

1 **KRISTIN K. MAYES**  
**ATTORNEY GENERAL**  
2 Hayleigh S. Crawford (No. 032326)  
3 Joshua M. Whitaker (No. 032724)  
4 Robert J. Makar (No. 033579)  
2005 N. Central Avenue  
5 Phoenix, Arizona 85004  
6 Telephone: (602) 542-5200  
7 Email: [Hayleigh.Crawford@azag.gov](mailto:Hayleigh.Crawford@azag.gov)  
8 Email: [Joshua.Whitaker@azag.gov](mailto:Joshua.Whitaker@azag.gov)  
9 Email: [Robert.Makar@azag.gov](mailto:Robert.Makar@azag.gov)

7 **FENNEMORE CRAIG, P.C.**  
8 Douglas C. Northup (No. 013987)  
9 Timothy J. Berg (No. 004170)  
10 Emily Ward (No. 029963)  
11 2394 E. Camelback Road, Suite 600  
12 Phoenix, Arizona 85016  
13 Telephone: (602) 916-5000  
14 Email: [dnorthup@fennemorelaw.com](mailto:dnorthup@fennemorelaw.com)  
15 Email: [tberg@fennemorelaw.com](mailto:tberg@fennemorelaw.com)  
16 Email: [eward@fennemorelaw.com](mailto:eward@fennemorelaw.com)

17 *Attorneys for Defendant*  
18 *Attorney General Kristin K. Mayes*

14 UNITED STATES DISTRICT COURT  
15 DISTRICT OF ARIZONA

16 Mi Familia Vota, et al.,  
17  
18 Plaintiffs,  
19  
20 v.  
21  
22 Adrian Fontes, et al.,  
23  
24 Defendants.

No. CV-22-00509-PHX-SRB (Lead)  
**DEFENDANT ATTORNEY  
GENERAL KRISTIN K. MAYES’S  
ANSWER TO SECOND AMENDED  
COMPLAINT FILED BY PODER  
LATINX PLAINTIFFS**

25 THIS DOCUMENT RELATES TO:

No. CV-22-01003-PHX-SRB

26 Defendant Attorney General Kristin K. Mayes (the “Attorney General”) answers the  
27 Second Amended Complaint (Doc. 169) filed on November 15, 2022 by Plaintiffs Poder  
28 Latinx, Chicanos Por La Causa, and Chicanos Por La Causa Action Fund (collectively,  
“Plaintiffs”) as follows:

**NATURE OF ACTION**

1  
2 1. The Attorney General admits that Plaintiffs generally describe the nature of  
3 their claims in this action. The Attorney General denies the remaining allegations in  
4 Paragraph 1.

5 2. The Attorney General admits that Plaintiffs generally describe the nature of  
6 their claims in this action. The Attorney General denies the remaining allegations in  
7 Paragraph 2.

8 3. The Attorney General admits that Plaintiffs generally describe the nature of  
9 their claims in this action. The Attorney General denies the remaining allegations in  
10 Paragraph 3.

11 4. This paragraph includes no factual allegations, so no response is required. If  
12 a response is required, the Attorney General admits that Plaintiffs use the term “the  
13 Challenged Provisions” to refer to provisions they are challenging.

14 5. This paragraph includes legal conclusions that require no response. If a  
15 response is required, the Attorney General denies the allegations in Paragraph 5.

16 6. The Attorney General alleges that the quoted statement speaks for itself and  
17 further denies any allegations contained in this paragraph that are inconsistent with or  
18 otherwise mischaracterize its language. The Attorney General lacks sufficient information  
19 to admit or deny the remaining allegations in Paragraph 6 and therefore denies the same.

20 7. This paragraph includes legal conclusions that require no response. If a  
21 response is required, the Attorney General admits the quoted language is accurately  
22 reproduced, but the Attorney General otherwise denies the allegations in Paragraph 7.

23 8. The Attorney General lacks sufficient information to admit or deny the  
24 allegations in Paragraph 8 and therefore denies the same.

25 9. This paragraph includes legal conclusions that require no response. If a  
26 response is required, the Attorney General denies the allegations in Paragraph 9.

27 10. The Attorney General admits that Plaintiffs generally describe the nature of  
28 their claims in this action. The Attorney General denies any remaining allegations in

1 Paragraph 10.

2 11. The Attorney General admits that Plaintiffs generally describe the nature of  
3 their claims in this action. The Attorney General denies any remaining allegations in

4 Paragraph 11.

5 **JURISDICTION AND VENUE**

6 12. Admit.

7 13. The Attorney General admits that the Court has authority to grant declaratory  
8 relief in appropriate cases but denies that this is such a case.

9 14. The Attorney General admits that the State of Arizona is a “State of the United  
10 States” under 52 U.S.C. § 20502(4) but denies that Plaintiffs are entitled to relief under the  
11 NVRA.

12 15. The Attorney General admits that the Court has authority to award attorneys’  
13 fees and costs in appropriate cases but denies that this is such a case.

14 16. Admit that the Court has personal jurisdiction over the Attorney General.

15 17. Admit.

16 **PARTIES**

17 18. The Attorney General lacks sufficient information to admit or deny the  
18 allegations in Paragraph 18 and therefore denies the same.

19 19. The Attorney General lacks sufficient information to admit or deny the  
20 allegations in Paragraph 19 and therefore denies the same.

21 20. The Attorney General lacks sufficient information to admit or deny the  
22 allegations in Paragraph 20 and therefore denies the same.

23 21. This paragraph includes legal conclusions that require no response. To the  
24 extent a response is required, the Attorney General admits that the Secretary of State is the  
25 “Chief Election Officer for Arizona” and “is responsible for coordinating state  
26 responsibilities under the NVRA” and has related statutory authority. The Attorney General  
27 denies any remaining allegations in Paragraph 21.

28 22. This paragraph includes legal conclusions that require no response. If a

1 response is required, the Attorney General admits that the Attorney General has statutory  
2 authority related to HB 2492 but denies any remaining allegations in Paragraph 22.

3 23. Admit.

4 24. Admit.

5 25. Admit.

6 26. Admit.

## 7 **BACKGROUND**

### 8 **A. Arizona's Documentary Proof of Citizenship Requirement**

9 27. This paragraph includes legal conclusions that require no response. The  
10 Attorney General alleges that A.R.S. § 16-166(F) speaks for itself and is accurately quoted,  
11 and further denies any allegations contained in this paragraph that are inconsistent with or  
12 otherwise mischaracterize A.R.S. § 16-166(F). The Attorney General lacks information to  
13 admit or deny any remaining allegations in Paragraph 27 and therefore denies the same.

14 28. This paragraph includes legal conclusions that require no response. The  
15 Attorney General alleges that HB 2492 and the Arizona Election Procedures Manual speak  
16 for themselves and that the Arizona Election Procedure Manuel is accurately quoted, and  
17 further denies any allegations contained in this paragraph that are inconsistent with or  
18 otherwise mischaracterize either's language. The Attorney General lacks information to  
19 admit or deny any remaining allegations in Paragraph 28 and therefore denies the same.

20 29. This paragraph includes legal conclusions that require no response. The  
21 Attorney General alleges that the Supreme Court decision speaks for itself and is accurately  
22 quoted, and further denies any allegations contained in this paragraph that are inconsistent  
23 with or otherwise mischaracterize that decision. The Attorney General lacks sufficient  
24 information to admit or deny any remaining allegations in Paragraph 29 and therefore denies  
25 the same.

26 30. This paragraph includes legal conclusions that require no response. The  
27 Attorney General alleges that HB 2492 speaks for itself and further denies any allegations  
28 contained in this paragraph that are inconsistent with or otherwise mischaracterize HB

1 2492’s language. The Attorney General admits that Arizona’s system allows “federal-only”  
2 voters who registered with the federal form to “only vote in federal elections” while those  
3 who register with the state form can vote in all elections. The Attorney General lacks  
4 sufficient information to admit or deny all remaining allegations in Paragraph 30 and  
5 therefore denies the same.

6 31. This paragraph includes legal conclusions that require no response. The  
7 Attorney General alleges that the Arizona Election Procedures Manual and federal district  
8 court case speak for themselves and are accurately quoted, and further denies any  
9 allegations contained in this paragraph that are inconsistent with or otherwise  
10 mischaracterize either’s language. The Attorney General lacks information to admit or deny  
11 all remaining allegations in Paragraph 31 and therefore denies the same.

12 32. This paragraph includes legal conclusions that require no response. The  
13 Attorney General alleges that HB 2492 speaks for itself and is accurately quoted, and further  
14 denies any allegations contained in this paragraph that are inconsistent with or otherwise  
15 mischaracterize HB 2492’s language. The Attorney General lacks sufficient information to  
16 admit or deny all remaining allegations in Paragraph 32 and therefore denies the same.

17 **B. The New Citizenship Investigation Provisions Under HB 2492 and HB 2243**

18 33. This paragraph includes legal conclusions that require no response. If a  
19 response is required, the Attorney General lacks sufficient information to admit or deny the  
20 allegations in Paragraph 33 and therefore denies the same.

21 34. This paragraph includes legal conclusions that require no response. The  
22 Attorney General alleges that HB 2492 speaks for itself and is accurately quoted, and further  
23 denies any allegations contained in this paragraph that are inconsistent with or otherwise  
24 mischaracterize HB 2492’s language. The Attorney General lacks sufficient information to  
25 admit or deny all remaining allegations in Paragraph 34 and therefore denies the same.

26 35. This paragraph includes legal conclusions that require no response. The  
27 Attorney General alleges that HB 2492 speaks for itself and is accurately quoted, and further  
28 denies any allegations contained in this paragraph that are inconsistent with or otherwise

1 mischaracterize HB 2492’s language. The Attorney General lacks sufficient information to  
2 admit or deny all remaining allegations in Paragraph 35 and therefore denies the same.

3 36. This paragraph includes legal conclusions that require no response. The  
4 Attorney General alleges that HB 2492 speaks for itself and is accurately quoted, and further  
5 denies any allegations contained in this paragraph that are inconsistent with or otherwise  
6 mischaracterize HB 2492’s language. The Attorney General lacks sufficient information to  
7 admit or deny any remaining allegations in Paragraph 36 and therefore denies the same.

8 37. This paragraph includes legal conclusions that require no response. The  
9 Attorney General alleges that HB 2492 speaks for itself and is accurately quoted, and further  
10 denies any allegations contained in this paragraph that are inconsistent with or otherwise  
11 mischaracterize HB 2492’s language. The Attorney General lacks sufficient information to  
12 admit or deny all remaining allegations in Paragraph 37 and therefore denies the same.

13 38. The Attorney General admits that Plaintiffs generally describe the nature of  
14 their claims in this action. The Attorney General denies the remaining allegations in  
15 Paragraph 38.

16 39. This paragraph includes legal conclusions that require no response. The  
17 Attorney General alleges that HB 2243 speaks for itself and is accurately quoted, and further  
18 denies any allegations contained in this paragraph that are inconsistent with or otherwise  
19 mischaracterize HB 2243’s language. The Attorney General lacks sufficient information to  
20 admit or deny any remaining allegations in Paragraph 39 and therefore denies the same.

21 40. This paragraph includes legal conclusions that require no response. If a  
22 response is required, the Attorney General lacks sufficient information to admit or deny  
23 allegations in Paragraph 40 and therefore denies the same.

24 41. This paragraph includes legal conclusions that require no response. The  
25 Attorney General alleges that HB 2243 speaks for itself and is accurately quoted, and further  
26 denies any allegations contained in this paragraph that are inconsistent with or otherwise  
27 mischaracterize HB 2243’s language. The Attorney General lacks sufficient information to  
28 admit or deny all remaining allegations in Paragraph 41 and therefore denies the same.

1           42. This paragraph includes legal conclusions that require no response. If a  
2 response is required, the Attorney General lacks sufficient information to admit or deny the  
3 remaining allegations in Paragraph 42 and therefore denies the same.

4           43. This paragraph includes legal conclusions that require no response. The  
5 Attorney General alleges that HB 2243 speaks for itself and is accurately quoted, and further  
6 denies any allegations contained in this paragraph that are inconsistent with or otherwise  
7 mischaracterize HB 2243's language. The Attorney General lacks sufficient information to  
8 admit or deny any remaining allegations in Paragraph 43 and therefore denies the same.

9           44. This paragraph includes legal conclusions that require no response. If a  
10 response is required, the Attorney General lacks sufficient information to admit or deny the  
11 remaining allegations in Paragraph 44 and therefore denies the same.

12           45. This paragraph includes legal conclusions that require no response. The  
13 Attorney General alleges that the letter referenced speaks for itself and is accurately quoted,  
14 and further denies any allegations contained in this paragraph that are inconsistent with or  
15 otherwise mischaracterize the letter. The Attorney General lacks sufficient information to  
16 admit or deny all remaining allegations in Paragraph 45 and therefore denies the same.

17           46. Deny.

18           47. Deny.

19           48. This paragraph includes legal conclusions that require no response. The  
20 Attorney General alleges that the quoted statements speak for themselves and are accurately  
21 quoted, and further denies any allegations contained in this paragraph that are inconsistent  
22 with or otherwise mischaracterize their language. The Attorney General lacks sufficient  
23 information to admit or deny all remaining allegations in Paragraph 48 and therefore denies  
24 the same.

25           49. The Attorney General lacks sufficient information to admit or deny the  
26 allegations in Paragraph 49 and therefore denies the same.

27           50. The Attorney General lacks sufficient information to admit or deny the  
28 allegations in Paragraph 50 and therefore denies the same.

1           51. The Attorney General lacks sufficient information to admit or deny the  
2 allegations in Paragraph 51 and therefore denies the same.

3           52. The Attorney General lacks sufficient information to admit or deny the  
4 allegations in Paragraph 52 and therefore denies the same.

5           53. The Attorney General lacks sufficient information to admit or deny the  
6 allegations in Paragraph 53 and therefore denies the same.

7           54. The Attorney General lacks sufficient information to admit or deny the  
8 allegations in Paragraph 54 and therefore denies the same.

9           55. The Attorney General lacks sufficient information to admit or deny the  
10 allegations in Paragraph 55 and therefore denies the same.

11           56. The Attorney General lacks sufficient information to admit or deny the  
12 allegations in Paragraph 56 and therefore denies the same.

13           57. The Attorney General lacks sufficient information to admit or deny the  
14 allegations in Paragraph 57 and therefore denies the same.

15 **C. Arizona’s Proof of Residence Requirement Under HB 2942**

16           58. This paragraph includes legal conclusions that require no response. If a  
17 response is required, the Attorney General lacks sufficient information to admit or deny the  
18 allegations in Paragraph 58 and therefore denies the same.

19           59. This paragraph includes legal conclusions that require no response. If a  
20 response is required, the Attorney General alleges that HB 2492 speaks for itself and is  
21 accurately quoted, and further denies any allegations contained in this paragraph that are  
22 inconsistent with or otherwise mischaracterize its language.

23           60. This paragraph includes legal conclusions that require no response. If a  
24 response is required, the Attorney General alleges that HB 2492 speaks for itself and is  
25 accurately quoted, and further denies any allegations contained in this paragraph that are  
26 inconsistent with or otherwise mischaracterize its language.

27           61. This paragraph includes legal conclusions that require no response. If a  
28 response is required, the Attorney General lacks sufficient information to admit or deny the



1 allegations in Paragraph 61 and therefore denies the same.

2 62. This paragraph includes legal conclusions that require no response. If a  
3 response is required, the Attorney General lacks sufficient information to admit or deny the  
4 allegations in Paragraph 62 and therefore denies the same.

5 **PLAINTIFFS' INJURIES**

6 63. The Attorney General lacks sufficient information to admit or deny the  
7 allegations in Paragraph 63 and therefore denies the same.

8 64. The Attorney General lacks sufficient information to admit or deny the  
9 allegations in Paragraph 64 and therefore denies the same.

10 65. The Attorney General lacks sufficient information to admit or deny the  
11 allegations in Paragraph 65 and therefore denies the same.

12 66. The Attorney General lacks sufficient information to admit or deny the  
13 allegations in Paragraph 66 and therefore denies the same.

14 67. The Attorney General lacks sufficient information to admit or deny the  
15 allegations in Paragraph 67 and therefore denies the same.

16 68. This paragraph includes legal conclusions that require no response. If a  
17 response is required, the Attorney General lacks sufficient information to admit or deny the  
18 remaining allegations in Paragraph 68 and therefore denies the same.

19 69. This paragraph includes legal conclusions that require no response. If a  
20 response is required, the Attorney General lacks sufficient information to admit or deny the  
21 remaining allegations in Paragraph 69 and therefore denies the same.

22 70. The Attorney General lacks sufficient information to admit or deny the  
23 allegations in Paragraph 70 and therefore denies the same.

24 71. The Attorney General lacks sufficient information to admit or deny the  
25 allegations in Paragraph 71 and therefore denies the same.

26 72. The Attorney General lacks sufficient information to admit or deny the  
27 allegations in Paragraph 72 and therefore denies the same.

28 73. The Attorney General lacks sufficient information to admit or deny the

1 allegations in Paragraph 73 and therefore denies the same.

2 74. The Attorney General lacks sufficient information to admit or deny the  
3 allegations in Paragraph 74 and therefore denies the same.

4 75. The Attorney General lacks sufficient information to admit or deny the  
5 allegations in Paragraph 75 and therefore denies the same.

6 76. The Attorney General lacks sufficient information to admit or deny the  
7 allegations in Paragraph 76 and therefore denies the same.

8 77. The Attorney General lacks sufficient information to admit or deny the  
9 allegations in Paragraph 77 and therefore denies the same.

10 78. The Attorney General lacks sufficient information to admit or deny the  
11 allegations in Paragraph 78 and therefore denies the same.

12 79. The Attorney General lacks sufficient information to admit or deny the  
13 allegations in Paragraph 79 and therefore denies the same.

14 80. The Attorney General lacks sufficient information to admit or deny the  
15 allegations in Paragraph 80 and therefore denies the same.

16 81. The Attorney General lacks sufficient information to admit or deny the  
17 allegations in Paragraph 81 and therefore denies the same.

18 82. The Attorney General lacks sufficient information to admit or deny the  
19 allegations in Paragraph 82 and therefore denies the same.

20 83. The Attorney General lacks sufficient information to admit or deny the  
21 allegations in Paragraph 83 and therefore denies the same.

22 84. The Attorney General lacks sufficient information to admit or deny the  
23 allegations in Paragraph 84 and therefore denies the same.

24 85. The Attorney General lacks sufficient information to admit or deny the  
25 allegations in Paragraph 85 and therefore denies the same.

26  
27  
28

**CLAIMS**

**COUNT ONE  
(All Plaintiffs)**

**(Violation of Section 8(b) of the National Voter Registration Act (NVRA), 52 U.S.C. § 20507(b) and 42 U.S.C. § 1983  
HB 2492 Secs. 4, 7, and 8 (Ariz. Rev. Stat. §§ 16-121.01(D), 16-121.01(E), and 16-121.01(F); Ariz. Rev. Stat. § 16-143; Ariz. Rev. Stat. § 16-165(A)(10));  
HB 2243 Sec. 2 (Ariz. Rev. Stat. §§ 16-165(A)(10), 16-165(G), 16-165(H), 16-165(I), 16-165(J) and 16-165(K))**

1  
2  
3  
4  
5  
6  
7       86.    The Attorney General incorporates by reference all preceding paragraphs as  
8 if fully set forth herein.

9       87.    This paragraph includes legal conclusions that require no response. If a  
10 response is required, the Attorney General admits that the quoted language is accurately  
11 reproduced, but further denies any allegations contained in this paragraph that are  
12 inconsistent with or otherwise mischaracterize either’s language.

13       88.    This paragraph includes legal conclusions that require no response. If a  
14 response is required, the Attorney General denies the allegations in Paragraph 88.

15       89.    This paragraph includes legal conclusions that require no response. If a  
16 response is required, the Attorney General denies the allegations in Paragraph 89.

17       90.    This paragraph includes legal conclusions that require no response. The  
18 Attorney General alleges that HB 2492 and 2243 speak for themselves and are accurately  
19 quoted, and further denies any allegations contained in this paragraph that are inconsistent  
20 with or otherwise mischaracterize either’s language. The Attorney General denies the  
21 remaining allegations in Paragraph 90.

22       91.    This paragraph includes legal conclusions that require no response. The  
23 Attorney General alleges that HB 2492 and 2243 speak for themselves and are accurately  
24 quoted, and further denies any allegations contained in this paragraph that are inconsistent  
25 with or otherwise mischaracterize either’s language. The Attorney General denies the  
26 remaining allegations in Paragraph 91.

27       92.    This paragraph includes legal conclusions that require no response. The  
28 Attorney General alleges that HB 2492 and 2243 speak for themselves and are accurately

1 quoted, and further denies any allegations contained in this paragraph that are inconsistent  
2 with or otherwise mischaracterize either’s language. The Attorney General denies the  
3 remaining allegations in Paragraph 92.

4 93. This paragraph includes legal conclusions that require no response. The  
5 Attorney General alleges that HB 2243 speaks for itself and is accurately quoted, and further  
6 denies any allegations contained in this paragraph that are inconsistent with or otherwise  
7 mischaracterize its language. The Attorney General denies the remaining allegations in  
8 Paragraph 93.

9 94. This paragraph includes legal conclusions that require no response. The  
10 Attorney General alleges that HB 2243 speaks for itself and further denies any allegations  
11 contained in this paragraph that are inconsistent with, or otherwise, mischaracterize its  
12 language. The Attorney General denies the remaining allegations in Paragraph 94.

13 95. The Attorney General admits that Plaintiffs’ Second Amended Complaint  
14 attached a copy of Plaintiffs’ June 3, 2022 notice of the purported NVRA violations and  
15 that the laws were set to go into effect on January 1, 2023. The Attorney General lacks  
16 sufficient information to admit or deny the remaining allegations in Paragraph 95 and  
17 therefore denies the same.

18 96. Deny.

19 97. Deny.

20 98. The Attorney General cannot understand what is being alleged in Paragraph  
21 98. Although it states, “At all relevant times, Defendants have acted under color of state  
22 law,” the preceding paragraphs do not discuss any particular Defendant’s conduct.  
23 Accordingly, the Attorney General lacks sufficient information to admit or deny the  
24 allegations in Paragraph 98 and therefore denies the same.

25 **COUNT TWO**  
26 **(All Plaintiffs)**  
27 **(Discriminatory Practices and Procedures for Voter Qualification Determinations,**  
28 **52 U.S.C. § 10101(a)(2)(A) and 42 U.S.C. § 1983)**  
**HB 2243 Section 2 (Ariz. Rev. Stat. § 16-165(H))**

99. The Attorney General incorporates by reference all preceding paragraphs as

1 if fully set forth herein.

2 100. This paragraph includes legal conclusions that require no response. If a  
3 response is required, the Attorney General admits the quoted statutory language is  
4 accurately reproduced, and further denies any allegations contained in this paragraph that  
5 are inconsistent with or otherwise mischaracterize its language.

6 101. This paragraph includes legal conclusions that require no response. If a  
7 response is required, the Attorney General admits the quoted statutory language is  
8 accurately reproduced. The Attorney General denies the remaining allegations in Paragraph  
9 101.

10 102. This paragraph includes legal conclusions that require no response. The  
11 Attorney General alleges that HB 2243 speaks for itself and is accurately quoted, and further  
12 denies any allegations contained in this paragraph that are inconsistent with or otherwise  
13 mischaracterize its language. The Attorney General denies the remaining allegations in  
14 Paragraph 102.

15 103. This paragraph includes legal conclusions that require no response. If a  
16 response is required, the Attorney General admits the quoted statutory language is  
17 accurately reproduced, and further denies any allegations contained in this paragraph that  
18 are inconsistent with or otherwise mischaracterize its language. The Attorney General  
19 denies the remaining allegations in Paragraph 103.

20 104. The Attorney General lacks sufficient information to admit or deny the  
21 allegations in Paragraph 104 and therefore denies the same.

22 105. The Attorney General cannot understand what is being alleged in Paragraph  
23 105. Although it states, “At all relevant times, Defendants have acted under color of state  
24 law,” the preceding paragraphs do not discuss any particular Defendant’s conduct.  
25 Accordingly, the Attorney General lacks sufficient information to admit or deny the  
26 allegations in Paragraph 105 and therefore denies the same.

27 106. Deny.  
28

1 **COUNT THREE**  
2 **(All Plaintiffs)**  
3 **(Racial and National Origin Discrimination, Equal Protection Clause of Fourteenth**  
4 **Amendment to the U.S. Constitution and Fifteenth Amendment, and 42 U.S.C.**  
5 **§ 1983)**  
6 **HB 2243 Section 2 (Ariz. Rev. Stat. § 16-165(I))**

7 107. The Attorney General incorporates by reference all preceding paragraphs as  
8 if fully set forth herein.

9 108. This paragraph includes legal conclusions that require no response. If a  
10 response is required, the Attorney General admits the quoted language is accurately  
11 reproduced, but the Attorney General lacks sufficient information from the statements made  
12 in Paragraph 108 to admit or deny any remaining allegations in Paragraph 108 and therefore  
13 denies the same.

14 109. This paragraph includes legal conclusions that require no response. If a  
15 response is required, the Attorney General admits the allegations in Paragraph 109.

16 110. This paragraph includes legal conclusions that require no response. If a  
17 response is required, the Attorney General admits the quoted language is accurately  
18 reproduced, but denies any allegations contained in Paragraph 110 that are inconsistent with  
19 or otherwise mischaracterize its language.

20 111. This paragraph includes legal conclusions that require no response. The  
21 Attorney General alleges that HB 2243 speaks for itself and is accurately quoted, and further  
22 denies any allegations contained in this paragraph that are inconsistent with or otherwise  
23 mischaracterize its language. The Attorney General denies the remaining allegations in  
24 Paragraph 111.

25 112. This paragraph includes legal conclusions that require no response. The  
26 Attorney General alleges that HB 2243 speaks for itself and is accurately quoted in  
27 Paragraph 112, but denies any allegations contained in this paragraph that are inconsistent  
28 with or otherwise mischaracterize its language.

113. Deny.

114. Deny.

1 115. Deny.

2 116. Deny.

3 117. The Attorney General cannot understand what is being alleged in Paragraph  
4 117. Although it states, “At all relevant times, Defendants have acted under color of state  
5 law,” the preceding paragraphs do not discuss any particular Defendant’s conduct.  
6 Accordingly, the Attorney General lacks sufficient information to admit or deny the  
7 allegations in Paragraph 117 and therefore denies the same.

8 118. Deny.

9  
10 **COUNT FOUR**  
11 **(All Plaintiffs)**  
12 **(Arbitrary and Disparate Treatment of Voter Registration Applicants Using the**  
13 **Federal Form and Currently Registered Voters, Equal Protection Clause of**  
14 **Fourteenth Amendment to the U.S. Constitution and 42 U.S.C. § 1983)**  
15 **The Citizenship Investigation Provisions (Both HB 2492 and HB 2243)**

16 119. The Attorney General incorporates by reference all preceding paragraphs as  
17 if fully set forth herein.

18 120. This paragraph includes legal conclusions that require no response. If a  
19 response is required, the Attorney General admits the quoted language is accurately  
20 reproduced, but the Attorney General lacks sufficient information to admit or deny the  
21 remaining allegations in Paragraph 120 and therefore denies the same.

22 121. This paragraph includes legal conclusions that require no response. If a  
23 response is required, the Attorney General admits the quoted language is accurately  
24 reproduced, but the Attorney General lacks sufficient information to admit or deny the  
25 remaining allegations in Paragraph 121 and therefore denies the same.

26 122. This paragraph includes legal conclusions that require no response. The  
27 Attorney General alleges that HB 2492 speaks for itself and further denies any allegations  
28 contained in this paragraph that are inconsistent with or otherwise mischaracterize its  
language. The Attorney General denies the remaining allegations in Paragraph 122.

123. This paragraph includes legal conclusions that require no response. The  
Attorney General alleges that HB 2492 speaks for itself and is accurately quoted, and further

1 denies any allegations contained in this paragraph that are inconsistent with or otherwise  
2 mischaracterize its language. The Attorney General lacks sufficient information to admit or  
3 deny all remaining allegations in Paragraph 123 and therefore denies the same.

4 124. This paragraph includes legal conclusions that require no response. The  
5 Attorney General alleges that HB 2492 speaks for itself and is accurately quoted, and further  
6 denies any allegations contained in this paragraph that are inconsistent with or otherwise  
7 mischaracterize its language. The Attorney General denies all remaining allegations in  
8 Paragraph 124.

9 125. This paragraph includes legal conclusions that require no response. The  
10 Attorney General alleges that HB 2492 speaks for itself and is accurately quoted, and further  
11 denies any allegations contained in this paragraph that are inconsistent with or otherwise  
12 mischaracterize its language.

13 126. This paragraph includes legal conclusions that require no response The  
14 Attorney General alleges that HB 2243 speaks for itself and is accurately quoted, and further  
15 denies any allegations contained in this paragraph that are inconsistent with or otherwise  
16 mischaracterize its language. The Attorney General denies all remaining allegations in  
17 Paragraph 126.

18 127. Deny.

19 128. Deny.

20 129. Deny.

21 130. The Attorney General cannot understand what is being alleged in Paragraph  
22 130. Although it states, “At all relevant times, Defendants have acted under color of state  
23 law,” the preceding paragraphs do not discuss any particular Defendant’s conduct.  
24 Accordingly, the Attorney General lacks sufficient information to admit or deny the  
25 allegations in Paragraph 130 and therefore denies the same.

26 131. Deny.

27  
28



1 **COUNT FIVE**  
2 **(All Plaintiffs)**  
3 **(Violation of Procedural Due Process as to Voter Registration Applicants Using the**  
4 **Federal Voter Registration Form Who Do Not Provide Documentary Proof of**  
5 **Citizenship, Fourteenth Amendment to the U.S. Constitution and 42 U.S.C. § 1983)**  
6 **HB 2492 Section 5 (Ariz. Rev. Stat. § 16-212.01(E))<sup>1</sup>**

7 132. The Attorney General incorporates by reference all preceding paragraphs as  
8 if fully set forth herein.

9 133. This paragraph includes legal conclusions that require no response. If a  
10 response is required, the Attorney General admits the quoted language is accurately  
11 reproduced.

12 134. This paragraph includes legal conclusions that require no response. If a  
13 response is required, the Attorney General admits the quoted language is accurately  
14 reproduced.

15 135. This paragraph includes legal conclusions that require no response. If a  
16 response is required, the Attorney General admits the quoted language is accurately  
17 reproduced.

18 136. This paragraph includes legal conclusions that require no response. If a  
19 response is required, the Attorney General admits the quoted language is accurately  
20 reproduced.

21 137. This paragraph includes legal conclusions that require no response. If a  
22 response is required, the Attorney General admits the quoted language is accurately  
23 reproduced, but the Attorney General lacks sufficient information to admit or deny all  
24 remaining allegations in Paragraph 137 and therefore denies the same.

25 138. This paragraph includes legal conclusions that require no response. The  
26 Attorney General alleges that HB 2492 speaks for itself and is accurately quoted, and further  
27 denies any allegations contained in this paragraph that are inconsistent with or otherwise  
28 mischaracterize its language. The Attorney General lacks sufficient information to admit or

---

<sup>1</sup> The Court dismissed any “freestanding procedural due process claims.” (Doc. 304 at 1.) Accordingly, the Attorney General only answers this claim to the extent it asserts an undue burden on the right to vote under the *Anderson-Burdick* framework.

1 deny the remaining allegations in Paragraph 138 and therefore denies the same.

2 139. This paragraph includes legal conclusions that require no response. If a  
3 response is required, the Attorney General admits the quoted language is accurately  
4 reproduced, but the Attorney General denies the remaining allegations in Paragraph 139.

5 140. This paragraph includes legal conclusions that require no response. The  
6 Attorney General alleges that HB 2492 speaks for itself and is accurately quoted, and further  
7 denies any allegations contained in this paragraph that are inconsistent with or otherwise  
8 mischaracterize its language. The Attorney General denies the remaining allegations in  
9 Paragraph 140.

10 141. This paragraph includes legal conclusions that require no response. The  
11 Attorney General alleges that HB 2492 speaks for itself and is accurately quoted, and further  
12 denies any allegations contained in this paragraph that are inconsistent with or otherwise  
13 mischaracterize its language. The Attorney General lacks sufficient information to admit or  
14 deny all remaining allegations in Paragraph 141 and therefore denies the same.

15 142. Deny.

16 143. Deny.

17 144. The Attorney General cannot understand what is being alleged in Paragraph  
18 144. Although it states, “At all relevant times, Defendants have acted under color of state  
19 law,” the preceding paragraphs do not discuss any particular Defendant’s conduct.  
20 Accordingly, the Attorney General lacks sufficient information to admit or deny the  
21 allegations in Paragraph 144 and therefore denies the same.

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

27 145. The Attorney General incorporates by reference all preceding paragraphs as  
28 if fully set forth herein.

146. This paragraph includes legal conclusions that require no response. If a  
response is required, the Attorney General admits that Arizona is subject to the NVRA, the

1 provisions of which speak for itself. The Attorney General denies any remaining  
2 allegations in Paragraph 146.

3 147. Deny.

4 148. This paragraph includes legal conclusions that require no response. The  
5 Attorney General alleges that the Supreme Court decision speaks for itself and is accurately  
6 quoted, and further denies any allegations contained in this paragraph that are inconsistent  
7 with or otherwise mischaracterize that decision.

8 149. Deny.

9 150. The Attorney General admits that Plaintiffs' Second Amended Complaint  
10 attached a copy of its June 3, 2022 notice of the purported NVRA violations and that the  
11 laws were set to go into effect on January 1, 2023. The Attorney General lacks sufficient  
12 information to admit or deny the remaining allegations in Paragraph 150 and therefore  
13 denies the same.

14 151. The Attorney General cannot understand what is being alleged in Paragraph  
15 151. Although it states, "At all relevant times, Defendants have acted under color of state  
16 law," the preceding paragraphs do not discuss any particular Defendant's conduct.  
17 Accordingly, the Attorney General lacks sufficient information to admit or deny the  
18 151allegations in Paragraph 151 and therefore denies the same.

19 152. Deny.

20 **AFFIRMATIVE DEFENSES**

- 21 1. The Court lacks jurisdiction for lack of standing.  
22 2. Plaintiffs' claims fail because they are not ripe, and thus, not yet fit for judicial  
23 review.  
24 3. Plaintiffs fail to state a claim upon which relief can be granted.  
25 4. Plaintiffs fail to meet the requirements for declaratory or preliminary or  
26 permanent injunctive relief.

27 WHEREFORE, having fully answered Plaintiffs' Second Amended Complaint  
28 (Doc. 169), the Attorney General respectfully requests that the Court dismiss the remaining

1 counts of Plaintiffs' Second Amended Complaint (Doc. 169) with prejudice, deny  
2 Plaintiffs' request for injunctive relief, deny Plaintiffs' request for declaratory relief, order  
3 that Plaintiffs take nothing, and award the Attorney General any such other and further relief  
4 as the Court deems appropriate.

5 **DEMAND FOR JURY TRIAL**

6 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, the Attorney General  
7 hereby demands a trial by jury in this action of all issues so triable.

8 DATED this 17th day of March, 2023.

9 **KRISTIN K. MAYES**  
10 **ATTORNEY GENERAL**

11  
12 By: /s/ Hayleigh S. Crawford  
13 Hayleigh S. Crawford (No. 032326)  
14 Joshua M. Whitaker (No. 032724)  
15 Robert J. Makar (No. 033579)

16 *Attorneys for Defendant*  
17 *Attorney General Kristin K. Mayes*

18 **FENNEMORE CRAIG, P.C.**

19 By: /s/ Emily Ward  
20 Douglas C. Northup (No. 013987)  
21 Timothy J. Berg (No. 004170)  
22 Emily Ward (No. 029963)

23  
24  
25  
26  
27  
28  
28845299