

# **EXHIBIT 1**

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

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Maria M. Gonzalez, et al.,  
  
Plaintiffs, and  
  
Inter Tribal Council of Arizona, et al.,  
  
Plaintiffs,  
  
v.  
  
State of Arizona, et al.,  
  
Defendants.

No. CV-06-1268-PHX-ROS(Lead)  
No. CV-06-1362-PCT-JAT(Cons.)

**[PROPOSED] FINAL JUDGMENT**  
(Assigned to the Hon. Roslyn O. Silver)

These consolidated actions were filed in May 2006 by Plaintiffs Maria Gonzalez, et al. (“Gonzalez Plaintiffs”) and Plaintiffs Inter Tribal Council of Arizona, et al., (“ITCA Plaintiffs”) to enjoin various provisions of the Arizona Citizens and Taxpayer Protection Act of 2004 (“Proposition 200”). Among several claims, Plaintiffs alleged that the Proposition 200 voter registration provision is preempted by the National Voter Registration Act of 1993 (“NVRA”), 42 U.S.C. § 1973gg et seq. The Gonzalez Plaintiffs include Jesus Gonzalez, Bernie Abeytia, Debbie Lopez, Georgia Morrison Flores, Southwest Voter Registration Education Project, Valle Del Sol, Friendly House, Chicanos Por La Causa, Inc., Arizona Hispanic Community Forum, Common Cause, and Project Vote.

1 The ITCA Plaintiffs include, in addition to ITCA, the League of Women Voters of  
2 Arizona, the Hopi Tribe, the League of United Latin American Citizens Arizona, the  
3 Arizona Advocacy Network, and Steve M. Gallardo. The Defendants in the Gonzalez  
4 action are the State of Arizona, the Arizona Secretary of State, and the Recorders and  
5 Election Directors of Arizona's 15 counties; the Defendant in the ITCA action is the  
6 Arizona Secretary of State (hereinafter, collectively, "Defendants").  
7

8  
9 On August 28, 2007, the Court entered summary judgment in favor of Defendants  
10 on certain of the Plaintiffs' claims regarding the Proposition 200 voter registration  
11 provision (Doc. 330). On August 20, 2008, following a trial, the Court entered final  
12 judgment against Plaintiffs on the remaining claims (Docs. 1041 at 2, 1042).  
13

14 Following trial, the Gonzalez Plaintiffs appealed the Court's rulings on their  
15 NVRA, Fourteenth Amendment, Twenty-Fourth Amendment, and Voting Rights Act  
16 claims, and the ITCA Plaintiffs appealed on their NVRA claim and poll tax claim under  
17 the Fourteenth and Twenty-Fourth Amendments. A three-judge panel of the Ninth  
18 Circuit affirmed in part and reversed in part, upholding Proposition 200's voter  
19 identification provision but ruling that Proposition 200's registration provision is  
20 preempted by the NVRA with respect to voter registration applicants who submit the  
21 National Mail Voter Registration Form ("Federal Form"). *Gonzalez v. Arizona*, 624 F.3d  
22 1162, 1198 (9th Cir. 2010). Arizona sought *en banc* review, and on April 17, 2012 the *en*  
23 *banc* Ninth Circuit again ruled that Proposition 200's registration provision is preempted  
24 by the NVRA with respect to voter registration applicants who submit the Federal Form.  
25  
26 *Gonzalez v. Arizona*, 677 F.3d 383, 410 (9<sup>th</sup> Cir. 2012). The Ninth Circuit and the  
27  
28

1 Supreme Court denied Defendants' motions to stay the mandate, and this Court issued  
2 orders on July 11, 2012 (Doc. 1073) and August 15, 2012 (Doc. 1093) to effectuate that  
3 mandate. On June 17, 2013, the United States Supreme Court affirmed the Ninth  
4 Circuit's decision. Accordingly, Plaintiffs are entitled to final judgment consistent with  
5 the decision of the Supreme Court.  
6

7 THE COURT THEREFORE ENTERS FINAL JUDGMENT IN FAVOR OF  
8 PLAINTIFFS AND AGAINST DEFENDANTS AS FOLLOWS:  
9

- 10 1. Pursuant to 28 U.S.C. §§ 2201 and 2202, Plaintiffs are entitled to a declaration  
11 of their rights with regard to the National Voter Registration Act of 1993, 42  
12 U.S.C. § 1973gg-4, which requires the State of Arizona to "accept and use" the  
13 Federal Form, prescribed by the U.S. Election Assistance Commission  
14 pursuant to 42 U.S.C. § 1973gg-7(a)(2), for the registration of voters in  
15 elections for Federal office.  
16
- 17 2. IT IS ORDERED, ADJUDGED AND DECLARED that the National Voter  
18 Registration Act of 1993, 42 U.S.C. § 1973gg-4, "precludes Arizona from  
19 requiring a Federal Form applicant to submit information beyond that required  
20 by the form itself." *Arizona v. ITCA*, 133 S. Ct. 2247, 2260 (2013).  
21
- 22 3. The Court finds that Plaintiffs are entitled to permanent injunctive relief.  
23 Accordingly, IT IS FURTHER ORDERED that Defendants are permanently  
24 enjoined from implementing A.R.S. §§ 16-166(F)-(J) with respect to  
25 individuals applying to register to vote using the Federal Form for the  
26 registration of voters in elections for Federal office.  
27  
28

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

4. If the Election Assistance Commission changes the Federal Form’s Arizona state-specific instructions as to the application of A.R.S. §§ 16–166(F)-(J), this Court may revisit the relief ordered in this Judgment.
5. This Court shall retain jurisdiction to enforce the terms of this Final Judgment and to award such other relief as may be appropriate.