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

MI FAMILIA VOTA,

PLAINTIFF,

v.

ADRIAN FONTES, IN HIS OFFICIAL
CAPACITY AS ARIZONA SECRETARY
OF STATES, ET AL.,

DEFENDANTS.

AND CONSOLIDATED CASES

CASE NO.: 2:22-CV-00509-SRB (LEAD)

NO. CV-22-00519-PHX-SRB NO. CV-22-
01003-PHX-SRB NO. CV-22-01124-PHX-
SRB NO. CV-22-01369-PHX-SRB NO. CV-
22-01381-PHX-SRB NO. CV-22-01602-PHX-
SRB NO. CV-22-01901-PHX-SRB

**MOTION BY ADVOCATES FOR VICTIMS OF ILLEGAL ALIEN CRIME FOR
LEAVE TO FILE A MEMORANDUM OF LAW IN SUPPORT OF ARIZONA'S
ELECTION LAWS**

Advocates for Victims of Illegal Alien Crime ("AVIAC") respectfully request this
Court's permission to file an amicus curiae memorandum in support of Arizona's new

election laws effective January 1, 2023. The reason for this amicus curiae memorandum is due to Arizona’s new election laws, which are now in effect, and because new information has subsequently emerged (e.g., information that several non-citizens were registered vote and that some actually voted in the November 2022 election in at least one Arizona county). AVIAC’s memorandum will present theories not advanced by the parties. In particular, the Ninth Amendment states that “[t]he enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.” U.S. Const. amend. IX. That a citizen’s right to vote is a fundamental and primary right among all other fundamental rights, enumerated or not, is evident in the fact it is self-executing. Infringement upon it cannot occur under the Constitution if the government is, in fact, one that is duly and legally chosen by the People. Any government that asserts a mandate on the basis of fraud or illegality effectuates an instant infringement on the will of the People, and, of necessity, has no legitimacy. More specifically, the Supreme Court has described the privilege to vote as a fundamental constitutional right preservative of all others. *Yick Wo v. Hopkins*, 118 U.S. 356, 370, 6 S. Ct. 1064, 1071, 30 L. Ed. 220, 226 (1886). AVIAC’s brief also provides legal expertise on federal immigration laws as they pertain to the United States Constitution and citizen eligibility to register and vote in elections.

Advocates for Victims of Illegal Alien Crime (“AVIAC”) is a 501(c)(3) non-profit organization founded in 2017. AVIAC is led by individuals who have lost family members because of crimes committed by non-citizens. AVIAC’s mission includes being a source of support for such victims across the country and an advocate for policies that will enforce the nation’s immigration laws and prevent

governmental incentives for non-citizens to adversely impact citizens, including unlawfully voting.

AVIAC emphasizes the need for strong election laws that encourage citizens to register and vote while purging ineligible persons from the voter rolls. Arizona's election laws are a positive step in advancing election integrity, which will encourage more citizens to register and vote. Purging ineligible voters from the election rolls allows Arizonans to be more confident that their votes will not be diluted, disenfranchised, or nullified. AVIAC therefore takes an interest in the case at bar.

AVIAC believes that its proposed amicus brief will assist this Court in deciding the issues before it. AVIAC will also highlight the potential legal, economic, national or social consequences of a particular outcome. "The extent, if any, to which an amicus curiae should be permitted to participate in a pending action is solely within the broad discretion of the district court." *Sierra Club v. Fed. Emergency Mgmt. Agency*, 2007 WL 3472851, at *1 (S.D. Tex. Nov. 14, 2007). The proposed amicus brief is attached and proposed amicus curiae respectfully requests that this Court grant them leave to file it.

Dated this 22 of May, 2023.

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CERTIFICATE OF SERVICE

I hereby certify that on May 22, 2023, I electronically filed the foregoing motion with the Clerk using the CM/ECF system, which I understand to cause to be served the parties' counsel who are registered as CM/ECF users.

/s/ Veronica Lucero

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ORDER

NO. CV-22-00519-PHX-SRB NO. CV-22-01003-PHX-SRB NO. CV-22-01124-PHX-SRB NO. CV-22-01369-PHX-SRB NO. CV-22-01381-PHX-SRB NO. CV-22-01602-PHX-SRB NO. CV-22-01901-PHX-SRB

The Court has considered the Advocates for Victims of Illegal Alien Crime's Motion for Leave to File a Memorandum of Law as Amicus Curiae in Support of Arizona's Election Laws. IT IS ORDERED granting the Advocates for Victims of Illegal Alien Crime's Motion for Leave to File a Memorandum of Law as Amicus Curiae in Support of Arizona's Election Laws.