and what it "seeks" to accomplish and so  
8 deny them. The Maricopa County Defendants affirmatively state that Recorder Richer has  
9 no "failures" as alleged in this lawsuit and all allegations to the contrary are false. The  
10 Maricopa County Defendants further affirmatively state that, to the extent that "public trust  
11 in our State's electoral system" has been eroded and needs to be "restore[d]," it is largely a  
12 result of sham lawsuits that make unfounded allegations, untethered from reality, and spread  
13 those allegations over the Internet in fund raising appeals.  
14

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16 **PARTIES**

17 13. The Maricopa County Defendants lack sufficient knowledge or information  
18 to form a belief as to the truth or falsity of the allegations in Paragraph 13 and therefore deny  
19 them.  
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21 14. The Maricopa County Defendants lack sufficient knowledge or information  
22 to form a belief as to the truth or falsity of the allegations in Paragraph 14 and therefore deny  
23 them.  
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25 15. The Maricopa County Defendants lack sufficient knowledge or information  
26 to form a belief as to the truth or falsity of the allegations in Paragraph 15 and therefore deny  
27 them.  
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1           16.     The Maricopa County Defendants lack sufficient knowledge or information  
2 to form a belief as to the truth or falsity of the allegations in Paragraph 16 and therefore deny  
3 them.

4           17.     The Maricopa County Defendants deny that there is any “unlawful failure”  
5 on the part of Recorder Richer “to comply with required voter list maintenance practices” as  
6 alleged in Paragraph 17. The Maricopa County Defendants affirmatively state that the  
7 Maricopa County Recorder complies with, *and is in compliance with*, the laws that concern  
8 voter registration list maintenance and any allegation to the contrary is false. The Maricopa  
9 County Defendants lack sufficient knowledge or information to form a belief as to the truth  
10 or falsity of the remaining allegations in Paragraph 17 and therefore deny them.

11           18.     The allegations in Paragraph 18 state a legal conclusion to which no response  
12 is required. To the extent that a response is required, the Maricopa County Defendants deny  
13 all allegations in Paragraph 18.

14           19.     The Maricopa County Defendants lack sufficient knowledge or information  
15 to form a belief as to the truth or falsity of the allegations in Paragraph 19—Plaintiffs did  
16 not provide Ms. Cahill’s voter registration number, and so there is no way for the Maricopa  
17 County Defendants to confirm the averments in this Paragraph—and, therefore, deny them.

18           20.     The Maricopa County Defendants lack sufficient knowledge or information  
19 to form a belief as to the truth or falsity of the allegations in Paragraph 20 and therefore deny  
20 them.

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

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

3         26. The Maricopa County Defendants admit that Cochise County is a county in  
4 the State of Arizona and that Recorder Stevens is an elected officer of the county. The  
5 remainder of the Paragraph states a legal conclusion to which no response is required. To  
6 the extent a response is required, the Maricopa County Defendants admit that an Arizona  
7 county has the power to sue and be sued. To the extent that Paragraph 26 contains additional  
8 allegations beyond those admitted, they are denied by the Maricopa County Defendants. The  
9 Maricopa County Defendants further affirmatively state that, in order for someone to sue  
10 one of Arizona's counties, they must be able to articulate an injury caused by the county or  
11 otherwise be able to state why the county is a necessary party.  
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14         27. The Maricopa County Defendants admit that Patty Hansen is the Coconino  
15 County Recorder and that she is sued in her official capacity. The remainder of this  
16 Paragraph states legal conclusions to which no response is required. To the extent that a  
17 response is required, the Maricopa County Defendants admit that the office of Recorder is  
18 created by Arizona's Constitution; that the Recorder is one of the principal elections officers  
19 of Coconino County; that the Recorder is responsible for overseeing and directing numerous  
20 components of election administration within the county; and, that some of the Recorder's  
21 responsibilities concern voter registration list maintenance and verifying citizenship status  
22 of voter-registration applicants. To the extent that Paragraph 27 contains additional  
23 allegations beyond those admitted, they are denied by the Maricopa County Defendants.  
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27         28. The Maricopa County Defendants admit that Coconino County is a county in  
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1 the State of Arizona and that Recorder Hansen is an elected officer of the county. The  
2 remainder of the Paragraph states a legal conclusion to which no response is required. To  
3 the extent a response is required, the Maricopa County Defendants admit that an Arizona  
4 county has the power to sue and be sued. To the extent that Paragraph 28 contains additional  
5 allegations beyond those admitted, they are denied by the Maricopa County Defendants. The  
6 Maricopa County Defendants further affirmatively state that, in order for someone to sue  
7 one of Arizona's counties, they must be able to articulate an injury caused by the county or  
8 otherwise be able to state why the county is a necessary party.  
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11 29. The Maricopa County Defendants admit that Sadie Jo Bingham is the Gila  
12 County Recorder and that she is sued in her official capacity. The remainder of this  
13 Paragraph states legal conclusions to which no response is required. To the extent that a  
14 response is required, the Maricopa County Defendants admit that the office of Recorder is  
15 created by Arizona's Constitution; that the Recorder is one of the principal elections officers  
16 of Gila County; that the Recorder is responsible for overseeing and directing numerous  
17 components of election administration within the county; and, that some of the Recorder's  
18 responsibilities concern voter registration list maintenance and verifying citizenship status  
19 of voter-registration applicants. To the extent that Paragraph 29 contains additional  
20 allegations beyond those admitted, they are denied by the Maricopa County Defendants.  
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23 30. The Maricopa County Defendants admit that Gila County is a county in the  
24 State of Arizona and that Recorder Bingham is an elected officer of the county. The  
25 remainder of the Paragraph states a legal conclusion to which no response is required. To  
26 the extent a response is required, the Maricopa County Defendants admit that an Arizona  
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1 county has the power to sue and be sued. To the extent that Paragraph 30 contains additional  
2 allegations beyond those admitted, they are denied by the Maricopa County Defendants. The  
3 Maricopa County Defendants further affirmatively state that, in order for someone to sue  
4 one of Arizona's counties, they must be able to articulate an injury caused by the county or  
5 otherwise be able to state why the county is a necessary party.  
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7 31. The Maricopa County Defendants admit that Polly Merriman is the Graham  
8 County Recorder and that she is sued in her official capacity. The remainder of this  
9 Paragraph states legal conclusions to which no response is required. To the extent that a  
10 response is required, the Maricopa County Defendants admit that the office of Recorder is  
11 created by Arizona's Constitution; that the Recorder is one of the principal elections officers  
12 of Graham County; that the Recorder is responsible for overseeing and directing numerous  
13 components of election administration within the county; and, that some of the Recorder's  
14 responsibilities concern voter registration list maintenance and verifying citizenship status  
15 of voter-registration applicants. To the extent that Paragraph 31 contains additional  
16 allegations beyond those admitted, they are denied by the Maricopa County Defendants.  
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19 32. The Maricopa County Defendants admit that Graham County is a county in  
20 the State of Arizona and that Recorder Merriman is an elected officer of the county. The  
21 remainder of the Paragraph states a legal conclusion to which no response is required. To  
22 the extent a response is required, the Maricopa County Defendants admit that an Arizona  
23 county has the power to sue and be sued. To the extent that Paragraph 32 contains additional  
24 allegations beyond those admitted, they are denied by the Maricopa County Defendants. The  
25 Maricopa County Defendants further affirmatively state that, in order for someone to sue  
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1 one of Arizona's counties, they must be able to articulate an injury caused by the county or  
2 otherwise be able to state why the county is a necessary party.

3 33. The Maricopa County Defendants admit that Sharie Milheiro is the Greenlee  
4 County Recorder and that she is sued in her official capacity. The remainder of this  
5 Paragraph states legal conclusions to which no response is required. To the extent that a  
6 response is required, the Maricopa County Defendants admit that the office of Recorder is  
7 created by Arizona's Constitution; that the Recorder is one of the principal elections officers  
8 of Greenlee County; that the Recorder is responsible for overseeing and directing numerous  
9 components of election administration within the county; and, that some of the Recorder's  
10 responsibilities concern voter registration list maintenance and verifying citizenship status  
11 of voter-registration applicants. To the extent that Paragraph 33 contains additional  
12 allegations beyond those admitted, they are denied by the Maricopa County Defendants.  
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16 34. The Maricopa County Defendants admit that Greenlee County is a county in  
17 the State of Arizona and that Recorder Milheiro is an elected officer of the county. The  
18 remainder of the Paragraph states a legal conclusion to which no response is required. To  
19 the extent a response is required, the Maricopa County Defendants admit that an Arizona  
20 county has the power to sue and be sued. To the extent that Paragraph 34 contains additional  
21 allegations beyond those admitted, they are denied by the Maricopa County Defendants. The  
22 Maricopa County Defendants further affirmatively state that, in order for someone to sue  
23 one of Arizona's counties, they must be able to articulate an injury caused by the county or  
24 otherwise be able to state why the county is a necessary party.  
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27 35. The Maricopa County Defendants admit that Richard Garcia is the La Paz  
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1 County Recorder and that he is sued in his official capacity. The remainder of this Paragraph  
2 states legal conclusions to which no response is required. To the extent that a response is  
3 required, the Maricopa County Defendants admit that the office of Recorder is created by  
4 Arizona's Constitution; that the Recorder is one of the principal elections officers of La Paz  
5 County; that the Recorder is responsible for overseeing and directing numerous components  
6 of election administration within the county; and, that some of the Recorder's responsibilities  
7 concern voter registration list maintenance and verifying citizenship status of voter-  
8 registration applicants. To the extent that Paragraph 35 contains additional allegations  
9 beyond those admitted, they are denied by the Maricopa County Defendants.  
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12 36. The Maricopa County Defendants admit that La Paz County is a county in the  
13 State of Arizona and that Recorder Garcia is an elected officer of the county. The remainder  
14 of the Paragraph states a legal conclusion to which no response is required. To the extent a  
15 response is required, the Maricopa County Defendants admit that an Arizona county has the  
16 power to sue and be sued. To the extent that Paragraph 36 contains additional allegations  
17 beyond those admitted, they are denied by the Maricopa County Defendants. The Maricopa  
18 County Defendants further affirmatively state that, in order for someone to sue one of  
19 Arizona's counties, they must be able to articulate an injury caused by the county or  
20 otherwise be able to state why the county is a necessary party.  
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23 37. The Maricopa County Defendants admit that Lydia Durst is the Mohave  
24 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 Maricopa County Defendants admit that the office of Recorder is  
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1 created by Arizona's Constitution; that the Recorder is one of the principal elections officers  
2 of Mohave County; that the Recorder is responsible for overseeing and directing numerous  
3 components of election administration within the county; and, that some of the Recorder's  
4 responsibilities concern voter registration list maintenance and verifying citizenship status  
5 of voter-registration applicants. To the extent that Paragraph 37 contains additional  
6 allegations beyond those admitted, they are denied by the Maricopa County Defendants.  
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8 38. The Maricopa County Defendants admit that Mohave County is a county in  
9 the State of Arizona and that Recorder Durst is an elected officer of the county. The  
10 remainder of the Paragraph states a legal conclusion to which no response is required. To  
11 the extent a response is required, the Maricopa County Defendants admit that an Arizona  
12 county has the power to sue and be sued. To the extent that Paragraph 38 contains additional  
13 allegations beyond those admitted, they are denied by the Maricopa County Defendants. The  
14 Maricopa County Defendants further affirmatively state that, in order for someone to sue  
15 one of Arizona's counties, they must be able to articulate an injury caused by the county or  
16 otherwise be able to state why the county is a necessary party.  
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19 39. The Maricopa County Defendants admit that Michael Sample is the Navajo  
20 County Recorder and that he is sued in his official capacity. The remainder of this Paragraph  
21 states legal conclusions to which no response is required. To the extent that a response is  
22 required, the Maricopa County Defendants admit that the office of Recorder is created by  
23 Arizona's Constitution; that the Recorder is one of the principal elections officers of Navajo  
24 County; that the Recorder is responsible for overseeing and directing numerous components  
25 of election administration within the county; and, that some of the Recorder's responsibilities  
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1 concern voter registration list maintenance and verifying citizenship status of voter-  
2 registration applicants. To the extent that Paragraph 39 contains additional allegations  
3 beyond those admitted, they are denied by the Maricopa County Defendants.

4  
5 40. The Maricopa County Defendants admit that Navajo County is a county in  
6 the State of Arizona and that Recorder Sample is an elected officer of the county. The  
7 remainder of the Paragraph states a legal conclusion to which no response is required. To  
8 the extent a response is required, the Maricopa County Defendants admit that an Arizona  
9 county has the power to sue and be sued. To the extent that Paragraph 40 contains additional  
10 allegations beyond those admitted, they are denied by the Maricopa County Defendants. The  
11 Maricopa County Defendants further affirmatively state that, in order for someone to sue  
12 one of Arizona's counties, they must be able to articulate an injury caused by the county or  
13 otherwise be able to state why the county is a necessary party.  
14

15  
16 41. The Maricopa County Defendants admit that Gabriella Cázares-Kelly is the  
17 Pima County Recorder and that she is sued in her official capacity. The remainder of this  
18 Paragraph states legal conclusions to which no response is required. To the extent that a  
19 response is required, the Maricopa County Defendants admit that the office of Recorder is  
20 created by Arizona's Constitution; that the Recorder is one of the principal elections officers  
21 of Pima County; that the Recorder is responsible for overseeing and directing numerous  
22 components of election administration within the county; and, that some of the Recorder's  
23 responsibilities concern voter registration list maintenance and verifying citizenship status  
24 of voter-registration applicants. To the extent that Paragraph 41 contains additional  
25 allegations beyond those admitted, they are denied by the Maricopa County Defendants.  
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1           42.     The Maricopa County Defendants admit that Pima County is a county in the  
2 State of Arizona and that Recorder Cázares-Kelly is an elected officer of the county. The  
3 remainder of the Paragraph states a legal conclusion to which no response is required. To  
4 the extent a response is required, the Maricopa County Defendants admit that an Arizona  
5 county has the power to sue and be sued. To the extent that Paragraph 42 contains additional  
6 allegations beyond those admitted, they are denied by the Maricopa County Defendants. The  
7 Maricopa County Defendants further affirmatively state that, in order for someone to sue  
8 one of Arizona's counties, they must be able to articulate an injury caused by the county or  
9 otherwise be able to state why the county is a necessary party.  
10

11           43.     The Maricopa County Defendants admit that Dana Lewis is the Pinal County  
12 Recorder and that she is sued in her official capacity. The remainder of this Paragraph states  
13 legal conclusions to which no response is required. To the extent that a response is required,  
14 the Maricopa County Defendants admit that the office of Recorder is created by Arizona's  
15 Constitution; that the Recorder is one of the principal elections officers of Pinal County; that  
16 the Recorder is responsible for overseeing and directing numerous components of election  
17 administration within the county; and, that some of the Recorder's responsibilities concern  
18 voter registration list maintenance and verifying citizenship status of voter-registration  
19 applicants. To the extent that Paragraph 43 contains additional allegations beyond those  
20 admitted, they are denied by the Maricopa County Defendants.  
21

22           44.     The Maricopa County Defendants admit that Pinal County is a county in the  
23 State of Arizona and that Recorder Lewis is an elected officer of the county. The remainder  
24 of the Paragraph states a legal conclusion to which no response is required. To the extent a  
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1 response is required, the Maricopa County Defendants admit that an Arizona county has the  
2 power to sue and be sued. To the extent that Paragraph 44 contains additional allegations  
3 beyond those admitted, they are denied by the Maricopa County Defendants. The Maricopa  
4 County Defendants further affirmatively state that, in order for someone to sue one of  
5 Arizona's counties, they must be able to articulate an injury caused by the county or  
6 otherwise be able to state why the county is a necessary party.  
7

8 45. The Maricopa County Defendants admit that Anita Moreno is the Santa Cruz  
9 County Recorder and that she is sued in her 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 Maricopa County Defendants admit that the office of Recorder is  
12 created by Arizona's Constitution; that the Recorder is one of the principal elections officers  
13 of Santa Cruz County; that the Recorder is responsible for overseeing and directing  
14 numerous components of election administration within the county; and, that some of the  
15 Recorder's responsibilities concern voter registration list maintenance and verifying  
16 citizenship status of voter-registration applicants. To the extent that Paragraph 45 contains  
17 additional allegations beyond those admitted, they are denied by the Maricopa County  
18 Defendants.  
19  
20  
21

22 46. The Maricopa County Defendants admit that Santa Cruz County is a county  
23 in the State of Arizona and that Recorder Moreno is an elected officer of the county. The  
24 remainder of the Paragraph states a legal conclusion to which no response is required. To  
25 the extent a response is required, the Maricopa County Defendants admit that an Arizona  
26 county has the power to sue and be sued. To the extent that Paragraph 46 contains additional  
27  
28

1 allegations beyond those admitted, they are denied by the Maricopa County Defendants. The  
2 Maricopa County Defendants further affirmatively state that, in order for someone to sue  
3 one of Arizona's counties, they must be able to articulate an injury caused by the county or  
4 otherwise be able to state why the county is a necessary party.

5  
6 47. The Maricopa County Defendants admit that Michelle Burchill is the Yavapai  
7 County Recorder and that she is sued in her official capacity. The remainder of this  
8 Paragraph states legal conclusions to which no response is required. To the extent that a  
9 response is required, the Maricopa County Defendants admit that the office of Recorder is  
10 created by Arizona's Constitution; that the Recorder is one of the principal elections officers  
11 of Yavapai County; that the Recorder is responsible for overseeing and directing numerous  
12 components of election administration within the county; and, that some of the Recorder's  
13 responsibilities concern voter registration list maintenance and verifying citizenship status  
14 of voter-registration applicants. To the extent that Paragraph 47 contains additional  
15 allegations beyond those admitted, they are denied by the Maricopa County Defendants.  
16  
17

18 48. The Maricopa County Defendants admit that Yavapai County is a county in  
19 the State of Arizona and that Recorder Burchill is an elected officer of the county. The  
20 remainder of the Paragraph states a legal conclusion to which no response is required. To  
21 the extent a response is required, the Maricopa County Defendants admit that an Arizona  
22 county has the power to sue and be sued. To the extent that Paragraph 48 contains additional  
23 allegations beyond those admitted, they are denied by the Maricopa County Defendants. The  
24 Maricopa County Defendants further affirmatively state that, in order for someone to sue  
25 one of Arizona's counties, they must be able to articulate an injury caused by the county or  
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1 otherwise be able to state why the county is a necessary party.

2 49. The Maricopa County Defendants admit that Richard Colwell is the Yuma  
3 County Recorder and that he is sued in his official capacity. The remainder of this Paragraph  
4 states legal conclusions to which no response is required. To the extent that a response is  
5 required, the Maricopa County Defendants admit that the office of Recorder is created by  
6 Arizona's Constitution; that the Recorder is one of the principal elections officers of Yuma  
7 County; that the Recorder is responsible for overseeing and directing numerous components  
8 of election administration within the county; and, that some of the Recorder's responsibilities  
9 concern voter registration list maintenance and verifying citizenship status of voter-  
10 registration applicants. To the extent that Paragraph 49 contains additional allegations  
11 beyond those admitted, they are denied by the Maricopa County Defendants.  
12  
13

14 50. The Maricopa County Defendants admit that Yuma County is a county in the  
15 State of Arizona and that Recorder Colwell is an elected officer of the county. The remainder  
16 of the Paragraph states a legal conclusion to which no response is required. To the extent a  
17 response is required, the Maricopa County Defendants admit that an Arizona county has the  
18 power to sue and be sued. To the extent that Paragraph 50 contains additional allegations  
19 beyond those admitted, they are denied by the Maricopa County Defendants. The Maricopa  
20 County Defendants further affirmatively state that, in order for someone to sue one of  
21 Arizona's counties, they must be able to articulate an injury caused by the county or  
22 otherwise be able to state why the county is a necessary party.  
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24  
25

## 26 JURISDICTION AND VENUE

27 51. Paragraph 51 states a legal conclusion to which no response is required. To  
28

1 the extent that a response is required, the Maricopa County Defendants admit that (1) 28  
2 U.S.C. § 1331 conveys original jurisdiction to federal district courts for “all civil actions  
3 arising under the Constitution, laws, or treaties of the United States”; (2) the First Amended  
4 Complaint alleges violations of the National Voter Registration Act (the “NVRA”); and, (3)  
5 that the NVRA is a law of the United States. The Maricopa County Defendants deny that  
6 this Court has subject matter jurisdiction, because Plaintiffs (1) lack Article III standing and  
7 (2) further lack standing because they did not provide the ninety-day NVRA Notice Letter  
8 required by 52 U.S.C. § 20510(b).  
9

10  
11 52. The Maricopa County Defendants admit that Plaintiffs provided written  
12 notice of the alleged violations to the Maricopa County Recorder but lack knowledge or  
13 information sufficient to form a belief as to whether they provided such notice to the other  
14 Defendants and so deny that allegation. The Maricopa County Defendants further admit that  
15 the violations alleged in the original Complaint occurred within 120 days before an election  
16 for federal office. The Maricopa County Defendants deny all other allegations made in  
17 Paragraph 52. Additionally, the Maricopa County Defendants affirmatively state as follows.  
18 (1) County recorders are not “chief election officials” within the meaning of 52 U.S.C. §  
19 20510(b); (2) Plaintiffs filed their lawsuit on August 5, 2024, which is within 120 days of  
20 the next federal election that will occur on November 5, 2024; (3) Section 20510(b) requires  
21 that a plaintiff may only file a lawsuit alleging a violation of the NVRA occurring within  
22 120 days before the date of a federal election after providing written notice of the violation  
23 “to the chief election official of the State involved” (the “NVRA Notice Letter”) and  
24 providing that official twenty days to correct the alleged violation, 52 U.S.C. § 20510(b)(2);  
25  
26  
27  
28

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

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

12 54. The Maricopa County Defendants admit that 28 U.S.C. § 1367 confers  
13 supplemental jurisdiction over state law claims, but deny that this Court has such jurisdiction  
14 in this matter because the Court does not have the required subject matter jurisdiction.  
15

16 55. The Maricopa County Defendants deny the allegations of Paragraph 55.

17 56. The Maricopa County Defendants admit that, if the Court had subject matter  
18 jurisdiction, venue would be appropriate in the District of Arizona and the Court would have  
19 personal jurisdiction over the Defendants.  
20

### 21 GENERAL ALLEGATIONS

22 57. Paragraph 57 states a legal conclusion to which no response is required. To  
23 the extent that a response is required, the Maricopa County Defendants admit that it is illegal  
24 for foreign nationals to register to vote or vote, and further admit that there is no legitimate  
25 reason for a foreign national to cause himself to be included on the voter registration rolls in  
26 this State. To the extent that Paragraph 57 contains additional allegations beyond those here  
27  
28



1 admitted, the Maricopa County Defendants deny all such additional allegations.

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

3 58. Paragraph 58 contains legal conclusions to which no response is required. To  
4 the extent that a response is required, the Maricopa County Defendants deny that the first  
5 sentence of the Paragraph correctly states Arizona law and admit that the United States  
6 Supreme Court held in *Inter Tribal Council* that Arizona may not impose documentary proof  
7 of citizenship requirements on those registering to vote in federal elections. To the extent  
8 that Paragraph 58 contains additional allegations beyond those here admitted, the Maricopa  
9 County Defendants deny all such additional allegations. The Maricopa County Defendants  
10 further affirmatively state that Arizona law requires that the voter registration applications  
11 of persons registering as Full Ballot Voters, eligible to vote in federal, state, and local  
12 contests, must be accompanied by documentary proof of citizenship.

13 59. Paragraph 59 contains legal conclusions to which no response is required and  
14 contains quotations from a cited Supreme Court decision to which no response is required.  
15 To the extent a response is required, the Maricopa County Defendants admit the cited case  
16 contains the quoted text. To the extent that Paragraph 59 contains additional allegations  
17 beyond those here admitted, the Maricopa County Defendants deny all such additional  
18 allegations.

19 60. Paragraph 60 contains legal conclusions to which no response is required. To  
20 the extent a response is required the Maricopa County Defendants admits that Arizona may  
21 establish its own requirements for state and local elections and that State law requires that  
22 only those voter registrants whose registrations are accompanied by documentary proof of  
23

1 their citizenship may vote in state and local elections. To the extent that Paragraph 60  
2 contains additional allegations beyond those here admitted, the Maricopa County Defendants  
3 deny all such additional allegations.

4  
5 61. The Maricopa County Defendants admit that Arizona has a bifurcated system  
6 of voter registration and that voter registrants whose registrations are not accompanied by  
7 documentary proof of citizenship are only allowed to vote in elections for candidates running  
8 for federal office. To the extent that Paragraph 61 contains additional allegations beyond  
9 those here admitted, the Maricopa County Defendants deny all such additional allegations.

10  
11 62. The cited document speaks for itself and no response is required. To the  
12 extent that a response is required, the Maricopa County Defendants admit that the cited  
13 document contains a numerical breakdown, by county, of the active and inactive voters who  
14 are registered as Federal Only voters as of April 1, 2024, and that the cited document states  
15 that there were 35,273 such voters in Arizona as of that date. The Maricopa County  
16 Defendants deny that the cited document states that these voters “had failed to provide proof  
17 of citizenship.” The Maricopa County Defendants lack sufficient knowledge or information  
18 to form a belief as to the truth or falsity of the remaining allegations in Paragraph 29 and  
19 therefore deny them.  
20  
21

22 63. The cited document speaks for itself and no response is required. To the  
23 extent that a response is required, the Maricopa County Defendants admit that the cited  
24 document contains a numerical breakdown, by county, of the active and inactive voters who  
25 are registered as Federal Only Voters as of July 1, 2024, and that the cited document states  
26 that there were 42,301 such voters in Arizona as of that date.  
27  
28

1           64.     The Maricopa County Defendants admit the allegations made in Paragraph  
2 64.

3           65.     The Maricopa County Defendants deny the allegations in Paragraph 65 as  
4 they related to Maricopa County and lack knowledge or information sufficient to form a  
5 belief as to truth or falsity of the allegations as they relate to the other Defendants and  
6 therefore deny them. The Maricopa County Defendants further affirmatively state as  
7 follows. The voter registration rolls are not static but fluid, changing on a minute-by-minute  
8 basis as new voters register and voters who have become ineligible are removed via list  
9 maintenance efforts. There have been months during which the number of Federal Only  
10 voters have increased as compared to the prior month, as Plaintiffs allege in Paragraph 65.  
11 But there have also been months during which the number of Federal Only voters has  
12 decreased as compared to the prior month. Plaintiffs' allegation to the contrary in this  
13 Paragraph is incorrect and therefore the allegation is denied.  
14  
15  
16

17           66.     The cited website speaks for itself and no response is required. To the extent  
18 that a response is required, the Maricopa County Defendants admit the allegations in  
19 Paragraph 66.  
20

21           67.     The Maricopa County Defendants admit that the increase in Federal Only  
22 voters in Maricopa County increased by nearly 21% from April 1, 2024 to July 1, 2024. The  
23 Maricopa County Defendants deny all remaining allegations in Paragraph 67.  
24

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

26           68.     Paragraph 68 states legal conclusions to which no response is required. To  
27 the extent that a response is required, the Maricopa County Defendants admit that the cited  
28

1 case contains the quoted language; that the NVRA does not require states to register as voters  
2 those who are ineligible to vote; and, that the cited case does not prohibit States from  
3 engaging in voter registration list maintenance procedures required by the Help America  
4 Vote Act. The Maricopa County Defendants deny all remaining allegations in Paragraph  
5 33.  
6

7 69. Paragraph 69 states a legal conclusion to which no response is required and  
8 does not provide a citation to authority to support that conclusion. To the extent that a  
9 response is required, the Maricopa County Defendants deny the allegations in Paragraph 69.  
10

11 70. The Maricopa County Defendants admit that the Legislature enacted, and  
12 Governor Ducey signed, H.B. 2492 and H.B. 2243 in 2022. The remaining allegations in  
13 Paragraph 35 state legal conclusions to which no response is required. To the extent that a  
14 response is required, the Maricopa County Defendants deny the allegations in Paragraph 70.  
15

16 71. Paragraph 71 states legal conclusions to which no response is required. To  
17 the extent that a response is required, the Maricopa County Defendants deny the allegations.  
18

19 72. The Maricopa County Defendants deny that they have “failed to perform” any  
20 “required list maintenance.” The Maricopa County Defendants lack knowledge or  
21 information sufficient to form a belief as to whether the other Defendants have “failed to  
22 perform” any “required list maintenance” and so deny that allegation. The Maricopa County  
23 Defendants affirmatively state that Recorder Richer has performed all of his required list  
24 maintenance responsibilities and has not failed to perform any of them.  
25

26 73. Paragraph 73 states legal conclusions to which no response is required. To  
27 the extent that a response is required, the Maricopa County Defendants admit that A.R.S. §  
28

1 16-121.01(D) (*not* A.R.S. § 16-143(D), as Plaintiffs erroneously allege) requires that,  
2 “[w]ithin ten days after receiving an application for registration on the Federal Form that is  
3 not accompanied by satisfactory evidence of citizenship, the county recorder” must attempt  
4 to verify the citizenship status of the registrant as set forth in the remainder of A.R.S. § 16-  
5 121.01(D). To the extent that Paragraph 73 contains additional allegations beyond those  
6 admitted, they are denied by the Maricopa County Defendants.  
7

8         74. The Maricopa County Defendants deny all of the allegations contained in  
9 Paragraph 74 as they relate to the Maricopa County Defendants. The Maricopa County  
10 Defendants lack knowledge or information sufficient to form a belief as to whether the other  
11 Defendants have “failed to perform” any “required list maintenance” and therefore deny that  
12 allegation as it relates to the other Defendants. The Maricopa County Defendants further  
13 affirmatively state that Maricopa County Recorder Richer has performed all of his required  
14 list maintenance responsibilities and has not failed to perform any of them.  
15  
16

17         75. The Maricopa County Defendants admit that the State of Arizona does not  
18 have adequate permissions to use *for list maintenance purposes* (as alleged in this Paragraph)  
19 the U.S. Department of Homeland Security’s Systematic Alien Verification for Entitlements  
20 (SAVE); the Social Security Administration (SSA) database, and the National Association  
21 for Public Health Statistics and Information Systems (NAPHSIS) electronic verification of  
22 vital events system (EVVE). The Maricopa County Defendants also admit that, because the  
23 State of Arizona does not have adequate permissions to use these three references for list  
24 maintenance purposes, Recorder Richer cannot use them for list maintenance purposes. The  
25 Maricopa County Defendants deny that SAVE is a database. To the extent that Paragraph  
26  
27  
28

1 75 contains additional allegations beyond those admitted, they are denied by the Maricopa  
2 County Defendants.

3 76. Paragraph 41 states legal conclusions to which no response is required. To  
4 the extent that a response is required, the Maricopa County Defendants admit that Arizona  
5 and federal law have list maintenance requirements and that some of those requirements are  
6 in addition to “consulting these three databases” referenced in Paragraph 75. The Maricopa  
7 County Defendants deny that SAVE is a database. To the extent that Paragraph 76 contains  
8 additional allegations beyond those admitted, they are denied by the Maricopa County  
9 Defendants.  
10  
11

12 77. The Maricopa County Defendants admit that the cited statute contains the  
13 quoted text. The Maricopa County Defendants deny all remaining allegations in this  
14 Paragraph. To the extent that Paragraph 77 contains additional allegations beyond those  
15 admitted, they are denied by the Maricopa County Defendants.  
16

17 78. The Maricopa County Defendants admit that the cited statute contains the  
18 quoted text. To the extent that Paragraph 78 contains additional allegations beyond those  
19 admitted, they are denied by the Maricopa County Defendants.  
20

21 79. The Maricopa County Defendants admit that the cited statute contains the  
22 quoted text. To the extent that Paragraph 79 contains additional allegations beyond those  
23 admitted, they are denied by the Maricopa County Defendants.  
24

25 80. The Maricopa County Defendants admit that the cited statute contains the  
26 quoted text. The Maricopa County Defendants deny all other allegations in this Paragraph,  
27 including that the cited statute requires that local election officials “ensure” that ineligible  
28

1 voters are removed from the voter registration rolls, as Plaintiffs incorrectly allege in this  
2 Paragraph. About this allegation, the Maricopa County Defendants affirmatively state that  
3 the cited statute requires that local election officials ensure that the only voters whose names  
4 are removed from the voter registration list are those who are *actually* ineligible to vote. *See*  
5 52 U.S.C. § 21083(a)(2)(B)(ii) (providing that “[t]he list maintenance performed under  
6 subparagraph (A) shall be conducted in a manner that ensures that-- . . . only voters who are  
7 not registered or who are not eligible to vote are removed from the computerized list”). The  
8 cited statute is thus a voter-protection statute, placing a requirement upon the Recorder to  
9 take appropriate steps to make certain that no one who is eligible to the franchise is removed  
10 by mistake from the voter registration list. Plaintiffs, however, turn the statute on its head  
11 and present it to this Court as requiring that the Recorder “ensure” that no one who is  
12 ineligible to vote is listed on the voter registration list. The statute does not require that. In  
13 fact, no statute or law requires the Recorder to “ensure” that the voter registration list is  
14 completely free from even a single, solitary ineligible voter. The law requires that the  
15 Recorder perform list maintenance and remove voters that are shown to have become  
16 ineligible to vote, and the Recorder performs these legal requirements. Any allegation to the  
17 contrary is denied. Plaintiffs’ (and their attorneys’) misrepresentation of the statute to this  
18 Court should not be countenanced.

19  
20  
21  
22  
23 81. Paragraph 81 states legal conclusions to which no response is required. To  
24 the extent that a response is required, the Maricopa County Defendants admit that it is illegal  
25 for those who are not citizens of the United States to register to vote in federal elections; that  
26 any foreign citizen who is registered to vote is ineligible; and that federal law requires county  
27  
28

1 recorders to perform voter registration list maintenance. The Maricopa County Defendants  
2 deny all remaining allegations in this Paragraph, including that county recorders are subject  
3 to any legal requirement to “ensure” that foreign citizens are not registered to vote.

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

5  
6 82. The Maricopa County Defendants admit that they are aware of allegations of  
7 various levels of credibility that some foreign nationals have registered to vote in United  
8 States elections. The Maricopa County Defendants lack sufficient knowledge or information  
9 to form a belief as to the truth or falsity of those allegations and therefore deny them. The  
10 Maricopa County Defendants admit, however, that it is **possible** that foreign nationals have  
11 attempted to register, or even have successfully registered, to vote in United States elections.  
12 To the extent that Paragraph 82 contains additional allegations beyond those admitted, they  
13 are denied by the Maricopa County Defendants.

14  
15  
16 83. The Maricopa County Defendants lack knowledge or information sufficient  
17 to form a belief as to the truth or falsity of the allegations made in Paragraph 83 and therefore  
18 deny them.<sup>2</sup>

19  
20 84. The cited authority speaks for itself and no response is required. To the extent  
21 that a response is required, the Maricopa County Defendants admit that the cited authority  
22 claims that since 2021 Texas has removed “6,500 **potential** noncitizens from the voter rolls”  
23

24  
25 <sup>2</sup> The Maricopa County Defendants admit that when the Maricopa County Recorder  
26 performs the various inquiries on new voter registration applicants that are required by law,  
27 he on occasion discovers voter registration applicants who the inquiries indicate are not  
28 United States citizens. Those indications, however, 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 (emphasis added) as alleged in this Paragraph. The Maricopa County Defendants lack  
2 knowledge or information sufficient to form a belief as to the truth or falsity of those  
3 allegations and therefore deny them.

4 85. The cited authority speaks for itself and no response is required. To the extent  
5 that a response is required, the Maricopa County Defendants note that the allegation made  
6 in Paragraph 85 misstates the authority it cites for support, which does not support the  
7 allegation. The Maricopa County Defendants deny the allegations in Paragraph 85.

8 86. The cited authority speaks for itself and no response is required. To the extent  
9 that a response is required, the Maricopa County Defendants note that the allegation made  
10 in Paragraph 85 misstates the authority it cites for support, which does not support the  
11 allegation. The Maricopa County Defendants deny the allegations in this Paragraph 86.

12 87. The cited authority speaks for itself and no response is required. To the extent  
13 that a response is required, the Maricopa County Defendants admit that the allegations in  
14 Paragraph 87 accurately reflect information stated in the cited authority. The Maricopa  
15 County Defendants lack knowledge or information sufficient to form a belief as to the truth  
16 or falsity of those allegations and therefore deny them.

17 88. The cited authority speaks for itself and no response is required. To the extent  
18 that a response is required, the Maricopa County Defendants admit that the allegations in  
19 Paragraph 88 accurately reflect information stated in the cited authority. The Maricopa  
20 County Defendants lack knowledge or information sufficient to form a belief as to the truth  
21 or falsity of those allegations and therefore deny them.

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

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1           89.     The Maricopa County Defendants deny that SAVE is a database as alleged in  
2 this Paragraph. The Maricopa County Defendants admit that SAVE is “insufficient to  
3 definitively verify the citizenship of all Federal-Only Voters” as alleged in this Paragraph.  
4 The Maricopa County Defendants lack sufficient knowledge or information to form a belief  
5 as to the truth or falsity of the other allegations in Paragraph 89 and therefore deny them.

7           90.     Paragraph 90 states a legal conclusion to which no response is required. To  
8 the extent that a response is required, the Maricopa County Defendants deny all allegations  
9 in Paragraph 90.

11          91.     The cited authorities speak for themselves and no response is required. To  
12 the extent that a response is required, the Maricopa County Defendants admit the allegation  
13 made in Paragraph 91.

14          92.     The cited authorities speak for themselves and no response is required. To  
15 the extent that a response is required, the Maricopa County Defendants lack sufficient  
16 knowledge or information to form a belief as to the truth or falsity of the allegations in  
17 Paragraph 92 and therefore deny them.

19          93.     The cited authority speaks for itself and no response is required. To the extent  
20 that a response is required, the Maricopa County Defendants notes that the cited authority  
21 does not support the allegation made in Paragraph 93. The Maricopa County Defendants  
22 lack sufficient knowledge or information to form a belief as to the truth or falsity of the  
23 allegation in Paragraph 89 and therefore deny it.

24          94.     The cited authority speaks for itself and no response is required. To the extent  
25 that a response is required, the Maricopa County Defendants admit that the quoted material  
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1 appears in the court decision cited. To the extent that Paragraph 94 contains additional  
2 allegations beyond those admitted, they are denied by the Maricopa County Defendants.

3 95. The Maricopa County Defendants lack sufficient knowledge or information  
4 to form a belief as to the truth or falsity of the allegation in Paragraph 95 and therefore deny  
5 it.  
6

7 96. The document cited in Paragraph 96 speaks for itself and no response is  
8 required. To the extent that a response is required, the Maricopa County Defendants admit  
9 that one cannot use SAVE to inquire into the citizenship status of an individual unless one  
10 provides that individual's specific immigration enumerator (what Plaintiffs refer to as a  
11 "specific 'numeric identifier'"). The Maricopa County Defendants further admit that the  
12 specific immigration enumerators identified by Plaintiffs in this Paragraph are the ones  
13 identified by the document cited in this Paragraph, which was prepared by the Department  
14 of Homeland Security to provide a tutorial concerning SAVE. The Maricopa County  
15 Defendants lack sufficient knowledge or information to form a belief as to the truth or falsity  
16 of the allegation in Paragraph 96 that "SAVE is hobbled by a critical design flaw" and,  
17 therefore, deny it. To the extent that Paragraph 96 contains additional allegations beyond  
18 those admitted, they are denied by the Maricopa County Defendants.  
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22 97. The cited authority speaks for itself and no response is required. To the extent  
23 that a response is required, the Maricopa County Defendants admit that the quoted text  
24 appears in the cited authority. The Maricopa County Defendants deny that providing a  
25 numeric identifier "is a statutory requirement" because the statute contemplates other  
26 possible options. To the extent that Paragraph 97 contains additional allegations beyond  
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1 those admitted, they are denied by the Maricopa County Defendants.

2 98. The cited authority speaks for itself and no response is required. To the extent  
3 that a response is required, the Maricopa County Defendants admit that the quoted text  
4 appears in the cited authority.

5 99. The cited authority speaks for itself and no response is required. To the extent  
6 that a response is required, the Maricopa County Defendants admit that the quoted language  
7 appears in the cited authority. The Maricopa County Defendants lack sufficient knowledge  
8 or information to form a belief as to the truth or falsity of the allegation in Paragraph 99 and  
9 therefore deny it.  
10

11 100. The cited authority speaks for itself and no response is required. To the extent  
12 that a response is required, the Maricopa County Defendants admit that the quoted language  
13 appears in the cited authority.  
14

15 101. The Maricopa County Defendants admit that, as currently constituted, SAVE  
16 cannot perform inquiries concerning persons for whom at least one specific immigration  
17 enumerator is not known. The Maricopa County Defendants lack sufficient knowledge or  
18 information to form a belief as to the truth or falsity of the remaining allegations in Paragraph  
19 101 and therefore deny them.  
20

21 102. The Maricopa County Defendants admit that specific immigration  
22 enumerators are not required for voter registration on the Arizona state voter registration  
23 form or the EAC-designed federal voter registration form. The Maricopa County Defendants  
24 lack sufficient knowledge or information to form a belief as to the truth or falsity of the  
25 remaining allegations in Paragraph 102 and therefore deny them.  
26  
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1           103. The judicial decision quoted in Paragraph 103 speaks for itself and no  
2 response is required. To the extent that a response is required, the Maricopa County  
3 Defendants admit that the quoted text appears in the cited judicial decision.

4           104. The cited authority speaks for itself and no response is required. To the extent  
5 that a response is required, the Maricopa County Defendants admit that SAVE cannot utilize  
6 social security or driver's license numbers to identify individuals for citizenship inquiries,  
7 but rather requires the individual's specific immigration enumerator. The Maricopa County  
8 Defendants further admit that social security and driver's license numbers are not specific  
9 immigration enumerators and so cannot be used by the SAVE program for citizenship  
10 inquiries. The Maricopa County Defendants further admit that many voter registration  
11 applicants provide their driver's license numbers and the final four digits of their social  
12 security numbers. The Maricopa County Defendants lack sufficient knowledge or  
13 information to form a belief as to the truth or falsity of the other allegations in Paragraph  
14 104 and therefore deny them.

15           105. The Maricopa County Defendants admit that, to use SAVE for citizenship  
16 inquiries, one must provide the specific immigration enumerator of the person whose  
17 citizenship status is to be verified. The Maricopa County Defendants further admit that  
18 neither the Federal Form, created by the Election Assistance Commission, nor the State Form  
19 created by the Secretary of State, require voter registration applicants to provide specific  
20 immigration enumerator or enumerators. To the extent that Paragraph 105 contains  
21 additional allegations beyond those admitted, they are denied by the Maricopa County  
22 Defendants.

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**V. SSA and EVVE**

106. The cited judicial decision speaks for itself and no further response is required. To the extent that a response is required, the Maricopa County Defendants admit that the quoted text appears in the cited opinion and that it effectively constitutes a finding by that court.

107. Paragraph 107 states a legal conclusion to which no response is required. To the extent that a response is required, the Maricopa County Defendants lack sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in Paragraph 107 and therefore deny them.

108. The cited judicial decision speaks for itself and no further response is required. To the extent that a response is required, the Maricopa County Defendants admit that the quoted text appears in the cited opinion.

109. Paragraph 109 states a legal conclusion to which no response is required. To the extent that a response is required, the Maricopa County Defendants lack sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in Paragraph 109 and therefore deny them.

110. The Maricopa County Defendants lack sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in Paragraph 110 and therefore deny them.

111. The Maricopa County Defendants lack sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in Paragraph 111 and therefore

1 deny them.

2 112. The Maricopa County Defendants lack sufficient knowledge or information  
3 to form a belief as to the truth or falsity of the allegations in Paragraph 112 and therefore  
4 deny them.

5 113. The Maricopa County Defendants lack sufficient knowledge or information  
6 to form a belief as to the truth or falsity of the allegations in Paragraph 113 and therefore  
7 deny them.

8 114. The Maricopa County Defendants lack sufficient knowledge or information  
9 to form a belief as to the truth or falsity of the allegations in Paragraph 114 and therefore  
10 deny them.

11 115. The Maricopa County Defendants lack sufficient knowledge or information  
12 to form a belief as to the truth or falsity of the allegations in Paragraph 115 and therefore  
13 deny them.

14 116. The Maricopa County Defendants lack sufficient knowledge or information  
15 to form a belief as to the truth or falsity of the allegations in Paragraph 116 and therefore  
16 deny them.

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

18 117. The Maricopa County Defendants deny the allegations in Paragraph 117 to  
19 the extent that they reference the requirements of 8 U.S.C. § 1373 and 8 U.S.C. § 1644,  
20 because citizenship inquiries pursuant to those statutes require the use of SAVE. To the  
21 extent that the allegations in Paragraph 117 do not reference the requirements of U.S.C. §  
22 1373 and 8 U.S.C. § 1644, the Maricopa County Defendants lack sufficient knowledge or  
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1 information to form a belief as to the truth or falsity of the allegations in Paragraph 117 and  
2 therefore deny them.

3 118. The cited statute speaks for itself and no response is required. To the extent  
4 that a response is required, the Maricopa County Defendants admit that the cited statute  
5 includes the quoted language. To the extent that Paragraph 118 contains additional  
6 allegations beyond those admitted, they are denied by the Maricopa County Defendants.  
7

8 119. Paragraph 119 states legal conclusions to which no response is required. To  
9 the extent that a response is required, the Maricopa County Defendants admit that Arizona  
10 law authorizes the county recorders to attempt to verify the citizenship status of voters who  
11 register to vote using the Federal Form. To the extent that Paragraph 119 contains additional  
12 allegations beyond those admitted, they are denied by the Maricopa County Defendants.  
13

14 120. The cited statute speaks for itself and no response is required. To the extent  
15 that a response is required, the Maricopa County Defendants admit that the cited statute  
16 includes the quoted language. The Maricopa County Defendants deny the remaining  
17 allegations as they are stated in Paragraph 120.  
18

19 121. The Maricopa County Defendants admit the allegation in Paragraph 121.  
20

21 122. The cited authority speaks for itself and no response is required. To the extent  
22 that a response is required, the Maricopa County Defendants admit that the quoted language  
23 appears in the cited authority.

24 123. The cited statute speaks for itself and no response is required. To the extent  
25 that a response is required, the Maricopa County Defendants admit that the cited statute  
26 includes the quoted language. To the extent that Paragraph 123 contains additional  
27

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1 allegations beyond those admitted, they are denied by the Maricopa County Defendants.

2 124. The Maricopa County Defendants admit the allegation in Paragraph 124.

3 125. The cited authority speaks for itself and no response is required. To the extent  
4 that a response is required, the Maricopa County Defendants admit that the quoted language  
5 appears in the cited authority. The Maricopa County Defendants lack knowledge or  
6 information sufficient to form a belief as to what was “Congress’s intent” as alleged in  
7 Paragraph 125 and so denies that allegation. To the extent that Paragraph 125 contains  
8 additional allegations beyond those admitted, they are denied by the Maricopa County  
9 Defendants.  
10

11  
12 126. Paragraph 126 states legal conclusions to which no response is required. To  
13 the extent that a response is required, the Maricopa County Defendants deny the allegation  
14 in this Paragraph as it concerns 8 U.S.C. § 1644 and admit the allegation as it concerns 8  
15 U.S.C. § 1373.  
16

17 127. The Maricopa County Defendants deny the allegation in Paragraph 127.

18 128. The Maricopa County Defendants lack knowledge or information sufficient  
19 to form a belief as to whether DHS currently maintains the Person Centric Query System  
20 (PCQS) and so denies the same. The Maricopa County Defendants deny that the PCQS  
21 “allows agency employees to look up individuals and quickly and easily verify their  
22 citizenship status using only a name and date of birth.” The Maricopa County Defendants  
23 further note that the authority that Plaintiffs cite for support for their allegation has nothing  
24 whatsoever to do with citizenship inquiries, but rather pertains to determining whether  
25 noncitizens with lawful permanent resident status within the United States have paid their  
26  
27  
28

1 required Form I-131A fee to USCIS.

2 129. The Maricopa County Defendants deny all allegations in Paragraph 129.

3 130. Paragraph 130 states legal conclusions to which no response is required. To  
4 the extent that a response is required, the Maricopa County Defendants deny the allegations  
5 in this Paragraph.  
6

7 131. Paragraph 131 states legal conclusions to which no response is required. To  
8 the extent that a response is required, the Maricopa County Defendants deny the allegations  
9 in this Paragraph.  
10

11 132. Paragraph 132 states legal conclusions to which no response is required. To  
12 the extent that a response is required, the Maricopa County Defendants deny the allegations  
13 in this Paragraph.  
14

15 133. Paragraph 133 states legal conclusions to which no response is required. To  
16 the extent that a response is required, the Maricopa County Defendants deny the allegations  
17 in this Paragraph.  
18

19 134. Paragraph 134 states legal conclusions to which no response is required. To  
20 the extent that a response is required, the Maricopa County Defendants deny the allegations  
21 in this Paragraph.  
22

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

25 135. The cited House Bill and statute speak for themselves and no response is  
26 required. To the extent that a response is required, the Maricopa County Defendants admit  
27 that the quoted language appears in the cited sources and deny all additional allegations in  
28

1 this Paragraph. The Maricopa County Defendants also affirmatively state as follows:

2 House Bill 2492, codified at A.R.S. § 16-143(A), provided in pertinent part  
 3 that “[t]he secretary of state and each county recorder shall make available to the  
 4 attorney general a list of all individuals who are registered to vote and who have not  
 5 provided satisfactory evidence of citizenship pursuant to § 16-166 **and shall provide,**  
 6 **on or before October 31, 2022, the applications of individuals who are registered to**  
 7 **vote and who have not provided satisfactory evidence of citizenship pursuant to §**  
 8 **16-166.**” (emphasis added). Plaintiffs omit the relevant date from the Complaint and  
 9 imply that the Recorder has an ongoing obligation to provide voters’ applications to the  
 10 Attorney General. He does not. To the extent that Plaintiffs allege that the Recorder  
 11 has failed to meet his legal obligations, it is denied.  
 12  
 13

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

1 Senate Bill 1638, which is available at  
2 <https://www.azleg.gov/legtext/55leg/2r/laws/0174.pdf>. That Bill expressly provided  
3 that “Laws 2022, chapter 99 [*i.e.*, H.B. 2492] is effective from and after December 31,  
4 2022.” S.B. 1638, Sec. 4(A), at 2:15-17. Thus, House Bill 2492 did not take effect  
5 until December 31, 2022—after the October 31, 2022 deadline for the Secretary of State  
6 and the Recorder to provide voter registration applications to the Attorney General.  
7

8 Because the requirement that the Recorder provide voter registration  
9 applications to the Attorney General “on or before October 31, 2022” was not effective  
10 as of that date, the Recorder had no legal obligation or authority to provide the  
11 applications to the Attorney General. The Recorder has fully complied with this law,  
12 and any allegations to the contrary are denied.  
13

14 136. The cited statute speaks for itself and no response is required. To the extent  
15 that a response is required, the Maricopa County admit that the quoted language appears in  
16 the cited statute. The Maricopa County Defendants lack sufficient knowledge or information  
17 to form a belief as to the truth or falsity of the remaining allegations in Paragraph 136 and  
18 therefore deny them.  
19

20 137. The Maricopa County Defendants admit that the requirement of A.R.S. § 16-  
21 143(A), that the county recorders “make available to the attorney general a list of all  
22 individuals who are registered to vote and who have not provided satisfactory evidence of  
23 citizenship”, is currently in force and is not enjoined by any court, as alleged in this  
24 Paragraph. The Maricopa County Defendants deny all other allegations in Paragraph 137.  
25

26 138. The Maricopa County Defendants deny the allegations in Paragraph 138 as  
27  
28

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

7 139. The Maricopa County Defendants admit that the Recorder did not send to the  
8 Attorney General the applications of all of Maricopa County's Federal Only voters on or  
9 before October 31, 2022, as contemplated by A.R.S. § 16-143(A), *because there was no*  
10 *requirement that he do so nor did he have any authority to do so.* The Maricopa County  
11 Defendants further affirmatively state that, as explained in the Answer to Paragraph 135, the  
12 requirement that the Recorder send voters' applications to the Attorney General by October  
13 31, 2022 did not become effective until after that date. Consequently, the Recorder had no  
14 legal obligation or authority to send voter registration applications to the Attorney General  
15 "on or before October 31, 2022," as the law would have required *if it had been in effect.* But  
16 because the law was not in effect on October 31, 2022, but did not take effect until after that  
17 date, § 16-143(A) did not require the county recorders to send any lists to the Attorney  
18 General.

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

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

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

7 141. The Maricopa County Defendants admit that the Recorder received a letter  
8 from Plaintiff Strong Communities on or about the date referenced in this Paragraph, and  
9 that the letter purported to “remind” the Recorder of his list maintenance responsibilities.  
10 The Maricopa County Defendants further admit that the letter erroneously claimed that a  
11 citizenship inquiry made to DHS pursuant to 8 U.S.C. §§ 1373 and 1644 would allow the  
12 Recorder to fulfill those obligations. To the extent that Paragraph 141 contains additional  
13 allegations beyond those admitted, they are denied by the Maricopa County Defendants.  
14

15  
16 142. The statute and letter cited in this Paragraph speak for themselves and no  
17 response is required. To the extent that a response is required, the Maricopa County  
18 Defendants admit that the quoted language appears in the cited statute and that the letter  
19 referenced in this Paragraph made the erroneous claim alleged in this Paragraph. To the  
20 extent that Paragraph 142 contains additional allegations beyond those admitted, they are  
21 denied by the Maricopa County Defendants.  
22

23 143. The Maricopa County Defendants admit the allegations in this Paragraph.

24 144. The Maricopa County Defendants deny the allegations in this Paragraph.

25  
26 145. The Maricopa County Defendants admit that the Recorder’s response through  
27 his attorneys to Plaintiff’s letter stated that the laws Plaintiff cited in the letter did not provide  
28

1 the Recorder with legal authority to make submit what Plaintiff calls “1373/1644 Requests”  
2 to DHS. To the extent that Paragraph 145 contains additional allegations beyond those  
3 admitted, they are denied by the Maricopa County Defendants.

4 146. The Maricopa County Defendants deny the allegations in this Paragraph.

5  
6 147. The Maricopa County Defendants admit that undersigned counsel, who is one  
7 of the Recorder’s attorneys, erroneously characterized one of the holdings of *Mi Familia*  
8 *Vota v. Fontes* when drafting his response to Plaintiff’s letter referenced in Paragraph 141,  
9 and incorrectly stated that the *Mi Familia* decision prohibited the use of SAVE for list  
10 maintenance purposes. The *Mi Familia* decision does not prohibit using SAVE for that  
11 purpose, and undersigned counsel acknowledged such to Plaintiff’s counsel in a subsequent  
12 telephone conversation. The decision rather ruled that it was illegal to use SAVE for list  
13 maintenance purposes based on a “reason to believe” suspicion that the registrant was not a  
14 United States citizen. **However**, the *Mi Familia* decision also noted that Arizona’s Secretary  
15 of State does not currently have the required permissions from the Department of Homeland  
16 Security necessary for Arizona’s county recorders to use SAVE for list maintenance  
17 purposes; they may only use SAVE for the checks performed when processing voter  
18 registration applications. Accordingly, while undersigned counsel mistakenly wrote that the  
19 Recorder could not use SAVE for list maintenance purposes because it would be unlawful  
20 to do so, the end result is the same: the Recorder is not able to use SAVE for list maintenance  
21 purposes.  
22  
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24

25 148. The Maricopa County Defendants admit the allegation of this Paragraph, as  
26 explained in their answer to Paragraph 147.  
27  
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1 149. The cited judicial decision speaks for itself and no response is required. To  
2 the extent that a response is required, the Maricopa County Defendants admit that the quoted  
3 language appears in the cited decision.

4 150. The cited judicial decision speaks for itself and no response is required. To  
5 the extent that a response is required, the Maricopa County Defendants admit that the quoted  
6 language appears in the cited decision.

7 151. The Maricopa County Defendants admit that the Recorder's response  
8 correctly noted that "the Recorder complies with all applicable state and federal law related  
9 to voter registration and voter list maintenance." The Maricopa County Defendants deny  
10 that the Recorder's response ever mentioned A.R.S. § 16-143 but admit that his general claim  
11 that he follows "all applicable state and federal law" is broad enough to include A.R.S. § 16-  
12 143. The Maricopa County Defendants admit that the Recorder did not discuss the "steps"  
13 he takes to comply with A.R.S. § 16-143. To the extent that Paragraph 145 contains  
14 additional allegations beyond those admitted, they are denied by the Maricopa County  
15 Defendants.

16 152. The Maricopa County Defendants admit that the Maricopa County Recorder  
17 has not "transmit[ted] a list of Maricopa County Federal-Only Voters to the Attorney  
18 General," but deny that A.R.S. § 16-143 (or any other law) requires him to do so. The  
19 Maricopa County Defendants affirmatively state that the Recorder has complied, and  
20 continues to comply, with all requirements of A.R.S. § 16-143 and any allegation to the  
21 contrary is denied.

22 153. The Maricopa County Defendants admit that Recorder has never  
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1 “transmit[ted]” voter applications to the Attorney General, but deny that A.R.S. § 16-143 (or  
2 any other law) requires him to do so.

3 154. The Maricopa County Defendants deny that the Maricopa County Recorder  
4 has any “ongoing obligation under A.R.S. § 16-143 to transmit to the Attorney General  
5 updated lists and applications of Federal-Only Voters as new voters register[,]” as alleged in  
6 this Paragraph, and so deny all allegations in Paragraph 154.  
7

8 155. The Maricopa County Defendants deny the allegations in this Paragraph and  
9 affirmatively state that the Recorder is in complete and total compliance with every  
10 requirement imposed by A.R.S. § 16-143.  
11

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

13 156. The Maricopa County Defendants lack knowledge or information sufficient  
14 to form a belief as to the truth or falsity of the allegations made in Paragraph 156 and so  
15 deny them.  
16

17 157. The Maricopa County Defendants lack knowledge or information sufficient  
18 to form a belief as to the truth or falsity of the allegations made in Paragraph 157 and so  
19 deny them.  
20

21 158. The Maricopa County Defendants lack knowledge or information sufficient  
22 to form a belief as to the truth or falsity of the allegations made in Paragraph 158 and so  
23 deny them.

24 159. The Maricopa County Defendants deny that “PCQS only requires a name and  
25 date of birth” for citizenship inquiries. The Maricopa County Defendants lack knowledge  
26 or information sufficient to form a belief as what PCQS requires for other types of inquiries  
27  
28

1 and so denies the allegation as it relates to other types of inquiries (*i.e.*, inquiries that are not  
2 citizenship inquiries). To the extent that Paragraph 159 contains additional allegations  
3 beyond those already denied, they are also denied by the Maricopa County Defendants.

4 160. The Maricopa County Defendants lack knowledge or information sufficient  
5 to form a belief as to the truth or falsity of the allegations made in Paragraph 160 and so  
6 deny them.  
7

8 161. The Maricopa County Defendants deny the allegations made in Paragraph  
9 161.  
10

11 162. The Maricopa County Defendants lack knowledge or information sufficient  
12 to form a belief as to the truth or falsity of the allegations made in Paragraph 162 and so  
13 deny them.  
14

15 163. The Maricopa County Defendants lack knowledge or information sufficient  
16 to form a belief as to the truth or falsity of the allegations made in Paragraph 162 and so  
17 deny them.  
18

19 **COUNT I**

20 **Failure to Use “All Available Resources” for**  
21 **Voter List Maintenance of Federal-Only Voters**  
22 **(Special Action, Declaratory, and Injunctive Relief)**  
23 **A.R.S. §§ 16-121.01(0), 12-1801, 12-1831, 12-1832,**  
24 **12-2021, Ariz. R. Civ. P. 65, RPSA 3, and 28 U.S.C. § 1651)**

25 164. The Maricopa County Defendants incorporate by reference each of their  
26 preceding admissions, denials, and affirmative statements as if fully set forth herein.

27 165. The cited statute speaks for itself and no response is required. To the extent  
28 that a response is required, the Maricopa County Defendants admit that the quoted language  
appears in the cited statute. The Maricopa County Defendants further affirmatively state as

1 follows: A.R.S. § 16-121.01(D), by its plain language and terms, only applies to voter  
2 registration applications made using the Federal Form—that is, in the words of the statute,  
3 the “form produced by the United States election assistance commission”. Despite that,  
4 Plaintiffs omit that part of the statute from their quote, thereby implying that A.R.S. § 16-  
5 121.01(D) applies to *State Form* applications, produced by the Arizona Secretary of State,  
6 that are not accompanied by satisfactory evidence of citizenship, too. But the law does not  
7 apply to State Form registrations. Plaintiffs misunderstand the statutory requirement.  
8

9  
10 166. The Maricopa County Defendants deny the allegations in this Paragraph and  
11 affirmatively state that a “1373/1644 Request” would only result in a SAVE inquiry, which  
12 the Maricopa County Recorder already makes.

13  
14 167. The Maricopa County Defendants admit that the Maricopa County Recorder  
15 has not submitted any citizenship inquiries to the Department of Homeland Security pursuant  
16 to 8 U.S.C. §§ 1373 or 1644. The Maricopa County Defendants lack knowledge or  
17 information sufficient to form a belief as to the truth or falsity of the allegations made in  
18 Paragraph 167 and so deny them. The Maricopa County Defendants deny all remaining  
19 allegations in this Paragraph.  
20

21  
22 168. The Maricopa County Defendants deny the allegations in this Paragraph as it  
23 relates to the Maricopa County Recorder and affirmatively state that the Recorder fully  
24 complies with A.R.S. § 16-121.01(D). The Maricopa County Defendants lack knowledge  
25 or information sufficient to form a belief as to the truth or falsity of the allegations made in  
26 Paragraph 168 as they relate to the other Defendants and so deny them.

27  
28 169. The Maricopa County Defendants deny the allegations in this Paragraph as

1 they relate to the Maricopa County Recorder and affirmatively state that the Recorder fully  
 2 complies with A.R.S. § 16-121.01(D). The Maricopa County Defendants lack knowledge  
 3 or information sufficient to form a belief as to the truth or falsity of the allegations made in  
 4 Paragraph 169 as they relate to the other Defendants and so deny them.  
 5

6 **COUNT II**  
 7 **Failure to Consult Accessible Databases for**  
 8 **Voter List Maintenance of Federal-Only Voters**  
 9 **(Special Action, Declaratory, and Injunctive Relief)**  
 10 **A.R.S. §§ 16-121.01(D)(5), 12-1801, 12-1831, 12-1832,**  
 11 **12-2021, Ariz. R. Civ. P. 65, RPSA 3, and 28 U.S.C. § 1651)**

12 170. The Maricopa County Defendants incorporate by reference each of their  
 13 preceding admissions, denials, and affirmative statements as if fully set forth herein.  
 14

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

25 172. The Maricopa County Defendants deny the allegations in this Paragraph. The  
 26 Maricopa County Defendants further affirmatively state that (1) any names submitted to  
 27 Department of Homeland Security must include those persons’ specific immigration  
 28

1 enumerator in order for a citizenship inquiry to be conducted; (2) citizenship inquiries are  
2 conducted via the SAVE program; and, (3) according to the Department of Homeland  
3 Security, which created and expanded SAVE, SAVE is not a “database.”

4  
5 173. The Maricopa County Defendants admit that the Recorder has not submitted  
6 any citizenship inquiries to the Department of Homeland Security pursuant to 8 U.S.C. §§  
7 1373 or 1644—*because (1) he already uses DHS’s citizenship-inquiry process when he*  
8 *submits voter registrants, for whom he has access to their specific immigration*  
9 *enumerators, for inquiries with SAVE pursuant to A.R.S. § 16-121(D), and (2) there is no*  
10 *other DHS citizenship inquiry available unless one has the specific immigration*  
11 *enumerators for those whose citizenship is being investigated; thus, (3) all those for whom*  
12 *inquiries to DHS could be made have already had such inquiries made and there is no*  
13 *additional inquiry that can be made.* The Maricopa County Defendants lack knowledge or  
14 information sufficient to form a belief as to the truth or falsity of the allegations made in  
15 Paragraph 173 as they relate to the other Defendants and so deny them.

16  
17  
18 174. The Maricopa County Defendants deny the allegations in this Paragraph as  
19 they relate to the Maricopa County Recorder and affirmatively state that the Recorder fully  
20 complies with A.R.S. § 16-121.01(D). The Maricopa County Defendants lack knowledge  
21 or information sufficient to form a belief as to the truth or falsity of the allegations made in  
22 Paragraph 174 as they relate to the other Defendants and so deny them.

23  
24 175. The Maricopa County Defendants deny the allegations in this Paragraph and  
25 affirmatively state that the Recorder fully complies with A.R.S. § 16-121.01(D). The  
26 Maricopa County Defendants lack knowledge or information sufficient to form a belief as  
27

28

1 to the truth or falsity of the allegations made in Paragraph 175 as they relate to the other  
2 Defendants and so deny them.

3 176. The Maricopa County Defendants deny the allegations in this Paragraph and  
4 affirmatively state that the Recorder fully complies with A.R.S. § 16-121.01(D). The  
5 Maricopa County Defendants lack knowledge or information sufficient to form a belief as  
6 to the truth or falsity of the allegations made in Paragraph 176 as they relate to the other  
7 Defendants and so deny them.  
8

9  
10 **COUNT III**

11 **Failure to Conduct Regular Voter List Maintenance  
12 of Federal-Only Voters Using Accessible Databases  
13 (Special Action, Declaratory, and Injunctive Relief)**

14 **A.R.S. §§ 16-165(K), 12-1801, 12-1831, 12-1832,  
15 12-2021, Ariz. R. Civ. P. 65, RPSA 3, and 28 U.S.C. § 1651)**

16 177. The Maricopa County Defendants incorporate by reference each of their  
17 preceding admissions, denials, and affirmative statements as if fully set forth herein.

18 178. The cited statute speaks for itself and no response is required. To the extent  
19 that a response is required, the Maricopa County Defendants admit that the quoted language  
20 appears in the cited statute.

21 179. The allegations in Paragraph 179 state a legal conclusion to which no  
22 response is required. To the extent that a response is required, the Maricopa County  
23 Defendants admit that applicable law requires the Recorder to cancel the voter registrations  
24 of those who he learns through an inquiry authorized by law are not United States citizens.  
25 The Maricopa County Defendants deny all remaining allegations in this Paragraph.

26 180. The Maricopa County Defendants deny Plaintiffs' (and their counsels')  
27 allegation in this Paragraph that "[f]ailure to provide DPOC is information about lack of  
28

1 citizenship.” The Maricopa County Defendants further deny that the laws cited by Plaintiffs  
2 and their attorneys in support of the just-mentioned allegation support the allegation. The  
3 Maricopa County Defendants affirmatively state as follows:

4           Plaintiffs’ suggestion, that failure to provide DPOC is “information”  
5 indicating that the registrant is a noncitizen, is abhorrent. It is also directly contradicted by  
6 federal law, which expressly authorizes United States citizens to register to vote in federal  
7 elections without providing documentary proof of citizenship. To suggest that our fellow  
8 United States citizens, who avail themselves of their right to register to vote in federal  
9 elections without providing DPOC, *as federal law allows them to do*, have somehow by  
10 exercising that right provided “information” that calls their citizenship into question, is an  
11 unjustified and unjustifiable insult to these citizens. It should not be countenanced by this  
12 Court, and it will not stand up to judicial scrutiny.

13  
14  
15           181. The cited statute speaks for itself and no response is required. To the extent  
16 that a response is required, the Maricopa County Defendants admit that the quoted language  
17 appears in the cited statute and that A.R.S. § 16-165(K) requires that “[t]o the extent  
18 practicable, the county recorder shall review relevant city, town, county, state and federal  
19 databases to which the county recorder has access to confirm information obtained that  
20 requires cancellation of registrations pursuant to this section.” The Maricopa County  
21 Defendants deny Plaintiffs’ unqualified allegation that the cited statute “requires” that the  
22 Recorder perform the confirmation because the statute, by its terms, only requires  
23 confirmation “to the extent practicable.” The Maricopa County Defendants deny all  
24 remaining allegations in this Paragraph.  
25  
26  
27  
28

1 182. The Maricopa County Defendants deny the allegations in this Paragraph.

2 183. The Maricopa County Defendants admit that the Recorder has not submitted  
3 any citizenship inquiries to the Department of Homeland Security pursuant to 8 U.S.C. §§  
4 1373 or 1644. The Maricopa County Defendants lack knowledge or information sufficient  
5 to form a belief as to the truth or falsity of the allegations made in Paragraph 183 as they  
6 relate to the other Defendants and so deny them.  
7

8 184. The Maricopa County Defendants deny the allegations in this Paragraph.

9 185. The Maricopa County Defendants deny the allegations in this Paragraph and  
10 affirmatively state that the Recorder fully complies with A.R.S. § 16-165(K).  
11

12 186. The Maricopa County Defendants deny the allegations in this Paragraph and  
13 affirmatively state that the Recorder fully complies with A.R.S. § 16-165(K).  
14

15 **COUNT IV**  
16 **Failure to Send Information About**  
17 **Federal-Only Voters to the Attorney General**  
18 **(Special Action, Declaratory, and Injunctive Relief)**  
19 **A.R.S. §§ 16-143, 12-1801, 12-1831, 12-1832,**  
20 **12-2021, Ariz. R. Civ. P. 65, RPSA 3, and 28 U.S.C. § 1651)**

21 187. The Maricopa County Defendants incorporate by reference each of their  
22 preceding admissions, denials, and affirmative statements as if fully set forth herein.

23 188. The cited statute speaks for itself and no response is required. To the extent  
24 that a response is required, the Maricopa County Defendants admit that the quoted text  
25 appears in the cited statute.

26 189. The Maricopa County Defendants deny that the Recorder has not “made  
27 available” to the Attorney General the information that the statute requires that he make  
28 available. The Maricopa County Defendants admit that the Recorder has not “provided” to



1 the Attorney General any voter registration applications pursuant to this statute, which  
 2 required that they be provided on or before October 31, 2022. The Maricopa County  
 3 Defendants affirmatively state that, as explained above, the cited statute did not take effect  
 4 until December 31, 2022—after the October 31, 2022 deadline to provide the applications.  
 5 Thus, the statute was not in effect on October 31, 2022, and the statute’s requirement—that  
 6 the Recorder provide to the Attorney General voter registration applications by that date—  
 7 has (and had) no legal force. The Maricopa 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 189 as they relate to the other Defendants and so deny them.  
 10  
 11

12 190. The Maricopa County Defendants deny the allegations in this Paragraph and  
 13 affirmatively state that the Recorder fully complies with A.R.S. § 16-143(A) and that there  
 14 is no ongoing requirement that the county recorders “provide” information about Federal  
 15 Only Voters to the Attorney General.  
 16

17 **COUNT V**  
 18 **Voter List Maintenance Procedures**  
 19 **that Are Discriminatory or Not Uniform**  
 20 **(52 U.S.C. §§ 20507(b)(1) and 20510(b), and 28 U.S.C. § 1651)**

21 191. The Maricopa County Defendants incorporate by reference each of their  
 22 preceding admissions, denials, and affirmative statements as if fully set forth herein.

23 192. The cited statute speaks for itself and no response is required. To the extent  
 24 that a response is required, the Maricopa County Defendants admit that the quoted text  
 25 appears in the cited statute.

26 193. The Maricopa County Defendants admit the allegations in this Paragraph as  
 27 they relate to the Maricopa County Recorder. The Maricopa County Defendants lack  
 28

1 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations  
2 made in Paragraph 193 as they relate to the other Defendants and so deny them.

3 194. The Maricopa County Defendants deny the allegations in Paragraph 194.

4 195. The Maricopa County Defendants admit the allegations in this Paragraph.

5 196. The Maricopa County Defendants deny the allegations in Paragraph 196.

6 197. Paragraph 197 states a conclusion of law to which no response is required.

7  
8 To the extent that a response is required, the Maricopa County Defendants deny all  
9 allegations in Paragraph 197, including that the submission of citizenship checks to DHS, as  
10 described in Paragraph 193, is a “list maintenance practice[.]” as alleged in Paragraph 197.

11  
12 198. Paragraph 198 states a conclusion of law to which no response is required.

13 To the extent that a response is required, the Maricopa County Defendants deny all  
14 allegations in Paragraph 198.

15  
16 199. Paragraph 199 states a conclusion of law to which no response is required.

17 To the extent that a response is required, the Maricopa County Defendants deny that the  
18 Defendants’ citizenship inquiries with DHS, which are made within ten days of receiving a  
19 voter registrants’ application and are done pursuant to A.R.S. § 16-121.01(D), violates the  
20 NVRA’s nondiscrimination requirement as alleged in Paragraph 199. Further, the Maricopa  
21 County Defendants affirmatively assert that citizenship inquiries made utilizing SAVE  
22 concerning naturalized citizens have already been found by this federal district court to **not**  
23 violate the NVRA’s uniformity requirement. *Mi Familia Vota v. Fontes*, No. CV-24-00509-  
24 PHX-SRB, \_\_\_ F.Supp.3d\_\_\_, 2024 WL 862406, at \*42-43 (D. Ariz. Feb. 29, 2024),  
25 judgment entered, No. CV-22-00509-PHX-SRB, 2024 WL 2244338 (D. Ariz. May 2, 2024)  
26  
27  
28

1 (currently on appeal).

2 **(PLAINTIFFS') PRAYER FOR RELIEF**

3 The Maricopa County Defendants deny that Plaintiffs are entitled to any of their  
4 requested relief.  
5

6 **AFFIRMATIVE DEFENSES**

7 1. Plaintiffs lack Article III standing.

8 2. Plaintiffs cannot maintain their claims because they failed to comply with the  
9 notice requirements of 52 U.S.C. § 20510(b) prior to filing their lawsuit.  
10

11 3. Plaintiffs failed to state a claim upon which relief can be granted.

12 4. Plaintiffs failed to sue necessary parties to obtain the relief they request.

13 5. Some of the relief that Plaintiffs request, or implicitly request, would be illegal  
14 under federal law.

15 6. Plaintiffs' proposed interpretation of Arizona's and federal-law citizenship-  
16 inquiry requirements, which Plaintiffs seek to impose on Defendants, would lead to futile  
17 and absurd results, and courts do not construe statutes to produce such results. *Church of*  
18 *Scientology of California v. U.S. Dep't of Just.*, 612 F.2d 417, 422 (9th Cir. 1979) (*quoting*  
19 *United States v. Am. Trucking Ass'ns*, 310 U.S. 534, 543-44 (1940)).  
20  
21

22 7. Maricopa County is not a proper defendant to this action and must be  
23 dismissed.

24 8. The Maricopa County Defendants reserve the right to assert additional  
25 affirmative defenses as additional facts are discovered.  
26  
27  
28

**MARICOPA COUNTY DEFENDANTS’ PRAYER FOR RELIEF**

The Maricopa County Defendants pray for relief as follows.

- A. That the Court dismiss Plaintiffs’ First Amended Complaint;
- B. That judgment be entered in favor of the Maricopa County Defendants and against Plaintiffs on Plaintiffs’ First Amended Complaint;
- C. That the Maricopa County Defendants be awarded their reasonable attorneys’ fees and costs under any applicable statute, rule, or equitable doctrine; and
- D. For any and all other and further relief as the Court deems appropriate.

RESPECTFULLY SUBMITTED this 17th day of September, 2024.

RACHEL H. MITCHELL  
MARICOPA COUNTY ATTORNEY

BY: /s/ Joseph E. La Rue  
 THOMAS P. LIDDY  
 JOSEPH E. LA RUE  
 JACK L. O’CONNOR III  
 ROSA AGUILAR  
 Deputy County Attorneys  
 Attorneys for the Maricopa County  
 Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that on September 17, 2024, I caused the foregoing document to be electronically transmitted to the Clerk’s Office using the CM/ECF System for filing and served a copy by email on Plaintiffs’ counsel, with a courtesy copy to the Honorable Susan Brnovich, as follows.

Honorable Susan Brnovich  
District Court Judge  
[Brnovich\\_chambers@azd.uscourts.gov](mailto:Brnovich_chambers@azd.uscourts.gov)

...

...

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26  
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