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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,) **DEFENDANT SECRETARY OF**
20) **STATE KATIE HOBBS’ ANSWER**
v.) **TO PLAINTIFF UNITED STATES**
21) **OF AMERICA’S COMPLAINT**
Katie Hobbs, in her official capacity as)
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 Plaintiff United States of America’s (“Plaintiff”) Complaint [Doc. 1,
3 No. 2:22-cv-01124] as follows:

4 **COMPLAINT**

5 1. Responding to Paragraph 1 of the Complaint, the Secretary admits that the
6 Legislature passed HB 2492 in March 2022, that HB 2492 imposes several restrictions on
7 eligible U.S. citizens’ ability to register and to vote, and that, pursuant to Section 4 of SB 1638,
8 HB 2492 becomes effective on January 1, 2023.

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

10 3. Responding to the first sentence of Paragraph 3 of the Complaint, the Secretary
11 admits that, in her view as the Chief Election Officer for the State of Arizona, the challenged
12 provisions of HB 2492 conflict with the NVRA and *Arizona v. Inter Tribal Council of Arizona*,
13 570 U.S. 1 (2013) by requiring documentary proof of U.S. citizenship (“DPOC”) to register
14 and vote in federal races using the Federal Form. The Secretary admits the allegations in the
15 second sentence in Paragraph 3.

16 4. Responding to Paragraph 4 of the Complaint, the Secretary admits that, in her
17 view as the Chief Election Officer for the State of Arizona, the challenged provisions of HB
18 2492 conflict with the NVRA and *Arizona v. Inter Tribal Council of Arizona*, 570 U.S. 1 (2013)
19 by requiring documentary proof of U.S. citizenship (“DPOC”) to register and vote in federal
20 races using the Federal Form.

21 5. The Secretary admits the allegations in Paragraph 5.

22 6. Responding to Paragraph 6 of the Complaint, the Secretary admits that the
23 challenged provisions of HB 2492 may impact both federal-only voters and full-ballot voters
24 in Arizona. The Secretary lacks knowledge or information sufficient to form a belief about the
25 truth of the remaining allegations in Paragraph 6.

26

1 7. Responding to Paragraph 7 of the Complaint, the Secretary admits that federal-
2 only voters in Arizona are those who registered after December 2004 using either the state
3 form or the federal form prescribed by the EAC, did not provide documentary proof of
4 citizenship with their application, and for whom election officials were unable to acquire proof
5 of citizenship from MVD records. The Secretary denies the remaining allegations in Paragraph
6 7.

7 8. Responding to Paragraph 8 of the Complaint, the Secretary admits that, in her
8 view as the Chief Election Officer for the State of Arizona, HB 2492 conflicts with the
9 Materiality Provision in 52 U.S.C. § 10101(a)(2)(B) to the extent that it requires rejection of a
10 voter registration application based on errors or omissions that are not material to establishing
11 an individual's qualifications to vote, including, for example, if the applicant does not check
12 the citizenship box on the registration form where election officials already have adequate
13 evidence of the applicant's citizenship. The Secretary lacks knowledge or information
14 sufficient to form a belief about the truth of the remaining allegations in Paragraph 8.

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

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

JURISDICTION AND VENUE

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

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

23

PARTIES

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

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

26

1 28. The Secretary lacks knowledge or information sufficient to form a belief about
2 the truth of the allegations in Paragraph 28.

3 29. The Secretary admits the allegations in Paragraph 29.

4 30. The Secretary admits the allegations in Paragraph 30.

5 31. Responding to Paragraph 31 of the Complaint, the Secretary admits the
6 allegations in the first sentence. Responding to the second sentence, the Secretary admits that,
7 under HB 2492, if an applicant using the Federal Form does not provide DPOC and election
8 officials are unable to confirm the applicant’s citizenship by way of steps mandated by HB
9 2492, the applicant will only be registered to vote in federal congressional and senate elections,
10 and will not be eligible to vote for president or early by mail.

11 32. The Secretary admits the allegations in Paragraph 32.

12 33. The Secretary admits the allegations in Paragraph 33.

13 34. The Secretary admits the allegations in Paragraph 34.

14 35. The Secretary admits the allegations in Paragraph 35.

15 36. The Secretary admits the allegations in Paragraph 36.

16 37. Responding to the first sentence of Paragraph 37 of the Complaint, the Secretary
17 admits that, if election officials verify a Federal Form applicant’s citizenship status, and the
18 applicant is otherwise eligible to vote and has met other requirements, then the applicant “shall
19 be properly registered,” which the Secretary interprets as requiring the applicant to be
20 registered as a full-ballot voter. The Secretary admits the allegations in the second sentence of
21 Paragraph 37.

22 38. Responding to Paragraph 38 of the Complaint, the Secretary admits that if
23 election officials cannot verify the applicant’s citizenship status, then they must take the
24 additional step of notifying the applicant and the applicant must produce DPOC to be eligible
25 to vote in a presidential election or receive an early ballot by mail.

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

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

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

3 42. The Secretary admits the allegations in Paragraph 42.

4 43. The Secretary admits the allegations in Paragraph 43.

5 44. The Secretary admits the allegations in Paragraph 44.

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

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

8 47. Responding to Paragraph 47 of the Complaint, the Secretary admits that HB 2492
9 accepts an attestation as sufficient proof of citizenship for in-person voters in congressional
10 elections and does not consider whether these voters have provided DPOC. The Secretary lacks
11 knowledge or information sufficient to form a belief about the truth of the remaining
12 allegations in Paragraph 47.

13 48. The Secretary admits the allegations in Paragraph 48.

14 49. The Secretary admits the 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 admits the allegations in Paragraph 52.

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

19 54. The Secretary admits the allegations in Paragraph 54.

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

21 56. Responding to Paragraph 56 of the Complaint, the Secretary admits that, in her
22 view as the Chief Election Officer for the State of Arizona, HB 2492 conflicts with the
23 Materiality Provision in 52 U.S.C. § 10101(a)(2)(B) by rejecting registration applications and
24 potentially denying eligible voters the right to vote based on the failure to provide their place
25 of birth, which is not material to their eligibility to vote.

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

1 58. The Secretary admits the allegations in Paragraph 58.

2 59. The Secretary admits the allegations in Paragraph 59.

3 60. Responding to Paragraph 60 of the Complaint, the Secretary admits that, in her
4 view as the Chief Election Officer for the State of Arizona, by requiring State and Federal
5 Forms that are accompanied by DPOC to be rejected if they lack a checkmark in the citizenship
6 box, HB 2492 mandates rejection of records or papers relating to application or registration
7 requisite to voting based on errors or omissions that are not material to a voter's qualifications.

8 61. Responding to Paragraph 61 of the Complaint, the Secretary admits that, in her
9 view as the Chief Election Officer for the State of Arizona, HB 2492 may deny qualified
10 individuals the right to vote by requiring voter registration applications to be rejected if the
11 voter fails to check a citizenship box, even if the voter has submitted DPOC or attested to their
12 citizenship.

13 **FIRST CAUSE OF ACTION**

14 62. The Secretary incorporates by reference all preceding paragraphs as if fully set
15 forth herein.

16 63. The Secretary admits the allegations in Paragraph 63.

17 64. Responding to Paragraph 64 of the Complaint, the Secretary admits that, in her
18 view as the Chief Election Officer for the State of Arizona, the challenged provisions of HB
19 2492 conflict with the NVRA by requiring DPOC to register and vote in federal races by mail
20 or in presidential elections.

21 65. Responding to Paragraph 65 of the Complaint, the Secretary admits that HB 2492
22 will take effect on January 1, 2023 unless enjoined by the Court. The Secretary lacks
23 knowledge or information sufficient to form a belief about the truth of the remaining
24 allegations in Paragraph 65.

25 **SECOND CAUSE OF ACTION**

1 66. The Secretary incorporates by reference all preceding paragraphs as if fully set
2 forth herein.

3 67. Responding to Paragraph 67 of the Complaint, the Secretary admits the
4 allegations in the first and last sentences. The Secretary also admits that, in her view as the
5 Chief Election Officer for the State of Arizona, HB 2492 conflicts with the Materiality
6 Provision in 52 U.S.C. § 10101(a)(2)(B) by barring election officials from registering a
7 prospective voter if the voter’s application does not include the voter’s birthplace.

8 68. Responding to Paragraph 68 of the Complaint, the Secretary admits the
9 allegations in the second sentence. Responding to the allegations in the first sentence, the
10 Secretary admits that, in her view as the Chief Election Officer for the State of Arizona, HB
11 2492 conflicts with the Materiality Provision in 52 U.S.C. § 10101(a)(2)(B) by barring election
12 officials from registering prospective voters who have already provided DPOC if those voters
13 do not also check a box indicating that they are citizens.

14 69. Responding to Paragraph 69 of the Complaint, the Secretary admits the
15 allegations in the second sentence. The Secretary lacks knowledge or information sufficient to
16 form a belief about the truth of the remaining allegations in Paragraph 69.

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

19 71. Responding to Paragraph 71 of the Complaint, the Secretary admits that HB 2492
20 will take effect on January 1, 2023 unless enjoined by the Court. The Secretary lacks
21 knowledge or information sufficient to form a belief about the truth of the remaining
22 allegations in Paragraph 71.

23 72. The Secretary denies each and every allegation in the Complaint that is not
24 specifically admitted herein, including (i) any implied allegations, inferences, or
25 characterizations not specifically admitted, and (ii) any and all allegations stated or implied in
26 unnumbered paragraphs and headings.

PRAYER FOR RELIEF

73. Responding to Plaintiff’s prayer for relief, the Secretary states that, other than providing her view on certain provisions as Arizona’s Chief Election Officer, she takes no position regarding the ultimate merits of Plaintiff’s claims against the challenged laws and Plaintiff’s request for substantive relief in the form of a declaratory judgment and a permanent injunction.

Respectfully submitted this 16th day of September, 2022.

COPPERSMITH BROCKELMAN PLC

By /s/ D. Andrew Gaona
D. Andrew Gaona
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