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14 **IN THE UNITED STATES DISTRICT COURT**

15 **FOR THE DISTRICT OF ARIZONA**

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

19 v.

20 Stephen Richer, et al.,
21 Defendants.

No. CV-24-02030-PHX-SMB

**PINAL COUNTY DEFENDANTS’
ANSWER TO FIRST AMENDED
COMPLAINT**

22 Defendants, Pinal County Recorder Dana Lewis in her official capacity (“the
23 Recorder”) and Pinal County (together, “Pinal Defendants”) answer Plaintiffs’
24 Complaint as follows.

PINAL COUNTY DEFENDANTS’ GENERAL DENIAL

Every allegation in Plaintiffs’ Complaint that is not specifically admitted in this
Answer is denied. The Pinal Defendants hereby join the Maricopa County Defendants’

1 Answer filed on September 17, 2024 as to the allegations that are not specific to the
2 Maricopa County Defendants. As the defendants in this case are similarly situated,
3 many answers in this document are similar if not identical to that of other defendants.
4 However, this Answer applies only to the Pinal Defendants.

5 1. Pinal Defendants admit the allegations of Paragraph 1.

6 2. The quoted portion of the Rasmussen Report speaks for itself. If a
7 response is required, the Pinal Defendants admit the article contains the quoted text and
8 deny any remaining allegations in Paragraph 2.

9 3. The quoted portion of the Rasmussen Report speaks for itself. If a
10 response is required, the Pinal Defendants admit the article contains the quoted text and
11 deny any remaining allegations in Paragraph 3.

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

15 5. Paragraph 5 contains legal conclusions to which no response is required.
16 If a response is required, the Pinal Defendants admit that the Arizona Legislature
17 enacted H.B. 2243 and H.B. 2492 in 2022 that concerned voter registration list
18 maintenance and this legislation was signed into law by the Governor. The Pinal
19 Defendants deny that this legislation created "stricter" voter list maintenance
20 requirements than what was already in effect. The Pinal Defendants deny any remaining
21 allegations in Paragraph 5.
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1 6. The Pinal Defendants lack sufficient knowledge or information to form a
2 belief as to the truth of allegations in Paragraph 6 and therefore deny them.

3 7. The Pinal Defendants admit that the cited statute contains the quoted
4 text. The Pinal Defendants deny the quoted text requires them to “ensure” that ineligible
5 voters are removed from the rolls. The Pinal Defendants deny any remaining allegations
6 in Paragraph 7. Plaintiff misrepresents the statute by stating that it requires County
7 Recorders to ensure that no one who is ineligible to vote is on the voter registration list.
8 There is no law that requires a County Recorder to “ensure” that the voter registration
9 list is completely free from even a single, solitary ineligible voter.
10

11 8. The Pinal Defendants deny all allegations in Paragraph 8. The Pinal
12 Defendants affirmatively state that the Recorder complies with all legal requirements
13 concerning voter registration list maintenance.

14 9. The Pinal Defendants deny that they have “failed” to follow the law as
15 alleged in Paragraph 9. The Pinal Defendants lack sufficient knowledge or information
16 to form a belief as to the truth or falsity of whether the other Defendants have “failed” to
17 follow the law as alleged in Paragraph 9 and therefore deny that such has happened.
18 The Pinal Defendants lack sufficient knowledge or information to form a belief as to the
19 truth or falsity of whether voters have “los[t] confidence in the integrity of our election
20 system” as alleged in Paragraph 9 and therefore deny that such has occurred. If such has
21 occurred, the Pinal Defendants lack sufficient knowledge or information to form a belief
22 as to the truth or falsity of why such loss of confidence has occurred and so deny the
23 allegation that it is because of any alleged “failures” of the Defendants (which the Pinal
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1 Defendants deny have happened). Any additional allegations are denied.

2 10. To support the allegations in Paragraph 10, Plaintiffs supplied a link to a
3 Rasmussen Reports article. However, the link only brings up a portion of the article,
4 the remainder of which is behind a paywall. It also brings up a message stating:
5 “Archived Page Not Found.” The viewable portion of the article does not say what
6 Plaintiffs allege in Paragraph 10. Accordingly, the Pinal Defendants lack sufficient
7 knowledge or information to form a belief as to the truth or falsity of the allegations in
8 Paragraph 10 and therefore deny them.

9 11. For support for the allegations made in Paragraph 11, Plaintiffs supplied
10 another link to a Rasmussen Reports article. Again, as the link referenced in Paragraph
11 10, only a portion of the article appears, the remainder of which is behind a paywall. It
12 also brings up a message stating: “Archived Page Not Found.” The Pinal Defendants
13 admit that the viewable portion of the article says what Plaintiffs allege that it says.
14 The Pinal Defendants lack sufficient knowledge or information, to form a belief as to
15 whether the article accurately reports the purported survey results, and also lack
16 sufficient knowledge or information to form a belief as to whether the survey results as
17 reported in the snippet of the article are reliable indicators of the thinking of the general
18 public or whether the survey methodology, sample size, or question-bias render the
19 survey results unreliable. Accordingly, the Pinal Defendants deny all remaining
20 allegations made in Paragraph 11.
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22 12. The Pinal Defendants lack sufficient knowledge or information to form a
23 belief as to the truth or falsity of the allegations made in Paragraph 12 as to why
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1 Plaintiffs and their attorneys brought this lawsuit and what it “seeks” to accomplish and
2 therefore denies the same. The Pinal Defendants state that the Recorder has no
3 “failures” as alleged in this lawsuit and any allegations to the contrary are false. The
4 Pinal Defendants further state that, to the extent that “public trust in our State’s
5 electoral system” has been eroded and needs to be “restore[d],” it is largely a result of
6 lawsuits containing unfounded claims which are spread to sow distrust in various
7 elections processes and elections results.

8 **PARTIES**

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10 13. The Pinal Defendants lack sufficient knowledge to form a belief as to
11 the truth of the allegations in Paragraph 13 and therefore deny them.

12 14. The Pinal Defendants lack sufficient knowledge to form a belief as to the
13 truth of the allegations in Paragraph 14 and therefore deny them.

14 15. The Pinal Defendants lack sufficient knowledge to form a belief as to the
15 truth of the allegations in Paragraph 15 and therefore deny them.

16 16. The Pinal Defendants lack sufficient knowledge to form a belief as to the
17 truth of the allegations in Paragraph 16 and therefore deny them.

18 17. The Pinal Defendants deny that there is any “unlawful failure” on the
19 part of the Recorder “to comply with required voter list maintenance practices” as
20 alleged in Paragraph 17. The Pinal Defendants affirmatively state that the Recorder
21 complies with – and is in compliance with – the laws that concern voter registration
22 list maintenance. The Pinal Defendants lack sufficient knowledge or information to
23 form a belief as to the truth or falsity of the remaining allegations in Paragraph 17 and
24

1 therefore deny them.

2 18. The allegations in Paragraph 18 state a legal conclusion to which no
3 response is required. If a response is required, the Pinal Defendants deny all
4 allegations in Paragraph 18.

5 19. The Pinal Defendants lack sufficient knowledge to form a belief as to the
6 truth of the allegations in Paragraph 19 and therefore deny them.

7 20. The Pinal Defendants lack sufficient knowledge to form a belief as to the
8 truth of the allegations in Paragraph 20 and therefore deny them.

9 21. The Pinal Defendants admit that Stephen Richer is the Maricopa County
10 Recorder and that Recorder Richer is sued in his official capacity. The remainder of the
11 Paragraph states a legal conclusion to which no response is required. If a response is
12 required, the Pinal Defendants admit that the Office of the Recorder is created by
13 Arizona's Constitution; that the Office of the Recorder is one of the principal elections
14 officers of Maricopa County; that the Office of the Recorder is responsible for
15 overseeing and directing numerous components of election administration within the
16 county; and some of these responsibilities concern voter registration list maintenance
17 and verifying citizenship status of voter-registration applicants. Any additional
18 allegations beyond those admitted are denied.

19 22. The Pinal Defendants admit that Maricopa County is a political
20 subdivision of the State of Arizona and that Recorder Richer is an elected officer of
21 Maricopa County. The remainder of the Paragraph states a legal conclusion to which no
22 response is required. If a response is required, the Pinal Defendants admit that Maricopa
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1 County has the power to sue and be sued. Any additional allegations beyond those
2 admitted are denied.

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

14 24. The Pinal Defendants admit that Apache County is a county in the State
15 of Arizona and that Recorder Noble is an elected officer of the county. The remainder
16 of the Paragraph states a legal conclusion to which no response is required. If a
17 response is required, the Pinal Defendants admit that an Arizona county has the power to
18 sue and be sued. Any additional allegations beyond those admitted are denied.

19 25. The Pinal Defendants admit that David Stevens is the Cochise County
20 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. If a response is required, the
22 Pinal Defendants admit that the Office of the Recorder is created by Arizona's
23 Constitution; that the Office of the Recorder is one of the principal elections officers of
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1 Cochise County; that the Office of the Recorder is responsible for overseeing and
2 directing numerous components of election administration within the county; and
3 some of these responsibilities concern voter registration list maintenance and verifying
4 citizenship status of voter-registration applicants. Any additional allegations beyond
5 those admitted are denied.

6 26. The Pinal Defendants admit that Cochise County is a county in the State
7 of Arizona and that Recorder Stevens is an elected officer of the county. The
8 remainder of the Paragraph states a legal conclusion to which no response is required.
9 If a response is required, the Pinal Defendants admit that an Arizona county has the
10 power to sue and be sued. Any additional allegations beyond those admitted are
11 denied.
12

13 27. The Pinal Defendants admit that Patty Hansen is the Coconino County
14 Recorder and that she is sued in her official capacity. The remainder of this Paragraph
15 states legal conclusions to which no response is required. If a response is required, the
16 Pinal Defendants admit that the Office of the Recorder is created by Arizona's
17 Constitution; that the Office of the Recorder is one of the principal elections officers of
18 Coconino County; that the Office of the Recorder is responsible for overseeing and
19 directing numerous components of election administration within the county; and
20 some of these responsibilities concern voter registration list maintenance and verifying
21 citizenship status of voter-registration applicants. Any additional allegations beyond
22 those admitted are denied.
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24 28. The Pinal Defendants admit that Coconino County is a county in the

1 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.
3 If a response is required, the Pinal Defendants admit that an Arizona county has the
4 power to sue and be sued. Any additional allegations beyond those admitted are
5 denied.

6 29. The Pinal Defendants admit that Sadie Jo Bingham is the Gila County
7 Recorder and that she is sued in her official capacity. The remainder of this Paragraph
8 states legal conclusions to which no response is required. If a response is required, the
9 Pinal Defendants admit that the Office of the Recorder is created by Arizona's
10 Constitution; that the Office of the Recorder is one of the principal elections officers of
11 Gila County; that the Office of the Recorder is responsible for overseeing and
12 directing numerous components of election administration within the county; and
13 some of these responsibilities concern voter registration list maintenance and verifying
14 citizenship status of voter registration applicants. Any additional allegations beyond
15 those admitted are denied.
16

17 30. The Pinal Defendants admit that Gila County is a county in the State of
18 Arizona and that Recorder Bingham is an elected officer of the county. The remainder
19 of the Paragraph states a legal conclusion to which no response is required. If a
20 response is required, the Pinal Defendants admit that an Arizona county has the power to
21 sue and be sued. Any additional allegations beyond those admitted are denied.
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23 31. The Pinal Defendants admit that Polly Merriman is the Graham County
24 Recorder and that she is sued in her official capacity. The remainder of this Paragraph

1 states legal conclusions to which no response is required. To the extent that a response
2 is required, the Pinal Defendants admit that the Office of the Recorder is created by
3 Arizona's Constitution; that the Office of the Recorder is one of the principal elections
4 officers of Graham County; that the Office of the Recorder is responsible for
5 overseeing and directing numerous components of election administration within the
6 county; and some of these responsibilities concern voter registration list maintenance
7 and verifying citizenship status of voter-registration applicants. Any additional
8 allegations beyond those admitted are denied.

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10 32. The Pinal Defendants admit that Graham County is a county in the State
11 of Arizona and that Recorder Merriman is an elected officer of the county. The
12 remainder of the Paragraph states a legal conclusion to which no response is required.
13 To the extent a response is required, the Pinal Defendants admit that an Arizona county
14 has the power to sue and be sued. Any additional allegations beyond those admitted are
15 denied.

16 33. The Pinal Defendants admit that Sharie Milheiro is the Greenlee County
17 Recorder and that she is sued in her official capacity. The remainder of this Paragraph
18 states legal conclusions to which no response is required. To the extent that a response
19 is required, the Pinal Defendants admit that the Office of the Recorder is created by
20 Arizona's Constitution; that the Office of the Recorder is one of the principal elections
21 officers of Greenlee County; that the Office of the Recorder is responsible for
22 overseeing and directing numerous components of election administration within the
23 county; and some of these responsibilities concern voter registration list maintenance
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1 and verifying citizenship status of voter-registration applicants. Any additional
2 allegations beyond those admitted are denied.

3 34. The Pinal Defendants admit that Greenlee County is a county in the State
4 of Arizona and that Recorder Milheiro is an elected officer of the county. The
5 remainder of the Paragraph states a legal conclusion to which no response is required. If
6 a response is required, the Pinal Defendants admit that an Arizona county has the power
7 to sue and be sued. Any additional allegations beyond those admitted are denied.
8

9 35. The Pinal Defendants admit that Richard Garcia is the La Paz County
10 Recorder and that he is sued in his official capacity. The remainder of this Paragraph
11 states legal conclusions to which no response is required. If a response is required, the
12 Pinal Defendants admit that the Office of the Recorder is created by Arizona's
13 Constitution; that the Office of the Recorder is one of the principal elections officers of
14 La Paz County; that the Recorder is responsible for overseeing and directing numerous
15 components of election administration within the county; and some of these
16 responsibilities concern voter registration list maintenance and verifying citizenship
17 status of voter-registration applicants. Any additional allegations beyond those admitted
18 are denied.

19 36. The Pinal Defendants admit that La Paz County is a county in the State
20 of Arizona and that Recorder Garcia is an elected officer of the county. The remainder
21 of the Paragraph states a legal conclusion to which no response is required. If a
22 response is required, the Pinal Defendants admit that an Arizona county has the power
23 to sue and be sued. Any additional allegations beyond those admitted are denied.
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1 37. The Pinal Defendants admit that Lydia Durst is the Mohave County
2 Recorder and that she is sued in her official capacity. The remainder of this Paragraph
3 states legal conclusions to which no response is required. If a response is required, the
4 Pinal Defendants admit that the Office of Recorder is created by Arizona's Constitution;
5 that the Office of the Recorder is one of the principal elections officers of Mohave
6 County; that the Office of the Recorder is responsible for overseeing and directing
7 numerous components of election administration within the county; and some of these
8 responsibilities concern voter registration list maintenance and verifying citizenship
9 status of voter-registration applicants. Any additional allegations beyond those admitted
10 are denied.
11

12 38. The Pinal Defendants admit that Mohave County is a county in the State
13 of Arizona and that Recorder Durst is an elected officer of the county. The remainder
14 of the Paragraph states a legal conclusion to which no response is required. If a
15 response is required, the Pinal Defendants admit that an Arizona county has the power
16 to sue and be sued. Any additional allegations beyond those admitted are denied.

17 39. The Pinal Defendants admit that Michael Sample is the Navajo County
18 Recorder and that he is sued in his official capacity. The remainder of this Paragraph
19 states legal conclusions to which no response is required. If a response is required, the
20 Pinal Defendants admit that the Office of the Recorder is created by Arizona's
21 Constitution; that the Office of the Recorder is one of the principal elections officers of
22 Navajo County; that the Recorder is responsible for overseeing and directing
23 numerous components of election administration within the county; and some of these
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1 responsibilities concern voter registration list maintenance and verifying citizenship
2 status of voter-registration applicants. Any additional allegations beyond those
3 admitted are denied.

4 40. The Pinal Defendants admit that Navajo County is a county in the State
5 of Arizona and that Recorder Sample is an elected officer of the county. The
6 remainder of the Paragraph states a legal conclusion to which no response is required.
7 If a response is required, the Pinal Defendants admit that an Arizona county has the
8 power to sue and be sued. Any additional allegations beyond those admitted are
9 denied.
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11 41. The Pinal Defendants admit that Gabriella Cázares-Kelly is the Pima
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. If a response is
14 required, the Pinal Defendants admit that the Office of the Recorder is created by
15 Arizona's Constitution; that the Office of the Recorder is one of the principal elections
16 officers of Pima County; that the Recorder is responsible for overseeing and directing
17 numerous components of election administration within the county; and some of these
18 responsibilities concern voter registration list maintenance and verifying citizenship
19 status of voter-registration applicants. Any additional allegations beyond those
20 admitted are denied.

21 42. The Pinal Defendants admit that Pima County is a county in the State of
22 Arizona and that Recorder Cázares-Kelly is an elected officer of the county. The
23 remainder of the Paragraph states a legal conclusion to which no response is required.
24

1 If a response is required, the Pinal Defendants admit that an Arizona county has the
2 power to sue and be sued. Any additional allegations beyond those admitted are
3 denied.

4 43. The Pinal Defendants admit that Dana Lewis is the Pinal County
5 Recorder and that she is sued in her official capacity. The remainder of this Paragraph
6 states legal conclusions to which no response is required. If a response is required, the
7 Pinal Defendants admit that the Office of the Recorder is created by Arizona's
8 Constitution; that the Office of the Recorder is one of the principal elections officers of
9 Pinal County; that the Office of the Recorder is responsible for overseeing and
10 directing numerous components of election administration within the county; and
11 some of these responsibilities concern voter registration list maintenance and verifying
12 citizenship status of voter-registration applicants. Any additional allegations beyond
13 those admitted are denied.

14 44. The Pinal Defendants admit that Pinal County is a county in the State of
15 Arizona and that Recorder Lewis is an elected officer of the county. The remainder of
16 the Paragraph states a legal conclusion to which no response is required. If a response
17 is required, the Pinal Defendants admit that an Arizona county has the power to sue
18 and be sued. Any additional allegations beyond those admitted are denied. The Pinal
19 Defendants further state that, in order for someone to an Arizona county, they must be
20 able to articulate an injury caused by the county or otherwise be able to state why the
21 county is a necessary party.

22 45. The Pinal Defendants admit that Anita Moreno is the Santa Cruz County
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1 Recorder and that she is sued in her official capacity. The remainder of this Paragraph
2 states legal conclusions to which no response is required. If a response is required, the
3 Pinal Defendants admit that the Office of the Recorder is created by Arizona's
4 Constitution; that the Office of the Recorder is one of the principal elections officers of
5 Santa Cruz County; that the Office of the Recorder is responsible for overseeing and
6 directing numerous components of election administration within the county; and
7 some of these responsibilities concern voter registration list maintenance and verifying
8 citizenship status of voter-registration applicants. Any additional allegations beyond
9 those admitted are denied.
10

11 46. The Pinal Defendants admit that Santa Cruz County is a county in the
12 State of Arizona and that Recorder Moreno is an elected officer of the county. The
13 remainder of the Paragraph states a legal conclusion to which no response is required. If
14 a response is required, the Pinal Defendants admit that an Arizona county has the power
15 to sue and be sued. Any additional allegations beyond those admitted are denied.

16 47. The Pinal Defendants admit that Michelle Burchill is the Yavapai
17 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. If a response is
19 required, the Pinal Defendants admit that the Office of the Recorder is created by
20 Arizona's Constitution; that the Office of the Recorder is one of the principal elections
21 officers of Yavapai County; that the Office of the Recorder is responsible for
22 overseeing and directing numerous components of election administration within the
23 county; and some of these responsibilities concern voter registration list maintenance
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1 and verifying citizenship status of voter-registration applicants. Any additional
2 allegations beyond those admitted are denied.

3 48. The Pinal Defendants admit that Yavapai County is a county in the State
4 of Arizona and that Recorder Burchill is an elected officer of the county. The remainder
5 of the Paragraph states a legal conclusion to which no response is required. If a
6 response is required, the Pinal Defendants admit that an Arizona county has the power to
7 sue and be sued. Any additional allegations beyond those admitted are denied.

8 49. The Pinal Defendants admit that Richard Colwell is the Yuma County
9 Recorder and that he is sued in his official capacity. The remainder of this Paragraph
10 states legal conclusions to which no response is required. If a response is required, the
11 Pinal Defendants admit that the Office of the Recorder is created by Arizona's
12 Constitution; that the Office of the Recorder is one of the principal elections officers of
13 Yuma County; that the Office of the Recorder is responsible for overseeing and
14 directing numerous components of election administration within the county; and
15 some of these responsibilities concern voter registration list maintenance and verifying
16 citizenship status of voter-registration applicants. Any additional allegations beyond
17 those admitted are denied.

18 50. The Pinal Defendants admit that Yuma County is a county in the State of
19 Arizona and that Recorder Colwell is an elected officer of the county. The remainder of
20 the Paragraph states a legal conclusion to which no response is required. If a response is
21 required, the Pinal Defendants admit that an Arizona county has the power to sue and be
22 sued. Any additional allegations beyond those admitted are denied.
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24

JURISDICTION AND VENUE

1
2 51. Paragraph 51 states a legal conclusion to which no response is required.
3 If a response is required, the Pinal Defendants admit that (1) 28 U.S.C. § 1331 conveys
4 original jurisdiction to federal district courts for “all civil actions arising under the
5 Constitution, laws, or treaties of the United States”; (2) the First Amended Complaint
6 alleges violations of the National Voter Registration Act (the “NVRA”); and, (3) that
7 the NVRA is a law of the United States. The Pinal Defendants deny that this Court
8 has subject matter jurisdiction, because Plaintiffs (1) lack Article III standing and (2)
9 further lack standing because they did not provide the ninety-day NVRA Notice Letter
10 required by 52 U.S.C. § 20510(b).
11

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

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

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

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

17 55. The Pinal Defendants deny the allegations of Paragraph 55.

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

21 **GENERAL ALLEGATIONS**

22 57. Paragraph 57 states a legal conclusion to which no response is required.
23 If a response is required, the Pinal Defendants admit that it is illegal for foreign
24

1 nationals to register to vote or vote, and further admit that there is no legitimate reason
2 for a foreign national to cause himself to be included on the voter registration rolls in
3 this State. Any additional allegations beyond those admitted are denied.

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

5 58. Paragraph 58 contains legal conclusions to which no response is
6 required. To the extent that a response is required, the Pinal Defendants deny that the
7 first sentence of the Paragraph correctly states Arizona law and admit that the United
8 States Supreme Court held in *Inter Tribal Council* that Arizona may not impose
9 documentary proof of citizenship (“DPOC”) requirements on those registering to vote
10 in federal elections. Any additional allegations beyond those here admitted are denied.
11 The Pinal Defendants further affirmatively state that Arizona law requires that the
12 voter registration applications of persons registering as Full Ballot Voters, eligible to
13 vote in federal, state, and local contests, be accompanied by DPOC.
14

15 59. Paragraph 59 contains legal conclusions to which no response is required
16 and contains quotations from a cited Supreme Court decision to which no response is
17 required. If a response is required, the Pinal Defendants admit the cited case contains
18 the quoted text. Any additional allegations are denied.

19 60. Paragraph 60 contains legal conclusions to which no response is
20 required. If a response is required, the Pinal Defendants admit that Arizona may
21 establish its own requirements for state and local elections and that Arizona law
22 requires that only those voter registrants whose registrations are accompanied by
23 DPOC may vote in state and local elections. Any additional allegations are denied.
24

1 61. The Pinal Defendants admit that Arizona has a bifurcated system of
2 voter registration and that voter registrants whose registrations are not accompanied by
3 DPOC are only allowed to vote in elections for candidates running for federal office.
4 Any additional allegations are denied.

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

15 63. The cited document speaks for itself and no response is required. If a
16 response is required, the Pinal Defendants admit that the cited document contains a
17 numerical breakdown, by county, of the active and inactive voters who are registered
18 as Federal Only Voters as of July 1, 2024, and that the cited document states that there
19 were 42,301 such voters in Arizona as of that date.
20

21 64. The Pinal Defendants admit the allegations made in Paragraph 64.

22 65. The Pinal Defendants deny the allegations in Paragraph 65 as they relate
23 to Pinal County and lack knowledge or information sufficient to form a belief as to
24 truth or falsity of the allegations as they relate to the other Defendants and therefore

1 deny them. The Pinal Defendants further state that the voter registration rolls are not
2 static but fluid, changing on a minute-by-minute basis as new voters register and
3 voters who have become ineligible are removed via list maintenance efforts. There
4 have been months during which the number of Federal Only voters have increased as
5 compared to the prior month, as Plaintiffs allege in Paragraph 65. However, there
6 have also been months during which the number of Federal Only voters has decreased
7 as compared to the prior month. Plaintiffs' allegation to the contrary is incorrect and
8 therefore the allegation is denied.

9
10 66. The cited website speaks for itself and no response is required. If a
11 response is required, the Pinal Defendants admit the allegations in Paragraph 66.

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

15 ***II. Voter List Maintenance***

16 68. Paragraph 68 states legal conclusions to which no response is required.
17 If a response is required, the Pinal Defendants admit that the cited case contains the
18 quoted language; that the NVRA does not require states to register as voters those who
19 are ineligible to vote; and, that the cited case does not prohibit States from engaging in
20 voter registration list maintenance procedures required by the Help America Vote Act.
21 Any additional allegations are denied.

22
23 69. Paragraph 69 states a legal conclusion to which no response is required
24 and does not provide a citation to authority to support that conclusion. If a response is

1 required, the Pinal Defendants deny the allegations in Paragraph 69.

2 70. The Pinal Defendants admit that the Legislature enacted, and Governor
3 Ducey signed, H.B. 2492 and H.B. 2243 in 2022. The remaining allegations in
4 Paragraph 35 state legal conclusions to which no response is required. If a response is
5 required, the Pinal Defendants deny the allegations in Paragraph 70.

6 71. Paragraph 71 states legal conclusions to which no response is required.
7 If a response is required, the Pinal Defendants deny the allegations.

8 72. The Pinal Defendants deny that they have “failed to perform” any
9 “required list maintenance.” The Pinal Defendants lack knowledge or information
10 sufficient to form a belief as to whether the other Defendants have “failed to perform”
11 any “required list maintenance” and so deny that allegation. The Pinal Defendants
12 affirmatively state that the Recorder has performed all required list maintenance
13 responsibilities.
14

15 73. Paragraph 73 states legal conclusions to which no response is required.
16 If a response is required, the Pinal Defendants admit that A.R.S. § 16-121.01(D) (*not*
17 A.R.S. § 16-143(D), as Plaintiffs erroneously allege) requires that, “[w]ithin ten days
18 after receiving an application for registration on the Federal Form that is not
19 accompanied by satisfactory evidence of citizenship, the county recorder” must
20 attempt to verify the citizenship status of the registrant as set forth in the remainder of
21 A.R.S. § 16-121.01(D). Any additional allegations are denied.

22 74. The Pinal Defendants deny all of the allegations contained in Paragraph
23 74 as they relate to the Pinal Defendants. The Pinal Defendants lack knowledge or
24

1 information sufficient to form a belief as to whether the other Defendants have “failed
2 to perform” any “required list maintenance” and therefore deny that allegation as it
3 relates to the other Defendants. The Pinal Defendants further affirmatively state that
4 the Recorder has performed all required list maintenance responsibilities.

5 75. The Pinal Defendants admit that the State of Arizona does not have
6 adequate permissions to use *for list maintenance purposes* (as alleged in this
7 Paragraph) the U.S. Department of Homeland Security’s (“DHS”) Systematic Alien
8 Verification for Entitlements (SAVE); the Social Security Administration (SSA)
9 database, and the National Association for Public Health Statistics and Information
10 Systems (NAPHSIS) electronic verification of vital events system (EVVE). The Pinal
11 Defendants also admit that, because the State of Arizona does not have adequate
12 permissions to use these three references for list maintenance purposes, the Recorder
13 cannot use them for list maintenance purposes. The Pinal Defendants deny that SAVE
14 is a database. Any additional allegations are denied.
15

16 76. Paragraph 76 states legal conclusions to which no response is required.
17 If a response is required, the Pinal Defendants admit that Arizona and federal law have
18 list maintenance requirements and that some of those requirements are in addition to
19 “consulting these three databases” referenced in Paragraph 75. The Pinal Defendants
20 deny that SAVE is a database. Any additional allegations are denied.
21

22 77. The Pinal Defendants admit that the cited statute contains the quoted
23 text. Any additional allegations are denied.

24 78. The Pinal Defendants admit that the cited statute contains the quoted

1 text. Any additional allegations are denied.

2 79. The Pinal Defendants admit that the cited statute contains the quoted
3 text. Any additional allegations are denied.

4 80. The Pinal Defendants admit that the cited statute contains the quoted
5 text. The Pinal Defendants deny all other allegations in this Paragraph, including that
6 the cited statute requires that local election officials “ensure” that ineligible voters are
7 removed from the voter registration rolls. As to this allegation, the Pinal Defendants
8 affirmatively state that the cited statute requires that local election officials ensure that
9 the only voters whose names are removed from the voter registration list are those who
10 are *actually* ineligible to vote. *See* 52 U.S.C. § 21083(a)(2)(B)(ii) (providing that
11 “[t]he list maintenance performed under subparagraph (A) shall be conducted in a
12 manner that ensures that-- . . . only voters who are not registered or who are not
13 eligible to vote are removed from the computerized list”). The cited statute is thus a
14 voter-protection statute, placing a requirement upon the Recorder to take appropriate
15 steps to make certain that no one who is eligible to the franchise is removed by
16 mistake from the voter registration list. Plaintiffs present this statute as requiring that
17 the Recorder “ensure” that no one who is ineligible to vote is listed on the voter
18 registration list. No statute or law requires the Recorder to “ensure” that the voter
19 registration list is completely free from even a single, solitary ineligible voter. The
20 law requires that the Recorder perform list maintenance and remove voters that are
21 shown to have become ineligible to vote, and the Recorder performs these legal
22 requirements.
23
24

1 81. Paragraph 81 states legal conclusions to which no response is required.
2 If a response is required, the Pinal Defendants admit that it is illegal for those who are
3 not U.S. citizens to vote in federal elections; that any foreign citizen who is registered
4 to vote is ineligible; and that federal law requires county recorders to perform voter
5 registration list maintenance. Any additional allegations are denied.

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

7 82. The Pinal Defendants admit that they are aware of allegations of various
8 levels of credibility that some foreign nationals have registered to vote in United States
9 elections. The Pinal Defendants lack sufficient knowledge or information to form a
10 belief as to the truth or falsity of those allegations and therefore deny them. The Pinal
11 Defendants admit, however, that it is possible that foreign nationals have attempted to
12 register, or even have successfully registered, to vote in United States elections. Any
13 additional allegations are denied.
14

15 83. The Pinal Defendants lack knowledge or information sufficient to form a
16 belief as to the truth or falsity of the allegations made in Paragraph 83 and therefore
17 deny them.¹

18 84. The cited authority speaks for itself and no response is required. If a
19 response is required, the Pinal Defendants admit that the cited authority claims that
20 since 2021 Texas has removed “6,500 potential noncitizens from the voter rolls”
21

22 ¹ The Pinal Defendants admit that when the Recorder performs the various inquiries on new
23 voter registration applicants that are required by law, occasionally discovers voter registration
24 applicants who the inquiries indicate are not 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 DPOC.

1 (emphasis added) as alleged in this Paragraph. The Pinal Defendants lack knowledge
2 or information sufficient to form a belief as to the truth or falsity of those allegations
3 and therefore deny them.

4 85. The cited authority speaks for itself and no response is required. If a
5 response is required, the Pinal Defendants note that the allegation made in Paragraph
6 85 misstates the authority it cites for support. Any additional allegations are denied.

7 86. The cited authority speaks for itself and no response is required. To the
8 extent that a response is required, the Pinal Defendants note that the allegation made in
9 Paragraph 85 misstates the authority it cites for support. Any additional allegations are
10 denied.

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

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

21
22 ***IV. SAVE, SSA, and EVVE are Insufficient to Definitively Verify Citizenship***

23 89. The Pinal Defendants deny that SAVE is a database as alleged in this
24

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

5 90. Paragraph 90 states a legal conclusion to which no response is required.
6 If a response is required, the Pinal Defendants deny all allegations in Paragraph 90.

7 91. The cited authorities speak for themselves and no response is required.
8 If a response is required, the Pinal Defendants admit the allegation made in Paragraph
9 91.

10 92. The cited authorities speak for themselves and no response is required.
11 If a response is required, the Pinal Defendants lack sufficient knowledge or
12 information to form a belief as to the truth or falsity of the allegations in Paragraph 92
13 and therefore deny them.

14 93. The cited authority speaks for itself and no response is required. If a
15 response is required, the Pinal Defendants notes that the cited authority does not
16 support the allegation made in Paragraph 93. The Pinal Defendants lack sufficient
17 knowledge or information to form a belief as to the truth or falsity of the allegation in
18 Paragraph 93 and therefore denies the same.

19 94. The cited authority speaks for itself and no response is required. If a
20 response is required, the Pinal Defendants admit that the quoted material appears in the
21 court decision cited. Any additional allegations are denied.

22 95. The Pinal Defendants lack sufficient knowledge or information to form a
23
24

1 belief as to the truth or falsity of the allegation in Paragraph 95 and therefore denies
2 the same.

3 96. The document cited in Paragraph 96 speaks for itself and no response is
4 required. If a response is required, the Pinal Defendants admit that one cannot use
5 SAVE to inquire into the citizenship status of an individual unless one provides that
6 individual's specific immigration enumerator (what Plaintiffs refer to as a "specific
7 'numeric identifier'"). The Pinal Defendants further admit that the specific
8 immigration enumerators identified by Plaintiffs in this Paragraph are the ones
9 identified by the document cited in this Paragraph, which was prepared by DHS to
10 provide a tutorial concerning SAVE. The Pinal Defendants lack sufficient knowledge
11 or information to form a belief as to the truth or falsity of the allegation in Paragraph
12 96 that "SAVE is hobbled by a critical design flaw" and therefore, deny the same.
13 Any additional allegations are denied.
14

15 97. The cited authority speaks for itself and no response is required. If a
16 response is required, the Pinal Defendants admit that the quoted text appears in the
17 cited authority. The Pinal Defendants deny that providing a numeric identifier "is a
18 statutory requirement" because the statute contemplates other possible options. Any
19 additional allegations are denied.
20

21 98. The cited authority speaks for itself and no response is required. If a
22 response is required, the Pinal Defendants admit that the quoted text appears in the
23 cited authority.
24

99. The cited authority speaks for itself and no response is required. If a

1 response is required, the Pinal Defendants admit that the quoted language appears in
2 the cited authority. The Pinal Defendants lack sufficient knowledge or information to
3 form a belief as to the truth or falsity of the allegation in Paragraph 99 and therefore
4 denies the same.

5 100. The cited authority speaks for itself and no response is required. If a
6 response is required, the Pinal Defendants admit that the quoted language appears in
7 the cited authority.

8 101. The Pinal Defendants admit that, as currently constituted, SAVE cannot
9 perform inquiries concerning persons for whom at least one specific immigration
10 enumerator is unknown. The Pinal Defendants lack sufficient knowledge or
11 information to form a belief as to the truth or falsity of the remaining allegations in
12 Paragraph 101 and therefore deny them.

13 102. The Pinal Defendants admit that specific immigration enumerators are
14 not required for voter registration on the Arizona state voter registration form or the
15 U.S. Election Assistance Commission (“EAC”) designed federal voter registration
16 form. The Pinal Defendants lack sufficient knowledge or information to form a belief
17 as to the truth or falsity of the remaining allegations in Paragraph 102 and therefore
18 deny them.

19 20 103. The judicial decision quoted in Paragraph 103 speaks for itself and no
21 response is required. If a response is required, the Pinal Defendants admit that the
22 quoted text appears in the cited judicial decision.

23 24 104. The cited authority speaks for itself and no response is required. If a

1 response is required, the Pinal Defendants admit that SAVE cannot utilize social
2 security or driver's license numbers to identify individuals for citizenship inquiries,
3 but rather requires the individual's specific immigration enumerator. The Pinal
4 Defendants further admit that social security and driver's license numbers are not
5 specific immigration enumerators and cannot be used by the SAVE program for
6 citizenship inquiries. The Pinal Defendants further admit that many voter registration
7 applicants provide their driver's license numbers and the final four digits of their
8 social security numbers. The Pinal Defendants lack sufficient knowledge or
9 information to form a belief as to the truth or falsity of the other allegations in
10 Paragraph 104 and therefore deny them.
11

12 105. The Pinal Defendants admit that, to use SAVE for citizenship inquiries,
13 one must provide the specific immigration enumerator of the person whose citizenship
14 status is to be verified. The Pinal Defendants further admit that neither the Federal
15 Form created by the EAC, nor the State Form created by the Arizona Secretary of
16 State, require voter registration applicants to provide specific immigration
17 enumerator(s). Any additional allegations are denied.

18 **V. SSA and EVVE**

19 106. The cited judicial decision speaks for itself and no further response is
20 required. If a response is required, the Pinal Defendants admit that the quoted text
21 appears in the cited opinion and that it effectively constitutes a finding by that court.
22

23 107. Paragraph 107 states a legal conclusion to which no response is required.
24 If a response is required, the Pinal Defendants lack sufficient knowledge or

1 information to form a belief as to the truth or falsity of the allegations in Paragraph
2 107 and therefore deny them.

3 108. The cited judicial decision speaks for itself and no further response is
4 required. If a response is required, the Pinal Defendants admit that the quoted text
5 appears in the cited opinion.

6 109. Paragraph 109 states a legal conclusion to which no response is required.
7 If a response is required, the Pinal Defendants lack sufficient knowledge or
8 information to form a belief as to the truth or falsity of the allegations in Paragraph
9 109 and therefore deny them.

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

13 111. The Pinal Defendants lack sufficient knowledge or information to form a
14 belief as to the truth or falsity of the allegations in Paragraph 111 and therefore deny
15 them.

16 112. The Pinal Defendants lack sufficient knowledge or information to form a
17 belief as to the truth or falsity of the allegations in Paragraph 112 and therefore deny
18 them.

19 113. The Pinal Defendants lack sufficient knowledge or information to form a
20 belief as to the truth or falsity of the allegations in Paragraph 113 and therefore deny
21 them.

22 114. The Pinal Defendants lack sufficient knowledge or information to form a
23
24

1 belief as to the truth or falsity of the allegations in Paragraph 114 and therefore deny
2 them.

3 115. The Pinal Defendants lack sufficient knowledge or information to form a
4 belief as to the truth or falsity of the allegations in Paragraph 115 and therefore deny
5 them.

6 116. The Pinal Defendants lack sufficient knowledge or information to form a
7 belief as to the truth or falsity of the allegations in Paragraph 116 and therefore deny
8 them.

9
10 **VI. *Federal Law Entitles County Recorders to Submit Citizenship Inquiries to***
11 ***DHS***

12 117. The Pinal Defendants deny the allegations in Paragraph 117 to the extent
13 that they reference the requirements of 8 U.S.C. § 1373 and 8 U.S.C. § 1644, because
14 citizenship inquiries pursuant to those statutes require the use of SAVE. To the extent
15 that the allegations in Paragraph 117 do not reference the requirements of U.S.C. §
16 1373 and 8 U.S.C. § 1644, the Pinal Defendants lack sufficient knowledge or
17 information to form a belief as to the truth or falsity of the allegations in Paragraph
18 117 and therefore deny them.

19 118. The cited statute speaks for itself and no response is required. If a
20 response is required, the Pinal Defendants admit that the cited statute includes the
21 quoted language. Any additional allegations are denied.

22 119. Paragraph 119 states legal conclusions to which no response is required.
23 If a response is required, the Pinal Defendants admit that Arizona law authorizes
24 county recorders to attempt to verify the citizenship status of voters who register to

1 vote using the Federal Form. Any additional allegations are denied.

2 120. The cited statute speaks for itself and no response is required. If a
3 response is required, the Pinal Defendants admit that the cited statute includes the
4 quoted language. Any remaining allegations are denied.

5 121. The Pinal Defendants admit the allegation in Paragraph 121.

6 122. The cited authority speaks for itself and no response is required. If a
7 response is required, the Pinal Defendants admit that the quoted language appears in
8 the cited authority.

9 123. The cited authority speaks for itself and no response is required. If a
10 response is required, the Pinal Defendants admit that the quoted language appears in
11 the cited authority.

12 124. The Pinal Defendants admit the allegation in Paragraph 124.

13 125. The cited authority speaks for itself and no response is required. If a
14 response is required, the Pinal Defendants admit that the quoted language appears in
15 the cited authority. The Pinal Defendants lack knowledge or information sufficient to
16 form a belief as to what was "Congress's intent" as alleged in Paragraph 125 and
17 therefore denies that allegation. Any additional allegations are denied.

18 126. Paragraph 126 states legal conclusions to which no response is required.
19 To the extent that a response is required, the Pinal Defendants deny the allegation in
20 this Paragraph as it concerns 8 U.S.C. § 1644 and admit the allegation as it concerns 8
21 U.S.C. § 1373.

22 127. The Pinal Defendants deny the allegation in Paragraph 127.
23
24

1 128. The Pinal Defendants lack knowledge or information sufficient to form a
2 belief as to whether DHS currently maintains the Person Centric Query System
3 (“PCQS”) and so denies the same. The Pinal Defendants deny that the PCQS “allows
4 agency employees to look up individuals and quickly and easily verify their citizenship
5 status using only a name and date of birth.” The Pinal Defendants further note that the
6 authority that Plaintiffs cite for support for their allegation has nothing to do with
7 citizenship inquiries, but instead pertains to determining whether noncitizens with
8 lawful permanent resident status have paid their required Form I-131A fee to United
9 States Citizenship and Immigration Services (“USCIS”).
10

11 129. The Pinal Defendants deny all allegations in Paragraph 129.

12 130. Paragraph 130 states legal conclusions to which no response is required.
13 If a response is required, the Pinal Defendants deny the allegations in this Paragraph.

14 131. Paragraph 131 states legal conclusions to which no response is required.
15 If a response is required, the Pinal Defendants deny the allegations in this Paragraph.

16 132. Paragraph 132 states legal conclusions to which no response is required.
17 If a response is required, the Pinal Defendants deny the allegations in this Paragraph.

18 133. Paragraph 133 states legal conclusions to which no response is required.
19 If a response is required, the Pinal Defendants deny the allegations in this Paragraph.

20 134. Paragraph 134 states legal conclusions to which no response is required.
21 If a response is required, the Pinal Defendants deny the allegations in this Paragraph.

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

24 135. The cited House Bill and statute speak for themselves and no response is

1 required. If a response is required, the Pinal Defendants admit that the quoted
2 language appears in the cited sources and deny all additional allegations in this
3 Paragraph. The Pinal Defendants also affirmatively state as follows: House Bill 2492,
4 codified at A.R.S. § 16-143(A), provided in pertinent part that “[t]he secretary of state
5 and each county recorder shall make available to the attorney general a list of all
6 individuals who are registered to vote and who have not provided satisfactory evidence
7 of citizenship pursuant to § 16-166 **and shall provide, on or before October 31, 2022,**
8 **the applications of individuals who are registered to vote and who have not**
9 **provided satisfactory evidence of citizenship pursuant to § 16-166.”** (emphasis
10 added). Plaintiffs omit the relevant date from the Complaint and imply that the
11 Recorder has an ongoing obligation to provide voters’ applications to the Attorney
12 General. The Recorder has no such obligation. The Pinal Defendants deny that the
13 Recorder has failed to meet any legal obligations. Any allegations claiming otherwise
14 are denied.
15

16 136. The cited statute speaks for itself and no response is required. If a
17 response is required, the Pinal Defendants admit that the quoted language appears in
18 the cited statute. The Pinal Defendants lack sufficient knowledge or information to
19 form a belief as to the truth or falsity of the remaining allegations in Paragraph 136
20 and therefore deny them.
21

22 137. The Pinal Defendants admit that the requirement of A.R.S. § 16-143(A),
23 that the county recorders “make available to the attorney general a list of all
24 individuals who are registered to vote and who have not provided satisfactory evidence

1 of citizenship”, is currently in force and is not enjoined by any court, as alleged in this
2 Paragraph. Any additional allegations are denied.

3 138. The Pinal Defendants deny the allegations in Paragraph 138 as they
4 relate to the Recorder. The Pinal Defendants further affirmatively state that the
5 Recorder follows and complies with all applicable law, and any allegations to the
6 contrary are denied. The Pinal Defendants lack knowledge or information sufficient to
7 form a belief as to the allegations as they relate to the other Defendants and so deny
8 them.

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

22
23 140. The term, “provide,” in the allegation that “[t]he Defendants have also
24 failed . . . to *provide* to the Attorney General the applications of all Federal-Only

1 Voters”, is vague and undefined, resulting in the Pinal Defendants being unable to
2 ascertain what is being alleged. As a result, the Pinal Defendants deny the allegation.
3 The Pinal Defendants further affirmatively state that no law requires the county
4 recorders to “provide” lists of Federal Only Voters to the Attorney General. The
5 statute in question, A.R.S. § 16-143, requires the county recorders to “make available”
6 to the Attorney General the referenced lists. The Recorder has fully complied with
7 this legal requirement, and any allegation to the contrary is denied.

8 ***VIII. Pre-Litigation Efforts to Request Compliance as to Maricopa County***

9
10 141. The Pinal Defendants admit that Recorders from all Arizona counties
11 received a letter from Plaintiff on or about the date referenced in this Paragraph, and
12 that the letter purported to “remind” the Recorder of list maintenance responsibilities.
13 The Pinal Defendants further admit that the letter erroneously claimed that a
14 citizenship inquiry made to DHS pursuant to 8 U.S.C. §§ 1373 and 1644 would allow
15 the Recorder to fulfill those obligations. Any additional allegations are denied.

16 142. The statute and letter cited in this Paragraph speak for themselves and no
17 response is required. If a response is required, the Pinal Defendants admit that the
18 quoted language appears in the cited statute and that the letter referenced in this
19 Paragraph made the erroneous claim alleged in this Paragraph. Any additional
20 allegations are denied.

21 143. The Pinal Defendants lack sufficient knowledge to form a belief about
22 the truth of the allegations in Paragraph 143, and therefore deny them.
23
24

1 144. The Pinal Defendants lack sufficient knowledge to form a belief about
2 the truth of the allegations in Paragraph 144, and therefore deny them.

3 145. The Pinal Defendants lack sufficient knowledge to form a belief about
4 the truth of the allegations in Paragraph 145, and therefore deny them.

5 146. The Pinal Defendants lack sufficient knowledge to form a belief about
6 the truth of the allegations in Paragraph 146, and therefore deny them.

7 147. The Pinal Defendants lack sufficient knowledge to form a belief about
8 the truth of the allegations in Paragraph 147, and therefore deny them.

9 148. The Pinal Defendants lack sufficient knowledge to form a belief about
10 the truth of the allegations in Paragraph 148, and therefore deny them.

11 149. The cited judicial decision speaks for itself and no response is required.
12 If a response is required, the Pinal Defendants admit that the quoted language appears
13 in the cited decision.

14 150. The cited judicial decision speaks for itself and no response is required.
15 If a response is required, the Pinal Defendants admit that the quoted language appears
16 in the cited decision.

17 151. The Pinal Defendants lack sufficient knowledge to form a belief about
18 the truth of the allegations in Paragraph 151, and therefore deny them.

19 152. The Pinal Defendants lack sufficient knowledge to form a belief about
20 the truth of the allegations in Paragraph 152, and therefore deny them.

21 153. The Pinal Defendants lack sufficient knowledge to form a belief about
22 the truth of the allegations in Paragraph 153, and therefore deny them.
23
24

1 154. The Pinal Defendants lack sufficient knowledge to form a belief about
2 the truth of the allegations in Paragraph 154, and therefore deny them.

3 155. The Pinal Defendants lack sufficient knowledge to form a belief about
4 the truth of the allegations in Paragraph 155, and therefore deny them.

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

6 156. The Pinal Defendants admit that the Recorder received a letter from
7 Plaintiff on or about the date referenced in this Paragraph, and that the letter purported
8 to “remind” the Recorder of list maintenance responsibilities. The Pinal Defendants
9 further admit that the letter erroneously claimed that a citizenship inquiry made to
10 DHS pursuant to 8 U.S.C. §§ 1373 and 1644 would allow the Recorder to fulfill those
11 obligations. Any additional allegations are denied.

12 157. The Pinal Defendants lack sufficient knowledge to form a belief about
13 the truth of the allegations in Paragraph 157, and therefore deny them.

14 158. The Pinal Defendants lack sufficient knowledge to form a belief about
15 the truth of the allegations in Paragraph 158, and therefore deny them.

16 159. The Pinal Defendants deny “PCQS only requires a name and date of
17 birth” for citizenship inquiries. The Pinal Defendants lack knowledge or information
18 sufficient to form a belief as what PCQS requires for other types of inquiries and so
19 denies the allegation as it relates to other types of inquiries (i.e., inquiries that are not
20 citizenship inquiries). Any additional allegations are denied.

21 160. The Pinal Defendants lack sufficient knowledge to form a belief about
22 the truth of the allegations in Paragraph 160, and therefore deny them.
23
24

1 161. The Pinal Defendants deny the allegations of Paragraph 161.

2 162. The Pinal Defendants lack sufficient knowledge to form a belief about
3 the truth of the allegations in Paragraph 162, and therefore deny them.

4 163. The Pinal Defendants admit the that it did not respond to the letter
5 referenced in this Paragraph. The Pinal Defendants lack sufficient knowledge as to the
6 other defendants, and therefore deny allegations relating to them.

7 **COUNT I**

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

13 164. The Pinal Defendants incorporate by reference each of the preceding
14 admissions, denials, and affirmative statements as if fully set forth herein.

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

1 170. The Pinal Defendants incorporate by reference each of their preceding
2 admissions, denials, and affirmative statements as if fully set forth herein.

3 171. The cited statute speaks for itself and no response is required. If a
4 response is required, the Pinal Defendants admit that the quoted language appears in
5 the cited statute. The Pinal Defendants further affirmatively state as follows: A.R.S. §
6 16-121.01(D), by its plain language and terms, only applies to voter registration
7 applications made using the Federal Form—that is, in the words of the statute, the
8 “form produced by the United States election assistance commission”. Despite that,
9 Plaintiffs omit that part of the statute from their quote, thereby implying that A.R.S. §
10 16-121.01(D) applies to *State Form* applications, produced by the Arizona Secretary
11 of State, that are not accompanied by satisfactory evidence of citizenship, too.
12 However, the law does not apply to State Form registrations. Plaintiffs misunderstand
13 the statutory requirement.
14

15 172. The Pinal Defendants deny the allegations in Paragraph 172. The Pinal
16 Defendants further affirmatively state that (1) any names submitted to DHS must
17 include those persons’ specific immigration enumerator in order for a citizenship
18 inquiry to be conducted; (2) citizenship inquiries are conducted via the SAVE
19 program; and, (3) according to DHS, which created and expanded SAVE, SAVE is not
20 a “database.”
21

22 173. The Pinal Defendants admit that the Recorder has not submitted any
23 citizenship inquiries to DHS pursuant to 8 U.S.C. §§ 1373 or 1644—***because (1) the***
24 ***Recorder already uses DHS’s citizenship-inquiry process when submitting voter***

1 *registrants, for those whom specific immigration enumerators are accessible and*
2 *known, for inquiries with SAVE pursuant to A.R.S. § 16-121(D), and (2) there is no*
3 *other DHS citizenship inquiry available unless one has the specific immigration*
4 *enumerators for those whose citizenship is being investigated; thus, (3) all those for*
5 *whom inquiries to DHS could be made have already had such inquiries made and*
6 *there is no additional inquiry that can be made.* The Pinal Defendants lack
7 knowledge or information sufficient to form a belief as to the truth or falsity of the
8 allegations made in Paragraph 173 as they relate to the other county defendants and so
9 deny them.
10

11 174. The Pinal Defendants deny the allegations in Paragraph 174 as they
12 relate to the Recorder and affirmatively state that the Recorder fully complies with
13 A.R.S. § 16-121.01(D). The Pinal Defendants lack knowledge or information
14 sufficient to form a belief as to the truth or falsity of the allegations made in Paragraph
15 174 as they relate to the other county defendants and so deny them.

16 175. The Pinal Defendants deny the allegations in Paragraph 175 and
17 affirmatively state that the Recorder fully complies with A.R.S. § 16-121.01(D). The
18 Pinal Defendants lack knowledge or information sufficient to form a belief as to the
19 truth or falsity of the allegations made in Paragraph 175 as they relate to the other
20 county defendants and so deny them.

21 176. The Pinal Defendants deny the allegations in Paragraph 176 and
22 affirmatively state that the Recorder fully complies with A.R.S. § 16-121.01(D). The
23 Pinal Defendants lack knowledge or information sufficient to form a belief as to the
24

1 truth or falsity of the allegations made in Paragraph 176 as they relate to the other
2 Defendants and so deny them.

3 **COUNT III**

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

9 177. The Pinal Defendants incorporate by reference each of the preceding
10 admissions, denials, and affirmative statements as if fully set forth herein.

11 178. The cited statute speaks for itself and no response is required. If a
12 response is required, the Pinal Defendants admit that the quoted language appears in
13 the cited statute.

14 179. The allegations in Paragraph 179 state a legal conclusion to which no
15 response is required. If a response is required, the Pinal Defendants admit that
16 applicable law requires the Recorder to cancel the voter registrations of those persons
17 whom it is learned, upon a lawful inquiry, are not U.S. citizens. Any additional
18 allegations are denied.

19 180. The Pinal Defendants deny the allegation in Paragraph 180 that “[f]ailure
20 to provide DPOC is information about lack of citizenship.” The Pinal Defendants
21 further deny that the laws cited by Plaintiffs and their attorneys in support of the just-
22 mentioned allegation support the allegation. The Pinal Defendants affirmatively state
23 as follows:

24 The allegation that failure to provide DPOC is “information” indicating that

1 the registrant is a noncitizen, is not true. It is directly contradicted by federal law,
2 which expressly authorizes U.S. citizens to register to vote in federal elections without
3 providing DPOC. To suggest that U.S. citizens, who avail themselves of their right to
4 register to vote in federal elections without providing DPOC, *as federal law allows*
5 *them to do*, have somehow provided “information” that calls their citizenship into
6 question, is false.

7
8 181. The cited statute speaks for itself and no response is required. If a
9 response is required, the Pinal Defendants admit that the quoted language appears in
10 the cited statute and that A.R.S. § 16-165(K) requires that “[t]o the extent practicable,
11 the county recorder shall review relevant city, town, county, state and federal
12 databases to which the county recorder has access to confirm information obtained that
13 requires cancellation of registrations pursuant to this section.” The Pinal Defendants
14 deny the allegation that the cited statute “requires” that the Recorder perform the
15 confirmation because the statute’s language only requires confirmation “to the extent
16 practicable.” Any remaining allegations are denied.

17 182. The Pinal Defendants deny the allegations in Paragraph 182.

18 183. The Pinal Defendants admit that the Recorder has not submitted any
19 citizenship inquiries to DHS pursuant to 8 U.S.C. §§ 1373 or 1644. The Pinal
20 Defendants lack knowledge or information sufficient to form a belief as to the truth or
21 falsity of the allegations made in Paragraph 183 as they relate to the other Defendants
22 and so deny them.

23 184. The Pinal Defendants deny the allegations in Paragraph 184.
24

1 185. The Pinal Defendants deny the allegations in Paragraph 185 and
2 affirmatively state that the Recorder fully complies with A.R.S. § 16-165(K).

3 186. The Pinal Defendants deny the allegations in this Paragraph and
4 affirmatively state that the Recorder fully complies with A.R.S. § 16-165(K).

5 **COUNT IV**

6 **Failure to Send Information About**
7 **Federal-Only Voters to the Attorney General**
8 **(Special Action, Declaratory, and Injunctive Relief)**
9 **A.R.S. §§ 16-143, 12-1801, 12-1831, 12-1832,**
10 **12-2021, Ariz. R. Civ. P. 65, RPSA 3, and 28 U.S.C. § 1651**

11 187. The Pinal Defendants incorporate by reference the preceding admissions,
12 denials, and affirmative statements as if fully set forth herein.

13 188. The cited statute speaks for itself and no response is required. If a
14 response is required, the Pinal Defendants admit that the quoted text appears in the
15 cited statute.

16 189. The Pinal Defendants deny that the Recorder has not “made available” to
17 the Attorney General information that the statute requires be made available. The
18 Pinal Defendants admit that the Recorder has not “provided” to the Attorney General
19 any voter registration applications pursuant to this statute, which required that they be
20 provided on or before October 31, 2022. The Pinal Defendants affirmatively state that,
21 as explained above, the cited statute did not take effect until December 31, 2022—
22 *after* the October 31, 2022 deadline to provide the applications. Thus, the statute was
23 not in effect on October 31, 2022, and the statute’s requirement—that the Recorder
24 provide to the Attorney General voter registration applications by that date—has (and

1 had) no legal force. The Pinal Defendants lack knowledge or information sufficient to
2 form a belief as to the truth or falsity of the allegations made in Paragraph 189 as they
3 relate to the other Defendants and so deny them.

4 190. The Pinal Defendants deny the allegations in Paragraph 190 and
5 affirmatively state that the Recorder fully complies with A.R.S. § 16-143(A) and that
6 there is no ongoing requirement that the county recorders “provide” information about
7 Federal Only Voters to the Attorney General.
8

9 COUNT V

10 **Voter List Maintenance Procedures** 11 **That Are Discriminatory or Not Uniform** 12 **(52.S.C. §§ 20507(b)(1) and 20510(b), and 28 U.S.C. § 1651**

13 191. The Pinal Defendants incorporate by reference each of the preceding
14 admissions, denials, and affirmative statements as if fully set forth herein.

15 192. The cited statute speaks for itself and no response is required. If a
16 response is required, the Pinal Defendants admit that the quoted text appears in the
17 cited statute.

18 193. The Pinal Defendants admit the allegations in Paragraph 193 as they
19 relate to the Recorder. The Pinal Defendants lack knowledge or information sufficient
20 to form a belief as to the truth or falsity of the allegations made in Paragraph 193 as
21 they relate to the other Defendants and so deny them.

22 194. The Pinal Defendants deny the allegations in Paragraph 194.

23 195. The Pinal Defendants admit the allegations in Paragraph 195.

24 196. The Pinal Defendants deny the allegations in Paragraph 196.

1 1. Plaintiffs lack Article III standing.

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

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

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

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

8 6. Plaintiffs' proposed interpretation of Arizona's and federal-law
9 citizenship-inquiry requirements, which Plaintiffs seek to impose on Defendants, would
10 lead to futile and absurd results, and courts do not construe statutes to produce such
11 results. *Church of Scientology of California v. U.S. Dep't of Just.*, 612 F.2d 417, 422
12 (9th Cir. 1979) (*quoting United States v. Am. Trucking Ass'ns*, 310 U.S. 534, 543-44
13 (1940)).
14

15 7. Pinal County is not a proper defendant to this action and must be
16 dismissed.

17 8. The Pinal Defendants reserve the right to assert additional affirmative
18 defenses as additional facts are discovered.

19 **PINAL COUNTY DEFENDANTS' PRAYER FOR RELIEF**

20 The Pinal Defendants pray for relief as follows.

21 A. That the Court dismiss Plaintiffs' Complaint;

22 B. That judgment be entered in favor of the Pinal Defendants and against
23 Plaintiffs on Plaintiffs' Complaint;
24

1 C. That the Pinal Defendants be awarded their reasonable attorneys' fees and
2 costs under any applicable statute, rule, or equitable doctrine; and

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

4 **RESPECTFULLY SUBMITTED** this 17th day of October, 2024.

5
6 //

7 //

8 KENT VOLKMER
9 PINAL COUNTY ATTORNEY

10 BY: /s/ Scott Johnson
11 Scott Johnson
12 Craig Cameron
13 Deputy County Attorneys
14 *Attorneys for the Pinal County Defendants*

15 **CERTIFICATE OF SERVICE**

16 I hereby certify that on October 17, 2024, I caused the foregoing document to
17 be electronically transmitted to the Clerk's Office using the CM/ECF System for
18 filing and served a copy by email on all counsel listed below, with a courtesy copy to
19 the Honorable Krissa M. Lanham, as follows.

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