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8
9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE DISTRICT OF ARIZONA**

11 Mi Familia Vota, *et al.*,
12
13 Plaintiffs,

14 v.

15 Katie Hobbs, *et al.*,
16
17 Defendants.

Case No.: 2:22-cv-00509-PHX-SRB

18
19 Living United for Change in Arizona, *et al.*,
20
21 Plaintiffs.

22 v.

23 Katie Hobbs,
24
25 Defendant,

26 and

27 State of Arizona, *et al.*,
28
Intervenor-Defendants.

1
2 Poder Latinex, Chicanos Por La Causa, and
3 Chicanos Por La Causa Action Fund,

4 Plaintiff,

5 v.

6 Katie Hobbs, in her official capacity as
7 Secretary of State of Arizona, Mark
8 Brnovich, in his official capacity as
9 Attorney General of Arizona, Stephen
10 Richer, in his official capacity as Maricopa
11 County Recorder, Gabriella Cazares-Kelly,
12 in her official capacity as Pima County
Recorder, and Richard Colwell, in his
official capacity as Yuma County Recorder,

13 Defendants.
14

15
16 United States of America,

17 Plaintiff,

18 v.

19 State of Arizona, *et al.*,

20 Defendants,
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22 and

23 Republican National Committee,
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25 Intervenor-Defendant.
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REPLY TO OPPOSITION TO AVIAC’S MOTION TO FILE AMICUS CURIAE BRIEF

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1 Anytime there is an issue or issues of extreme importance to a society, participation
2 by all stakeholders concerned is of principal importance in whatever forum that issue may
3 arise. Indeed, “amicus briefs offer social movements a means to participate in the judiciary,
4 thus potentially increasing its democratic responsiveness.” Collins, THE USE OF AMICUS
5 BRIEFS, 14 ANNU. REV. LAW SOC. SCI. 219, 220 (2018). “The Supreme Court is finding
6 amicus briefs increasingly helpful.” R. Reeves Anderson & Anthony J. Franze,
7 *Commentary: The Court’s Increasing Reliance on Amicus Curiae in the Past Term*, The
8 National Law Journal (2011).

11 While the movants object to AVIAC’s participation as supplementing arguments
12 made by others, this is not the only function of an amicus brief. Two basic theories of
13 amici utility run through the literature: (1) the affected groups theory; and (2) the
14 information theory. Larsen & Devins, THE AMICUS MACHINE, 102 VA. L. REV. 1901, 1913
15 (2016). The latter theory teaches that Justices “look to amicus briefs as a barometer of
16 opinion on both sides of the issues.” *Id.* The information theory suggests that amicus
17 briefs are useful “because they supplement the arguments of the parties by providing
18 information not found in the parties’ briefs.” *Id.* This article goes on to conclude that not
19 only is amicus participation important, but despite its critics, it remains an inevitable and
20 fundamental part of the adversarial process. *Id.*

24 Thus, amicus curiae briefs are a powerful tool that allow interest groups and other
25 entities to meaningfully participate in litigation even when they are not a direct party to the
26 dispute. Through these briefs, an interested stakeholder can present courts with new or
27

1 alternative legal positions, social scientific and factual information, and perspectives
2 regarding the policy implications of their potential decision. Collins, *supra*.

3 As noted in its motion to file as amicus curiae, AVIAC is a non-profit organization
4 founded in 2017 by individuals who have lost family members because of crimes
5 committed by undocumented immigrants. AVIAC's mission includes advocating for
6 policies that seek to enforce the nation's immigration laws and prevent governmental
7 incentives for illegal immigration, including giving non-citizens the right to vote, which is
8 the issue in this case. AVIAC objects to providing non-citizens with the right to vote in
9 any election, whether local, state, or federal because it dilutes the votes of eligible U.S.
10 citizens and, as a consequence, it removes the latter group's ability to have a say in the
11 laws and policies that affect their day-to-day lives. Proof of citizenship is fundamental to
12 ensuring that only U.S. citizens vote to protect America's representative democracy and
13 AVIAC's interests.

14 In advancing its particular interests, AVIAC has participated in and has provided
15 the court with valuable analysis and perspective in a variety of cases addressing various
16 and diverse issues affecting its members. These include, inter alia, *Texas v. United States*
17 *of America*, Case No. 6:21-cv-00003 (S.D. Tex.); *Young Conservatives v. Smatresk*, Case
18 No. 22-40225 (5th Cir.) (tuition preferences extended to illegal aliens over citizen
19 students); *Jane Doe v. Trump*, 20-56019 (9th Cir.) (tax credits for illegal and unregistered
20 alien spouses of taxpayers under the Coronavirus Aid, Relief, and Economic Security Act
21 ("CARES Act"), I.R.C. (26 U.S.C.) § 6428(a)), *Florida v. USA*, 21-11715 (11th Cir.)
22 (supporting Florida's challenge to DHS's refusal to detain criminal aliens pending

1 deportation under § 1226(c) of the Immigration and Naturalization Act (INA)). As with
2 each of these aforementioned cases, the issues in this case affect the particular interests of
3 AVIAC's members in a variety of ways not addressed by or the concern of the parties or
4 other amici.
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6 For the forgoing reasons, AVIAC respectfully requests that the Court grant its
7 motion to file.
8

9 Respectfully submitted, this 28th day of September, 2022.
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11

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CERTIFICATE OF COMPLIANCE

1. This brief has been prepared using 14-point, proportionately spaced, serif typeface, in Microsoft Word.

2. This reply brief complies with FED. R. APP. P. 29(a)(5) and 32(a)(7)(B) because it contains a total of 614 words, excluding material not counted under Rule 32(f).

Dated: September 28, 2022

/s/ Michael Ryan Williams

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*Counsel for Amicus Curiae Advocates
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CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of September, 2022, I electronically filed the foregoing Reply to Plaintiffs' Opposition with the Clerk using the CM/ECF system, which I understand to have served the parties' counsel who are registered in as CM/ECF users.

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