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10
11 IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

12 MARIA M. GONZALES; JESUS M.
13 GONZALES; BERNIE ABEYTIA;
LUCIANO VALENCIA; DEBBIE LOPEZ,
14 SOUTHWEST VOTER REGISTRATION
EDUCATION PROJECT; VALLE DEL
15 SOL; FRIENDLY HOUSE; CHICANOS
POR LA CAUSA, INC.; and ARIZONA
16 HISPANIC FORUM,

17 Plaintiffs,

18 v.

19 STATE OF ARIZONA, JAN BREWER, in
her official capacity as the Secretary of
20 State of the State of Arizona, et al.,

21 Defendants.
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No. CV06-1268-PHX ROS

**ANSWER OF DEFENDANTS
COUNTY RECORDERS AND
COUNTY ELECTIONS
DIRECTORS**

(Assigned to the Honorable
Roslyn O. Silver)

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Defendants Maricopa County Recorder Helen Purcell and Maricopa County Elections Director Karen Osborne; Apache County Recorder LeNora Johnson and Apache County Elections Director Penny L. Pew; Cochise County Recorder Christine Rhodes and Cochise County Elections Director Thomas Schelling; Coconino County Recorder Candace Owens and Coconino County Elections Director Patty Hansen; Gila County Recorder Linda Haught Ortega and Gila County Elections Director Dixie Mundy; Graham County Recorder Wendy John and Graham County Elections Director Judy Dickerson; Greenlee County Recorder Berta Manuz and Greenlee County Elections Director Yvonne Pearson; La Paz County Recorder Shelly Baker and La Paz County Elections Director Donna Hale; Mohave County Recorder Joan McCall and Mohave County Elections Director Allen Tempert; Navajo County Recorder Laurette Justman and Navajo County Elections Director Kelly Dastrup; Pima County Recorder F. Ann Rodriguez and Pima County Elections Director Brad R. Nelson; Pinal County Recorder Laura Dean-Lytle and Pinal County Elections Director Gilberto Hoyos; Santa Cruz County Recorder Suzie Sainz and Santa Cruz County Elections Director Melinda Meek; Yavapai County Recorder Ana Wayman-Trujillo and Yavapai County Elections Director Lynn A. Constabile; and Yuma County Recorder Susan Hightower Marler and Yuma County Elections Director Patti Madrill (collectively "County Defendants"), for their Answer to Plaintiff's Complaint, admit, deny and affirmatively allege as follows:

- 1 1. Admit paragraph 1 upon information and belief.
- 2 2. Deny paragraph 2 based on lack of information and belief.
- 3 3. Answering paragraph 3, admit only that jurisdiction and venue are
4 proper in the United States District Court for the District of Arizona.
- 5 4. Answering paragraph 4, admit only that jurisdiction and venue are
6 proper for a determination under Section 5 of the Voting Rights Act.
- 7 5. Deny paragraph 5 based on lack of information and belief.
- 8 6. Deny paragraph 6 based on lack of information and belief.
- 9 7. Deny paragraph 7 based on lack of information and belief.
- 10 8. Deny paragraph 8 based on lack of information and belief.
- 11 9. Deny paragraph 9 based on lack of information and belief.
- 12 10. Deny paragraph 10 based on lack of information and belief.
- 13 11. Deny paragraph 11 based on lack of information and belief.
- 14 12. Deny paragraph 12 based on lack of information and belief.
- 15 13. Deny paragraph 13 based on lack of information and belief.
- 16 14. Deny paragraph 14 based on lack of information and belief.
- 17 15. Admit paragraph 15.
- 18 16. Admit paragraph 16.
- 19 17. Admit paragraph 17.
- 20 18. Admit paragraph 18.

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1 19. Answering paragraph 19, admit that Defendant Johnson is
2 responsible for voter registration and early voting, but deny that Defendant's
3 responsibilities include the conduct of elections in Apache County.

4 20. Admit paragraph 20.

5 21. Answering paragraph 21, admit that Defendant Rhodes is
6 responsible for voter registration and early voting, but deny that Defendant's
7 responsibilities include the conduct of elections in Cochise County.

8 22. Admit paragraph 22.

9 23. Admit paragraph 23.

10 24. Admit paragraph 24.

11 25. Answering paragraph 25, admit that Defendant Haught Ortega is
12 responsible for voter registration and early voting, but deny that Defendant's
13 responsibilities include the conduct of elections in Gila County.

14 26. Admit paragraph 26.

15 27. Admit paragraph 27.

16 28. Admit paragraph 28.

17 29. Answering paragraph 29, admit that Defendant Manuz is responsible
18 for voter registration, but deny that Defendant's responsibilities include the
19 conduct of elections in Greenlee County.

20 30. Admit paragraph 30.

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1 31. Answering paragraph 31, admit that Defendant Baker is responsible
2 for voter registration and early voting, but deny that Defendant’s responsibilities
3 include the conduct of elections in La Paz County.

4 32. Admit paragraph 32.

5 33. Answering paragraph 33, admit that Defendant McCall is responsible
6 for voter registration, but deny that Defendant’s responsibilities include the
7 conduct of elections in Mohave County.

8 34. Admit paragraph 34.

9 35. Answering paragraph 35, admit that Defendant Justman is
10 responsible for voter registration and early voting, but deny that Defendant’s
11 responsibilities include the conduct of elections in Navajo County.

12 36. Admit paragraph 36.

13 37. Answering paragraph 37, admit that Defendant Rodriguez is
14 responsible for voter registration, but deny that Defendant’s responsibilities
15 include the conduct of elections in Pima County.

16 38. Admit paragraph 38.

17 39. Answering paragraph 39, admit that Defendant Dean-Lytle is
18 responsible for voter registration and early voting, but deny that Defendant’s
19 responsibilities include the conduct of elections in Pinal County.

20 40. Admit paragraph 40.

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1 41. Answering paragraph 41, admit that Defendant Sainz is responsible
2 for voter registration, but deny that Defendant's responsibilities include the
3 conduct of elections in Santa Cruz County.

4 42. Admit paragraph 42.

5 43. Admit paragraph 43.

6 44. Admit paragraph 44.

7 45. Answering paragraph 45, admit that Defendant Marler is responsible
8 for voter registration, but deny that Defendant's responsibilities include the
9 conduct of elections in Yuma County.

10 46. Admit paragraph 46.

11 47. Admit paragraph 47.

12 48. Admit paragraph 48.

13 49. Answering paragraph 49, admit that Proposition 200 amended a
14 number of election statutes, and deny the remaining allegations.

15 50. Admit paragraph 50.

16 51. Admit paragraph 51.

17 52. Admit paragraph 52.

18 53. Admit paragraph 53.

19 54. Admit paragraph 54.

20 55. Answering paragraph 55, admit that the acceptable forms of voter
21 photo identification are listed, and deny that the forms of identification are not
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1 acceptable for voting unless they bear the same address as that listed in the rolls
2 for the voter.

3 56. Answering paragraph 56, admit that the acceptable forms of voter
4 non-photo identification are listed, and deny that the forms of identification are
5 not acceptable for voting unless they bear the same address as that listed in the
6 rolls for the voter.

7 57. Admit paragraph 57.

8 58. Answering paragraph 58, admit that the Arizona voter registration
9 form contains the statement about proof of citizenship, and deny the remaining
10 allegations upon lack of information and belief.

11 59. Admit paragraph 59.

12 60. Admit paragraph 60.

13 61. Admit paragraph 61.

14 62. Deny paragraph 62 upon lack of information and belief.

15 63. Admit paragraph 63.

16 64. Admit paragraph 64.

17 65. Answering paragraph 65, admit that Plaintiffs Maria and Jesus
18 Gonzales completed a voter registration form, but deny that they provided the
19 number of their certificate of naturalization on the form.

20 66. Answering paragraph 66, admit that the Yuma County Recorder sent
21 a notice to Plaintiffs Maria and Jesus Gonzales that they did not provide
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1 satisfactory proof of citizenship, but deny that the notice indicated that they must
2 provide information not required by Proposition 200.

3 67. Admit paragraph 67.

4 68. Deny paragraph 68 upon lack of information and belief.

5 69. Deny paragraph 69 upon lack of information and belief.

6 70. Deny paragraph 70 upon lack of information and belief.

7 71. Deny paragraph 71 upon lack of information and belief.

8 72. Admit paragraph 72.

9 73. Admit paragraph 73.

10 74. Admit paragraph 74.

11 75. Deny paragraph 75 upon lack of information and belief.

12 76. Deny paragraph 76 upon lack of information and belief.

13 77. Admit paragraph 77.

14 78. Answering paragraph 78, Defendants incorporate their Answer to
15 paragraphs 1 through 77.

16 79. Deny paragraph 79.

17 80. Deny paragraph 80.

18 81. Answering paragraph 81, Defendants incorporate their Answer to
19 paragraphs 1 through 80.

20 82. Deny paragraph 82.

21 83. Deny paragraph 83.

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1 84. Answering paragraph 84, Defendants incorporate their Answer to
2 paragraphs 1 through 83.

3 85. Deny paragraph 85.

4 86. Deny paragraph 86.

5 87. Answering paragraph 87, Defendants incorporate their Answer to
6 paragraphs 1 through 86.

7 88. Deny paragraph 88.

8 89. Deny paragraph 89.

9 90. Deny paragraph 90.

10 91. Answering paragraph 91, Defendants incorporate their Answer to
11 paragraphs 1 through 90.

12 92. Deny paragraph 92.

13 93. Deny paragraph 93.

14 94. Deny paragraph 94.

15 95. Answering paragraph 95, Defendants incorporate their Answer to
16 paragraphs 1 through 94.

17 96. Deny paragraph 96.

18 97. Deny paragraph 97.

19 98. Answering paragraph 98, Defendants incorporate their Answer to
20 paragraphs 1 through 97.

21 99. Deny paragraph 99.

22 100. Deny paragraph 100.

1 Copy of the forgoing electronically
transmitted via the U.S. District Court's
2 Electronic Case Filing System
this 13th day of June 2006 and to:

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