

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Maria M. Gonzalez, et al.,

No. CV-06-1268-PHX-ROS

Plaintiffs, and

Inter Tribal Council of Arizona, et al.,

**FINAL JUDGMENT**

Plaintiffs,

v.

State of Arizona, et al.,

Defendants.

Plaintiffs Maria Gonzalez, et al. and Plaintiffs Inter Tribal Council of Arizona, et al., (collectively, “Plaintiffs”) are entitled to judgment against Defendants the State of Arizona, the Arizona Secretary of State, the Recorders and Election Directors of Arizona’s 15 counties and the Arizona Secretary of State (collectively, “Defendants”). Plaintiffs are entitled to final judgment as follows:

1. **IT IS ORDERED AND DECLARED** pursuant to 28 U.S.C. §§ 2201 and 2202, Plaintiffs are entitled to a declaration of their rights with regard to the National Voter Registration Act of 1993, 42 U.S.C. § 1973gg-4, which requires the State of Arizona to “accept and use” the National Mail Voter Registration

1 Form (“Federal Form”), prescribed by the U.S. Election Assistance  
2 Commission pursuant to 42 U.S.C. § 1973gg-7(a)(2), for the registration of  
3 voters in elections for Federal office.  
4

5 2. **IT IS FURTHER ORDERED AND DECLARED** that the National Voter  
6 Registration Act of 1993, 42 U.S.C. § 1973gg-4, “precludes Arizona from  
7 requiring a Federal Form applicant to submit information beyond that required  
8 by the form itself.” *Arizona v. ITCA*, 133 S. Ct. 2247, 2260 (2013).  
9

10 3. The Court finds that Plaintiffs are entitled to permanent injunctive relief.

11 Accordingly, **IT IS FURTHER ORDERED** that:

12 a. Defendants are permanently enjoined from implementing A.R.S. §§ 16–  
13 166(F)-(J) with respect to individuals applying to register to vote in  
14 elections for Federal office using the Federal Form, to the extent that  
15 Defendants require applicants to provide more information than that  
16 required by the Federal Form.  
17

18 b. Defendants shall make the Federal Form (and the applicable  
19 instructions) available through all reasonable channels, including all  
20 channels Defendants use to make the State registration form available  
21 (including websites). Defendants also shall ensure that all written  
22 materials regarding the process for registering to vote, that Defendants  
23 distribute or make available to the public (including websites), include a  
24 statement that individuals may apply to register to vote in elections for  
25 Federal office using the Federal Form, and that, in using the Federal  
26  
27  
28

1 Form, applicants are not required to provide the documentary proof of  
2 citizenship information set forth in A.R.S. §§ 16-166(F)-(J) in order to  
3 register to vote.  
4

5 c. For each voter registration applicant who submits a Federal Form that  
6 meets the requirements of the Federal Form, but does not contain the  
7 information required by A.R.S. § 16-166(F), Defendants shall create a  
8 record for a successful registration of that individual and promptly  
9 notify that registrant of his or her eligibility to vote in elections for  
10 Federal office.  
11

12 4. If the Election Assistance Commission changes the Federal Form's Arizona  
13 state-specific instructions as to the application of A.R.S. §§ 16-166(F)-(J), this  
14 Court may revisit the relief ordered in this Judgment.  
15

16 5. This Court shall retain jurisdiction to enforce the terms of this Final Judgment  
17 and to award such other relief as may be appropriate.  
18

19 DATED this 11<sup>th</sup> day of September, 2013.

20  
21 

22 Roslyn O. Silver  
23 Senior United States District Judge  
24  
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