

Exhibit 1

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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

1 Por La Causa, Inc., Arizona Hispanic Community Forum, Common Cause, and Project Vote.
2 The ITCA Plaintiffs include, in addition to ITCA, the League of Women Voters of
3 Arizona, the Hopi Tribe, the League of United Latin American Citizens Arizona, the
4 Arizona Advocacy Network, and Steve M. Gallardo. The Defendants in the Gonzalez
5 action are the State of Arizona, the Arizona Secretary of State, and the Recorders and
6 Election Directors of Arizona's 15 counties; the Defendant in the ITCA action is the
7 Arizona Secretary of State (hereinafter, collectively, "Defendants").
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10 On August 28, 2007, the Court entered summary judgment in favor of Defendants
11 on certain of the Plaintiffs' claims regarding the Proposition 200 voter registration
12 provision (Doc. 330). On August 20, 2008, following a trial, the Court entered final
13 judgment against Plaintiffs on the remaining claims (Docs. 1041 at 2, 1042).
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15 Following trial, the Gonzalez Plaintiffs appealed the Court's rulings on their
16 NVRA, Fourteenth Amendment, Twenty-Fourth Amendment, and Voting Rights Act
17 claims, and the ITCA Plaintiffs appealed on their NVRA claim and poll tax claim under
18 the Fourteenth and Twenty-Fourth Amendments. A three-judge panel of the Ninth
19 Circuit affirmed in part and reversed in part, upholding Proposition 200's voter
20 identification provision but ruling that Proposition 200's registration provision is
21 preempted by the NVRA with respect to voter registration applicants who submit the
22 National Mail Voter Registration Form ("Federal Form"). *Gonzalez v. Arizona*, 624 F.3d
23 1162, 1198 (9th Cir. 2010). Arizona sought *en banc* review, and on April 17, 2012 the *en*
24 *banc* Ninth Circuit again ruled that Proposition 200's registration provision is preempted
25 by the NVRA with respect to voter registration applicants who submit the Federal Form.
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1 *Gonzalez v. Arizona*, 677 F.3d 383, 410 (9th Cir. 2012). The Ninth Circuit and the
2 Supreme Court denied Defendants’ motions to stay the mandate, and this Court issued
3 orders on July 11, 2012 (Doc. 1073) and August 15, 2012 (Doc. 1093) to effectuate that
4 mandate. On June 17, 2013, the United States Supreme Court affirmed the Ninth
5 Circuit’s decision. Accordingly, Plaintiffs are entitled to final judgment consistent with
6 the decision of the Supreme Court.
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8 THE COURT THEREFORE ENTERS FINAL JUDGMENT IN FAVOR OF
9 PLAINTIFFS AND AGAINST DEFENDANTS AS FOLLOWS:
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- 11 1. Pursuant to 28 U.S.C. §§ 2201 and 2202, Plaintiffs are entitled to a declaration
12 of their rights with regard to the National Voter Registration Act of 1993, 42
13 U.S.C. § 1973gg-4, which requires the State of Arizona to “accept and use” the
14 Federal Form, prescribed by the U.S. Election Assistance Commission
15 pursuant to 42 U.S.C. § 1973gg-7(a)(2), for the registration of voters in
16 elections for Federal office.
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- 18 2. IT IS ORDERED, ADJUDGED AND DECLARED that the National Voter
19 Registration Act of 1993, 42 U.S.C. § 1973gg-4, “precludes Arizona from
20 requiring a Federal Form applicant to submit information beyond that required
21 by the form itself.” *Arizona v. ITCA*, 133 S. Ct. 2247, 2260 (2013). The
22 NVRA preempts Proposition 200’s requirement of documentary proof of
23 citizenship that is not required by the Federal Form because that requirement
24 “is ‘inconsistent with’ the NVRA’s mandate that States ‘accept and use’ the
25 Federal Form.” *Id.* at 2257.
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1 3. The Court finds that Plaintiffs are entitled to permanent injunctive relief.

2 Accordingly, IT IS FURTHER ORDERED that:

3 a. Defendants are permanently enjoined from implementing A.R.S. §§ 16–
4 166(F)-(J) with respect to individuals applying to register to vote using
5 the Federal Form, to the extent that Defendants require applicants to
6 provide more information than that required by the Federal Form and its
7 Arizona state-specific instructions.

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10 b. Defendants shall make the Federal Form (and the applicable
11 instructions) available through all reasonable channels, including all
12 channels Defendants use to make the State registration form available
13 (including websites). Defendants also shall ensure that all written
14 materials regarding the process for registering to vote, that Defendants
15 distribute or make available to the public (including websites), include a
16 statement that individuals may apply to register to vote using the
17 Federal Form, and that, in using the Federal Form, applicants are not
18 required to provide the documentary proof of citizenship information set
19 forth in A.R.S. §§ 16-166(F)-(J) in order to register to vote.

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22 c. For each voter registration applicant who submits a Federal Form that
23 meets the requirements of the Federal Form, but does not contain the
24 information required by A.R.S. § 16-166(F), Defendants shall create a
25 record for a successful registration of that individual and promptly
26 notify that registrant of his or her eligibility to vote.
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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.