

1 OSBORN MALEDON, P.A.
2 2929 North Central Avenue, 21st Floor
3 Phoenix, Arizona 85012-2793
4 Telephone: (602) 640-9000

5 David B. Rosenbaum (009819)
6 drosenbaum@omlaw.com
7 Thomas L. Hudson (014485)
8 thudson@omlaw.com
9 Sara S. Greene (022706)
10 sgreene@omlaw.com

11 STEPTOE & JOHNSON LLP
12 Collier Center
13 201 East Washington Street, Suite 1600
14 Phoenix, Arizona 85004-2382
15 Telephone: (602) 257-5200
16 Facsimile: (602) 257-5299

17 David J. Bodney (006065)
18 dbodney@steptoe.com
19 Karen J. Hartman-Tellez (021121)
20 khartman@steptoe.com

21 Attorneys for The Inter Tribal Council
22 of Arizona, Inc., et al.

23 UNITED STATES DISTRICT COURT
24 DISTRICT OF ARIZONA

25 Maria M. Gonzalez, et al.,
26 Plaintiffs,

27 vs.

28 State of Arizona, et al.,
Defendants.

) No. CV06-01268-PHX-ROS (Lead)
) CV06-01362-PHX-ROS (Cons)
) CV06-01575-PHX-ROS (Cons)

) **ITCA PLAINTIFFS'**
) **NOTICE REGARDING**
) **SPECIFIC LEGAL**
) **CHALLENGES**

29 Pursuant to this Court's Order dated June 30, 2008, the Inter Tribal
30 Council of Arizona, Inc. ("ITCA"), the Hopi Tribe ("Hopi"), the Arizona Advocacy
31 Network ("AzAN"), the League of Women Voters of Arizona ("LWV"), the League of
32 United Latin American Citizens ("LULAC") and Rep. Steve Gallardo ("Gallardo")

1 (collectively, the “ITCA Plaintiffs”) hereby submit this Notice regarding the nature of
2 the ITCA Plaintiffs’ legal challenges to Proposition 200.

3 Both of the remaining legal challenges brought by the ITCA Plaintiffs –
4 the Fourteenth Amendment undue burden and Section 2 of the Voting Rights Act claims
5 – are facial and as-applied challenges. [See Doc. 1, CV 06-1362-PHX-ROS,
6 Preliminary Statement of ITCA Plaintiffs’ Complaint for Declaratory and Injunctive
7 Relief (“Complaint”) at 2 (“This is an action to have . . . the Act . . . declared
8 unconstitutional both facially and as applied . . .”)]

9 As applied, the undue burden claims apply to every named Plaintiff.¹ [*Id.*
10 at 2 (Preliminary Statement), ¶ 27 (undue burden for individual members of LULAC,
11 Hopi and ITCA’s member tribes), ¶¶ 31-32 (undue burden for organizations conducting
12 voter registration, including Hopi, LWVAZ, LULAC, AzAN and ITCA), ¶ 33 (polling
13 place identification requirements constitute an undue burden for individual members of
14 LULAC), ¶ 35 (listing specific groups who are affected by the polling place
15 identification requirement), ¶¶ 1-7 (describing organizational Plaintiffs’ activities and
16 missions; describing Rep. Gallardo’s activities as an elected official), ¶ 8 (allegations
17 regarding standing)]. Each named Plaintiff also states a facial challenge on the undue
18 burden claim. [See *id.* at 2]

19 Plaintiffs Gallardo, LULAC, ITCA, Hopi and AzAN state both facial and
20 as applied challenges on their claims under Section 2 of the Voting Rights Act. [*Id.* at 2
21 (facial challenge), ¶¶ 1-6 (Hopi Tribe and ITCA have Native American members;
22 LULAC’s activities focus on advancing voting rights of the Hispanic population; AzAN
23 focuses voter registration efforts on underrepresented communities), ¶ 8 (allegations
24 regarding standing), ¶ 54 (proof of citizenship and polling place provisions of
25

26 ¹ The Hopi Tribe and ITCA settled their undue burden claim as it relates to polling place
27 identification. Their undue burden claim as to proof of citizenship for registration is still
28 viable. [See Doc. 776, May 27, 2008 Order Granting Joint Stipulation Dismissing ITCA
and Hopi Tribe’s Polling Place Identification Claims.]

1 Proposition 200 will have a disparate impact on Latino and Native American voters), ¶
2 80 (Proposition 200's proof of citizenship and polling place provisions result in the
3 denial or abridgment of the right to vote of Native American and Latino citizens)]

4 RESPECTFULLY SUBMITTED this 3rd day of July, 2008.

5 STEPTOE & JOHNSON LLP

6
7 By Karen J. Hartman-Tellez
8 David J. Bodney
9 Karen J. Hartman-Tellez
10 Collier Center
11 201 East Washington St., Ste. 1600
12 Phoenix, Arizona 85004-2382

13 OSBORN MALEDON, P.A.
14 David B. Rosenbaum
15 Thomas L. Hudson
16 Sara S. Greene
17 2929 North Central Ave., 21st Floor
18 Phoenix, Arizona 85012-2793

19 Attorneys for The Inter Tribal Council
20 of Arizona, Inc., et al.
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22
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24
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28

1 LAWYERS' COMMITTEE FOR CIVIL
RIGHTS UNDER LAW

2 Jon M. Greenbaum
3 Robert A. Kengle
4 1401 New York Avenue, Suite 400
5 Washington, D.C. 20005
6 Telephone: 202-662-8315
7 Fax: (202) 628-2858
8 E-mail:
9 jgreenbaum@lawyerscommittee.org
10 bkengle@lawyerscommittee.org
11 *Admitted Pro Hac Vice*

12 ACLU Southern Regional Office
13 Neil Bradley
14 2600 Marquis One Tower
15 245 Peachtree Center Avenue
16 Atlanta, Georgia 30303
17 Telephone: 404-523-2721
18 Fax: 404-653-0331
19 E-mail: nbradley@aclu.org
20 *Admitted Pro Hac Vice*

21 THE LEAGUE OF UNITED LATIN
22 AMERICAN CITIZENS

23 Luis Roberto Vera, Jr.
24 (TX SBN 20546740)
25 111 Soledad, Suite 1325
26 San Antonio, Texas 78205-2260
27 Telephone: 210-225-3300
28 Fax: 210-225-2060
E-mail: lrvlaw@sbcglobal.net
Pro Hac Vice Application to be filed

AARP FOUNDATION LITIGATION

Daniel B. Kohrman (DC BN 394064)
601 E Street, N.W., Suite A4-240
Washington, DC 20049
Telephone: 202-434-2064
Fax: 202-434-6424
E-mail: dkohrman@aarp.org
Admitted Pro Hac Vice

THE INTER TRIBAL COUNCIL OF
ARIZONA, INC.

Joe P. Sparks (002383)
The Sparks Law Firm PC
7503 First Street
Scottsdale Arizona 85251
Telephone: 480-949-1339
Fax: 480-949-7587
E-mail: joesparks@sparkslawaz.com

Attorneys for the Inter Tribal Council of
Arizona, Inc., et al.

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27
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Mary Ruth O’Grady
mary.ogrady@azag.gov

Daniel R. Ortega, Jr.
danny@rmgmo.com

Luis Fernando Parra
lparra@co.santa-cruz.az.us

Lance B. Payette
lance.payette@co.navajo.az.us

Nina Perales
nperales@maldef.org

Javier Garcia Ramos
javier.ramos@sackstierney.com

Chris Myrl Roll
Chris.Roll@co.pinal.az.us

Karl J. Sandstrom
ksandstrom@perkinscoie.com

Joe P. Sparks
joesparks@sparkslawaz.com

Thomas M. Stoxen
thomas.stoxen@co.yavapai.az.us

David Urias
durias@maldef.org, mmartinez@maldef.org

Nicole Weber
Nicole.Weber@co.pinal.az.us

Jean E. Wilcox
jwilcox@coconino.az.gov

Dennis Ira Wilenchik
diw@wb-law.com

s/ Angela M. Wilmot
Angela M. Wilmot, Legal Secretary