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Attorney for Sharie Milheiro, Greenlee County Recorder

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

**STRONG COMMUNITIES FOUNDATION
OF ARIZONA INCORPORATED, and
YVONNE CAHILL;**

Plaintiffs,

vs.

**STEPHEN RICHER, in his official capacity
as Maricopa County Recorder; et al.**

Defendants.

No. CV-24-02030-PHX-SMB

**GREENLEE COUNTY DEFENDANTS'
RESPONSE
NOT OPPOSING
PLAINTIFFS' MOTION FOR
TEMPORARY RESTRAINING
ORDER AND PRELIMINARY
INJUNCTION**

(Assigned to the Hon. Krissa Lanham)

Defendants, Sharie Milheiro in her official capacity of Greenlee County Recorder, and Greenlee County (collectively the "Greenlee County Defendants") do not oppose the Plaintiffs' motion for temporary restraining order and preliminary injunction.

Greenlee County Defendants were served on September 25, 2024 and have not yet answered the complaint as only 3 business days have passed. Greenlee County Defendants were provided, however, with this Court's October 1, 2024 order requiring Greenlee County Defendants to respond to Plaintiffs' motion for temporary restraining order and preliminary injunction by October 3, 2024.

1 Defendants have reviewed the Plaintiffs' complaint, the other Defendants' answers, and
2 the motion for temporary restraining order and preliminary injunction. Both the Plaintiffs and
3 Defendants who have answered have made some persuasive points and arguments. The Greenlee
4 Defendants need time to file a well-reasoned answer.

5 In the meantime, however, Greenlee Defendants cannot, at this point, find a reasonable
6 reason for opposing the Plaintiffs' motion.

7 Greenlee Defendants agree with Plaintiffs' argument that preventing non-citizens from
8 voting is vital to restoring public confidence in elections. They also agree that allowing non-
9 citizens to vote dilutes the votes of citizens. They also agree with Plaintiff's "irreparable harm
10 absent an injunction argument." Should the Plaintiff's arguments ultimately prevail there could
11 be no redress for this election. The Plaintiff's "once the election occurs, there can be no do-over
12 and no redress" argument seems incontrovertibly obvious.

13 Balancing the possible harms on the Plaintiff's side with any possible harms that might
14 occur on the Defendants' side seems to lean decidedly towards the Plaintiffs. It seems that there
15 are only two possible harmful outcomes for the Defendants. First, it might result in the
16 disenfranchisement and prosecution of a few non-citizens who perjured their citizenship affidavit
17 on their federal voter registration form. This does not seem undesirable. Second, it will result in
18 a few county man-hours to comply. This is *de minimis*. Greenlee County has 5 active federal-
19 only voters and 4 inactive federal-only voters. It would likely take about 10 minutes to submit
20 1373/1644 Requests to DHS to comply with such an injunction. Greenlee County could probably
21 send such requests to DHS for the next 20 years before expending as many county man-hours as
22 they will expend answering this lawsuit.

23 Whether the Plaintiffs are correct that the Defendants have a duty to send out 1373/1644
24 requests to DHS for all federal-only voters is a matter that may need to be litigated before this
25 Court, however while such litigation is pending the Greenlee County Defendants cannot see any
26

1 bona fide reason not to preserve the Plaintiffs' rights for this election in case they are correct. For
2 the foregoing reasons, the Greenlee County Defendants do not oppose the Plaintiffs' motion.

3
4 DATED: October 2, 2024.

5
6 /s/ Gary Griffith

7 Gary Griffith
8 Greenlee County Attorney

9 *Attorney for Greenlee County*
10 *Attorney for Greenlee County Recorder*
11 *Sharie Milheiro*

12 **CERTIFICATE OF SERVICE**

13 I hereby certify that on October 2, 2024, I electronically transmitted the foregoing document to
14 the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic
15 Filing to the CM/ECF registrants on record.

16 By: */s/ Gary Griffith*

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