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15
16 **UNITED STATES DISTRICT COURT**
17 **DISTRICT OF ARIZONA**

18 Mi Familia Vota, et al.,) No. 2:22-cv-00509-SRB
19)
Plaintiffs,)
20) **DEFENDANT SECRETARY OF**
v.) **STATE KATIE HOBBS’ ANSWER**
21) **TO LUCHA PLAINTIFFS’ FIRST**
Katie Hobbs, in her official capacity as) **AMENDED COMPLAINT**
22 Arizona Secretary of State, et al.,)
23 Defendants.)

1 Living United for Change in Arizona, et al.,)
2)
3 Plaintiffs,)
4)
5 v.)
6)
7 Katie Hobbs, in her official capacity as)
8 Arizona Secretary of State, et al.,)
9 Defendants.)

10 Poder Latinx, et al.,)
11)
12 Plaintiffs,)
13)
14 v.)
15)
16 Katie Hobbs, in her official capacity as)
17 Arizona Secretary of State, et al.,)
18 Defendants.)

19 United States of America,)
20)
21 Plaintiff,)
22)
23 v.)
24)
25 Katie Hobbs, in her official capacity as)
26 Arizona Secretary of State, et al.,)
Defendants.)

Democratic National Committee, et al.,)
Plaintiffs,)
v.)
Katie Hobbs, in her official capacity as)
Arizona Secretary of State, et al.,)
Defendants.)

1 Defendant Katie Hobbs, in her official capacity as Arizona Secretary of State
2 (“Secretary”) answers Plaintiffs Living United for Change in Arizona, League of United Latin
3 American Citizens, Arizona Students’ Association, ADRC Action, Inter Tribal Council of
4 Arizona, Inc., the San Carlos Apache Tribe, and the Arizona Coalition for Change
5 (“Plaintiffs”) First Amended Complaint [Doc. 67] (“FAC”) as follows:

6 **LUCHA PLAINTIFFS’ FIRST AMENDED COMPLAINT**

7 1. Responding to Paragraph 1 of the FAC, the Secretary admits that in 2022 the
8 Arizona Legislature enacted and Governor Doug Ducey of Arizona signed into law two bills,
9 House Bill 2492 (“HB 2492”) and House Bill 2243 (“HB 2243”), and lacks knowledge or
10 information sufficient to form a belief about the truth of the remaining allegations in Paragraph
11 1.

12 2. The Secretary lacks knowledge or information sufficient to form a belief about
13 the truth of the allegations in Paragraph 2.

14 3. Responding to Paragraph 3 of the FAC, the Secretary admits that under HB 2492,
15 a registration application on which an applicant fails to check a citizenship box is incomplete;
16 applicants must provide their place of birth on their state application form; and differing rules
17 apply depending on whether the applicant uses a state versus a federal voter registration form.
18 The Secretary lacks knowledge or information sufficient to form a belief about the truth of the
19 remaining allegations in Paragraph 3.

20 4. Responding to Paragraph 4 of the FAC, the Secretary admits that HB 2492 will
21 prohibit voters who have not provided documentary proof of citizenship from receiving an
22 early ballot by mail, and lacks knowledge or information sufficient to form a belief about the
23 truth of the remaining allegations in Paragraph 4.

24 5. Responding to Paragraph 5 of the FAC, the Secretary admits that HB 2492 will
25 prohibit voters who have not provided documentary proof of citizenship from voting for
26 electors for the office of President of the United States, and lacks knowledge or information

1 sufficient to form a belief about the truth of the remaining allegations in Paragraph 5.

2 6. The Secretary lacks knowledge or information sufficient to form a belief about
3 the truth of the allegations in Paragraph 6.

4 7. The Secretary lacks knowledge or information sufficient to form a belief about
5 the truth of the allegations in Paragraph 7.

6 8. Responding to Paragraph 8 of the FAC, the Secretary admits that HB 2492 and
7 HB 2243 impose new requirements to register and vote; that HB 2492 and HB 2243 will require
8 election officials to reject voter registration applications or cancel voter registrations based on
9 certain citizenship information derived from potentially outdated and unreliable sources; that
10 HB 2492 and HB 2243 may subject eligible voters to potential criminal investigation or
11 prosecution by the Attorney General; and that a person's place of birth has no bearing on their
12 eligibility to vote. The Secretary lacks knowledge or information sufficient to form a belief
13 about the truth of the remaining allegations in Paragraph 8.

14 9. Responding to Paragraph 9 of the FAC, the Secretary admits that Plaintiffs bring
15 a complaint for declaratory and injunctive relief alleging various violations of federal law.

16 **JURISDICTION AND VENUE**

17 10. The Secretary admits the allegations in Paragraph 10.

18 11. The Secretary admits the allegations in Paragraph 11.

19 12. The Secretary admits the allegations in Paragraph 12.

20 13. The Secretary lacks knowledge or information sufficient to form a belief about
21 the truth of the allegations in Paragraph 13.

22 14. The Secretary admits the allegations in Paragraph 14.

23 15. The Secretary admits the allegations in Paragraph 15.

24 **FACTUAL AND LEGAL BACKGROUND**

25 16. The Secretary admits the allegations in Paragraph 16.

26 17. The Secretary admits the allegations in Paragraph 17.

1 18. The Secretary admits the allegations in Paragraph 18.

2 19. Responding to Paragraph 19 of the FAC, the Secretary admits that certain of HB
3 2243's provisions will become effective September 24, 2022; however, the Secretary has
4 consistently taken the position that Section 2 of HB 2243 (amending A.R.S. § 16-165 as
5 amended by HB 2492) cannot take effect until January 1, 2023.

6 20. Responding to Paragraph 20 of the FAC, the Secretary admits that, in her view
7 as the Chief Election Officer for the State of Arizona, HB 2492 conflicts with the NVRA by
8 requiring that eligible Arizona voters, with narrow exceptions for qualified individuals
9 temporarily absent from the State, provide documentary proof of residence ("DPOR") to
10 register to vote in any election. The Secretary lacks knowledge or information sufficient to
11 form a belief about the truth of the remaining allegations in Paragraph 20.

12 21. The Secretary admits the allegations in Paragraph 21.

13 22. The Secretary admits the allegations in Paragraph 22.

14 23. The Secretary admits the allegations in Paragraph 23.

15 24. The Secretary lacks knowledge or information sufficient to form a belief about
16 the truth of the allegations in Paragraph 24.

17 25. The Secretary lacks knowledge or information sufficient to form a belief about
18 the truth of the allegations in Paragraph 25.

19 26. The Secretary lacks knowledge or information sufficient to form a belief about
20 the truth of the allegations in Paragraph 26.

21 27. The Secretary admits the allegations in Paragraph 27.

22 28. The Secretary admits the allegations in Paragraph 28.

23 29. The Secretary lacks knowledge or information sufficient to form a belief about
24 the truth of the allegations in Paragraph 29.

25 30. The Secretary lacks knowledge or information sufficient to form a belief about
26 the truth of the allegations in Paragraph 30.

1 31. The Secretary lacks knowledge or information sufficient to form a belief about
2 the truth of the allegations in Paragraph 31.

3 32. The Secretary lacks knowledge or information sufficient to form a belief about
4 the truth of the allegations in Paragraph 32.

5 33. The Secretary lacks knowledge or information sufficient to form a belief about
6 the truth of the allegations in Paragraph 33.

7 34. The Secretary lacks knowledge or information sufficient to form a belief about
8 the truth of the allegations in Paragraph 34.

9 35. The Secretary lacks knowledge or information sufficient to form a belief about
10 the truth of the allegations in Paragraph 35.

11 36. The Secretary lacks knowledge or information sufficient to form a belief about
12 the truth of the allegations in Paragraph 36.

13 37. The Secretary lacks knowledge or information sufficient to form a belief about
14 the truth of the allegations in Paragraph 37.

15 38. The Secretary lacks knowledge or information sufficient to form a belief about
16 the truth of the allegations in Paragraph 38.

17 39. The Secretary admits the allegations in Paragraph 39.

18 40. The Secretary admits the allegations in Paragraph 40.

19 41. The Secretary admits the allegations in Paragraph 41.

20 42. The Secretary lacks knowledge or information sufficient to form a belief about
21 the truth of the allegations in Paragraph 42.

22 43. The Secretary lacks knowledge or information sufficient to form a belief about
23 the truth of the allegations in Paragraph 43.

24 44. The Secretary lacks knowledge or information sufficient to form a belief about
25 the truth of the allegations in Paragraph 44.

26 45. The Secretary admits the allegations in Paragraph 45.

1 46. The Secretary admits the allegations in Paragraph 46.

2 47. The Secretary admits the allegations in Paragraph 47.

3 48. Responding to Paragraph 48, the Secretary admits that the NVRA preempts any
4 attempt by states to impose additional requirements to prove citizenship, residence, or any
5 other qualification above and beyond those provided by the Federal Form to register to vote
6 using the Federal Form. The Secretary lacks knowledge or information sufficient to form a
7 belief about the truth of the remaining allegations in Paragraph 48.

8 49. Responding to Paragraph 49, the Secretary admits that, in her view as the Chief
9 Election Officer for the State of Arizona, HB 2492’s DPOR requirement, which prohibits
10 county election officials from registering otherwise eligible voters—including those who
11 submitted a completed Federal Form—unless they provide DPOR, conflicts with the National
12 Voter Registration Act and *Arizona v. Inter Tribal Council of Arizona*, 570 U.S. 1, 18 (2013).
13 The Secretary lacks knowledge or information sufficient to form a belief about the truth of the
14 remaining allegations in Paragraph 49.

15 50. The Secretary admits the allegations in Paragraph 50.

16 51. The Secretary admits the allegations in Paragraph 51.

17 52. The Secretary lacks knowledge or information sufficient to form a belief about
18 the truth of the allegations in Paragraph 52.

19 53. The Secretary admits the allegations in Paragraph 53.

20 54. Responding to Paragraph 54 of the FAC, the Secretary admits that the Arizona
21 Motor Vehicle Division implements applicable provisions of the NVRA, and lacks knowledge
22 or information sufficient to form a belief about the truth of the remaining allegations in
23 Paragraph 54.

24 55. The Secretary admits the allegations in Paragraph 55.

25 56. The Secretary admits the allegations in Paragraph 56.

26 57. The Secretary admits the allegations in Paragraph 57.

1 58. The Secretary lacks knowledge or information sufficient to form a belief about
2 the truth of the allegations in Paragraph 58.

3 59. The Secretary lacks knowledge or information sufficient to form a belief about
4 the truth of the allegations in Paragraph 59.

5 60. The Secretary lacks knowledge or information sufficient to form a belief about
6 the truth of the allegations in Paragraph 60.

7 61. Responding to Paragraph 61, the Secretary admits that a voter’s place of birth is
8 immaterial to their qualifications to register and vote and, therefore, in her view as the Chief
9 Election Officer for the State of Arizona, the Birthplace Requirement conflicts with the Civil
10 Rights Act of 1964, 52 U.S.C. § 10101(a)(2)(B).

11 62. The Secretary lacks knowledge or information sufficient to form a belief about
12 the truth of the allegations in Paragraph 62.

13 63. Responding to Paragraph 63 of the FAC, the Secretary admits the allegations in
14 the first sentence. Responding to the allegations in the in the last sentence, the Secretary admits
15 that HB 2492 provides that an application that does not include a checkmark in the “yes” box
16 on the citizenship question is incomplete, and the county recorder must notify the applicant
17 and cannot register the applicant until the application is complete.

18 64. The Secretary admits the allegations in Paragraph 64.

19 65. The Secretary admits the allegations in Paragraph 65.

20 66. The Secretary admits the allegations in Paragraph 66.

21 67. Responding to Paragraph 67 of the FAC, the Secretary admits that a person’s
22 ability to check a box is immaterial to determining whether an individual is eligible to vote in
23 Arizona, where election officials already have adequate evidence of the applicant’s citizenship,
24 and therefore, in her view as the Chief Election Officer for the State of Arizona, the Checkmark
25 Requirement conflicts with the Civil Rights Act of 1964, 52 U.S.C. § 10101(a)(2)(B), by
26 denying the right to register to vote to eligible Arizonans who accidentally omit the checkmark

1 from their voter registration application, where election officials already have adequate
2 evidence of the applicant's citizenship. The Secretary lacks knowledge or information
3 sufficient to form a belief about the truth of the remaining allegations in Paragraph 67.

4 68. Responding to Paragraph 68, the Secretary admits that, in her view as the Chief
5 Election Officer for the State of Arizona, the challenged provisions of HB 2492 conflict with
6 the NVRA and *Arizona v. Inter Tribal Council of Arizona*, 570 U.S. 1, 18 (2013) by requiring
7 documentary proof of U.S. citizenship ("DPOC") to register and vote in federal races using the
8 Federal Form. The Secretary lacks knowledge or information sufficient to form a belief about
9 the truth of the remaining allegations in Paragraph 68.

10 69. The Secretary lacks knowledge or information sufficient to form a belief about
11 the truth of the allegations in Paragraph 69.

12 70. The Secretary lacks knowledge or information sufficient to form a belief about
13 the truth of the allegations in Paragraph 70.

14 71. The Secretary lacks knowledge or information sufficient to form a belief about
15 the truth of the allegations in Paragraph 71.

16 72. Responding to Paragraph 72 of the FAC, the Secretary admits that HB 2492's
17 proof of citizenship requirements will deny otherwise eligible citizens who lack documentary
18 proof of citizenship the ability to register and to vote in presidential elections and the ability
19 receive an early ballot by mail. The Secretary lacks knowledge or information sufficient to
20 form a belief about the truth of the remaining allegations in Paragraph 72.

21 73. The Secretary lacks knowledge or information sufficient to form a belief about
22 the truth of the allegations in Paragraph 73.

23 74. The Secretary admits the allegations in Paragraph 74.

24 75. The Secretary admits the allegations in Paragraph 75.

25 76. The Secretary admits the allegations in Paragraph 76.

26 77. The Secretary admits the allegations in Paragraph 77.

1 78. The Secretary lacks knowledge or information sufficient to form a belief about
2 the truth of the allegations in Paragraph 78.

3 79. The Secretary admits the allegations in Paragraph 79.

4 80. The Secretary admits the allegations in Paragraph 80.

5 81. Responding to Paragraph 81 of the FAC, the Secretary admits that prior to the
6 lawsuit filed in *LULAC v. Reagan*, No. 2:17-cv-04102-DGC (D. Ariz.), certain of Arizona's
7 counties did not register voters in any elections if the voter submitted a state form without
8 proof of citizenship. The Secretary lacks knowledge or information sufficient to form a belief
9 about the truth of the remaining allegations in Paragraph 81.

10 82. The Secretary admits the allegations in Paragraph 82.

11 83. The Secretary admits the allegations in Paragraph 83.

12 84. The Secretary admits the allegations in Paragraph 84.

13 85. The Secretary admits the allegations in Paragraph 85.

14 86. The Secretary admits the allegations in Paragraph 86.

15 87. The Secretary admits the allegations in Paragraph 87.

16 88. The Secretary admits the allegations in Paragraph 88.

17 89. The Secretary admits the allegations in Paragraph 89.

18 90. Responding to Paragraph 90 of the FAC, the Secretary admits that HB 2492's
19 distinction between the Federal Form and the State Form is arbitrary and requires the Secretary
20 to violate a federal consent decree. The Secretary lacks knowledge or information sufficient to
21 form a belief about the truth of the remaining allegations in Paragraph 90.

22 91. Responding to Paragraph 91 of the FAC, the Secretary admits that HB 2492 does
23 not state that rejected state form applicants must be advised of the federal form option. The
24 Secretary also admits that under the order in *Gonzalez v. Arizona*, No. 06-cv-1268, 2013 WL
25 7767705, at *1 (D. Ariz. Sept. 11, 2013), the Secretary and county recorders must make the
26 federal form and instructions available through all reasonable channels, including all channels

1 they use to make the state registration form available, and must ensure that all written materials
2 regarding the process for registering to vote include a statement that individuals may apply to
3 register to vote in elections for federal offices using the federal form, and that, in using the
4 federal form, applicants are not required to provide documentary proof of citizenship. The
5 Secretary lacks knowledge or information sufficient to form a belief about the truth of the
6 remaining allegations in Paragraph 91.

7 92. The Secretary lacks knowledge or information sufficient to form a belief about
8 the truth of the allegations in Paragraph 92.

9 93. The Secretary admits the allegations in Paragraph 93.

10 94. Responding to Paragraph 94 of the FAC, the Secretary admits that federal only
11 voters are entitled to vote in congressional and presidential elections and to vote by mail if they
12 have signed up to do so. The Secretary lacks knowledge or information sufficient to form a
13 belief about the truth of the remaining allegations in Paragraph 94.

14 95. The Secretary lacks knowledge or information sufficient to form a belief about
15 the truth of the allegations in Paragraph 95.

16 96. Responding to Paragraph 96 of the FAC, the Secretary admits that HB 2492 will
17 prohibit otherwise eligible voters who do not provide proof of citizenship from receiving an
18 early ballot by mail and that Arizona has allowed all registered voters to vote by mail for any
19 reason since 1991. The Secretary lacks knowledge or information sufficient to form a belief
20 about the truth of the remaining allegations in Paragraph 96.

21 97. Responding to Paragraph 97 of the FAC, the Secretary admits that HB 2492 will
22 prohibit otherwise eligible voters who do not provide proof of citizenship from voting in
23 presidential elections. The Secretary lacks knowledge or information sufficient to form a belief
24 about the truth of the remaining allegations in Paragraph 97.

25 98. The Secretary lacks knowledge or information sufficient to form a belief about
26 the truth of the allegations in Paragraph 98.

1 99. The Secretary lacks knowledge or information sufficient to form a belief about
2 the truth of the remaining allegations in Paragraph 99.

3 100. Responding to Paragraph 100 of the FAC, the Secretary admits that HB 2492
4 will require election officials to reject voter registration applications based on certain
5 citizenship information derived from potentially outdated and unreliable sources. The
6 Secretary lacks knowledge or information sufficient to form a belief about the truth of the
7 remaining allegations in Paragraph 100.

8 101. Responding to Paragraph 101 of the FAC, the Secretary admits that HB 2492
9 provides that election officials must “use all available resources to verify the citizenship status”
10 of voter registration applicants and registered voters who have not provided proof of
11 citizenship, and that HB 2492 does not provide any requirement for the veracity of those
12 “available resources.”

13 102. Responding to Paragraph 102 of the FAC, the Secretary admits that the specified
14 resources that HB 2492 mandates that election officials check for U.S. citizenship information
15 may contain potentially outdated and faulty data that do not accurately reflect current U.S.
16 citizenship status. The Secretary lacks knowledge or information sufficient to form a belief
17 about the truth of the remaining allegations in Paragraph 102.

18 103. The Secretary admits the allegations in Paragraph 103.

19 104. The Secretary lacks knowledge or information sufficient to form a belief about
20 the truth of the allegations in Paragraph 104.

21 105. Responding to Paragraph 105 of the FAC, the Secretary admits that, subject to
22 certain exceptions, an Arizona driver license is generally valid until the licensee’s sixty-fifth
23 birthday. The Secretary lacks knowledge or information sufficient to form a belief about the
24 truth of the remaining allegations in Paragraph 105.

25 106. The Secretary lacks knowledge or information sufficient to form a belief about
26 the truth of the allegations in Paragraph 106.

1 107. Responding to Paragraph 107 of the FAC, the Secretary admits that Arizona
2 Motor Vehicle Division data that indicates a person was not a U.S. citizen at the time they were
3 issued a driver's license or identification card may not accurately reflect whether they are a
4 U.S. citizen today. The Secretary lacks knowledge or information sufficient to form a belief
5 about the truth of the allegations in Paragraph 107.

6 108. Responding to Paragraph 108 of the FAC, the Secretary admits that HB 2492
7 requires county recorders to reject the voter registration of an applicant who submitted a federal
8 form without proof of citizenship if the county recorder matches the applicant with
9 information that the applicant is not a United States citizen.

10 109. Responding to Paragraph 109 of the FAC, the Secretary admits that HB 2492
11 subjects election officials to felony prosecution if they (1) fail to verify the citizenship status
12 of a voter who submits a federal form without proof of citizenship as required under HB 2492,
13 (2) knowingly register the applicant, and (3) it is later determined that the applicant was not a
14 United States citizen at the time of the application.

15 110. Responding to Paragraph 110 of the FAC, the Secretary admits that under HB
16 2243, if a county recorder obtains information and confirms that a registered voter is not a
17 United States citizen, and if after receiving a notice the voter does not provide proof of
18 citizenship within 35 days, the recorder must cancel the registration and notify the county
19 attorney and Attorney General for possible investigation. The Secretary lacks knowledge or
20 information sufficient to form a belief about the truth of the remaining allegations in Paragraph
21 110.

22 111. Responding to Paragraph 111 of the FAC, the Secretary admits that under HB
23 2243, the Secretary must compare on a monthly basis the statewide voter registration database
24 to the driver license database maintained by the Arizona Department of Transportation and
25 notify the appropriate county recorder if a registrant has changed their residence address or is
26 not a United States citizen.

1 112. Responding to Paragraph 112 of the FAC, the Secretary admits that HB 2243
2 requires county recorders to, to the extent practicable, complete monthly checks comparing the
3 county’s voter registration database with the Social Security Administration Database.

4 113. Responding to Paragraph 113 of the FAC, the Secretary admits that HB 2243
5 requires county recorders, to the extent practicable, to: (1) identify registered voters who have
6 not provided proof of citizenship or “who the county Recorder has reason to believe are not
7 United States citizens” and compare them against the Systematic Alien Verification for
8 Entitlements (SAVE) database maintained by USCIS; (2) identify registered voters who have
9 not provided proof of citizenship and “compare the electronic verification of vital events
10 system maintained by a national association for public health statistics and information
11 systems,” if accessible, with the information on the voter’s registration file; and (3) review
12 “relevant city, town, county state and federal databases to which the county Recorder has
13 access [to confirm information obtained that requires cancellation of registrations pursuant to
14 A.R.S. § 16-165].”

15 114. Responding to Paragraph 114 of the FAC, the Secretary admits that under HB
16 2243, if a county recorder receives a report from the jury commissioner or jury manager under
17 A.R.S. § 21-314 indicating that a voter has changed residence or is not a U.S. citizen, and if,
18 after receiving a notice, the voter does not provide proof of citizenship or confirm they are a
19 resident of the county within 35 days, the recorder must cancel the registration.

20 115. The Secretary lacks knowledge or information sufficient to form a belief about
21 the truth of the allegations in Paragraph 115.

22 116. The Secretary lacks knowledge or information sufficient to form a belief about
23 the truth of the allegations in Paragraph 116.

24 117. The Secretary lacks knowledge or information sufficient to form a belief about
25 the truth of the allegations in Paragraph 117.

26

1 118. Responding to Paragraph 118 of the FAC, the Secretary admits that under HB
2 2492, the Secretary must make available to the Attorney General “a list of all individuals who
3 are registered to vote and who have not provided satisfactory evidence of citizenship” so the
4 Attorney General can “use all available resources to verify the citizenship status” of the
5 individuals on the list and “prosecute individuals who are found not to be United States
6 citizens[.]” The Secretary lacks knowledge or information sufficient to form a belief about the
7 truth of the remaining allegations in Paragraph 118.

8 119. Responding to Paragraph 119 of the FAC, the Secretary admits that under HB
9 2243, county recorders must refer to a county attorney or the Attorney General any voter whose
10 registration is cancelled because the recorder obtained information and confirmed that the
11 registered voter is not a United States citizen and, after receiving a notice, the voter did not
12 provide proof of citizenship within 35 days.

13 120. The Secretary lacks knowledge or information sufficient to form a belief about
14 the truth of the allegations in Paragraph 120.

15 121. Responding to Paragraph 121 of the FAC, the Secretary admits that the
16 “resources” HB 2492 lists as references for the Attorney General to check for U.S. citizenship
17 data may contain potentially outdated and faulty data that do not accurately reflect current
18 citizenship status. The Secretary lacks knowledge or information sufficient to form a belief
19 about the truth of the remaining allegations in Paragraph 121.

20 122. The Secretary lacks knowledge or information sufficient to form a belief about
21 the truth of the allegations in Paragraph 122.

22 123. The Secretary lacks knowledge or information sufficient to form a belief about
23 the truth of the allegations in Paragraph 123.

24 124. The Secretary lacks knowledge or information sufficient to form a belief about
25 the truth of the allegations in Paragraph 124.

26

1 125. The Secretary lacks knowledge or information sufficient to form a belief about
2 the truth of the allegations in Paragraph 125.

3 126. The Secretary lacks knowledge or information sufficient to form a belief about
4 the truth of the allegations in Paragraph 126.

5 127. The Secretary lacks knowledge or information sufficient to form a belief about
6 the truth of the allegations in Paragraph 127.

7 128. The Secretary lacks knowledge or information sufficient to form a belief about
8 the truth of the allegations in Paragraph 128.

9 129. The Secretary lacks knowledge or information sufficient to form a belief about
10 the truth of the allegations in Paragraph 129.

11 130. The Secretary lacks knowledge or information sufficient to form a belief about
12 the truth of the allegations in Paragraph 130.

13 131. The Secretary lacks knowledge or information sufficient to form a belief about
14 the truth of the allegations in Paragraph 131.

15 132. The Secretary lacks knowledge or information sufficient to form a belief about
16 the truth of the allegations in Paragraph 132.

17 133. Responding to Paragraph 133 of the FAC, the Secretary admits that HB 2492
18 and HB 2243 impose administrative burdens on state and county officials, and lacks knowledge
19 or information sufficient to form a belief about the truth of the remaining allegations in
20 Paragraph 133.

21 134. Responding to Paragraph 134 of the FAC, the Secretary admits that the NVRA
22 requires the Secretary to make registration forms available for distribution through
23 governmental and private entities, with particular emphasis on making them available for
24 organized voter registration programs. The Secretary lacks knowledge or information
25 sufficient to form a belief about the truth of the remaining allegations in Paragraph 134.

26

1 135. The Secretary lacks knowledge or information sufficient to form a belief about
2 the truth of the allegations in Paragraph 135.

3 136. The Secretary lacks knowledge or information sufficient to form a belief about
4 the truth of the allegations in Paragraph 136.

5 137. The Secretary lacks knowledge or information sufficient to form a belief about
6 the truth of the allegations in Paragraph 137.

7 138. The Secretary admits the allegations in Paragraph 138.

8 139. The Secretary lacks knowledge or information sufficient to form a belief about
9 the truth of the allegations in Paragraph 139.

10 140. The Secretary lacks knowledge or information sufficient to form a belief about
11 the truth of the allegations in Paragraph 140.

12 141. The Secretary lacks knowledge or information sufficient to form a belief about
13 the truth of the allegations in Paragraph 141.

14 142. The Secretary lacks knowledge or information sufficient to form a belief about
15 the truth of the allegations in Paragraph 142.

16 143. The Secretary lacks knowledge or information sufficient to form a belief about
17 the truth of the allegations in Paragraph 143.

18 144. The Secretary lacks knowledge or information sufficient to form a belief about
19 the truth of the allegations in Paragraph 144.

20 145. The Secretary lacks knowledge or information sufficient to form a belief about
21 the truth of the allegations in Paragraph 145.

22 146. The Secretary lacks knowledge or information sufficient to form a belief about
23 the truth of the allegations in Paragraph 146.

24 147. The Secretary lacks knowledge or information sufficient to form a belief about
25 the truth of the allegations in Paragraph 147.

26

1 148. The Secretary lacks knowledge or information sufficient to form a belief about
2 the truth of the allegations in Paragraph 148.

3 149. Responding to Paragraph 149 of the FAC, the Secretary admits that HB 2492
4 was enacted after there was high turnout by Native voters in Arizona in the 2020 General
5 Election, and lacks knowledge or information sufficient to form a belief about the truth of the
6 remaining allegations in Paragraph 149.

7 150. The Secretary lacks knowledge or information sufficient to form a belief about
8 the truth of the allegations in Paragraph 150.

9 151. The Secretary lacks knowledge or information sufficient to form a belief about
10 the truth of the allegations in Paragraph 151.

11 152. The Secretary admits the allegations in Paragraph 152.

12 153. The Secretary admits the allegations in Paragraph 153.

13 154. Responding to Paragraph 154 of the FAC, the Secretary admits that HB 2492's
14 proof of location of residence requirement may be met by providing identification that would
15 be sufficient under A.R.S. § 16-579 or by listing an Arizona Driver's License or Nonoperating
16 Identification number that is verified by the county recorder. The Secretary lacks knowledge
17 or information sufficient to form a belief about the truth of the remaining allegations in
18 Paragraph 154.

19 155. The Secretary lacks knowledge or information sufficient to form a belief about
20 the truth of the allegations in Paragraph 155.

21 156. The Secretary lacks knowledge or information sufficient to form a belief about
22 the truth of the allegations in Paragraph 156.

23 157. The Secretary lacks knowledge or information sufficient to form a belief about
24 the truth of the allegations in Paragraph 157.

25 158. The Secretary lacks knowledge or information sufficient to form a belief about
26 the truth of the allegations in Paragraph 158.

1 159. The Secretary lacks knowledge or information sufficient to form a belief about
2 the truth of the allegations in Paragraph 159.

3 160. The Secretary lacks knowledge or information sufficient to form a belief about
4 the truth of the allegations in Paragraph 160.

5 161. Responding to Paragraph 161 of the FAC, the Secretary admits that Arizona has
6 a history of discrimination against Native Americans, Latinos, voters of color, and language
7 minority communities in Arizona, including in voting. The Secretary lacks knowledge or
8 information sufficient to form a belief about the truth of the remaining allegations in Paragraph
9 161.

10 162. The Secretary admits the allegations in Paragraph 162.

11 163. The Secretary admits the allegations in Paragraph 163.

12 164. Responding to Paragraph 164 of the FAC, the Secretary admits that Plaintiffs
13 generally describe some information regarding historical discrimination against Native
14 Americans in the cited article, Patty Ferguson-Bohnee, *The History of Indian Voting Rights in*
15 *Arizona: Overcoming Decades of Voter Suppression*, 47 Ariz. St. L. J. 1099 (2011). The
16 Secretary lacks knowledge or information sufficient to form a belief about the truth of the
17 remaining allegations in Paragraph 164.

18 165. Responding to Paragraph 165 of the FAC, the Secretary admits that Plaintiffs
19 generally describe the Arizona Supreme Court's holding in *Porter v. Hall*, 271 P. 411, 417
20 (Ariz. 1928), that the *Porter* decision was overturned in *Harrison v. Laveen*, 196 P.2d 456, 458
21 (1948), and that Plaintiffs generally describe some information regarding historical voting
22 discrimination against Native Americans in the cited article and book, Patty Ferguson-Bohnee,
23 *The History of Indian Voting Rights in Arizona: Overcoming Decades of Voter Suppression*,
24 47 Ariz. St. L. J. 1099 (2011) and Daniel McCool, Susan M. Olson, and Jennifer L. Robinson,
25 *Native Vote: American Indians, The Voting Rights Act, and the Right to Vote* (2007). The
26 Secretary lacks knowledge or information sufficient to form a belief about the truth of the

1 remaining allegations in Paragraph 165.

2 166. The Secretary lacks knowledge or information sufficient to form a belief about
3 the truth of the allegations in Paragraph 166.

4 167. The Secretary lacks knowledge or information sufficient to form a belief about
5 the truth of the allegations in Paragraph 167.

6 168. Responding to Paragraph 168 of the FAC, the Secretary admits that Plaintiffs
7 generally describe some information regarding historical discrimination against Native
8 Americans in the cited article, Patty Ferguson-Bohnee, *The History of Indian Voting Rights in*
9 *Arizona: Overcoming Decades of Voter Suppression*, 47 Ariz. St. L. J. 1099 (2011). The
10 Secretary lacks knowledge or information sufficient to form a belief about the truth of the
11 remaining allegations in Paragraph 168.

12 169. Responding to Paragraph 169 of the FAC, the Secretary admits that Plaintiffs
13 generally describe some information regarding discrimination against Native Americans in the
14 cited article and report, Patty Ferguson-Bohnee, *The History of Indian Voting Rights in*
15 *Arizona: Overcoming Decades of Voter Suppression*, 47 Ariz. St. L. J. 1099 (2011) and James
16 Thomas Tucker, Jacqueline De León, Dan McCool, Native American Rights Fund, *Obstacles*
17 *at Every Turn* (2020). The Secretary lacks knowledge or information sufficient to form a belief
18 about the truth of the remaining allegations in Paragraph 169.

19 170. Responding to Paragraph 170 of the FAC, the Secretary admits that Plaintiffs
20 generally describe the courts' findings in *Goodluck v. Apache Cnty.*, 417 F. Supp. 13 (D. Ariz.
21 1975) and *Goddard v. Babbitt*, 536 F. Supp. 538, 541 (D. Ariz. 1982). The Secretary lacks
22 knowledge or information sufficient to form a belief about the truth of the remaining
23 allegations in Paragraph 170.

24 171. The Secretary lacks knowledge or information sufficient to form a belief about
25 the truth of the allegations in Paragraph 171.

26 172. The Secretary lacks knowledge or information sufficient to form a belief about

1 the truth of the allegations in Paragraph 172.

2 173. The Secretary lacks knowledge or information sufficient to form a belief about
3 the truth of the allegations in Paragraph 173.

4 174. The Secretary lacks knowledge or information sufficient to form a belief about
5 the truth of the allegations in Paragraph 174.

6 175. The Secretary lacks knowledge or information sufficient to form a belief about
7 the truth of the allegations in Paragraph 175.

8 176. The Secretary lacks knowledge or information sufficient to form a belief about
9 the truth of the allegations in Paragraph 176.

10 177. The Secretary lacks knowledge or information sufficient to form a belief about
11 the truth of the allegations in Paragraph 177.

12 178. Responding to Paragraph 178 of the FAC, the Secretary admits that Arizona has
13 a history of discrimination against Latino voters.

14 179. The Secretary lacks knowledge or information sufficient to form a belief about
15 the truth of the allegations in Paragraph 179.

16 180. Responding to Paragraph 180 of the FAC, the Secretary admits that the Arizona
17 Constitution was amended by ballot initiative in 1988 to require that “[t]he State and all
18 political subdivisions of [the] State shall act in English and in no other language,” and that
19 Plaintiffs generally describe certain of the Arizona Supreme Court’s holdings in *Ruiz v. Hull*,
20 957 P.2d 984 (Ariz. 1998). The Secretary lacks knowledge or information sufficient to form a
21 belief about the truth of the remaining allegations in Paragraph 180.

22 181. Responding to Paragraph 181 of the FAC, the Secretary admits that in 2004,
23 Arizona enacted Proposition 200, which, among other things, established the DPOC
24 requirement for voter registration at issue in *Gonzales* and *Arizona Inter Tribal Council* and
25 imposed DPOC requirements for certain state and local public benefits. The Secretary lacks
26 knowledge or information sufficient to form a belief about the truth of the remaining

1 allegations in Paragraph 181.

2 182. Responding to Paragraph 182 of the FAC, the Secretary admits that Maricopa
3 County printed voter registration cards in Spanish with the incorrect election date in 2012. The
4 Secretary lacks knowledge or information sufficient to form a belief about the truth of the
5 remaining allegations in Paragraph 182.

6 183. The Secretary lacks knowledge or information sufficient to form a belief about
7 the truth of the allegations in Paragraph 183.

8 184. The Secretary lacks knowledge or information sufficient to form a belief about
9 the truth of the allegations in Paragraph 184.

10 185. The Secretary lacks knowledge or information sufficient to form a belief about
11 the truth of the allegations in Paragraph 185.

12 186. The Secretary lacks knowledge or information sufficient to form a belief about
13 the truth of the allegations in Paragraph 186.

14 187. The Secretary lacks knowledge or information sufficient to form a belief about
15 the truth of the allegations in Paragraph 187.

16 188. The Secretary lacks knowledge or information sufficient to form a belief about
17 the truth of the allegations in Paragraph 188.

18 189. The Secretary lacks knowledge or information sufficient to form a belief about
19 the truth of the allegations in Paragraph 189.

20 190. Responding to Paragraph 190 of the FAC, the Secretary admits that the
21 challenged provisions in HB 2492 and HB 2243 were not in place in Arizona at the time of the
22 passage of the Voting Rights Act of 1965 or its amendments, and lacks knowledge or
23 information sufficient to form a belief about the truth of the remaining allegations in Paragraph
24 190.

25 191. The Secretary lacks knowledge or information sufficient to form a belief about
26 the truth of the allegations in Paragraph 191.

1 192. The Secretary lacks knowledge or information sufficient to form a belief about
2 the truth of the allegations in Paragraph 192.

3 193. Responding to Paragraph 193 of the FAC, the Secretary admits that, in her view
4 as the Chief Election Officer for the State of Arizona, HB 2492 and HB 2243's challenged
5 provisions serve no meaningful or legitimate governmental purpose in ensuring free, fair, and
6 secure elections, furthering the orderly and efficient administration of elections, or preventing
7 fraud in elections. The Secretary lacks knowledge or information sufficient to form a belief
8 about the truth of the remaining allegations in Paragraph 193.

9 194. Responding to Paragraph 194 of the FAC, the Secretary admits that an intent to
10 discriminate against Native voters, naturalized U.S. citizens, Latino voters, and members of
11 language minority communities is not a legitimate governmental purpose. The Secretary lacks
12 knowledge or information sufficient to form a belief about the truth of the remaining
13 allegations in Paragraph 194.

14 195. Responding to Paragraph 195 of the FAC, the Secretary admits that, in her view
15 as the Chief Election Officer for the State of Arizona, the DPOR requirement does not serve
16 any rational or strong interest in ensuring free, fair, and secure elections, furthering the orderly
17 and efficient administration of elections, or preventing fraud in elections. The Secretary lacks
18 knowledge or information sufficient to form a belief about the truth of the remaining
19 allegations in Paragraph 195.

20 196. Responding to Paragraph 196 of the FAC, the Secretary admits the allegations
21 in the first sentence, and lacks knowledge or information sufficient to form a belief about the
22 truth of the remaining allegations in Paragraph 196.

23 197. Responding to Paragraph 197 of the FAC, the Secretary admits that, in her view
24 as the Chief Election Officer for the State of Arizona, there is no rational or strong interest
25 served by the DPOC Requirement, Birthplace Requirement, Checkmark Requirement, or the
26 mandated use of potentially outdated and incorrect citizenship data to purge eligible voters

1 from the rolls. The Secretary lacks knowledge or information sufficient to form a belief about
2 the truth of the allegations in Paragraph 197.

3 198. Responding to Paragraph 198 of the FAC, the Secretary admits the allegations
4 in the first sentence, and lacks knowledge or information sufficient to form a belief about the
5 truth of the remaining allegations in Paragraph 198.

6 199. Responding to Paragraph 199 of the FAC, the Secretary admits that plaintiffs
7 brought at least nine different post-election lawsuits in Arizona state and federal courts
8 challenging the validity of the 2020 General Election, and the courts unanimously rejected the
9 claims. The Secretary also admits that Plaintiffs quote a portion of *Ward v. Jackson*, No. CV-
10 20-0343-AP/EL, 2020 WL 8617817, at *2 (Ariz. Dec. 8, 2020) and generally describe certain
11 of the district court's holdings in *Bowyer v. Ducey*, 506 F. Supp. 3d 699 (D. Ariz. 2020).

12 200. The Secretary admits the allegations in Paragraph 200.

13 201. Responding to Paragraph 201 of the FAC, the Secretary admits that Plaintiffs
14 generally describe Arizona House Speaker Rusty Bowers' sworn testimony before the United
15 States House of Representatives Select Committee to Investigate the January 6th Attack on the
16 United States Capitol, and lacks knowledge or information sufficient to form a belief about the
17 truth of the remaining allegations in Paragraph 201.

18 202. Responding to Paragraph 202 of the FAC, the Secretary admits that various
19 actors have continued to make baseless allegations that Arizona's elections suffer from fraud
20 and non-U.S. citizen voters, and lacks knowledge or information sufficient to form a belief
21 about the truth of the remaining allegations in Paragraph 202.

22 203. The Secretary lacks knowledge or information sufficient to form a belief about
23 the truth of the allegations in Paragraph 203.

24 204. The Secretary lacks knowledge or information sufficient to form a belief about
25 the truth of the allegations in Paragraph 204.

26 205. The Secretary lacks knowledge or information sufficient to form a belief about

1 the truth of the allegations in Paragraph 205.

2 206. The Secretary lacks knowledge or information sufficient to form a belief about
3 the truth of the allegations in Paragraph 206.

4 207. The Secretary lacks knowledge or information sufficient to form a belief about
5 the truth of the allegations in Paragraph 207.

6 208. The Secretary admits the allegations in Paragraph 208.

7 209. Responding to Paragraph 209 of the FAC, the Secretary admits that the House
8 Rules Committee voted to approve HB 2492 on February 22, 2022 and that Plaintiffs quote
9 portions of Rep. Travis Grantham's statements during the House Rules Committee meeting
10 that day. The Secretary lacks knowledge or information sufficient to form a belief about the
11 truth of the remaining allegations in Paragraph 209.

12 **PARTIES**

13 210. The Secretary lacks knowledge or information sufficient to form a belief about
14 the truth of the allegations in Paragraph 210.

15 211. The Secretary lacks knowledge or information sufficient to form a belief about
16 the truth of the allegations in Paragraph 211.

17 212. The Secretary lacks knowledge or information sufficient to form a belief about
18 the truth of the allegations in Paragraph 212.

19 213. The Secretary lacks knowledge or information sufficient to form a belief about
20 the truth of the allegations in Paragraph 213.

21 214. The Secretary lacks knowledge or information sufficient to form a belief about
22 the truth of the allegations in Paragraph 214.

23 215. The Secretary lacks knowledge or information sufficient to form a belief about
24 the truth of the allegations in Paragraph 215.

25 216. The Secretary lacks knowledge or information sufficient to form a belief about
26 the truth of the allegations in Paragraph 216.

1 217. The Secretary lacks knowledge or information sufficient to form a belief about
2 the truth of the allegations in Paragraph 217.

3 218. The Secretary lacks knowledge or information sufficient to form a belief about
4 the truth of the allegations in Paragraph 218.

5 219. The Secretary lacks knowledge or information sufficient to form a belief about
6 the truth of the allegations in Paragraph 219.

7 220. The Secretary lacks knowledge or information sufficient to form a belief about
8 the truth of the allegations in Paragraph 220.

9 221. The Secretary lacks knowledge or information sufficient to form a belief about
10 the truth of the allegations in Paragraph 221.

11 222. The Secretary lacks knowledge or information sufficient to form a belief about
12 the truth of the allegations in Paragraph 222.

13 223. The Secretary lacks knowledge or information sufficient to form a belief about
14 the truth of the allegations in Paragraph 223.

15 224. The Secretary lacks knowledge or information sufficient to form a belief about
16 the truth of the allegations in Paragraph 224.

17 225. The Secretary lacks knowledge or information sufficient to form a belief about
18 the truth of the allegations in Paragraph 225.

19 226. The Secretary lacks knowledge or information sufficient to form a belief about
20 the truth of the allegations in Paragraph 226.

21 227. The Secretary lacks knowledge or information sufficient to form a belief about
22 the truth of the allegations in Paragraph 227.

23 228. The Secretary lacks knowledge or information sufficient to form a belief about
24 the truth of the allegations in Paragraph 228.

25 229. The Secretary lacks knowledge or information sufficient to form a belief about
26 the truth of the allegations in Paragraph 229.

1 230. The Secretary lacks knowledge or information sufficient to form a belief about
2 the truth of the allegations in Paragraph 230.

3 231. The Secretary lacks knowledge or information sufficient to form a belief about
4 the truth of the allegations in Paragraph 231.

5 232. The Secretary lacks knowledge or information sufficient to form a belief about
6 the truth of the allegations in Paragraph 232.

7 233. The Secretary lacks knowledge or information sufficient to form a belief about
8 the truth of the allegations in Paragraph 233.

9 234. The Secretary lacks knowledge or information sufficient to form a belief about
10 the truth of the allegations in Paragraph 234.

11 235. The Secretary lacks knowledge or information sufficient to form a belief about
12 the truth of the allegations in Paragraph 235.

13 236. The Secretary lacks knowledge or information sufficient to form a belief about
14 the truth of the allegations in Paragraph 236.

15 237. The Secretary lacks knowledge or information sufficient to form a belief about
16 the truth of the allegations in Paragraph 237.

17 238. The Secretary lacks knowledge or information sufficient to form a belief about
18 the truth of the allegations in Paragraph 238.

19 239. The Secretary lacks knowledge or information sufficient to form a belief about
20 the truth of the allegations in Paragraph 239.

21 240. The Secretary lacks knowledge or information sufficient to form a belief about
22 the truth of the allegations in Paragraph 240.

23 241. The Secretary lacks knowledge or information sufficient to form a belief about
24 the truth of the allegations in Paragraph 241.

25 242. The Secretary lacks knowledge or information sufficient to form a belief about
26 the truth of the allegations in Paragraph 242.

1 243. The Secretary lacks knowledge or information sufficient to form a belief about
2 the truth of the allegations in Paragraph 243.

3 244. The Secretary lacks knowledge or information sufficient to form a belief about
4 the truth of the allegations in Paragraph 244.

5 245. The Secretary lacks knowledge or information sufficient to form a belief about
6 the truth of the allegations in Paragraph 245.

7 246. The Secretary lacks knowledge or information sufficient to form a belief about
8 the truth of the allegations in Paragraph 246.

9 247. The Secretary lacks knowledge or information sufficient to form a belief about
10 the truth of the allegations in Paragraph 247.

11 248. The Secretary lacks knowledge or information sufficient to form a belief about
12 the truth of the allegations in Paragraph 248.

13 249. The Secretary lacks knowledge or information sufficient to form a belief about
14 the truth of the allegations in Paragraph 249.

15 250. The Secretary lacks knowledge or information sufficient to form a belief about
16 the truth of the allegations in Paragraph 250.

17 251. The Secretary lacks knowledge or information sufficient to form a belief about
18 the truth of the allegations in Paragraph 251.

19 252. Responding to Paragraph 252 of the FAC, the Secretary admits that ADRC
20 Action is the committee that submitted the application for a petition serial number for Petition
21 I-16-2022 and that Plaintiffs quote the summary of the initiative provided on the application.
22 The Secretary lacks knowledge or information sufficient to form a belief about the truth of the
23 remaining allegations in Paragraph 252.

24 253. The Secretary lacks knowledge or information sufficient to form a belief about
25 the truth of the allegations in Paragraph 253.

26 254. The Secretary lacks knowledge or information sufficient to form a belief about

1 the truth of the allegations in Paragraph 254.

2 255. The Secretary lacks knowledge or information sufficient to form a belief about
3 the truth of the allegations in Paragraph 255.

4 256. The Secretary lacks knowledge or information sufficient to form a belief about
5 the truth of the allegations in Paragraph 256.

6 257. The Secretary lacks knowledge or information sufficient to form a belief about
7 the truth of the allegations in Paragraph 257.

8 258. The Secretary lacks knowledge or information sufficient to form a belief about
9 the truth of the allegations in Paragraph 258.

10 259. The Secretary lacks knowledge or information sufficient to form a belief about
11 the truth of the allegations in Paragraph 259.

12 260. The Secretary lacks knowledge or information sufficient to form a belief about
13 the truth of the allegations in Paragraph 260.

14 261. The Secretary lacks knowledge or information sufficient to form a belief about
15 the truth of the allegations in Paragraph 261.

16 262. The Secretary lacks knowledge or information sufficient to form a belief about
17 the truth of the allegations in Paragraph 262.

18 263. The Secretary lacks knowledge or information sufficient to form a belief about
19 the truth of the allegations in Paragraph 263.

20 264. The Secretary lacks knowledge or information sufficient to form a belief about
21 the truth of the allegations in Paragraph 264.

22 265. The Secretary lacks knowledge or information sufficient to form a belief about
23 the truth of the allegations in Paragraph 265.

24 266. The Secretary lacks knowledge or information sufficient to form a belief about
25 the truth of the allegations in Paragraph 266.

26 267. The Secretary lacks knowledge or information sufficient to form a belief about

1 the truth of the allegations in Paragraph 267.

2 268. The Secretary lacks knowledge or information sufficient to form a belief about
3 the truth of the allegations in Paragraph 268.

4 269. The Secretary lacks knowledge or information sufficient to form a belief about
5 the truth of the allegations in Paragraph 269.

6 270. The Secretary lacks knowledge or information sufficient to form a belief about
7 the truth of the allegations in Paragraph 270.

8 271. The Secretary lacks knowledge or information sufficient to form a belief about
9 the truth of the allegations in Paragraph 271.

10 272. The Secretary lacks knowledge or information sufficient to form a belief about
11 the truth of the allegations in Paragraph 272.

12 273. The Secretary lacks knowledge or information sufficient to form a belief about
13 the truth of the allegations in Paragraph 273.

14 274. The Secretary lacks knowledge or information sufficient to form a belief about
15 the truth of the allegations in Paragraph 274.

16 275. The Secretary lacks knowledge or information sufficient to form a belief about
17 the truth of the allegations in Paragraph 275.

18 276. The Secretary lacks knowledge or information sufficient to form a belief about
19 the truth of the allegations in Paragraph 276.

20 277. The Secretary lacks knowledge or information sufficient to form a belief about
21 the truth of the allegations in Paragraph 277.

22 278. The Secretary lacks knowledge or information sufficient to form a belief about
23 the truth of the allegations in Paragraph 278.

24 279. The Secretary lacks knowledge or information sufficient to form a belief about
25 the truth of the allegations in Paragraph 279.

26 280. The Secretary lacks knowledge or information sufficient to form a belief about

1 the truth of the allegations in Paragraph 280.

2 281. The Secretary lacks knowledge or information sufficient to form a belief about
3 the truth of the allegations in Paragraph 281.

4 282. The Secretary lacks knowledge or information sufficient to form a belief about
5 the truth of the allegations in Paragraph 282.

6 283. The Secretary lacks knowledge or information sufficient to form a belief about
7 the truth of the allegations in Paragraph 283.

8 284. The Secretary lacks knowledge or information sufficient to form a belief about
9 the truth of the allegations in Paragraph 284.

10 285. The Secretary lacks knowledge or information sufficient to form a belief about
11 the truth of the allegations in Paragraph 285.

12 286. The Secretary lacks knowledge or information sufficient to form a belief about
13 the truth of the allegations in Paragraph 286.

14 287. The Secretary lacks knowledge or information sufficient to form a belief about
15 the truth of the allegations in Paragraph 287.

16 288. The Secretary lacks knowledge or information sufficient to form a belief about
17 the truth of the allegations in Paragraph 288.

18 289. The Secretary lacks knowledge or information sufficient to form a belief about
19 the truth of the allegations in Paragraph 289.

20 290. The Secretary lacks knowledge or information sufficient to form a belief about
21 the truth of the allegations in Paragraph 290.

22 291. The Secretary lacks knowledge or information sufficient to form a belief about
23 the truth of the allegations in Paragraph 291.

24 292. The Secretary lacks knowledge or information sufficient to form a belief about
25 the truth of the allegations in Paragraph 292.

26 293. The Secretary lacks knowledge or information sufficient to form a belief about

1 the truth of the allegations in Paragraph 293.

2 294. The Secretary lacks knowledge or information sufficient to form a belief about
3 the truth of the allegations in Paragraph 294.

4 295. The Secretary lacks knowledge or information sufficient to form a belief about
5 the truth of the allegations in Paragraph 295.

6 296. The Secretary lacks knowledge or information sufficient to form a belief about
7 the truth of the allegations in Paragraph 296.

8 297. The Secretary lacks knowledge or information sufficient to form a belief about
9 the truth of the allegations in Paragraph 297.

10 298. The Secretary lacks knowledge or information sufficient to form a belief about
11 the truth of the allegations in Paragraph 298.

12 299. The Secretary lacks knowledge or information sufficient to form a belief about
13 the truth of the allegations in Paragraph 299.

14 300. The Secretary lacks knowledge or information sufficient to form a belief about
15 the truth of the allegations in Paragraph 300.

16 301. The Secretary lacks knowledge or information sufficient to form a belief about
17 the truth of the allegations in Paragraph 301.

18 302. The Secretary lacks knowledge or information sufficient to form a belief about
19 the truth of the allegations in Paragraph 302.

20 303. The Secretary admits the allegations in Paragraph 303.

21 304. Responding to Paragraph 304 of the FAC, the Secretary admits that she serves
22 as the Chief Election Officer for Arizona, that she is the public officer responsible for
23 coordination of state responsibilities under the NVRA and UOCAVA; that she promulgates an
24 Election Procedures Manual that must be approved by the Governor and Attorney General
25 prescribing rules for, among other things, voter registration; and that Plaintiffs sued her in her
26 official capacity.

1 305. The Secretary admits the allegations in Paragraph 305.

2 306. The Secretary lacks knowledge or information sufficient to form a belief about
3 the truth of the allegations in Paragraph 306.

4 307. Responding to Paragraph 307 of the FAC, the Secretary admits the allegations
5 in the first sentence, and lacks knowledge or information sufficient to form a belief about the
6 truth of the remaining allegations in Paragraph 307.

7 **CLAIMS**

8 **Count 1: Undue Burden on the Right to Vote, First and Fourteenth Amendment**
9 **(42 U.S.C. § 1983)**

10 308. The Secretary incorporates by reference all preceding paragraphs as if fully set
11 forth herein.

12 309. Responding to Paragraph 309 of the FAC, the Secretary admits that Plaintiffs
13 quote portions of the cited cases, and lacks knowledge or information sufficient to form a belief
14 about the truth of the remaining allegations in Paragraph 309.

15 310. Responding to Paragraph 310 of the FAC, the Secretary admits that Plaintiffs
16 quote a portion of *Arizona Libertarian Party v. Reagan*, 798 F.3d 723, 728-29 (9th Cir. 2015),
17 and lacks knowledge or information sufficient to form a belief about the truth of the remaining
18 allegations in Paragraph 310.

19 311. Responding to Paragraph 311 of the FAC, the Secretary admits that Plaintiffs
20 generally describe the test set forth in *Burdick v. Takushi*, 504 U.S. 428, 434 (1992) and
21 *Anderson v. Celebrezze*, 460 U.S. 780, 789 (1983).

22 312. The Secretary lacks knowledge or information sufficient to form a belief about
23 the truth of the allegations in Paragraph 312.

24 313. Responding to Paragraph 313 of the FAC, the Secretary admits that HB 2492
25 imposes differing requirements for voter registration and voting depending on what type of
26 registration form—the State Form or the Federal Form—an eligible voter happens to use.

1 314. Responding to Paragraph 314, the Secretary admits that HB 2492 requires voter
2 registration applicants to disclose their place of birth on the State Form to register to vote and
3 that a voter's place of birth is immaterial to a voter's qualifications to register and vote. The
4 Secretary lacks knowledge or information sufficient to form a belief about the truth of the
5 remaining allegations in Paragraph 314.

6 315. Responding to Paragraph 315, the Secretary admits that HB 2492 requires voter
7 registration applicants to check the "yes" box next to the citizenship question to register to vote
8 even where the applicant has provided documentary proof of citizenship and admits that, where
9 the applicant has provided or election officials are able to acquire documentary proof of
10 citizenship for the applicant, whether the applicant checks the "yes" box next to the citizenship
11 question is immaterial to a voter's qualifications to register and vote. The Secretary lacks
12 knowledge or information sufficient to form a belief about the truth of the remaining
13 allegations in Paragraph 315.

14 316. The Secretary admits the allegations in Paragraph 316.

15 317. The Secretary admits the allegations in Paragraph 317.

16 318. Responding to Paragraph 318 of the FAC, the Secretary admits that HB 2492
17 subjects voters to rejection of their voter registration applications based on potentially
18 unreliable and outdated U.S. citizenship data.

19 319. The Secretary lacks knowledge or information sufficient to form a belief about
20 the truth of the allegations in Paragraph 319.

21 320. Responding to Paragraph 320 of the FAC, the Secretary admits that HB 2243
22 subjects voters to cancelation of their voter registration based on potentially unreliable and
23 outdated U.S. citizenship data.

24 321. The Secretary lacks knowledge or information sufficient to form a belief about
25 the truth of the allegations in Paragraph 321.

26 322. The Secretary lacks knowledge or information sufficient to form a belief about

1 the truth of the allegations in Paragraph 322.

2 323. The Secretary lacks knowledge or information sufficient to form a belief about
3 the truth of the allegations in Paragraph 323.

4 324. The Secretary lacks knowledge or information sufficient to form a belief about
5 the truth of the allegations in Paragraph 324.

6 325. Responding to Paragraph 325, the Secretary admits that, in her view as the Chief
7 Election Officer for the State of Arizona, the challenged HB 2492 and HB 2243 provisions do
8 not advance any legitimate regulatory interest in ensuring free, fair, and secure elections,
9 furthering the orderly and efficient administration of elections, or preventing fraud in elections.
10 The Secretary lacks knowledge or information sufficient to form a belief about the truth of the
11 remaining allegations in Paragraph 325.

12 326. The Secretary lacks knowledge or information sufficient to form a belief about
13 the truth of the allegations in Paragraph 326.

14 327. The Secretary lacks knowledge or information sufficient to form a belief about
15 the truth of the allegations in Paragraph 327.

16 328. The Secretary lacks knowledge or information sufficient to form a belief about
17 the truth of the allegations in Paragraph 328.

18 **Count 2: National Origin Discrimination, Fourteenth Amendment**
19 **(42 U.S.C. § 1983)**

20 329. The Secretary incorporates by reference all preceding paragraphs as if fully set
21 forth herein.

22 330. Responding to Paragraph 330 of the FAC, the Secretary admits that Plaintiffs
23 describe a portion of the court's holding in *Graham v. Richardson*, 403 U.S. 365 (1971), and
24 she lacks knowledge or information sufficient to form a belief about the truth of the remaining
25 allegations in Paragraph 330.

26 331. The Secretary lacks knowledge or information sufficient to form a belief about

1 the truth of the allegations in Paragraph 331.

2 332. The Secretary lacks knowledge or information sufficient to form a belief about
3 the truth of the allegations in Paragraph 332.

4 333. The Secretary lacks knowledge or information sufficient to form a belief about
5 the truth of the allegations in Paragraph 333.

6 334. Responding to Paragraph 334 of the FAC, the Secretary admits that, in her view
7 as the Chief Election Officer for the State of Arizona, the challenged HB 2492 and HB 2243
8 provisions do not advance any legitimate regulatory interest in ensuring free, fair, and secure
9 elections, furthering the orderly and efficient administration of elections, or preventing fraud
10 in elections. The Secretary lacks knowledge or information sufficient to form a belief about
11 the truth of the remaining allegations in Paragraph 334.

12 335. The Secretary lacks knowledge or information sufficient to form a belief about
13 the truth of the allegations in Paragraph 335.

14 **Count 3: Unlawful Discrimination, Fourteenth Amendment**
15 **(42 U.S.C. § 1983)**

16 336. The Secretary incorporates by reference all preceding paragraphs as if fully set
17 forth herein.

18 337. The Secretary lacks knowledge or information sufficient to form a belief about
19 the truth of the allegations in Paragraph 337.

20 338. Responding to Paragraph 338 of the FAC, the Secretary admits that under HB
21 2492, eligible and registered voters placed on the Federal-Only Voter List are prohibited from
22 receiving an early ballot by mail and from voting in presidential elections. The Secretary lacks
23 knowledge or information sufficient to form a belief about the truth of the remaining
24 allegations in Paragraph 338.

25 339. The Secretary lacks knowledge or information sufficient to form a belief about
26 the truth of the allegations in Paragraph 339.

1 340. Responding to Paragraph 340 of the FAC, the Secretary admits that, in her view
2 as the Chief Election Officer for the State of Arizona, the challenged HB 2492 provisions do
3 not advance any legitimate regulatory interest in ensuring free, fair, and secure elections,
4 furthering the orderly and efficient administration of elections, or preventing fraud in elections.
5 The Secretary lacks knowledge or information sufficient to form a belief about the truth of the
6 remaining allegations in Paragraph 340.

7 341. The Secretary lacks knowledge or information sufficient to form a belief about
8 the truth of the allegations in Paragraph 341.

9 **Count 4: Immaterial Omission on Voter Registration Form**
10 **(42 U.S.C. § 1983 52 U.S.C. § 10101)**

11 342. The Secretary incorporates by reference all preceding paragraphs as if fully set
12 forth herein.

13 343. The Secretary admits the allegations in Paragraph 343.

14 344. The Secretary admits the allegations in Paragraph 344.

15 345. The Secretary admits the allegations in Paragraph 345.

16 346. The Secretary admits the allegations in Paragraph 346.

17 347. Responding to Paragraph 347 of the FAC, the Secretary admits that, in her view
18 as the Chief Election Officer for the State of Arizona, HB 2492 conflicts with the Civil Rights
19 Act of 1964, 52 U.S.C. § 10101(a)(2)(B), to the extent that it requires rejection of a voter
20 registration application if the applicant does not provide their place of birth.

21 348. The Secretary admits the allegations in Paragraph 348.

22 349. The Secretary admits the allegations in Paragraph 349.

23 350. Responding to Paragraph 350 of the FAC, the Secretary admits that, in her view
24 as the Chief Election Officer for the State of Arizona, the Checkmark Requirement conflicts
25 with the Civil Rights Act of 1964, 52 U.S.C. § 10101(a)(2)(B), by denying the right to register
26 to vote to eligible Arizonans who accidentally omit the checkmark from their voter registration

1 application, where election officials already have adequate evidence of the applicant's
2 citizenship.

3 **Count 5: Preemption Under the NVRA**
4 **(42 U.S.C. § 1983; 52 U.S.C. §§ 20501, *et seq.*)**

5 351. The Secretary incorporates by reference all preceding paragraphs as if fully set
6 forth herein.

7 352. The Secretary admits the allegations in Paragraph 352.

8 353. The Secretary admits the allegations in Paragraph 353.

9 354. The Secretary admits the allegations in Paragraph 354.

10 355. The Secretary admits the allegations in Paragraph 355.

11 356. The Secretary admits the allegations in Paragraph 356.

12 357. The Secretary admits the allegations in Paragraph 357.

13 358. Responding to Paragraph 358 of the FAC, the Secretary admits that, in her view
14 as the Chief Election Officer for the State of Arizona, HB 2492 prohibits county election
15 officials from registering otherwise eligible voters to vote in federal elections using the Federal
16 Form unless they provide documentary proof of residence, which conflicts with the NVRA and
17 the Supreme Court's decision in *ITCA*. The Secretary lacks knowledge or information
18 sufficient to form a belief about the truth of the remaining allegations in Paragraph 358.

19 359. The Secretary lacks knowledge or information sufficient to form a belief about
20 the truth of the allegations in Paragraph 359.

21 360. Responding to Paragraph 360 of the FAC, the Secretary admits that HB 2492
22 prohibits voters who register with the Federal Form and do not provide proof of citizenship
23 from receiving an early ballot by mail. The Secretary lacks knowledge or information sufficient
24 to form a belief about the truth of the remaining allegations in Paragraph 360.

25 361. Responding to Paragraph 361, the Secretary admits that HB 2492 and HB 2243
26 require county election officials to reject or initiate the cancellation of voter registrations based

1 on potentially inaccurate and outdated data and information sources purporting to contain U.S.
2 citizenship and residence information. The Secretary lacks knowledge or information sufficient
3 to form a belief about the truth of the remaining allegations in Paragraph 361.

4 362. Responding to Paragraph 362 of the FAC, The Secretary admits that Plaintiffs
5 sent the Secretary notice of alleged violations of the NVRA on April 6, 2022, and a second
6 notice at the time the FAC was filed.

7 **Count 6: Discriminatory Effects in Violation of Section 2 of the Voting Rights Act**
8 **(42 U.S.C. § 1983; 52 U.S.C. §§ 10301)**

9 363. The Secretary incorporates by reference all preceding paragraphs as if fully set
10 forth herein.

11 364. The Secretary admits the allegations in Paragraph 364.

12 365. The Secretary admits the allegations in Paragraph 365.

13 366. The Secretary admits the allegations in Paragraph 366.

14 367. The Secretary lacks knowledge or information sufficient to form a belief about
15 the truth of the allegations in Paragraph 367.

16 368. The Secretary lacks knowledge or information sufficient to form a belief about
17 the truth of the allegations in Paragraph 368.

18 369. The Secretary lacks knowledge or information sufficient to form a belief about
19 the truth of the allegations in Paragraph 369.

20 370. The Secretary lacks knowledge or information sufficient to form a belief about
21 the truth of the allegations in Paragraph 370.

22 371. Responding to Paragraph 371 of the FAC, the Secretary admits that, in her view
23 as the Chief Election Officer for the State of Arizona, the challenged provisions of HB 2492
24 and HB 2243 do not further any legitimate regulatory interest in ensuring free, fair, and secure
25 elections, furthering the orderly and efficient administration of elections, or preventing fraud
26 in elections. The Secretary lacks knowledge or information sufficient to form a belief about

1 the truth of the allegations in Paragraph 371.

2 372. The Secretary denies each and every allegation in the FAC that is not specifically
3 admitted herein, including (i) any implied allegations, inferences, or characterizations not
4 specifically admitted, and (ii) any and all allegations stated or implied in unnumbered
5 paragraphs, footnotes, and headings.

6 **PRAYER FOR RELIEF**

7 373. Responding to Plaintiffs' prayer for relief, the Secretary states that, other than
8 providing her view on certain provisions as Arizona's Chief Election Officer, she takes no
9 position regarding the ultimate merits of Plaintiffs' claims against the challenged laws and
10 Plaintiffs' request for substantive relief in the form of a declaratory judgment and a permanent
11 injunction. The Secretary denies that Plaintiffs should be entitled to an award of their
12 reasonable attorneys' fees and costs as against her.

13 Respectfully submitted this 16th day of September, 2022.

14 **COPPERSMITH BROCKELMAN PLC**

15 By /s/ D. Andrew Gaona

16 D. Andrew Gaona
17 Kristen Yost

18 **STATES UNITED DEMOCRACY CENTER**

19 Sambo (Bo) Dul
20 Christine Bass *

21 **Admitted Pro Hac Vice*

22 *Attorney for Defendant Arizona Secretary of*
23 *State Katie Hobbs*
24
25
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