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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

11 STRONG COMMUNITIES ) **CASE NO. 2:24-CV-02030-SMB**  
12 FOUNDATION OF ARIZONA )  
13 INCORPORATED, *et al.*, )  
14 Plaintiffs, )  
15 vs. ) **COCHISE COUNTY**  
16 STEPHEN RICHER, *et al.*, ) **DEFENDANTS' ANSWER**  
17 Defendants. )  
18 )

19 Defendants Cochise County Recorder David Stevens (the "Recorder") and  
20 Cochise County (together, the "Cochise County Defendants") answer Plaintiffs'  
21 Complaint as follows.

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23 **COCHISE COUNTY DEFENDANTS' PREFATORY STATEMENT**

24 The Cochise County Defendants join in and adopt the Maricopa County  
25 Defendants' Prefatory Statement.

1 **COCHISE COUNTY DEFENDANTS' GENERAL DENIAL**

2 Every allegation in the Complaint that is not specifically admitted in this Answer  
3 is denied.  
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5 **(PLAINTIFFS') INTRODUCTION**

6 The Cochise County Defendants join in and adopt the Maricopa County  
7 Defendants' answers in paragraphs 1. Through 12.

8 **PARTIES**

9 The Cochise County Defendants join in and adopt the Maricopa County  
10 Defendants' answers in paragraphs 13. through 20.  
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12 21. The Cochise County Defendants admit that David Stevens is the Cochise  
13 County Recorder and that he is sued in his official capacity. The remainder of this  
14 Paragraph states legal conclusions to which no response is required. To the extent that a  
15 response is required, the Cochise County Defendants admit that the office of Recorder is  
16 created by Arizona's Constitution; that the Recorder is one of the principal elections  
17 officers in Cochise County; that the Recorder is responsible for overseeing and directing  
18 numerous components of election administration within the county; and, that some of the  
19 Recorder's responsibilities concern voter registration list maintenance and verifying  
20 citizenship status of voter-registration applicants. To the extent that Paragraph 21  
21 contains additional allegations beyond those admitted, they are denied by the Cochise  
22 County Defendants.  
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1 22. The Cochise County Defendants admit that Cochise County is a political  
2 subdivision of the State of Arizona and that Recorder Stevens is an elected officer in  
3 Cochise County. The remainder of the Paragraph states a legal conclusion to which no  
4 response is required. To the extent a response is required, the Cochise County  
5 Defendants admit that Cochise County has the power to sue and be sued. To the extent  
6 that Paragraph 22 contains additional allegations beyond those admitted, they are denied  
7 by the Cochise County Defendants. The Cochise County Defendants further  
8 affirmatively state that, in order for someone to sue one of Arizona's Counties, they must  
9 be able to articulate injury caused by the County or otherwise be able to state why the  
10 County is a necessary party.  
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14 The Cochise County Defendants join in and adopt the Maricopa County  
15 Defendants' answers in paragraphs 23. through 50.  
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17 **JURISDICTION AND VENUE**

18 The Cochise County Defendants join in and adopt the Maricopa County  
19 Defendants' answers in paragraphs 51. through 56.  
20

21 **GENERAL ALLEGATIONS**

22 The Cochise County Defendants join in and adopt the Maricopa County  
23 Defendants' answers in paragraphs 57.  
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1 ***I. Arizona's Federal-Only Voters***

2 The Cochise County Defendants join in and adopt the Maricopa County  
3 Defendants' answers in paragraphs 58. through 67.

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5 ***II. Voter List Maintenance Requirements***

6 The Cochise County Defendants join in and adopt Maricopa County Defendants'  
7 answers in paragraphs 68. through 81.

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

9 The Cochise County Defendants join in and adopt the Maricopa County  
10 Defendants' answers in paragraphs 82. through 88.

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

12 The Cochise County Defendants join in and adopt the Maricopa County  
13 Defendants' answers in paragraphs 89. through 105.

14 ***V. SSA and EVVE***

15 The Cochise County Defendants join in and adopt the Maricopa County  
16 Defendants' answers in paragraphs 106. through 116.

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

18 The Cochise County Defendants join in and adopt the Maricopa County  
19 Defendants' answers in paragraphs 117. through 134.

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

3 The Cochise County Defendants join in and adopt the Maricopa County  
4 Defendants' answers in paragraphs 135. through 140.

6 ***VIII.*** The Gila County Defendants join in and adopt the Maricopa County Defendants'  
7 answers in paragraphs 141. through 155.

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

9 The Cochise County Defendants join in and adopt the Maricopa County  
10 Defendants' answers in paragraphs 156. through 163.

12 **COUNT I**

13 **Failure to Use "All Available Resources" for Voter List Maintenance of**  
14 **Federal-Only Voters (Special Action, Declaratory, and Injunctive Relief) A.R.S. §§**  
15 **16-121.01(0), 12-1801, 12-1831, 12-1832, 12-2021, Ariz. R. Civ. P. 65, RPSA 3, and**  
16 **28 U.S.C. § 1651)**

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18 The Cochise County Defendants join in and adopt the Maricopa County  
19 Defendants' answers to Count I in paragraphs 164. through 169.

20 **COUNT II**

21 **Failure to Consult Accessible Databases for Voter List Maintenance of**  
22 **Federal-Only Voters (Special Action, Declaratory, and Injunctive Relief) A.R.S. §§**  
23 **16-121.01(D)(5), 12-1801, 12-1831, 12-1832, 12-2021, Ariz. R. Civ. P. 65, RPSA 3,**  
24 **and 28 U.S.C. § 1651)**  
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1 The Cochise County Defendants join in and adopt the Maricopa County  
2 Defendants' answers to Count II in paragraphs 170. through 176.

3  
4 **COUNT III**

5 **Failure to Conduct Regular Voter List Maintenance of Federal-Only Voters**  
6 **Using Accessible Databases (Special Action, Declaratory, and Injunctive Relief)**  
7 **A.R.S. §§ 16-165(K), 12-1801, 12-1831, 12-1832, 12-2021, Ariz. R. Civ. P. 65, RPSA**  
8 **3, and 28 U.S.C. § 1651)**

9 The Cochise County Defendants join in and adopt the Maricopa County  
10 Defendants' answers to Count III in paragraphs 177. through 186.

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12 **COUNT IV**

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

16 The Cochise County Defendants join in and adopt the Maricopa County  
17 Defendants' answers to Count IV in paragraphs 187. through 190.

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19 **COUNT V**

20 **Voter List Maintenance Procedures that Are Discriminatory or Not Uniform**  
21 **(52 U.S.C. §§ 20507(b)(1) and 20510(b), and 28 U.S.C. § 1651)**

22 The Cochise County Defendants join in and adopt the Maricopa County  
23 Defendants' answers to Count II in paragraphs 191. through 199.  
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**(PLAINTIFFS’) PRAYER FOR RELIEF**

The Cochise County Defendants deny that Plaintiffs are entitled to any of their requested relief.

**AFFIRMATIVE DEFENSES**

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

**COCHISE COUNTY DEFENDANTS’ PRAYER FOR RELIEF**

The Cochise County Defendants pray for relief as follows.

- A. That the Court dismiss Plaintiffs’ Complaint;
- B. That judgment be entered in favor of the Cochise County Defendants and against Plaintiffs on Plaintiffs’ Complaint;
- C. That the Cochise 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 15th day of October, 2024.

BRIAN M. McINTYRE  
Cochise County Attorney

By: /S/ Paul Correa  
PAUL CORREA  
Chief Civil Deputy County Attorney

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1 The foregoing was e-filed on this  
2 15th day of October, 2024.

3 Copies were e-served this  
4 15th day of October, 2024, to:

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