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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 PLAINTIFFS PODER LATINX**  
21 ) **AND CPLC’S FIRST AMENDED**  
Katie Hobbs, in her official capacity as ) **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 )

11 Poder Latinx, et al., )  
12 )  
13 Plaintiffs, )  
14 )  
15 v. )  
16 )  
17 Katie Hobbs, in her official capacity as )  
18 Arizona Secretary of State, et al., )  
19 Defendants. )  
20 )

21 United States of America, )  
22 )  
23 Plaintiff, )  
24 )  
25 v. )  
26 )  
27 Katie Hobbs, in her official capacity as )  
28 Arizona Secretary of State, et al., )  
29 Defendants. )  
30 )

31 Democratic National Committee, et al., )  
32 )  
33 Plaintiffs, )  
34 )  
35 v. )  
36 )  
37 Katie Hobbs, in her official capacity as )  
38 Arizona Secretary of State, et al., )  
39 Defendants. )  
40 )

1 Defendant Katie Hobbs, in her official capacity as Arizona Secretary of State  
2 (“Secretary”) answers Plaintiff Poder Latinx, Chicanos Por La Causa, Inc., and Chicanos Por  
3 La Causa Action Fund (“Plaintiffs”) First Amended Complaint [Doc. 106] (“FAC”) as follows:

4 **Nature of Action**

5 1. Responding to Paragraph 1 of the FAC, the Secretary admits that Plaintiffs  
6 generally describe the nature of their claims in this action, and lacks knowledge or information  
7 sufficient to form a belief about the truth of the remaining allegations in Paragraph 1.

8 2. Responding to Paragraph 2 of the FAC, the Secretary admits that HB 2492 takes  
9 effect on January 1, 2023 and that certain of HB 2243’s provisions will become effective  
10 September 24, 2022; however, the Secretary has consistently taken the position that Section 2  
11 of HB 2243 (amending A.R.S. § 16-165 as amended by HB 2492) cannot take effect until  
12 January 1, 2023. The Secretary lacks knowledge or information sufficient to form a belief about  
13 the truth of the remaining allegations in Paragraph 2.

14 3. Responding to Paragraph 3 of the FAC, the Secretary admits that Plaintiffs  
15 generally describe the nature of their claims in this action challenging provisions in HB 2492  
16 and HB 2243, and lacks knowledge or information sufficient to form a belief about the truth  
17 of the remaining allegations in Paragraph 3.

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

19 5. Responding to Paragraph 5 of the FAC, the Secretary admits that HB 2492  
20 provides that election officials must “use all available resources,” including any “state, city,  
21 town, county or federal database relating to voter registration to which the county recorder has  
22 access,” to “verify the citizenship status” of voter registration applicants and registered voters  
23 who have not provided proof of citizenship; that HB 2492 and HB 2243 require the county  
24 recorders to reject registration forms and cancel voter registrations based on “information” that  
25 the applicant or registered voter “is not a United States citizen”; that HB 2492 requires the  
26 Secretary and county recorders to provide a list of individuals who have not submitted proof

1 of citizenship required under Arizona law; that HB 2492 provides that the Attorney General  
2 must investigate the citizenship status of and potentially prosecute individuals on those lists;  
3 and that HB 2492 and HB 2243 authorize the county recorders to reject registration forms,  
4 cancel existing registered voters' records, and subject those individuals to investigation and  
5 prosecution based on certain citizenship information derived from potentially outdated and  
6 unreliable sources. The Secretary lacks knowledge or information sufficient to form a belief  
7 about the truth of the remaining allegations in Paragraph 5.

8         6.         Responding to Paragraph 6 of the FAC, the Secretary admits that Plaintiffs quote  
9 a portion of the Governor's veto letter in which he explained why he vetoed HB 2617 and that  
10 HB 2492 includes provisions similar to HB 2617, and lacks knowledge or information  
11 sufficient to form a belief about the truth of the remaining allegations in Paragraph 6.

12         7.         Responding to Paragraph 7 of the FAC, the Secretary admits that Plaintiffs quote  
13 the language in HB 2243, and that HB 2492 requires county recorders to subject applicants and  
14 registered voters to investigation and potential cancellation of voter registrations based on  
15 "information" that the applicant or registered voter "is not a United States citizen." The  
16 Secretary lacks knowledge or information sufficient to form a belief about the truth of the  
17 remaining allegations in Paragraph 7.

18         8.         Responding to Paragraph 8 of the FAC, the Secretary admits that HB 2492 and  
19 HB 2243 will add additional restrictions in Arizona's voter registration system, and admits  
20 that, in her view as the Chief Election Officer for the State of Arizona, the challenged  
21 provisions do not advance any legitimate regulatory interest in ensuring free, fair, and secure  
22 elections, furthering the orderly and efficient administration of elections, or preventing fraud  
23 in elections. The Secretary lacks knowledge or information sufficient to form a belief about  
24 the truth of the remaining allegations in Paragraph 8.

25         9.         Responding to Paragraph 9 of the FAC, the Secretary admits that HB 2492 does  
26 not specify what information suffices to determine that a voter registration applicant or

1 registered voter is not a U.S. citizen and that some United States citizens may be erroneously  
2 flagged as non-citizens based on potentially outdated and inaccurate data. The Secretary lacks  
3 knowledge or information sufficient to form a belief about the truth of the remaining  
4 allegations in Paragraph 9.

5 10. Responding to Paragraph 10 of the Complaint, the Secretary admits that, in her  
6 view as the Chief Election Officer for the State of Arizona, the challenged DPOR provisions  
7 of HB 2492 conflict with the NVRA and the U.S. Supreme Court's decision in *Arizona v. Inter*  
8 *Tribal Council of Arizona (ITCA)*, 570 U.S. 1 (2013).

9 11. Responding to Paragraph 11 of the Complaint, the Secretary admits that  
10 Plaintiffs generally describe the nature of their claims and their request for relief.

11 **JURISDICTION AND VENUE**

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

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

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

15 15. Responding to Paragraph 15 of the Complaint, the Secretary denies that Plaintiff  
16 should be entitled to an award of its attorneys' fees and costs as against her, and admits the  
17 remaining allegations in Paragraph 15.

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

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

20 **PARTIES**

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

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

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

1 21. Responding to Paragraph 21 of the FAC, the Secretary admits the allegations in  
2 the first three sentences. Responding to the remaining allegations in Paragraph 16, the  
3 Secretary admits that she is the public officer responsible for coordination of state  
4 responsibilities under the National Voter Registration Act of 1993 and the Uniformed and  
5 Overseas Citizens Absentee Voting Act and that under A.R.S. § 16-452, the Secretary  
6 promulgates binding rules and regulations for voter registration through the Elections  
7 Procedures Manual (“EPM”), which is subject to approval by the Governor and Attorney  
8 General. The Secretary denies that she “has power to compel the county recorders to comply  
9 with state and federal election laws,” except through the EPM after approval by the Governor  
10 and Attorney General.

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

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

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

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

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

16 **BACKGROUND**

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

18 28. Responding to Paragraph 28 of the FAC, the Secretary admits the allegations in  
19 the first three sentences. Responding to the remaining allegations, the Secretary admits that an  
20 applicant who possesses an “F-type” license (*i.e.*, a license type that indicates non-citizenship  
21 at the time of issuance) would need to submit another form of evidence of citizenship to register  
22 to vote a full ballot, and lacks knowledge or information sufficient to form a belief about the  
23 truth of the remaining allegations in Paragraph 28.

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

25 30. Responding to Paragraph 30 of the FAC, the Secretary admits that Arizona voters  
26 who have provided DPOC may vote in all elections, including federal, state, and local

1 elections, and Arizona voters who have not provided DPOC, and for whom proof of citizenship  
2 has not been located by county recorders, are only permitted to vote in federal elections. The  
3 Secretary further admits that HB 2492 will prohibit “federal only” voters from voting in  
4 presidential elections or receiving an early ballot by mail. The Secretary lacks knowledge or  
5 information sufficient to form a belief about the truth of the remaining allegations in Paragraph  
6 30.

7 31. The Secretary admits the allegations in Paragraph 31.

8 32. Responding to Paragraph 32 of the FAC, the Secretary admits that when HB  
9 2492 takes effect, a state voter registration form that is submitted without DPOC must be  
10 rejected by the county recorder’s office and that failing to reject the form will be a class 6  
11 felony. The Secretary also admits that a registration applicant must be notified and afforded an  
12 opportunity to provide DPOC and that Plaintiffs quote Ariz. Rev. Stat. § 16-134(B) before it  
13 was amended by HB 2492. The Secretary lacks knowledge or information sufficient to form a  
14 belief about the truth of the remaining allegations in Paragraph 32.

15 33. Responding to Paragraph 33 of the Complaint, the Secretary admits the  
16 allegations in the first two sentences, and lacks knowledge or information sufficient to form a  
17 belief about the truth of the allegations in the last sentence.

18 34. Responding to Paragraph 34 of the FAC, the Secretary admits that Plaintiffs  
19 generally describe portions of HB 2492 Section 4, A.R.S. § 16-121.01(D). The Secretary lacks  
20 knowledge or information sufficient to form a belief about the truth of the remaining  
21 allegations in Paragraph 34.

22 35. Responding to Paragraph 35 of the FAC, the Secretary admits that Plaintiffs  
23 generally describe the three “scenarios” described in HB 2492 Section 4, A.R.S. § 16-  
24 121.01(E), and lacks knowledge or information sufficient to form a belief about the truth of  
25 the remaining allegations in Paragraph 35.

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

1 37. The Secretary admits the allegations in Paragraph 37.

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

4 39. Responding to Paragraph 39 of the FAC, the Secretary admits that under HB  
5 2243, if a county recorder “obtains information pursuant to this section and confirms that the  
6 person registered is not a United States citizen,” and if after receiving a notice the voter does  
7 not provide proof of citizenship within 35 days, the recorder must cancel the registration. The  
8 Secretary lacks knowledge or information sufficient to form a belief about the truth of the  
9 remaining allegations in Paragraph 39.

10 40. Responding to Paragraph 40 of the FAC, the Secretary admits the allegations in  
11 the second sentence, and admits the allegations in the third sentence except that the county  
12 recorders must perform such monthly comparisons only “to the extent practicable.”  
13 Responding to the allegations in the first sentence, the Secretary admits that HB 2243 requires  
14 that the Secretary perform monthly comparisons against the driver license database maintained  
15 by ADOT, and that HB 2243 requires that county recorders, to the extent practicable, perform  
16 reviews of certain federal, state, and local databases to which they have access.

17 41. Responding to Paragraph 41 of the FAC, the Secretary admits that HB 2243  
18 requires that, “[t]o the extent practicable, each month the county recorder shall compare  
19 persons who are registered to vote in that county and who the county recorder has reason to  
20 believe are not United States citizens and persons who are registered to vote without  
21 satisfactory evidence of citizenship as prescribed by Section 16-166 with the Systematic Alien  
22 Verification for Entitlements program maintained by the United States Citizenship and  
23 Immigration Services to verify the citizenship status of the persons registered.” The Secretary  
24 also admits that HB 2243 does not include any indicia or criteria that would provide a predicate  
25 for the county recorder’s “reason to believe” a person is not a United States citizen. The  
26 Secretary lacks knowledge or information sufficient to form a belief about the truth of the



1 remaining allegations in Paragraph 41.

2 42. Responding to Paragraph 42 of the FAC, the Secretary admits the allegations  
3 except that county recorders must compare such data only “if accessible.”

4 43. Responding to Paragraph 43 of the FAC, the Secretary admits the allegations  
5 except that county recorders must review such databases only “to the extent practicable.”

6 44. Responding to Paragraph 44 of the FAC, the Secretary admits that HB 2492 and  
7 HB 2243 do not specify what type, set, or combination of “information” establishes that a  
8 registered voter “is not a United States citizen” or what information is sufficient to match an  
9 individual in a database with the registered voter or applicant, and that some United States  
10 citizens may be erroneously flagged as non-citizens based on potentially outdated and  
11 inaccurate data. The Secretary lacks knowledge or information sufficient to form a belief about  
12 the truth of the remaining allegations in Paragraph 44.

13 45. Responding to Paragraph 45 of the FAC, the Secretary admits that HB 2617,  
14 which was vetoed by Governor Doug Ducey, included a registration cancellation provision  
15 similar to provisions in HB 2492 and HB 2243. The Secretary also admits that Plaintiffs quote  
16 portions of the Governor’s veto letter in which he explained why he vetoed HB 2617, and lacks  
17 knowledge or information sufficient to form a belief about the truth of the remaining  
18 allegations in Paragraph 45.

19 46. Responding to Paragraph 46 of the FAC, the Secretary admits that Arizona’s  
20 preexisting DPOC law enumerates the specific forms of proof that a voter registration applicant  
21 can provide to establish U.S. citizenship, and that HB 2492 and HB 2243 do not enumerate  
22 what specific “information” proves that a voter registration applicant or a registered voter “is  
23 not a U.S. citizen.” The Secretary lacks knowledge or information sufficient to form a belief  
24 about the truth of the remaining allegations in Paragraph 46.

25 47. The Secretary lacks knowledge or information sufficient to form a belief about  
26 the truth of the allegations in Paragraph 47.

1           48.     Responding to Paragraph 48, the Secretary admits that, in her view as the Chief  
2 Election Officer for the State of Arizona, the challenged HB 2492 and HB 2243 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 48.

7           49.     The Secretary lacks knowledge or information sufficient to form a belief about  
8 the truth of the allegations in Paragraph 49.

9           50.     The Secretary lacks knowledge or information sufficient to form a belief about  
10 the truth of the allegations in Paragraph 50.

11          51.     Responding to Paragraph 51 of the FAC, the Secretary admits that certain of the  
12 databases listed in HB 2492 and HB 2243 may include potentially outdated and unreliable  
13 information.

14          52.     Responding to Paragraph 52 of the FAC, the Secretary admits that SAVE is not  
15 a universal or exhaustive list of U.S. citizens and may contain outdated or inaccurate data on  
16 citizenship status. The Secretary lacks knowledge or information sufficient to form a belief  
17 about the truth of the allegations in Paragraph 52.

18          53.     The Secretary lacks knowledge or information sufficient to form a belief about  
19 the truth of the allegations in Paragraph 53.

20          54.     The Secretary lacks knowledge or information sufficient to form a belief about  
21 the truth of the allegations in Paragraph 54.

22          55.     The Secretary lacks knowledge or information sufficient to form a belief about  
23 the truth of the allegations in Paragraph 55.

24          56.     The Secretary lacks knowledge or information sufficient to form a belief about  
25 the truth of the allegations in Paragraph 56.

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

1 the truth of the allegations in Paragraph 57.

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

3 59. Responding to the first sentence in Paragraph 59 of the FAC, the Secretary  
4 admits that HB 2492 requires that “a person who registers to vote shall provide an identifying  
5 document that establishes proof of location of residence.” The Secretary admits the remaining  
6 allegations in Paragraph 59.

7 60. The Secretary admits the allegations in Paragraph 60.

8 61. The Secretary admits the allegations in Paragraph 61.

9 62. Responding to Paragraph 62 of the FAC, the Secretary admits that, in her view  
10 as the Chief Election Officer for the State of Arizona, the proof of residence provision of HB  
11 2492 conflicts with the NVRA and the Supreme Court’s decision in *ITCA* by imposing  
12 requirements for registering to vote in federal elections using the Federal Form beyond those  
13 prescribed by the U.S. Election Assistance Commission.

14 63. The Secretary lacks knowledge or information sufficient to form a belief about  
15 the truth of the allegations in Paragraph 63.

16 64. The Secretary lacks knowledge or information sufficient to form a belief about  
17 the truth of the allegations in Paragraph 64.

18 65. The Secretary lacks knowledge or information sufficient to form a belief about  
19 the truth of the allegations in Paragraph 65.

20 66. Responding to the allegations in Paragraph 66, the Secretary admits that, under  
21 the LULAC Consent Decree, voter registration applicants submitting either the state or federal  
22 voter registration form can still be registered to vote in federal elections even if they do not  
23 submit DPOC, and that under HB 2492, state registration forms submitted without DPOC will  
24 be rejected as incomplete. The Secretary lacks knowledge or information sufficient to form a  
25 belief about the truth of the remaining allegations in Paragraph 66.

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

1 the truth of the allegations in Paragraph 67.

2 68. The Secretary lacks knowledge or information sufficient to form a belief about  
3 the truth of the allegations in Paragraph 68.

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

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

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

10 72. The Secretary lacks knowledge or information sufficient to form a belief about  
11 the truth of the allegations in Paragraph 72.

12 73. Responding to Paragraph 73 of the FAC, the Secretary admits that HB 2492  
13 requires that a voter registration form be accompanied by DPOR to be complete, and lacks  
14 knowledge or information sufficient to form a belief about the truth of the remaining  
15 allegations in Paragraph 73.

16 74. The Secretary lacks knowledge or information sufficient to form a belief about  
17 the truth of the allegations in Paragraph 74.

18 75. The Secretary lacks knowledge or information sufficient to form a belief about  
19 the truth of the allegations in Paragraph 75.

20 76. The Secretary lacks knowledge or information sufficient to form a belief about  
21 the truth of the allegations in Paragraph 76.

22 77. The Secretary lacks knowledge or information sufficient to form a belief about  
23 the truth of the allegations in Paragraph 77.

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

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

1 the truth of the allegations in Paragraph 79.

2 80. The Secretary lacks knowledge or information sufficient to form a belief about  
3 the truth of the allegations in Paragraph 80.

4 81. The Secretary lacks knowledge or information sufficient to form a belief about  
5 the truth of the allegations in Paragraph 81.

6 82. The Secretary lacks knowledge or information sufficient to form a belief about  
7 the truth of the allegations in Paragraph 82.

8 83. The Secretary lacks knowledge or information sufficient to form a belief about  
9 the truth of the allegations in Paragraph 83.

10 84. The Secretary lacks knowledge or information sufficient to form a belief about  
11 the truth of the allegations in Paragraph 84.

12 85. The Secretary lacks knowledge or information sufficient to form a belief about  
13 the truth of the allegations in Paragraph 85.

14 **CLAIMS**

15 **COUNT ONE**  
16 **(All Plaintiffs)**

17 **(Violation of Section 8(b) of the National Voter Registration Act (NVRA), 52 U.S.C. §**  
18 **20507(b) and 42 U.S.C. § 1983 HB 2492 Secs. 4, 7, and 8 (Ariz. Rev. Stat. §§ 16-**  
19 **121.01(D), 16-121.01(E), and 16-121.01(F); Ariz. Rev. Stat. § 16-143; Ariz. Rev. Stat. §**  
20 **16-165(A)(10))**

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

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

24 88. Responding to Paragraph 88 of the FAC, the Secretary admits that Plaintiffs  
25 generally describe portions of the court's findings in *Project Vote v. Blackwell*, 455 F. Supp.  
26 2d 694, 703 (N.D. Ohio 2006).

89. The Secretary lacks knowledge or information sufficient to form a belief about  
the truth of the allegations in Paragraph 89.

1           90.     Responding to Paragraph 90 of the FAC, the Secretary admits that Arizona’s  
2 preexisting DPOC requirement contains an objective list of the specific forms of  
3 documentation that prove a registration applicant’s U.S. citizenship, and that HB 2492 does  
4 not articulate what “information” will establish that a registration applicant or registered voter  
5 “is not a United States citizen.” The Secretary lacks knowledge or information sufficient to  
6 form a belief about the truth of the remaining allegations in Paragraph 90.

7           91.     Responding to Paragraph 91 of the FAC, the Secretary admits that HB 2492  
8 requires county recorders to use “all available resources” to verify U.S. citizenship status when  
9 an applicant does not include DPOC, and that some United States citizens may be erroneously  
10 identified as non-citizens based on potentially outdated and inaccurate information. The  
11 Secretary lacks knowledge or information sufficient to form a belief about the truth of the  
12 remaining allegations in Paragraph 91.

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

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

16           94.     The Secretary admits the allegations in Paragraph 94.

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

19           96.     The Secretary lacks knowledge or information sufficient to form a belief about  
20 the truth of the allegations in Paragraph 96.

21           97.     Responding to Paragraph 97 of the FAC, the Secretary denies that she has taken  
22 any unlawful actions under color of state law.

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

25  
26

1 **COUNT TWO**  
2 **(All Plaintiffs)**  
3 **(Discriminatory Practices and Procedures for Voter Qualification Determinations, 52**  
4 **U.S.C. § 10101(a)(2)(A) and 42 U.S.C. § 1983)**  
5 **HB 2243 Section 2 (Ariz. Rev. Stat. § 16-165(H))**

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

8 100. Responding to Paragraph 100 of the FAC, the Secretary admits that Plaintiffs  
9 quote a portion of 52 U.S.C. § 10101(a)(2)(A).

10 101. Responding to Paragraph 101 of the FAC, the Secretary admits that HB 2243  
11 requires that county recorders, to the extent practicable, check the SAVE database each month  
12 “to verify the citizenship status” of any “persons who are registered to vote in that county and  
13 who the county recorder has reason to believe are not United States citizens.” The Secretary  
14 also admits that SAVE is not a universal or exhaustive list of U.S. citizens and may contain  
15 outdated or inaccurate data on citizenship status, and that if a county recorder “confirms that  
16 the person registered is not a United States citizen” based on the review of the SAVE database,  
17 and if after receiving a notice the voter does not provide proof of citizenship within 35 days,  
18 the recorder must cancel the registration. The Secretary lacks knowledge or information  
19 sufficient to form a belief about the truth of the remaining allegations in Paragraph 101.

20 102. Responding to Paragraph 102 of the FAC, the Secretary admits that Plaintiffs  
21 quote a portion of 52 U.S.C. § 10101(a)(2)(A), and lacks knowledge or information sufficient  
22 to form a belief about the truth of the remaining allegations in Paragraph 102.

23 103. Responding to Paragraph 103 of the FAC, the Secretary admits that HB 2243  
24 requires a different “standard, practice, or procedure” for determining a voter’s qualifications  
25 for voters who a county recorder “has reason to believe are not United States citizens” than for  
26 voters who a county recorder does not have reason to believe are not United States citizens.  
The Secretary lacks knowledge or information sufficient to form a belief about the truth of the  
remaining allegations in Paragraph 103.





1 “to verify the citizenship status” of any “persons who are registered to vote in that county and  
2 who the county recorder has reason to believe are not United States citizens.” The Secretary  
3 also admits that SAVE is not a universal or exhaustive list of U.S. citizens and may contain  
4 outdated or inaccurate data on citizenship status. The Secretary lacks knowledge or information  
5 sufficient to form a belief about the truth of the remaining allegations in Paragraph 112.

6 113. Responding to Paragraph 113 of the FAC, the Secretary admits that HB 2243  
7 requires that county recorders, to the extent practicable, check the SAVE database each month  
8 “to verify the citizenship status” of any “persons who are registered to vote in that county and  
9 who the county recorder has reason to believe are not United States citizens.”

10 114. The Secretary lacks knowledge or information sufficient to form a belief about  
11 the truth of the allegations in Paragraph 114.

12 115. Responding to Paragraph 115 of the FAC, the Secretary admits that HB 2243  
13 does not specify that any particular information is improper or insufficient to establish “reason  
14 to believe” that a person is not a United States citizen. The Secretary lacks knowledge or  
15 information sufficient to form a belief about the remaining allegations in Paragraph 115.

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

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

20 118. Responding to Paragraph 118 of the FAC, the Secretary denies that she has taken  
21 any unlawful actions under color of state law.

22 119. The Secretary lacks knowledge or information sufficient to form a belief about  
23 the truth of the allegations in Paragraph 119.

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**COUNT FOUR  
(All Plaintiffs)**

**(Arbitrary and Disparate Treatment of Voter Registration Applicants Using the  
Federal Form and Currently Registered Voters, Equal Protection Clause of Fourteenth  
Amendment to the U.S. Constitution and 42 U.S.C. § 1983)  
The Citizenship Investigation Provisions (Both HB 2492 and HB 2243)**

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2  
3  
4  
5 120. The Secretary incorporates by reference all preceding paragraphs as if fully set  
6 forth herein.

7 121. Responding to Paragraph 121 of the FAC, the Secretary admits that Plaintiffs  
8 describe portions of the cited cases, and lacks knowledge or information sufficient to form a  
9 belief about the truth of the remaining allegations in Paragraph 121.

10 122. Responding to Paragraph 122 of the FAC, the Secretary admits that Plaintiffs  
11 describe portions of the cited cases, and lacks knowledge or information sufficient to form a  
12 belief about the truth of the remaining allegations in Paragraph 122.

13 123. Responding to Paragraph 123 of the FAC, the Secretary admits that Arizona law  
14 enumerates the specific forms of proof that a voter registration applicant can provide to  
15 establish U.S. citizenship and that HB 2492 does not enumerate what specific “information”  
16 proves that a voter registration applicant or a registered voter “is not a U.S. citizen.” The  
17 Secretary lacks knowledge or information sufficient to form a belief about the truth of the  
18 remaining allegations in Paragraph 123.

19 124. The Secretary admits the allegations in Paragraph 124.

20 125. Responding to Paragraph 125 of the FAC, the Secretary admits that the first  
21 sentence quotes a portion of HB 2492, and lacks knowledge or information sufficient to form  
22 a belief about the truth of the remaining allegations in Paragraph 125.

23 126. Responding to Paragraph 126 of the FAC, the Secretary admits that, for  
24 registered Arizona voters who have not provided documentary proof of citizenship and can  
25 only vote in congressional elections, HB 2492 requires the Attorney General to engage in a  
26 similar database review to identify voters who are not U.S. citizens and “prosecute individuals

1 who are found to not be United States citizens.” The Secretary lacks knowledge or information  
2 sufficient to form a belief about the truth of the remaining allegations in Paragraph 126.

3 127. Responding to Paragraph 127 of the FAC, the Secretary admits that under HB  
4 2243, if a county recorder “obtains information pursuant to this section and confirms that the  
5 person registered is not a United States citizen,” and if after receiving a notice the voter does  
6 not provide proof of citizenship within 35 days, the recorder must cancel the registration. The  
7 Secretary also admits that HB 2243 does not specify what type, set, or combination of  
8 “information” establishes that a registered voter “is not a United States citizen” currently, and  
9 it does not specify what it means to “confirm” a person is not a United States citizen. The  
10 Secretary lacks knowledge or information sufficient to form a belief about the truth of the  
11 remaining allegations in Paragraph 127.

12 128. Responding to Paragraph 128 of the FAC, the Secretary admits that she is not  
13 aware of any database that has current, up-to-date citizenship status information for all  
14 residences of the United States or Arizona and that existing databases that she is aware of may  
15 contain outdated or inaccurate citizenship status information. The Secretary lacks knowledge  
16 or information sufficient to form a belief about the truth of the allegations in Paragraph 128.

17 129. Responding to Paragraph 129 of the FAC, the Secretary admits that HB 2243  
18 requires that, “[t]o the extent practicable, each month the county recorder shall compare  
19 persons who are registered to vote in that county and who the county recorder has reason to  
20 believe are not United States citizens and persons who are registered to vote without  
21 satisfactory evidence of citizenship” with the SAVE database “to verify the citizenship status  
22 of the persons registered.” The Secretary lacks knowledge or information sufficient to form a  
23 belief about the truth of the remaining allegations in Paragraph 129.

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

26 131. Responding to Paragraph 131 of the FAC, the Secretary denies that she has taken

1 any unlawful actions under color of state law.

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

4 **COUNT FIVE**  
5 **(All Plaintiffs)**  
6 **(Violation of Procedural Due Process as to Voter Registration Applicants Using the**  
7 **Federal Voter Registration Form Who Do Not Provide Documentary Proof of**  
8 **Citizenship, Fourteenth Amendment to the U.S. Constitution and 42 U.S.C. § 1983)**  
9 **HB 2492 Section 5 (Ariz. Rev. Stat. § 16-121.01(E))**

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

12 134. Responding to Paragraph 134 of the FAC, the Secretary admits that Plaintiffs  
13 describe portions of the cited constitutional amendment and cases, and lacks knowledge or  
14 information sufficient to form a belief about the truth of the remaining allegations in Paragraph  
15 134.

16 135. Responding to Paragraph 135 of the FAC, the Secretary admits that Plaintiffs  
17 quote a portion of the cited case, and lacks knowledge or information sufficient to form a belief  
18 about the truth of the remaining allegations in Paragraph 135.

19 136. Responding to Paragraph 136 of the FAC, the Secretary admits that Plaintiffs  
20 quote a portion of the cited case, and lacks knowledge or information sufficient to form a belief  
21 about the truth of the remaining allegations in Paragraph 136.

22 137. Responding to Paragraph 137 of the FAC, the Secretary admits that Plaintiffs  
23 quote portions of the cited cases, and lacks knowledge or information sufficient to form a belief  
24 about the truth of the remaining allegations in Paragraph 137.

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

26 139. The Secretary admits the allegations in Paragraph 139.

140. Responding to Paragraph 140 of the FAC, the Secretary admits that Plaintiffs  
quote portions of the cited cases, and lacks knowledge or information sufficient to form a belief

1 about the truth of the remaining allegations in Paragraph 140.

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

4 142. The Secretary admits the allegations in Paragraph 142.

5 143. Responding to Paragraph 143 of the FAC, the Secretary admits that Plaintiffs  
6 quote a portion of the cited case, and lacks knowledge or information sufficient to form a belief  
7 about the truth of the remaining allegations in Paragraph 143.

8 144. Responding to Paragraph 144 of the FAC, the Secretary admits that, in her view  
9 as the Chief Election Officer for the State of Arizona, the challenged HB 2492 provisions do  
10 not advance any legitimate regulatory interest in ensuring free, fair, and secure elections,  
11 furthering the orderly and efficient administration of elections, or preventing fraud in elections.  
12 The Secretary lacks knowledge or information sufficient to form a belief about the truth of the  
13 remaining allegations in Paragraph 144.

14 145. Responding to Paragraph 145 of the FAC, the Secretary denies that she has taken  
15 any unlawful actions under color of state law, and lacks knowledge or information sufficient  
16 to form a belief about the truth of the remaining allegations in Paragraph 145.

17 **COUNT SIX**  
18 **(Poder Latinx)**  
19 **(Violation of NVRA Requirement That States Accept and Use Timely-Submitted**  
20 **Federal Registration Forms to Register Voters, 52 U.S.C. §§ 20505, 20507(a)) HB 2492**  
21 **Section 5 (Ariz. Rev. Stat. §§ 16-123, 16-121.01(A))**

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

22 147. The Secretary admits the allegations in Paragraph 147.

23 148. Responding to Paragraph 148 of the FAC, the Secretary admits that, in her view  
24 as the Chief Election Officer for the State of Arizona, the challenged HB 2492 provisions  
25 conflict with the NVRA and the U.S. Supreme Court's decision in *ITCA*.

26 149. The Secretary admits the allegations in Paragraph 149.

1 150. Responding to Paragraph 150 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  
3 conflict with the NVRA and the U.S. Supreme Court's decision in *ITCA*.

4 151. The Secretary admits the allegations in Paragraph 151.

5 152. Responding to Paragraph 152 of the FAC, the Secretary denies that she has taken  
6 any unlawful actions under color of state law.

7 153. The Secretary lacks knowledge or information sufficient to form a belief about  
8 the truth of the allegations in Paragraph 153.

9 154. The Secretary denies each and every allegation in the FAC that is not specifically  
10 admitted herein, including (i) any implied allegations, inferences, or characterizations not  
11 specifically admitted, and (ii) any and all allegations stated or implied in unnumbered  
12 paragraphs, footnotes, and headings.

13 **PRAYER FOR RELIEF**

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

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

21 **COPPERSMITH BROCKELMAN PLC**

22 By /s/ D. Andrew Gaona

23 D. Andrew Gaona  
24 Kristen Yost  
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**STATES UNITED DEMOCRACY CENTER**

Sambo (Bo) Dul

Christine Bass \*

*\*Admitted Pro Hac Vice*

*Attorneys for Defendant Arizona Secretary of  
State Katie Hobbs*