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JUN 20 2006
U.S. DISTRICT COURT
DISTRICT OF ARIZONA
BY: [Signature] DEPUTY

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Attorneys for Applicants for Intervention

7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE DISTRICT OF ARIZONA**

9 The Inter Tribal Council of Arizona, Inc.,
10 et al.,
11 Plaintiffs,
12 vs.
13 Jan Brewer,
14 Defendant.

CV 06-1268 PHX ROS LEAD
Civil Action No. 06-CV-1362-JAT
**ANSWER OF APPLICANTS
FOR INTERVENTION**

15 and
16 Yes on Proposition 200, a registered ballot
17 initiative political committee organized
18 under Arizona law; and
19 Randall Pullen, an individual,
20 Applicants for Intervention.

21 Applicants for Intervention hereby answer Plaintiffs' Complaint as follows:

22 **I. PRELIMINARY STATEMENT**

23 Applicants for Intervention are without knowledge or information sufficient to
24 form a belief as to the truth of the allegations in this paragraph Applicants for
25 Intervention. Thus, Applicants for Intervention deny the allegations this paragraph.
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II. PARTIES

A. Plaintiffs

1. Applicants for Intervention are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph. Thus, Applicants for Intervention deny all the allegations this paragraph.

2. Applicants for Intervention are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph. Thus, Applicants for Intervention deny all the allegations this paragraph.

3. Applicants for Intervention are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph. Thus, Applicants for Intervention deny all the allegations this paragraph.

4. Applicants for Intervention are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph. Thus, Applicants for Intervention deny all the allegations this paragraph.

5. Applicants for Intervention are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph. Thus, Applicants for Intervention deny all the allegations this paragraph.

6. Applicants for Intervention are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph. Thus, Applicants for Intervention deny all the allegations this paragraph.

1 14. A.R.S. § 16-579 speaks for itself and is the best evidence of what it contains
2 and, therefore, Applicants for Intervention deny every allegation not consistent therewith.

3 15. A.R.S. § 16-579, as amended effective November 2003, speaks for itself and
4 is the best evidence of what it contains and, therefore, Applicants for Intervention deny
5 every allegation not consistent therewith.
6

7 **B. The Arizona Taxpayer and Citizen Protection Act (“Proposition 200”)**

8 16. Proposition 200 speaks for itself and is the best evidence of what it contains
9 and, therefore, Applicants for Intervention deny every allegation not consistent therewith.
10

11 *The New Proof of Citizenship Requirement for Voter Registration*

12 17. Proposition 200 and A.R.S. § 16-166 speak for themselves and re the best
13 evidence of what they contain and, therefore, Applicants for Intervention deny every
14 allegation not consistent therewith.
15

16 18. Proposition 200 and A.R.S. § 16-166(G) speak for themselves and re the
17 best evidence of what they contain and, therefore, Applicants for Intervention deny every
18 allegation not consistent therewith.
19

20 19. Proposition 200 and A.R.S. §§ 16-166(F) and 16-166(H) speak for
21 themselves and re the best evidence of what they contain and, therefore, Applicants for
22 Intervention deny every allegation not consistent therewith.
23

24 20. 42 U.S.C. § 1973(c) speaks for itself and is the best evidence of what it
25 contains and, therefore, Applicants for Intervention deny every allegation not consistent
26 therewith. Additionally, this paragraph contains legal conclusions, which require no
27 response; however, to the extent a response is necessary, Applicants for Intervention deny
28

1 the allegations. As to the remainder of the paragraph, Applicants for Intervention are
2 without knowledge or information sufficient to form a belief as to the truth of the
3 allegations and, therefore, deny the same.
4

5 *The New Polling Place Identification Requirements*

6 21. Proposition 200 and A.R.S. § 16-579(A) speak for themselves and re the
7 best evidence of what they contain and, therefore, Applicants for Intervention deny every
8 allegation not consistent therewith.
9

10 22. Applicants for Intervention are without knowledge or information sufficient
11 to form a belief as to the truth of the allegations in this paragraph. Thus, Applicants for
12 Intervention deny all the allegations this paragraph.
13

14 23. The notice posted on the Secretary of State's website speaks for itself and is
15 the best evidence of what it contains and, therefore, Applicants for Intervention deny
16 every allegation not consistent therewith.

17 24. The Secretary of State's regulations speak for themselves and are the best
18 evidence of what they contain and, therefore, Applicants for Intervention deny every
19 allegation not consistent therewith.
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21 25. The Secretary of State's regulations speak for themselves and are the best
22 evidence of what they contain and, therefore, Applicants for Intervention deny every
23 allegation not consistent therewith. Additionally, this paragraph contains legal
24 conclusions, which require no response; however, to the extent a response is necessary,
25 Applicants for Intervention deny the allegations. As to the remainder of the paragraph,
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1 Applicants for Intervention are without knowledge or information sufficient to form a
2 belief as to the truth of the allegations and, therefore, deny the same.

3
4 26. The Secretary of State's regulations, A.R.S. §§ 16-541, 16-542(A), 16-547,
5 16-548, 16-550, and 16-552(A) speak for themselves and are the best evidence of what
6 they contain and, therefore, Applicants for Intervention deny every allegation not
7 consistent therewith.

8
9 **C. Proposition 200's Proof of Citizenship and Polling Place Identification**
10 **Requirements Impose an Unnecessary and Undue Restriction on the**
11 **Fundamental Right to Vote**

12 27. This paragraph contains legal conclusions, which require no response;
13 however, to the extent a response is necessary, Applicants for Intervention deny the
14 allegations. Further, A.R.S. §§ 16-152 and 16-156, as amended, speak for themselves and
15 are the best evidence of what they contain and, therefore, Applicants for Intervention deny
16 every allegation not consistent therewith. As to the remainder of the paragraph,
17 Applicants for Intervention are without knowledge or information sufficient to form a
18 belief as to the truth of the allegations and, therefore, deny the same.

19
20 28. Applicants for Intervention are without knowledge or information sufficient
21 to form a belief as to the truth of the allegations and, therefore, deny the same.

22 29. Applicants for Intervention are without knowledge or information sufficient
23 to form a belief as to the truth of the allegations and, therefore, deny the same.

24
25 30. This paragraph contains legal conclusions, which require no response;
26 however, to the extent a response is necessary, Applicants for Intervention deny the
27 allegations. As to the remainder of the paragraph, Applicants for Intervention are without
28

1 knowledge or information sufficient to form a belief as to the truth of the allegations and,
2 therefore, deny the same.

3
4 31. Applicants for Intervention are without knowledge or information sufficient
5 to form a belief as to the truth of the allegations and, therefore, deny the same.

6
7 32. Applicants for Intervention are without knowledge or information sufficient
8 to form a belief as to the truth of the allegations and, therefore, deny the same.

9
10 33. This paragraph contains legal conclusions, which require no response;
11 however, to the extent a response is necessary, Applicants for Intervention deny the
12 allegations. Further, the Secretary of State's regulations and A.R.S. § 16-579, as
13 amended, speak for themselves and are the best evidence of what they contain and,
14 therefore, Applicants for Intervention deny every allegation not consistent therewith.

15
16 34. This paragraph contains legal conclusions, which require no response;
17 however, to the extent a response is necessary, Applicants for Intervention deny the
18 allegations. As to the remainder of the paragraph, Applicants for Intervention are without
19 knowledge or information sufficient to form a belief as to the truth of the allegations and,
20 therefore, deny the same.

21
22 35. Applicants for Intervention are without knowledge or information sufficient
23 to form a belief as to the truth of the allegations and, therefore, deny the same.

24 **D. The Fees Necessary to Obtain the Documents Deemed to Be "Satisfactory**
25 **Evidence of Citizenship by A.R.S. § 16-166(F), and "Acceptable" Proof of**
26 **Identification Pursuant to A.R.S. § 16-579 Are a Poll Tax On the Right to Vote**

27 36. This paragraph contains legal conclusions, which require no response;
28 however, to the extent a response is necessary, Applicants for Intervention deny the

1 allegations. Further, A.R.S. §§ 16-166 and 16-579, as amended, speak for themselves and
2 are the best evidence of what they contain and, therefore, Applicants for Intervention deny
3 every allegation not consistent therewith.
4

5 37. Applicants for Intervention are without knowledge or information sufficient
6 to form a belief as to the truth of the allegations and, therefore, deny the same.

7 38. Applicants for Intervention are without knowledge or information sufficient
8 to form a belief as to the truth of the allegations and, therefore, deny the same.
9

10 39. This paragraph contains legal conclusions, which require no response;
11 however, to the extent a response is necessary, Applicants for Intervention deny the
12 allegations. As to the remainder of the paragraph, Applicants for Intervention are without
13 knowledge or information sufficient to form a belief as to the truth of the allegations and,
14 therefore, deny the same.
15

16 **E. Arizona's Asserted Interest in "Discouraging Illegal Immigration" Does Not**
17 **Justify the Severe Burden on the Fundamental Right to Vote Imposed by the**
18 **Arizona Taxpayer and Citizen Protection Act**

19 40. The Supreme Court cases cited by Plaintiffs speak for themselves and are
20 the best evidence of what they contain and, therefore, Applicants for Intervention deny
21 every allegation not consistent therewith.

22 41. Proposition 200 speaks for itself and is the best evidence of what it contains
23 and, therefore, Applicants for Intervention deny every allegation not consistent therewith.
24

25 42. This paragraph contains legal conclusions, which require no response;
26 however, to the extent a response is necessary, Applicants for Intervention deny the
27 allegations. As to the remainder of the paragraph, Applicants for Intervention are without
28

1 knowledge or information sufficient to form a belief as to the truth of the allegations and,
2 therefore, deny the same.

3
4 43. 42 U.S.C. § 1973 speaks for itself and is the best evidence of what it
5 contains and, therefore, Applicants for Intervention deny every allegation not consistent
6 therewith. As to the remainder of the paragraph, Applicants for Intervention are without
7 knowledge or information sufficient to form a belief as to the truth of the allegations and,
8 therefore, deny the same.

9
10 44. A.R.S. §§ 16-182, 16-183 and 13-701(C)(5) speak for themselves and are
11 the best evidence of what they contain and, therefore, Applicants for Intervention deny
12 every allegation not consistent therewith.

13
14 45. This paragraph contains legal conclusions, which require no response;
15 however, to the extent a response is necessary, Applicants for Intervention deny the
16 allegations. Further, Proposition 200 and A.R.S. § 16-166(G) speak for themselves and
17 are the best evidence of what they contain and, therefore, Applicants for Intervention deny
18 every allegation not consistent therewith. As to the remainder of the paragraph,
19 Applicants for Intervention are without knowledge or information sufficient to form a
20 belief as to the truth of the allegations and, therefore, deny the same.

21
22 46. This paragraph contains legal conclusions, which require no response;
23 however, to the extent a response is necessary, Applicants for Intervention deny the
24 allegations.

25
26 47. This paragraph contains legal conclusions, which require no response;
27 however, to the extent a response is necessary, Applicants for Intervention deny the
28

1 allegations. As to the remainder of the paragraph, Applicants for Intervention are without
2 knowledge or information sufficient to form a belief as to the truth of the allegations and,
3 therefore, deny the same.
4

5 48. This paragraph contains legal conclusions, which require no response;
6 however, to the extent a response is necessary, Applicants for Intervention deny the
7 allegations. As to the remainder of the paragraph, Applicants for Intervention are without
8 knowledge or information sufficient to form a belief as to the truth of the allegations and,
9 therefore, deny the same.
10

11 49. Applicants for Intervention are without knowledge or information sufficient
12 to form a belief as to the truth of the allegations and, therefore, deny the same.
13

14 50. A.R.S. §§ 16-1016 and 13-701 speak for themselves and are the best
15 evidence of what they contain and, therefore, Applicants for Intervention deny every
16 allegation not consistent therewith. Further, this paragraph contains legal conclusions,
17 which require no response; however, to the extent a response is necessary, Applicants for
18 Intervention deny the allegations. As to the remainder of the paragraph, Applicants for
19 Intervention are without knowledge or information sufficient to form a belief as to the
20 truth of the allegations and, therefore, deny the same.
21

22 51. A.R.S. § 16-542(A) speaks for itself and is the best evidence of what it
23 contains and, therefore, Applicants for Intervention deny every allegation not consistent
24 therewith. Further, this paragraph contains legal conclusions, which require no response;
25 however, to the extent a response is necessary, Applicants for Intervention deny the
26 allegations. As to the remainder of the paragraph, Applicants for Intervention are without
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1 knowledge or information sufficient to form a belief as to the truth of the allegations and,
2 therefore, deny the same.

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4 52. This paragraph contains legal conclusions, which require no response;
5 however, to the extent a response is necessary, Applicants for Intervention deny the
6 allegations. As to the remainder of the paragraph, Applicants for Intervention are without
7 knowledge or information sufficient to form a belief as to the truth of the allegations and,
8 therefore, deny the same.

9
10 53. This paragraph contains legal conclusions, which require no response;
11 however, to the extent a response is necessary, Applicants for Intervention deny the
12 allegations. As to the remainder of the paragraph, Applicants for Intervention are without
13 knowledge or information sufficient to form a belief as to the truth of the allegations and,
14 therefore, deny the same.

15
16 **F. The Arizona Taxpayer and Citizen Protection Act Will Have A Disparate**
17 **Impact on Native American and Latino Voters**

18 54. This paragraph contains legal conclusions, which require no response;
19 however, to the extent a response is necessary, Applicants for Intervention deny the
20 allegations. As to the remainder of the paragraph, Applicants for Intervention are without
21 knowledge or information sufficient to form a belief as to the truth of the allegations and,
22 therefore, deny the same.

23
24 **G. The National Voter Registration Act Requires States to Accept the Federal**
25 **Mail Voter Registration Form, and Does Not Permit A State to Condition**
26 **Acceptance of the Form on Submission of Supplemental Evidence of Citizenship**

27 55. 42 U.S.C. § 1973gg-4(a) speaks for itself and is the best evidence of what it
28 contains and, therefore, Applicants for Intervention deny every allegation not consistent

1 therewith. As to the remainder of the paragraph, Applicants for Intervention are without
2 knowledge or information sufficient to form a belief as to the truth of the allegations and,
3 therefore, deny the same.
4

5 56. Applicants for Intervention are without knowledge or information sufficient
6 to form a belief as to the truth of the allegations and, therefore, deny the same.

7 57. Applicants for Intervention are without knowledge or information sufficient
8 to form a belief as to the truth of the allegations and, therefore, deny the same.
9

10 58. Applicants for Intervention are without knowledge or information sufficient
11 to form a belief as to the truth of the allegations and, therefore, deny the same.

12 59. 42 U.S.C. § 1973gg-9(b) speaks for itself and is the best evidence of what it
13 contains and, therefore, Applicants for Intervention deny every allegation not consistent
14 therewith.
15

16 60. Applicants for Intervention are without knowledge or information sufficient
17 to form a belief as to the truth of the allegations and, therefore, deny the same.
18

19 61. Applicants for Intervention are without knowledge or information sufficient
20 to form a belief as to the truth of the allegations and, therefore, deny the same.

21 V. CAUSES OF ACTION

22 Count One

23 Undue Burden on the Right to Vote in Violation of Equal Protection of the Law

24 62. Applicants for Intervention resubmit their answers to paragraphs 1–61 of
25 Plaintiffs' Complaint.
26

27 63. This paragraph contains legal conclusions, which require no response;
28

1 however, to the extent a response is necessary, Applicants for Intervention deny the
2 allegations.

3
4 **Count Two**

5 **Unconstitutional Poll Tax on the Right to Vote in Violation of Both the**
6 **Fourteenth and the Twenty-Fourth Amendments**

7 64. Applicants for Intervention resubmit their answers to paragraphs 1–63 of
8 Plaintiffs' Complaint.

9
10 65. The Twenty-fourth amendment and the Supreme Court case quoted by
11 Plaintiffs speak for themselves and are the best evidence of what they contain and,
12 therefore, Applicants for Intervention deny every allegation not consistent therewith.

13 66. This paragraph contains legal conclusions, which require no response;
14 however, to the extent a response is necessary, Applicants for Intervention deny the
15 allegations.

16
17 67. This paragraph contains legal conclusions, which require no response;
18 however, to the extent a response is necessary, Applicants for Intervention deny the
19 allegations.
20

21 **Count Three**

22 **Violation of the Civil Rights Act of 1964, 42 U.S.C. § 1971(a)(2)(A)**

23 68. Applicants for Intervention resubmit their answers to paragraphs 1–67 of
24 Plaintiffs' Complaint.

25
26 69. This paragraph contains legal conclusions, which require no response;
27 however, to the extent a response is necessary, Applicants for Intervention deny the
28

1 allegations. Further, 42 U.S.C. § 1971(a)(2)(A) and A.R.S. § 16-579 speak for themselves
2 and are the best evidence of what they contain and, therefore, Applicants for Intervention
3 deny every allegation not consistent therewith.
4

5 70. This paragraph contains legal conclusions, which require no response;
6 however, to the extent a response is necessary, Applicants for Intervention deny the
7 allegations.
8

9 **Count Four**

10 **Violation of the Civil Rights Act of 1964, 42 U.S.C. § 1971(a)(2)(B)**

11 71. Applicants for Intervention resubmit their answers to paragraphs 1–70 of
12 Plaintiffs’ Complaint.
13

14 72. This paragraph contains legal conclusions, which require no response;
15 however, to the extent a response is necessary, Applicants for Intervention deny the
16 allegations. Further, 42 U.S.C. § 1971(a)(2)(B) speaks for itself and is the best evidence
17 of what it contain and, therefore, Applicants for Intervention deny every allegation not
18 consistent therewith.
19

20 73. This paragraph contains legal conclusions, which require no response;
21 however, to the extent a response is necessary, Applicants for Intervention deny the
22 allegations.
23

24 74. This paragraph contains legal conclusions, which require no response;
25 however, to the extent a response is necessary, Applicants for Intervention deny the
26 allegations.
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Count Five

Section 2 of the Voting Rights Act

75. Applicants for Intervention resubmit their answers to paragraphs 1–74 of Plaintiffs’ Complaint.

76. 42 U.S.C. § 1973(a) speaks for itself and is the best evidence of what it contains and, therefore, Applicants for Intervention deny every allegation not consistent therewith.

77. Applicants for Intervention are without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny the same.

78. Applicants for Intervention are without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny the same.

79. Applicants for Intervention are without knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny the same.

80. This paragraph contains legal conclusions, which require no response; however, to the extent a response is necessary, Applicants for Intervention deny the allegations.

Count Six

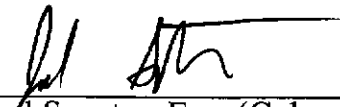
National Voter Registration Act

81. Applicants for Intervention resubmit their answers to paragraphs 1–81 of Plaintiffs’ Complaint.

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DATED this 19th day of June 2006.

Respectfully Submitted By:



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CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of June 2006, I served a true and correct copy of **ANSWER OF APPLICANTS FOR INTERVENTION** on all counsel of record by sending said copy *via* United States mail, first class, postage prepaid, and addressed to all of the counsel listed below:

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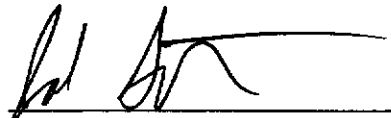
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