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22 of Arizona, Inc., et al.

23 **IN THE UNITED STATES DISTRICT COURT**
24 **DISTRICT OF ARIZONA**

25 Maria M. Gonzalez, et al.,
26 **Plaintiffs,**
27 **vs.**
28 State of Arizona; et al.,
Defendants.

No. CV06-01268-PHX-ROS (Lead)
No. CV06-01362-PCT-ROS (Cons)
No. CV06-01575-PHX-ROS (Cons)

**ITCA PLAINTIFFS' MOTION TO
EXPEDITE ISSUANCE OF FINDINGS
OF FACT AND CONCLUSIONS OF
LAW**

29 Plaintiffs the Inter-Tribal Council of Arizona, Inc., et al. (the "ITCA Plaintiffs") move the
30 Court to expedite and file the Findings and Fact and Conclusions of Law relied upon by the court
31 to deny ITCA Plaintiffs' Motion for Preliminary Injunction in the Court's Order dated September
32 11, 2006 ("Order"), as required by Rule 52(a) of the Federal Rules of Civil Procedure and as stated
33 at page 2, line 2 of the Order.

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 The Court held a two-day evidentiary hearing on the Motions for Preliminary Injunction
3 filed by the ITCA Plaintiffs and other consolidated plaintiffs on August 30 and 31, 2006. As noted
4 above, ITCA Plaintiffs' Motion was denied by Order of the Court on September 11, 2006. We
5 understand that the Court is preparing detailed Findings of Fact and Conclusions of Law, and wish
6 to advise the Court of the ITCA Plaintiffs' intentions as they impact the Court's preparation of
7 these findings and conclusions.

8 It is undisputed that the right to vote in a federal election is a fundamental right of national
9 citizenship derived from the U.S. Constitution. The "voter identification" requirements of
10 Proposition 200 have already deprived thousands of Arizonans of the fundamental right to register
11 to vote and/or to vote in Arizona's primary elections, which were held on September 12, 2006.
12 Any further opportunity to ensure appellate review regarding the constitutionality of the burdens
13 imposed by the voter identification requirements of Proposition 200 for the 2006 general election is
14 quickly disappearing. The final deadline for voter registration is October 9, 2006, and the general
15 election will be held on November 7, 2006.

16 On September 12, 2006, ITCA Plaintiffs filed a Notice of Appeal from this Court's Order
17 with the Ninth Circuit Court of Appeals. Given the limited amount of time remaining before the
18 October close of registration and the November general election, and the irreparable harm to the
19 fundamental right to vote imposed by Proposition 200, ITCA Plaintiffs will soon be filing an
20 Emergency Motion with the Ninth Circuit under Ninth Circuit Rule 27-3, seeking immediate relief
21 from the unconstitutional voter identification requirements of Proposition 200.

22 Accordingly, ITCA Plaintiffs respectfully ask the Court to expedite the issuance of its
23 Findings and Fact and Conclusions of Law as required by Fed. R. Civ. P. 52(a), so that the Ninth
24 Circuit has a full understanding of the particular facts and constitutional questions considered and
25 decided by this Court in denying the preliminary relief requested by ITCA Plaintiffs. *See FTC v.*
26 *Enforma Natural Prods* , 362 F.3d 1204, 1211-12 (9th Cir. 2004).

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RESPECTFULLY SUBMITTED this 14th day of September, 2006.

STEPTOE & JOHNSON, L.L.P.

By s/Karen J. Hartman-Tellez

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CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of September, 2006, I caused the attached 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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