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

Mi Familia Vota, et al.,

Plaintiffs,

v.

Adrian Fontes, in his official capacity as
Arizona Secretary of State, et al.,

Defendants.

No. CV-22-00509-PHX-SRB

FINAL JUDGMENT

AND CONSOLIDATED CASES

This case arose out of eight consolidated lawsuits challenging various provisions of H.B. 2492 and H.B. 2243, enacted in 2022 (“Challenged Laws”). *See Mi Familia Vota v. Fontes*, No. 2:22-cv-00509-SRB (D. Ariz. Mar. 31, 2022); *Living United for Change in Ariz. v. Fontes*, No. 2:22-cv-00519-SRB (D. Ariz. Mar. 31, 2022); *United States v. Arizona*, No. 2:22-cv-01124-SRB (D. Ariz. July 5, 2022); *Poder Latinx v. Fontes*, No. 2:22-cv-1003-MTL (D. Ariz. June 9, 2022); *Democratic Nat’l Comm. v. Fontes*, No. 2:22-cv-01369-SRB (D. Ariz. Aug. 15, 2022); *Ariz. Asian Am. Native Hawaiian & Pac. Islander for Equity Coal. v. Fontes*, No. 2:22-cv-01381-SRB (D. Ariz. Aug. 16, 2022); *Promise Ariz. v. Fontes*, No. 2:22-cv-01602-SRB (D. Ariz. Sept. 20, 2022); *Tohono O’odham Nation v. Mayes*, No. 2:22-cv-01901-SRB (D. Ariz. Nov. 7, 2022).

Defendants in this litigation are the State of Arizona, Adrian Fontes, in his official capacity as Arizona Secretary of State, Attorney General Kris Mayes, in her official capacity, the county recorders for each county in Arizona, Intervenor-Defendant

1 Republican National Committee, and Intervenor-Defendants House Speaker Ben Toma
2 and Senate President Warren Petersen.

3 On September 14, 2023, the Court entered a partial summary judgment order. (Doc.
4 534.) On February 29, 2024, after a bench trial, the Court issued findings of fact and
5 conclusions of law. (Doc. 709.) In accordance with those rulings, the Court hereby
6 **ORDERS, ADJUDGES, AND DECREES** as follows:

7 1. **IT IS ORDERED AND DECLARED** that H.B. 2492’s restrictions on
8 registration for presidential elections and voting by mail, *see* A.R.S. §§ 16-121.01(E), 16-
9 127(A), are preempted by Section 6 of the National Voter Registration Act, 52 U.S.C. §
10 20505. It is **FURTHER ORDERED** that Defendants, their officers, agents, servants,
11 employees, and attorneys, and anyone else in active concert or participation with them are
12 **PERMANENTLY ENJOINED** from enforcing such restrictions.

13 2. **IT IS ORDERED AND DECLARED** that H.B. 2492’s mandate to reject
14 any State Form without accompanying Documentary Proof of Citizenship (“DPOC”), *see*
15 A.R.S. § 16-121.01(C), may not be enforced given the LULAC Consent Decree.¹ It is
16 **FURTHER ORDERED** that Defendants, their officers, agents, servants, employees, and
17 attorneys, and anyone else in active concert or participation with them are
18 **PERMANENTLY ENJOINED** from enforcing this mandate and that Arizona must abide
19 by the LULAC Consent Decree and register eligible State Form users without DPOC for
20 federal elections.

21 3. **IT IS ORDERED AND DECLARED** that H.B. 2492’s checkbox
22 requirement, *see* A.R.S. § 16-121.01(A), violates the Materiality Provision of the Civil
23 Rights Act, 52 U.S.C. § 10101(a)(2)(B), when enforced as to a person who provides DPOC
24 and is otherwise eligible to vote. It is **FURTHER ORDERED** that Defendants, their
25 officers, agents, servants, employees, and attorneys, and anyone else in active concert or
26 participation with them are **PERMANENTLY ENJOINED** from enforcing the checkbox
27 requirement when a person provides DPOC and is otherwise eligible to vote.

28 ¹ *League of United Latin American Citizens of Arizona et al. v. Reagan et al.*, Case No.
2:17-cv-04102-DGC (D. Ariz.), Doc. 37 (6/18/18).

1 4. **IT IS ORDERED AND DECLARED** that H.B. 2492’s requirement that
 2 individuals who register to vote using the State Form must include their place of birth, *see*
 3 A.R.S. § 16-121.01(A), violates the Materiality Provision of the Civil Rights Act, 52
 4 U.S.C. § 10101(a)(2)(B). It is **FURTHER ORDERED** that Defendants, their officers,
 5 agents, servants, employees, and attorneys, and anyone else in active concert or
 6 participation with them are **PERMANENTLY ENJOINED** from enforcing this
 7 requirement and may not reject State Form registrations that lack an individual’s place of
 8 birth and must register an individual if that individual is found eligible to vote.

9 5. **IT IS ORDERED AND DECLARED** that, with respect to H.B. 2492’s
 10 proof of location of residence requirement, *see* A.R.S. § 16-123:

11 a. A.R.S. § 16-123 references A.R.S. § 16-579(A)(1) for a list of
 12 documents that satisfy the documentary proof of location of residence requirement
 13 in A.R.S. § 16-123. The reference to § 16-579(A)(1) provides examples of
 14 documents, but is not an exhaustive list of the documents, that can be used to satisfy
 15 A.R.S. § 16-123.

16 b. A.R.S. § 16-123 does not require tribal members or other Arizona
 17 residents to have a standard street address for their home to satisfy A.R.S. § 16-123.

18 c. In addition to the documents listed in A.R.S. § 16-579(A)(1), the
 19 following documents satisfy the requirement in A.R.S. § 16-123:

20 ○ A valid unexpired Arizona driver license or nonoperating ID
 21 (“AZ-issued ID”), regardless of whether the address on the AZ-issued ID
 22 matches the address on the ID-holder’s voter registration form and even if
 23 the AZ-issued ID lists only a P.O. Box.

24 ○ Any Tribal identification document, including but not limited
 25 to a census card, an identification card issued by a tribal government, or a
 26 tribal enrollment card, regardless of whether the Tribal identification
 27 document contains a photo, a physical address, a P.O. Box, or no address.
 28

1 ○ Written confirmation signed by the registrant that they qualify
2 to register pursuant to A.R.S. § 16-121(B), regarding registration of persons
3 who do not reside at a fixed, permanent, or private structure.

4 6. **IT IS ORDERED AND DECLARED** that H.B. 2492’s requirement that
5 individuals registering to vote with the State Form must include documentary proof of
6 location of residence to register for federal elections, *see* A.R.S. § 16-121.01(A), violates
7 Sections 6 and 7 of the NVRA, 52 U.S.C. §§ 20505, 20506. It is **FURTHER ORDERED**
8 that Defendants, their officers, agents, servants, employees, and attorneys, and anyone else
9 in active concert or participation with them are **PERMANENTLY ENJOINED** from
10 enforcing this requirement and may not reject State Form registrations that lack
11 documentary proof of location of residence but must register an otherwise eligible voter
12 registrant as a Federal-Only Voter.

13 7. **IT IS ORDERED AND DECLARED** that H.B. 2243’s provisions requiring
14 the systematic investigation and removal of registered voters within 90 days of a federal
15 election, *see* A.R.S. § 16-165(A)(10), violate Section 8(c) of the NVRA, 52 U.S.C. §
16 20507(c)(2)(A). It is **FURTHER ORDERED** that Defendants, their officers, agents,
17 servants, employees, and attorneys, and anyone else in active concert or participation with
18 them are **PERMANENTLY ENJOINED** from enforcing these requirements within the
19 90-day period prior to the date of an election for federal office.

20 8. **IT IS ORDERED AND DECLARED** that H.B. 2243’s requirement that
21 county recorders conduct a citizenship check using USCIS’s SAVE system when they have
22 reason to believe a registered voter is not a U.S. citizen, *see* A.R.S. § 16-165(I), violates
23 the Different Standards, Practices, or Procedures Provision of the Civil Rights Act, 52
24 U.S.C. § 10101(a)(2)(A), and Section 8(b) of the NVRA, 52 U.S.C. § 20507(b). It is
25 **FURTHER ORDERED** that Defendants, their officers, agents, servants, employees, and
26 attorneys, and anyone else in active concert or participation with them are
27 **PERMANENTLY ENJOINED** from enforcing this requirement and may not conduct
28 citizenship checks using USCIS’s SAVE system on registered voters whom county


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recorders have reason to believe lack U.S. citizenship.

9. **IT IS FURTHER ORDERED** that judgment is otherwise entered in favor of Defendants on all other claims addressed in the Court’s September 14, 2023 partial summary judgment order (Doc. 534) and February 29, 2024 Amended Order (Doc. 709). The Court does not reach the plaintiffs’ alternative claims against the Challenged Laws already declared unlawful in the Court’s partial summary judgment order or plaintiffs’ constitutional claims for those sections of the Challenged Laws ruled unlawful on statutory grounds. (*See* Doc. 600, Minute Entry for 10/24/23 Pretrial Conference (limiting claims to be presented at trial); Doc. 607, Supplement to the Joint Pretrial Order (identifying claims to be presented at trial); Doc. 608, Order Approving Joint Pretrial Order as Amended by Supplement; Doc. 709, Amended Order (findings of fact and conclusions of law) at 89 n.58 and at 108.)

10. **IT IS FURTHER ORDERED** that this Court shall retain jurisdiction to enforce the terms of this Final Judgment and to award such other relief as may be appropriate.

Dated this 2nd day of May, 2024.



Susan R. Bolton
United States District Judge