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September 28, 2009

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Molly C. Dwyer
Clerk of the Court
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For the Ninth Circuit
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RE: *Gonzalez, et al. v. State of Arizona, et al.*
Court of Appeals No. 08-17094

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Dear Ms. Dwyer:

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Pursuant to Fed R. App. P. 28 (j), Appellants Jesus Gonzalez, *et al.* (Appellants) write to notify the Court of a question regarding the position of the United States on a legal issue in this case. Appellants recommend that the Court request that the United States submit an amicus brief regarding its position on the National Voter Registration Act's requirement that state voter registration officials accept and use the federal mail voter registration form.

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A central issue in this appeal turns on the interpretation of the National Voter Registration Act (NVRA), specifically provisions mandating that states "accept and use" the federal mail voter registration form promulgated by the U.S. Election Assistance Commission. *See* 42 U.S.C. 1973gg-4. Appellants contend that the NVRA prohibits Arizona registration officials from rejecting voter registration applications that are properly completed and submitted on the federal mail voter registration form when those applications don't also include additional information required by state law. *See* Appellants Opening Brief (Doc. 6776880) at 41-51. Appellees State of Arizona, *et al.* contend, and the District Court held on summary judgment, that the NVRA permits Arizona to require an applicant to present additional documentary information after submitting the federal voter registration form.

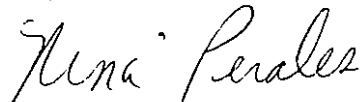
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Letter to Molly C. Dwyer
September 28, 2009
Page Two

The U.S. Election Assistance Commission, in a letter that comprises part of the record in this case, wrote in 2006 to inform Appellee State of Arizona that the NVRA requires registration officials in that state to accept and process properly completed federal mail voter registration applications even when those applications do not also contain additional information required by state law. *See* G-SER16. However, the United States Department of Justice, which is responsible for enforcing the NVRA, has not made its position known. Because the Court may be assisted in its consideration of this appeal by a brief setting out the position of the Department of Justice on the requirements of the NVRA, Appellants respectfully request that the Court ask the Department of Justice to submit an amicus brief in the case.

Thank you for your attention to this matter.

Truly yours,

A handwritten signature in cursive script that reads "Nina Perales".

Nina Perales
Attorney for Gonzalez, et al.
Plaintiffs-Appellants