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11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF ARIZONA**

13 THE NAVAJO NATION, a federally)
14 recognized Indian tribe, and AGNES)
15 LAUGHTER,)
16)
17 Plaintiffs,)

18 v.)

19 JAN BREWER, individually and in her,)
20 official capacity as Secretary of State of the)
21 State of Arizona; PATTY HANSEN,)
22 individually and in her official capacity as)
23 Coconino County Election Administrator,)
24 CANDACE OWENS, individually and in her)
25 Official capacity as Coconino County Recorder,)
26 PENNY PEW, individually and in her official)
27 capacity as Apache County Elections)
28 Director, LENORA JOHNSON, individually)
and in her official capacity as Apache County)
Recorder, KELLY DASTRUP, individually and)
in her official capacity as Navajo County)
Elections Director, LAURETTE JUSTMAN,)
individually and in her official capacity as)
Navajo County Recorder,)
Defendants.)

No. CV06-1575-PCT-EHC

**ANSWER OF COCONINO
COUNTY DEFENDANTS
OWENS AND HANSEN**

Defendants Candace Owens and Patty Hansen (the "Coconino County Defendants") answer the Complaint as follows:

1 1. Answering the allegations of the Complaint which specifically concern the
2 Coconino County Defendants by admitting the following:

3 A. Admit that Patty Hansen is the Elections Administrator of Coconino County
4 and has been delegated the responsibility for conducting elections by the
5 County Recorder and Coconino County Board of Supervisors as alleged in ¶
6 5.
7

8 B. Admit that Candace Owens is the Coconino County Recorder and is
9 responsible for the conduct of elections as delegated by the Coconino County
10 Board of Supervisors, and for voter registration, early voting, and voter
11 verification as alleged in ¶ 8.
12

13 C. Admit that Coconino County must provide official language assistance to
14 Navajo Nation members under Section 203 of the Voting Rights Act and that
15 the Navajo language is historically an unwritten language as alleged in ¶ 47.
16

17 D. Admit that because of past discrimination in the State of Arizona, any voting
18 change in Coconino County must be pre-cleared by the U. S. Department of
19 Justice before implementation as alleged in ¶ 56.
20

21 E. Admit that Coconino County is subject to Sections 4(f)(4) and 203(c) of the
22 Voting Rights Act and that a Consent Decree was entered as alleged in ¶ 57.
23

24 F. Admit the allegations of the following paragraphs: ¶¶ 4-17, 24, 27-39, 42-43,
25 45, 47, 54-57, 65, 78, 85, 89-92, 99,-100, 104, 115, 121-122, 131, 134.
26

27 2. Affirmatively allege that under Arizona law, Coconino County Defendants
28 Owens and Hansen, as local election officials, are required to comply with the
statutory

1
2 requirements of Proposition 200 and the procedures adopted by the Arizona
3 Secretary of State pursuant to A.R.S. §16-452(A), including related “Procedures
4 for Proof of Identification at the Polls.” In fact, it would constitute a criminal
5 offense for Candace Owens or Patty Hansen to refuse to follow the Secretary’s
6 procedures. Even so, Coconino County Defendants have previously expressed
7 their belief to the Department of Justice that the voter identification requirements
8 for polling place voting will likely disenfranchise rural Native American voters on
9 the Navajo Reservation as well as the other reservations in Coconino County, as
10 explained in Plaintiff’s Exhibit 8. As a result, Coconino County Defendants remain
11 neutral on the majority of specific claims and constitutionality of the identification
12 at the polls requirements of Proposition 200 and the Secretary of State’s
13 Procedures Manual. Coconino County Defendants will abide by whatever relief
14 the Court may grant and whatever order or judgment the Court may enter.
15 Coconino Defendants are only a nominal party in this matter.
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21 Coconino County Defendants further affirmatively allege with respect to the
22 allegations in ¶ 48, official assistance for disabled voters and non-English
23 speaking voters who cast an early ballot is only available at the Flagstaff office
24 located at 110 E. Cherry Ave., Flagstaff Arizona. Touch screen voting machines
25 are likewise only available at the Flagstaff office for early voters. Coconino
26 County Defendants are without sufficient information to either affirm or deny the
27 remainder of the allegations of ¶ 48.
28

3. Deny that Coconino County Defendants are “wrongfully” doing anything as

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on July 17, 2006 I electronically
3 transmitted this document to the Clerk's Office using
4 the CM/ECF System for filing.

5 /s/ Jean E. Wilcox
6 _____

7 COPY of the foregoing mailed
8 July 17, 2006 to:

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29 /s/ Jean E. Wilcox
30 By: _____