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		CLERK OF THE SUPERIOR COURT
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9		UNTY OF MARICOPA
10	STRONG COMMUNITIES FOUNDATION OF ARIZONA	^{Case No.} CV 2024-020835
11	INCORPORATED, and YVONNE	PLAINTIFFS' COMPLAINT FOR
12	CAHILL;	SPECIAL ACTION RELIEF
13	Plaintiffs, v.	
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15	STEPHEN RICHER, in his official capacity as Maricopa County Recorder;	
16	MARICOPA COUNTY;	
17	Defendants.	
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1	The Plaintiffs hereby allege and state as follows:
2	INTRODUCTION
3	1. It is against State and federal law for foreign citizens ¹ to register to vote. ²
4	2. Sixty percent of Arizonans "are concerned that cheating will affect the
5	outcome of the 2024 election." ³
6	3. A July 2024 survey of likely voters in Arizona and five other states found
7	that "a little more than one percent (1%) of Likely Voters say they're not U.S. citizens." ⁴
8	4. Many recent electoral races in Arizona have been decided by margins of less
9	than one percent.
10	5. In 2022, the Legislature adopted stricter voter list maintenance requirements
11	for County Recorders. ⁵
12	6. The Legislature adopted these requirements to ensure that County Recorders
13	remove foreign citizens from voter lists and to allay Arizonans' reasonable concerns about
14	foreign citizen voting.
15	7. Federal law also requires State and local election officials, including County
16	Recorders, to perform voter list maintenance to ensure that "voters who are not eligible
17	to vote [in federal elections] are removed." ⁶
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19	In this Complaint, the term "foreign sitizen" means "env nerson not a sitizen or national
20	¹ In this Complaint, the term "foreign citizen" means "any person not a citizen or national of the United States," which is the defined meaning for the term "alien" in federal law. 8 U.S.C.A. § 1101(a)(3).
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22	 ² See, e.g., Ariz. Const. art. VII, § 2(A) (requiring that all voters be U.S. citizens); A.R.S § 16-101(A)(1) (same); 18 U.S.C. § 1015(f) (knowingly making "any false statement or claim that he is a citizen of the United States in order to register to vote or to vote in any Federal, State, or local election" subjects an alien to five years' imprisonment or fine).
23	Federal, State, or local election" subjects an alien to five years' imprisonment or fine).
24	³ Arizona: Trump 47%, Biden 40%, RASMUSSEN REPORTS, (June 14, 2024), https://tinyurl.com/59y4zjsf.
25 26	⁴ 62% Concerned About Election Cheating, RASMUSSEN REPORTS, (Jul. 24, 2024), https://tinyurl.com/yckyyy9p.
5	⁵ See, e.g., 2022 Ariz. Legis. Serv. Ch. 370 (H.B. 2243); 2022 Ariz. Legis. Serv. Ch. 99 (H.B. 2492); 16 A.R.S. §§ 121.01, 143, and 165.
	⁶ 52 U.S.C. § 21083(a)(2)(B)(ii); see also 52 U.S.C. § 21083(a)(2)(A) and (a)(4)(A).
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- 8. Puzzlingly, Maricopa County Recorder Stephen Richer has ignored these requirements. He has failed to take the actions required by law to ensure that foreign citizens are removed from Maricopa County's voter rolls.
- 9. This lawsuit seeks to restore public trust in our State's electoral system by holding Recorder Richer accountable for his failures and to ensure that the list maintenance required by the law-and common sense-is performed.

PARTIES

10. Plaintiff Strong Communities Foundation of Arizona Incorporated ("EZAZ.org") is a nonprofit organization in Arizona.

10 11. EZAZ.org is an Arizona-focused grassroots organization headquartered in 11 Maricopa County. Its mission is to make civic participation easy and accessible for all 12 Americans. It trains Arizonans about becoming more civically involved and offers 13 community neighborhood events to engage neighbors who want to stay informed but are 14 generally not civically engaged.

15 12. An essential part of the mission of EZAZ.org to increase civic engagement 16 is ensuring that Arizona's elections are free, fair, and lawfully administered, which includes 17 proper voter list maintenance.

18 Together with its associated 501(c)4 organization, EZAZ.org has 59,000 13. 19 subscribers to its mailing list. It has received donations from 4,305 people and conducts 90 20 or more public events per year. It conducts significant voter outreach and education, 21 including in Maricopa County. It reached over 150,000 voters in 2022. Its donors, 22 subscribers, and followers view it as the public voice for their concerns.

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14. EZAZ.org's members include Arizona citizens and voters registered in 24 Maricopa County who are affected by Recorder Richer's unlawful failure to comply with 25 required voter list maintenance practices.

15. As such, EZAZ.org is a party that is beneficially interested in the proper conduct of elections, including voter list maintenance, in Maricopa County.

16. Plaintiff Yvonne Cahill is a resident of Maricopa County, where she is registered to vote. Cahill regularly votes in Arizona's primary and general elections. She plans to vote in Arizona's upcoming federal and state elections. She is a naturalized citizen of the United States.

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17. As a result, Cahill has a clear interest in supporting the enforcement of Arizona's election laws, including list maintenance requirements.

18. Defendant Stephen Richer is the Maricopa County Recorder, a
constitutionally created public office. Ariz. Const. art. XII, § 3. He is sued in his official
capacity. The County Recorder is one of the principal elections officers of Maricopa
County and is responsible for overseeing and directing numerous components of election
administration within the county, including verifying the citizenship of registered voters
and other voter list maintenance.⁷

13 19. Defendant Maricopa County is a political subdivision of the State of Arizona.
14 Recorder Richer is an officer of the county. A.R.S. § 11-401(A)(2). Maricopa County has
15 the power under state law to "[s]ue and be sued." A.R.S. § 11-201(A)(1); *see also Braillard*16 *v. Maricopa Cntv.*, 224 Ariz. 481, 487 ¶ 12 (App. 2010).

JURISDICTION

18 20. The events and omissions giving rise to this action occurred in Maricopa
19 County.

20 21. This Court has subject matter jurisdiction over the Plaintiffs' claims under
21 Article VI, sections 14 and 18 of the Arizona Constitution. The Court further has subject
22 matter jurisdiction and the authority to grant relief under A.R.S. §§ 12-122, -123(B), -1801,
23 -1831, -1832, -2021, Ariz. R. Civ. P. 65, and Ariz. R. Special Actions ("RPSA") Rules 3
24 and 4.

25 22. Venue lies in Maricopa County pursuant to RPSA 4(b) and A.R.S. § 12-401
26 because Record Richer resides and holds office in Maricopa County.

⁷ See, e.g., A.R.S. §§ 16-121.01, -143, -165, and -166.

- 1 23. This Court has jurisdiction over the Defendants. 2 **GENERAL ALLEGATIONS** 3 24. Because it is illegal for any foreign national to register to vote, or to vote, 4 there is no reason for a foreign national to be on voter rolls in this State. 5 Arizona's Federal-Only Voters 6 25. Arizona law requires that persons registering to vote provide documentary 7 proof of citizenship (DPOC).⁸ However, the U.S. Supreme Court has held that the State 8 may not impose these voter registration requirements for registrants who use the federal 9 voter registration form.⁹ 10 26. Because the National Voter Registration Act (NVRA) requires States to 11 "accept and use"¹⁰ the federal form issued by the Election Assistance Commission 12 (EAC),¹¹ and because that form does not require DPOC, the Supreme Court held in Arizona 13 v. Inter Tribal Council of Arizona, Inc. ("Inter Tribal Council") that "the NVRA forbids 14 States to demand that an applicant submit additional information beyond that required by 15 the Federal Form."¹² 16 27. However, because Arizona may establish its own requirements for state and 17 local elections, and because State law requires DPOC, registering to vote in state and local 18 elections still requires that the registrant provide DPOC. 19 28. Therefore, Arizona has a unique bifurcated system of voter registration 20 whereby voters who have registered without providing DPOC (Federal-Only Voters) are 21 22 23 ⁸ A.R.S. § 16-166(F). 24 ⁹ Arizona v. Inter Tribal Council of Arizona, Inc., 570 U.S. 1 (2013). 25 ¹⁰ 52 U.S.C. § 20505(a)(1). 26 11 The NVRA originally delegated this authority to the Federal Election Commission. NATIONAL VOTER REGISTRATION ACT OF 1993, PL 103–31, May 20, 1993, 107 Stat 77 § 6(a)(1). The Help America Vote Act transferred this authority to the EAC. ¹² Intertribal Council, 570 U.S. at 15.
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only allowed to vote in primary and general elections for candidates running in federal
races.

29. According to the Arizona Secretary of State's Office, as of April 2024, 35,273 registered voters in Arizona had failed to provide proof of citizenship and were, therefore, registered only to vote in federal races.¹³

6 30. The number of Federal-Only Voters in Maricopa County increases each
7 month.

8 31. On July 1, 2024, when Maricopa County disclosed its A.R.S. § 16-161(B)
9 report, there were 26,108 Federal-Only Voters, increase from the 21,595 Federal-Only
10 Voters reported by Maricopa on April 1, 2024.¹⁴

11 32. This means that in just three months, the number of Federal-Only Voters
12 increased by an astounding 21%.

13 Voter List Maintenance Requirements

1433. The U.S. Supreme Court also held in Inter Tribal Council that the NVRA15"does not preclude States from denying registration based on information in their16possession establishing the applicant's ineligibility."15 Further, the Court noted that the17NVRA only requires states to register eligible persons. 16 Nor does the Court's decision in18Inter Tribal Council prohibit States from engaging in the voter list maintenance procedures19required by the Help America Vote Act (HAVA), 17 such as inquiring about the citizenship20or immigration status of potentially ineligible voters on voter rolls.

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34. Further, despite its prohibition on requiring evidence of citizenship status

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¹³ ARIZONA SECRETARY OF STATE'S OFFICE, *Federal Only Registrants as of April 1st*, 2024, (Apr. 1, 2024), https://tinyurl.com/3apvrxub.

25 ¹⁴ MARICOPA COUNTY ELECTIONS, *Historical Voter Registration Totals* (2024), https://tinyurl.com/y64sybxe.

²⁶ ¹⁵ *Intertribal Council*, 570 U.S. at 15. (cleaned up) (emphasis added).

¹⁶ *Id*.

¹⁷ 52 U.S.C. § 21083(a)(2)(A), (a)(2)(B)(ii), (a)(4)(A).

beyond the four corners of the EAC's federal voter registration form, the U.S. Supreme Court acknowledged that States nevertheless could access information via other means to help them resolve questions about a voter registration applicant's citizenship status.

35. In 2022, the Legislature enacted, and Governor Ducey signed, H.B. 2492 and H.B. 2243,¹⁸ which, among other things, amended Arizona's election statutes to impose stricter voter list maintenance requirements for Federal-Only Voters.

36. Those requirements mandate that County Recorders perform monthly list maintenance to confirm the citizenship of all Federal-Only Voters.¹⁹

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37. Recorder Richer has failed to perform this required list maintenance.

10 38. Those requirements also require County Recorders to perform list
 11 maintenance within ten days for all newly registered Federal-Only Voters to verify
 12 citizenship.²⁰

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39. Recorder Richer has failed to perform this required list maintenance.

40. One obstacle to performing such list maintenance is that Secretary of State
Adrian Fontes has neglected to obtain access for list maintenance to the three databases
that the statutes specifically require be consulted to verify citizenship: the U.S. Department
of Homeland Security's (DHS) Systematic Alien Verification for Entitlements (SAVE)²¹,
the Social Security Administration (SSA) database²², and the National Association for
Public Health Statistics and Information Systems (NAPHSIS) electronic verification of
vital events system (EVVE).²³

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¹⁹ A.R.S. § 16-165.

- ²⁵ ²⁰ A.R.S. § 16-143(D).
 - ²¹ A.R.S. §§ 16-121.01(D)(3) and -165(I).

²² A.R.S. §§ 16-121.01(D)(2) and -165(H).

²³ A.R.S. §§ 16-121.01(D)(4) and -165(J).

¹⁸ 2022 Ariz. Legis. Serv. Ch. 370 (H.B. 2243); 2022 Ariz. Legis. Serv. Ch. 99 (H.B. 2492).

41. However, State and federal law impose additional list maintenance obligations beyond just consulting these three databases.

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42. State law also requires that "[w]ithin ten days after receiving an application for registration on a form produced by the United States election assistance commission that is not accompanied by satisfactory evidence of citizenship, the county recorder or other officer in charge of elections *shall use all available resources* to verify the citizenship status of the applicant...."²⁴

8 43. State law also requires that County Recorders "at a minimum shall compare
9 the information available on the application for registration with the following, provided
10 the county has access.... Any other ... federal database ... to which the county recorder or
11 officer in charge of elections has access...."²⁵

44. Additionally, for all registrants, State law requires that "[t]o the extent
practicable, the county recorder shall review relevant ... federal databases to which the
county recorder has access to confirm information obtained that requires cancellation of
registrations pursuant to this section."²⁶

45. Additionally, federal law requires "local election official[s]" to "perform list
maintenance" of their voter rolls and to ensure that "voters ... who are not eligible to vote
[in federal elections] are removed."²⁷ It also requires that election officials "ensure that
voter registration records in the State are accurate and are updated regularly, including
[a] system of file maintenance that makes a reasonable effort to remove registrants who are
ineligible to vote from the official list of eligible voters."²⁸

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²⁴ A.R.S. § 16-121.01(D) (emphasis added).

²⁵ A.R.S. § 16-121.01(D) and (D)(5) (emphasis added).

²⁶ ²⁶ A.R.S. § 16-165(K).

²⁷ 52 U.S.C. § 21083(a)(2)(A) and (a)(2)(B)(ii).

²⁸ 52 U.S.C. § 21083(a)(4)(A).

46. Because it is illegal for foreign citizens to register to vote in federal elections, any foreign citizen who is registered to vote is ineligible. Therefore, federal law requires County Recorders to "perform list maintenance" and to engage in "reasonable efforts" to ensure that foreign citizens are not registered to vote.

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SAVE, SSA, and EVVE are Insufficient to Definitively Verify Citizenship

47. Even if Recorder Richer had access to SAVE, SSA, and EVVE for list maintenance, these three databases would be insufficient to definitively verify the citizenship of all Federal-Only Voters.

9 48. Only consulting SAVE, SSA, and EVVE to verify citizenship, without more,
10 is insufficient to fulfill a County Recorder's list maintenance duties under State and federal
11 law.

12 **SAVE**

49. SAVE is hobbled by a critical design flaw: The system requires at least one
of the following specific "numeric identifier[s]": "Alien/ USCIS Number (A-Number),"
"Form 1-94, Arrival/Departure Record Number," "Student and Exchange Visitor
Information System (SEVIS) ID number," "Naturalization / Citizenship Certificate
Number," "Card / 1-797 Receipt Number," "Visa Number," or "Foreign Passport Number
(if entered along with a U.S. immigration enumerator)."²⁹

19 50. As a federal judge recently observed, "the [EAC's] Federal Form does not
 20 include a space for registrants to provide this information" about "immigration numbers."³⁰

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³⁰ Mi Familia Vota v. Fontes, --- F.Supp.3d ----, 2024 WL 862406, at *6 (D. Ariz. 2024).

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²⁹ *Tutorial: Introduction to SAVE and the Verification Process for SAVE Users*, DEP'T OF HOMELAND SEC., (Mar. 2024), https://tinyurl.com/msek795k.

1 51. Furthermore, SAVE does not process social security or driver's license
2 numbers, which are the ID numbers that registrants are most likely to provide on their voter
3 registration forms.³¹

52. Thus, in practice, SAVE is practically useless for verifying the citizenship of voter registrants because it can only provide citizenship information if a registrant has provided the specific numeric identifiers that are the searchable variables in SAVE, and none of these identifiers are required under the current version of the EAC federal voter registration form, nor are they required on Arizona's state voter registration form.

SSA and EVVE

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10 53. A federal judge recently found that "county recorders currently do not have
11 access to NAPHSIS [EVVE] or the SSA database."³²

12 54. Even if County Recorders had access to SSA, they would be insufficient to
13 verify citizenship.

14 55. As one federal judge recently noted: "[Arizona] [c]ounty recorders ... lack
15 direct access to SSA records.... Approximately one quarter of SSA records lack citizenship
16 information," and "the federal government does not allow access to this [citizenship]
17 information."³³

18 56. Furthermore, even if County Recorders had access to EVVE, it would be
19 insufficient to verify citizenship.

20 57. NAPHSIS is a nonprofit organization that represents state and local vital
 21 records, health statistics and information system agencies.

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³¹ See, e.g., Register to Vote in your State by Using this Postcard Form and Guide at 3-4, U.S. ELECTION ASSISTANCE COMMISSION, https://tinyurl.com/4wj6vm6r (Arizona-specific instructions from the EAC for filling out the federal voter registration form requiring registrants to provide, if available, a driver license number or the last four digits of their social security number).

³² *Mi Familia Vota*, 2024 WL 862406, at *5.

³³ *Mi Familia Vota*, 2024 WL 862406, at *7 (cleaned up).

1 58. NAPHSIS's EVVE database contains information on most births in the 2 United States. 3 However, EVVE does not have information about births in Texas.³⁴ 59. 4 60. EVVE, therefore, is insufficient for verifying citizenship because it cannot 5 verify the birth of anyone born in Texas. 6 61. EVVE is also insufficient for verifying citizenship because it cannot verify 7 the citizenship of U.S. citizens who were not born in the United States. 8 62. EVVE thus does not contain information about the births of persons born 9 overseas who acquire citizenship at birth because one or more of their parents are U.S. 10 citizens.35 11 63. NAPHSIS also cannot be used to verify the citizenship of naturalized 12 citizens. 13 Federal Law Entitles County Recorders to Submit Citizenship Inquiries to DHS 14 64. Fortunately, there is an easy method for County Recorders to confirm the 15 citizenship of Federal-Only Voters, and this method does not require the use of SAVE, 16 SSA, or EVVE. 17 65. The Immigration and Nationality Act (INA), at 8 U.S.C. § 1373, requires 18 DHS to "respond to an inquiry by a Federal, State, or local government agency, seeking to 19 verify or ascertain the citizenship or immigration status of any individual within the 20 jurisdiction of the agency for any purpose authorized by law, by providing the requested

21 verification or status information."³⁶

22 66. Verification of a voter registrant's citizenship is a purpose authorized by
23 law.³⁷

25 ³⁴ *Participating Jurisdictions*, NAPHSIS, (accessed on Jul. 29, 2024), https://tinyurl.com/ycdtehu9.

³⁵ See 8 U.S.C. §§ 1401-1409; Sessions v. Morales-Santana, 582 U.S. 47 (2017).
 ³⁶ 8 U.S.C. § 1373(c) (emphasis added).

³⁷ See supra ¶¶ 1, 25-46.

1 67. The INA also states, in 8 U.S.C. § 1644, that "[n]otwithstanding any other
2 provision of Federal, State, or local law, no State or local government entity may be
3 prohibited, or in any way restricted, from sending to or receiving from ... [DHS]
4 information regarding the immigration status, lawful or unlawful, of an alien in the United
5 States."³⁸

6 68. Because 8 U.S.C. § 1644 expressly preempts any other federal or State law
7 provisions, no other federal or State law could prevent a County Recorder from submitting
8 citizenship confirmation requests to DHS.³⁹

9 69. The citizenship information to which County Recorders are lawfully entitled
10 under 8 U.S.C. §§ 1373 and 1644 qualifies as an "available resource[]" under A.R.S. § 1611 121.01(D).

12 70. Therefore, County Recorders have a mandatory obligation under A.R.S. §
13 16-121.01(D) to submit citizenship confirmation requests for registrants who failed to
14 provide DPOC to DHS under 8 U.S.C. §§ 1373 and 1644 ("1373/1644 Requests").

15 71. The citizenship information to which County Recorders are lawfully entitled
16 under 8 U.S.C. §§ 1373 and 1644 qualifies as a "relevant ... federal database[] to which the
17 county recorder has access" under A.R.S. §§ 16-121.01(D) and -165(K).

18 72. Therefore, County Recorders have a mandatory obligation under A.R.S. §
19 16-121.01 and -165(K) to submit 1373/1644 Requests to DHS.

20 73. County Recorder submissions of 1373/1644 Requests about Federal-Only
 21 Voters are also consistent with, and required by, County Recorders' obligations under
 22 federal law to conduct "list maintenance" and make "reasonable effort[s]" to remove
 23 potentially ineligible voters.⁴⁰

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- ³⁸ 8 U.S.C. § 1644 (emphasis added).
 - ³⁹ See U.S. Const. art. VI, cl. 2.
 - ⁴⁰ 52 U.S.C. § 21083(a)(2)(A), (a)(4)(A), and (a)(2)(B)(ii).

County Recorder Obligations to Provide to the Attorney General a List of Federal-Only Voters

74. Additionally, H.B. 2492 required that County Recorders "shall make available to the attorney general a list of all individuals who are registered to vote and who have not provided satisfactory evidence of citizenship" and also that they "shall provide ... the applications of individuals who are registered to vote and who have not provided satisfactory evidence of citizenship."⁴¹

8 75. The Legislature imposed this requirement on County Recorders so that the
9 Attorney General could fulfill her obligation that she "shall use all available resources to
10 verify the citizenship status of the applicant[s]."⁴²

This statutory provision requiring Recorders to transmit the information and
 registration applications about Federal-Only Voters to the Attorney General is currently in
 force and not enjoined by any court.

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77. Yet, surprisingly, Recorder Richer has failed to comply.

15 78. Specifically, upon information and belief, Recorder Richer has failed to send
16 to the Attorney General a list of all Maricopa County Federal-Only Voters.

17 79. Recorder Richer has also failed, upon information and belief, to provide to
18 the Attorney General the applications of all Maricopa County Federal-Only Voters.

¹⁹ *Pre-Litigation Efforts to Request Compliance*

20 80. On July 16, 2024, Plaintiff EZAZ.org sent to Recorder Richer a letter
21 reminding him of his obligations to perform list maintenance and explaining how
22 1373/1644 Requests would allow him to fulfill those obligations.

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81. The letter pointed out that Arizona law requires that he "shall review relevant ... federal databases to which the county recorder has access"⁴³ and that he is, therefore,

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⁴¹ 2022 Ariz. Legis. Serv. Ch. 99 (H.B. 2492); A.R.S. § 16-143(A).
⁴² A.R.S. § 16-143(B).
⁴³ A.R.S. § 16-165(K).

1	obligated to submit 1373/1644 Requests to DHS for all Maricopa County Federal-Only
2	Voters.
3	82. Through communications with Recorder Richer's counsel on July 23 and 24,
4	Recorder Richer claimed that he already complies with all applicable State and federal laws
5	related to voter registration.
6	83. This claim is false.
7	84. Recorder Richer also claimed he has no legal authority to submit 1373/1644
8	Requests to DHS about Maricopa County Federal-Only Voters.
9	85. This claim is false.
10	86. Recorder Richer also claimed that the Federal District of Arizona had ruled
11	that using 1373/1644 Requests and SAVE for list maintenance violates the Voting Rights
12	Act.
13	87. That claim is false.
14	88. Rather, the Federal District of Arizona ruled precisely the opposite, explicitly
15	holding that "Arizona is entitled to investigate the citizenship status of registered voters to
16	ensure that only qualified individuals are registered to vote For example, County
17	recorders must check SAVE and/or NAPHSIS for all voters without DPOC, i.e., Federal-
18	Only Voters."44
19	89. That court also specifically ordered that "Arizona may conduct SAVE checks
20	on registered voters who have not provided DPOC."45
21	90. Recorder Richer also claimed that he has fully complied with the
22	requirements of A.R.S. § 16-143, but failed to describe any steps he has taken to actually
23	comply.
24	91. However, upon information and belief, Recorder Richer has failed to
25	transmit a list of Maricopa County Federal-Only Voters to the Attorney General, as
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	⁴⁴ <i>Mi Familia Vota</i> , 2024 WL 862406 at *38.
	⁴⁵ <i>Id.</i> at *57.

1	required by A.R.S. § 16-143.
2	92. Additionally, upon information and belief, Recorder Richer has failed to
3	transmit the voter applications of Maricopa County Federal-Only Voters to the Attorney
4	General, as required by A.R.S. § 16-143.
5	93. Upon information and belief, Recorder Richer is not complying with his
6	ongoing obligation under A.R.S. § 16-143 to transmit to the Attorney General updated lists
7	and applications of Federal-Only Voters as new voters register.
8	94. Accordingly, his claim to be in compliance with A.R.S. § 16-143 is also false.
9	COUNTI
10	COUNT I Failure to Use "All Available Resources" for
11	Voter List Maintenance of Federal-Only Voters (Special Action, Declaratory, and Injunctive Relief)
12	A.R.S. §§ 16-121.01(D), 12-1801, 12-1831, 12-1832,
13	12-2021, Ariz. R. Civ. P. 65, and RPSA 3
14	95. The Plaintiffs incorporate by reference the preceding allegations as if fully
15	set forth herein.
16	96. Arizona law requires that "[w]ithin ten days after receiving an application for
17	registration that is not accompanied by satisfactory evidence of citizenship, the county
18	recorder shall use all available resources to verify the citizenship status of the
19	applicant." ⁴⁶
20	97. A 1373/1644 Request is an "available resource[] to verify citizenship
21	status." ⁴⁷
22	98. Recorder Richer refuses to submit 1373/1644 Requests to DHS to verify the
23	citizenship status of Federal-Only Voters.
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	⁴⁶ A.R.S. § 16-121.01(D) (emphasis added).
	⁴⁷ A.R.S. § 16-121.01(D).
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1	99. Recorder Richer has, therefore, failed to comply with his mandatory duty
2	under A.R.S. § 121.01(D) to "use all available" resources to verify the citizenship status of
3	Federal-Only Voters.
4	100. Absent judicial intervention, Recorder Richer will continue to unlawfully fail
5	to use "all available resources."
6	COUNT II
7	Failure to Consult Accessible Databases for Voter List Maintenance of Federal-Only Voters
8	(Special Action, Declaratory, and Injunctive Relief)
9	A.R.S. §§ 16-121.01(D)(5), 12-1801, 12-1831, 12-1832, 12-2021, Ariz. R. Civ. P. 65, and RPSA 3
10	101. The Plaintiffs incorporate by reference the preceding allegations as if fully
11	set forth herein.
12	102. Arizona law requires that, "at a minimum," County Recorders' list
13	maintenance efforts for recently registered Federal-Only Voters must include a comparison
14	of "the information available on the application for registration with" "[a]ny other
15	federal database to which the county recorder or officer in charge of elections has
16	access."48
17	103. The information available through a 1373/1644 Request to DHS constitutes
18	a "federal database" to which Recorder Richer has access.
19	104. Recorder Richer refuses to submit 1373/1644 Requests to DHS to verify the
20	citizenship status of Federal-Only Voters.
21	105. Recorder Richer has, therefore, failed to consult a "federal database" "to
22	which" he "has access."
23	106. Accordingly, Recorder Richer is violating his mandatory duties under A.R.S.
24	§ 16-121.01(D)(5).
25	107. Absent judicial intervention, Recorder Richer will continue to unlawfully fail
26	to consult federal databases "to which" he "has access."

⁴⁸ A.R.S. § 16-121.01(D)(5).

1 2	COUNT III Failure to Conduct Regular Voter List Maintenance of Federal-Only Voters Using Accessible Databases
3	(Special Action, Declaratory, and Injunctive Relief) A.R.S. §§ 16-165(K), 12-1801, 12-1831, 12-1832, 12-2021, Ariz. R. Civ. P. 65, and RPSA 3
5	108. The Plaintiffs incorporate by reference the preceding allegations as if fully
6	set forth herein.
7	109. Arizona law requires that, as to all voter registrants, "[t]o the extent
8	practicable, the county recorder shall review relevant federal databases to which the
9	county recorder has access to confirm information obtained that requires cancellation of
10	registrations pursuant to this section."49
11	110. A registrant's lack of U.S. citizenship "requires cancellation of
12	registration[]."
13	111. Failure to provide DPOC is information about lack of citizenship. ⁵⁰
14	112. Information suggesting a potential lack of citizenship requires confirmation
15	using "relevant federal databases" to which Recorder Richer has access.
16	113. The information available under a 1373/1644 Request to DHS constitutes a
17	"federal database" to which Recorder Richer has access.
18	114. Recorder Richer refuses to submit 1373/1644 Requests to DHS to verify the
19	citizenship status of Federal-Only Voters.
20	115. Recorder Richer has, therefore, failed to consult a "federal database" "to
21	which" he "has access."
22	116. Accordingly, Recorder Richer is violating his mandatory duties under A.R.S.
23	§ 16-165(K).
24	117. Recorder Richer will continue to unlawfully neglect to consult federal
25	databases "to which" he "has access" absent judicial intervention.
26	
	⁴⁹ A.R.S. § 16-165(K).
	⁵⁰ See, e.g., §§ 16-121.01(C)-(F), -165(A)(10), and -166(F).

1 2	COUNT IV Failure to Send Information About Federal-Only Voters to the Attorney General
3	(Special Action, Declaratory, and Injunctive Relief) A.R.S. §§ 16-143, 12-1801, 12-1831, 12-1832,
4	12-2021, Ariz. R. Civ. P. 65, and RPSA 3
5	118. The Plaintiffs incorporate by reference the preceding allegations as if fully
6	set forth herein.
7	119. Arizona law requires that "each county recorder shall make available to the
8	attorney general a list of all individuals who are registered to vote and who have not
9	provided satisfactory evidence of citizenship pursuant to § 16-166 and shall provide, on or
10	before October 31, 2022, the applications of individuals who are registered to vote and who
11	have not provided satisfactory evidence of citizenship pursuant to § 16-166."51
12	120. Upon information and belief, Recorder Richer has not made available or
13	provided to the Attorney General the required information about Federal-Only Voters.
14	121. Recorder Richer will continue to unlawfully neglect to provide the required
15	information to the Attorney General absent judicial intervention.
16	PRAYER FOR RELIEF
17	Based on the preceding, the Plaintiffs respectfully request relief in the following forms:
18	A. A declaration under A.R.S. §§ 12-1831, -1832 and special action and injunctive relief
19	under Arizona Rule of Special Action Procedure 3, A.R.S. §§ 12-1801, -2021, Ariz.
20	R. Civ. P. 65, or other applicable law that:
21	1. A 1373/1644 Request is an "available resource[] to verify citizenship status"
22	under A.R.S. § 16-121.01(D); that Maricopa County Recorder has had a
23	mandatory and ongoing obligation to conduct such checks for every Maricopa
24	County Federal-Only Voter who has registered since A.R.S. § 16-121.01(D)
25	became effective; and that Recorder Richer shall submit 1373/1644 Requests
26	to DHS for all such Federal-Only Voters;

⁵¹ A.R.S. § 16-143(A).

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	2. A 1373/1644 Request to DHS constitutes a "federal database" to which
2	Recorder Richer has access under A.R.S. § 16-121.01(D)(5); that the Maricopa
3	County Recorder has had a mandatory and ongoing obligation to submit
4	1373/1644 Requests for every Maricopa County Federal-Only Voter who has
5	registered since A.R.S. § 16-121.01(D)(5) became effective; and that Recorder
6	Richer shall submit 1373/1644 Requests to DHS for all such Federal-Only
7	Voters;
8	3. A registrant's failure to provide DPOC constitutes information about lack of
9	citizenship that, if true, would require cancellation of registration and which the
10	Maricopa County Recorder has an ongoing mandatory duty to confirm under
11	A.R.S. § 16-165(K); that the information available under a 1373/1644 Request
12	to DHS constitutes a "federal database" to which Recorder Richer has access
13	under A.R.S. § 16-165(K); that the Maricopa County Recorder has a mandatory
14	and ongoing obligation under A.R.S. § 16-165(K) to submit 1373/1644
15	Requests for every Maricopa County Federal-Only Voter; and that Recorder
16	Richer shall submit 1373/1644 Requests to DHS for all such Federal-Only
17	Voters; and
18	4. Recorder Richer has a mandatory and ongoing obligation to make available to
19	the Attorney General a list of all Maricopa County Federal-Only Voters and
20	must provide to the Attorney General the voter registration applications of all
21	such individuals; that Recorder Richer shall send to the Attorney General a list
22	of all Maricopa County Federal-Only Voters as well as their voter registration
23	applications; and that Recorder Richer shall weekly transmit to the Attorney
24	General a list of all new Federal-Only Voter registrants and their applications.
25	B. An award of reasonable attorneys' fees and costs under A.R.S. §§ 12-341, -348, -2030,
26	the private attorney general doctrine, and other applicable law.
	C. For such other relief as the Court deems just and proper

1	RESPECTFULLY SUBMITTED this 5th of August, 2024.
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