

ATTACHMENT A

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

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

MARIA M. GONZALEZ, et al.,
Plaintiffs,
v.
STATE OF ARIZONA; et al.,
Defendants.

No. CV 06-1268-PHX-ROS (LEAD)
CV 06-1362-PHX-ROS
CV 06-1575-PHX-ROS

**[PROPOSED] ORDER OF DISMISSAL
(Consolidated)**

The Inter Tribal Council of Arizona, Inc., and the Hopi Tribe (“ITCA and Hopi Plaintiffs”); and Arizona Secretary of State Janice Brewer (“State Defendant”) have stipulated to Revised Procedures for Proof of Identification at the Polls (“Revised Procedures”) to provide for an elector who identifies himself or herself as a member of a federally recognized Indian tribe to vote a regular provisional ballot upon the presentation of certain acceptable forms of tribal identification, which shall include (but are not limited to) the following:

- a tribal identification or enrollment card issued under the authority of a federally recognized Indian tribe, nation, community, or band ("tribe"), a tribal subdivision or the Bureau of Indian Affairs; or
- a Certificate of Indian Blood issued to a tribal member under the authority of a tribe or by the Bureau of Indian Affairs; or
- a voter registration card for tribal elections issued under the authority of a tribe; or

- 1 • a home site assignment lease, permit or allotment issued under the authority
2 of a tribe, tribal subdivision, or by the Bureau of Indian Affairs; or
- 3 • a grazing permit or allotment issued to a tribal member under the authority of
4 a tribe, tribal subdivision, or by the Bureau of Indian Affairs.

5 The Stipulating Parties have further agreed to dismissal without prejudice of certain
6 claims upon notice of the preclearance of the Revised Procedures by the United States
7 Department of Justice, and such notice having been received by the Court, and good cause
8 appearing,

9 IT IS HEREBY ORDERED pursuant to the Stipulation, which is approved by the
10 Court here, that:

11 1. The May 24, 2006, Complaint in Case No. CV 06-1362-PHX-ROS, is
12 amended to dismiss without prejudice the ITCA and Hopi Plaintiffs' challenge to the
13 Procedures and the polling place identification requirements of A.R.S. § 16-579, pursuant
14 to Rule 15(a) of the Federal Rules of Civil Procedure.

15 IT IS FURTHER ORDERED that so long as the Revised Procedures remain in force
16 and are effectively implemented at the polls, the ITCA and Hopi Plaintiffs shall not re-file
17 any claims dismissed by this Order or file any other action or complaint against the State
18 Defendants that challenges the Revised Procedures or the polling place identification
19 requirements of A.R.S. § 16-579, on their face or as applied.

20 IT IS FURTHER ORDERED that this Order does not dismiss any claims or
21 allegations set forth in the May 24, 2006, Complaint in Case No. CV 06-1362-PHX-ROS,
22 challenging the proof of citizenship requirements for voter registration enacted in
23 November 2004 through Proposition 200, the "Arizona Taxpayer and Citizen Protection
24 Act." This Order does not dismiss any other plaintiff in this consolidated action, No. CV
25 06-1268-PHX-ROS.
26
27
28