

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Nos. 08-17094, 08-17115
Oral Argument Scheduled For June 21, 2011

MARIA M. GONZALEZ, *et al.*,

Plaintiffs-Appellants

v.

STATE OF ARIZONA, *et al.*,

Defendants-Appellees

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

MOTION OF THE UNITED STATES TO PARTICIPATE IN
EN BANC ORAL ARGUMENT AS AMICUS CURIAE
SUPPORTING APPELLANTS AND URGING REVERSAL

Pursuant to Rule 29(g) of the Federal Rules of Appellate Procedure, the United States respectfully seeks permission to participate in the en banc argument of this case. In support of this motion, the United States provides as follows:

1. On June 3, 2011, the United States sought this Court's leave to file an amicus brief during the pendency of rehearing en banc. On June 6, 2011, this Court directed the Clerk to file our amicus brief.

2. En banc argument in this appeal is scheduled for June 21, 2011, in Pasadena, California.

3. According to this Court's Notice of Oral Argument dated May 18, 2011, this case has been allotted a maximum argument time of 30 minutes per side. The United States respectfully requests that it be permitted to participate in oral argument, and that this Court grant an additional 10 minutes of argument time per side, with the additional time allocated on the appellants' side to the United States.

4. This case presents a question of statutory interpretation – namely, whether the National Voter Registration Act of 1993 (NVRA), 42 U.S.C. 1973gg *et seq.*, precludes States from requiring documentary proof of citizenship before registering an eligible voter who otherwise completes the uniform federal voter registration application (the Federal Form). The Election Assistance Commission is the federal agency charged with developing the Federal Form, providing information to States regarding their responsibilities under the NVRA, and prescribing such regulations as are necessary to develop the Federal Form and report biannually to Congress as required under the Act. See 42 U.S.C. 1973gg-7(a). The Attorney General is charged with enforcement of the NVRA. See 42 U.S.C. 1973gg-9(a). The United States thus has a significant interest in this Court's interpretation of the NVRA.

5. Counsel for the Gonzalez plaintiffs, Nina Perales, does not object to the United States' request for additional time and to participate in oral argument.

Counsel for the ITCA plaintiffs, Jon M. Greenbaum, does not object to our request.

6. Counsel for defendants, Paula S. Bickett, has indicated that the State does not object to the United States' participation in oral argument under the current time allotment of 30 minutes per side. The State does object, however, to our request for extended argument time of 40 minutes per side.

WHEREFORE, the United States respectfully requests leave to participate in oral argument pursuant to Federal Rule of Appellate Procedure 29(g).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on June 7, 2011, I electronically filed the foregoing motion with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the Appellate CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the Appellate CM/ECF system.

I further certify that on June 7, 2011, I served a copy of the foregoing motion on the following parties or their counsel of record by First Class Mail:

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