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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

**JOINT STIPULATION TO DISMISS
PENDING APPROVAL OF
CHANGES TO POLLING PLACE
PROCEDURES**

(Assigned to the Honorable Roslyn O.
Silver)

(Consolidated)

1 The Inter Tribal Council of Arizona, Inc. and the Hopi Tribe (“ITCA and Hopi
2 Plaintiffs”); and Arizona Secretary of State Janice Brewer (“State Defendant”)
3 (collectively “Stipulating Parties”), by and through undersigned counsel, hereby
4 stipulate to the following:

5 1. The ITCA and Hopi Plaintiffs, along with the League of Women Voters of
6 Arizona, the League of United Latin American Citizens, Arizona Advocacy Network,
7 People for the American Way Foundation, and Steve M. Gallardo, filed a Complaint on
8 May 24, 2006, Case No. CV 06-1362-PCT-JAT (later consolidated with lead case No.
9 CV 06-1268-PHX-ROS), seeking declaratory and injunctive relief to prevent the
10 enforcement of the proof of citizenship requirement and the proof of identification
11 requirements for voting at the polls enacted pursuant to the “Arizona Taxpayer and
12 Citizen Protection Act,” which appeared on Arizona’s ballot in November 2004 as
13 Proposition 200 (“Proposition 200”).

14 2. The Arizona Secretary of State believes revision to the Procedures, as
15 described herein, would benefit Arizona’s Native American electors, to whom the
16 procedures described herein apply.

17 3. The Secretary of State has implemented a “Procedure for Proof of
18 Identification at the Polls” (“Procedures”). The Stipulating Parties agree to the
19 following revised Procedures for Proof of Identification at the Polls (“Revised
20 Procedures”):

21 An elector who identifies himself or herself as a member of a federally
22 recognized Native American tribe and who does not provide one form of
23 identification that bears the name, address, and photograph of the elector
24 or two different forms of identification that bear the name and address of
25 the elector shall be issued a provisional ballot upon presenting one form of
26 tribal identification that bears the name of the elector. Acceptable forms of
27 tribal identification include (but are not limited to): a tribal identification
28 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 a home site assignment lease, permit or allotment
issued under the authority of a tribe, tribal subdivision, or by the Bureau of
Indian Affairs; or a grazing permit or allotment issued to a tribal member
under the authority of a tribe, tribal subdivision, or by the Bureau of Indian
Affairs.

1 4. The Secretary of State has prescribed the Revised Procedures set forth in
2 Paragraph 3, above, and those procedures have been forwarded to the United States
3 Department of Justice for preclearance.

4 5. Upon written notification to the Court and the Stipulating Parties that the
5 United States Department of Justice has precleared the Revised Procedures, the
6 Stipulating Parties shall lodge the accompanying proposed Order to be entered by the
7 Court which:

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

13 6. So long as the Revised Procedures remain in force and are effectively
14 implemented, the ITCA and Hopi Plaintiffs will not re-file any claims dismissed
15 pursuant to this Stipulation or file any other action or complaint against the State
16 Defendants challenging the Revised Procedures or the polling place identification
17 requirements in A.R.S. § 16-579, on their face or as applied.

18 7. The ITCA and Hopi Plaintiffs are not dismissing any claim or allegation
19 set forth in their May 24, 2006, Complaint, Case No. CV 06-1362-PHX-ROS,
20 challenging the proof of citizenship requirement for registration as enacted by
21 Proposition 200.

22 8. No other plaintiff or claim in this consolidated action, No. CV 06-1268-
23 PHX-ROS, is intended to be dismissed by this Stipulation, and this Stipulation is not
24 intended to affect, or in any way modify, alter, change, or amend the complaint of any
25 plaintiff not party to this Stipulation, or any claims or allegations set forth therein.

26 9. In the event that the Department of Justice has not precleared the Revised
27 Procedures as of May 30, 2008, this Stipulation shall become null and void unless such
28 date is extended in writing by the parties.

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DATED this 5th day of May, 2008.

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1 DATED this 5th day of May, 2008.

2 ARIZONA SECRETARY OF STATE

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4
5 By: s/Mary O'Grady

6 Mary O'Grady
7 Barbara A. Bailey

8 Attorneys for Defendant Arizona
9 Secretary of State Janice Brewer

10 **CERTIFICATE OF SERVICE**

11 I hereby certify that on May 5, 2008, I electronically transmitted the attached
12 document to the Clerk's Office using the CM/ECF System for filing and transmittal of a
13 Notice of Electronic Filing to the following CM/ECF registrants, if any:

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