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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 Adrian Fontes, et al.,  
22  
23 Defendants.

No. CV-22-00509-PHX-SRB (Lead)

**DEFENDANT ATTORNEY  
GENERAL KRISTIN K. MAYES’S  
ANSWER TO COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF FILED BY PLAINTIFFS  
DEMOCRATIC NATIONAL  
COMMITTEE AND ARIZONA  
DEMOCRATIC PARTY**

24 THIS DOCUMENT RELATES TO:

No. CV-22-01369-PHX-SRB

25 Defendant Attorney General Kristin K. Mayes (the “Attorney General”) answers the  
26 Complaint filed by Plaintiffs Democratic National Committee and Arizona Democratic  
27 Party (collectively, “Plaintiffs”) on August 15, 2022 in Case No. CV-22-01369-PHX-SRB  
28 as follows:

**INTRODUCTION**

1  
2 1. 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 1.

5 2. This paragraph includes legal conclusions that require no response. If a  
6 response is required, the Attorney General admits that Plaintiffs generally describe the  
7 nature of their claims in this action, but she lacks sufficient information to admit or deny  
8 the remaining allegations in Paragraph 2 and therefore denies the same.

9 3. This paragraph includes legal conclusions that require no response. If a  
10 response is required, the Attorney General admits that Plaintiffs generally describe the  
11 nature of their claims in this action, but she lacks sufficient information to admit or deny  
12 the remaining allegations in Paragraph 3 and therefore denies the same.

13 4. This paragraph includes legal conclusions that require no response. If a  
14 response is required, the Attorney General admits that Plaintiffs generally describe the  
15 nature of their claims in this action, but she lacks sufficient information to admit or deny  
16 the remaining allegations in Paragraph 4 and therefore denies the same.

17 5. This paragraph includes legal conclusions that require no response. If a  
18 response is required, the Attorney General admits that Plaintiffs generally describe the  
19 nature of their claims in this action, but she lacks sufficient information to admit or deny  
20 the remaining allegations in Paragraph 5 and therefore denies the same.

21 6. Deny.

**JURISDICTION AND VENUE**

22  
23 7. Admit.

24 8. Admit.

25 9. Admit.

26 10. The Attorney General admits that the Court has authority to grant declaratory  
27 and/or injunctive relief, but she denies any remaining allegations in Paragraph 10.  
28

**PARTIES**

1  
2 11. The Attorney General lacks sufficient information to admit or deny the  
3 allegations in Paragraph 11 and therefore denies the same.

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

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

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

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

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

14 17. The Attorney General admits that the Arizona Secretary of State is the “chief  
15 elections official” and is “responsible for overseeing elections in the state and (under federal  
16 law) for coordinating the state’s compliance with the NVRA.” The Attorney General lacks  
17 sufficient information to admit or deny any remaining allegations in Paragraph 17 and  
18 therefore denies the same.

19 18. The Attorney General admits that the Arizona Attorney General is the “chief-  
20 law-enforcement official” and has statutory authority relating to HB 2492. The Attorney  
21 General lacks sufficient information to admit or deny any remaining allegations in  
22 Paragraph 18 and therefore denies the same.

**FACTUAL ALLEGATIONS**

23  
24 *The National Voter Registration Act of 1993*

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

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

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

8 Arizona's Two-Tiered Voter-Registration System

9           22. The Attorney General admits that there are two classes of voters in Arizona:  
10 federal-only and those who can vote in federal, state, and local elections. The Attorney  
11 General lacks sufficient information to admit or deny any remaining allegations in  
12 Paragraph 22 and therefore denies the same.

13           23. This paragraph includes legal conclusions that require no response. If a  
14 response is required, the Attorney General admits that the quoted language is accurately  
15 reproduced and that *some* of the eligibility qualifications for Arizona are described. The  
16 Attorney General lacks sufficient information to admit or deny any remaining allegations  
17 in Paragraph 23 and therefore denies the same.

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

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

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

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

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

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

1 allegations in Paragraph 29 and therefore denies the same.

2 30. The Attorney General lacks sufficient information to admit or deny the  
3 allegations in Paragraph 30 and therefore denies the same.

4 31. The Attorney General lacks sufficient information to admit or deny the  
5 allegations in Paragraph 31 and therefore denies the same.

6 H.B. 2492 Imposes Additional Burdens on Voters Who Use The Federal Form Or Who  
7 Registered Prior To 2004

8 32. 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 32 and therefore denies the same.

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

16 34. This paragraph includes legal conclusions that require no response. The  
17 Attorney General alleges that HB 2492 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 2492's language. The Attorney General lacks sufficient information to  
20 admit or deny all remaining allegations in Paragraph 34 and therefore denies the same.

21 35. This paragraph includes legal conclusions that require no response. The  
22 Attorney General alleges that HB 2492 speaks for itself and further denies any allegations  
23 contained in this paragraph that are inconsistent with or otherwise mischaracterize HB  
24 2492's language. The Attorney General lacks sufficient information to admit or deny all  
25 remaining allegations in Paragraph 35 and therefore denies the same.

26 36. 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 36 and therefore denies the same.

3 37. The Attorney General lacks sufficient information to admit or deny the  
4 allegations in Paragraph 37 and therefore denies the same.

5 38. 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 HB 2492’s language. The Attorney General lacks sufficient information to  
9 admit or deny all remaining allegations in Paragraph 38 and therefore denies the same.

10 39. 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 HB 2492’s language. The Attorney General lacks sufficient information to  
14 admit or deny all remaining allegations in Paragraph 39 and therefore denies the same.

15 40. The Attorney General lacks sufficient information to admit or deny the  
16 remaining allegations in Paragraph 40 and therefore denies the same.

17 41. This paragraph includes legal conclusions that require no response. If a  
18 response is required, the Attorney General lacks sufficient information to admit or deny the  
19 remaining allegations in Paragraph 41 and therefore denies the same.

20 *Plaintiffs Timely Provided Defendants With Notice Of The NVRA Violations*

21 42. The Attorney General lacks sufficient information to admit or deny that  
22 Plaintiffs provided notice of the purported NVRA violations, and therefore denies the  
23 allegations in Paragraph 42.

24 **CLAIMS FOR RELIEF**

25 **Count I: Violation of the First and Fourteenth Amendment to the United States**  
26 **Constitution – Undue Burden on the Fundamental Right to Vote**

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

1           44. This paragraph includes legal conclusions that require no response. If a  
2 response is required, the Attorney General admits the quoted language is accurately  
3 reproduced, but she lacks sufficient information to admit or deny the remaining allegations  
4 in Paragraph 44 and therefore denies the same.

5           45. Deny.

6           46. Deny.

7           47. Deny.

8           48. Deny.

9           49. Deny.

10          50. Deny.

11          51. Deny.

12          52. Deny.

13       **Count II: Violation of the Fourteenth Amendment to the United States Constitution**  
14   **– Procedural Due Process<sup>1</sup>**

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

17          54. This paragraph includes legal conclusions that require no response. If a  
18 response is required, the Attorney General admits the quoted language is accurately  
19 reproduced, but she lacks sufficient information to admit or deny the remaining allegations  
20 in Paragraph 54 and therefore denies the same.

21          55. 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 the  
23 allegations in Paragraph 55 and therefore denies the same.

24          56. Deny.

25          57. Deny.

26          58. Deny.

27  
28   

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<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           59. This paragraph includes legal conclusions that require no response. If a  
2 response is required, the Attorney General admits the quoted language is accurately  
3 reproduced, but she lacks sufficient information to admit or deny the remaining allegations  
4 in Paragraph 59 and therefore denies the same.

5           60. Deny.

6           61. Deny.

7           62. Deny.

8           **Count III: Violation of the Fourteenth Amendment to the United States Constitution**  
9                               **– Equal Protection**

10          63. The Attorney General incorporates by reference all preceding paragraphs as  
11 if fully set forth herein.

12          64. 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, but she lacks sufficient information to admit or deny the remaining allegations  
15 in Paragraph 64 and therefore denies the same.

16          65. Deny.

17          66. This paragraph includes legal conclusions that require no response. If a  
18 response is required, the Attorney General admits the quoted language is accurately  
19 reproduced, but she lacks sufficient information to admit or deny the remaining allegations  
20 in Paragraph 66 and therefore denies the same.

21          67. Deny.

22          68. Deny.

23           **Count IV: Violation of Section 6 of the NVRA, 52 U.S.C. §20505(a)(1) – Acceptance**  
24                               **Of The Federal Form And Registration Of Federal Form Applicants**

25          69. The Attorney General incorporates by reference all preceding paragraphs as  
26 if fully set forth herein.

27          70. This paragraph includes legal conclusions that require no response. If a  
28 response is required, the Attorney General admits the quoted language is accurately



1 reproduced, but she lacks sufficient information to admit or deny the remaining allegations  
2 in Paragraph 70 and therefore denies the same.

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

5 72. Deny.

6 **Count V: Violation of Section 8 of the NVRA, 52 U.S.C. §20507(b)(1)**

7 **– Uniformity and Non-discrimination**

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

10 74. This paragraph includes legal conclusions that require no response. If a  
11 response is required, the Attorney General admits the quoted language is accurately  
12 reproduced, but she denies the remaining allegations in Paragraph 74.

13 75. Deny.

14 76. Deny.

15 77. Deny.

16 78. Deny.

17 **Count VI: Violation of the NVRA, 52 U.S.C. §20504(c)(2)(B)(i)-(ii) – Minimum-**

18 **Information-Necessary Requirement**

19 79. The Attorney General incorporates by reference all preceding paragraphs as  
20 if fully set forth herein.

21 80. 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 she denies any remaining allegations in Paragraph 80.

24 81. This paragraph includes legal conclusions that require no response. If a  
25 response is required, the Attorney General admits the quoted language is accurately  
26 reproduced, but she denies the remaining allegations in Paragraph 81.

27 82. Deny.

28 83. Deny.

1           **Count VII: Violation of Section 8 of the NVRA, 52 U.S.C. §20507(c)(2)(A) –**  
2                           **Removing Voters from the Rolls Shortly Before an Election**

3           84.    The Attorney General incorporates by reference all preceding paragraphs as  
4 if fully set forth herein.

5           85.    This paragraph includes legal conclusions that require no response. If a  
6 response is required, the Attorney General admits the quoted language is accurately  
7 reproduced, but she denies the remaining allegations in Paragraph 85.

8           86.    Deny.

9           **Count VIII: Violation Of Section 101 Of The Civil Rights Act, 52 U.S.C.**  
10                           **§10101(a)(2)(B) – Materiality Provision**

11          87.    The Attorney General incorporates by reference all preceding paragraphs as  
12 if fully set forth herein.

13          88.    This paragraph includes legal conclusions that require no response. If a  
14 response is required, the Attorney General admits the quoted language is accurately  
15 reproduced, but she denies the remaining allegations in Paragraph 88.

16          89.    Deny.

17          90.    Deny.

18                           **AFFIRMATIVE DEFENSES**

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

25          WHEREFORE, having fully answered Plaintiffs’ Complaint, the Attorney General  
26 respectfully requests that the Court dismiss the remaining counts of Plaintiffs’ Complaint  
27 with prejudice, deny Plaintiffs’ request for injunctive relief, deny Plaintiffs’ request for  
28 declaratory relief, order that Plaintiffs take nothing, and award the Attorney General any

1 such other and further relief as the Court deems appropriate.

2 **DEMAND FOR JURY TRIAL**

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

5 DATED this 17th day of March, 2023.

6 **KRISTIN K. MAYES**  
7 **ATTORNEY GENERAL**

8  
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17 By: /s/ Emily Ward  
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