

D. Andrew Gaona (028414)
Austin C. Yost (034602)
COPPERSMITH BROCKELMAN PLC
2800 North Central Avenue, Suite 1900
Phoenix, Arizona 85004
T: (602) 381-5486
agaona@cblawyers.com
ayost@cblawyers.com

Lalitha D. Madduri*
Christopher D. Dodge*
Omeed Alerasool*
James J. Pinchak*
Julie Zuckerbrod*
ELIAS LAW GROUP LLP
250 Massachusetts Ave NW, Suite 400
Washington, D.C. 20001
T: (202) 968-4490
lmadduri@elias.law
cdodge@elias.law
oalerasool@elias.law
jpinchak@elias.law
jzuckerbrod@elias.law

*Attorneys for Proposed Intervenor-Defendants
One Arizona and the Arizona Alliance for
Retired Americans*

**Pro Hac Vice Application Forthcoming*

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

1789 Foundation Inc., d/b/a Citizen AG, and
Lindsey Graham,

Plaintiffs,

v.

Adrian Fontes, in his official capacity as
Secretary of State,

Defendant.

No. 24-CV-02987-SPL

**MOTION TO INTERVENE AS
DEFENDANTS OF ONE
ARIZONA AND THE
ARIZONA ALLIANCE FOR
RETIRED AMERICANS**

Oral Argument Requested

INTRODUCTION

Congress enacted the National Voter Registration Act (“NVRA”) to make it easier for qualified Americans to register and remain registered to vote. Yet, with this lawsuit, Plaintiffs seek to weaponize the NVRA against Arizona voters by demanding this Court order the Secretary of State to undertake sweeping and baseless purges of the voter rolls. But as “its text makes clear, [the] NVRA was intended as a shield to protect the right to vote, not as a sword to pierce it.” *ACLU v. Philadelphia City Comm’rs*, 872 F.3d 175, 182 (3d Cir. 2017). Recently, however, so-called election integrity activists have sought to turn the statute on its head, filing a host of similar suits in states across the country as part of a nationwide effort to remove voters from the rolls ahead of the 2024 general election, raising serious risks of erroneous removals. *See, e.g.,* Compl., *1789 Found., Inc. v. Schmidt*, No. 3:24-cv-01865-RDM (M.D. Pa. Oct. 29, 2024), ECF No. 1; Compl., *Mussi v. Fontes*, No. 2:24-cv-1310 (D. Ariz. June 3, 2024), ECF No. 1; Compl., *RNC v. Aguilar*, No. 2:24-cv-518 (D. Nev. Mar. 18, 2024), ECF No. 1; Compl., *Pub. Int. Legal Found. v. Knapp*, No. 3:24-cv-1276 (D.S.C. Mar. 14, 2024), ECF No. 1; Compl., *RNC v. Benson*, No. 1:24-cv-262 (W.D. Mich. Mar. 13, 2024), ECF No. 1; Compl., *Jud. Watch, Inc. v. Ill. State Bd. of Elections*, No. 1:24-cv-1867 (N.D. Ill. Mar. 5, 2024), ECF No. 1. Courts have uniformly rejected these efforts, denying claims similar to those brought by Plaintiffs here. *See, e.g.,* Order & Op. Granting & Denying in part Mots. to Dismiss, *Jud. Watch, Inc. v. Ill. State Bd. of Elections*, No. 1:24-cv-1867 (N.D. Ill. Oct. 28, 2024), ECF No. 69; Order Granting Mots. to Dismiss, *RNC v. Aguilar*, No. 2:24-cv-518 (D. Nev. Oct. 18, 2024), ECF No. 121; Op. & Order Granting Mot. to Dismiss, *RNC v. Benson*, No. 1:24-cv-262 (W.D. Mich. Oct. 22, 2024), ECF No. 35. And this Court rightly denied Plaintiffs’ eleventh-hour attempt to haphazardly remove voters just days before the November 2024 election. *See* ECF No. 17.

Plaintiffs’ lawsuit continues to pose a direct threat to Proposed Intervenor—One Arizona and the Arizona Alliance for Retired Americans (“the Alliance”)—who collectively represent tens of thousands of voters across Arizona. One Arizona and the

1 Alliance move to intervene as defendants in this case to protect their significant interests in
2 ensuring that their members throughout Arizona remain registered and are able to
3 successfully vote in future elections. They also seek to protect and preserve their limited
4 organizational resources, which would be severely strained if Plaintiffs succeed in forcing
5 the removal of hundreds of thousands of voters from the rolls, as Proposed Intervenors
6 would need to take immediate action to ensure their members are not wrongfully removed.
7 Given the stakes, Proposed Intervenors cannot rely on existing Defendant Secretary Adrian
8 Fontes—a state official with distinct administrative obligations which may lead to a conflict
9 in litigation objectives—to adequately represent Proposed Intervenors’ interests. Proposed
10 Intervenors are thus entitled to intervene as of right under Rule 24(a). Alternatively, the
11 Court should grant permissive intervention because Proposed Intervenors meet the
12 requirements of Rule 24(b).

13 **BACKGROUND**

14 **I. Arizona’s Obligations Under the NVRA**

15 The NVRA requires states to provide simplified, voter-friendly systems for
16 registering to vote. In enacting the NVRA, Congress sought to expand access to the
17 franchise by establishing “procedures that will increase the number of eligible citizens who
18 register to vote” and by making it “possible for Federal, State, and local governments to
19 implement [the NVRA] in a manner that enhances the participation of eligible citizens as
20 voters.” 52 U.S.C. § 20501(b)(1)–(2). Thus, the “NVRA was intended as a shield to protect
21 the right to vote, not as a sword to pierce it.” *Am. C.R. Union*, 872 F.3d at 182. Congress
22 intended that law “to dramatically expand opportunities for voter registration and to ensure
23 that, once registered, voters could not be removed from the registration rolls by a failure to
24 vote or because they had changed addresses.” *Welker v. Clarke*, 239 F.3d 596, 598–99 (3d
25 Cir. 2001). Any removal program must also be “uniform, nondiscriminatory, and in
26 compliance with the Voting Rights Act of 1965.” 52 U.S.C. § 20507(b)(1).

27 To further those pro-voter purposes, the NVRA imposes strict restrictions on
28 whether, when, and how a state may remove a voter from its registration rolls. *See* 52 U.S.C.

§ 20507(a)(3)–(4), (b)–(d). A state may immediately remove a voter from the rolls in rare circumstances, such as when a voter requests to be deregistered or is convicted of a disenfranchising felony. *See id.* § 20507(a)(3)(A)–(B). Otherwise, a state may not remove voters from the rolls without first complying with strictly prescribed procedural guarantees that Congress mandated to minimize risks of erroneous deregistration. *See id.* § 20507(a)(3)(C), (c), (d). For instance, a registrant may be removed from the rolls because of a change in residence only, in most cases, after failing to respond to a notice and failing to appear to vote for two general elections after that notice. *Id.* § 20507(d)(1). This procedural safeguard does not *require* that such voters be removed immediately after failing to vote in two elections, or on any other specified timeline, and it affirmatively *prohibits* voters suspected of moving from being hastily removed from the rolls by establishing strict procedural safeguards.

Courts have repeatedly recognized that the NVRA “does not require states to immediately remove every voter who may have become ineligible.” *Pub. Int. Legal Found. v. Benson*, 721 F.Supp.3d 580, 596 (W.D. Mich. 2024) (“*Benson*”). Rather, Congress has made the policy determination that some delay in the removal of voters is worthwhile because it helps to minimize the risk that qualified voters will be wrongly deregistered. *See, e.g., Bellitto v. Snipes*, 935 F.3d 1192, 1198–99 (11th Cir. 2019) (discussing the “balance” that Congress “crafted” in enacting the NVRA’s list maintenance provisions). Nor does the NVRA make a distinction between “active” and “inactive” voters, let alone require that “inactive” voters be removed from the rolls on any given timeline. While federal regulations implementing the NVRA define “inactive voters” as “registrants who have been sent but have not responded to a confirmation notice . . . and have not since offered to vote,” 11 C.F.R. § 9428.2(d), the regulations merely require states to report data on inactive voters (if states make such a distinction), *see, e.g.,* 11 C.F.R. § 9428.7(b).

In short, the NVRA requires only that each state make “a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of [] the death of the registrant; or [] a change in the residence of the registrant.” 52 U.S.C.

1 § 20507(a)(4)(A), (B). In other words, “Congress did not establish a specific program for
 2 states to follow for removing ineligible voters,” *Benson*, 721 F.Supp.3d at 595, it required
 3 “reasonable” measures.

4 In addition to its safeguards against disenfranchisement, the NVRA also requires
 5 transparency where possible. Section 8(i) requires states to maintain, for at least two years,
 6 certain records related to voter registration and list maintenance, and to make such records
 7 available for public inspection. 52 U.S.C. § 20507(i)(1). States are required to maintain
 8 “lists of the names and addresses of all persons to whom” confirmation notices are sent, but
 9 the statute’s plain language does not require states to maintain those voters’ subsequent
 10 voting history. *Id.* § 20507(i)(2). And “the Act’s public disclosure provision does not speak
 11 of digital storage, time pressures, or ‘administrative chicanery.’” *Greater Birmingham*
 12 *Ministries v. Sec’y of State for Ala.*, 105 F.4th 1324, 1334 (11th Cir. 2024).

13 **II. Plaintiffs’ Lawsuit**

14 On October 30, 2024—less than a week before election day—Plaintiffs sued the
 15 Secretary alleging violations of Section 8 of the NVRA. Compl. ¶¶ 71–115, ECF No. 1. In
 16 their First Claim for Relief, Plaintiffs assert an informational injury based on the Secretary’s
 17 alleged failure to produce certain records related to voters who were sent address-
 18 confirmation notices. *Id.* ¶¶ 71–87. Plaintiffs submitted this request on October 4, 2024—
 19 32 days before the 2024 general election—based on data that was published on June 29,
 20 2023. *Id.* ¶ 38 (citing 2022 EAVS Report). The Secretary timely responded to Plaintiffs’
 21 request on October 7, explaining that his office did not have any responsive records, *id.*
 22 ¶ 74, but noting that “individual counties may have the information you seek to obtain.”
 23 ECF No. 2-1, Ex. 5. Plaintiffs allege this response constitutes a second violation of the
 24 NVRA for failing to maintain certain records for at least two years. Compl. ¶¶ 88–91.

25 In their Third Claim for Relief, Plaintiffs allege that the Secretary is failing to
 26 maintain accurate and current voter registration rolls, *id.* ¶¶ 92–115 (citing 52 U.S.C.

1 § 20507(b), (c), and (d)),¹ and is violating his obligation to conduct “reasonable” voter roll
2 maintenance, *id.* ¶ 115; *see also* 52 U.S.C. § 20507(a)(4). Plaintiffs’ primary evidence in
3 support of this claim is an alleged discrepancy between the number of address confirmation
4 notices sent to Arizona voters before the 2020 general election and the number of voters
5 removed from the rolls following the 2022 election, Compl. ¶¶ 98–112. But confirmation
6 notices are only relevant to whether a state *may* remove a voter *if* they subsequently fail to
7 vote in the next two federal general elections. *See* 52 U.S.C. § 20507(d)(1). Plaintiffs claim
8 that without the data they requested from the Secretary, “it must be presumed” that
9 ineligible voters have been left on the rolls. Compl. at 4. Yet Plaintiffs’ complaint fails to
10 identify a single ineligible voter who remains on the voter rolls.

11 Based on little more than their presumption of illegality, Plaintiffs seek to
12 micromanage Arizona’s affirmative list-maintenance obligations. As relief, they demand a
13 declaration that the Secretary is violating the NVRA and injunctive relief compelling him
14 to immediately cancel the registration of up to 1.2 million voters who they allege failed to
15 respond to a confirmation notice and failed to vote in 2020 or 2022. *See* Compl. at 23–24.

16 Plaintiffs sought a preliminary injunction requiring the Secretary to immediately
17 produce the requested records, and, prior to the 2024 election, cancel the registrations of
18 certain allegedly ineligible voters. On November 1, 2024, after a hearing on Plaintiffs’
19 preliminary injunction motion, the Court ordered the Secretary to produce the requested
20 documents by December 2, 2024, but denied Plaintiffs’ emergency request to remove
21 allegedly ineligible voters from the rolls on the eve of the election because Plaintiffs failed
22 to produce “a single shred of evidence [] beyond hypothetical calculations based on two-
23 year-old data . . . to prove that Defendant has failed to maintain accurate voter rolls,” and
24 because “Plaintiffs have *no* likelihood of success on the merits of [their list maintenance]
25 claim.” ECF No. 17 at 13.

26
27 ¹ While the Complaint cites 52 U.S.C. § 20501, the NVRA’s list maintenance provisions
28 are codified at 52 U.S.C. § 20507. Proposed Intervenor presume Plaintiffs mistakenly cited
the wrong section.

III. The Proposed Intervenor-Defendants

Proposed Intervenor are Arizona civic organizations whose missions include ensuring that their members, as well as their broader communities, can vote. Proposed Intervenor invest significant resources conducting activities to advance that mission.

One Arizona. One Arizona is a nonprofit, nonpartisan 501(c)(3) corporation with a mission of building a culture of civic engagement and democratic participation among historically underrepresented communities in Arizona. *See Ex. A*, Decl. of Natali Fierros Bock (“Bock Decl.”) ¶¶ 2, 4. One Arizona was formed in 2010 as a response to growing disenfranchisement of voters and the attack on Arizona’s Latino community resulting from S.B. 1070, which enacted “a variety of immigration-related state offenses and defin[ed] the immigration-enforcement authority of Arizona’s state and local law enforcement officers.” *United States v. Arizona*, 641 F.3d 339, 344 (9th Cir. 2011) (enjoining provisions of S.B. 1070), *aff’d in part, rev’d in part*, 567 U.S. 387 (2012); *see also* Bock Decl. ¶ 3. Since then, One Arizona has grown to include 29 member groups that represent diverse communities throughout the state. Bock Decl. ¶ 4. Through its member organizations, One Arizona represents thousands of members and constituents. *See id.*

One Arizona provides training and other resources to its member groups, who work collaboratively to advance One Arizona’s mission of ensuring that all Arizonans can participate in the state’s elections. *Id.* ¶ 5. One Arizona also provides direct grants to its member groups who implement its mission-critical programs, including voter registration and grassroots get-out-the-vote programs, youth advocacy programs, and immigration support services. *Id.* In the last six years, One Arizona’s members have registered more than 600,000 voters—including 185,000 during 2020 alone. *Id.* ¶ 6. One Arizona invests substantial resources coordinating field work aimed at engaging directly with potential voters, as well as voter education and outreach—especially through social media and other digital programs geared toward young voters and underrepresented groups. *Id.*

One Arizona has also recently been involved in litigation to protect the ability of its members to register and vote. *See, e.g.,* Mot. to Intervene, *Strong Communities Found. of*

1 *Ariz., Inc. et al. v. Richer et al.*, No. 2:24-cv-02030 (D. Ariz. Sept. 6, 2024), ECF No. 5
 2 (One Arizona’s motion to intervene as defendant pending in case challenging Arizona
 3 counties’ list maintenance practices); Amicus Br., *Swodoba et al. v. Hobbs*, No. CV-24-
 4 0198-SA (Ariz. Supreme Ct. Aug. 30, 2024).

5 ***Arizona Alliance for Retired Americans.*** The Alliance is a nonpartisan 501(c)(4)
 6 membership organization and the chartered state affiliate of the Alliance for Retired
 7 Americans, a grassroots organization with over 4.4 million members nationwide. *See Ex. B*,
 8 Decl. of Dora Vasquez (“Vasquez Decl.”) ¶ 2–3. The Alliance’s own membership includes
 9 nearly 51,000 retirees from public- and private-sector unions, community organizations,
 10 and individual activists in every county in the state. *Id.* ¶ 3. The Alliance’s mission is to
 11 ensure social and economic justice and protect the civil rights of retirees after a lifetime of
 12 work, including by ensuring that its members have access to the franchise and can
 13 meaningfully participate in Arizona’s elections. *Id.* ¶ 4. In support of that mission, the
 14 Alliance invests resources in conducting voter education programs throughout the state,
 15 including by distributing materials that educate voters on registering to vote, obtaining
 16 ballots, and navigating the state’s election procedures. *Id.* ¶ 5. The Alliance also provides
 17 direct assistance to individuals who have questions about how to vote or concerns about
 18 ensuring that their vote is counted. *Id.* ¶¶ 5, 12.

19 To protect the right to vote and its other organizational interests, the Alliance has
 20 been involved in litigation implicating a range of voting-rights issues—including voter roll
 21 maintenance under the NVRA. *See, e.g., Arizona All. for Retired Americans, Inc. v. Crosby*,
 22 256 Ariz. 297 (App. 2023) (affirming preliminary injunction against county recorder order
 23 to conduct hand-count audit); *Strong Communities Found. of Ariz. v. Richer*, No. 2:24-CV-
 24 02030-PHX-KML (D. Ariz.) (Alliance’s motion to intervene as defendant pending in case
 25 challenging Arizona counties’ list maintenance practices). The Alliance has also
 26 successfully intervened as a defendant in multiple other recent challenges to election
 27 procedures in Arizona elections. *See Minute Order, Repub. Nat’l Comm. et al. v. Fontes*,
 28 CV2024-050553 (Maricopa Cnty. Super. Ct. May 10, 2024) (noting the Alliance’s and Voto

Latino’s intervention and granting motion to dismiss); Ruling and Order, *Ariz. Free Enter. Club v. Fontes*, No. S1300CV202300872 (Yavapai Cnty. Super. Ct. Apr. 25, 2024) (same); *Ariz. Free Enter. Club v. Fontes*, No. S1300CV202300202 (Yavapai Cnty. Super. Ct. Apr. 25, 2024) (noting the Alliance’s and Voto Latino’s intervention and granting motion for summary judgment).

Proposed Intervenors seek to participate in this case to protect the voting rights of their members and constituents as well as their own organizational resources. Bock Decl. ¶¶ 7–15; Vasquez Decl. ¶¶ 12–15.

LEGAL STANDARD

The standard for intervention is “broadly construed” because “a liberal policy in favor of intervention serves both efficient resolution of issues and broadened access to the courts.” *Arizonans for Fair Elections v. Hobbs*, 335 F.R.D. 261, 265 (D. Ariz. 2020) (quoting *Wilderness Soc’y v. U.S. Forest Serv.*, 630 F.3d 1173, 1177 (9th Cir. 2011)).

To determine whether an applicant has a right to intervene under Federal Rule of Civil Procedure 24(a)(2), courts apply a “four-part test”:

(1) the motion must be timely; (2) the applicant must claim a “significantly protectable” interest relating to the property or transaction which is the subject of the action; (3) the applicant must be so situated that the disposition of the action may as a practical matter impair or impede its ability to protect that interest; and (4) the applicant’s interest must be inadequately represented by the parties to the action.

United States v. Aerojet Gen. Corp., 606 F.3d 1142, 1148 (9th Cir. 2010) (quoting *Cal. ex rel. Lockyer v. United States*, 450 F.3d 436, 440 (9th Cir. 2006)).

Rule 24(b) permits the Court to allow anyone to intervene where “the motion is timely” and “the applicant’s claim or defense, and the main action, have a question of law or a question of fact in common.” *Arizonans for Fair Elections*, 335 F.R.D. at 268 (cleaned up); *see also* Fed. R. Civ. P. 24(b).²

² Courts within the Ninth Circuit also in some instances require intervenors to show “independent grounds for jurisdiction.” *United States v. City of Los Angeles*, 288 F.3d 391, 403 (9th Cir. 2002). But the Ninth Circuit has made clear the requirement “does not apply to proposed intervenors in federal-question cases when the proposed intervenor is not

Proposed Intervenor satisfy both standards here.³

ARGUMENT

I. Proposed Intervenor are entitled to intervene as a matter of right.

The Court should grant Proposed Intervenor’s motion to intervene as of right under Rule 24(a)(2) because they have timely sought leave to participate, the disposition of this case could impair their ability to protect significant interests—protecting the voting rights of their members and constituents and preserving mission-critical resources—and no existing party adequately represents those interests.

A. The motion to intervene is timely and does not prejudice the parties.

In determining whether a motion for intervention as of right is timely, courts consider the totality of the circumstances facing the movant, with a focus on three factors:

(1) the stage of the proceeding at which an applicant seeks to intervene; (2) the prejudice to other parties; and (3) the reason for and length of the delay. When evaluating these factors, courts should be mindful that the crucial date for assessing the timeliness of a motion to intervene is when proposed intervenors should have been aware that their interests would not be adequately protected by the existing parties.

W. Watersheds Project v. Haaland, 22 F.4th 828, 835–36 (9th Cir. 2022) (cleaned up).

Proposed Intervenor’s motion is indisputably timely. Plaintiffs filed suit on October 30, and this motion follows only twelve days later—before any responsive pleadings or dispositive motions have been filed, and after the Court resolved Plaintiffs’ emergency motion. *See* ECF No. 17. Allowing intervention would not require altering any existing deadlines, and Proposed Intervenor will abide by any future deadlines set by the Court, so there is “no possible prejudice” to any party if intervention is granted. *Arizonans for Fair*

raising new claims.” *Freedom From Religion Found., Inc. v. Geithner*, 644 F.3d 836, 844 (9th Cir. 2011)); *see also* *Roosevelt Irrigation Dist. v. United States*, No. CV-15-00439-PHX-JJT, 2015 WL 13747124, at *6 (D. Ariz. Sept. 3, 2015) (same). That is the case here.

³ Rule 24 further requires a motion to intervene to “be accompanied by a pleading that sets out the claim or defense for which intervention is sought.” Fed. R. Civ. P. 24(c). Proposed Intervenor attach a proposed pleading to this motion. *See* **Ex. C**. Proposed Intervenor, however, believe the Complaint should be dismissed under Rule 12(b) and intend to move for dismissal under that Rule. Should they be granted intervention, Proposed Intervenor respectfully reserve the right to file a Rule 12(b) motion.

1 *Elections*, 335 F.R.D. at 265–66; see *United States v. Alisal Water Corp.*, 370 F.3d 915, 922
 2 (9th Cir. 2004) (prejudice occurs where “intervention would inject new issues into the
 3 litigation” or “relief . . . [would be] delayed” (cleaned up)); see also *W. Watersheds Project*,
 4 22 F.4th at 839 (“[t]hat this litigation may become more tangled and complex with the
 5 addition of interested parties is not a basis for denial of intervention”).

6 **B. The disposition of this case will impair Proposed Intervenor’s ability to**
 7 **protect their interests.**

8 Proposed Intervenor’s have significant protectable interests that stand to be impaired
 9 by Plaintiffs’ requested relief here, thereby satisfying the intertwined second and third
 10 elements of Rule 24(a)(2).

11 “[A] prospective intervenor ‘has a sufficient interest for intervention purposes if it
 12 will suffer a practical impairment of its interests as a result of the pending litigation.’”
 13 *Wilderness Soc’y*, 630 F.3d at 1179 (quoting *Lockyer*, 450 F.3d at 441). Consistent with its
 14 liberal standard, “Rule 24(a)(2) does not require a specific legal or equitable interest,” and
 15 “it is generally enough that the interest is protectable under some law, and that there is a
 16 relationship between the legally protected interest and the claims at issue.” *Id.* (quoting
 17 *Sierra Club v. EPA*, 995 F.2d 1478, 1484 (9th Cir. 1993)). “[T]he ‘interest’ test is primarily
 18 a practical guide to disposing of lawsuits by involving as many apparently concerned
 19 persons as is compatible with efficiency and due process.” *Id.* (cleaned up). Applicants thus
 20 need not show that impairment is a “certainty,” only that “disposition of the action ‘may’
 21 practically impair a party’s ability to protect their interest in the subject matter of the
 22 litigation.” *Citizens for Balanced Use v. Mont. Wilderness Ass’n*, 647 F.3d 893, 900 (9th
 23 Cir. 2011) (quoting Fed. R. Civ. P. 24(a)(2)). Once an applicant has shown some protectible
 24 interest, courts generally “have little difficulty concluding that the disposition of [a] case
 25 may, as a practical matter, affect” those interests. *Lockyer*, 450 F.3d at 442. Proposed
 26 Intervenor’s each have at least two significant interests here in the ability of their members
 27 to remain on the rolls and successfully vote, as well as in preserving their limited resources.
 28

1 First, as numerous courts have recognized in cases seeking to remove voters from
 2 the rolls, organizations like Proposed Intervenor have significant interests in the voting
 3 rights of their members and ensuring that those members remain registered to vote. *See*,
 4 e.g., *Jud. Watch, Inc. v. Ill. State Bd. of Elections*, No. 24 C 1867, 2024 WL 3454706, at *1
 5 (N.D. Ill. July 18, 2024); *Bellitto v. Snipes*, No. 16-cv-61474, 2016 WL 5118568, at *2–3
 6 (S.D. Fla. Sept. 21, 2016). In *Judicial Watch*, for example, two organizations—collectively
 7 representing hundreds of thousands of workers and teachers in Illinois—were found to have
 8 “an associational interest in protecting their members from unlawful removal from the voter
 9 rolls should Plaintiffs succeed in obtaining their requested relief.” 2024 WL 3454706, at
 10 *3. Likewise, in *Bellitto*, a labor union representing tens of thousands of healthcare workers
 11 and retirees in Florida was found to have a protectable interest in avoiding “the court-
 12 ordered ‘voter list maintenance’ sought by Plaintiffs.” 2016 WL 5118568, at *1–2. The
 13 same is true here—Proposed Intervenor collectively represent tens of thousands of lawful
 14 Arizona voters who stand to be wrongfully swept up in the voter purges threatened by this
 15 lawsuit, putting their voting rights at risk. *See* Bock Decl. ¶¶ 4–5; Vasquez Decl. ¶ 3. In
 16 fact, Plaintiffs’ suit seeks to purge over 1.2 million registrants from Arizona’s voter rolls.
 17 ECF No. 1, ¶¶ 113–14. The sheer scale of Plaintiffs’ requested relief is likely to impact
 18 Proposed Intervenor’s many members across the state. The threat of removal, alongside the
 19 added risk that such removal is erroneous, is a significant protectable interest. *See also*
 20 *Wesberry v. Sanders*, 376 U.S. 1 (1964) (“No right is more precious in a free country than
 21 that of having a voice in the election of those who make the laws under which, as good
 22 citizens, we must live.”). Indeed, an organization’s interest in protecting its constituents’
 23 and/or members’ voting rights satisfies even the “more stringent” requirement of Article
 24 III, which “compels the conclusion that they have an adequate interest” for purposes of Rule
 25 24. *Yniguez v. Arizona*, 939 F.2d 727, 735 (9th Cir. 1991); *see also March for Our Lives*
 26 *Idaho v. McGrane*, 697 F.Supp.3d 1029, 1042 (D. Idaho 2023) (holding organization had
 27 standing to challenge amendments to voter ID laws to protect constituents’ voting rights).
 28

1 Proposed Intervenors’ interests here are particularly significant because they
2 represent constituencies who face a heightened risk of wrongful removals from systematic
3 court-ordered voter roll purges. Bock Decl. ¶¶ 7–12; Vasquez Decl. ¶¶ 6–9. For example, it
4 is common for Alliance members to be in the process of relocating to assisted living
5 facilities, moving in with or closer to family, or transitioning into smaller homes for
6 financial reasons. Vasquez Decl. ¶ 7. Many Alliance members also frequently travel out of
7 state to visit family or for personal travel. *Id.* Accordingly, Alliance members and other
8 retirees are at a particularly acute risk of failing to receive a notice that is mailed by election
9 officials to inform them that their voter registration is subject to cancellation. Moreover, the
10 Alliance’s members are 55 or older, and often have disabilities, illness, or mobility
11 challenges that present barriers to voting, and thus many of the Alliance’s retiree members
12 are unable to vote in every election. Vasquez Decl. ¶ 6.

13 Similarly, many of One Arizona’s members live on college campuses and frequently
14 change addresses due to their age and financial circumstances. Bock Decl. ¶ 10. This means
15 they may miss a confirmation notice that is sent to an outdated address. Moreover, One
16 Arizona’s members are disproportionately Latino and “voter purges have often had the
17 effect of clearing eligible voters from state registration lists and in a manner that tends to
18 discriminate by race and nationality.” Lydia Hardy, *Voter Suppression Post-Shelby:
19 Impacts and Issues of Voter Purge and Voter ID Laws*, 71 Mercer L. Rev. 857, 866 (2020);
20 *see also* Bock Decl. ¶ 8. One Arizona’s membership organizations also assist other
21 communities, such as Asian and Pacific Islanders, who are disproportionately impacted by
22 purges. *See* Sarah M.L. Bender, *Algorithmic Elections*, 121 Mich. L. Rev. 489, 505 (2022)
23 (noting algorithms used for purges disproportionately mismatch Asian names); *see also*
24 Bock Decl. ¶¶ 4, 8–9. Those risks are especially acute where states engage in a “maximum
25 effort at purging voting lists,”—exactly what Plaintiffs seek here—which increases the risk
26 of “remov[ing] eligible voters.” *Pub. Int. Legal Found. v. Winfrey*, 463 F. Supp. 3d 795,
27 801 (E.D. Mich. 2020) (“*Winfrey*”) (quoting *Bellitto*, 935 F.3d at 1198). For these reasons,
28

1 Proposed Intervenor’s members and constituents face a significant risk of being swept up
2 in the removals that Plaintiffs seek, despite being lawful Arizona voters.

3 *Second*, the disposition of this case further threatens Proposed Intervenor’s interests
4 in preserving their mission-critical organizational resources. *See Jud. Watch, Inc.*, 2024 WL
5 3454706, at *3 (finding that labor unions had “organizational interest in avoiding adverse
6 reallocation of resources to protect the voting rights of their members”); *Issa v. Newsom*,
7 No. 2:20-CV-01044, 2020 WL 3074351, at *3 (E.D. Cal. June 10, 2020) (finding significant
8 protectable interest in organizations “diverting their limited resources to educate their
9 members on the election procedures”); *Paher v. Cegavske*, No. 3:20-CV-00243, 2020 WL
10 2042365, at *2 (D. Nev. Apr. 28, 2020) (finding “significant protectable interest” in
11 “organizational intervenors’ efforts to promote the franchise”).

12 If Plaintiffs’ requested relief is granted, One Arizona would be forced to divert
13 resources to educating voters about the impending purges and ensuring that their member
14 organizations are prepared to counteract such relief. Bock Decl. ¶ 14. These new
15 expenditures would come at the expense of One Arizona’s existing investments in programs
16 like those providing grants to member organizations to conduct voter registration drives and
17 coordinating digital communications programs. *Id.* Similarly, the Alliance would be forced
18 to expend resources on identifying and educating its members about the impending purges,
19 and on how to ensure such voters remain registered, at the expense of its ongoing civic
20 engagement-related activities. Vasquez Decl. ¶¶ 10–13. Proposed Intervenor would have
21 to further expend resources to reach and re-register voters, as well as aid voters in
22 responding to removal notices and inquiries. Bock Decl. ¶ 14; Vasquez Decl. ¶¶ 10–12.

23 **C. Proposed Intervenor’s interests are not adequately represented.**

24 Proposed Intervenor will not be assured adequate representation in this matter if
25 they are denied intervention. “[T]he burden of making this showing is minimal” and is
26 “satisfied if the applicant shows that representation of its interests *may* be inadequate.”
27 *Hoopa Valley Tribe v. United States Bureau of Reclamation*, 648 F. Supp. 3d 1196, 1204
28 (E.D. Cal. 2022) (quoting *Sagebrush Rebellion Inc. v. Watt*, 713 F.2d 525, 528 (9th Cir.

1 1983)) (emphasis added); *see also Berger v. N.C. State Conf. of the NAACP*, 597 U.S. 179,
2 196 (2022) (citing *Trbovich v. United Mine Workers of Am.*, 404 U.S. 528, 538 n.10 (1972)).
3 Accordingly, courts are “liberal in finding” this requirement to be met because “there is
4 good reason in most cases to suppose that the applicant is the best judge of the representation
5 of the applicant’s own interests.” 7C Charles Alan Wright & Arthur R. Miller, *Federal*
6 *Practice & Procedure* § 1909 (3d ed. 2024). In the Ninth Circuit, “[i]n evaluating adequacy
7 of representation, [courts] examine three factors: (1) whether the interest of a present party
8 is such that it will undoubtedly make all of a proposed intervenor’s arguments; (2) whether
9 the present party is capable and willing to make such arguments; and (3) whether a proposed
10 intervenor would offer any necessary elements to the proceeding that other parties would
11 neglect.” *Citizens for Balanced Use*, 647 F.3d at 898 (citation omitted). Because Proposed
12 Intervenors’ interests are distinct, none of the existing parties adequately represent them.

13 Plaintiffs naturally cannot represent Proposed Intervenors’ interests, as Proposed
14 Intervenors strongly oppose the voter removals and other relief that Plaintiffs seek here.
15 And while Secretary Fontes is on the side of the lawsuit that Proposed Intervenors seek to
16 join, he does not adequately represent Proposed Intervenors’ specific interests. *See supra*
17 Section I.B. The Supreme Court recently cautioned that courts should not conduct this
18 inquiry at too “high [a] level of abstraction,” and reaffirmed that, even where the parties
19 interests “seem[] closely aligned,” the burden to demonstrate inadequate representation
20 remain “minimal” unless those interests are “identical.” *Berger*, 597 U.S. at 196. In other
21 words, even if the Secretary also opposes the relief that Plaintiffs seek, it does not
22 necessarily follow that he will adequately represent the interests of two membership-based,
23 nongovernmental, civic organizations in Arizona. *See Citizens for Balanced Use*, 647 F.3d
24 at 899 (“[T]he government’s representation of the public interest may not be ‘identical to
25 the individual parochial interest’ of a particular group just because ‘both entities occupy the
26
27
28

1 same posture in the litigation.” (quoting *WildEarth Guardians v. U.S. Forest Serv.*, 573
2 F.3d 992, 996 (10th Cir. 2009))).⁴

3 Here, given the differing “nature” of their “interests,” it is far from clear that the
4 Secretary “will undoubtedly make all of a proposed intervenor’s arguments.” *Citizens for*
5 *Balanced Use*, 647 F.3d at 898. And the divergence of interests between government
6 officials and private parties is particularly sharp in actions like this one seeking to identify
7 and remove voters from the rolls. *See, e.g., Winfrey*, 463 F. Supp. 3d at 799–800; *Jud.*
8 *Watch, Inc.*, 2024 WL 3454706, at *4–5. The NVRA imposes on Secretary Fontes “twin
9 objectives,” including both “easing barriers to registration and voting, while at the same
10 time protecting electoral integrity and the maintenance of accurate voter rolls.” *Bellitto*, 935
11 F.3d at 1198. This “naturally create[s] some tension” with groups like Proposed Intervenors,
12 who have a more limited focus on protecting their own interests and those of their member-
13 voters. *Winfrey*, 463 F. Supp. 3d at 801 (citing *Bellitto*, 935 F.3d at 1198). That is precisely
14 the case here: While Proposed Intervenors strongly oppose voter removal programs, the
15 Secretary has a legal *obligation* to maintain the voter rolls consistent with the NVRA, which
16 may entail additional removals of registrants. *See Bellitto*, 935 F.3d at 1198–99 (discussing
17 the “balance” that Congress “crafted” in enacting the NVRA’s list maintenance provisions).
18 Moreover, the Secretary’s “execution of its duties may be in tension with Proposed
19 Intervenors’ interests” because “the [government] might deem the potential for costly
20 litigation in this case a suboptimal use of its resources and might therefore enter into a more
21 generous settlement agreement with Plaintiffs that might run contrary to [the] Proposed
22 Intervenors’ interests.” *Jud. Watch, Inc.*, 2024 WL 3454706, at *4.

23
24 ⁴ Accordingly, courts have “often concluded that governmental entities do not adequately
25 represent the interests of aspiring intervenors.” *Fund for Animals, Inc. v. Norton*, 322 F.3d
26 728, 736 (D.C. Cir. 2003). This is because a government-official defendant’s interests are
27 “necessarily colored by [their] view of the public welfare rather than the more parochial
28 views of a proposed intervenor whose interest is personal to it.” *Kleissler v. U.S. Forest*
Serv., 157 F.3d 964, 972 (3d Cir. 1998) (explaining that the burden in these circumstances
is “comparatively light”); *accord Berger*, 597 U.S. at 196 (emphasizing that U.S. Supreme
Court in *Trbovich* refused to presume Secretary of Labor was adequate representative of
union member’s interest even where both sought “relief against the union” because “the
Secretary also had to bear in mind broader public-policy implications”).

1 It is also unlikely that Defendant will be “willing” to make all the arguments that
 2 Proposed Intervenor would make. *Citizens for Balanced Use*, 647 F.3d at 898. One Arizona
 3 and the Alliance each have unique interests “in preserving *their* resources and protecting
 4 the voting rights of *their* members,” while the government “has no obligation to protect
 5 these specific resources or voting interests.” *Jud. Watch, Inc.*, 2024 WL 3454706, at *4.
 6 (emphasis in original). Proposed Intervenor is thus willing to make arguments necessary
 7 to limit any kind of further scrutiny into Arizona’s voter rolls based on Plaintiffs’ assertions,
 8 whereas the Secretary will be cabined by his statutory obligations to carry out list-
 9 maintenance protocols. For example, if resolution of this case turns on whether Arizona
 10 must remove voters by a certain date after they have become “inactive,” *see* Compl. ¶ 114,
 11 the Secretary’s official duties and obligations may cause his position to diverge significantly
 12 from the position of Proposed Intervenor on this issue: that the NVRA does not require
 13 *any* affirmative removal of registrants by any particular date.

14 All of the factors for determining whether the Secretary adequately represents
 15 Proposed Intervenor thus favor granting intervention.

16 **II. Proposed Intervenor should be granted permissive intervention.**

17 In the alternative, the Court should grant Proposed Intervenor permissive
 18 intervention because they have “defense[s] that share[] with the main action a common
 19 question of law or fact” and their intervention will not “unduly delay or prejudice the
 20 adjudication of the original parties’ rights.” *Ariz. Democratic Party v. Hobbs*, No. CV-20-
 21 01143, 2020 WL 6559160, at *1 (D. Ariz. June 26, 2020) (quoting Fed. R. Civ. P. 24(b)).
 22 The motion is timely and, given Proposed Intervenor’s commitment to adhering to any case
 23 schedule, does not risk prejudicing existing parties. *See supra* Section I.A. And Proposed
 24 Intervenor’s defenses depend on the resolution of many of the same questions of fact and
 25 law—including the strength of Plaintiffs’ evidence and the proper application of the NVRA.
 26 *See Ex. C* (Proposed Intervenor’s Proposed Answer).

27 In deciding whether to exercise discretion to permit intervention under Rule 24(b),
 28 courts may also consider “several relevant factors . . . including the nature and extent of the

1 intervenors’ interest, the legal position they seek to advance, and whether parties seeking
2 intervention will significantly contribute to full development of the underlying factual
3 issues in the suit and to the just and equitable adjudication of the legal questions presented.”
4 *Ariz. All. for Retired Ams. v. Hobbs*, No. CV-22-01374, 2022 WL 4448320, at *2 (D. Ariz.
5 Sept. 23, 2022) (citation omitted). These considerations counsel in favor of granting
6 permissive intervention here.

7 As described, Proposed Intervenor have significant and parochial interests in
8 preventing wrongful removals of their members and constituents, as well as ensuring they
9 are not disenfranchised, and in protecting their existing mission-critical core activities from
10 diminished efficacy and reduced investment as a result of Plaintiffs’ requested relief. *See*
11 *supra* Section I.B. And because Proposed Intervenor are the only parties seeking to protect
12 the voters who are at risk of wrongful removal from the rolls as a consequence of Plaintiffs’
13 suit, *see supra* Section I.C, they will aid the Court in developing a full record of the relevant
14 considerations—including the impact of this litigation on vulnerable voters across the state.
15 Proposed Intervenor’s perspective of the voters who stand to be removed from the rolls,
16 unencumbered by Defendant’s competing obligations under the NVRA, will indisputably
17 contribute to the “just and equitable adjudication” of this lawsuit. *Ariz. All. for Retired Ams.*,
18 2022 WL 4448320, at *2.

19 Thus, because Rule 24 is liberally construed to ensure that all interested parties have
20 the opportunity to protect their rights and interests, it should grant permissive intervention.

21 CONCLUSION

22 Proposed Intervenor respectfully request that the Court grant their motion to
23 intervene.

1 RESPECTFULLY SUBMITTED this 11th day of November, 2024.

2 **COPPERSMITH BROCKELMAN PLC**

3 By: /s/ D. Andrew Gaona

4 D. Andrew Gaona

5 Austin C. Yost

6 **ELIAS LAW GROUP LLP**

7 Lalitha D. Madduri*

8 Christopher D. Dodge*

9 Omeed Alerasool*

10 James J. Pinchak*

11 Julie Zuckerbrod*

12 *Attorneys for Proposed Intervenor-Defendants*
13 *One Arizona and the Arizona Alliance for*
14 *Retired Americans*

15 **Pro Hac Vice Application Forthcoming*

Exhibit A

RETRIEVED FROM DEMOCRACYDOCKET.COM

D. Andrew Gaona (028414)
Austin C. Yost (034602)
COPPERSMITH BROCKELMAN PLC
2800 North Central Avenue, Suite 1900
Phoenix, Arizona 85004
T: (602) 381-5486
agaona@cblawyers.com
ayost@cblawyers.com

Lalitha D. Madduri*
Christopher D. Dodge*
Omeed Alerasool*
James J. Pinchak*
Julie Zuckerbrod*
ELIAS LAW GROUP LLP
250 Massachusetts Ave NW, Suite 400
Washington, D.C. 20001
T: (202) 968-4330
lmadduri@elias.law
cdodge@elias.law
jpinchak@elias.law
jzuckerbrod@elias.law

*Attorneys for Proposed Intervenor-Defendants
Arizona Alliance for Retired Americans and One Arizona*

**Pro Hac Vice Application Forthcoming*

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

1789 Foundation Inc., d/b/a Citizen AG, and
Lindsey Graham,

Plaintiffs,

v.

Adrian Fontes, in his official capacity as
Secretary of State,

Defendant.

No. 24-CV-02987-SPL

**DECLARATION OF NATALI
FIERROS BOCK IN SUPPORT
OF ONE ARIZONA'S MOTION
TO INTERVENE AS
DEFENDANT**

1 I, Natalí Fierros Bock, hereby declare and state the following:

2 1. I am over 18 years of age and competent to testify, and the following facts
3 are based on my personal knowledge.

4 2. I am the Executive Director of One Arizona, a nonpartisan, nonprofit
5 corporation organized under section 501(c)(3) of the Internal Revenue Code. I have been
6 in this position since May 2024, and I oversee all of the organization's operations and
7 programs. Prior to becoming Executive Director, I served as the Executive Director of
8 Rural Arizona Engagement ("RAZE"), one of One Arizona's member organizations. As
9 the head of a member organization, I was also a "table member" of One Arizona. I also
10 served as the Secretary for the Executive Committee of One Arizona beginning in 2022.
11 In my role as Secretary, I was responsible for maintaining notes from Board meetings and
12 other important information for the organization, and was also a voting member of the
13 Executive Committee. Through these positions, I am personally knowledgeable about One
14 Arizona's work throughout the state, including its voter-registration, voter protection,
15 get-out-the-vote, and other election-related activities, as well as its resource-allocation
16 decisions.

17 3. One Arizona initially formed in 2010 as a direct response to growing
18 disenfranchisement of Latino voters in the state and in the wake of SB 1070—also known
as the "Show Me Your Papers Law." The law introduced a variety of immigration-related
state offenses and enhanced the immigration-related enforcement authority of Arizona's
state and local law enforcement officers. In effect, the law has allowed law enforcement to
racially profile people of color in Arizona, particularly Latino people. Recognizing the

1 chilling effect that SB 1070 and the growing culture of animus against Latino people was
2 having on the exercise of basic civil rights, four immigration advocacy groups banded
3 together in 2010 with a goal of registering 12,000 voters and, shortly after, One Arizona
4 was born.

4 4. Since then, One Arizona has expanded into a nonpartisan, nonprofit
5 advocacy group made up of 29 organizations who together focus on building a culture of
6 civic engagement and democratic participation, especially among voters in historically
7 underrepresented communities, including Latino voters, other communities of color, and
8 young people. One Arizona is the umbrella organization for these 29 groups, who are the
9 members of One Arizona and who represent a diverse coalition of multicultural groups
10 that are focused on advancing a variety of fundamental civil rights in Arizona. To become
11 a member of One Arizona an organization must, among other things, apply to One
12 Arizona and explain why the group aligns with One Arizona's values. The table members
13 representing the existing member organizations then hold a vote on whether to add the
14 new member organization. The table members representing the member organizations also
15 vote on the leadership of One Arizona.

14 5. The centerpiece of One Arizona's mission today is its commitment to
15 increasing civic engagement and democratic participation. As a result, One Arizona
16 heavily invests in voter registration efforts, get-out the-vote projects, voter protection
17 programs, and election-related efforts. In particular, One Arizona provides training,
18 written materials, and other resources to its member groups, who work collaboratively to
advance One Arizona's mission of ensuring that all Arizonans are able to participate in the

1 state's elections. One Arizona also provides direct grants to its member groups so that
2 those groups can implement One Arizona's programs, including its voter registration and
3 grassroots get-out-the-vote programs, youth-advocacy programs, and immigration support
4 services.

5 6. In the last six years alone, One Arizona's members have registered more
6 than 600,000 voters in the state—including 185,000 during 2020 alone. One Arizona also
7 invests substantial resources to directly coordinate field work aimed at engaging with
8 potential voters, as well as voter education and community outreach—especially through
9 social media campaigns and other digital programs geared toward young voters and
10 underrepresented groups in Arizona. Consistent with these objectives, during the 2024
11 election cycle, One Arizona has coordinated statewide voter-registration efforts,
12 get-out-the-vote, election-protection efforts, and democracy-defense efforts across the
13 state. To date, we have hired 15 paid employees to help us carry out these mission-critical
14 programs.

15 7. This lawsuit threatens One Arizona's members, mission, and the
16 mission-critical work described above. Plaintiffs seek to force the state to investigate the
17 voting history of over one million "inactive" registered voters in Arizona and immediately
18 cancel the registration of any of those voters who purportedly did not vote in the 2020 or
2022 elections.

8. The rushed voter purge that Plaintiffs seek is likely to risk improperly
removing the members and constituents of One Arizona's member organizations from the
rolls. Our members are largely people of color, and voter purges like the ones Plaintiffs

1 seek to compel with this lawsuit often have the effect of mistakenly removing eligible
2 voters from the rolls in a way that discriminates by race and nationality.

3 9. For example, many of our members live in households with family members
4 who have similar names such as Luis Jimenez, Sr. and Luis Jimenez, Jr. If one family
5 member fails to respond to a confirmation notice, their family member with a similar
6 name may be mistakenly purged from the voter rolls. And many Latinos have longer,
7 hyphenated, or multiple last names that do not conform to government standards. These
8 constituents are often confused for others when governments cross-check information in
9 databases. As a result of these kinds of errors, our members who are active voters are
10 more likely to be mistakenly identified as “inactive” voters who might have a similar
11 name and unlawfully removed from Arizona’s voter rolls.

12 10. Our members are also likely to be impacted by a purge that targets
13 “inactive” voters. For example, many of our members live on college campuses and
14 frequently change addresses. Thus, they may miss a confirmation notice that is sent to an
15 outdated address and become labeled as “inactive.”

16 11. Additionally, many of our members face barriers to voting due to factors
17 such as anti-immigrant animus, financial instability, language barriers, and caretaking and
18 work responsibilities. Because of these barriers, I expect that some of our members were
unable to vote in the 2020 or 2022 elections.

12. As a result of these and other circumstances, the members and constituents
of One Arizona’s member organizations are highly likely to be implicated by the relief
that Plaintiffs’ request. Plaintiffs’ requested relief threatens to disenfranchise these

1 individuals by removing them from the voter rolls. If voters are wrongly removed from
2 the rolls, they may not realize until it is too late and find themselves completely
3 disenfranchised, posing a direct threat to One Arizona's members' fundamental rights and
4 the organization's mission by diminishing its organizing power and ability to grow
political engagement among young people and people of color across Arizona.

5 13. In addition, the looming threat of increased scrutiny on "inactive" voters is
6 likely to chill our members' planned activities around voter registration and may lead
7 some to decide not to engage in such activities at all, rather than risk the potential
consequences.

8 14. Given that One Arizona's top priority is to create a healthy ecosystem of
9 civic engagement and democratic participation, Plaintiffs' requested relief will force One
10 Arizona to expend significant resources and staff time to educate constituents about the
11 changes and the associated risk of wrongful purging. Further, to combat the effects of such
12 relief, One Arizona would expend staff time and financial resources developing
13 coordinated communications campaigns to educate voters about how to check whether
14 they have been removed from the rolls and reregistering. One Arizona would further
15 provide financial support to its member organizations that give direct support to voters
16 who seek assistance after becoming subject to purges. Because One Arizona has limited
17 resources, funding for this kind of programming would necessarily be diverted away from
18 One Arizona's investments in its other critical programming. Diverting these resources
would be detrimental to our work and our mission, particularly given that we did not plan
to continue voter registration programming in the months following the 2024 election.

Exhibit B

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D. Andrew Gaona (028414)
Austin C. Yost (034602)
COPPERSMITH BROCKELMAN PLC
2800 North Central Avenue, Suite 1900
Phoenix, Arizona 85004
T: (602) 381-5486
agaona@cblawyers.com
ayost@cblawyers.com

Lalitha D. Madduri*
Christopher D. Dodge*
Omeed Alerasool*
James J. Pinchak*
Julie Zuckerbrod*
ELIAS LAW GROUP LLP
250 Massachusetts Ave NW, Suite 400
Washington, D.C. 20001
T: (202) 968-4330
lmadduri@elias.law
cdodge@elias.law
jpinchak@elias.law
jzuckerbrod@elias.law

*Attorneys for Proposed Intervenor-Defendants
Arizona Alliance for Retired Americans and One Arizona*

**Pro Hac Vice Application Forthcoming*

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

1789 Foundation Inc., d/b/a Citizen AG, and
Lindsey Graham,

Plaintiffs,

v.

Adrian Fontes, in his official capacity as
Secretary of State,

Defendant.

No. 24-CV-02987-SPL

**DECLARATION OF DORA
VASQUEZ IN SUPPORT OF
THE ARIZONA ALLIANCE
FOR RETIRED AMERICANS'S
MOTION TO INTERVENE AS
DEFENDANT**

I, Dora Vasquez, hereby declare and state the following:

1. I am over 18 years of age and competent to testify, and the following facts are
based on my personal knowledge.

1 2. I am the Executive Director of the Arizona Alliance for Retired Americans
2 (the “Alliance”), a non-partisan 501(c)(4) nonprofit, social welfare organization
3 incorporated in Arizona. I have held this position since 2019.

4 3. The Alliance is a chartered state affiliate of the Alliance for Retired
5 Americans, a nationwide grassroots organization with more than 4.4 million members. In
6 Arizona, the Alliance has just shy of 51,000 retiree members throughout the state’s 15
7 counties. Our members mostly come from various AFL-CIO affiliated unions and have
8 worked in several different industries before retirement, though membership is open to
9 anyone.

10 4. The Alliance’s mission is to ensure social and economic justice and to protect
11 the civil rights of retirees after a lifetime of work. To further its mission, the Alliance works
12 to protect the rights of its members to vote and to have their votes counted.

13 5. The Alliance invests significant resources to mobilize its members and
14 conduct voter education programs in Arizona. This work includes, but is not limited to,
15 working with our partners at AFL-CIO to put together and distribute materials that educate
16 voters on issues of importance to our members such as the protection of Social Security,
17 Medicare, and Medicaid benefits and the price of prescription drugs; hosting town halls on
18 such issues; helping our members confirm their voter registration status and track the status
19 of their submitted mail ballots; answering any questions our members may have about how
20 to cast their ballots and make sure that they are counted; and engaging in get-out-the-vote
21 work to ensure our members successfully cast their ballots.

22 6. The Alliance’s members are mostly 55 or older, and often have disabilities,
23 illness, or mobility challenges that present barriers to voting. For example, our members
24 often rely on family members or neighbors for rides to the polls and assistance with voting,
25 but if someone gets sick or is unable to provide them assistance on election day, our
26 members may be unable to vote. Additionally, our members and other retirees sometimes
27 get ill or are unexpectedly hospitalized on election day and cannot vote. Because of these
28

1 and other circumstances, I expect that some of our members and other retirees were unable
2 to vote in the 2020 or 2022 elections.

3 7. It is also common for our members to be in the process of relocating to
4 assisted living facilities, moving to be closer to or to move in with family, or transitioning
5 into smaller homes for financial reasons. Many of our members also frequently travel out
6 of state to visit family or for personal travel.

7 8. For the reasons just described, our members and other retirees are at a
8 particularly acute risk of failing to receive a notice that is mailed by election officials to
9 inform them that their voter registration is subject to cancellation and being among those
10 who did not vote in two consecutive elections.

11 9. As a result, any related removal of voters from Arizona's rolls would
12 disproportionately impact the Alliance's members. Such removal programs could mean that
13 one of our members will be deregistered without their knowledge only to find out they
14 cannot vote when they try to cast a ballot, when it is too late to re-register.

15 10. If new voter removal programs are implemented, taking steps to ensure that
16 our members are and remain registered to vote in their jurisdictions and that any previously
17 registered, eligible members are able to re-register would become a priority for the Alliance.
18 If a voter purge occurs after the 2024 election, I expect it will require significant resources
19 to educate our members about the risks of erroneous removals, since voting and voter
20 registration will no longer be top of mind for them.

21 11. We would be forced to develop new materials, including creating entirely new
22 fact sheets, and to use tools such as social media, email, traditional mail, phone banking and
23 other means to ensure that our members are aware of the changes and associated risks.

24 12. The Alliance would also provide direct assistance to our members who will
25 come to us seeking assistance in understanding how to respond to a removal notice, and/or
26 navigating the re-registration process.

27 13. Having to take these steps would seriously undercut our mission. The
28 Alliance has very limited resources and is staffed by only a handful of volunteers, so

1 undertaking such actions to mitigate the impact of any voter purges would necessarily come
2 at a cost to our other critical activities, as described above.

3 14. Additionally, when the Alliance's members face obstacles to casting a ballot
4 and having their votes counted—like wrongful removals of our members from the rolls—it
5 is more difficult for the Alliance and its members to associate and effectively further their
6 shared policy goals in Arizona.

7 15. Removal of our members from the voter rolls, as well as redirecting our
8 limited resources to respond to such removals, will diminish both our members' ability to
9 vote for their preferred candidates and policies and frustrate the Alliance's ability to further
10 our organizational mission.

11
12 I declare under penalty of perjury that the foregoing is true and correct.

13
14 EXECUTED this 7th day of November, 2024.

15
16
17 By:

Dora Vasquez

Dora Vasquez

Executive Director

Alliance for Retired Americans

Exhibit C

RETRIEVED FROM DEMOCRACYDOCKET.COM

D. Andrew Gaona (028414)
Austin C. Yost (034602)
COPPERSMITH BROCKELMAN PLC
2800 North Central Avenue, Suite 1900
Phoenix, Arizona 85004
T: (602) 381-5486
agaona@cblawyers.com
ayost@cblawyers.com

Lalitha D. Madduri*
Christopher D. Dodge*
Omeed Alerasool*
James J. Pinchak*
Julie Zuckerbrod*
ELIAS LAW GROUP LLP
250 Massachusetts Ave NW, Suite 400
Washington, D.C. 20001
T: (202) 968-4330
lmadduri@elias.law
cdodge@elias.law
oalerasool@elias.law
jpinchak@elias.law
jzuckerbrod@elias.law

*Attorneys for Proposed Intervenor-Defendants
One Arizona and the Arizona Alliance for
Retired Americans*

**Pro Hac Vice Application Forthcoming*

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

1789 Foundation INC., d/b/a CITIZEN AG,
and Lindsey Graham,

Plaintiffs,

v.

Adrian Fontes, in his official capacity as
Secretary of State,

Defendant.

No. 24-CV-02987-SPL

**[PROPOSED] ANSWER TO
VERIFIED COMPLAINT AND
REQUEST FOR INJUNCTION**

1 Proposed Intervenor-Defendants One Arizona and the Arizona Alliance for Retired
2 Americans (together, “Proposed Intervenor”) answer Plaintiffs’ Verified Complaint and
3 Request for Injunction (“Complaint”) as follows:

4 **NATURE OF THE ACTION**

5 The Complaint contains an unnumbered introduction titled “Nature of the Action.”
6 It consists solely of legal argument, to which no response is required, as well as facts
7 asserted elsewhere in the Complaint, which Proposed Intervenor respond to below. To the
8 extent a response is required, the Proposed Intervenor incorporate by reference the below
9 paragraphs as their response, deny the allegations, and deny that Plaintiffs are entitled to
10 any relief.

11 **JURISDICTION AND VENUE**

12 1. Paragraph 1 contains legal contentions, characterizations, conclusions, and
13 opinions to which no response is required. To the extent a response is required, Proposed
14 Intervenor deny that this Court has subject-matter jurisdiction or the authority to grant
15 relief under the cited statutes.

16 2. Paragraph 2 contains legal contentions, characterizations, conclusions, and
17 opinions to which no response is required. To the extent a response is required, Proposed
18 Intervenor admit that Adrian Fontes “resides in this district.” Proposed Intervenor
19 otherwise lack sufficient knowledge or information to form a belief as to the truth or falsity
20 of the allegations in Paragraph 2 and therefore deny them.

21 3. Paragraph 3 contains legal contentions, characterizations, conclusions, and
22 opinions to which no response is required. To the extent a response is required, Proposed
23 Intervenor deny the allegations.

24 **PARTIES**

25 4. Proposed Intervenor incorporate by reference each of their preceding
26 admissions, denials, and statements as if fully set forth herein.

27 5. Proposed Intervenor lack sufficient knowledge or information to form a belief
28 as to the truth or falsity of the allegations in the first sentence of Paragraph 5 and therefore

1 deny them. The remainder of Paragraph 5 states a legal conclusion to which no response is
2 required. To the extent a response is required, Proposed Intervenor deny the allegations.

3 6. Proposed Intervenor lack sufficient knowledge or information to form a belief
4 as to the truth or falsity of the allegations in Paragraph 6 that “Plaintiff Lindsey Graham is
5 an Arizona resident, a Citizen AG member, and an active registered voter of Maricopa
6 County,” and therefore deny them. The remainder of Paragraph 6 states a legal conclusion
7 to which no response is required. To the extent a response is required, Proposed Intervenor
8 deny the allegations.

9 7. Proposed Intervenor admit that Adrian Fontes is the Arizona Secretary of
10 State and that he is sued in his official capacity. The remainder of Paragraph 7 contains
11 legal contentions, characterizations, conclusions, and opinions to which no response is
12 required. To the extent a response is required, Proposed Intervenor admit that the cited
13 statutes contain the quoted text and deny the remaining allegations in Paragraph 7.

14 **STATUTORY BACKGROUND**

15 8. Proposed Intervenor incorporate by reference each of their preceding
16 admissions, denials, and statements as if fully set forth herein.

17 9. Paragraph 9 contains legal contentions, characterizations, conclusions, and
18 opinions to which no response is required. To the extent a response is required, Proposed
19 Intervenor admit that the cited statute contains the quoted text and deny the remaining
20 allegations in Paragraph 9.

21 10. Paragraph 10 contains legal contentions, characterizations, conclusions, and
22 opinions to which no response is required. To the extent a response is required, Proposed
23 Intervenor deny the allegations.

24 11. Paragraph 11 contains legal contentions, characterizations, conclusions, and
25 opinions to which no response is required. To the extent a response is required, Proposed
26 Intervenor admit that the cited statute contains the quoted text and deny the remaining
27 allegations in Paragraph 11.

1 12. Paragraph 12 contains legal contentions, characterizations, conclusions, and
2 opinions to which no response is required. To the extent a response is required, Proposed
3 Intervenor admits that the cited case contains the quoted text and deny the remaining
4 allegations in Paragraph 12.

5 13. Paragraph 13 contains legal contentions, characterizations, conclusions, and
6 opinions to which no response is required. To the extent a response is required, Proposed
7 Intervenor denies the allegations.

8 14. Proposed Intervenor admits that November 9, 2022, is the day immediately
9 after the November 8, 2022, Midterm Election, and that the November 4, 2020, General
10 Election and the November 8, 2022, Midterm Election were consecutive federal elections.
11 The remainder of Paragraph 14 contains legal contentions, characterizations, conclusions,
12 and opinions to which no response is required. To the extent a response is required,
13 Proposed Intervenor lacks knowledge or information as to whether “confirmation notices
14 were sent to Arizona voters” as described in Paragraph 14, and therefore deny the allegation.
15 Proposed Intervenor denies the remaining allegations in Paragraph 14.

16 15. Paragraph 15 contains legal contentions, characterizations, conclusions, and
17 opinions to which no response is required. To the extent a response is required, Proposed
18 Intervenor denies the allegations.

19 16. Paragraph 16 contains legal contentions, characterizations, conclusions, and
20 opinions to which no response is required. To the extent a response is required, Proposed
21 Intervenor denies the allegations.

22 17. Admitted.

23 18. Paragraph 18 contains legal contentions, characterizations, conclusions, and
24 opinions to which no response is required. To the extent a response is required, Proposed
25 Intervenor admits that the cited statute contains the quoted text and deny the remaining
26 allegations in Paragraph 18.

27 19. Paragraph 19 contains legal contentions, characterizations, conclusions, and
28 opinions to which no response is required. To the extent a response is required, Proposed

Intervenors admit that the cited statute contains the quoted text and deny the remaining allegations in Paragraph 19.

20. Paragraph 20 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenors admit that the cited statute contains the quoted text and deny the remaining allegations in Paragraph 20.

21. Paragraph 21 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenors admit that the cited statute contains the quoted text and deny the remaining allegations in Paragraph 21.

22. Paragraph 22 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenors deny that Defendant has violated the National Voter Registration Act (“NVRA”) and deny the remaining allegations in Paragraph 22.

STATEMENT OF FACTS

23. Proposed Intervenors incorporate by reference each of their preceding admissions, denials, and statements as if fully set forth herein.

24. Paragraph 24 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenors deny the allegations.

25. Paragraph 25 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenors admit that the cited statute contains the quoted text and deny the remaining allegations in Paragraph 25.

26. Paragraph 26 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenors admit that the NVRA seeks to “protect the fundamental right to vote of those

1 who otherwise could potentially be removed improperly,” and deny the remaining
2 allegations in Paragraph 26.

3 27. Paragraph 27 contains legal contentions, characterizations, conclusions, and
4 opinions to which no response is required. To the extent a response is required, Proposed
5 Intervenor deny the allegations.

6 28. Paragraph 28 contains legal contentions, characterizations, conclusions, and
7 opinions to which no response is required. To the extent a response is required, Proposed
8 Intervenor deny the allegations.

9 29. Paragraph 29 contains legal contentions, characterizations, conclusions, and
10 opinions to which no response is required. To the extent a response is required, Proposed
11 Intervenor deny the allegations.

12 30. Paragraph 30 contains legal contentions, characterizations, conclusions, and
13 opinions to which no response is required. To the extent a response is required, Proposed
14 Intervenor admit that the cited statute contains the quoted text and deny the remaining
15 allegations in Paragraph 30.

16 31. Paragraph 31 contains legal contentions, characterizations, conclusions, and
17 opinions to which no response is required. To the extent a response is required, Proposed
18 Intervenor deny the allegations.

19 32. Paragraph 32 contains legal contentions, characterizations, conclusions, and
20 opinions to which no response is required. To the extent a response is required, Proposed
21 Intervenor admit that the cited case contains the quoted text and deny the remaining
22 allegations in Paragraph 32.

23 33. Proposed Intervenor admit the EAC is an independent federal agency.
24 Proposed Intervenor lack sufficient knowledge or information to form a belief as to the
25 truth or falsity of the remaining allegations in Paragraph 33 and therefore deny them.

26 34. Proposed Intervenor admit the EAC has conducted the Election
27 Administration and Voting Survey (“EAVS”) since 2004. Proposed Intervenor lack
28

1 sufficient knowledge or information to form a belief as to the truth or falsity of the
2 remaining allegations in Paragraph 34 and therefore deny them.

3 35. Admitted.

4 36. Proposed Intervenorors admit the EAVS is sent to the chief election official of
5 each state. Proposed Intervenorors lack sufficient knowledge or information to form a belief
6 as to the truth or falsity of the remaining allegations in Paragraph 36 and therefore deny
7 them.

8 37. Proposed Intervenorors lack sufficient knowledge or information to form a belief
9 as to the truth or falsity of the allegations in Paragraph 37 and therefore deny them.

10 38. The cited document speaks for itself. To the extent a response is required,
11 Proposed Intervenorors admit that the most recent EAVS report was published in June 2023.
12 Proposed Intervenorors otherwise lack sufficient knowledge or information to form a belief
13 as to the truth or falsity of the allegations in Paragraph 38 and therefore deny them.

14 39. The cited document speaks for itself. To the extent a response is required,
15 Proposed Intervenorors admit that the second most recent EAVS report was published in
16 August 2021. Proposed Intervenorors otherwise lack sufficient knowledge or information to
17 form a belief as to the truth or falsity of the allegations in Paragraph 39 and therefore deny
18 them.

19 40. The cited documents speak for themselves. To the extent a response is
20 required, Proposed Intervenorors lack sufficient knowledge or information to form a belief as
21 to the truth or falsity of the allegations in Paragraph 40 and therefore deny them.

22 41. The cited document speaks for itself. To the extent a response is required,
23 Proposed Intervenorors lack sufficient knowledge or information to form a belief as to the
24 truth or falsity of the allegations in Paragraph 41 and therefore deny them.

25 42. The cited documents speak for themselves. Further, Paragraph 42 also contains
26 legal contentions, characterizations, conclusions, and opinions to which no response is
27 required. To the extent a response is required, Proposed Intervenorors lack sufficient
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1 knowledge or information to form a belief as to the truth or falsity of the allegations in
2 Paragraph 42 and therefore deny them.

3 43. Proposed Intervenorors admit that Katie Hobbs served as Arizona Secretary of
4 State from January 7, 2019, through January 2, 2023. Further, the cited document speaks
5 for itself. To the extent a response is required, Proposed Intervenorors lack sufficient
6 knowledge or information to form a belief as to the truth or falsity of the remaining
7 allegations in Paragraph 43 and therefore deny them.

8 44. Proposed Intervenorors lack sufficient knowledge or information to form a belief
9 as to the truth or falsity of the allegations in Paragraph 44 and therefore deny them.

10 45. Paragraph 45 contains legal contentions, characterizations, conclusions, and
11 opinions to which no response is required. To the extent a response is required, Proposed
12 Intervenorors lack sufficient knowledge or information to form a belief as to the truth or falsity
13 of the allegations in Paragraph 45 and therefore deny them.

14 46. The cited document speaks for itself. To the extent a response is required,
15 Proposed Intervenorors lack sufficient knowledge or information to form a belief as to the
16 truth or falsity of the allegations in Paragraph 46 and therefore deny them.

17 47. Paragraph 47 contains legal contentions, characterizations, conclusions, and
18 opinions to which no response is required. To the extent a response is required, Proposed
19 Intervenorors lack sufficient knowledge or information to form a belief as to the truth or falsity
20 of the allegations in Paragraph 47 and therefore deny them.

21 48. Proposed Intervenorors lack sufficient knowledge or information to form a belief
22 as to the truth or falsity of the allegations in Paragraph 48 and therefore deny them.

23 49. Paragraph 49 contains legal contentions, characterizations, conclusions, and
24 opinions to which no response is required. To the extent a response is required, Proposed
25 Intervenorors deny the allegations.

26 50. Paragraph 50 contains legal contentions, characterizations, conclusions, and
27 opinions to which no response is required. To the extent a response is required, Proposed
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1 Intervenor lack sufficient knowledge or information to form a belief as to the truth or falsity
2 of the allegations in Paragraph 50 and therefore deny them.

3 51. Paragraph 51 contains legal contentions, characterizations, conclusions, and
4 opinions to which no response is required. To the extent a response is required, Proposed
5 Intervenor admit that Exhibit 4 to Plaintiffs' declaration purports to request records
6 reflecting "the total number of voters who were sent confirmation notices between
7 November 7, 2018 and November 3, 2020 who did not respond to the notice but voted on
8 November 3, 2020" or "November 8, 2022." Proposed Intervenor otherwise deny the
9 remaining allegations in Paragraph 51.

10 52. The cited document speaks for itself. Further, Paragraph 52 contains legal
11 contentions, characterizations, conclusions, and opinions to which no response is required.
12 To the extent a response is required, Proposed Intervenor admit that Exhibit 4 to Plaintiffs'
13 declaration purports to request "specific information and records." Proposed Intervenor
14 otherwise lack sufficient knowledge or information to form a belief as to the truth or falsity
15 of the allegations in Paragraph 52 and therefore deny them.

16 53. Paragraph 53 contains legal contentions, characterizations, conclusions, and
17 opinions to which no response is required. To the extent a response is required, Proposed
18 Intervenor admit that Exhibit 4 to Plaintiffs' declaration purports to request records
19 reflecting "the total number of voters who were sent confirmation notices between
20 November 7, 2018 and November 3, 2020 who did not respond to the notice but voted on
21 November 3, 2020" or "November 8, 2022." Further, Proposed Intervenor admit that the
22 cited case contains the quoted text. Proposed Intervenor otherwise deny the remaining
23 allegations in Paragraph 53.

24 54. The document cited in Paragraph 54 speaks for itself. To the extent a response
25 is required, Proposed Intervenor admit that Exhibit 5 to Plaintiffs' declaration purports to
26 state that "the Secretary of State's Office does not have any records responsive to your
27 request. However, the individual counties may have the information you seek to obtain."
28

1 Proposed Intervenor otherwise lack sufficient knowledge or information to form a belief
2 as to the truth or falsity of the allegations in Paragraph 54 and therefore deny them.

3 55. The document cited in Paragraph 55 speaks for itself. To the extent a response
4 is required, Proposed Intervenor lack sufficient knowledge or information to form a belief
5 as to the truth or falsity of the allegations in Paragraph 55 and therefore deny them.

6 56. Proposed Intervenor deny the allegation in Paragraph 56.

7 57. Proposed Intervenor deny the allegation in Paragraph 57.

8 58. Paragraph 58 contains no new allegations. Proposed Intervenor incorporate
9 by reference each of their preceding admissions, denials, and statements as if fully set forth
10 herein.

11 59. Proposed Intervenor lack sufficient knowledge or information to form a belief
12 as to the truth or falsity of the allegations in Paragraph 59 and therefore deny them.

13 60. Proposed Intervenor lack sufficient knowledge or information to form a belief
14 as to the truth or falsity of the allegations in Paragraph 60 and therefore deny them.

15 61. Proposed Intervenor lack sufficient knowledge or information to form a belief
16 as to the truth or falsity of the allegations in Paragraph 61 and therefore deny them.

17 62. Proposed Intervenor deny the allegations in Paragraph 62.

18 63. Paragraph 63 contains legal contentions, characterizations, conclusions, and
19 opinions to which no response is required. To the extent a response is required, Proposed
20 Intervenor lack sufficient knowledge or information to form a belief as to the truth or falsity
21 of the allegations in Paragraph 63 and therefore deny them.

22 64. Paragraph 64 contains legal contentions, characterizations, conclusions, and
23 opinions to which no response is required. To the extent a response is required, Proposed
24 Intervenor deny the allegations.

25 65. Proposed Intervenor lack sufficient knowledge or information to form a belief
26 as to the truth or falsity of the allegations in Paragraph 65 and therefore deny them.

27 66. Proposed Intervenor lack sufficient knowledge or information to form a belief
28 as to the truth or falsity of the allegations in Paragraph 66 and therefore deny them.

71. Paragraph 71 contains no new allegations. Proposed Intervenor incorporate
by reference each of their preceding admissions, denials, and statements as if fully set forth
herein.

72. The document cited in Paragraph 72 speaks for itself. Further, Paragraph 72 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor admits that Exhibit 4 to Plaintiffs' declaration purports to request "specific information and records." Proposed Intervenor otherwise lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in Paragraph 72 and therefore denies them.

73. Paragraph 73 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor's admit that Exhibit 4 to Plaintiffs' declaration purports to request records reflecting "the total number of voters who were sent confirmation notices between November 7, 2018 and November 3, 2020 who did not respond to the notice but voted on

1 November 3, 2020” or “November 8, 2022.” Proposed Intervenor otherwise deny the
2 remaining allegations in Paragraph 73.

3 74. The document cited in Paragraph 74 speaks for itself. To the extent a response
4 is required, Proposed Intervenor admit that Exhibit 5 to Plaintiffs’ declaration purports to
5 state that “the Secretary of State’s Office does not have any records responsive to your
6 request. However, the individual counties may have the information you seek to obtain.”
7 Proposed Intervenor otherwise lack sufficient knowledge or information to form a belief
8 as to the truth or falsity of the allegations in Paragraph 74 and therefore deny them.

9 75. Paragraph 75 contains legal contentions, characterizations, conclusions, and
10 opinions to which no response is required. To the extent a response is required, Proposed
11 Intervenor deny the allegations.

12 76. Paragraph 76 contains legal contentions, characterizations, conclusions, and
13 opinions to which no response is required. To the extent a response is required, Proposed
14 Intervenor admit that “[t]he 2022 Midterm Election took place on November 8, 2022.”
15 Proposed Intervenor otherwise deny the remaining allegations in Paragraph 76.

16 77. Paragraph 77 contains legal contentions, characterizations, conclusions, and
17 opinions to which no response is required. To the extent a response is required, Proposed
18 Intervenor admit that Exhibit 4 to Plaintiffs’ declaration purports to request records
19 reflecting “the total number of voters who were sent confirmation notices between
20 November 7, 2018 and November 3, 2020 who did not respond to the notice and did not
21 vote on November 3, 2020, but did vote on November 8, 2022.” Proposed Intervenor
22 otherwise deny the remaining allegations in Paragraph 77.

23 78. Paragraph 78 contains legal contentions, characterizations, conclusions, and
24 opinions to which no response is required. To the extent a response is required, Proposed
25 Intervenor deny the allegations.

26 79. Paragraph 79 contains legal contentions, characterizations, conclusions, and
27 opinions to which no response is required. To the extent a response is required, Proposed
28 Intervenor deny the allegations.

1 80. Paragraph 80 contains legal contentions, characterizations, conclusions, and
2 opinions to which no response is required. To the extent a response is required, Proposed
3 Intervenor deny the allegations.

4 81. Paragraph 81 contains legal contentions, characterizations, conclusions, and
5 opinions to which no response is required. To the extent a response is required, Proposed
6 Intervenor deny the allegations.

7 82. Proposed Intervenor deny the allegations in Paragraph 82.

8 83. Proposed Intervenor deny the allegations in Paragraph 83.

9 84. Proposed Intervenor deny that Defendant has violated the NVRA. Proposed
10 Intervenor lack sufficient knowledge or information to form a belief as to the truth or falsity
11 of the remaining allegations in Paragraph 84 and therefore deny them.

12 85. Proposed Intervenor deny the allegations in Paragraph 85.

13 86. Proposed Intervenor deny the allegation in Paragraph 86.

14 87. Proposed Intervenor deny the allegation in Paragraph 87.

15 **SECOND CLAIM FOR RELIEF**

16 88. Paragraph 88 contains no new allegations. Proposed Intervenor incorporate
17 by reference each of their preceding admissions, denials, and statements as if fully set forth
18 herein.

19 89. The document cited in Paragraph 89 speaks for itself. To the extent a response
20 is required, Proposed Intervenor admit that Exhibit 5 to Plaintiffs' declaration purports to
21 state that "the Secretary of State's Office does not have any records responsive to your
22 request. However, the individual counties may have the information you seek to obtain."
23 Proposed Intervenor otherwise lack sufficient knowledge or information to form a belief
24 as to the truth or falsity of the allegations in Paragraph 89 and therefore deny them.

25 90. Proposed Intervenor deny the allegation in Paragraph 90.

26 91. Proposed Intervenor deny the allegation in Paragraph 91.

THIRD CLAIM FOR RELIEF¹

92. Paragraph 92 contains no new allegations. Proposed Intervenor incorporate by reference each of their preceding admissions, denials, and statements as if fully set forth herein.

93. Paragraph 93 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

94. Paragraph 94 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor admit that the cited statute contains the quoted text and deny the remaining allegations in Paragraph 94.

95. Paragraph 95 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor admit that the cited statute contains the quoted text and deny the remaining allegations in Paragraph 95.

96. Paragraph 96 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor admit that the cited statute contains the quoted text and deny the remaining allegations in Paragraph 96.

97. Paragraph 97 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

98. Proposed Intervenor lack sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in Paragraph 98 and therefore deny them.

99. Proposed Intervenor lack sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in Paragraph 99 and therefore deny them.

¹ Footnote 7 of the Complaint contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

1 100. Proposed Intervenor lack sufficient knowledge or information to form a belief
2 as to the truth or falsity of the allegations in Paragraph 100 and therefore deny them.

3 101. Paragraph 101 contains legal contentions, characterizations, conclusions, and
4 opinions to which no response is required. To the extent a response is required, Proposed
5 Intervenor lack sufficient knowledge or information to form a belief as to the truth or falsity
6 of the allegations in Paragraph 101 and therefore deny them.

7 102. Proposed Intervenor lack sufficient knowledge or information to form a belief
8 as to the truth or falsity of the allegations in Paragraph 102 and therefore deny them.

9 103. Paragraph 103 contains legal contentions, characterizations, conclusions, and
10 opinions to which no response is required. To the extent a response is required, Proposed
11 Intervenor deny the allegations.

12 104. Proposed Intervenor lack sufficient knowledge or information to form a belief
13 as to the truth or falsity of the allegations in Paragraph 104 and therefore deny them.

14 105. Paragraph 105 contains legal contentions, characterizations, conclusions, and
15 opinions to which no response is required. To the extent a response is required, Proposed
16 Intervenor deny the allegations.

17 106. Proposed Intervenor lack sufficient knowledge or information to form a belief
18 as to the truth or falsity of the allegations in Paragraph 106 and therefore deny them.

19 107. Paragraph 107 contains legal contentions, characterizations, conclusions, and
20 opinions to which no response is required. To the extent a response is required, Proposed
21 Intervenor lack sufficient knowledge or information to form a belief as to the truth or falsity
22 of the allegations in Paragraph 107 and therefore deny them.

23 108. Proposed Intervenor lack sufficient knowledge or information to form a belief
24 as to the truth or falsity of the allegations in Paragraph 108 and therefore deny them.

25 109. Proposed Intervenor lack sufficient knowledge or information to form a belief
26 as to the truth or falsity of the allegations in Paragraph 109 and therefore deny them.

27 110. Proposed Intervenor lack sufficient knowledge or information to form a belief
28 as to the truth or falsity of the allegations in Paragraph 110 and therefore deny them.

111. Proposed Intervenor lack sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in Paragraph 111 and therefore deny them.

112. Paragraph 112 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

113. Paragraph 113 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

114. Paragraph 114 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

115. Proposed Intervenor deny the allegations in Paragraph 115.

PRAYER FOR RELIEF

Proposed Intervenor deny that Plaintiffs are entitled to any relief.

GENERAL DENIAL

Proposed Intervenor deny every allegation in Plaintiffs' Complaint that is not expressly admitted herein.

AFFIRMATIVE DEFENSES

1. Plaintiffs' claims are barred because Plaintiffs lack Article III standing.
2. Plaintiffs' claims are barred because they seek relief inconsistent with federal and state law.
3. Plaintiffs' claims are equitably barred, including (but not limited to) because of laches.
4. Plaintiffs' claims are barred because Plaintiffs failed to issue proper NVRA notice.
5. Plaintiffs have waived the right to bring some or all of their claims.
6. Proposed Intervenor reserve the right to amend this Answer at a later time.

1 WHEREFORE, having fully answered Plaintiffs' Complaint, Proposed Intervenor
2 pray for judgment as follows:

3 A. That the Court dismiss Plaintiffs' Complaint;

4 B. That judgment be entered in favor of Proposed Intervenor and against
5 Plaintiffs on Plaintiffs' Complaint and that Plaintiffs take nothing thereby;

6 C. That Proposed Intervenor be awarded reasonable attorneys' fees and costs
7 under any applicable statute or equitable doctrine; and

8 D. For such other and further relief as the Court deems appropriate.

9 RESPECTFULLY SUBMITTED this 11th day of November, 2024.

10 **COPPERSMITH BROCKELMAN PLC**

11 By: /s/ D. Andrew Gaona

12 D. Andrew Gaona (028414)

13 Austin C. Yost (034602)

14 **ELIAS LAW GROUP, LLP**

15 Lalitha D. Madduri*

16 Christopher D. Dodge*

17 Omeed Alerasool*

18 James J. Pinchak*

19 Julie Zuckerbrod*

20 *Attorneys for Proposed Intervenor-Defendants*
21 *One Arizona and the Arizona Alliance for*
22 *Retired Americans*

23 **Pro Hac Vice Application Forthcoming*
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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

1789 Foundation Inc., d/b/a Citizen AG, and
Lindsey Graham,

Plaintiffs,

v.

Adrian Fontes, in his official capacity as
Secretary of State,

Defendant.

No. CV-24-02987-PHX-SPL

**[PROPOSED] ORDER GRANTING
ARIZONA ALLIANCE FOR
RETIRED AMERICANS AND ONE
ARIZONA'S MOTION TO
INTERVENE AS DEFENDANTS**

Proposed Intervenor Arizona Alliance for Retired Americans and One Arizona moved to intervene as defendants in the above captioned matter. Having considered the parties' motion, the Court finds that Arizona Alliance for Retired Americans and One Arizona have demonstrated a right to intervene under Federal Rule of Civil Procedure 24(a)(2). Good cause thus appearing, the Court hereby **GRANTS** the motion and orders as follows:

It is **HEREBY ORDERED** that Arizona Alliance for Retired and One Arizona's Motion to Intervene is **GRANTED**.

IT IS SO ORDERED.