

1 ANDREW P. THOMAS
2 MARICOPA COUNTY ATTORNEY

3 By: Colleen Connor (# 015679)
Deputy County Attorney
4 MCAO Firm No. 00032000

5 CIVIL DIVISION

6 222 North Central Avenue, Suite 1100

7 Phoenix, Arizona 85004-2206

8 Telephone (602) 372-2278

9 connorc@mcao.maricopa.gov

10 Dennis I. Wilenchik (# 05350)

11 Kathleen Rapp (# 023982)

12 WILENCHIK AND BARTNESS, P.C.

13 The Wilenchik & Bartness Building

14 2810 North Third Street

15 Phoenix, Arizona 85004

16 (602) 606-2810

17 DIW@wb-law.com; KatheenR@wb-law.com

18 Attorneys for Defendant Maricopa County

19 Recorder Helen Purcell

20 **THE UNITED STATES DISTRICT COURT**

21 **FOR THE DISTRICT OF ARIZONA**

22 **ARMANDO CORONADO; JOSEPH**
23 **RUBIO; MICHAEL GARZA;**
24 **MICHELE CONVIE; and RAYMOND**
25 **LEWIS, JR.,**

26 **Plaintiffs,**

v.

27 **JANET NAPOLITANO, Governor;**
28 **JANICE K. BREWER, Secretary of**
29 **State of Arizona; F. ANN RODRIGUEZ,**
30 **Pima County Recorder; and HELEN**
31 **PURCELL, Maricopa County Recorder,**
32 **in their official capacities,**

Defendants.

No. CV07-1089-PHX-SMM

MARICOPA COUNTY RECORDER
HELEN PURCELL'S
ANSWER

1 Defendant Maricopa County Recorder Helen Purcell, in her official capacity, by
2 and through her undersigned counsel and for her Answer to Plaintiffs' Complaint, do
3 hereby admit, deny and affirmatively allege as follows:

4 **INTRODUCTION**

5 1. Defendant admits that Plaintiffs are alleging the items listed therein and
6 denies the remaining allegations as contained therein.

7 2. Defendant denies the allegations as contained therein.

8 3. Defendant denies the allegations as contained therein.

9 4. Defendant denies the allegations as contained therein.

10 **JURISDICTION AND VENUE**

11 5. Defendant admits the allegations as contained therein.

12 6. Defendant admits the allegations as contained therein.

13 **PLAINTIFFS**

14 7. Defendant lacks sufficient information to admit or deny the allegations as
15 contained therein.

16 8. Defendant lacks sufficient information to admit or deny the allegations as
17 contained therein.

18 9. Defendant lacks sufficient information to admit or deny the allegations as
19 contained therein.

20 10. Defendant lacks sufficient information to admit or deny the allegations as
21 contained therein.

22 11. Defendant lacks sufficient information to admit or deny the allegations as
23 contained therein.

24 **DEFENDANTS**

25 12. Defendant admits the allegation as contained therein.

26 13. Defendant admits the allegation as contained therein..

14. Defendant admits the allegation as contained therein.

15. Defendant admits the allegation as contained therein.

FACTUAL ALLEGATIONS RELEVANT TO PLAINTIFFS
CORONADO, RUBIO AND GARZA

16. Defendant denies the allegations as contained therein and affirmatively alleges that the quoted material represents only A.R.S. 13-912 (A).

17. Defendant admits the allegations as contained therein, but affirmatively alleges that the appropriate Arizona authority is A.R.S. § 13-801 (A), (B).

18. Defendant admits the allegations as contained therein.

19. Defendant admits the allegations as contained therein.

20. Defendant lacks sufficient information to admit or deny the allegations as contained therein.

21. Defendants deny the allegations contained therein.

22. Defendants deny the allegations contained therein.

23. Defendants lack the requisite information to either admit or deny the allegations as contained therein.

24. Defendants lack the requisite information to either admit or deny the allegations as contained therein.

25. Defendant lacks sufficient information to admit or deny the allegations as contained therein.

26. Defendant lacks sufficient information to admit or deny the allegations as contained therein.

27. Defendant lacks sufficient information to admit or deny the allegations as contained therein.

28. Defendant lacks sufficient information to admit or deny the allegations as contained therein.

29. Defendant lacks sufficient information to admit or deny the allegations as contained therein.

30. Defendant lacks sufficient information to admit or deny the allegations as contained therein.

1 31. Defendant lacks sufficient information to admit or deny the allegations as
2 contained therein.

3 32. Defendant lacks sufficient information to admit or deny the allegations as
4 contained therein.

5 33. Defendant lacks sufficient information to admit or deny the allegations as
6 contained therein.

7 34. Defendant lacks sufficient information to admit or deny the allegations as
8 contained therein.

9 35. Defendant denies the allegations as contained therein.

10 **FACTUAL ALLEGATIONS RELEVANT TO ALL PLAINTIFFS**

11 36. Defendant admits the allegations as contained therein.

12 37. Defendant admits the allegations as contained therein, but affirmatively
13 alleges that this passage is irrelevant to the case at hand.

14 38. Defendant admits the allegations as contained therein.

15 39. Defendant admits the allegations as contained therein.

16 40. Defendant admits the allegations as contained therein.

17 41. Defendant admits the allegations as contained therein, but affirmatively
18 alleges that the Readmission Act for Arkansas is irrelevant to the case at hand.

19 42. Defendant admits the allegations as contained therein, but affirmatively
20 alleges that the Readmission Act for any confederate state is irrelevant to the case at
21 hand.

22 43. Defendant admits the allegations as contained therein, but affirmatively
23 alleges that all Arizona felonies are currently regulated by statute not common law.

24 44. Defendant admits the allegations as contained therein, but affirmatively
25 alleges that all Arizona felonies are currently regulated by statute not common law.

26 45. Defendant admits the allegations as contained therein.

 46. Defendant admits the allegations as contained therein.

 47. Defendant admits the allegations as contained therein.

49. Defendant admits the allegations as contained therein.

51. Defendant admits that a person convicted of two or more felonies must seek discretionary approval from the judge who either sentenced or discharged the person before the State restores his or her voting rights pursuant to A.R.S. §§ 13-905, 13-908. Defendant denies the remaining allegations as contained therein and affirmatively alleges that pursuant to A.R.S. § 13-912 an exception is granted for first time felons to permit the automatic restoration of civil rights if the person completes a term of probation or receives an absolute discharge from imprisonment and pays any fine or restitution that has been imposed.

53. Defendant lacks sufficient information to admit or deny the allegations as contained therein.

54. Defendant lacks sufficient information to admit or deny the allegations as contained therein.

55. Defendant denies the allegations as contained therein.

COUNT ONE
(Disfranchisement for Failure to Pay LFOs)

VIOLATION OF EQUAL PROTECTION CLAUSE

56. Defendant admits the allegations as contained therein.

57. Defendant denies the allegations as contained therein and affirmatively alleges that pursuant to A.R.S. § 13-912 an exception is granted for first time felons to permit the automatic restoration of civil rights if the person completes a term of probation or receives an absolute discharge from imprisonment and pays any fine or restitution that has been imposed.

58. Defendant lacks sufficient information to admit or deny the allegations as contained therein.

59. Defendant denies the allegations as contained therein.

COUNT TWO
(Disfranchisement for Failure to Pay LFOs)

**VIOLATION OF THE TWENTY-FOURTH AMENDMENT TO THE
U.S.CONSTITUTION AND 42 U.S.C §1973h of the VOTING RIGHTS ACT**

60. Defendant incorporates by reference all preceding paragraphs as if fully set forth herein.

61. Defendant admits the allegations as contained therein.

62. Defendant admits the allegations as contained therein.

63. Defendant denies the allegations as contained therein.

64. Defendant denies the allegations as contained therein.

COUNT THREE
(Disfranchisement for Failure to Pay LFOs)

VIOLATION OF ARIZONA CONSTITUTION ARTICLE 2, SECTION 21

65. Defendant incorporates by reference all preceding paragraphs as if fully set forth herein.

66. Defendant admits the allegations as contained therein.

67. Defendant denies the allegations as contained therein.

COUNT FOUR
(Disfranchisement for Failure to Pay LFOs)

**VIOLATION OF PRIVILEGES AND IMMUNITIES CLAUSES IN UNITED
STATES AND ARIZONA CONSTITUTIONS**

68. Defendant incorporates by reference all preceding paragraphs as if fully set forth herein.

69. Defendant admits the allegations as contained therein.

70. Defendant admits the allegations as contained therein

1 71. Defendant denies the allegations as contained therein.

2 **COUNT FIVE**

3 **(Disfranchisement for Conviction of Non-Common Law Felony)**

4 **VIOLATION OF EQUAL PROTECTION CLAUSE**

5 72. Defendant incorporates by reference all preceding paragraphs as if fully set
6 forth herein.

7 73. Defendant admits the allegations as contained therein.

8 74. Defendant admits the allegations as contained therein, but affirmatively
9 alleges that all Arizona felonies are currently regulated by statute not common law.

10 75. Defendant denies the allegations as contained therein.

11 76. Defendant denies the allegations as contained therein.

12 **COUNT SIX**

13 **(Disfranchisement for Conviction of Non-Common Law Felony)**

14 **VIOLATION OF ARIZONA CONSTITUTION ARTICLE 2, SECTION 21**

15 77. Defendant incorporates by reference all preceding paragraphs as if fully set
16 forth herein.

17 78. Defendant admits the allegations as contained therein.

18 79. Defendant denies the allegations as contained therein.

19 **COUNT SEVEN**

20 **(Disfranchisement for Conviction of Non-Common Law Felony)**

21 **VIOLATION OF PRIVILEGES AND IMMUNITIES CLAUSES IN UNITED**
22 **STATES AND ARIZONA CONSTITUTIONS**

23 80. Defendant incorporates by reference all preceding paragraphs as if fully set
24 forth herein.

25 81. Defendant admits the allegations as contained therein.

26 82. Defendant admits the allegations as contained therein.

83. Defendant denies the allegations as contained therein.

AFFIRMATIVE DEFENSES

Defendant Maricopa County Recorder Helen Purcell places Plaintiffs on notice that she may raise the following possible affirmative defenses which, through subsequent discovery, may be supported by the facts: failure to state a claim upon which relief may be granted under Rule 12 of the Federal Rules of Civil Procedure; assumption of risk; statute of limitations; contributory negligence, lack of jurisdiction over the subject matter; lack of jurisdiction over the person; lack of standing; failure to join necessary and indispensable parties pursuant to Rule 19; arbitration and award; fraud; payment; release; res judicata; statute of frauds; insufficient service of process; estoppel; waiver; set-off; recoupment; failure to comply with conditions precedent; failure to mitigate damages; avoidable consequences; lack of an agency relationship; privilege; immunity. Defendant denies those allegations not otherwise expressly admitted herein.

WHEREFORE, having answered Plaintiffs' Complaint, Defendant prays for judgment of the Court as follows:

A. That Plaintiffs' Complaint be dismissed and that Plaintiffs take nothing thereby; and

B. For such other and further relief as to the Court appears just and proper under the circumstances.

RESPECTFULLY SUBMITTED this 22nd day of August, 2007.

ANDREW P. THOMAS
MARICOPA COUNTY ATTORNEY

BY: /s/ Dennis I. Wilenchik

WILENCHIK & BARTNESS, P.C.
Dennis I. Wilenchik, Esq.
Kathleen E. Rapp, Esq.
The Wilenchik & Bartness Building
2810 North Third Street
Phoenix, Arizona 85004

COLLEEN CONNOR
Deputy County Attorney
222 North Central Avenue, Suite 1100
Phoenix, Arizona 85004-2206
Attorneys for Maricopa County Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of August, 2007, I caused the foregoing document to be electronically transmitted to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF Registrants:

Laughlin McDonald
ACLU
Voting Rights Project
2600 Marquis 1 Tower
245 Peachtree Ctr Ave NE
Atlanta, GA 30303
Telephone: 404-523-2721
Fax: 404-653-0331
Email: lmcdonald@aclu.org

Daniel Joseph Pochoda
ACLU
77 East Columbus
Phoenix, AZ 85011
Telephone: 602-650-1854
Fax: 602-650-1376
Email: dpochoda@acluaz.org

Nancy G Abudu
ACLU
Voting Rights Project
2600 Marquis 1 Tower
245 Peachtree Ctr Ave NE
Atlanta, GA 30303-1227
Telephone: 404-523-2721
Fax: 404-653-0331
Email: nabudu@aclu.org

Neil Bradley
ACLU Southern Regional Office
2600 Marquis 1 Twr
245 Peachtree Ctr Ave
Atlanta, GA 30303
404-523-2721
Fax: 404-653-0331
Email: nbradley@aclu.org

Barabara LaWall
Pima County Attorney
Karen Friar
Deputy Pima County Attorney
32 North Stone, Suite 2100
Tucson, AZ 85701-1403
Telephone: 520-740-5750
Fax: 520-620-6556
Email: Karen.Friar@pcao.pima.gov

Mary O'Grady
Solicitor General
Carrie J. Brennan
Barbara A. Bailey
Assistant Attorneys General
1275 West Washington Street
Phoenix, Arizona 85007-2926
Email: Mary.OGrady@azag.gov

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COPY of the foregoing filed electronically
this 22nd day of August, 2007.

COPY of the foregoing mailed with Notice of
Electronic Filing this 22nd day of August, 2007 to:

The Honorable Roslyn O. Silver
United States District Court
Sandra Day O'Connor U.S. Courthouse, Suite 624
401 West Washington Street, SPC 59
Phoenix, AZ 85003-2158

/s/ H. Myers