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12 **IN THE UNITED STATES DISTRICT COURT**  
13 **DISTRICT OF ARIZONA**

14 MARIA M. GONZALEZ, et al.,

15 Plaintiffs,

16 v.

17 STATE OF ARIZONA, et al.

18 Defendants.

No. CV06-01268 PHX ROS  
No. CV06-1362 PCT ROS (Cons)  
No. CV06-1575 PCT ROS (Cons)

**DEFENDANTS' NOTICE OF  
LODGING PROPOSED FORM OF  
JUDGMENT**

(Assigned to the Honorable  
Roslyn O. Silver)

19  
20 Defendants State of Arizona, Arizona Secretary of State, and the Recorders and  
21 Election Directors of Arizona's fifteen Counties, through undersigned counsel, submit  
22 this Notice of lodging their separate Proposed Form of Judgment, a copy of which is  
23 attached as Exhibit 1. This Court ordered the parties to submit a joint proposed form of  
24 judgment in its July 22, 2013 Order. (Dkt. 1110.) For the last month, the parties have  
25 diligently worked in good faith to negotiate a joint proposal, through numerous email  
26 messages and telephone conferences. (See Dkt. 1111; 1113.) Despite the parties' best  
27 efforts, they were unable to reach an agreement.

28 The scope of the Supreme Court's opinion was limited to the interpretation of

“accept and use” under the National Voter Registration Act (“NVRA”). The Court held that the phrase requires Arizona to “accept and use” the Federal Form “for the registration of voters in elections for Federal office” (42 U.S.C. § 1973gg-7(a)(2)) and “precludes Arizona from requiring a Federal Form applicant to submit information beyond that required by the form itself” (*Arizona v. ITCA*, 133 S. Ct. 2247, 2260 (2013)). Defendants could not agree to Plaintiffs’ proposed judgment because Plaintiffs sought to include injunctive relief that was not the subject of the Supreme Court’s narrow decision and could plausibly be interpreted as impermissibly extending that injunctive relief to require registration of persons using the Federal Form for state and local elections.<sup>1</sup> Such relief is not the subject of this lawsuit and is outside the scope of the Court’s jurisdiction.

Defendants submit this proposed judgment, which closely follows the language of the Supreme Court decision and the National Voter Registration Act, and which requires merely that the Defendants accept and use the Federal Form to register voters and permit such registrants to vote in elections for Federal office.

DATED this 23rd day of August, 2013.

THOMAS C. HORNE  
Arizona Attorney General

s/ Michele L. Forney  
Michele L. Forney  
Assistant Attorney General  
Attorney for the State of Arizona and the  
Arizona Secretary of State

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<sup>1</sup> State and local election officials are separately addressing the extent to which they may be able to harmonize the NVRA and the State’s Proposition 200 provisions in conducting state and local elections, recognizing the possibility that dual registration may be necessary. Secretary of State Ken Bennett recently asked for an Arizona Attorney General Opinion on this issue. (*See* Exhibit 2.) Defendants would oppose any language in the form of judgment that extends the Supreme Court’s ruling into the purview of state and local elections.

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s/ M. Colleen Connor (w/permission)

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Cochise, Gila, Graham, Greenlee, La Paz,  
Mohave, Pima, Santa Cruz, Yavapai, and  
Yuma Counties

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s/ William P. Ring (w/ permission)

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 23rd day of August, 2013, I caused the foregoing document to be electronically transmitted to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF Registrants:

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/s/ Maureen Riordan

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