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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)

**MOTION TO SUPPLEMENT THE  
RECORD IN SUPPORT OF STATE  
DEFENDANTS' MOTION TO  
DISMISS PURSUANT TO FED. R.  
CIV. P. 12(B)(1) (LACK OF  
STANDING) DIRECTED TO  
GONZALEZ PLAINTIFFS**

(Assigned to the Honorable  
Roslyn O. Silver)

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1 Defendants State of Arizona and the Arizona Secretary of State (“Defendants”)
2 move to supplement the factual record before the Court in support of their motion to
3 dismiss certain plaintiffs from the Gonzalez Plaintiffs’ lawsuit. Specifically, Defendants
4 move to supplement the record with the pertinent portions of the deposition testimony of
5 plaintiff Georgia Morrison-Flores, and with a copy of her current Arizona driver’s
6 license and her voter registration application, which respectively are exhibits to her
7 deposition in this case. [See Third Declaration of Counsel in Support of Motions to
8 Dismiss Pursuant to Fed. R. Civ. P. 12(b)(1) (Lack of Standing) by Defendants State of
9 Arizona and the Arizona Secretary of State (filed herewith) (“Third Counsel Decl.”),
10 Tabs 19-21]

11 In Defendants’ reply in support of their motion, Defendants requested that the
12 Court defer ruling on Ms. Morrison-Flores’ standing until such time as Defendants could
13 take additional discovery relevant to her standing. [Dkt. 539 at p. 7] On January 17,
14 2008, Defendants took Ms. Morrison-Flores’ deposition. Ms. Morrison-Flores’
15 testimony demonstrates that she lacked standing at the time she became a plaintiff in this
16 case in October 2007. [See dkt. 352 (amended complaint filed on 10/01/07)]

17 Ms. Morrison-Flores was not permitted to cast a ballot at the 2006 General
18 Election because she provided as identification at the polls an Arizona driver’s license
19 that reflected the name “Georgia A. Morrison-Vasquez.” [Third Counsel Decl., Tab 19
20 (at 43:22-44:8)] The name on Ms. Morrison-Flores’ voter registration application and
21 the Yuma County voter registration record is “Georgia A. Morrison-Flores.” [*Id.* at Tab
22 19 (at 35:3-11, 41:3-13)] Plaintiffs concede that Ms. Morrison-Flores was not permitted
23 to cast a ballot using her Arizona driver’s license in November 2006 “because the name
24 on her license (her name prior to her marriage), did not match the name on the voter rolls
25 (her current married name).” [Gonzalez Response at 16]

26 Ms. Morrison-Flores testified, however, that in April 2007 (approximately six
27 months before she joined this lawsuit), she personally went to an office of the Arizona
28 Motor Vehicle Division and updated her name in their records, to reflect her present
name, “Georgia A. Morrison-Flores.” [Third Counsel Decl., Tab 19 (at 48:21-49:24)]
The name and address on Ms. Morrison-Flores’ Arizona driver’s license match that of

1 her voter registration record on file with the Yuma County elections department. [*See*  
2 *id.*, Tabs 20, 21] Ms. Morrison-Flores testified that she expects to vote in the 2008 fall  
3 elections using her Arizona driver’s license as identification at the polls. [*Id.* at Tab 19  
4 (at 62:17-63:10)]

5 In addition, Ms. Morrison-Flores testified that she opened a bank account recently  
6 and expects to receive monthly statements at her current address, which is the same  
7 address on file with the Yuma County elections department. [Third Counsel Decl., Tab  
8 19 (at 22:3-23:4)] She also testified that she has a voter registration card, although she  
9 was unable to locate it to bring to the deposition. [*Id.* at Tab 19 (at 41:3-8)] In any  
10 event, she could obtain a replacement voter registration if she so desired.

11 Ms. Morrison-Flores’ testimony and records demonstrate that she possesses a  
12 valid Arizona driver’s license, as well as other identification that would be sufficient to  
13 permit her to vote in person at the polls, and she in fact intends to vote in this fall’s  
14 elections. She undisputedly possessed sufficient identification at the time she became a  
15 plaintiff in this lawsuit. Accordingly, she lacks standing to maintain this suit. *E.g.*,  
16 *Common Cause/Georgia v. Billups*, 504 F. Supp. 2d 1333, 1373-74 (N.D. Ga. 2007)  
17 (holding that plaintiffs challenging photo-identification law for voting lacked standing;  
18 plaintiffs did not establish invasion of a legally protected interest that was “concrete and  
19 particularized” and “actual or imminent,” because they could obtain the requisite  
20 identification).

21 RESPECTFULLY SUBMITTED this 7th day of February, 2008.

22 TERRY GODDARD  
23 Arizona Attorney General

24 s/ Barbara A. Bailey  
25 Mary O’Grady  
26 Solicitor General  
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this 7th day of February, 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:  
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**COPY** also served this 7th day of February,  
2008 via U.S. Mail on the following:

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/s/ Erica Lane

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