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13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF ARIZONA**

15 MARIA M. GONZALEZ, JESUS M.
16 GONZALEZ, BERNIE ABEYTIA,
17 LUCIANO VALENCIA, DEBBIE LOPEZ,
18 SOUTHWEST VOTER REGISTRATION
19 EDUCATION PROJECT, VALLE DEL
20 SOL, FRIENDLY HOUSE, CHICNOS
21 POR LA CAUSA, INC. and ARIZONA
22 HISPANIC COMMUNITY FORUM,

23 Plaintiffs,

24 VS.

25 STATE OF ARIZONA, JAN BREWER,
26 in her official capacity as Secretary of
27 State of the state of Arizona;
28 LeNORA JOHNSON, Apache County
Recorder, CHRISTINE RHODES, Cochise
County, Recorder, CANDANCE OWENS,
Coconino County Recorder, LINDA
HAUGHT ORTEGA, Gila County
Recorder, WENDY JOHN, Graham
County Recorder, BERTA MANUZ,
Greenlee County Recorder, SHELLY
BAKER, La Paz County Recorder,
HELEN PURCELL, Maricopa
County Recorder, JOAN McCall, Mohave
County Recorder, LAURETTE JUSTMAN,
Navajo County Recorder, F. ANN
RODRIGUEZ, Pima County Recorder,
LAURA DEAN-LYTLE, Pinal County
Recorder, SUZIE SAINZ, Santa Cruz
County Recorder, ANN WAYMAN-
TRUJILLO, Yavapai County Recorder,
SUSAN HIGHTOWER MARLER, Yuma
County Recorder, in their official
capacities as County Recorders of the State

Case No. CV-06-1268-PHX-ROS

**PLAINTIFFS' SUPPLEMENTAL
MOTION FOR PRELIMINARY
INJUNCTION**

1 declaration and exhibits filed with the Memorandum on May 9, 2006; the Verified
2 Complaint filed in this case; and such other and further evidence and argument as may
3 be presented to the Court on this application.

4 4. Defendants' failure to distribute, use and accept the federal mail voter
5 registration application form prescribed by the U.S. Election Assistance Commission, and
6 State Defendants' directives to Arizona County Recorders that they refuse to accept the
7 federal mail voter registration application violates Section 6 of the NVRA, 42 U.S.C.
8 1973gg-4, the Supremacy Clause, Article VI paragraph 2 of the United States
9 Constitution and A.R.S. 16-151.

10 5. The Elections Clause of the Constitution provides Congress with the express
11 authority to regulate voter registration rules and regulations for congressional elections.
12 Exercising that authority through passage of the NVRA, Congress outlined specific
13 requirements and forbade others with respect to the form and content of voter registration
14 forms. Proposition 200 imposes harsh voter registration requirements that run contrary
15 to the spirit and letter of the NVRA's mandate to remove obstacles to voting. In so doing,
16 Arizona has impermissibly treaded upon voter registration procedures which Congress
17 has expressly carved out for itself, to ensure the protection of the electorate. If allowed
18 to stand, Proposition 200's citizenship verification requirements threaten to quickly undo
19 the well-documented progress of the NVRA.

20 6. Plaintiffs respectfully request that the Court find that Defendants'
21 implementation Proposition 200 violates the NVRA and the Supremacy Clause and issue
22 an order preliminarily enjoining Defendants and their agents, servants, and employees
23 from failing to use, distribute and accept the mail voter registration application form
24 prescribed by the Election Assistance Commission.

