

**FILED**

APR 27 2011

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

**FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

**MARIA M. GONZALEZ; LUCIANO VALENCIA; THE INTER TRIBAL COUNCIL OF ARIZONA, INC.; ARIZONA ADVOCACY NETWORK; STEVE M. GALLARDO; LEAGUE OF UNITED LATIN AMERICAN CITIZENS ARIZONA; LEAGUE OF WOMEN VOTERS OF ARIZONA; PEOPLE FOR THE AMERICAN WAY FOUNDATION; HOPI TRIBE,**

Plaintiffs,

and

**BERNIE ABEYTIA; ARIZONA HISPANIC COMMUNITY FORUM; CHICANOS POR LA CAUSA; FRIENDLY HOUSE; JESUS GONZALEZ; DEBBIE LOPEZ; SOUTHWEST VOTER REGISTRATION EDUCATION PROJECT; VALLE DEL SOL; PROJECT VOTE,**

Plaintiffs - Appellants,

v.

**STATE OF ARIZONA; KEN BENNETT, in his official capacity as Secretary of State of Arizona; SHELLY BAKER, La Paz County Recorder;**

No. 08-17094

D.C. Nos. 2:06-cv-01268-ROS  
06-cv-01362-PCT-JAT  
06-cv-01575-PHX-EHC

**ORDER**

**BERTA MANUZ, Greenlee County Recorder; CANDACE OWENS, Coconino County Recorder; LYNN CONSTABLE, Yavapai County Election Director; KELLY DASTRUP, Navajo County Election Director; LAURA DEAN-LYTLE, Pinal County Recorder; JUDY DICKERSON, Graham County Election Director; DONNA HALE, La Paz County Election Director; SUSAN HIGHTOWER MARLAR, Yuma County Recorder; GILBERTO HOYOS, Pinal County Election Director; LAURETTE JUSTMAN, Navajo County Recorder; PATTY HANSEN, Coconino County Election Director; CHRISTINE RHODES, Cochise County Recorder; LINDA HAUGHT ORTEGA, Gila County Recorder; DIXIE MUNDY, Gila County Election Director; BRAD NELSON, Pima County Election Director; KAREN OSBORNE, Maricopa County Election Director; YVONNE PEARSON, Greenlee County Election Director; PENNY PEW, Apache County Election Director; HELEN PURCELL, Maricopa County Recorder; F. ANN RODRIGUEZ, Pima County Recorder,**

Defendants - Appellees,

**YES ON PROPOSITION 200,**

Defendant - Intervenor - Appellee.

**MARIA M. GONZALEZ; BERNIE  
ABEYTIA; ARIZONA HISPANIC  
COMMUNITY FORUM; CHICANOS  
POR LA CAUSA; FRIENDLY HOUSE;  
JESUS GONZALEZ; DEBBIE LOPEZ;  
SOUTHWEST VOTER  
REGISTRATION EDUCATION  
PROJECT; LUCIANO VALENCIA;  
VALLE DEL SOL; PEOPLE FOR THE  
AMERICAN WAY FOUNDATION;  
PROJECT VOTE,**

Plaintiffs,

and

**THE INTER TRIBAL COUNCIL OF  
ARIZONA, INC.; ARIZONA  
ADVOCACY NETWORK; STEVE M.  
GALLARDO; LEAGUE OF UNITED  
LATIN AMERICAN CITIZENS  
ARIZONA; LEAGUE OF WOMEN  
VOTERS OF ARIZONA; HOPI  
TRIBE,**

Plaintiffs - Appellants,

v.

**STATE OF ARIZONA; KEN  
BENNETT, in his official capacity as  
Secretary of State of Arizona; SHELLY  
BAKER, La Paz County Recorder;  
BERTA MANUZ, Greenlee County  
Recorder; CANDACE OWENS,**

No. 08-17115

D.C. No. 2:06-cv-01268-ROS

**Coconino County Recorder; PATTY HANSEN, Coconino County Election Director; KELLY DASTRUP, Navajo County Election Director; LYNN CONSTABLE, Yavapai County Election Director; LAURA DEAN-LYTLE, Pinal County Recorder; JUDY DICKERSON, Graham County Election Director; DONNA HALE, La Paz County Election Director; SUSAN HIGHTOWER MARLAR, Yuma County Recorder; GILBERTO HOYOS, Pinal County Election Director; LAURETTE JUSTMAN, Navajo County Recorder; CHRISTINE RHODES, Cochise County Recorder; LINDA HAUGHT ORTEGA, Gila County Recorder; DIXIE MUNDY, Gila County Election Director; BRAD NELSON, Pima County Election Director; KAREN OSBORNE, Maricopa County Election Director; YVONNE PEARSON, Greenlee County Election Director; PENNY PEW, Apache County Election Director; HELEN PURCELL, Maricopa County Recorder; F. ANN RODRIGUEZ, Pima County Recorder,**

Defendants - Appellees,

**YES ON PROPOSITION 200,**

Defendant - Intervenor - Appellee.

**KOZINSKI**, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.