IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF ARIZONA, Plaintiff, v. ERIC H. HOLDER, JR., Attorney General of the United States of America, Defendant. and LUIS AVILA, CALVIN GOODE, MELVIN HANNAH, ERIC MANTE, KATHRYN NAKAGAWA, NAPOLEON PISAÑO, and DIONNE THOMAS, Applicants for Intervention.	)	No. 1:11-cv-01559-JDB

PROPOSED INTERVENORS' ANSWER TO FIRST AMENDED COMPLAINT

Luis Avila, Calvin Goode, Melvin Hannah, Eric Mante, Kathryn Nakagawa, Napoleon Pisaño, and Dionne Thomas (collectively, "Proposed Intervenors"), by their undersigned counsel, hereby answer each of the numbered paragraphs of the First Amended Complaint (Docket # 12) filed by the Plaintiff in the above-styled action as follows:

I. THE PARTIES

1. Proposed Intervenors admit the allegations in paragraph 1.

2. Proposed Intervenors admit the allegations in paragraph 2.

II. JURISDICTION AND VENUE

3. Proposed Intervenors admit the allegation in paragraph 3 that 28 U.S.C. § 1331 grants federal courts original jurisdiction over civil actions arising under the Constitution or laws

of the United States, but only to the extent that the United States District Court for the District of Columbia is the only court in which an action can be brought seeking a declaration of the unconstitutionality of a provision of the Voting Rights Act under § 14(b), 42 U.S.C. § 1973*l*(b).

4. Proposed Intervenors admit the allegations in paragraph 4.

5. Proposed Intervenors admit the allegation in paragraph 5 only to the extent that it seeks to characterize the relief sought by Plaintiff in this case, and only to the extent that 28 U.S.C. §§ 2201 and 2202 empower federal courts to fashion remedies in appropriate cases. Proposed Intervenors deny Plaintiff is entitled to any relief in this action.

6. Proposed Intervenors admit the allegations in paragraph 6.

III. THREE JUDGE PANEL

7. Proposed Intervenors admit the allegation in paragraph 7 only to the extent that it seeks to characterize the relief sought by Plaintiff in this case. Proposed Intervenors deny Plaintiff is entitled to a three-judge Court to hear and resolve the case.

IV. DECLARATORY JUDGMENT

8. The allegations in paragraph 8 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors deny the allegations in paragraph 8.

9. The allegations in paragraph 9 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors deny the allegations in paragraph 9

V. BACKGROUND

SENATE BILL 1205

10. Proposed Intervenors lack knowledge or information sufficient to form a belief as

to the allegation in paragraph 10 regarding the effect of S.B. 1205 and therefore neither admit nor deny the allegation. The remaining allegations in paragraph 10 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors deny the remaining allegations in paragraph 10.

THE VOTING RIGHTS ACT

11. The allegations in paragraph 11 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors admit the allegations of paragraph 11 only to the extent that Congress enacted the Voting Rights Act in 1965 to enforce the substantive guarantee of the Fifteenth Amendment.

12. The allegations in paragraph 12 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors admit that Plaintiff accurately quotes from portions of Section 2 of the Voting Rights Act, which enforces the guarantees of the Fifteenth Amendment.

13. The allegations in paragraph 13 are statement of law and/or conclusions of law to which no response is required.

14. The allegations in paragraph 14 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors deny the allegations of paragraph 14 of the complaint.

15. The allegations in paragraph 15 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors admit the allegations in paragraph 15.

16. Proposed Intervenors admit the allegations in paragraph 16.

17. The allegations in paragraph 17 are statements of law and/or conclusions of law to

which no response is required. If deemed to allege facts, Proposed Intervenors admit the allegations in paragraph 17.

18. The allegations in paragraph 18 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors admit that Plaintiff accurately quotes from Section 4 of the Voting Rights Act, as reauthorized in 1975.

19. The allegations in paragraph 19 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors admit the allegations.

20. The allegations in paragraph 20 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors lack knowledge or information sufficient to from a belief as to the allegations and therefore deny the allegations.

21. The allegations in paragraph 21 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors deny the allegations.

22. The allegations in paragraph 22 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors deny the allegations.

23. The allegations in paragraph 23 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors lack knowledge or information sufficient to form a belief as to the allegations and therefore neither admit nor deny the allegations.

24. Proposed Intervenors lack knowledge or information sufficient to form a belief as to the allegations in paragraph 24 and therefore neither admit nor deny the allegations but

demand strict proof thereof.

25. The allegations in paragraph 25 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors deny the allegations in paragraph 25..

26. The allegations in paragraph 26 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors admit the allegations only to the extent that they purport to quote from portions of the House Report on the 2006 Reauthorization Act.

27. The allegations in paragraph 27 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors admit the allegations only to the extent that they purport to quote from portions of the House Report on the 2006 Reauthorization Act.

28. The allegations in paragraph 28 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors admit the allegations only to the extent that they purport to quote from portions of the 2006 Reauthorization Act.

29. The allegations in paragraph 29 are statements of law and/or conclusions of law to which no response is required.

30. The allegations in paragraph 30 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors admit the allegations only to the extent that they purport to quote from portions of the House Report on the 2006 Reauthorization Act.

BURDENS ON ARIZONA

31. The allegations in paragraph 31 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors deny the allegations in paragraph 31.

32. The allegations in paragraph 32 are statement of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors deny the allegations in paragraph 32.

33. The allegations in paragraph 33 are statement of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors deny the allegations in paragraph 33.

34. The allegations in paragraph 34 are statement of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors deny the allegations in paragraph 34.

35. The allegations in paragraph 35 are statement of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors deny the allegations in paragraph 35.

SB 1001

36. Proposed Intervenors lack knowledge or information sufficient to form a belief as to the allegations in paragraph 36 and therefore neither admit nor deny the allegations.

HB 2788

37. Proposed Intervenors lack knowledge or information sufficient to form a belief as to the allegations in paragraph 37 and therefore neither admit nor deny the allegations.

38. The allegations in paragraph 38 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors admit that

Arizona and its political subdivisions are required to seek preclearance for all changes affecting voting and deny the remaining allegations in paragraph 38.

39. Proposed Intervenors deny the allegations in paragraph 39.

40. The allegations in paragraph 40 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors deny the allegations in paragraph 40.

UNEQUAL TREATMENT OF STATES

41. The allegations in paragraph 41 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors deny the allegations in paragraph 41.

42. Proposed Intervenors lack knowledge or information sufficient to form a belief as to the allegations in paragraph 42 and therefore neither admit nor deny the allegations.

43. Proposed Intervenors lack knowledge or information sufficient to form a belief as to the allegations in paragraph 43 and therefore neither admit nor deny the allegations.

44. Proposed Intervenors lack knowledge or information sufficient to form a belief as to the allegations in paragraph 44 and therefore neither admit nor deny the allegations.

45. Proposed Intervenors lack knowledge or information sufficient to form a belief as to the allegations in paragraph 45 and therefore neither admit nor deny the allegations.

46. The allegations in paragraph 46 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors deny the allegations in paragraph 46.

ARIZONA SATISFIES THE CONSTITUTIONAL CRITERIA FOR BAILOUT

47. The allegations in paragraph 47 are statements of law and/or conclusions of law to

which no response is required. If deemed to allege facts, Proposed Intervenors deny the allegations in paragraph 47.

48. Proposed Intervenors lack knowledge or information sufficient to form a belief as to the allegations in paragraph 48 and therefore neither admit nor deny the allegations but demand strict proof thereof.

49. Proposed Intervenors lack knowledge or information sufficient to form a belief as to the allegations in paragraph 49 and therefore neither admit nor deny the allegations but demand strict proof thereof.

50. Proposed Intervenors lack knowledge or information sufficient to form a belief as to the allegations in paragraph 50 and therefore neither admit nor deny the allegations but demand strict proof thereof.

51. The allegations in paragraph 51 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors deny the allegations in paragraph 51.

52. The allegations in paragraph 52 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors deny the allegations in paragraph 52.

53. The allegations in paragraph 53 are statements of law and/or conclusions of law to which no response is required.

54. Proposed Intervenors lack knowledge or information sufficient to form a belief as to the allegations in paragraph 54 and therefore neither admit nor deny the allegations but demand strict proof thereof.

55. Proposed Intervenors lack knowledge or information sufficient to form a belief as

to the allegations in paragraph 55 and therefore neither admit nor deny the allegations but demand strict proof thereof.

56. The allegations in paragraph 56 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors lack knowledge or information sufficient to form a belief as to the allegations in paragraph 56 and therefore neither admit nor deny the allegations but demand strict proof thereof.

57. The allegations in paragraph 57 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors lack knowledge or information sufficient to form a belief as to the allegations in paragraph 57 and therefore neither admit nor deny the allegations but demand strict proof thereof.

DECLARATORY JUDGMENT

General Assertions

58. The allegations in paragraph 58 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors deny the allegations in paragraph 58.

59. The allegations in paragraph 59 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors deny the allegations in paragraph 59.

60. The allegations in paragraph 60 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors deny the allegations in paragraph 60.

61. The allegations in paragraph 61 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors deny the

allegations in paragraph 61.

62. The allegations in paragraph 62 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors deny the allegations in paragraph 62.

Facial Challenge to Overreach in the 2006 Reauthorization of the VRA

63. In response to paragraph 63, Proposed Intervenors incorporate by reference the responses in paragraphs 1 through 62 of this Answer as if fully set forth herein.

64. The allegations in paragraph 64 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors admit that Plaintiff accurately quotes from *Nw. Austin Mun. Util. Dist. No. One v. Holder*. Proposed Intervenors deny the remaining allegations in paragraph 64.

65. The allegations in paragraph 65 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors deny the allegations in paragraph 65.

66. The allegations in paragraph 66 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors admit that Plaintiff purports to quote from portions of the U.S. Constitution and *City of Boerne v. Flores*.

67. The allegations in paragraph 67 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Proposed Intervenors deny Plaintiff is entitled to any of the relief prayed for in paragraph 67.

Challenge to § 4 Formula of the VRA as Applied to Arizona

68. In response to paragraph 68, Proposed Intervenors incorporate by reference the responses in paragraphs 1 through 67 of this Answer as if fully set forth herein.

69. The allegations in paragraph 69 are statements of law and/or conclusions of law to which no response is required. Proposed Intervenors deny the allegations in paragraph 69.

70. The allegations in paragraph 70 are statements of law and/or conclusions of law to which no response is required. Proposed Intervenors deny the allegations in paragraph 70.

71. The allegations in paragraph 71 are statements of law and/or conclusions of law to which no resonse is required. If deemed to allege facts, Proposed Intervenors admit the allegations in paragraph 71 only to the extent that they purport to quote from portions of the House Report on the 2006 Reauthorization Act.

72. The allegations in paragraph 72 are statements of law and/or conclusions of law to which no response is required. Proposed Intervenors deny the allegations in paragraph 72.

73. The allegations in paragraph 73 are statements of law and/or conclusions of law to which no response is required. Proposed Intervenors deny Plaintiff is entitled to any of the relief prayed for in paragraph 73.

Facial Challenge to Unequal Treatment of States Under the VRA

74. In response to paragraph 74, Proposed Intervenors incorporate by reference the responses in paragraphs 1 through 73 of this Answer as if fully set forth herein.

75. The allegations in paragraph 75 are statements of law and/or conclusions of law to which no response is required. Proposed Intervenors deny the allegations in paragraph 75.

76. Proposed Intervenors deny the allegations in paragraph 76.

77. The allegations in paragraph 77 are statements of law and/or conclusions of law to which no response is required. Proposed Intervenors deny the allegations in paragraph 77.

78. The allegations in paragraph 78 are statements of law and/or conclusions of law to which no response is required. Proposed Intervenors deny Plaintiff is entitled to any of the relief

prayed for in paragraph 78.

Challenge to Unequal Treatment of States as the VRA is applied to Arizona

79. In response to paragraph 79, Proposed Intervenors incorporate by reference the responses in paragraphs 1 through 78 of this Answer as if fully set forth herein.

80. The allegations in paragraph 80 are statements of law and/or conclusions of law to which no response is required. Proposed Intervenors deny the allegations in paragraph 80.

81. The allegations in paragraph 81 are statements of law and/or conclusions of law to which no response is required. Proposed Intervenors deny the allegations in paragraph 81.

82. The allegations in paragraph 82 are statements of law and/or conclusions of law to which no response is required. Proposed Intervenors deny Plaintiff is entitled to any of the relief prayed for in paragraph 82.

In the alternative, Arizona should be allowed to bailout pursuant to § 4

83. In response to paragraph 83, Proposed Intervenors incorporate by reference the responses in paragraphs 1 through 82 of this Answer as if fully set forth herein.

84. Proposed Intervenors deny the allegations in paragraph 84 of the complaint.

85. The allegations in paragraph 85 are statements of law and/or conclusions of law to which no response is required.

86. The allegations in paragraph 86 are statements of law and/or conclusions of law to which no response is required. Proposed Intervenors deny the allegations in paragraph 86.

87. The allegations in paragraph 87 are statements of law and/or conclusions of law to which no response is required. Proposed Intervenors deny the allegations in paragraph 87.

88. The allegations in paragraph 88 are statements of law and/or conclusions of law to which no response is required. Proposed Intervenors deny the allegations in paragraph 88.

89. Proposed Intervenors deny Plaintiff is entitled to any of the relief prayed for in its complaint.

PRAYER FOR RELIEF

Proposed Intervenors deny Plaintiff is entitled to any of the relief prayed for in its complaint.

Respectfully submitted,

/s/ *Arthur B. Spitzer*
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