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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Mi Familia Vota, et al.,

Plaintiffs,

v.

Adrian Fontes, in his official capacity as  
Arizona Secretary of State, et al.,

Defendants.

No. CV-22-00509-PHX-SRB

**FINAL JUDGMENT**

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**AND CONSOLIDATED CASES**

This case arose out of eight consolidated lawsuits challenging various provisions of H.B. 2492 and H.B. 2243, enacted in 2022 (“Challenged Laws”). *See Mi Familia Vota v. Fontes*, No. 2:22-cv-00509-SRB (D. Ariz. Mar. 31, 2022); *Living United for Change in Ariz. v. Fontes*, No. 2:22-cv-00519-SRB (D. Ariz. Mar. 31, 2022); *United States v. Arizona*, No. 2:22-cv-01124-SRB (D. Ariz. July 5, 2022); *Poder Latinx v. Fontes*, No. 2:22-cv-1003-MTL (D. Ariz. June 9, 2022); *Democratic Nat’l Comm. v. Fontes*, No. 2:22-cv-01369-SRB (D. Ariz. Aug. 15, 2022); *Ariz. Asian Am. Native Hawaiian & Pac. Islander for Equity Coal. v. Fontes*, No. 2:22-cv-01381-SRB (D. Ariz. Aug. 16, 2022); *Promise Ariz. v. Fontes*, No. 2:22-cv-01602-SRB (D. Ariz. Sept. 20, 2022); *Tohono O’odham Nation v. Mayes*, No. 2:22-cv-01901-SRB (D. Ariz. Nov. 7, 2022).

Defendants in this litigation are the State of Arizona, Adrian Fontes, in his official capacity as Arizona Secretary of State, Attorney General Kris Mayes, in her official capacity, the county recorders for each county in Arizona, Intervenor-Defendant

1 Republican National Committee, and Intervenor-Defendants House Speaker Ben Toma  
2 and Senate President Warren Petersen.

3 On September 14, 2023, the Court entered a partial summary judgment order. (Doc.  
4 534.) On February 29, 2024, after a bench trial, the Court issued findings of fact and  
5 conclusions of law. (Doc. 709.) In accordance with those rulings, the Court hereby  
6 **ORDERS, ADJUDGES, AND DECREES** as follows:

7 1. **IT IS ORDERED AND DECLARED** that H.B. 2492’s restrictions on  
8 registration for presidential elections and voting by mail, *see* A.R.S. §§ 16-121.01(E), 16-  
9 127(A), are preempted by Section 6 of the National Voter Registration Act, 52 U.S.C. §  
10 20505. It is **FURTHER ORDERED** that Defendants, their officers, agents, servants,  
11 employees, and attorneys, and anyone else in active concert or participation with them are  
12 **PERMANENTLY ENJOINED** from enforcing such restrictions.

13 2. **IT IS ORDERED AND DECLARED** that H.B. 2492’s mandate to reject  
14 any State Form without accompanying Documentary Proof of Citizenship (“DPOC”), *see*  
15 A.R.S. § 16-121.01(C), may not be enforced given the LULAC Consent Decree.<sup>1</sup> It is  
16 **FURTHER ORDERED** that Defendants, their officers, agents, servants, employees, and  
17 attorneys, and anyone else in active concert or participation with them are  
18 **PERMANENTLY ENJOINED** from enforcing this mandate and that Arizona must abide  
19 by the LULAC Consent Decree and register eligible State Form users without DPOC for  
20 federal elections.

21 3. **IT IS ORDERED AND DECLARED** that H.B. 2492’s checkbox  
22 requirement, *see* A.R.S. § 16-121.01(A), violates the Materiality Provision of the Civil  
23 Rights Act, 52 U.S.C. § 10101(a)(2)(B), when enforced as to a person who provides DPOC  
24 and is otherwise eligible to vote. It is **FURTHER ORDERED** that Defendants, their  
25 officers, agents, servants, employees, and attorneys, and anyone else in active concert or  
26 participation with them are **PERMANENTLY ENJOINED** from enforcing the checkbox  
27 requirement when a person provides DPOC and is otherwise eligible to vote.

28 <sup>1</sup> *League of United Latin American Citizens of Arizona et al. v. Reagan et al.*, Case No. 2:17-cv-04102-DGC (D. Ariz.), Doc. 37 (6/18/18).

1           4.     **IT IS ORDERED AND DECLARED** that H.B. 2492’s requirement that  
 2 individuals who register to vote using the State Form must include their place of birth, *see*  
 3 A.R.S. § 16-121.01(A), violates the Materiality Provision of the Civil Rights Act, 52  
 4 U.S.C. § 10101(a)(2)(B). It is **FURTHER ORDERED** that Defendants, their officers,  
 5 agents, servants, employees, and attorneys, and anyone else in active concert or  
 6 participation with them are **PERMANENTLY ENJOINED** from enforcing this  
 7 requirement and may not reject State Form registrations that lack an individual’s place of  
 8 birth and must register an individual if that individual is found eligible to vote.

9           5.     **IT IS ORDERED AND DECLARED** that, with respect to H.B. 2492’s  
 10 proof of location of residence requirement, *see* A.R.S. § 16-123:

11           a.     A.R.S. § 16-123 references A.R.S. § 16-579(A)(1) for a list of  
 12 documents that satisfy the documentary proof of location of residence requirement  
 13 in A.R.S. § 16-123. The reference to § 16-579(A)(1) provides examples of  
 14 documents, but is not an exhaustive list of the documents, that can be used to satisfy  
 15 A.R.S. § 16-123.

16           b.     A.R.S. § 16-123 does not require tribal members or other Arizona  
 17 residents to have a standard street address for their home to satisfy A.R.S. § 16-123.

18           c.     In addition to the documents listed in A.R.S. § 16-579(A)(1), the  
 19 following documents satisfy the requirement in A.R.S. § 16-123:

20           ○     A valid unexpired Arizona driver license or nonoperating ID  
 21 (“AZ-issued ID”), regardless of whether the address on the AZ-issued ID  
 22 matches the address on the ID-holder’s voter registration form and even if  
 23 the AZ-issued ID lists only a P.O. Box.

24           ○     Any Tribal identification document, including but not limited  
 25 to a census card, an identification card issued by a tribal government, or a  
 26 tribal enrollment card, regardless of whether the Tribal identification  
 27 document contains a photo, a physical address, a P.O. Box, or no address.  
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1                   ○ Written confirmation signed by the registrant that they qualify  
2                   to register pursuant to A.R.S. § 16-121(B), regarding registration of persons  
3                   who do not reside at a fixed, permanent, or private structure.

4           6.     **IT IS ORDERED AND DECLARED** that H.B. 2492’s requirement that  
5 individuals registering to vote with the State Form must include documentary proof of  
6 location of residence to register for federal elections, *see* A.R.S. § 16-121.01(A), violates  
7 Sections 6 and 7 of the NVRA, 52 U.S.C. §§ 20505, 20506. It is **FURTHER ORDERED**  
8 that Defendants, their officers, agents, servants, employees, and attorneys, and anyone else  
9 in active concert or participation with them are **PERMANENTLY ENJOINED** from  
10 enforcing this requirement and may not reject State Form registrations that lack  
11 documentary proof of location of residence but must register an otherwise eligible voter  
12 registrant as a Federal-Only Voter.

13           7.     **IT IS ORDERED AND DECLARED** that H.B. 2243’s provisions requiring  
14 the systematic investigation and removal of registered voters within 90 days of a federal  
15 election, *see* A.R.S. § 16-165(A)(10), violate Section 8(c) of the NVRA, 52 U.S.C. §  
16 20507(c)(2)(A). It is **FURTHER ORDERED** that Defendants, their officers, agents,  
17 servants, employees, and attorneys, and anyone else in active concert or participation with  
18 them are **PERMANENTLY ENJOINED** from enforcing these requirements within the  
19 90-day period prior to the date of an election for federal office.

20           8.     **IT IS ORDERED AND DECLARED** that H.B. 2243’s requirement that  
21 county recorders conduct a citizenship check using USCIS’s SAVE system when they have  
22 reason to believe a registered voter is not a U.S. citizen, *see* A.R.S. § 16-165(I), violates  
23 the Different Standards, Practices, or Procedures Provision of the Civil Rights Act, 52  
24 U.S.C. § 10101(a)(2)(A), and Section 8(b) of the NVRA, 52 U.S.C. § 20507(b). It is  
25 **FURTHER ORDERED** that Defendants, their officers, agents, servants, employees, and  
26 attorneys, and anyone else in active concert or participation with them are  
27 **PERMANENTLY ENJOINED** from enforcing this requirement and may not conduct  
28 citizenship checks using USCIS’s SAVE system on registered voters whom county


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recorders have reason to believe lack U.S. citizenship.

9. **IT IS FURTHER ORDERED** that judgment is otherwise entered in favor of Defendants on all other claims addressed in the Court’s September 14, 2023 partial summary judgment order (Doc. 534) and February 29, 2024 Amended Order (Doc. 709). The Court does not reach the plaintiffs’ alternative claims against the Challenged Laws already declared unlawful in the Court’s partial summary judgment order or plaintiffs’ constitutional claims for those sections of the Challenged Laws ruled unlawful on statutory grounds. (*See* Doc. 600, Minute Entry for 10/24/23 Pretrial Conference (limiting claims to be presented at trial); Doc. 607, Supplement to the Joint Pretrial Order (identifying claims to be presented at trial); Doc. 608, Order Approving Joint Pretrial Order as Amended by Supplement; Doc. 709, Amended Order (findings of fact and conclusions of law) at 89 n.58 and at 108.)

10. **IT IS FURTHER ORDERED** that this Court shall retain jurisdiction to enforce the terms of this Final Judgment and to award such other relief as may be appropriate.

Dated this 2nd day of May, 2024.

  
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Susan R. Bolton  
United States District Judge