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, Defendant.	)))))))))))	CIVIL NO. 1:11-CV-01559-JDB

ANSWER

Defendant, Attorney General of the United States ("United States"), in his official capacity, by counsel, hereby answers each of the paragraphs of the First Amended Complaint for Declaratory Judgment and Injunctive Relief (Docket #12) dated and filed on September 29, 2011 by Plaintiff State of Arizona ("Arizona") in the above-styled action as follows:

In response to the un-numbered first paragraph, Defendant denies that Plaintiff is entitled to relief on any of the claims set forth in the First Amended Complaint.

I. THE PARTIES

1. Defendant admits the allegations in paragraph 1.

2. Defendant admits the allegations in paragraph 2.

II. JURISDICTION AND VENUE

3. Defendant admits the allegations in paragraph 3 only to the extent that 28 U.S.C. § 1331 grants federal courts original jurisdiction over civil actions arising under the Constitution or laws of the United States that present a federal question. The allegation that this court has jurisdiction over this action because Arizona's claims arise under the Voting Rights Act and the Tenth,

Fourteenth, and Fifteenth Amendments of the Constitution is a statement of law and/or conclusion of law to which no response is required. Defendant specifically denies that Arizona's claims arise under the Voting Rights Act and the Tenth, Fourteenth, and Fifteenth Amendments of the Constitution.

4. Defendant admits the allegations in paragraph 4 only to the extent that 28 U.S.C. § 1346 grants federal courts original jurisdiction over civil actions against the United States that arise from the Constitution and/or federal law. The allegation that this Court has jurisdiction pursuant to 28 U.S.C. § 1346 because an officer of the United States is the Defendant is a statement of law and/or conclusion of law to which no response is required.

5. The allegations in paragraph 5 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Defendant admits that Plaintiff is seeking relief pursuant to the Declaratory Judgment Act, and denies that Plaintiff is entitled to any relief.

6. Defendant admits the allegations in paragraph 6 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 Section 14(b), 42 U.S.C. § 1973*l*(b). The allegation that venue lies in the District Court for the District of Columbia pursuant to 42 U.S.C. § 1973*l*(b) is a statement of law and/or conclusion of law to which no response is required.

III. THREE-JUDGE PANEL

7. Defendant admits the allegation in paragraph 7 only to the extent that 28 U.S.C. § 2284 establishes the circumstances under which a three-judge panel may be convened, and only to the extent that 42 U.S.C. § 1973c(a) grants jurisdiction to this Court in declaratory judgment actions brought by Section 5 covered jurisdictions that seek judicial pre-clearance of voting changes.

The allegation that Arizona is entitled to a three-judge panel under 28 U.S.C. § 2284 and 42 U.S.C. § 1973c(a) is a statement of law and/or conclusion of law to which no response is required. If deemed to allege facts, Defendant denies those allegations.

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, Defendant denies 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, Defendant denies the allegations in paragraph 9.

V. BACKGROUND

10. The allegations in paragraph 10 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Defendant admits that Arizona's SB 1205 relates generally to dissolution of certain school districts and their annexation to adjoining school districts. Defendant avers that SB 1205 authorizes elections to be held in certain circumstances and avers that SB 1205 has been submitted to the Attorney General for review under Section 5 and that the Attorney General has interposed no objection to any voting changes contained therein. If deemed to allege facts, Defendant admits that Section 5 requires covered states and political subdivisions to seek preclearance under Section 5 for changes affecting voting. Defendant denies the remaining allegations in paragraph 10.

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, Defendant admits the allegations of paragraph 11 only to the extent that the Voting Rights Act, as originally enacted in Public Law 89-110 in

1965, was enacted in part to enforce the 15th Amendment. Defendant avers that the Voting Rights Act and its legislative history speak for themselves.

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, Defendant admits the allegations of paragraph 12 only to the extent that it purports to quote from portions of Section 2 of the Voting Rights Act as enacted in 1965. Defendant denies that Section 2 is the only provision of the Voting Rights Act that protects United States citizens from discrimination in voting based on race or color. Defendant avers that the Voting Rights Act and its legislative history speak for themselves.

13. The allegations in paragraph 13 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Defendant admits the allegations of paragraph 13 only to the extent that it purports to quote from portions of the case *South Carolina v. Katzenbach*, 383 U.S. 301, 315 (1966). Defendant avers that the Supreme Court's opinion in *Katzenbach* speaks for itself, as does the Voting Rights Act.

14. The allegations in paragraph 14 are statements of law and/or conclusions of law to which no response is required. To the extent that it is deemed to allege facts, Defendant denies paragraph 14. Defendant avers that the coverage formula in the original Voting Rights Act as enacted in 1965 is set forth in Public Law 89-110 and that the Act speaks for itself. Defendant avers that Section 4(b) of the original Voting Rights Act determined which jurisdictions are subject to the preclearance requirements of Section 5 of the Voting Rights Act. Defendant avers that all of the reasons for which Arizona became covered under Section 4(b) are not set forth explicitly in the coverage formula and coverage determinations. Defendant avers that the Voting Rights Act and its legislative history and its coverage determinations speak for themselves.

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, Defendant admits the allegations of paragraph 15 only to the extent that the Voting Right Act was originally enacted as part of Public Law 89-110 in 1965 and that the provisions of the Act speak for themselves, to the extent that Section 5 of the Voting Rights Act requires covered jurisdictions to obtain pre-clearance for all changes affecting voting, and to the extent that Arizona is a jurisdiction that has been subject to Section 5's preclearance requirements since 1975 and that remains subject to those requirements. Defendant denies the remainder of paragraph 15 to the extent it is deemed to allege facts.

16. In response to paragraph 16, Defendant admits that Arizona's Apache, Coconino, Navajo, and Yuma counties were initially covered by coverage determinations made by the Attorney General and the Director of the Census under the coverage formula set forth in the original version of Section 4(b) of the Voting Rights Act as enacted in 1965. Defendant also admits that in 1966 the United States Attorney General consented to and the United States District Court for the District of Columbia granted the bailout requests of Apache, Coconino, and Navajo counties under the then-existing bailout standard in Section 4(a) of the Voting Rights Act.

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, Defendant admits the allegations in paragraph 17 only to the extent that in 1975 the United States Commission on Civil Rights created a report entitled "The Voting Rights Act: Ten Years After" and to the extent that in 1975 Congress amended the Voting Rights Act to add certain provisions pertaining to language minorities. Defendant denies the remaining allegations in paragraph 17. Defendant avers that preclearance can also be obtained from the United States District Court for the District of Columbia. Defendant further avers that the Voting Rights Act and its legislative history speak for

themselves.

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, Defendant admits the allegations in paragraph 18 only to the extent that they purport to quote from certain language in Section 4 of the Voting Rights Act. Defendant avers that the coverage determination by the Attorney General and the Director of the Census by which Arizona became covered under Section 4(b) are set forth in the Federal Register at 40 Fed. Reg. 43,746 (1975). Defendant avers that all of the reasons for which Arizona became covered under Section 4(b) are not set forth explicitly in the coverage determinations. Defendant avers that the Voting Rights Act and its legislative history speak for themselves. Defendant lacks knowledge or information sufficient to form a belief as to the date upon which Arizona implemented bilingual voting, where it may have been implemented, and what Arizona means when using the term "bilingual voting," and therefore denies those allegations.

19. The allegations in paragraph 19 contain statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Defendant admits the allegations in paragraph 19 only insofar as they allege that Arizona has been designated as a covered jurisdiction under Section 4 of the Voting Rights Act, and therefore is subject to the preclearance requirements of Section 5 of the Voting Rights Act. Defendant denies the characterization in the remainder of the allegations in paragraph 19. Defendant avers that the coverage determination by the Attorney General and the Director of the Census by which Arizona became covered under Section 4(b) are set forth in the Federal Register at 40 Fed. Reg. 43,746 (1975). Defendant avers that all of the reasons for which Arizona became covered under Section 4(b) are not set forth explicitly in the coverage determinations. Defendant avers that the Voting Rights Act and the

determinations of coverage made under the Act speak for themselves.

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, Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 20, and therefore denies those allegations. Defendant avers that the coverage determination by the Attorney General and the Director of the Census by which Arizona became covered under Section 4(b) are set forth in the Federal Register at 40 Fed. Reg. 43,746 (1975). Defendant avers that all of the reasons for which Arizona became covered under Section 4(b) are not set forth explicitly in the coverage determinations. Defendant further avers that the Voting Rights Act and the determinations of coverage made under the Act speak for themselves. Defendant avers that the data upon which the chart provided in paragraph 20 purports to be based is not, contrary to Plaintiff's assertion in its First Amended Complaint, attached as Exhibit C thereto.

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

22. The allegations of paragraph 22 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Defendant denies the allegations of paragraph 22. Defendant avers that the legislative history of the Voting Rights Act and the determinations of coverage made under the Act speak for themselves.

23. The allegations of paragraph 23 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 23, and therefore denies those allegations. Defendant avers that the Voting Rights Act and its legislative history speak for

themselves.

24. Defendant lacks knowledge or information sufficient to form a belief about the allegations in paragraph 24 and therefore denies those allegations.

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, Defendant denies the allegations in paragraph 25. Defendant avers that in 1982 and 2006, Congress did not reauthorize the entire Voting Rights Act but, among other things, reauthorized certain provisions of the Voting Rights Act that were time-limited, such as the preclearance requirements of Section 5. Defendant avers that the 1982 and 2006 reauthorizations of Section 5 were each for 25 years. Defendant avers that the Voting Rights Act and its legislative history speak for themselves.

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, Defendant admits the allegations in paragraph 26 only to the extent that they purport to quote portions of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. If deemed to allege facts, Defendant denies the remaining allegations in paragraph 26. Defendant avers that the Voting Rights Act speaks for itself.

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, Defendant admits that paragraph 27 purports to quote portions of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 and that in 2006, Congress did not alter the coverage formula adopted in 1975. If deemed to allege facts, Defendant denies the remaining allegations in paragraph 27. Defendant avers that the Voting Rights Act, its coverage formula, and its legislative history speak for themselves.

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, Defendant admits the allegations in paragraph 28 only to the extent that the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 added subsections (b) to (d) to Section 5 of the Voting Rights Act, and only to the extent that the allegations in paragraph 28 purport to quote from certain language in Section 5 of the Voting Rights Act. Defendant denies any and all other allegations deemed to be factual in paragraph 28. Defendant avers that the Voting Rights Act speaks for itself.

29. The allegations in paragraph 29 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Defendant admits the allegations in paragraph 29 only to the extent that Arizona is a jurisdiction covered by Section 5 of the Voting Rights Act. Defendant denies any and all other allegations deemed to be factual in paragraph 29.

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, Defendant admits the allegations in paragraph 30 only to the extent that they purport to quote from H.R. Rep. No. 109-478 (2006). Defendant denies any and all other allegations deemed to be factual in paragraph 30.

31. In response to the allegations of paragraph 31, Defendant denies the allegations. Defendant avers that Arizona has been subject to the preclearance requirements of Section 5 for more than 35 years.

32. The allegations in paragraph 32 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Defendant denies the allegations in paragraph 32. Defendant denies that paragraph 32 correctly quotes 28 C.F.R. § 51.12. Defendant avers that 28 C.F.R. § 51.12 speaks for itself. Defendant denies any and all other allegations deemed

to be factual in paragraph 32.

33. The allegations in paragraph 33 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Defendant denies the allegations in paragraph 33. Defendant denies that paragraph 33 correctly quotes 28 C.F.R. § 51.13. Defendant avers that 28 C.F.R. § 51.13 speaks for itself. Defendant denies any and all other allegations deemed to be factual in paragraph 33.

34. Defendant denies the allegations in paragraph 34. Defendant avers that the Attorney General has set out Procedures for the Administration of Section 5 in 28 C.F.R. Part 51. Defendant avers that 28 C.F.R. Part 51 speaks for itself. Defendant avers that Arizona and its political subdivisions are required to seek preclearance for all changes affecting voting.

35. Defendant denies the allegations in paragraph 35.

36. In response to the allegations in paragraph 36, Defendant admits that the Governor of Arizona signed SB 1001 into law on February 9, 2010. The interpretation of the meaning of SB 1001 is a statement of law and/or conclusion of law to which no response is required. Defendant admits that Arizona submitted SB 1001 to the Attorney General for review under Section 5 of the Voting Rights Act and requested expedited consideration. Defendant admits that he received the submission on February 22, 2010 but Defendant denies that the 60-day review period ended on April 22, 2010, but rather avers it ended on April 23, 2010. Defendant denies that the holding of a special election could in no way undermine the voting rights of minority voters. Defendant admits that it made its determination under Section 5 on April 12, 2010. Defendant denies all other allegations in paragraph 36.

37. In response to the allegations in paragraph 37, Defendant admits that the Governor of Arizona signed HB 2788 into law on April 1, 2010 and that HB 2788 contained an emergency

clause which indicated it was operative immediately. Defendant further admits that Arizona submitted HB 2788 to the Attorney General for review under Section 5 of the Voting Rights Act and sought expedited consideration. Defendant further admits that the submission was received by the Attorney General on April 6, 2010, and that the Attorney General made his determination under Section 5 on June 4, 2010, however, Defendant avers that the 60-day review period ended on June 7, 2010. Defendant denies all other allegations in paragraph 37.

38. Defendant admits that Arizona and its political subdivisions are required to seek preclearance for all changes affecting voting. The remaining allegations in paragraph 38 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Defendant denies the remaining allegations in paragraph 38.

39. Defendant denies the allegations of paragraph 39. Defendant avers that the allegations of paragraph 39 are vague in terms of the number of submissions, in terms of the time frame in question, and in terms of seeking preclearance from the Attorney General versus from this Court. Defendant avers that preclearance under Section 5 can be sought from the Attorney General or this Court. Defendant further avers that the number of submissions made to the Attorney General and this Court under Section 5 from states and political submissions is a matter of public record that speaks for itself. Defendant admits that Arizona and its political subdivisions are required to seek preclearance for all changes affecting voting. Defendant denies the allegation that Arizona will be required to seek preclearance under Section 5 for SB 1205, as Defendant avers that SB 1205 has received preclearance from the Attorney General. The allegation in paragraph 39 that such a requirement is “needless[]” is a statement of law and/or conclusion of law to which no response is required. If deemed to allege facts, Defendant specifically denies that allegation.

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, Defendant denies the allegations in paragraph 40.

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, Defendant denies the allegations in paragraph 41.

42. Defendant admits that Nevada is not subject to Section 5's preclearance requirements. Defendant lacks knowledge or information sufficient to form a belief about the remaining allegations asserted in paragraph 42, and therefore denies those allegations.

43. Defendant lacks knowledge or information sufficient to form a belief about the allegations asserted in paragraph 43, and therefore denies those allegations. Defendant denies that the report to which paragraph 43 cites contains any information concerning Nevada. Defendant avers that Plaintiff's citation references a report concerning Arizona and, contrary to Plaintiff's assertion in its First Amended Complaint, the report is not attached as Exhibit A thereto.

44. The allegations in paragraph 44 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Defendant lacks knowledge or information sufficient to form a belief about the allegations and assumptions asserted in paragraph 44, and therefore denies those allegations. Defendant avers that the coverage determinations made under the Voting Rights Act speak for themselves.

45. In response to the allegations in paragraph 45, Defendant admits only that Hawaii is not presently subject to Section 5's preclearance requirements and that Alaska and Louisiana are presently subject to Section 5's preclearance requirements. Defendant lacks knowledge or

information sufficient to form a belief about the remaining allegations asserted in paragraph 45 and therefore denies those allegations. Defendant further avers that part of Hawaii was once covered by Section 5's preclearance requirement.

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, Defendant denies the allegations in paragraph 46.

47. In response to the allegations in paragraph 47, Defendant denies the allegations. Defendant denies that the allegations accurately or fully describe why Arizona became a covered jurisdiction. Defendant avers that Arizona became a jurisdiction subject to the Section 5 preclearance requirement in 1975 based on determinations made by the Director of Census and the Attorney General published in the Federal Register, and based on a coverage formula set forth in Section 4 of the Voting Rights Act. Defendant denies that all of the reasons why the State of Arizona became covered under Section 4 of the Voting Rights Act, and thus made subject to Section 5 of the Act, are set forth in the Act's coverage formula. Defendant avers that the Voting Rights Act speaks for itself.

48. The allegations in paragraph 48 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Defendant lacks knowledge or information sufficient to form a belief about the allegations asserted in paragraph 48 and therefore denies those allegations.

49. The allegations in paragraph 49 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Defendant lacks knowledge or information sufficient to form a belief about the allegations asserted in paragraph 49, and therefore denies those allegations.

50. The allegations in paragraph 50 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Defendant lacks knowledge or information sufficient to form a belief about the allegations asserted in paragraph 50, particularly whether the State of Arizona can meet all of the requirements set out in Section 4(a)(1)(B) of the Voting Rights Act, 42 U.S.C . 1973b(a)(1)(B), and therefore denies those allegations.

51. Defendant denies the allegation in paragraph 51. Defendant avers that the vague and incomplete allegation in paragraph 51 does not fully or accurately describe the circumstances in which observers can be assigned under the Voting Rights Act.

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, Defendant denies 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. If deemed to allege facts, Defendant lacks knowledge or information sufficient to form a belief about the allegations asserted in paragraph 53 and therefore denies those allegations.

54. In response to the allegations in paragraph 54, Defendant admits that, to date, the Attorney General has not interposed an objection under Section 5 of the Voting Rights Act to a submitted change affecting voting made by the State of Arizona since May 20, 2002.

55. In response to the allegations in paragraph 55, Defendant admits that, to date, the Attorney General has not interposed an objection under Section 5 of the Voting Rights Act to a submitted change affecting voting made by an Arizona county since February 4, 2003.

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, Defendant lacks knowledge or information

sufficient to form a belief about the allegations asserted in paragraph 56 and therefore denies those allegations.

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, Defendant lacks knowledge or information sufficient to form a belief about the allegations asserted in paragraph 57 and therefore denies those allegations.

VI. DECLARATORY JUDGMENT

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, Defendant denies 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, Defendant denies those allegations.

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, Defendant denies 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, Defendant denies 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, Defendant denies the allegations in paragraph 62.

63. In response to paragraph 63, Defendant incorporates by reference the responses in paragraphs 1 through 62 of this Answer as 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, Defendant admits the allegations of paragraph 64 only to the extent that it purports to quote from portions of the case *Nw. Austin Mun. Util. Dist. No. One v. Holder*, 129 S. Ct. 2504 (2009). Defendant denies all other allegations in paragraph 64. Defendant avers that the Supreme Court's decision in *Nw. Austin Mun. Util. Dist. No. One* speaks for itself.

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, Defendant denies those allegations. Defendant avers that 28 C.F.R. § 51.12 speaks for itself. Defendant avers that Arizona and its political subdivisions are required to seek preclearance for all changes affecting voting.

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, Defendant admits only that paragraph 66 purports to quote the Tenth Amendment to the United States Constitution and purports to quote the Supreme Court decision in *City of Boerne v. Flores*, 521 U.S. 507 (1997). Defendant avers that the Tenth Amendment to the United States Constitution as well as the Supreme Court's decision *City of Boerne* speak for themselves.

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, Defendant denies the allegations in paragraph 67. To the extent the allegations in paragraph 67 constitute a prayer for relief, Defendant denies Plaintiff is entitled to such relief.

68. In response to paragraph 68, Defendant incorporates by reference the responses in paragraphs 1 through 67 of this Answer as 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. If deemed to allege facts, Defendant denies 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. If deemed to allege facts, Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 23, and therefore denies those allegations. Defendant avers that the Congressional record speaks for itself.

71. The allegations in paragraph 71 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Defendant admits the allegations in paragraph 71 only to the extent that they purport to quote the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. Defendant denies any and all other factual allegations in paragraph 71. Defendant further avers that the Voting Rights Act speaks for itself.

72. The allegations in paragraph 72 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Defendant denies 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. If deemed to allege facts, Defendant denies the allegations in paragraph 73. To the extent the allegations in paragraph 73 constitute a prayer for relief, Defendant denies Plaintiff is entitled to such relief.

74. In response to paragraph 74, Defendant incorporates by reference the responses in paragraphs 1 through 73 of this Answer as 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. If deemed to allege facts, Defendant denies the allegations in paragraph

75.

76. Defendant denies 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. If deemed to allege facts, Defendant denies 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. If deemed to allege facts, Defendant denies the allegations in paragraph 78. To the extent the allegations in paragraph 78 constitute a prayer for relief, Defendant denies Plaintiff is entitled to such relief.

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

80. The allegations in paragraph 80 are statements of law and/or conclusion of law to which no response is required. If deemed to allege facts, Defendant denies 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. If deemed to allege facts, Defendant denies 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. If deemed to allege facts, Defendant denies the allegations in paragraph 82. To the extent the allegations in paragraph 82 constitute a prayer for relief, Defendant denies Plaintiff is entitled to such relief.

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

84. In response to paragraph 84, Defendant denies the allegations. Defendant avers that the Voting Rights Act authorizes covered states and political subdivisions to seek a declaratory judgment from this Court allowing for bailout from Section 5's preclearance obligations when the criteria specified in Section 4(a) of the Act are satisfied.

85. The allegations in paragraph 85 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Defendant denies the allegations in paragraph 85.

86. The allegations in paragraph 86 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Defendant denies 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. If deemed to allege facts, Defendant denies 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. If deemed to allege facts, Defendant denies the allegations in paragraph 88.

89. The allegations in paragraph 89 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Defendant denies the allegations in paragraph 89. To the extent the allegations in paragraph 89 constitute a prayer for relief, Defendant denies Plaintiff is entitled to such relief.

Any allegations not specifically admitted in this Answer are denied by Defendant.

PRAYER FOR RELIEF

A. In response to Prayer for Relief Paragraph A, Defendant denies that Plaintiff is entitled to

declaratory judgment.

B. In response to Prayer for Relief paragraph B, Defendant denies that Plaintiff is entitled to declaratory judgment.

C. In response to Prayer for Relief paragraph C, Defendant denies that Plaintiff is entitled to injunctive relief.

D. In response to Prayer for Relief paragraph D, Defendant denies that Plaintiff is entitled to declaratory judgment.

Defendant denies that Plaintiff is entitled to any relief.

AFFIRMATIVE DEFENSES

Defendant avers that Arizona's compliant fails to state a claim on which relief can be granted as to some or all of its claims.

Defendant avers that the Court lacks subject matter jurisdiction over some or all of Arizona's claims.

Date: November 8, 2011

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on November 8, 2011, I served a true and correct copy of the foregoing via the Court's ECF system, to the following counsel of record:

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