

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Nos. 08-17094, 08-17115

MARIA M. GONZALEZ, et al.,

Plaintiffs-Appellants

v.

STATE OF ARIZONA, et al.,

Defendants-Appellees

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

BRIEF FOR THE UNITED STATES AS AMICUS CURIAE SUPPORTING
APPELLEES ON REHEARING EN BANC AND URGING AFFIRMATION

MOTION FOR LEAVE TO FILE PROPOSED AMICUS BRIEF and
MOTION TO EXTEND TIME TO PROVIDE AMICUS BRIEF TO COURT

Pamela Barnett, Pro Se, w/o Counsel Movant

Individual and sovereign U.S. citizen, Pamela Barnett, resident of California,
and unrepresented pro-se plaintiff in the action Barnett v. Dunn, Brown, Bowen,
Election Assistance Commission et al, **Civil Rights CASE:**

10-cv-02216-KJM-DAD in the Eastern District of California, has direct and

tangible interest in this appeals hearing. Movant Barnett filed a judicial notice in this case that specifically addresses how the U.S. Election Assistance Commission's National Mail Voter Registration Form (NMVRF) violates Help America Vote Act (HAVA) and National Voter Registration Act (NVRA) aka motor voter laws, and the Election Assistance Commission's (EAC) failure to safeguard voter registration databases of the several states from non-citizen and multiple voters. The EAC is violating NVRA and HAVA laws by using this form and demanding states use this form. In Movant Barnett's judicial notice filed May 24, 2011, the following sections address how the NMVRF breaks existing federal and state laws: **CA and EAC USE VOTER REGISTRATION FORM THAT BREAKS NVRA AND HAVA LAWS BY NOT ASKING VOTER AFFIANT FOR PLACE OF BIRTH OR IF AFFIANT IS CURRENTLY REGISTERED TO VOTE and SOS BOWEN ADMITS IN MEMORANDUM #09173 THAT THE NATIONAL MAIL VOTER REGISTRATION FORM BREAKS CALIFORNIA LAW, BUT FAILS TO ADDRESS THAT IT ALSO BREAKS FEDERAL LAW UNDER THE NVRA.**

Movant also has crucial factual information regarding the fact that **no** state that maintains a voter registration database cross-checks government database (such as state motor vehicle departments and the Social Security Administration) data fields for citizenship when a new voter is entered into the voter registration database.

Evidence that supports this is given in Movant Barnett's same judicial notice in the section **SOS ADMITS AGAINST INTEREST THAT THEY AND THE COUNTY REGISTRARS DO NOT VERIFY THAT VOTER AFFIANTS (APPLICANTS) ARE LEGAL CITIZENS.** The States and the EAC's have failed to use its allocated hundreds of millions of tax payer dollars to ensure that a voter affiant is eligible under federal law. Movant Barnett believes these facts have not yet been considered by this honorable court or the lower courts. These facts should weigh heavily on the court's decision to allow Arizona 200 and other laws like it to remain in force, because the "affidavit" on the voter registration forms has proven to be an abject failure in discouraging non-citizens from registering to vote as the Honorable Bob Dornan experienced first-hand with his election loss to over 4,000 non-citizen, foreign national voters in 1996. Movant has not been able to find that any of the non-citizens that fraudulently voted in this election were prosecuted.

Movant Barnett is disenfranchised as an eligible U.S. citizen voter when non-citizens are not prevented from voting in U.S. elections. It further pains Movant Barnett that these fraudulent non-citizen voters are seldom prosecuted and rarely experience any jail time. Non-legal voters effectively take a citizen's right to vote by diluting the strength of his vote. As of the writing of this brief, it is only U.S. citizens, not foreigners that can legally vote in our elections.

Unfortunately Movant Barnett was only made aware of this en banc appeal hearing June 12, 2011. Barnett respectfully requests that the honorable court allow Movant's proposed amicus brief to be filed in support of the Appellee as it contains critical information not yet considered by the court to the best of Movant's knowledge. Movant also requests court to extend time to file brief with court to June 14, 2011. Because of the late nature of this action, Movant Barnett has not attempted to officially notify or ask permission to file her proposed amicus brief. Movant will electronically file proposed amicus brief June 14, 2011 and Movant will supply the court 25 copies of the brief the day after court approves her motion to file.

In summary, Movant Barnett's proposed amicus brief provides proof of the federal government's (EAC) failure to safeguard state voter registration databases; this proof therefore necessitates the need of Arizona and all other states that maintain a database to require voter ID and proof of citizenship upon voter registration to eliminate new ineligible voters from the databases. Movant also illustrates in proposed brief how the EAC violates federal election law and encourages fraudulent voting with its use of the National Mail Voter Registration Form.

The District Court ruled correctly in allowing Arizona 200 to stand. The enacting of NVRA and HAVA by Congress was to increase **ELIGIBLE, CITIZEN** VOTERS in federal elections, not just anyone in the U.S. that wants to vote.

Proposition 200 is in keeping of Arizona's attempt to keep ineligible voters off of their voter rolls. Arizona also has the right under HAVA to establish more restrictive voter registration guidelines. Arizona's Proposition is in keeping with protecting a U.S. citizen's right to vote guaranteed under the U.S. Constitution and is in keeping with the mandates under NVRA and HAVA.

s/Pamela Barnett

Pamela Barnett, Pro Se w/o Counsel Movant

CERTIFICATE OF SERVICE

I hereby certify that on June 13, 2011, I electronically filed the foregoing brief with the Clerk of the Court for United States Court of Appeals for the Ninth Circuit by using the Appellate CM/ECF system.

I further certify that on June 13, 2011, I served a copy of the foregoing brief on the following parties or their counsel of record by U.S. First Class Mail:

Charles E. Borden
O'Melveny & Meyers, LLP
1625 Eye St., NW
Washington, DC, 2006

Karl J. Sandstrom
Perkins Coie LLP
700 13th St., NW
Washington, DC, 2005-3960

Chris M. Roll
Pinal County Attorney
30N. Florence St., Bldg. D
Florence, AZ, 85232

James P. Walsh, Jr.
Pinal County Attorney
30N. Florence St., Bldg. D
Florence, AZ 85232

Melvin R. Bowens, Jr.
Navajo County Attorney's Office
P.O. Box 668
Holbrook, AZ

s/PamelaBarnett
PAMELA BARNETT