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**AMERICA FIRST LEGAL FOUNDATION**

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**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA**

STRONG COMMUNITIES  
FOUNDATION OF ARIZONA  
INCORPORATED, and YVONNE  
CAHILL;

Case No. **CV 2024-020835**

**PLAINTIFFS' COMPLAINT FOR  
SPECIAL ACTION RELIEF**

Plaintiffs,

v.

STEPHEN RICHER, in his official  
capacity as Maricopa County Recorder;  
MARICOPA COUNTY;

Defendants.

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1 The Plaintiffs hereby allege and state as follows:

2 **INTRODUCTION**

3 1. It is against State and federal law for foreign citizens<sup>1</sup> to register to vote.<sup>2</sup>

4 2. Sixty percent of Arizonans “are concerned that cheating will affect the  
5 outcome of the 2024 election.”<sup>3</sup>

6 3. A July 2024 survey of likely voters in Arizona and five other states found  
7 that “a little more than one percent (1%) of Likely Voters say they’re not U.S. citizens.”<sup>4</sup>

8 4. Many recent electoral races in Arizona have been decided by margins of less  
9 than one percent.

10 5. In 2022, the Legislature adopted stricter voter list maintenance requirements  
11 for County Recorders.<sup>5</sup>

12 6. The Legislature adopted these requirements to ensure that County Recorders  
13 remove foreign citizens from voter lists and to allay Arizonans’ reasonable concerns about  
14 foreign citizen voting.

15 7. Federal law also requires State and local election officials, including County  
16 Recorders, to perform voter list maintenance to ensure that “voters ... who are not eligible  
17 to vote [in federal elections] are removed.”<sup>6</sup>

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20 <sup>1</sup> In this Complaint, the term “foreign citizen” means “any person not a citizen or national  
21 of the United States,” which is the defined meaning for the term “alien” in federal law. 8  
22 U.S.C.A. § 1101(a)(3).

23 <sup>2</sup> See, e.g., Ariz. Const. art. VII, § 2(A) (requiring that all voters be U.S. citizens); A.R.S.  
24 § 16-101(A)(1) (same); 18 U.S.C. § 1015(f) (knowingly making “any false statement or  
25 claim that he is a citizen of the United States in order to register to vote or to vote in any  
26 Federal, State, or local election” subjects an alien to five years’ imprisonment or fine).

27 <sup>3</sup> *Arizona: Trump 47%, Biden 40%*, RASMUSSEN REPORTS, (June 14, 2024),  
28 <https://tinyurl.com/59y4zjsf>.

29 <sup>4</sup> *62% Concerned About Election Cheating*, RASMUSSEN REPORTS, (Jul. 24, 2024),  
30 <https://tinyurl.com/yckyyy9p>.

31 <sup>5</sup> See, e.g., 2022 Ariz. Legis. Serv. Ch. 370 (H.B. 2243); 2022 Ariz. Legis. Serv. Ch. 99  
(H.B. 2492); 16 A.R.S. §§ 121.01, 143, and 165.

32 <sup>6</sup> 52 U.S.C. § 21083(a)(2)(B)(ii); see also 52 U.S.C. § 21083(a)(2)(A) and (a)(4)(A).







1 only allowed to vote in primary and general elections for candidates running in federal  
2 races.

3 29. According to the Arizona Secretary of State’s Office, as of April 2024,  
4 35,273 registered voters in Arizona had failed to provide proof of citizenship and were,  
5 therefore, registered only to vote in federal races.<sup>13</sup>

6 30. The number of Federal-Only Voters in Maricopa County increases each  
7 month.

8 31. On July 1, 2024, when Maricopa County disclosed its A.R.S. § 16-161(B)  
9 report, there were 26,108 Federal-Only Voters, increase from the 21,595 Federal-Only  
10 Voters reported by Maricopa on April 1, 2024.<sup>14</sup>

11 32. This means that in just three months, the number of Federal-Only Voters  
12 increased by an astounding 21%.

### 13 ***Voter List Maintenance Requirements***

14 33. The U.S. Supreme Court also held in *Inter Tribal Council* that the NVRA  
15 “does not preclude States from denying registration based on information in their  
16 possession establishing the applicant’s ineligibility.”<sup>15</sup> Further, the Court noted that the  
17 NVRA only requires states to register eligible persons.<sup>16</sup> Nor does the Court’s decision in  
18 *Inter Tribal Council* prohibit States from engaging in the voter list maintenance procedures  
19 required by the Help America Vote Act (HAVA),<sup>17</sup> such as inquiring about the citizenship  
20 or immigration status of potentially ineligible voters on voter rolls.

21 34. Further, despite its prohibition on requiring evidence of citizenship status  
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23 <sup>13</sup> ARIZONA SECRETARY OF STATE’S OFFICE, *Federal Only Registrants as of April 1st,*  
24 *2024*, (Apr. 1, 2024), <https://tinyurl.com/3apvrub>.

25 <sup>14</sup> MARICOPA COUNTY ELECTIONS, *Historical Voter Registration Totals (2024)*,  
<https://tinyurl.com/y64sybx>.

26 <sup>15</sup> *Intertribal Council*, 570 U.S. at 15. (cleaned up) (emphasis added).

<sup>16</sup> *Id.*

<sup>17</sup> 52 U.S.C. § 21083(a)(2)(A), (a)(2)(B)(ii), (a)(4)(A).

1 beyond the four corners of the EAC’s federal voter registration form, the U.S. Supreme  
2 Court acknowledged that States nevertheless could access information via other means to  
3 help them resolve questions about a voter registration applicant’s citizenship status.

4 35. In 2022, the Legislature enacted, and Governor Ducey signed, H.B. 2492 and  
5 H.B. 2243,<sup>18</sup> which, among other things, amended Arizona’s election statutes to impose  
6 stricter voter list maintenance requirements for Federal-Only Voters.

7 36. Those requirements mandate that County Recorders perform monthly list  
8 maintenance to confirm the citizenship of all Federal-Only Voters.<sup>19</sup>

9 37. Recorder Richer has failed to perform this required list maintenance.

10 38. Those requirements also require County Recorders to perform list  
11 maintenance within ten days for all newly registered Federal-Only Voters to verify  
12 citizenship.<sup>20</sup>

13 39. Recorder Richer has failed to perform this required list maintenance.

14 40. One obstacle to performing such list maintenance is that Secretary of State  
15 Adrian Fontes has neglected to obtain access for list maintenance to the three databases  
16 that the statutes specifically require be consulted to verify citizenship: the U.S. Department  
17 of Homeland Security’s (DHS) Systematic Alien Verification for Entitlements (SAVE)<sup>21</sup>,  
18 the Social Security Administration (SSA) database<sup>22</sup>, and the National Association for  
19 Public Health Statistics and Information Systems (NAPHSIS) electronic verification of  
20 vital events system (EVVE).<sup>23</sup>

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23 <sup>18</sup> 2022 Ariz. Legis. Serv. Ch. 370 (H.B. 2243); 2022 Ariz. Legis. Serv. Ch. 99 (H.B. 2492).

24 <sup>19</sup> A.R.S. § 16-165.

25 <sup>20</sup> A.R.S. § 16-143(D).

26 <sup>21</sup> A.R.S. §§ 16-121.01(D)(3) and -165(I).

<sup>22</sup> A.R.S. §§ 16-121.01(D)(2) and -165(H).

<sup>23</sup> A.R.S. §§ 16-121.01(D)(4) and -165(J).

1           41.    However, State and federal law impose additional list maintenance  
2 obligations beyond just consulting these three databases.

3           42.    State law also requires that “[w]ithin ten days after receiving an application  
4 for registration on a form produced by the United States election assistance commission  
5 that is not accompanied by satisfactory evidence of citizenship, the county recorder or other  
6 officer in charge of elections *shall use all available resources* to verify the citizenship  
7 status of the applicant....”<sup>24</sup>

8           43.    State law also requires that County Recorders “at a minimum shall compare  
9 the information available on the application for registration with the following, provided  
10 the county has access.... Any other ... federal database ... to which the county recorder or  
11 officer in charge of elections has access....”<sup>25</sup>

12           44.    Additionally, for all registrants, State law requires that “[t]o the extent  
13 practicable, the county recorder shall review relevant ... federal databases to which the  
14 county recorder has access to confirm information obtained that requires cancellation of  
15 registrations pursuant to this section.”<sup>26</sup>

16           45.    Additionally, federal law requires “local election official[s]” to “perform list  
17 maintenance” of their voter rolls and to ensure that “voters ... who are not eligible to vote  
18 [in federal elections] are removed.”<sup>27</sup> It also requires that election officials “ensure that  
19 voter registration records in the State are accurate and are updated regularly, including ...  
20 [a] system of file maintenance that makes a reasonable effort to remove registrants who are  
21 ineligible to vote from the official list of eligible voters.”<sup>28</sup>

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24 <sup>24</sup> A.R.S. § 16-121.01(D) (emphasis added).

25 <sup>25</sup> A.R.S. § 16-121.01(D) and (D)(5) (emphasis added).

26 <sup>26</sup> A.R.S. § 16-165(K).

<sup>27</sup> 52 U.S.C. § 21083(a)(2)(A) and (a)(2)(B)(ii).

<sup>28</sup> 52 U.S.C. § 21083(a)(4)(A).



1           46.     Because it is illegal for foreign citizens to register to vote in federal elections,  
2 any foreign citizen who is registered to vote is ineligible. Therefore, federal law requires  
3 County Recorders to “perform list maintenance” and to engage in “reasonable efforts” to  
4 ensure that foreign citizens are not registered to vote.

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

6           47.     Even if Recorder Richer had access to SAVE, SSA, and EVVE for list  
7 maintenance, these three databases would be insufficient to definitively verify the  
8 citizenship of all Federal-Only Voters.

9           48.     Only consulting SAVE, SSA, and EVVE to verify citizenship, without more,  
10 is insufficient to fulfill a County Recorder’s list maintenance duties under State and federal  
11 law.

12 ***SAVE***

13           49.     SAVE is hobbled by a critical design flaw: The system requires at least one  
14 of the following specific “numeric identifier[s]”: “Alien/ USCIS Number (A-Number),”  
15 “Form 1-94, Arrival/Departure Record Number,” “Student and Exchange Visitor  
16 Information System (SEVIS) ID number,” “Naturalization / Citizenship Certificate  
17 Number,” “Card / 1-797 Receipt Number,” “Visa Number,” or “Foreign Passport Number  
18 (if entered along with a U.S. immigration enumerator).”<sup>29</sup>

19           50.     As a federal judge recently observed, “the [EAC’s] Federal Form does not  
20 include a space for registrants to provide this information” about “immigration numbers.”<sup>30</sup>  
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26 <sup>29</sup> *Tutorial: Introduction to SAVE and the Verification Process for SAVE Users*, DEP’T OF HOMELAND SEC., (Mar. 2024), <https://tinyurl.com/msek795k>.

<sup>30</sup> *Mi Familia Vota v. Fontes*, --- F.Supp.3d ----, 2024 WL 862406, at \*6 (D. Ariz. 2024).

1           51. Furthermore, SAVE does not process social security or driver's license  
2 numbers, which are the ID numbers that registrants are most likely to provide on their voter  
3 registration forms.<sup>31</sup>

4           52. Thus, in practice, SAVE is practically useless for verifying the citizenship of  
5 voter registrants because it can only provide citizenship information if a registrant has  
6 provided the specific numeric identifiers that are the searchable variables in SAVE, and  
7 none of these identifiers are required under the current version of the EAC federal voter  
8 registration form, nor are they required on Arizona's state voter registration form.

9 ***SSA and EVVE***

10           53. A federal judge recently found that "county recorders currently do not have  
11 access to NAPHSIS [EVVE] or the SSA database."<sup>32</sup>

12           54. Even if County Recorders had access to SSA, they would be insufficient to  
13 verify citizenship.

14           55. As one federal judge recently noted: "[Arizona] [c]ounty recorders ... lack  
15 direct access to SSA records.... Approximately one quarter of SSA records lack citizenship  
16 information," and "the federal government does not allow access to this [citizenship]  
17 information."<sup>33</sup>

18           56. Furthermore, even if County Recorders had access to EVVE, it would be  
19 insufficient to verify citizenship.

20           57. NAPHSIS is a nonprofit organization that represents state and local vital  
21 records, health statistics and information system agencies.

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24 <sup>31</sup> See, e.g., *Register to Vote in your State by Using this Postcard Form and Guide* at 3-4,  
25 U.S. ELECTION ASSISTANCE COMMISSION, <https://tinyurl.com/4wj6vm6r> (Arizona-  
26 specific instructions from the EAC for filling out the federal voter registration form  
requiring registrants to provide, if available, a driver license number or the last four digits  
of their social security number).

<sup>32</sup> *Mi Familia Vota*, 2024 WL 862406, at \*5.

<sup>33</sup> *Mi Familia Vota*, 2024 WL 862406, at \*7 (cleaned up).

1           58.    NAPHSIS’s EVVE database contains information on most births in the  
2 United States.

3           59.    However, EVVE does not have information about births in Texas.<sup>34</sup>

4           60.    EVVE, therefore, is insufficient for verifying citizenship because it cannot  
5 verify the birth of anyone born in Texas.

6           61.    EVVE is also insufficient for verifying citizenship because it cannot verify  
7 the citizenship of U.S. citizens who were not born in the United States.

8           62.    EVVE thus does not contain information about the births of persons born  
9 overseas who acquire citizenship at birth because one or more of their parents are U.S.  
10 citizens.<sup>35</sup>

11          63.    NAPHSIS also cannot be used to verify the citizenship of naturalized  
12 citizens.

13           ***Federal Law Entitles County Recorders to Submit Citizenship Inquiries to DHS***

14          64.    Fortunately, there is an easy method for County Recorders to confirm the  
15 citizenship of Federal-Only Voters, and this method does not require the use of SAVE,  
16 SSA, or EVVE.

17          65.    The Immigration and Nationality Act (INA), at 8 U.S.C. § 1373, requires  
18 DHS to “respond to an inquiry by a Federal, State, or local government agency, seeking to  
19 verify or ascertain the citizenship or immigration status of *any individual* within the  
20 jurisdiction of the agency for *any purpose authorized by law*, by providing the requested  
21 verification or status information.”<sup>36</sup>

22          66.    Verification of a voter registrant’s citizenship is a purpose authorized by  
23 law.<sup>37</sup>

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25 <sup>34</sup> *Participating Jurisdictions*, NAPHSIS, (accessed on Jul. 29, 2024),  
<https://tinyurl.com/ycdtehu9>.

26 <sup>35</sup> See 8 U.S.C. §§ 1401-1409; *Sessions v. Morales-Santana*, 582 U.S. 47 (2017).

<sup>36</sup> 8 U.S.C. § 1373(c) (emphasis added).

<sup>37</sup> See *supra* ¶¶ 1, 25-46.

1           67. The INA also states, in 8 U.S.C. § 1644, that “[n]otwithstanding any other  
2 *provision of Federal, State, or local law*, no State or local government entity may be  
3 prohibited, *or in any way restricted*, from sending to or receiving from ... [DHS]  
4 information regarding the immigration status, lawful or unlawful, of an alien in the United  
5 States.”<sup>38</sup>

6           68. Because 8 U.S.C. § 1644 expressly preempts any other federal or State law  
7 provisions, no other federal or State law could prevent a County Recorder from submitting  
8 citizenship confirmation requests to DHS.<sup>39</sup>

9           69. The citizenship information to which County Recorders are lawfully entitled  
10 under 8 U.S.C. §§ 1373 and 1644 qualifies as an “available resource[.]” under A.R.S. § 16-  
11 121.01(D).

12           70. Therefore, County Recorders have a mandatory obligation under A.R.S. §  
13 16-121.01(D) to submit citizenship confirmation requests for registrants who failed to  
14 provide DPOC to DHS under 8 U.S.C. §§ 1373 and 1644 (“1373/1644 Requests”).

15           71. The citizenship information to which County Recorders are lawfully entitled  
16 under 8 U.S.C. §§ 1373 and 1644 qualifies as a “relevant ... federal database[.] to which the  
17 county recorder has access” under A.R.S. §§ 16-121.01(D) and -165(K).

18           72. Therefore, County Recorders have a mandatory obligation under A.R.S. §  
19 16-121.01 and -165(K) to submit 1373/1644 Requests to DHS.

20           73. County Recorder submissions of 1373/1644 Requests about Federal-Only  
21 Voters are also consistent with, and required by, County Recorders’ obligations under  
22 federal law to conduct “list maintenance” and make “reasonable effort[s]” to remove  
23 potentially ineligible voters.<sup>40</sup>

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<sup>38</sup> 8 U.S.C. § 1644 (emphasis added).

<sup>39</sup> See U.S. Const. art. VI, cl. 2.

<sup>40</sup> 52 U.S.C. § 21083(a)(2)(A), (a)(4)(A), and (a)(2)(B)(ii).

1 ***County Recorder Obligations to Provide to the Attorney General a List of Federal-Only***  
2 ***Voters***

3 74. Additionally, H.B. 2492 required that County Recorders “shall make  
4 available to the attorney general a list of all individuals who are registered to vote and who  
5 have not provided satisfactory evidence of citizenship” and also that they “shall provide ...  
6 the applications of individuals who are registered to vote and who have not provided  
7 satisfactory evidence of citizenship.”<sup>41</sup>

8 75. The Legislature imposed this requirement on County Recorders so that the  
9 Attorney General could fulfill her obligation that she “shall use all available resources to  
10 verify the citizenship status of the applicant[s].”<sup>42</sup>

11 76. This statutory provision requiring Recorders to transmit the information and  
12 registration applications about Federal-Only Voters to the Attorney General is currently in  
13 force and not enjoined by any court.

14 77. Yet, surprisingly, Recorder Richer has failed to comply.

15 78. Specifically, upon information and belief, Recorder Richer has failed to send  
16 to the Attorney General a list of all Maricopa County Federal-Only Voters.

17 79. Recorder Richer has also failed, upon information and belief, to provide to  
18 the Attorney General the applications of all Maricopa County Federal-Only Voters.

19 ***Pre-Litigation Efforts to Request Compliance***

20 80. On July 16, 2024, Plaintiff EZAZ.org sent to Recorder Richer a letter  
21 reminding him of his obligations to perform list maintenance and explaining how  
22 1373/1644 Requests would allow him to fulfill those obligations.

23 81. The letter pointed out that Arizona law requires that he “shall review relevant  
24 ... federal databases to which the county recorder has access”<sup>43</sup> and that he is, therefore,  
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26 <sup>41</sup> 2022 Ariz. Legis. Serv. Ch. 99 (H.B. 2492); A.R.S. § 16-143(A).

<sup>42</sup> A.R.S. § 16-143(B).

<sup>43</sup> A.R.S. § 16-165(K).

1 obligated to submit 1373/1644 Requests to DHS for all Maricopa County Federal-Only  
2 Voters.

3 82. Through communications with Recorder Richer’s counsel on July 23 and 24,  
4 Recorder Richer claimed that he already complies with all applicable State and federal laws  
5 related to voter registration.

6 83. This claim is false.

7 84. Recorder Richer also claimed he has no legal authority to submit 1373/1644  
8 Requests to DHS about Maricopa County Federal-Only Voters.

9 85. This claim is false.

10 86. Recorder Richer also claimed that the Federal District of Arizona had ruled  
11 that using 1373/1644 Requests and SAVE for list maintenance violates the Voting Rights  
12 Act.

13 87. That claim is false.

14 88. Rather, the Federal District of Arizona ruled precisely the opposite, explicitly  
15 holding that “Arizona is entitled to investigate the citizenship status of registered voters to  
16 ensure that only qualified individuals are registered to vote.... For example, County  
17 recorders must check SAVE and/or NAPHSIS for all voters without DPOC, i.e., Federal-  
18 Only Voters.”<sup>44</sup>

19 89. That court also specifically ordered that “Arizona may conduct SAVE checks  
20 on registered voters who have not provided DPOC.”<sup>45</sup>

21 90. Recorder Richer also claimed that he has fully complied with the  
22 requirements of A.R.S. § 16-143, but failed to describe any steps he has taken to actually  
23 comply.

24 91. However, upon information and belief, Recorder Richer has failed to  
25 transmit a list of Maricopa County Federal-Only Voters to the Attorney General, as  
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<sup>44</sup> *Mi Familia Vota*, 2024 WL 862406 at \*38.

<sup>45</sup> *Id.* at \*57.

1 required by A.R.S. § 16-143.

2 92. Additionally, upon information and belief, Recorder Richer has failed to  
3 transmit the voter applications of Maricopa County Federal-Only Voters to the Attorney  
4 General, as required by A.R.S. § 16-143.

5 93. Upon information and belief, Recorder Richer is not complying with his  
6 ongoing obligation under A.R.S. § 16-143 to transmit to the Attorney General updated lists  
7 and applications of Federal-Only Voters as new voters register.

8 94. Accordingly, his claim to be in compliance with A.R.S. § 16-143 is also false.

9  
10 **COUNT I**

11 **Failure to Use “All Available Resources” for**  
12 **Voter List Maintenance of Federal-Only Voters**  
13 **(Special Action, Declaratory, and Injunctive Relief)**  
14 **A.R.S. §§ 16-121.01(D), 12-1801, 12-1831, 12-1832,**  
15 **12-2021, Ariz. R. Civ. P. 65, and RPSA 3**

16 95. The Plaintiffs incorporate by reference the preceding allegations as if fully  
17 set forth herein.

18 96. Arizona law requires that “[w]ithin ten days after receiving an application for  
19 registration ... that is not accompanied by satisfactory evidence of citizenship, the county  
20 recorder ... shall use *all available resources* to verify the citizenship status of the  
21 applicant.”<sup>46</sup>

22 97. A 1373/1644 Request is an “available resource[] to verify ... citizenship  
23 status.”<sup>47</sup>

24 98. Recorder Richer refuses to submit 1373/1644 Requests to DHS to verify the  
25 citizenship status of Federal-Only Voters.  
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<sup>46</sup> A.R.S. § 16-121.01(D) (emphasis added).

<sup>47</sup> A.R.S. § 16-121.01(D).





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**COUNT III**  
**Failure to Conduct Regular Voter List Maintenance**  
**of Federal-Only Voters Using Accessible Databases**  
**(Special Action, Declaratory, and Injunctive Relief)**  
**A.R.S. §§ 16-165(K), 12-1801, 12-1831, 12-1832,**  
**12-2021, Ariz. R. Civ. P. 65, and RPSA 3**

108. The Plaintiffs incorporate by reference the preceding allegations as if fully set forth herein.

109. Arizona law requires that, as to all voter registrants, “[t]o the extent practicable, the county recorder shall review relevant ... federal databases to which the county recorder has access to confirm information obtained that requires cancellation of registrations pursuant to this section.”<sup>49</sup>

110. A registrant’s lack of U.S. citizenship “requires cancellation of registration[.]”

111. Failure to provide DPOC is information about lack of citizenship.<sup>50</sup>

112. Information suggesting a potential lack of citizenship requires confirmation using “relevant ... federal databases” to which Recorder Richer has access.

113. The information available under a 1373/1644 Request to DHS constitutes a “federal database” to which Recorder Richer has access.

114. Recorder Richer refuses to submit 1373/1644 Requests to DHS to verify the citizenship status of Federal-Only Voters.

115. Recorder Richer has, therefore, failed to consult a “federal database” “to which” he “has access.”

116. Accordingly, Recorder Richer is violating his mandatory duties under A.R.S. § 16-165(K).

117. Recorder Richer will continue to unlawfully neglect to consult federal databases “to which” he “has access” absent judicial intervention.

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<sup>49</sup> A.R.S. § 16-165(K).

<sup>50</sup> *See, e.g.*, §§ 16-121.01(C)-(F), -165(A)(10), and -166(F).

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

118. The Plaintiffs incorporate by reference the preceding allegations as if fully set forth herein.

119. Arizona law requires that “each county recorder shall make available to the attorney general a list of all individuals who are registered to vote and who have not provided satisfactory evidence of citizenship pursuant to § 16-166 and shall provide, on or before October 31, 2022, the applications of individuals who are registered to vote and who have not provided satisfactory evidence of citizenship pursuant to § 16-166.”<sup>51</sup>

120. Upon information and belief, Recorder Richer has not made available or provided to the Attorney General the required information about Federal-Only Voters.

121. Recorder Richer will continue to unlawfully neglect to provide the required information to the Attorney General absent judicial intervention.

**PRAYER FOR RELIEF**

Based on the preceding, the Plaintiffs respectfully request relief in the following forms:

A. A declaration under A.R.S. §§ 12-1831, -1832 and special action and injunctive relief under Arizona Rule of Special Action Procedure 3, A.R.S. §§ 12-1801, -2021, Ariz. R. Civ. P. 65, or other applicable law that:

1. A 1373/1644 Request is an “available resource[] to verify ... citizenship status” under A.R.S. § 16-121.01(D); that Maricopa County Recorder has had a mandatory and ongoing obligation to conduct such checks for every Maricopa County Federal-Only Voter who has registered since A.R.S. § 16-121.01(D) became effective; and that Recorder Richer shall submit 1373/1644 Requests to DHS for all such Federal-Only Voters;

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<sup>51</sup> A.R.S. § 16-143(A).

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- 2. A 1373/1644 Request to DHS constitutes a “federal database” to which Recorder Richer has access under A.R.S. § 16-121.01(D)(5); that the Maricopa County Recorder has had a mandatory and ongoing obligation to submit 1373/1644 Requests for every Maricopa County Federal-Only Voter who has registered since A.R.S. § 16-121.01(D)(5) became effective; and that Recorder Richer shall submit 1373/1644 Requests to DHS for all such Federal-Only Voters;
- 3. A registrant’s failure to provide DPOC constitutes information about lack of citizenship that, if true, would require cancellation of registration and which the Maricopa County Recorder has an ongoing mandatory duty to confirm under A.R.S. § 16-165(K); that the information available under a 1373/1644 Request to DHS constitutes a “federal database” to which Recorder Richer has access under A.R.S. § 16-165(K); that the Maricopa County Recorder has a mandatory and ongoing obligation under A.R.S. § 16-165(K) to submit 1373/1644 Requests for every Maricopa County Federal-Only Voter; and that Recorder Richer shall submit 1373/1644 Requests to DHS for all such Federal-Only Voters; and
- 4. Recorder Richer has a mandatory and ongoing obligation to make available to the Attorney General a list of all Maricopa County Federal-Only Voters and must provide to the Attorney General the voter registration applications of all such individuals; that Recorder Richer shall send to the Attorney General a list of all Maricopa County Federal-Only Voters as well as their voter registration applications; and that Recorder Richer shall weekly transmit to the Attorney General a list of all new Federal-Only Voter registrants and their applications.

B. An award of reasonable attorneys’ fees and costs under A.R.S. §§ 12-341, -348, -2030, the private attorney general doctrine, and other applicable law.

C. For such other relief as the Court deems just and proper

1 RESPECTFULLY SUBMITTED this 5th of August, 2024.  
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3 **America First Legal Foundation**

4 By 

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