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9
10 **IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

11
12 Maria M. Gonzalez, et al.,
13 Plaintiffs,
14 v.
15 State of Arizona, et al.,
16 Defendants.
17

No. CV06-1268 PHX ROS (Lead)
No. CV06-1362 PCT JAT
No. CV06-1575 PHX EHC

**RESPONSE IN OPPOSITION TO
THE MOTIONS FOR
PRELIMINARY INJUNCTION**

(Assigned to the Honorable Roslyn O.
Silver)

18
19 The State of Arizona and Arizona Secretary of State (together, the “State”),
20 through counsel, hereby oppose the preliminary injunction motions filed by the
21 Gonzalez Plaintiffs, the Inter Tribal Council of Arizona (“ITCA”) Plaintiffs, and the
22 Navajo Nation Plaintiffs (collectively, the “Plaintiffs”). This combined Response is
23 supported by the Memorandum of Points and Authorities that follows, by the
24 accompanying exhibits, and by the record in this matter.

25 **MEMORANDUM OF POINTS AND AUTHORITIES**

26 **I. INTRODUCTION.**

27 The policy debate regarding Proposition 200 is over. To enhance the integrity of
28 elections in Arizona, the voters passed the initiative in 2004 to require satisfactory

1 evidence of U.S. citizenship when registering to vote, and identification from voters at
2 the polls. Policymakers, interest groups and many others mobilized to express their
3 views regarding the initiative. Before Arizona has even seen its first statewide election
4 under the new provisions, Plaintiffs are trying to accomplish in this forum what the
5 opponents of Proposition 200 could not achieve at the polls.¹

6 Just under half of all states now require voters to confirm their identity at a
7 polling site. Unlike other states, however, Arizona permits voters to present
8 identification ranging from mail, to a utility bill, to a government-issued photo ID. As
9 the Court will find, cases that have reviewed in-person identification laws establish that
10 Plaintiffs have no likelihood of success on their claims, much less one that is strong.
11 Plaintiffs apparently oppose any rule that calls for identification from in-person voters,
12 and that is no basis for enjoining Arizona's law.

13 Plaintiffs also believe that Arizona, or apparently any state, cannot require would-
14 be voters to provide evidence of citizenship. As this Court already observed, however,
15 "[d]etermining whether an individual is a United States citizen is of paramount
16 importance when determining his or her eligibility to vote." [Opinion and Order at p. 9
17 (dkt. 68)].

18 The fact is that Proposition 200 is not designed to create undue barriers to voting,
19 and it is not designed to discriminate based on wealth. The system before Proposition
20 200 allowed voters to participate in elections without proof of their identity and without
21 evidence of their eligibility. Proposition 200 simply adds integrity to the system that the
22 voters of Arizona believed was lacking before.

23 The first statewide elections under Proposition 200 are the primary and general
24 elections this fall. As with any new law, state and county officials have been making
25 adjustments and educating voters so they can comply. The limited experience to date is
26 not as Plaintiffs would have the Court fear. Arizona should be allowed to continue

27
28 ¹ The Department of Justice precleared Proposition 200 in a letter dated January 24, 2005 (DOJ
File #2004-5004).

1 implementing its law, and the motions to prevent it from doing so should be denied.

2 **II. THE VOTING PROVISIONS OF PROPOSITION 200.**

3 **A. Satisfactory Evidence of U.S. Citizenship.**

4 U.S. citizenship is a basic prerequisite to registering to vote under Arizona (and
5 federal) law. *See* A.R.S. § 16-101(A). To help promote the integrity of elections in
6 Arizona, Proposition 200 amended A.R.S. § 16-166 to require that an application for
7 voter registration be accompanied by satisfactory evidence of U.S. citizenship.

8 Under Proposition 200, satisfactory evidence of U.S. citizenship includes: (1) the
9 number of an Arizona driver's or nonoperating identification license issued after
10 October 1, 1996;² (2) the number of a driver's or nonoperating identification license
11 issued in another state, if it indicates that the applicant provided satisfactory proof of
12 U.S. citizenship; (3) a copy of a birth certificate; (4) U.S. naturalization documents or
13 the number of an applicant's certificate of naturalization; (5) a Bureau of Indian Affairs
14 card number, Tribal Treaty card number or enrollment number; and (6) a copy of the
15 pertinent pages of an applicant's U.S. passport.³ *See* A.R.S. § 16-166(F).

16 In most of these instances, the document itself need not be provided with the
17 voter registration form—the number is sufficient. In addition, voters who are already
18 registered are grandfathered in. *See* A.R.S. § 16-166(G). Only voters who move from
19 one county to another within the state or who register for the first time in Arizona must

20
21 ² Since 2000, the Motor Vehicle Division (“MVD”) has assigned a specific designation to
22 licenses issued to non-citizens of the U.S. Licenses with this designation may not be used to
23 register to vote. *See* Ex. 12 to Bernal Declaration, attached as Ex. A to Gonzalez Plaintiffs’
24 application for a TRO. While this program did not start in 1996, it is wrong to suggest that
25 there are no safeguards to prevent non-citizens who hold licenses from registering to vote.

26 ³ In working through Arizona’s new law, counties have come to learn that the alien registration
27 number that appears on a certificate of naturalization rather than the naturalization number may
28 be used to verify citizenship, and are using that number to allow applicants to comply with
Proposition 200. *See* Deposition of Karen Osborne (“Osborne Dep.”), July 31, 2006 at 35:1–
36:2 attached as State’s Ex.1. In Maricopa County, moreover, election officials are present at
naturalization ceremonies at the federal courthouse in downtown Phoenix to help our nation’s
newest citizens to register on the spot, and provide those who wish to register later with the
information required to comply with Proposition 200. *See id.*

1 present satisfactory evidence of U.S. citizenship. *See id.*

2 **B. Voter Identification at the Polls.**

3 Proposition 200 requires voters to present identification before receiving a ballot
4 at the polls, and voters can use a variety of commonly-held documents to satisfy this
5 requirement. A voter may provide either one form of identification that contains the
6 name, address and photograph of the elector, or two different forms of identification that
7 need only bear the elector's name and address. *See* A.R.S. § 16-579(A).

8 To implement these provisions, the Secretary of State promulgated a Procedure
9 for Proof of Identification at the Polls (the "Procedure"). *See* ITCA Plaintiffs' Ex. 3.
10 Under the Procedure, the acceptable forms of identification that bear the photograph,
11 name and address of the elector include: a valid Arizona driver's license; a valid
12 nonoperating identification license; a tribal enrollment card or other form of tribal
13 identification; and a valid U.S. federal, state, or local government identification.

14 For those voters who do not possess a photo ID, the Procedure leaves room for
15 alternative forms of identification that need only contain the elector's name and address.
16 These include: a utility bill that is dated within 90 days of the election; a bank or credit
17 union statement dated within 90 days of the election; a valid Arizona vehicle
18 registration; an Indian census card; a property tax statement of the elector's residence; a
19 vehicle insurance card; a recorder's certificate; and a valid U.S. federal, state or local
20 government issued identification, including a voter registration card.

21 The Procedure makes clear that the acceptable forms of identification are not
22 limited to the sources listed above. Indeed, to assist voters in complying with the
23 requirements of Proposition 200, county election officials are sending election mail that
24 is individually addressed to registered voters. *See, e.g.,* Osborne Dep. at 61:14-62:12;
25 Deposition of Kelly Dastrup, Aug. 1, 2006 at 11:7-11:14, attached as State's Ex. 2. The
26 mail may then be used as a form of identification at the polls.⁴ *See id.*

27 ⁴ The ITCA Plaintiffs object that election mail may not be sent to inactive voters. According to
28 Karen Osborne, Maricopa County's Director of Elections, a voter obtains this status because at
least two pieces of election mail from the county already have been returned as undeliverable.

1 Under State law, any registered voter may cast an early ballot beginning 33 days
2 before a primary or general election. *See* A.R.S. § 16-541(A). Those ballots are verified
3 by comparing the signature on the outside of the ballot envelope with the voter’s
4 signature on file with the county recorders. The identification requirements of
5 Proposition 200 do not apply to early voting. Maricopa County is home to more than
6 half of all registered voters in Arizona. In that county alone, half of the voters vote by
7 early ballot. *See* Osborne Dep. at 61:8-61:13.

8 **C. The Fail Safe Measure of Provisional Ballots.**

9 Voters who present valid proof of identification but whose name or address is not
10 consistent with the voter registration rolls are allowed to cast a regular provisional
11 ballot. The regular provisional ballot is verified by comparing the signatures on the
12 provisional ballot with the voter’s signature on file with the counties.

13 In Arizona, a voter who lacks one or both forms of the required identification also
14 is not turned away. Under a fail-safe measure built into the Secretary of State’s
15 Procedure, that voter may cast what is referred to as a conditional provisional ballot.
16 The voter who casts a conditional provisional ballot has five business days after a
17 general election that includes an election for federal office, or three business days after
18 any other election, to provide identification at any number of designated sites.⁵

19 **III. STATE AUTHORITY IN THE FIELD OF ELECTIONS.**

20 The U.S. Constitution authorizes states to prescribe “[t]he Times, Places and
21 Manner of holding elections for Senators and Representatives.” U.S. Const. art. 1, § 4,
22 cl. 1. These words confer upon states the authority to develop complete election codes
23 for both federal and state elections that regulate not just the time, place and manner of

24 *See* Osborne Dep. at 59:14-59:19; A.R.S. § 16-166.

25 ⁵ Under the Help America Vote Act (“HAVA”), 42 U.S.C. §§ 15301, et seq., Congress required
26 states to issue provisional ballots to voters who claimed to be eligible to vote for a federal
27 election but whose name did not appear on the polling list. In *League of Women Voters v.*
28 *Blackwell*, 340 F. Supp. 2d 823, 831 (N.D. Ohio 2004), the court held that Ohio could require
voters to provide identification before the polls close if they wished to have their ballots
counted. The Procedure aids Arizona’s voters substantially more.

1 elections, but the registration of voters, and the prevention of fraud and corrupt
2 practices. *See Roudebush v. Hartke*, 405 U.S. 15, 24 (1972); *see also California*
3 *Democratic Party v. Jones*, 530 U.S. 567, 572 (2000) (“States have a major role to play
4 in structuring and monitoring the election process”).

5 Indeed, “as a practical matter, there must be a substantial regulation of elections if
6 they are to be fair and honest, and if some sort of order, rather than chaos, is to
7 accompany the democratic processes.” *Burdick v. Takushi*, 504 U.S. 428, 433 (1992)
8 (quoting *Storer v. Brown*, 415 U.S. 724, 730 (1974)). To that end, states have an
9 undeniable interest in preventing voter fraud and protecting the integrity of elections.
10 *See Burson v. Freeman*, 504 U.S. 191, 199 (1992) (a state “indisputably has a
11 compelling interest in preserving the integrity of its election process”).

12 In fact, promoting voter participation and protecting the value of each vote go
13 hand in hand. The Supreme Court recognized this principle when it recited “fair and
14 honest” among the interests of states in structuring elections. *Burdick*, 504 U.S. at 433;
15 *see also Griffin v. Roupas*, 385 F.3d 1128, 1131 (7th Cir. 2004) (“the striking of the
16 balance between discouraging voter fraud and other abuses and encouraging turnout is
17 quintessentially a legislative judgment with which we judges should not interfere unless
18 strongly convinced that the legislative judgment is grossly awry”).

19 **IV. THE PROBLEM OF VOTER FRAUD.**

20 Voter fraud is hard to detect and difficult to investigate. Without a law requiring
21 evidence of citizenship, a voter need simply check a box on a registration form. Despite
22 penalties that may apply to false registrations, Americans essentially have relied on an
23 honor system that the applicant is in fact eligible to participate in a U.S. election.

24 Without an identification requirement, in-person voter fraud also can easily go
25 undetected. The voter need simply recite a name on the voter list, cast a ballot, and walk
26 away with no record of his true identity. If the fraud is detected, it may be too late to
27 remove or cancel the illegal ballot. Inflated voter rolls, the movement of voters from
28 state to state, large-scale voter registration drives, and laws that make it difficult to

1 remove persons from the list of eligible voters all contribute to this concern.

2 While voter fraud may often go undetected, the Commission on Federal Election
3 Reform (the “Baker-Carter Commission”) only last year concluded that “there is no
4 doubt that it occurs.”⁶ [State’s Ex. 3 at p. 18]; *see also Griffin*, 383 F.3d at 1130-31
5 (“Voting fraud is a serious problem in U.S. elections generally and one with a
6 particularly gamey history in Illinois”).

7 Voter fraud is a concern in Arizona, just as it is on the national stage. In March
8 2002, a candidate for the El Mirage city council withdrew from the race after admitting
9 that she was not a U.S. citizen and had voted in two city elections. *See ITCA Plaintiffs’*
10 *Ex. 57*. Pima County election officials reported of complaints that several non-citizens
11 have either attempted to register or voted, including that a non-citizen voted twice. *See*
12 *ITCA Plaintiffs’ Ex. 8*. And Yuma County reported that it also is aware of a non-citizen
13 who registered in September 2004. *See ITCA Plaintiffs’ Ex. 16*.

14 Maricopa County referred 159 cases to the County Attorney’s office in which
15 non-citizens of the United States had allegedly registered to vote, leading to charges
16 against 10 such individuals. *See Osborne Affidavit*, ¶11, attached as Ex. 2 to State’s
17 TRO Response (dkt. 27). Following discovery, the ITCA Plaintiffs suggest that there
18 were “only” 42 allegations that a non-citizen has registered statewide, and 23 instances
19 of non-citizens voting. *See ITCA Plaintiffs’ Motion* at p. 3.

20 While even 65 instances of voter fraud may be acceptable to Plaintiffs, Arizona
21 did not require evidence of citizenship as part of the registration process and did not
22 check the identity of in-person voters before Proposition 200. So while election officials
23 who typically are not charged with law enforcement powers did not know of additional
24 fraud, it does not mean that more did not exist.

25
26 ⁶ To address this concern, the Baker-Carter Commission recommended that States require
27 identification at the polls “to make sure that the person arriving at a polling site is the same one
28 that is named on the registration list.” State’s Ex. 3 at p.18. The Commission also stated that
“[t]he right to vote is a vital component of U.S. citizenship, and all states should use their best
efforts to obtain proof of citizenship before registering voters.” *Id.*

1 The calculations by the ITCA Plaintiffs also miss the point. As the Baker-Carter
2 Commission noted, “[t]he problem . . . is not the magnitude of the fraud. In close or
3 disputed elections, and there are many, a small amount of fraud could make the margin
4 of difference.” State’s Ex. 3 at p. 18. In Arizona, the 2002 Republican Primary election
5 for the State Legislature, District 20 was decided by 13 votes. Moreover, while
6 Plaintiffs seek to discount the incidents of voter fraud, the mere perception that it exists
7 erodes confidence in our system.

8 **V. PLAINTIFFS’ BURDEN FOR THEIR MOTIONS.**

9 This case is complicated by the fact that the three sets of Plaintiffs are proceeding
10 largely independent of one another, and right before the elections. They seek an
11 injunction based on differing theories, leading to more than 60 pages of briefing and
12 more than 700 pages of exhibits. Regardless of their theory, Plaintiffs’ burden is high.

13 While Plaintiffs cite the general standard for injunctive relief, election litigation is
14 not like ordinary injunction cases. As the Ninth Circuit cautioned, “[i]nterference with
15 impending elections is extraordinary, and interference with an election after voting has
16 begun is unprecedented.” *Southwest Voter Registration Educ. Project v. Shelley*, 344
17 F.3d 914, 918 (9th Cir. 2003) (internal citation omitted).

18 Early voting for the primary election has begun, and voter registration is closed.
19 The deadlines for the general election are approaching rapidly.⁷ As shown in the
20 discussion that follows, Plaintiffs’ last-minute attempt to enjoin Proposition 200 tips the
21 harms in the State’s favor. Plaintiffs also do not have a strong likelihood of success.

22 **VI. PROPOSITION 200 DOES NOT UNDULY BURDEN VOTING; IT**
23 **REQUIRES INFORMATION BASIC TO VOTING.**

24 **A. The Standards For Plaintiffs’ Claims.**

25 The Supreme Court observed in *Burdick* that “[e]lection laws will invariably
26 impose some burden on individual voters. Each provision of a code, ‘whether it

27 _____
28 ⁷ Registration closes for the general election on October 9. Early voting begins October 5. *See*
State’s Ex. 4.

1 governs the registration and qualifications of voters, the selection and eligibility of
2 candidates, or the voting process itself, inevitably affects—at least to some degree—the
3 individual’s right to association with others for political ends.” 504 U.S. at 433
4 (quoting *Andersen v. Celebrezze*, 460 U.S. 780, 788 (1983)).

5 It is not the case, therefore, that any election law merits strict review. Indeed,
6 “to subject every voting regulation to strict scrutiny and to require that the regulation be
7 narrowly tailored to advance a compelling state interest . . . would tie the hands of
8 States seeking to assure that elections are operated equitably and efficiently.” *Burdick*,
9 504 U.S. at 433.

10 Accordingly, a court considering a challenge like this applies a flexible standard,
11 weighing “the character and magnitude” of the asserted injury to First Amendment
12 rights against the interests advanced by the state. *Id.* at 434 (quoting *Andersen*, 460
13 U.S. at 789). Only severe restrictions are subject to strict scrutiny, and must be
14 narrowly drawn to advance a compelling state interest. *See id.* All others are subject to
15 less rigorous review, and are normally justified by important, regulatory interests of the
16 state. *See id.*

17 **B. Permitting Voters to Present Multiple Forms Of ID at the Polls Does**
18 **Not Place A Severe Burden on the Right to Vote.**

19 A law that allows voters to present identification ranging from a free registration
20 card to mail to a photo ID does not unduly burden the right to vote. Twenty-four states
21 require some or all voters to present identification when at the polls. *See Common*
22 *Cause/Georgia League of Women Voters v. Billups*, No. CIV4 4:05CV0201 HLM,
23 2006 WL 2089771 at *8 (N.D. Ga. July 14, 2006). Under HAVA, Congress also has
24 mandated that first-time voters who register by mail for federal elections provide
25 identification with their application or when voting in person.⁸

26 In the *Billups* case, Georgia passed a law that accepted only a government issued

27 ⁸ Under section 303(b) of HAVA, in-person voters meet HAVA’s requirements by presenting a
28 current and valid photo ID, or a copy of a current utility bill, bank statement, government check,
paycheck, or other government document showing the name and address of the voter.

1 photo ID from voters who arrived at the polls. *See* 2006 WL 2089771 at *10-11. The
2 court enjoined the new law because the next election was too close and voters were not
3 aware of the new requirements. *See id.* at *59. The court stated that if the state allowed
4 time to educate voters, “the statute might well survive a challenge for such future.”⁹ *Id.*

5 The *Billups* court discussed at length a case called *Indiana Democratic Party v.*
6 *Rokita*, No. 1:05-CV-0634-SEB-VSS, 2006 WL 1005037 (S.D. Ind. April 14, 2006).
7 There, the court upheld an Indiana law that also required ID from voters. Like Arizona,
8 Indiana’s law applied only to voters at the polls. Unlike Arizona, Indiana only accepted
9 a government-issued photo ID.

10 The picture on the ground in Arizona also is not as suggested by Plaintiffs.
11 Greenlee County, for instance, has seen one election (for city council) since Proposition
12 200. The county reports that 79 people voted a regular ballot at a polling place. *See*
13 ITCA Plaintiffs’ Ex. 12. One voter cast a conditional provisional ballot that was not
14 counted for failure to present ID. *See id.*

15 In Maricopa County, voters cast a total of 110,802 ballots in elections in March.
16 *See* ITCA Plaintiffs’ Ex. 15. Of those ballots, 177—or .16%—were conditional
17 provisional ballots from voters who lacked the required ID. *See id.* Of the 39,496
18 ballots cast in person, 115—or .29%—were a conditional provisional ballot that was
19 not counted. *See id.* In the May elections in that county, conditional provisional ballots
20 accounted for 130—or .12%—of the 106,422 ballots cast. *See id.* Of the 35,752
21 regular ballots cast by voters in person, 72—or .20%—were not counted. *See id.*

22 To reduce these figures further, counties are assisting voters by sending election
23 mail that the counties in turn will accept as identification this fall.¹⁰ *See* Osborne Dep.

24 ⁹ In prior litigation over Georgia’s photo ID law, the court suggested that a more flexible law
25 like Arizona’s would unlikely encounter the same challenge. *See Common Cause/Georgia*
26 *League of Women Voters v. Billups*, 406 F. Supp. 2d 1326, 1376 n.10 (N.D. Ga. 2005).

27 ¹⁰ Ironically, while the ITCA Plaintiffs are trying to make the case that Proposition 200 is too
28 harsh, they are critical of efforts like this to make compliance by voters easy. Because one
county reportedly does not intend to send each voter election mail (though it could), these
Plaintiffs object that other counties do. This is not a basis for enjoining an entire law.

1 at 61:14-61:25. In Maricopa County, elections officials are sending voters two pieces
2 of election mail. *See id.* In Coconino County, the elections office also is sending to
3 each registered voter a new voter identification card, which is another form of
4 acceptable ID. *See* Deposition of Patty Hansen (“Hansen Dep.”), Aug. 1, 2006 at
5 48:11-48:21, attached as State’s Ex. 5.

6 Meanwhile, intensive efforts are underway at the state and county level to
7 educate voters regarding Proposition 200. The Secretary of State is launching an
8 aggressive campaign that consists of television commercials, radio spots, and
9 newspaper ads slated for placement throughout the state. *See* State’s Ex. 6. The
10 counties also are working to inform residents regarding the new law. *See, e.g.,*
11 Affidavit of Karen Osborne (“Osborne Aff.”), ¶¶ 14-16, Ex. 1 to the 14 county co-
12 defendants’ Response to Preliminary Injunction. In Coconino County, the recorder’s
13 office reports that it is working with leaders of Native American tribes to educate their
14 members. *See* Hansen Dep. at 75:8-76:7.

15 Using data provided by the Secretary of State, R. Anthony Sissons states for the
16 ITCA Plaintiffs that nearly 88 percent of registered voters already possess a driver’s
17 license or non-operating identification license that alone is enough to receive a ballot at
18 the polls.¹¹ Mr. Sissons tries to estimate the number of Arizonans that may not have
19 some of the other acceptable forms of ID, but gives no calculations as to voters who
20 have none.

21 The ITCA Plaintiffs provide the declarations of Mr. Fisher, Ms. Hernandez, Mr.
22 Totten and Ms. Steele. Mr. Totten and Ms. Steele do not state that they lack
23 identification. Mr. Fisher and Ms. Hernandez only say that they do not possess “two”
24

25 ¹¹ The figure offered by the Secretary of State is based on a review of registered voters in the
26 statewide voter registration database. As stated in a letter to counsel for the ITCA Plaintiffs,
27 however, the figure used by Mr. Sissons may in reality be higher. For voters who did not
28 provide a license number on their registration form, the Secretary’s office only counted
additional persons whose information matched data on file with MVD.

1 forms. All four declarants reside in Maricopa County, so they should be receiving two
2 pieces of election mail to allow them to vote in person. Of course, they always have the
3 option of voting an early ballot, which does not require identification.¹²

4 The Navajo Plaintiffs allege that they are less likely to have the forms of
5 identification listed on the Procedure. They provide a declaration from Plaintiff Agnes
6 Laughter, who apparently has a bank account, and has misplaced her voter registration
7 card. Ms. Laughter can obtain a new registration card for free and, if she prefers not to
8 show any part of her bank statement to a pollworker, Navajo County also intends to
9 send voters identification in the form of election mail. *See* Dastrup Dep. at 11:1-11:14.

10 In addition, just as the counties are helping other voters meet the requirements of
11 Proposition 200, tribal groups have the option to do the same for their own members.
12 The Navajo Plaintiffs suggest that in-person voter fraud is not a concern on Navajo
13 land. It may be that in Navajo communities or other communities in Arizona a
14 pollworker will know the voter, but that is not a reason to enjoin a statewide anti-fraud
15 measure.

16 The fact is that identification is a part of America's everyday life, and even
17 implicates many of our nation's most fundamental rights. Americans must present
18 identification to board an airplane, cash a check, obtain a marriage license and even to
19 enter the federal courthouse in Phoenix. Proposition 200 does not impose a severe
20 burden by requiring voters to also present identification at the polls.¹³

21 ¹² Ms. Hernandez states that she prefers to vote in person. Under Arizona law, she can
22 complete an early ballot and drop it off on the day of the election. The Constitution, moreover,
23 does not require states to accommodate every voter's preference. *See Griffin*, 385 F.3d at 1130.
In fact, Oregon primarily conducts its elections by mail. *See* Or.Rev.Stat. § 254.465.

24 ¹³ The fact that officials may not have given the same answers to a string of hypotheticals posed
25 in depositions does not mean that a voter ID law imposes a severe burden. The ITCA Plaintiffs
26 want to suggest otherwise. The fact is that the counties are conducting pollworker training, and
27 officials will be available on the day of elections to respond to questions that arise. *See, e.g.,*
28 Osborne Dep. at 53:14-53:23; Dastrup Dep. at 29:2-29:13. The ITCA Plaintiffs also point the
Court to *Campbell v. Hull*, 73 F. Supp. 2d 1081 (D. Ariz. 1999). *Campbell* is a ballot-access
case, and does not speak to the law at issue here.

1 **C. U.S. Citizenship Is A Basic Requirement to Vote; Providing Evidence**
2 **Is Not an Undue Burden.**

3 The ITCA Plaintiffs alone seek an injunction against Arizona’s statewide policy
4 that would-be voters provide satisfactory evidence of U.S. citizenship. There is no
5 question that U.S. citizenship is a prerequisite to voting. Before Proposition 200,
6 however, Arizona simply relied on an honor system that each applicant was qualified to
7 vote. In the eyes of Arizona’s voters, the system posed few barriers to registration by
8 non-citizens. By requiring evidence of citizenship, Proposition 200 does not impose a
9 serious burden on voters; for most, there is none at all.

10 Mr. Sissons estimates for Plaintiffs that 12,801 individuals have already tried but
11 were unable to register because of Proposition 200. He appears to take data from 11
12 counties as to the number of Arizonans who unsuccessfully registered under the new
13 law. Using data from Coconino County, he estimates the percentage of persons who
14 came back and registered. He then applies that percentage to suggest the number of
15 applicants who already could not register in the 11 counties (2%).

16 That is not a basis to enjoin a state law. Mr. Sissons does not establish that
17 Coconino County accurately represents the other 14 counties. He also can offer no
18 explanation as to why applicants do not come back and register. The fact that they did
19 not register once does not mean they do not possess evidence of citizenship, that they
20 will not or cannot register in the future, or that they are even eligible to vote.¹⁴

21 In fact, applicants that do not register successfully under the new law are not left
22 in the lurch. Maricopa County, for instance, immediately notifies an applicant by letter
23 when a registration is not accompanied by satisfactory evidence of citizenship. *See*
24 *Osborne Aff.*, ¶5. Maricopa County also supplies a new voter registration form and a
25 postage-paid return envelope for trouble-free use by the registrant. *See id.* Pima

26 ¹⁴ Moreover, the Department of Justice did not preclear the amended Arizona voter registration
27 form containing the new instructions under Proposition 200 until May 2005 (DOJ File #2005-
28 1013). F. Ann Rodriguez, Recorder for Pima County, believes this made a difference for
registrants. *See* Deposition of F. Ann Rodriguez (“Rodriguez Dep.”), August 2, 2006 at 19:1-
19:14, State’s Ex. 7.

1 County engages in a similar practice. *See* Rodriguez Dep. at 51:21-52:12, State’s Ex. 8.

2 Proposition 200 allowed voters who were already registered to maintain that
3 status. Only Applicants that are new to Arizona or change counties are required to
4 register, and they have multiple options for doing so. Mr. Sissons tries to estimate for
5 Plaintiffs the number of citizens who are eligible to register and do not have
6 information to establish citizenship. He does not factor in historic or expected
7 registration rates among eligible voters, but rather implicitly assumes that 100% of
8 eligible citizens register. He did not see his task, apparently, as providing the practical
9 effect of this state law.¹⁵

10 In addition, Mr. Sissons’ estimate speaks only to how many citizens may need to
11 obtain evidence of citizenship; it is not a reflection of how many may not acquire the
12 information by undertaking some minimal degree of effort. Still, despite these
13 concerns, Mr. Sissons presently estimates that the large majority of citizens (98%) *do*
14 possess satisfactory evidence of U.S. citizenship.

15 The State does not dispute that there may be individuals who do not possess the
16 information necessary to register and will have to take some action in order to comply.
17 The declarants for the ITCA Plaintiffs, who themselves are not plaintiffs and did not
18 register to vote before Proposition 200, claim to fall into this category. However, the
19 fact some people do not have the evidence necessary and would need to take some
20 measures to satisfy Proposition 200 does not undermine the validity of this law.

21 Laws that regulate elections will inevitably create some burden on voter
22 participation. *See Griffin*, 385 F.3d at 1130 (“Any such restriction is going to exclude,
23 either de jure or de facto, some people from voting”). The fact that a voter must
24 register at all can have the unintended effect of erecting for some a barrier to voting.

25
26 ¹⁵ The report has other flaws. For instance, Mr. Sissons states that there are no universally
27 accepted estimates of how many people possess birth certificates, and then simply assigns the
28 figure of 25% to Arizonans who do not possess the information. The State has not yet received
a certified draft of the transcript from Mr. Sissons’ deposition, but would like to supplement
with excerpts when available.

1 Plaintiffs do not meet their burden of showing that Arizona goes too far, unless no law
2 could require would-be voters to verify that they are citizens.¹⁶

3 Strangely, the ITCA Plaintiffs criticize Proposition 200 for not being restrictive
4 enough. They object that Proposition 200 grandfathered in voters who were already
5 registered to vote, just as they object that the rules requiring identification at the polls
6 do not apply to voters who cast an early ballot.¹⁷ These are policy choices of the voters
7 that balance their concerns with election integrity with the interests of voters and
8 officials who administer elections. These Plaintiffs' assertion "that Arizona law already
9 effectively prevented voter fraud" can be placed in the same category. Their
10 disagreement with the policy decisions of Arizonans is not a basis to enjoin the law.

11 **D. Arizona's Law is Reasonable and Justified.**

12 Arizona has a recognized interest in preventing voter fraud and enhancing the
13 integrity of its elections. The system before Proposition 200 permitted voters to
14 participate in elections without proof of their identity and without any evidence of their
15 eligibility to register. This sufficiently concerned Arizonans to approve a new law.

16 Plaintiffs overstate the burdens of Proposition 200, and acknowledge none of the
17 benefits. Though strict scrutiny does not apply, states nonetheless have a compelling
18 interest in promoting the integrity of their elections and preventing voter fraud. *See*
19 *Burson*, 504 U.S. at 199 (a state "indisputably has a compelling interest in preserving

20
21 ¹⁶ The ITCA Plaintiffs' reliance on *Dunn v. Blumstein*, 405 U.S. 330 (1972), is misplaced. In
22 *Dunn*, the Court invalidated a Tennessee law that required all persons registering to vote to be
23 citizens of the state for one year and residents of the county for three months. Arizona does not
impose a durational residency requirement. It requires evidence of citizenship from applicants
to be satisfied that they are eligible in the first place. *Dunn* does not disapprove of such a law.

24 ¹⁷ As the court in *Billups* noted, in-person voting and absentee (or early) balloting are different
25 processes which inherently involve different standards. *See* 2006 WL 2089771 at *47; *see also*
26 *Rokita*, 2006 WL 1005037 at *41. Indeed, comparing signatures is less practical at the polling
27 place, while requiring early voters to include identification in the ballot envelope risks ballot
28 secrecy as the envelope must be unsealed to confirm the voter's identity. Moreover, before
Proposition 200, the signature verification process for early voting made that process more
secure than verifying ballots cast in person. By requiring ID at the polls, Proposition 200
actually brings polling place voting into parity with voting by mail.

1 the integrity of its election process’’).

2 The ITCA Plaintiffs try to downplay Arizona’s concerns with voter fraud to
3 sustain this claim. The State has sufficiently substantiated its concerns, though this
4 argument by Plaintiffs is off the mark. The Constitution does not tie the hands of states
5 until problems that undermine the integrity of elections and the confidence of voters
6 have occurred. *See Munro v. Socialist Workers Party*, 479 U.S. 189, 195-96 (1986).

7 **VII. PROPOSITION 200 DOES NOT ASSESS A POLL TAX.**

8 The Twenty-Fourth Amendment prohibits states from denying the right to vote
9 for failure to pay a poll tax. *See* U.S. Const. amend. XXIV; *Harman v. Forssenius*,
10 380 U.S. 528 (1965). The Supreme Court also held that the Equal Protection Clause
11 prohibits making the affluence of a voter or the payment of a fee an electoral standard.
12 *See Harper v. Va. State Bd. of Elections*, 383 U.S. 663, 666 (1966). Neither reaches so
13 far as to allow Plaintiffs to enjoin Proposition 200.

14 **A. Showing ID At the Polls in Arizona is Not A Poll Tax.**

15 Proposition 200 affords multiple avenues to gain entry to the polling booth.
16 Most registered voters already possess a driver’s license or nonoperating ID card, and
17 require no additional identification at all. For others, official election mail and voter
18 registration cards both are acceptable forms of identification and both are free. Native
19 American tribes also can provide their members the identification required, if they
20 haven’t already.

21 Telephone, electricity and other utilities may involve a fee paid to the provider,
22 but that cost is a fee for service, is beyond the control of the State, and existed long
23 before Proposition 200. The same is true of property tax statements or bank
24 statements. The bill itself does not cost money, and any costs that are associated with
25 these services are far too attenuated to be called a poll tax.

26 Indeed, to extend the reach of the Fourteenth and Twenty-Fourth Amendments
27 to any subsidiary cost associated with identification would eradicate virtually any
28 identification requirement that could be applied to voters. The polling ID requirements

1 of Proposition 200 closely track the identification requirements currently applied to
2 states under section 303(b) of HAVA, and no Plaintiff is arguing that HAVA is a
3 constructive poll tax.

4 For the same reason, the time and costs associated with obtaining identification
5 do not give rise to a claim. The Navajo Plaintiffs state that many Navajo members
6 must travel long distances to obtain identification. Without minimizing such efforts,
7 they do not amount to a poll tax. As the court in *Billups* noted, such tangential
8 burdens would transform any costs associated with voting—including driving to
9 register to vote or to the polls on election day—into a poll tax. *See* 2006 WL 2089771
10 at *62.

11 Of course, a voter who chooses to cast an early ballot need not produce any
12 identification at all. Unlike absentee voting in other states, voters need make no
13 special showing to vote early in Arizona. *See* A.R.S. § 16-541(A). In addition, they
14 can deliver their early ballot any day within 33 days of the election, including the day
15 of the election itself. *See* A.R.S. § 16-548(A).

16 **B. Satisfactory Evidence of U.S. Citizenship Is Not A Poll Tax.**

17 The Gonzalez and ITCA Plaintiffs also argue that requiring evidence of
18 citizenship is a constructive poll tax. Their theory is that the evidence required costs
19 money for some voters who cannot satisfy Proposition 200, but wish to register to
20 vote. The fact that some voters may pay some incidental fee for evidence of
21 citizenship does not make the new registration process in Arizona a poll tax.

22 In *Harper*, the Court held that Virginia could not impose an annual poll tax of
23 \$1.50 on every resident as a condition for voting. The Court ruled that a state violates
24 the Equal Protection Clause by making the affluence of the voter or payment of a fee
25 an electoral standard. *See id.* at 668. The Court reasoned that the interest of the state
26 is to fix qualifications, and that voter qualifications have no relation to wealth. *See id.*

27 The rationale of *Harper* (and *Harman*) does not apply. There is a critical
28 difference between imposing a tax on the right to vote and asking that voters provide

1 evidence of citizenship. Arizona does not assess an annual fee on voters. Arizona also
2 does not impose a requirement that is irrelevant to a person's qualifications to vote.
3 U.S. citizenship is a basic predicate to being qualified to register under state and
4 federal law. Arizona simply wants to be satisfied that a voter who participates in
5 elections is eligible.

6 Similarly, when *Harman* and *Harper* struck down Virginia's laws, that state
7 required residents to pay a poll tax or file a residency certificate before each election in
8 order to vote. *See Harman*, 380 U.S. at 532; *Harper*, 383 U.S. at 665. In Arizona,
9 those voters who do not have evidence of citizenship that satisfies Proposition 200 and
10 would like to register to vote need only acquire it once.

11 In addition, any incidental fee associated with an MVD license or a birth
12 certificate was not created for purposes of voting, and existed well before Proposition
13 200.¹⁸ Any cost associated with Tribal documents is at the discretion of the Tribe.
14 The cost for naturalization documents and passports are imposed by the federal
15 government, are not paid to the State, and also are beyond the State's control.

16 When the court in *Billups* ruled that Georgia could not require in-person voters
17 to pay money for a government-issued photo ID, that form of ID was all that Georgia
18 permitted. *See* 460 F. Supp. 2d at 1370. In *Rokita*, the court did not belabor whether
19 the incidental costs of obtaining a birth certificate to obtain the only ID accepted in
20 Indiana amounted to a poll tax, because voters could rely on a variety of sources, many
21 of which were in the federal government's control. *See* 2006 WL 1005037 at *38.

22 As long as states may require evidence of citizenship, it is not clear what other
23 documentation states can rely upon for that purpose. Indeed, even if some single state
24 or national card existed to establish citizenship, evidence like that listed by Proposition
25 200 would surely be required. If those incidental fees are not poll taxes, then there
26 again is no rationale for enjoining Arizona's law here.

27 ¹⁸ The MVD allows a person who is 65 years of age or older and a person who is a recipient of
28 public monies as a disabled individual under Title 16 of the Social Security Act to obtain a
nonoperating identification license at no cost. *See* A.R.S. § 28-3165(J).

1 **VIII. THE NAVAJO PLAINTIFFS ARE NOT LIKELY TO PREVAIL UNDER**
2 **THE CIVIL RIGHTS ACT.**

3 The Navajo Plaintiffs alone seek an injunction under the Civil Rights Act, 42
4 U.S.C. § 1971, and solely as to the component of Proposition 200 that requires proof
5 of identification at the polls. As an initial matter, it is not clear that there is a private
6 right of action under 42 U.S.C. § 1971. Section 1971(c) specifically provides that “the
7 Attorney General may institute for the United States, or in the name of the United
8 States, a civil action or other proper proceeding for preventive relief” when there has
9 been a violation of 42 U.S.C. § 1971(a) or (b).

10 Many courts hold that there is no private action to enforce 42 U.S.C. § 1971.
11 *See McKay v. Thompson*, 226 F.3d 752, 756 (6th Cir. 2000); *Mixon v. State of Ohio*,
12 193 F.3d 389 (6th Cir. 1999); *Gilmore v. Amityville Union Free School*, 305 F.Supp.2d
13 271 (E.D.N.Y. 2004); *Spivey v. Ohio*, 999 F. Supp. 987, 996 (N.D. Ohio 1998);
14 *Willing v. Lake Orion Cmty. Sch. Bd. of Trustees*, 924 F. Supp. 815, 820 (E.D. Mich.
15 1996); *Good v. Roy*, 459 F. Supp. 403 (D. Kan. 1978); *but see, Schwier v. Cox*, 340
16 F.3d 1284 (11th Cir. 2003). Even if the Navajo Plaintiffs could proceed, however, they
17 do not establish a basis for affording injunctive relief.

18 **A. An Injunction Is Not Warranted Under 42 U.S.C. § 1971(a)(2)(A).**

19 The Navajo Plaintiffs claim that the ID rules of Proposition 200 violate 42
20 U.S.C. § 1971(a)(2)(A) of the Civil Rights Act because they are not applied to voters
21 who cast an early ballot. According to these Plaintiffs, Navajos vote in person at a
22 higher rate than other voters, though they are certainly entitled to vote early.

23 In *Billups*, the court rejected claims that a voter identification law violates 42
24 U.S.C. § 1971(a)(2)(A) by applying different standards to those who vote in person
25 and those who voted absentee. *See* 2006 WL 2089771 at *64. Quoting from the
26 *Rokita* case, the court observed that there are intrinsic differences between voting at
27 the polls and voting absentee, differences that do not give rise to a Civil Rights Act
28 claim:

1 [A]bsentee voting is an inherently different procedure from voting in
2 person, requiring a state which allows both in-person and absentee voting
3 to apply different “standards, practices, or procedures” to these two groups
4 of voters. The only “difference” to which Plaintiffs seemingly object is the
5 photo identification requirement, but in doing so they proceed without
6 distinguishing this requirement from the other “standards, practices, and
7 procedures” applicable to either absentee or in-person voters. Plaintiffs’
8 proposed construction of § 1971(a)(2)(A) would compel the invalidation of
9 vast portions of the Indiana Election Code. We will not bring about such a
10 radical departure from settled law by our decisions here.

11 *Id.* (quoting 2006 WL 1005037 at *47).¹⁹

12 **B. Relief Also Is Inappropriate Under 42 U.S.C. § 1971(a)(2)(B).**

13 The Navajo Plaintiffs also overreach on their claim under § 1971(a)(2)(B).
14 That section prohibits a person acting under color of law from “deny[ing] the right of
15 any individual to vote in any election because of an error or omission on any record or
16 paper relating to any application, registration, or other act requisite to voting, if such
17 error or omission is not material to determining whether such individual is qualified
18 under State law to vote in such election.” 42 U.S.C. § 1971(a)(2)(B).

19 The Navajo Plaintiffs argue that Arizona violates this section because requiring
20 Navajo voters to present identification is not material to determining whether or not
21 the voter is qualified to vote. A voter’s identity is part and parcel of his eligibility to
22 vote, and the voters of Arizona thought as much in passing the initiative.

23 Nevertheless, the court in *Billups* also concluded that the act of presenting
24 identification to establish a voter’s identity “is by definition not an ‘error or omission
25 on any record or paper’ and, therefore, § 1971(a)(2)(B) does not apply.” 2006 WL
26 2089771 at *65 (quoting *Rokita*, 2006 WL 100507 at *48).

27 *Billups* (and *Rokita*) also noted that Congress intended § 1971(a)(2)(B) to
28 address the practice of requiring unnecessary information on a voter registration form

¹⁹ In the *Rokita* case, the court doubted that § 1971 even provided support for the Navajo Plaintiffs’ theory, as Congress enacted the Civil Rights Act with an eye toward racial discrimination. *See* 2006 WL 1005037 at *47. Plaintiffs are not alleging that the distinction between early voting and voting at the polls, which pre-dates Proposition 200, is based on race.

1 to increase the likelihood of errors and omissions by applicants and provide a pretext
2 for disqualifying potential voters. *See id.* (citing *Schwier*, 340 F.3d at 1294).
3 Requiring in-person voters to verify their identity does not trigger these concerns.

4 **IX. THE NAVAJO PLAINTIFFS' VOTING RIGHTS ACT CLAIM ALSO IS**
5 **NOT APPROPRIATE FOR INJUNCTIVE RELIEF.**

6 The Navajo Plaintiffs also seek to enjoin identification at the polls on the grounds
7 that it deprives Navajos of the right to vote on account of race or color in violation of
8 Section 2 of the Voting Rights Act, 42 U.S.C. § 1973(a). As these Plaintiffs point out,
9 however, the Navajos are yet to have their first election under the voter identification
10 provisions of Proposition 200. *See Navajo Plaintiffs' Motion* at p. 6.

11 The Navajo Plaintiffs claim that they are less likely to possess acceptable forms
12 of ID. They cite statistics in their brief regarding utilities, vehicle ownership, and other
13 sources of acceptable ID, but seemingly no statistics that establish how many members
14 that are registered have no ID, or may not obtain it.²⁰

15 The plaintiffs in *Billups* also cited socio-economic data to argue that Georgia's
16 law deprived minority voters of the right to participate. *See* 406 F. Supp. 2d at 1374.
17 The court denied the injunction, ruling it was premature to grant such relief on a Section
18 2 claim. *See id.*

19 Without dismissing the historical challenges to Navajos in this or other states, the
20 Navajo Plaintiffs have not shown a strong likelihood of success. Indeed, given that the
21 elections this fall will be the Navajo's first under Proposition 200, it is premature for the
22 Court to enjoin Arizona's law as to them, or anyone else.

23 **X. THIS COURT ALREADY DETERMINED THAT THE NVRA DOES**
24 **NOT PREEMPT STATE LAW AS APPLIED TO THE FEDERAL**
25 **FORM.**

26 The Gonzalez and ITCA Plaintiffs renew their effort to enjoin Arizona's

27 ²⁰ As noted in the Navajo Plaintiffs' brief, the Supreme Court has identified a non-exclusive list
28 of factors that a court may consider in reviewing Section 2 claims. *See Thornburg v. Gingles*,
478 U.S. 30, 45 & n.10 (1986). These factors typically apply to vote dilution claims, such as in
the redistricting context, though they are applied elsewhere.

1 citizenship requirement on the theory that Congress has decided that no state can enact
2 a law that required individuals registering to vote to verify they are citizens, even
3 though citizenship is undeniably a prerequisite to registering to vote. In the interest of
4 efficiency, the State incorporates by reference the State's response in opposition to
5 Plaintiffs' applications for temporary restraining order and the Opinion and Order of
6 this Court denying Plaintiffs' request for a TRO. As the Court determined, Plaintiffs
7 do not have a strong likelihood of success on this claim.

8 **XI. THE BALANCE OF HARMS IN THIS CASE FAVORS ALLOWING**
9 **ARIZONA TO CONTINUE IMPLEMENTING ITS LAW.**

10 This Court should permit Arizona to continue implementing Proposition 200
11 while this lawsuit is pending. Early voting has started for the primary election, counties
12 have mailed election materials to voters, programs to educate voters about the
13 identification at the polls requirements are underway, thousands of pollworkers are
14 being trained and voter registration for the primary has closed. Early voting for the
15 general election begins October 5 and on October 9, voter registration will again be
16 closed.

17 The basic purpose of a preliminary injunction is to preserve the status quo
18 pending the resolution of an action on the merits. *See Chalk v. United States District*
19 *Court Central District of Calif.*, 840 F.2d 701, 704 (9th Cir. 1988). The relief Plaintiffs
20 seek does just the opposite. Plaintiffs want this Court to permit any person to register to
21 vote in Arizona without complying with its new law that requires proof of citizenship.
22 Rather than preserve the status quo, this relief would change the way that voter
23 registration works in Arizona.

24 If ultimately the Court finds for the State, the counties would then need to
25 identify and remove voters from the rolls who had not complied with Arizona law but
26 had been permitted to register because of a preliminary injunction. This is an
27 unwarranted burden on the counties, unfair to the citizens who voted for Proposition
28 200, and unfair to citizens whose status as a registered voter would remain uncertain

1 until this lawsuit is resolved on the merits.

2 The Court would also create hardship by enjoining the rules for identification at
3 the polls before Arizona has even seen its first statewide elections under this law. The
4 voters approved this measure to provide an added measure of security to the election
5 process. The State should be provided a full opportunity to give these new measures the
6 chance to work.

7 Indeed, Arizona is simply too far into the 2006 election cycle to change the rules
8 that apply to this year's primary or general election. *Southwest Voter Registration*
9 *Education Project*, 344 F.3d at 918 ("Interference with impending elections is
10 extraordinary, and interference with an election after voting has begun is
11 unprecedented."). The counties are preparing and administering the elections on the
12 ground. The brief filed by the 14 county co-defendants makes clear that a preliminary
13 injunction would cause significant harm to the citizens of Arizona, the counties and to
14 the public interest with the elections so near.

15 Rather than change the procedures while this lawsuit is pending, the better
16 approach is to permit Arizona to continue implementing the proof of citizenship
17 requirement and requiring identification at the polls while this lawsuit is pending. This
18 is an initiative approved by Arizona voters, and the State has a strong interest in
19 implementing its State laws.

20 Plaintiffs argue that they will suffer irreparable harm because implementing the
21 law risks depriving people of the right to vote. In the election context, even
22 constitutional claims can give way to the needs of the elections:

23 In awarding or withholding immediate relief, a court is entitled to and
24 should consider the proximity of a forthcoming election and the mechanics
25 and complexities of state election laws With respect to the timing of
26 relief, a court can reasonably endeavor to avoid a disruption of the election
27 process which might result from requiring precipitate changes that could
28 make unreasonable or embarrassing demands on a State in adjusting to the
requirements of the court's decree.

1 *Reynolds v. Sims*, 377 U.S. 533, 585 (1964). The balance of harms and the public
2 interest both favor denying the preliminary injunction and permitting Arizona to
3 continue to implement Proposition 200.

4 **XII. CONCLUSION.**

5 For the reasons above, the State respectfully requests that the Court deny
6 Plaintiffs' motions for injunctive relief.

7 RESPECTFULLY SUBMITTED this 16th day of August, 2006.

8
9 TERRY GODDARD
10 Arizona Attorney General

11 s/Peter A. Silverman
12 Mary O'Grady, Solicitor General
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15 Arizona Secretary of State

16 **COPY** of the foregoing filed electronically
17 this 16th day of August, 2006.

18 **COPY** of the foregoing mailed with Notice of
19 Electronic Filing this 16th day of August, 2006 to:

20 The Honorable Roslyn O. Silver
21 United States District Court
22 Sandra Day O'Connor U.S. Courthouse, Suite 624
23 401 West Washington Street, SPC 59
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27 479140

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