

1 TERRY GODDARD
Attorney General
2 Firm Bar No. 14000
Mary O'Grady, No. 011434
3 Solicitor General
4 Carrie J. Brennan, No. 018250
Barbara A. Bailey, No. 018230
5 Assistant Attorneys General
1275 West Washington Street
6 Phoenix, Arizona 85007-2926
7 Tel: (602) 542-7826
Fax: (602) 542-8308
8 Attorneys for the State of Arizona and
9 the Arizona Secretary of State

10 **IN THE UNITED STATES DISTRICT COURT**
11 **DISTRICT OF ARIZONA**

12 MARIA M. GONZALEZ, et al.,
13 Plaintiffs,
14 v.
15 STATE OF ARIZONA, et al.
16 Defendants.

No. CV06-01268 PHX ROS
No. CV06-1362 PCT ROS (Cons)
No. CV06-1575 PCT ROS (Cons)

**SECOND DECLARATION OF
COUNSEL IN SUPPORT OF
MOTIONS TO DISMISS PURSUANT
TO FED. R. CIV. P. 12(B)(1) (LACK
OF STANDING) BY DEFENDANTS
STATE OF ARIZONA AND THE
ARIZONA SECRETARY OF STATE**

(Assigned to the Honorable
Roslyn O. Silver)

23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Barbara A. Bailey declares:

1. I am one of the attorneys of record in these consolidated cases and represent the State of Arizona and the Arizona Secretary of State, Janice K. Brewer, both of whom are defendants in one or more of these cases. I make this Declaration in support of the Motions to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(1) (Lack of Standing) by Defendants State of Arizona and the Arizona Secretary of State, Dkt Nos. 433 and 434.

2. Attached at Tab 14 is a true and correct copy of a letter dated October 12, 2007, from my office to the Department of Justice, which letter requests preclearance of the revised Arizona Voter Registration Form pursuant to section 5 of the Voting Rights Act.

3. Attached at Tab 15 is a true and correct copy of the Arizona Voter Registration Form that was submitted by the State of Arizona to the Department of Justice for preclearance under cover of the letter attached at Tab 14 to this Declaration. The registration form is referred to as Exhibit A in the October 12, 2007, letter to the Department of Justice (as referenced in paragraph 2 above).

4. Attached at Tab 16 is a true and correct copy of a letter dated December 6, 2007, from the Department of Justice to my office, which letter preclears the Arizona Voter Registration Form that is attached at Tab 15 of this Declaration.

5. Attached at Tab 17 is a true and correct copy of excerpts of the deposition of Agnes Laughter which was taken in this matter on October 19, 2006.

6. Attached at Tab 18 is a true and correct copy of the October 4, 2006 Affidavit of Kelly Dastrup, Navajo County Elections Director.

I declare under penalty of perjury that the foregoing assertions of fact are true and correct.

//
//
//
//
//

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Executed on January 7, 2008, at Phoenix, Arizona.

TERRY GODDARD
Arizona Attorney General

s/Barbara A. Bailey _____
Mary O'Grady
Solicitor General
Carrie J. Brennan
Barbara A. Bailey
Assistant Attorneys General
Attorneys for the State of Arizona and the
Arizona Secretary of State

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this 7th day of January, 2008, I electronically
3 transmitted the attached document to the Clerk's Office using the ECF System for
4 filing, and transmittal of a Notice of Electronic Filing to the following ECF registrants:
5

6 David J. Bodney
7 Karen J. Hartman-Tellez
8 Steptoe & Johnson LLP
9 201 East Washington St., Ste. 1600
10 Phoenix, Arizona 85004-2382
11 dbodney@steptoe.com
12 khartman@steptoe.com

13 David B. Rosenbaum
14 Thomas L. Hudson
15 Sara S. Greene
16 Osborn Maledon, P.A.
17 2929 N. Central, 21st Floor
18 Phoenix, Arizona 85012-2793
19 drosenbaum@omlaw.com
20 thudson@omlaw.com
21 sgreene@omlaw.com

22 Jon Greenbaum
23 Benjamin Blustein
24 Lawyers' Committee For
25 Civil Rights Under Law
26 1401 New York Avenue, Ste. 400
27 Washington, D.C. 20005
28 jgreenbaum@lawyerscommittee.org

29 Neil Bradley
30 ACLU Southern Regional Office
31 2600 Marquis One Tower
32 245 Peachtree Center Avenue
33 Atlanta, Georgia 30303
34 nbradley@aclu.org

1 Elliot M. Mincberg
2 People for the American
3 Way Foundation
4 2600 M Street, NW, Ste. 400
5 Washington, DC 20036
6 eminberg@pfaw.org

7 Daniel B. Kohrman
8 AARP Foundation Litigation
9 601 E Street, N.W., Ste. A4-240
10 Washington, DC 20049
11 dkohrman@aarp.org

12 Joe P. Sparks
13 Susan B. Montgomery
14 Sparks, Tehan & Ryley PC
15 The Inter Tribal Council of Arizona, Inc.
16 7503 First Street
17 Scottsdale, Arizona 85251
18 joe-sparks@qwest.net

19 David J. Becker
20 People for the American Way Foundation
21 2000 M Street, NW, Suite 400
22 Washington, D.C. 20036
23 dbecker@pfaw.org

24 Daniel R. Ortega, Jr.
25 Roush McCracken Guerrero
26 Miller & Ortega
27 650 N. 3rd Avenue
28 Phoenix, Arizona 85003
danny@rmgmoinjurylaw.com

Nina Perales
Mexican American Legal Defense and Education Fund
110 Broadway, Ste. 300
San Antonio, Texas 78205
nperales@maldef.org

1 M. Colleen Connor
2 MCAO Division of County Counsel
3 222 N. Central Avenue, Ste. 1100
4 Phoenix, Arizona 85003
connorc@mcao.maricopa.gov

5 Dennis I. Wilenchik
6 Kathleen Rapp
7 Wilenchik and Bartness, P.C.
8 2810 N. Third Street
9 Phoenix, Arizona 85004
diw@wb-law.com
kathleenr@wb-law.com

10 Judith M. Dworkin
11 Marvin S. Cohen
12 Patricia Ferguson-Bohnee
13 SACKS TIERNEY P.A.
14 4250 N. Drinkwater Blvd. 4th
15 Scottsdale, Arizona 85251-3693
Judith.Dworkin@sackstierney.com

16 Criss E. Candelaria
17 Bradley Carlyon
18 Apache County Attorneys Office
19 PO Box 637
20 St. Johns, Arizona 86025
bcarlyon@apachelaw.net

21 Melvin R. Bowers, Jr.
22 Lance B. Payette
23 Navajo County Attorneys Office
24 PO Box 668
25 Holbrook, Arizona 86025
lance.payette@co.navajo.az.us

26 Brenna L. Clani
27 Navajo County Department of Justice
28 PO Box 2010
Window Rock, Arizona 86515
brennalclani@navajo.org

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Jean E. Wilcox
Coconino County Attorney's Office
110 East Cherry Ave.
Flagstaff, Arizona 86001
jwilcox@coconino.az.gov

COPY sent via U.S. mail this
8th day of January, 2008 to:

The Honorable Roslyn O. Silver
United States District Court
Sandra Day O'Connor U.S. Courthouse, Suite 624
401 West Washington Street, SPC 59
Phoenix, AZ 85003-2158

/s/ Elizabeth Stark

91837