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*Attorneys for Maricopa County Defendants*

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF ARIZONA**

David Isabel, individually and on behalf of all  
others similarly situated,

Plaintiff,

v.

Michele Reagan, in her individual capacity;  
Maricopa County; Adrian Fontes, in his official  
capacity as Maricopa County Recorder,

Defendants.

No. CV 18-3217-PHX-DWL

**DEFENDANTS' SUPPLEMENTAL  
BRIEF ON THE DEFENDANTS'  
MOTION TO DISMISS**

(Honorable Dominic W. Lanza)

Defendants Maricopa County and Maricopa County Recorder Adrian Fontes file this Supplemental Brief on the Defendants' Motion to Dismiss. (Doc. 61). In the Court's Tentative Ruling (Doc. 71), the Court addresses the Plaintiff's contention that Count III of Plaintiff's First Amended Complaint (FAC) was based on the theory that Plaintiff was properly registered vote because A.R.S. § 1-303 extended the voter registration deadline to the Tuesday after the Columbus Day holiday. (Doc. 65, at 5).

1           Despite Plaintiff's reliance on A.R.S. § 1-303, Maricopa County no longer  
2 recognizes Columbus Day<sup>1</sup> as a legal holiday. Exhibit 1 is the resolution passed by the  
3 Maricopa County Board of Supervisors pursuant to A.R.S. § 11-413. "*Notwithstanding*  
4 *section 1-301*, for the purposes of opening county offices for the transaction of  
5 business, the board of supervisors of any county by resolution may designate the  
6 Friday after the fourth Thursday in November as a legal holiday in place of the second  
7 Monday in October." A.R.S. § 11-413(emphasis added). Accordingly, Plaintiff could  
8 have gone, in person, to any Maricopa County office where someone could register to  
9 vote on October 10, 2016 because Columbus Day is not a recognized holiday.

10           Moreover, because Maricopa County was open for business on October 10,  
11 2016, the County had no statutory authority to move the voter registration deadline to  
12 October 11, 2016. Pursuant to A.R.S. § 16-120(A), the voter registration deadline shall  
13 be the 29<sup>th</sup> day preceding election, which was October 10, 2016 for the 2016 General  
14 Election. Given that Count III relies on the false premise that the voter registration  
15 deadline fell on a state holiday, Plaintiff cannot show that Maricopa County violated a  
16 state statute. In fact, Maricopa County chose not to violate state law, A.R.S. § 16-  
17 120(A), by adhering to the voter registration deadline of 29 days before the election.

18           Based on the Defendants' Motion to Dismiss and this Supplemental Brief, the  
19 Defendants respectfully request this court dismiss this case.

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22           <sup>1</sup> A.R.S. § 1-301(A)(13),

1                    RESPECTFULLY SUBMITTED this 15<sup>th</sup> day of October, 2019.

2                                    ALLISTER ADEL  
3                                    MARICOPA COUNTY ATTORNEY

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5                                    BY: \_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 15<sup>th</sup> day of October, 2019, I electronically transmitted the attached document 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:

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