

## Multiple Documents

Part	Description
1	Main Document
2	Civil Cover Sheet

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Tohono O’odham Nation  
and Gila River Indian Community,

Plaintiffs,

v.

Mark Brnovich in his official capacity as  
Attorney General of Arizona; Katie Hobbs,  
in her official capacity as Arizona  
Secretary of State; Dana Lewis in her  
official capacity as Pinal County Recorder;  
Gabriella Cázares-Kelly in her official  
capacity as Pima County Recorder; Stephen  
Richer in his official capacity as Maricopa  
County Recorder,

Defendants.

No.

COMPLAINT

Plaintiffs Tohono O’odham Nation and Gila River Indian Community (“Tribes”) bring this Complaint against Defendants Arizona Secretary of State Katie Hobbs, Arizona Attorney General Mark Brnovich, Pinal County Recorder Dana Lewis, Pima County Recorder Gabriella Cázares-Kelly, and Maricopa County Recorder Stephen Richer and allege as follows:

## INTRODUCTION

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2           1.       Plaintiff Tribes bring this equitable action to challenge the documentary  
3 proof of location of residence requirement imposed by Arizona HB 2492. The  
4 challenged requirement (hereinafter “DPOR” or “Physical Address Requirement”) will  
5 disenfranchise significant numbers of Native Americans by blocking Arizonans who  
6 reside in a dwelling that does not have a standard physical address assigned to it—a  
7 circumstance that is significantly disproportionately common for Native Americans  
8 across many areas of the state—from registering to vote in federal, state, and local  
9 elections.

10           2.       Plaintiffs are imminently threatened with a concrete and particularized  
11 injury in fact that is fairly traceable to the challenged action of the Defendants. As a  
12 result of the Physical Address Requirement, people who live in housing that does not  
13 have a standard physical address will either be completely unable to register to vote, or  
14 will be unable to register to vote without overcoming the severe burden of both  
15 obtaining a standard street address for their home and having that address added to their  
16 identifying documents—a process that can take years, or even decades, and is largely  
17 out of the control of individual voters.

18           3.       This DPOR requirement serves no governmental interest, let alone one  
19 sufficiently compelling to justify the severe burden that will be imposed on Native  
20 voters, and others in Arizona who lack standard addresses, if this provision is allowed  
21 to take effect. To the contrary, Arizona has for years implemented a successful voter  
22 registration and list maintenance program that allows voters who lack standard physical  
23 addresses to submit a description and/or graphic depiction of their location of residence,  
24 using either the state or federal voter registration form. The DPOR requirement thus  
25 constitutes a violation of the fundamental right to vote guaranteed by the First and  
26 Fourteenth Amendments to the United States Constitution for eligible voters who live  
27 in housing without a standard physical address.

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1 4. By imposing an additional prerequisite to registering to vote in federal  
2 elections beyond what is required by the Federal Form developed by the United States  
3 Election Assistance Commission (EAC), the DPOR requirement also violates the  
4 federal National Voter Registration Act (NVRA), which provides that states must  
5 “accept and use” the federal voter registration form to register voters for federal  
6 elections. 52 U.S.C. § 20505. *See also Arizona v. Inter Tribal Council of Ariz., Inc.*,  
7 570 U.S. 1 (2013).

8 5. The concrete and particularized injuries with which Plaintiffs are  
9 imminently threatened are likely to be redressed by a favorable judicial decision. To  
10 remedy Defendants’ violation of the NVRA, Plaintiffs seek declaratory relief and an  
11 injunction prohibiting Arizona from implementing the Physical Address Requirement  
12 for any and all voters who register to vote using the federal voter registration form.  
13 Further, to remedy Defendants’ violation of the U.S. Constitution, Plaintiff Tohono  
14 O’odham Nation seeks declaratory relief and an injunction prohibiting Arizona from  
15 implementing the Physical Address Requirement as applied to any and all voters who  
16 lack a standard physical address and who register to vote using either the state or federal  
17 voter registration form.

#### 18 **JURISDICTION AND VENUE**

19 6. This Court has original jurisdiction over this action under 28 U.S.C. §§  
20 1331, 1343(a)(3)-(4), 1362, 2201(a), and 2202, 42 U.S.C. § 1983, and 52 U.S.C.  
21 § 10308(f), and 52 U.S.C. § 20510(b).

22 7. Venue is proper in this Court under 28 U.S.C. §§ 82 and 1391(b).

#### 23 **PARTIES**

##### 24 Plaintiffs

25 8. Plaintiff Tohono O’odham Nation is a federally recognized Tribe with  
26 approximately 28,000 enrolled members. 87 Fed. Reg. 4636, 4639 (January 28, 2022).  
27 The legislative and executive powers of the Tohono O’odham Nation are vested in the  
28 Tohono O’odham Council and the Office of the Chairman, respectively. *Constitution*

1 *of the Tohono O’odham Nation*, art. V § 1 & art. VII § 1 (March 6, 1986). Among the  
2 enumerated powers of the Council and Chairman are the authority to promote, protect  
3 and provide for public health, peace, morals, education, and general welfare of the  
4 Tohono O’odham Nation and its members and to act as the official representative of  
5 the Tohono O’odham Nation. *Id.*, art. VI § (1)(c)(2) & art. VII § (2)(f).

6 9. Approximately, 6,713 voting age individuals live on Tohono O’odham  
7 lands. *2020 Census State Redistricting Data (Pub. L. No. 94-171) Summary File*  
8 *Prepared by the U.S. Census Bureau, 2021 as published by Caliper Corporation*. Many  
9 of those individuals are Tohono O’odham members who will be eligible to register to  
10 vote on January 1, 2023. A significant majority of Tohono O’odham members do not  
11 have a standard physical address and therefore will be unable to satisfy the DPOR  
12 requirement.

13 10. Plaintiff Tohono O’odham Nation brings this action *parens patriae* to  
14 protect Tohono O’odham members’ general welfare, which includes the right to vote  
15 free from discrimination and undue burden, and to protect its place in the federal system  
16 through protection of its members voting rights.

17 11. Plaintiff Gila River Indian Community is a federally recognized Tribe  
18 with approximately 21,300 enrolled members. 87 Fed. Reg. 4636, 4638 (January 28,  
19 2022). The Community is governed by the Gila River Community Council, which has  
20 among its enumerated powers the authority to promote and protect the health, peace,  
21 morals, education, and general welfare of the Community and its members and to act  
22 for and on behalf of those members. *Constitution and Bylaws of the Gila River Indian*  
23 *Community of Arizona*, art. XV, § 1(a)(9) (codified by Gila River Indian Community  
24 Council on July 7, 2021).

25 12. Approximately, 9,268 voting age individuals live on the Gila River  
26 Reservation. *2020 Census State Redistricting Data (Pub. L. No. 94-171) Summary File*  
27 *Prepared by the U.S. Census Bureau, 2021 as published by Caliper Corporation*. Many  
28 of those individuals are Gila River members who will be eligible to register to vote on

1 January 1, 2023. A significant number of Gila River members do not have a standard  
2 physical address and therefore will be unable to satisfy the DPOR requirement.

3 13. Plaintiff Gila River Indian Community brings this action *parens patriae*  
4 to protect Gila River members' general welfare, which includes the right to vote free  
5 from discrimination and undue burden, and to protect its place in the federal system  
6 through protection of its members' voting rights.

7 Defendants

8 14. Defendant Katie Hobbs, as Arizona's Secretary of State, serves as the  
9 chief state election officer for Arizona. A.R.S. § 16-142. The Secretary of State is a  
10 statewide elected public officer and is responsible for supervising voter registration  
11 throughout the state, including implementation of HB 2492 when it goes into effect.  
12 The Secretary of State is responsible for providing binding regulations and guidelines  
13 for voter registration. Ariz. Const. art. 5, § 1(A); A.R.S. § 16-142. The Secretary of  
14 State also issues the Arizona Election Procedures Manual  
15 ([https://azsos.gov/sites/default/files/2021\\_EPM\\_October\\_1\\_Submission.pdf](https://azsos.gov/sites/default/files/2021_EPM_October_1_Submission.pdf)), which  
16 establishes voter registration procedures for all of Arizona's counties. A.R.S. § 16-452.  
17 The Manual is approved by the Governor and the Arizona Attorney General and carries  
18 the force of law. A.R.S. § 16-452(B). Katie Hobbs is sued in her official capacity.

19 15. Defendant Mark Brnovich, as Arizona's Attorney General, is the State's  
20 chief legal officer, A.R.S. § 41-192, and is authorized to approve voter registration  
21 procedures issued by the Secretary of State, A.R.S. § 16-452, and enforce Arizona's  
22 election laws in "any election for state office . . . through civil and criminal actions,"  
23 A.R.S. § 16-1021. The Attorney General is responsible for enforcing HB 2492 when it  
24 goes into effect. Mark Brnovich is sued in his official capacity.

25 16. Defendants Dana Lewis, Gabriella Cázares-Kelly, and Stephen Richer  
26 are sued in their official capacities as Arizona County Recorders in the counties where  
27 the Tohono O'odham Nation and the Gila River Indian Community are located. They  
28 are independent chief election officers at the local level in the State of Arizona. In that

1 capacity, they are responsible for the implementation and enforcement of HB 2492  
2 relating to the processing of the Physical Address Requirement, processing voter  
3 registration forms, rejecting a voter’s registration form, and canceling a voter’s  
4 registration.

5 **FACTUAL BACKGROUND**

6 17. The State of Arizona is home to twenty-two federally recognized Native  
7 American tribes and encompasses all or part of twenty Native American reservations.  
8 Altogether, those reservations cover more than nineteen million acres, which is more  
9 than one-quarter of all land in Arizona. Those reservations are home to approximately  
10 162,000 individuals, including over 121,000 voting age citizens. *2020 Census State*  
11 *Redistricting Data (Pub. L. No. 94-171) Summary File Prepared by the U.S. Census*  
12 *Bureau, 2021 as published by Caliper Corporation.*

13 18. Homes on Native American reservations in Arizona are significantly  
14 more likely to lack a standard physical address, as compared to homes in non-Native  
15 areas. For example, one study found that approximately 86 percent of Arizona’s non-  
16 Hispanic white voters outside of Pima and Maricopa counties have standard, mailable  
17 addresses, compared to only 18 percent of Native voters—a disparity of over 350  
18 percent. Rodden, Ph.D., Jonathan, *Second expert Report in Ariz. Democratic Party, et*  
19 *al. v. Michelle Reagan, et al.*, Case No. 16-10650-PHX-DLR (amended Sept. 12, 2017).

20 *Current mechanism for specifying residence location*

21 19. Arizona law already requires voter registration applicants to provide their  
22 residence address or location. The purpose of that requirement is to allow election  
23 administrators to identify the precinct where voters live so they can be provided with  
24 the correct ballot.

25 20. To collect residence location information from registrants, the voter  
26 registration form created by the state of Arizona (the State Form) directs applicants to  
27 provide their residential address or, if the registrant does not have a street address, to  
28 “describe [the] location [of their residence] using mileage, cross streets, parcel #,

1 subdivision name/lot, or landmarks” and to “[d]raw a map and/or provide  
2 latitude/longitude or geocode in Box 23 if located in a rural area without a traditional  
3 street address.” Ariz. Voter Reg. Form available online at:  
4 [https://azsos.gov/sites/default/files/voter\\_registration\\_form.pdf](https://azsos.gov/sites/default/files/voter_registration_form.pdf).

5 21. Similarly, the voter registration form created by the federal Election  
6 Assistance Commission (EAC) (the Federal Form), directs registrants to provide their  
7 home address or, if the registrant does not have a street address, to “show where [they]  
8 live” using the map in Box C. Federal Voter Registration Form available online at:  
9 [https://www.eac.gov/sites/default/files/eac\\_assets/1/6/Federal\\_Voter\\_Registration\\_E](https://www.eac.gov/sites/default/files/eac_assets/1/6/Federal_Voter_Registration_E)  
10 [NG.pdf](https://www.eac.gov/sites/default/files/eac_assets/1/6/Federal_Voter_Registration_E).

11 22. Due to the lack of addresses on reservation homes or to the unfamiliarity  
12 with Tribal addressing systems, many Arizona voters from Native American areas,  
13 including from Gila River and Tohono O’odham, register by drawing a map of the  
14 location of their residence and have done so without issue for years.

15 *Documentary proof of location of residence requirement in HB 2492*

16 23. Against the backdrop of the lack of addresses on Arizona reservations  
17 and a working system for identifying voters’ location of residence, Arizona passed HB  
18 2492, which makes documentation that proves the physical location of the applicant’s  
19 residence a requirement of voter registration in Arizona.

20 24. Under the new law, the documents proscribed in A.R.S. § 16-579(A)(1)  
21 constitute satisfactory proof of location of residence. To meet the standards of A.R.S.  
22 § 16-579(A)(1), the individual must provide a government-issued photo ID that  
23 contains or is paired with another document that contains the ID holder’s current  
24 physical address or, if photo ID isn’t provided, the individual must provide two items  
25 or documents that contain their current physical address. In any case, all of the options  
26 proscribed in that section of statute require at least one document that contains the  
27 applicant’s current physical address. A P.O. Box number will not qualify.  
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1 Native-majority areas of the County. Pima County Development Services, *Pima County*  
2 *Geospatial Data Portal*, accessed in October 2022, available at;  
3 [https://gisopendata.pima.gov/datasets/pima-county-official-address-](https://gisopendata.pima.gov/datasets/pima-county-official-address-points/explore?location=31.977155%2C-111.875000%2C9.57)  
4 [points/explore?location=31.977155%2C-111.875000%2C9.57](https://gisopendata.pima.gov/datasets/pima-county-official-address-points/explore?location=31.977155%2C-111.875000%2C9.57).

5 29. As a result, a significant majority of people living in Native areas of Pima  
6 County will be unable to participate in the election of their county, state legislative, and  
7 congressional representatives due to the DPOR requirement in HB 2492, while people  
8 living in white-majority areas will be largely unaffected.

9 30. Without physical addresses or postal routes in their community, most  
10 members of the Tohono O’odham Nation who reside on the Tohono O’odham Indian  
11 Reservation receive their mail delivery at post office boxes. Thus, the address  
12 reservation residents commonly use for identification purposes is the family P.O. Box  
13 number, which is not sufficient to satisfy the Physical Address Requirement in HB  
14 2492.

15 31. Most members of the Tohono O’odham Nation who reside on the Tohono  
16 O’odham Indian Reservation do not have any documents that include both their name  
17 and an address corresponding with the physical location of their home. For these Tribal  
18 members, documents that typically might include such an address if they did have  
19 one—for example a lease, utility bill, bank statement, or vehicle registration—instead  
20 contain the family’s P.O. Box number, list the name of another household member, or  
21 both. These documents thus do not satisfy the Physical Address requirement under HB  
22 2492.

23 32. There is no process available for members of the Tohono O’odham  
24 Nation who reside on the Tohono O’odham Indian Reservation to obtain a physical  
25 address for their home on their own, preventing them from complying with the  
26 requirements under HB 2492.

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Gila River Indian Community

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2 33. The Gila River Indian Community is located on the Gila River Indian  
3 Reservation, which lies entirely within the state of Arizona, south of the city of Phoenix.  
4 Approximately 14,000 people, including a voting age population of 9,268 individuals,  
5 reside on the reservation in 3,516 occupied housing units. *2020 Census State*  
6 *Redistricting Data (Pub. L. No. 94-171) Summary File Prepared by the U.S. Census*  
7 *Bureau, 2021 as published by Caliper Corporation.*

8 34. A majority of Gila River Community members who live on the Gila River  
9 Indian Reservation do not have any identifying documents that include the physical  
10 address assigned to their home by the Community. Even for the minority of Community  
11 members who do have such documentation, it is unknown whether Community-  
12 assigned addresses will be accepted for the purpose of satisfying the Physical Address  
13 Requirement.

14 35. The U.S. Postal Service has informed the Community that, aside from a  
15 portion of the Community's District 4 that is directly adjacent to the off-reservation city  
16 of Chandler, home mail delivery will not be provided to the reservation. As a result of  
17 the lack of home mail delivery, most Gila River Community members who live on the  
18 Gila River Indian Reservation have a post office box which they use to send and receive  
19 mail. Commonly, the address Gila River residents use for identification purposes is  
20 their family P.O. Box number. These P.O. Boxes addresses do not satisfy the Physical  
21 Address requirement under HB 2492.

22 36. These Community members, which include individuals who will become  
23 eligible to register to vote after January 1, 2023, typically do not have any documents  
24 that include both their name and an indicator of the physical location of their home  
25 sufficient to satisfy the Physical Address requirement under HB 2492. For these Tribal  
26 members, documents that typically might include such an address if they did have  
27 one—for example a lease, utility bill, bank statement, or vehicle registration—instead  
28 typically contain the family's P.O. Box number, are in the name of another household

1 member, or both. These documents thus do not satisfy the Physical Address  
2 requirement under HB 2492.

3 37. The Community’s Land Use, Planning, and Zoning Department (LUPZ)  
4 can provide a homeowner or lessee a document that identifies the address the  
5 Community has assigned to their housing. But LUPZ cannot provide similar  
6 documentation to other family members in the household who are not also listed as an  
7 owner or lessee.

8 38. In many cases, it would require Community members to navigate a  
9 lengthy and burdensome process involving multiple government offices for household  
10 members who are not listed as owners or lessees to obtain documentation of the address  
11 assigned to their home by the Community. First, the owner or lessee would have to get  
12 documentation of their home’s Community-assigned address from LUPZ. Next, the  
13 other household members would have to apply for an Arizona ID using their family  
14 members’ LUPZ document or visit another tribal department to obtain documentation  
15 that they reside with their family member who was able obtain documentation of their  
16 address from LUPZ.

17 39. Thus, even if it were clear that Community-assigned addresses are  
18 sufficient to satisfy the DPOR requirement—which it is not—many Community  
19 members would be unable to complete the burdensome process required to obtain  
20 identification documents containing that address sufficient to satisfy the DPOR  
21 requirement.

22 *Enactment of HB 2492’s Physical Address Requirement*

23 40. During hearings on the legislation, witnesses testified that the law would  
24 prevent Native Americans who live in housing without a physical address from  
25 registering to vote. Retired Army Lieutenant Colonel Dana Almond testified that “proof  
26 of address deters those with nonstandard addresses such as [people from] Native  
27 American reservations.” *Voter Registration; verification; citizenship: Hearing on H.B.*  
28 *2492 Before the S. Jud. Comm.*, 55th Leg. 2nd Reg. Sess. (Ariz. 2022). The ACLU of

1 Arizona testified that “Native American voters without traditional addresses recognized  
2 by the postal service ... would be forced to provide documentary proof of residence  
3 that they may not have or that may not even exist.” *Id.* The Arizona Asian American  
4 Native Hawaiian and Pacific Islander for Equity (“AZ AANHPI for Equity”) Nonprofit  
5 asked, “what does this bill mean for Native American tribes that do not have standard  
6 addresses?” *Id.* The bill sponsors and other legislators that voted yes on the bill ignored  
7 the warnings and passed the bill anyway.

8 41. None of the supporting legislators offered any rationale whatsoever for  
9 why the Physical Address Requirement is needed to meet their stated goals of  
10 preventing non-citizens from voting.

11 42. The Federal Form does not require documentary proof of where the  
12 registrant’s home is located.

13 43. If the Physical Address Requirement is implemented, registrants who are  
14 not able to meet it have no other opportunity under the State’s entire system to register  
15 to vote.

16 **CLAIMS FOR RELIEF**

17 **COUNT I**

18 **National Voter Registration Act Section 6, 52 U.S.C. § 20505**

19 **Failure to Accept and Use Federal Form**

20 **(On Behalf of All Plaintiffs and as to All Defendants)**

21 44. The National Voter Registration Act (NVRA) requires that states “accept  
22 and use the mail voter registration application form prescribed by the Election  
23 Assistance Commission pursuant to section 20508(a)(2) . . .for the registration of voters  
24 in elections for Federal office.” 52 U.S.C. § 20505(a)(1).

25 45. In *Arizona v. Inter Tribal Council of Ariz., Inc.* 570 U.S. 1 (2013)  
26 (“*ITCA*”), the Supreme Court held that the NVRA preempted the application of a  
27 documentary proof of citizenship requirement passed by Arizona voters in 2004 as  
28 applied to registrations for federal elections submitted using the Federal Form.

1           46. After the *ITCA* ruling, the United State District Court for the District of  
2 Arizona ordered and declared that the NVRA “precludes Arizona from requiring a  
3 Federal Form applicant to submit information beyond that required by the [Federal]  
4 form itself.” *Gonzalez v. Arizona*, 2013 WL 7767705, at \*1 (D. Ariz. Sept. 11, 2013).

5           47. Currently, to specify the location of their residence, the Federal Form  
6 directs people that live in rural areas and that do not have a street address to show where  
7 they live by filling in a map at the bottom of the form. The Federal Form does not  
8 require further documentary proof of location of residence.

9           48. Despite that, under HB 2492, the DPOR requirement is explicitly applied  
10 to all Arizona registrations, including registrations for federal elections using the  
11 Federal Form.

12           49. The NVRA precludes Defendants from requiring Federal Form  
13 applicants to submit documentary proof of location of residence, as this is plainly not  
14 required by the Form itself.

15           50. The NVRA provides that “[a] person who is aggrieved by a violation of  
16 [the NVRA] may provide written notice of the violation to the chief election official of  
17 the State involved.” 52 U.S.C. § 20510(b)(1). If the violation is not corrected within 90  
18 days, or within 20 days if the violation occurred within 120 days before the date of a  
19 federal election, “the aggrieved person may bring a civil action . . . for declaratory or  
20 injunctive relief . . .” *Id.* § 20510(b)(2).

21           51. Because the violations alleged herein occurred within 30 days before the  
22 date of an election for Federal office, pursuant to 52 U.S.C. § 20510(b)(3), Plaintiffs as  
23 the aggrieved parties do not need to provide notice to the chief election official of the  
24 State before bringing this civil action. *See, e.g., Nat’l Council of La Raza v. Cegavske*,  
25 800 F.3d 1032, 1044–45 (9th Cir. 2015) (“Neither the notice nor the complaint needs  
26 to specify that the violation has been actually observed, and that there is thus a  
27 ‘discrete violation,’ during the 120–day or 30–day period. It is enough that the notice  
28

1 letter and the complaint plausibly allege the existence of an ongoing violation within  
2 the appropriate time period, whether or not it was “discrete” during the period.”).

3 52. HB 2492 violates Section 6 of the NVRA.

4 53. As a result, many members of Tohono O’odham and Gila River will be  
5 unable to register to vote using the Federal Form as required by the NVRA.

6 **COUNT 2**

7 **First and Fourteenth Amendments to the U.S. Constitution; 42 U.S.C.**

8 **§ 1983**

9 **Severe and Unjustifiable Burden on the Right to Vote**

10 **(On behalf of Plaintiff Tohono O’odham Nation and as to all Defendants)**

11 54. A court considering a federal constitutional challenge to a state election  
12 law must carefully balance the character and magnitude of the injury to the First and  
13 Fourth Amendment rights that the Plaintiffs seek to vindicate, against the justifications  
14 put forward by the state for the burdens imposed by the rule. *Burdick v. Takushi*, 504  
15 U.S. 428, 434 (1992); *Anderson v. Celebrezze*, 460 U.S. 780, 789 (1983).

16 55. “However slight th[e] burden may appear, ... it must be justified by  
17 relevant and legitimate state interests sufficiently weighty to justify the limitation.”  
18 *Crawford v. Marion Cnty. Election Bd.*, 553 U.S. 181, 191 (2008) (Stevens, J.,  
19 controlling op.) (quotation marks omitted).

20 56. “Regulations imposing severe burdens on plaintiffs’ rights must be  
21 narrowly tailored and advance a compelling state interest.” *Angle v. Miller*, 673 F.3d  
22 1122, 1132 (9th Cir. 2012) (quotation marks omitted). Even a minimal burden on the  
23 right to vote “require[s] an assessment of whether alternative methods would advance  
24 the proffered governmental interests,” *Dudum v. Arntz*, 640 F.3d 1098, 1114 n.27 (9th  
25 Cir. 2011). *See also Soltysik v. Padilla*, 910 F.3d 438 (9th Cir. 2018) (quoting same).

26 57. The documentary proof of residence requirement in HB 2492 imposes a  
27 severe, disparate, and/or unjustifiable burden on the fundamental right to vote of people  
28 of the thousands of voting age citizens in Arizona who live in housing without a

1 standard physical address. There is no state interest sufficient to justify this burden, as  
2 evidenced by the fact that Arizona has for years successfully implemented a voter  
3 registration program whereby voters with nonstandard addresses may describe and/or  
4 depict their location of residence in a way that fully facilitates all aspects of local  
5 election administration, including polling place precinct assignments

6 **PRAYER FOR RELIEF**

7 Plaintiff Tohono O’odham Nation respectfully request that this Court enter  
8 judgement and an order granting the relief outline in paragraphs A through F below.

9 Plaintiff Gila River Indian Community respectfully request that this Court enter  
10 judgment and an order granting the relief outline in paragraphs A, B, D, E, and F below:

11 A. Declare that the documentary proof of residence requirement in HB 2492  
12 violates and is preempted by the NVRA for registration for federal elections submitted  
13 using the Federal Form;

14 B. Enjoin Defendants, along with their respective agents, officers,  
15 employees, and successors from enforcing the documentary proof of residence  
16 requirement as to applications for voter registration for federal elections submitted  
17 using the Federal Form;

18 C. Declare that the documentary proof of residence requirement in HB 2492  
19 violates Plaintiffs’ fundamental right to vote as guaranteed by the First and Fourteenth  
20 Amendments to the U.S. Constitution;

21 D. Enjoin Defendants, along with their respective agents, officers,  
22 employees, and successors from implementing or enforcing the documentary proof of  
23 residence requirement as to all applications for voter registration submitted using either  
24 the state or Federal Form;

25 E. Direct Defendants, under a court-approved plan, to take all appropriate  
26 measures necessary to remedy the harm caused by their noncompliance with the NVRA  
27 and for their violation of Plaintiffs’ First and Fourteenth Amendment rights, including,  
28



1 without limitation, ensuring that individuals affected by their noncompliance are  
2 provided remedial opportunities for voter registration;

3 F. Award Plaintiffs their costs, expenses, and reasonable attorney's fees,  
4 pursuant to 42 U.S.C. § 1988, 52 U.S.C. § 20510(c), and any other applicable law;

5 G. Grant such other and further relief as the Court deems just and proper.

6 DATED this 7th day of November, 2022.

7 OSBORN MALEDON, P.A.

8  
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UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

**Civil Cover Sheet**

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the District of Arizona.

**The completed cover sheet must be printed directly to PDF and filed as an attachment to the Complaint or Notice of Removal.**

Plaintiff(s): **Tohono O’odham Nation ; Gila River Indian Community**

Defendant(s): **Katie Hobbs , Arizona Secretary of State; Mark Brnovich , Arizona Attorney General; Dana Lewis , Pinal County Recorder; Gabriella Cazares-Kelly , Pima County Recorder; Stephen Richer , Maricopa County Recorder**

County of Residence: Maricopa

County of Residence: Maricopa

County Where Claim For Relief Arose: Maricopa

Plaintiff's Atty(s):

Defendant's Atty(s):

**David B. Rosenbaum  
Osborn Maledon, P.A.  
2929 N. Central Avenue  
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602-640-9000**

**Joshua J. Messer  
Osborn Maledon, P.A.  
2929 N. Central Avenue, Suite 2100  
Phoenix, Arizona 85012  
602-640-9000**

II. Basis of Jurisdiction: **3. Federal Question (U.S. not a party)**

III. Citizenship of Principal Parties (Diversity Cases Only)

Plaintiff:- N/A  
Defendant:- N/A

IV. Origin : **1. Original Proceeding**

V. Nature of Suit: **441 Voting**

VI. Cause of Action: **Claims for Violations of the National Voter Registration Act, 52 U.S.C. § 20505 and for First and Fourteenth Amendment violations under 42 U.S.C. § 1983**

VII. Requested in Complaint

Class Action: **No**  
Dollar Demand:  
Jury Demand: **No**

VIII. This case IS RELATED to Case Number **2:22-cv-519-SRB** assigned to Judge **Bolton.**

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**Signature: s/ David B. Rosenbaum**

**Date: 11/07/2022**

**If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, save this form as a PDF and include it as an attachment to your case opening documents.**

Revised: 01/2014