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*Attorneys for Plaintiff Project Vote, Inc.*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Project Vote, Inc.,

Plaintiff,

v.

Michele Reagan, in her official capacity as  
Secretary of State, State of Arizona; Adrian  
Fontes, in his official capacity as County  
Recorder of Maricopa County; F. Ann  
Rodriguez, in her official capacity as County  
Recorder of Pima County,

Defendants.

Case No. CV-16-01253-DLR-PHX

**JOINT NOTICE OF AMENDED  
SETTLEMENT AGREEMENT IN  
RESPONSE TO SECRETARY'S NON-  
OPPOSITION**

1 Plaintiff Project Vote, Inc. (“Project Vote”) and Defendant Adrian Fontes, in his  
2 official capacity as County Recorder of Maricopa County (“Fontes”), hereby provide notice  
3 that they have reached and executed an amended settlement agreement, attached hereto as  
4 **Exhibit 1** (the “Amended Agreement”). The Amended Agreement fully addresses the  
5 demands in the Arizona Secretary of State’s (the “Secretary”) Motion for an Order Enjoining  
6 the Settlement (Doc. 73) (the “Motion”). The Secretary’s Motion is therefore moot. In  
7 support of filing this Notice and Amended Settlement, Project Vote and Fontes state:

8 1. Project Vote and Fontes have and continue to endeavor to comply with all  
9 applicable laws. This includes Arizona laws governing the confidentiality of voter  
10 information. The inclusion of Paragraph 7 in the original settlement agreement, *requiring* the  
11 parties adhere to the confidential provisions of Arizona law, plainly demonstrates that intent.  
12 Furthermore, both Paragraph 2 (governing access to voter registration records) and Paragraph  
13 8 (governing public access) cross-reference Paragraph 7, further demonstrating that intent.

14 2. The Secretary’s Motion, filed late on March 28, 2017, is the first notice that  
15 Project Vote received that the Secretary had any concerns about the settlement agreement.  
16 The Secretary’s counsel did not contact Project Vote before filing the Motion. The  
17 Secretary’s counsel contacted Fontes’ counsel before filing the Motion, but refused to  
18 identify the Secretary’s substantive concerns, despite Fontes’ counsel expressly asking for  
19 that information, stressing that “[t]here is no reason to waste judicial resources on this matter  
20 when we can probably work things out among the parties.” A copy of this correspondence is  
21 attached hereto as **Exhibit 2**. Because the Secretary failed to appropriately meet and confer  
22 with both parties to the settlement agreement before filing this Motion, Project Vote and  
23 Fontes had no adequate prior opportunity to address the issues the Secretary now raises.

24 3. Upon being notified of the Secretary’s concerns, Project Vote and Fontes  
25 immediately began work on a revised Paragraph 7. This revision is reflected in the Amended  
26 Agreement. The Amended Agreement meets or exceeds the Secretary’s demands. A redline  
27 showing the changes to the settlement agreement is attached hereto as **Exhibit 3**.

1           4.       The Amended Agreement renders the Secretary's Motion moot. The  
2 Secretary's purposeful decision to file the Motion without meeting and conferring with  
3 Project Vote and Fontes, as required, was inappropriate and unproductive. It resulted in a  
4 waste of this Court's time and resources.

5           Note that by providing the Court with notice regarding the Amended Agreement,  
6 Project Vote and Fontes do not waive their rights to file a timely opposition to the Secretary's  
7 Motion.

8           WHEREFORE, Project Vote and Fontes respectfully request that this Court deny as  
9 moot the Secretary's Motion for an Order Enjoining Paragraph 3 of the Settlement  
10 Agreement between Project Vote and Maricopa County.

11  
12 Dated: March 30, 2017

13                               Respectfully submitted,

14                               PROJECT VOTE, INC.

15                               By: s/ Amanda Jenkins  
16                               Cynthia A. Ricketts  
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I certify that 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, if CM/ECF registrants, and mailed a copy of same if non-registrants, this 30<sup>th</sup> day of March, 2017:

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6  
7 /s/Katherine Sieckman  
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