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15 UNITED STATES DISTRICT COURT  
16 DISTRICT OF ARIZONA

17 Rivko Knox,  
18  
19 Plaintiff,  
20  
21 v.  
22 Mark Brnovich, in his official capacity as  
23 Arizona Attorney General,  
24  
25 Defendant.

No.  
**COMPLAINT FOR INJUNCTIVE  
AND DECLARATORY RELIEF**

26 Plaintiff Rivko Knox brings this action against Mark Brnovich, in his official  
27 capacity as Arizona Attorney General (“Defendant”), and alleges as follows:

28 **NATURE OF THE CASE**

1. This action challenges the constitutionality of A.R.S. § 16-1005(H), which  
was amended by House Bill (“HB”) 2023 in 2016 (hereinafter referred to as “HB  
2023”). HB 2023 criminalizes lawful conduct—the “collection” and delivery of early  
ballots. Specifically, HB 2023 makes it a class 6 felony for any person to “knowingly

1 collect[] voted or unvoted early ballots from another person,” with a presumptive  
2 sentence of one year of incarceration and a fine of up to \$150,000 plus surcharges.

3 2. Under HB 2023, the term “collects” means “to gain possession or control  
4 of an early ballot.”

5 3. HB 2023 exempts the collection of early ballots for elections held by  
6 certain special taxing districts and ballots collected by a voter’s family member,  
7 household member, or caregiver. The terms “caregiver,” “family member,” and  
8 “household member” are defined in HB 2023.

9 4. HB 2023 also exempts “[a]n election official, a United States postal  
10 service worker or any other person who is allowed by law to transmit United States mail  
11 ... if the official, worker or other person is engaged in official duties.” However, HB  
12 2023 does not define the phrases “allowed by law to transmit U.S. mail” or “engaged in  
13 official duties.”

14 5. HB 2023 regulates the handling of U.S. Mail. An unvoted early ballot  
15 delivered to the wrong address is a piece of mail. Also, once sealed in an envelope with  
16 pre-paid postage, a voted early ballot becomes a piece of mail. HB 2023’s prohibition  
17 against collecting and delivering a voted or unvoted early ballot constitutes the  
18 regulation of U.S. Mail.

19 6. Article I, Section 8, Clause 7 of the United States Constitution authorizes  
20 Congress “[t]o establish Post Offices and post Roads[.]” The Postal Power allows  
21 Congress to regulate the entire postal system. *See Ex Parte Rapier*, 143 U.S. 110, 113  
22 (1892). Since 1792, Congress has exercised its authority to regulate the handling of  
23 U.S. Mail. *See* 18 U.S.C. § 1691, et. seq.

24 7. Specifically, federal law expressly permits the private carriage of mail  
25 without compensation. *See* 18 U.S.C. § 1696(c).

26 8. Thus, HB 2023 is preempted by federal law because it prohibits permitted  
27 methods of private carriage of mail-in ballots.

28

1           9. Moreover, HB 2023 directly infringes free-speech rights because it  
2 unconstitutionally restricts Plaintiff's and other's access to voluntary, private mail  
3 carriage.

4           10. HB 2023 is also excessively and unconstitutionally vague because it  
5 exempts a person who is "allowed by law to transmit U.S. mail," but only if the person  
6 is "engaged in official duties," and HB 2023 does not define those phrases. Even  
7 though Plaintiff believes she is authorized to transmit U.S. mail because **all** persons are  
8 authorized to transmit mail, she does not know if she is protected from criminal  
9 sanctions under HB 2023 because she is unable to determine whether she is "engaged in  
10 official duties."

### 11   **JURISDICTION AND VENUE**

12           11. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and  
13 1343 over Plaintiff's claims under the U.S. Constitution, as well as under 42 U.S.C.  
14 § 1983.

15           12. The Court has authority to grant declaratory relief under 28 U.S.C.  
16 §§ 2201 and 2202.

17           13. The Court has authority to award costs and attorneys' fees under 42  
18 U.S.C. § 1988.

19           14. Venue is proper in this District under 28 U.S.C. § 1391(b). Defendant is  
20 sued in his official capacity and his official place of business is located within this  
21 District. All of the events giving rise to this Complaint occurred within this District.  
22 The events giving rise to this Complaint are the enactment, within this District, of an  
23 unconstitutional statute of the State of Arizona, and its implementation, enforcement,  
24 and threatened prosecution by Defendant.

### 25   **PARTIES**

26           15. Plaintiff Rivko Knox is a citizen of Arizona and has resided in this state  
27 since 1966. [Knox Declaration ("Decl."), attached hereto as **Exhibit 1**, at ¶ 2.]

28

1 16. Defendant Mark Brnovich is the Arizona Attorney General (“Attorney  
2 General”) and chief legal officer of the State of Arizona. A.R.S. § 41-192(A). Among  
3 other duties, the Attorney General is charged with enforcing state criminal statutes,  
4 including HB 2023. The Attorney General is empowered to enforce state election laws  
5 like HB 2023 “[i]n any election for state office, members of the legislature, justices of  
6 the supreme court, judges of the court of appeals or statewide initiative or referendum,”  
7 A.R.S. § 16-1021. Defendant Brnovich is sued in his official capacity.

8 **ALLEGATIONS**

9 Collecting and delivering mail-in ballots before and after the enactment of HB 2023

10 17. Plaintiff Rivko Knox (“Plaintiff” or “Ms. Knox”) is active in her  
11 community and is currently a Democratic Precinct Committeeperson (“PC”) for the  
12 Acacia Precinct. [Knox Decl. at ¶ 3.] She is also a longstanding member of the League  
13 of Women Voters of Arizona (“LWVAZ”), which is a non-profit, non-partisan political  
14 membership organization, the fundamental goal of which is to empower citizens to  
15 shape better communities worldwide. [Id.] The LWVAZ seeks to achieve this goal by,  
16 among other things, building public participation in the democratic process and  
17 engaging communities in promoting positive solutions to public policy issues through  
18 education and advocacy. [Id.]

19 18. A large part of Ms. Knox’s community involvement, both before and  
20 since becoming a PC, is to engage in door-to-door canvassing to initiate direct contact  
21 with individuals to raise awareness about candidates and issues, register voters, and  
22 encourage participation in the democratic process. [Knox Decl. at ¶ 4.]

23 19. Ms. Knox canvasses every month of every year, regardless of whether it is  
24 an election year. [Knox Decl. at ¶ 5.] On average, Ms. Knox canvasses 1-2 times per  
25 month for 2-3 hours per canvass. [Id. at ¶ 6.] She typically knocks on 20-30 doors  
26 during a single canvass and, on average, someone answers the door approximately 50%  
27 of the time. [Id.]

1           20. Ms. Knox often encourages voters to fill out and mail their early, mail-in  
2 ballots when she is canvassing door-to-door in neighborhoods. [Knox Decl. at ¶ 7.]

3           21. Prior to the 2016 election cycle, Ms. Knox accepted and delivered at least  
4 one voted ballot for a voter that she met while canvassing, and who requested that she  
5 deliver an early ballot. [Knox Decl. at ¶ 8.]

6           22. Prior to the 2016 election cycle, she desired and was willing to assist  
7 voters who requested that she deliver their voted early ballots to a United States mail  
8 receptacle, the County Recorder's Office, an early voting center, or a polling place.  
9 [Knox Decl. at ¶ 9.]

10          23. In 2016, HB 2023 was enacted to prohibit the collection and delivery of  
11 mail-in ballots. HB 2023 amended A.R.S. § 16-1005 by adding the following  
12 provisions:

13           H. A person who knowingly collects voted or unvoted early ballots from another  
14 person is guilty of a class 6 felony. An election official, a United States postal  
15 service worker or any other person who is allowed by law to transmit United  
16 States mail is deemed not to have collected an early ballot if the official, worker  
or other person is engaged in official duties.

17           I. Subsection H of this section does not apply to:

18           1. An election held by a special taxing district formed pursuant to title 48 for the  
19 purpose of protecting or providing services to agricultural lands or crops and that  
20 is authorized to conduct elections pursuant to title 48.

21           2. A family member, household member or caregiver of the voter. For the  
22 purposes of this paragraph:

23           (a) "Caregiver" means a person who provides medical or health care assistance  
24 to the voter in a residence, nursing care institution, hospice facility, assisted  
25 living center, assisted living facility, assisted living home, residential care  
institution, adult day health care facility or adult foster care home.

26           (b) "Collects" means to gain possession or control of an early ballot.

27           (c) "Family member" means a person who is related to the voter by blood,  
28 marriage, adoption or legal guardianship.

1 (d) “Household member” means a person who resides at the same residence as  
2 the voter.

3 24. Since the effective date of HB 2023, Ms. Knox is very careful not to offer  
4 to deliver or accept for delivery another person’s early ballot, even if they ask her for  
5 assistance. [Knox Decl. at ¶ 10.]

6 25. For example, Ms. Knox canvassed for a candidate seeking election in the  
7 Special Election for Congressional District 8 in April 2018. While she was canvassing  
8 on Sunday, April 22, 2018 (two days before the April 24, 2018 Special Election), she  
9 encountered several voters who had not yet mailed their early ballots. Ms. Knox was  
10 required to censor herself by not offering to collect and deliver the voters’ early ballots,  
11 even though she knew based on her experience that it was unlikely that the voters would  
12 deliver their ballots in time to be counted. Rather than offering to collect and deliver  
13 early ballots for these voters on April 22, 2018, Ms. Knox encouraged the voters not to  
14 place their ballots in the mail because it was too late and, instead, to deliver their ballots  
15 to an appropriate location before the polls closed. [Knox Decl. at ¶ 11.]

16 26. Although Ms. Knox presently desires to collect and deliver—without  
17 compensation—voted, mail-in ballots, she fears doing so as a result of the passage of  
18 HB 2023. [Knox Decl. at ¶ 22.]

19 27. Indeed, if the statute did not exist and it was not ostensibly illegal to  
20 collect and deliver completed mail-in ballots for voters, Ms. Knox would offer to  
21 deliver ballots for voters she meets while canvassing. [*Id.*]

22 28. Further, Ms. Knox would organize canvassing events at nursing homes  
23 and adult community centers for the purpose of collecting and delivering mail-in ballots  
24 of elderly and sick voters. [Knox Decl. at ¶ 25.]

25 29. Ms. Knox believes that assisting voters with the delivery of their early  
26 ballots was, and continues to be, a part of expressing her political belief that all  
27 registered voters have an opportunity to use their franchise. [Knox Decl. at ¶ 13.]  
28

1           30. Specifically, Ms. Knox supports the continued and widespread use of  
2 voting by mail, and believes that the United States’ postal system provides a secure and  
3 easy platform to exercise the franchise and conduct elections. [Knox Decl. at ¶ 16.]

4           31. In her view, this is especially true today because the number of voters who  
5 receive early ballots by mail increases every year. [Knox Decl. at ¶ 17.]

6           32. Ms. Knox desires and plans to engage in door-to-door canvassing in  
7 connection with the upcoming 2018 Primary and General Elections, but fears  
8 prosecution if she delivers an early ballot for another person. [Knox Decl. at ¶¶ 20–22.]

9           33. Ms. Knox sometimes mistakenly receives mail directed to her neighbors  
10 and, in such cases, she takes the piece of mail to her neighbor’s house. Prior to the  
11 passage of HB 2023, Ms. Knox would have freely and without hesitation delivered an  
12 unvoted early ballot to a neighbor if she mistakenly received the neighbor’s early ballot  
13 in her mailbox. As a direct result of HB 2023, Ms. Knox would not follow the same  
14 practice if she mistakenly received a neighbor’s early ballot in her mailbox. [Knox  
15 Decl. at ¶ 27.]

16 *Private-Carriage Exception to the Private Express Statutes*

17           34. Congress enacted the Private Express Statutes, 18 U.S.C. §§ 1693–1699,  
18 39 U.S.C. §§ 601–606, pursuant to its constitutional authority to establish “Post Offices  
19 and post roads,” U.S. Const. art. I, § 8, cl. 7. In general, these statutes establish the  
20 United States Postal Service (“USPS”) as a monopoly by prohibiting others from  
21 carrying letters over postal routes.

22           35. A postal monopoly has prevailed in this country since the Articles of  
23 Confederation, *see* Act of Oct. 18, 1782, 23 J. Continental Cong. 672–673 (G. Hunt ed.  
24 1914), and Congress embraced the concept in its first postal law, *see* Act of Feb. 20,  
25 1792, ch. 7, § 14, 1 Stat. 236. Because Congress desires “prompt, reliable, and efficient  
26 services to [postal] patrons in all areas,” 39 U.S.C. § 101(a), it has enacted the Private  
27 Express Statutes and has provided for nationwide delivery of mail at uniform rates.

28

1           36. From its inception, the monopoly granted the USPS had always been  
2 limited to the carriage of mail “for hire.” *See* Act of Oct. 18, 1782, 23 J. Continental  
3 Cong. 670, 672–673 (G. Hunt ed. 1914); Act of Feb. 20, 1792, ch. 7, § 14, 1 Stat. 236.  
4 The private-carriage exception is a reflection of the limited nature of the monopoly; it  
5 was designed to ensure that private carriage is not undertaken “for hire or reward.”  
6 *Ibid.*

7           37. While the limited nature of the postal monopoly always implied that  
8 private, gratuitous carriage was excepted from the prohibitions of the Private Express  
9 Statutes, Congress made the exception express in 1845. *See* S. Rep. No. 137, 28th  
10 Cong., 1st Sess., 1, 10 (1844); H.R. Rep. No. 477, 28th Cong., 1st Sess., 1 (1844).

11           38. Congress developed a narrow exception for carriage by “private hands,”  
12 crafting the exception in such a way as to permit only gratuitous carriage undertaken out  
13 of friendship, not pursuant to a business relationship. H.R. Rep. No. 477, *supra*, at 4  
14 (“Penalties are provided ... with exceptions in favor of the party ... who conveys the  
15 letter out of neighborly kindness, without fee or reward”).

16           39. Congress used unambiguous language to accomplish its goals. Persons or  
17 entities other than the United States Postal Service—*i.e.*, “private hands”—may carry  
18 letters without violating the Private Express Statutes only so long as they do not receive  
19 any form of benefit from the sender, *i.e.*, “without compensation.” *See* 18 U.S.C.  
20 § 1696(c) (“This chapter shall not prohibit the conveyance or transmission of letters or  
21 packets by private hands without compensation, or by special messenger employed for  
22 the particular occasion only.”); 39 CFR § 310.3(c) (“The sending or carrying of letters  
23 without compensation is permitted.”).

24           40. In fact, the USPS actually uses Arizona in its published example of  
25 private letter carriage:

26           Laura Bowley plans to travel to Cottonwood, Arizona. A friend asks Mrs.  
27           Bowley to carry a letter to another friend who resides there without  
28           payment of any compensation. Such private carriage is permissible under  
              this exception.



1 Publication 542 - Understanding the Private Express Statutes (June 2014).

2 41. Notably, the Postal Service has asserted its authority over the transmission  
3 of “Balloting Materials.” *See, e.g.*, USPS Domestic Mail Manual (“8.0 Balloting  
4 Materials”); Balloting Materials Postage, 78 Fed. Reg. 25677 (proposed May 2, 2013)  
5 (codified at 39 § C.F.R. 111) (requiring all ballot types to indicate that the proper  
6 amount of postage must be paid and requiring balloting materials to indicate the amount  
7 of postage for the return of ballots, unless mailed under the special exemption for  
8 military or overseas voting or returned under Business Reply Mail service).

9 Attorney General’s Threatened Strict Enforcement

10 42. Since its enactment, the Defendant has repeatedly emphasized his intent to  
11 prosecute any and all efforts to collect mail-in ballots. For example, in an October 3,  
12 2016 court filing, the Defendant stated:

13 Because H.B. 2023 is a criminal law, neither county nor state elections  
14 officials are responsible for its enforcement. Instead, that task falls to the  
15 Attorney General, who intends to act on any information he receives  
regarding violations of H.B. 2023. *See* A.R.S. § 16-1021.

16 *Feldman, et al. v. Reagan, et al.*, No. 16-01065, Dkt. 212 at 18.

17 43. In light of the above and other statements made by Defendant and his  
18 agents about their intention to strictly enforce HB 2023, Plaintiff faces a credible threat  
19 of prosecution for engaging in her desired conduct—delivering mail-in ballots without  
20 compensation for other Arizona voters.

21 August 2018 Primary Election

22 44. Arizona is holding a statewide primary election on August 28, 2018 (the  
23 “2018 Primary Election”).

24 45. Vote-by-mail ballots will be mailed to Arizona voters on August 1, 2018.

25 46. Election Officials have informed voters that they must mail their voted  
26 ballot via the United States Postal Service by August 22, 2018. *See, e.g.*,  
27 <https://recorder.maricopa.gov/elections/electioncalendar.aspx>.

28

1           47. Plaintiff intends to engage in activities governed by the private-carrier  
2 exception in connection with the 2018 Primary Election—collect and return mail-in  
3 ballots.

4           48. Plaintiff, however, will not collect and return ballots if she does not obtain  
5 the judicial relief presently requested.

6                   **DECLARATORY AND INJUNCTIVE RELIEF ALLEGATIONS**

7           49. An actual and substantial controversy exists between Plaintiff and  
8 Defendant as to their respective legal rights and duties. Plaintiff contends that she has  
9 already been harmed by HB 2023, that she faces an imminent threat of harm if HB 2023  
10 is enforced, and that HB 2023 violates the U.S. Constitution and federal law. Defendant  
11 is obligated to enforce HB 2023 unless it is found to be illegal.

12           50. In violating Plaintiff's rights under the U.S. Constitution and federal law,  
13 Defendant will be acting under color of law.

14           51. If not enjoined, HB 2023 will continue to thwart Plaintiff's lawful conduct  
15 and subject her to criminal prosecution, and thus cause irreparable injury to Plaintiff.

16           52. Plaintiff has no plain, speedy, and adequate remedy at law against HB  
17 2023 other than the relief requested in this Complaint.

18           53. Defendant's enforcement of HB 2023 constitutes an official policy of the  
19 State of Arizona.

20           54. Plaintiff is entitled to a declaration that HB 2023 is unconstitutional on its  
21 face and to an order preliminarily and permanently enjoining its enforcement.

22                   **FUTURE PLANS AND ONGOING AND IRREPARABLE HARM**

23           55. In the future, Plaintiff intends to take actions materially similar to those  
24 that she desires and intends to take here, if not limited or prohibited by the challenged  
25 laws. Given the recurring election-related context, the usual length of time of litigation  
26 such as this to be finally resolved, and the ongoing restrictions imposed by HB 2023,  
27 there is a strong likelihood that situations similar to those described above will recur  
28 without opportunity for full litigation. Thus, even if this case is not fully litigated

1 before the 2018 Primary Election, this case will not be moot because it will be capable  
2 of repetition yet evading review.

3 56. Plaintiff faces a credible threat of prosecution if she proceeds with her  
4 intended activities without the requested relief.

5 57. If Plaintiff does not obtain the requested relief, she will not proceed with  
6 her intended activities. In such an event, she will continue to be deprived of her  
7 constitutional rights under the Supremacy Clause, and the First and Fourteenth  
8 Amendments to the United States Constitution and will suffer irreparable harm. There  
9 is no adequate remedy at law.

10 **CLAIMS FOR RELIEF**

11 **COUNT ONE**

12 **(Supremacy Clause; 42 U.S.C. § 1983)**

13 58. Plaintiff realleges and incorporates by reference all prior paragraphs of  
14 this Complaint as though fully set forth herein.

15 59. The Supremacy Clause, Article VI, Section 2, of the U.S. Constitution  
16 provides:

17 This Constitution, and the laws of the United States which shall be made  
18 in pursuance thereof; and all treaties made, or which shall be made, under  
19 the authority of the United States, shall be the supreme law of the land;  
20 and the judges in every State shall be bound thereby, anything in the  
21 Constitution of laws of any State to the contrary notwithstanding.

22 60. The Supremacy Clause mandates that federal law preempts state law in  
23 any area over which Congress expressly or impliedly has reserved exclusive authority or  
24 which is constitutionally reserved to the federal government, or where state law  
25 conflicts or interferes with federal law.

26 61. HB 2023 is void in its entirety because it attempts to prohibit and  
27 criminalize conduct that federal law expressly permits. *See* 18 U.S.C. § 1696(c) (“This  
28 chapter shall not prohibit the conveyance or transmission of letters or packets by private  
hands without compensation, or by special messenger employed for the particular

1 occasion only.”); 39 CFR § 310.3(c) (“The sending or carrying of letters without  
2 compensation is permitted.”).

3 62. HB 2023 conflicts with federal law and policy, attempts to legislate in a  
4 field occupied by the federal government, and imposes burdens and penalties not  
5 authorized by and contrary to federal law, each in violation of the Supremacy Clause.  
6 *See Arizona v. United States*, 567 U.S. 387 (2012) (concluding that federal law  
7 preempted an Arizona statute where “Congress decided it would be inappropriate to  
8 impose criminal penalties” on the conduct criminalized by the state statute).

9 **COUNT TWO**

10 **(First Amendment; 42 U.S.C. § 1983)**

11 63. Plaintiff realleges and incorporates by reference all prior paragraphs of  
12 this Complaint as though fully set forth herein.

13 64. The First Amendment to the U.S. Constitution provides that “Congress  
14 shall make no law . . . abridging the freedom of speech . . . .” The First Amendment’s  
15 guarantees are applied to the States through the Fourteenth Amendment.

16 65. “It is axiomatic that restrictions upon the mail system implicate the First  
17 Amendment.” *Currier v. Potter*, 379 F.3d 716, 727 (9th Cir. 2004); *see also Blount v.*  
18 *Rizzi*, 400 U.S. 410, 416 (1971) (“The United States may give up the Post Office when  
19 it sees fit, but while it carries it on the use of the mails is almost as much a part of free  
20 speech as the right to use our tongues . . . .”); *Bolger v. Youngs Drug Prods. Corp.*, 463  
21 U.S. 60, 80 (1983) (Rehnquist, J., concurring in the judgment) (“A prohibition on the  
22 use of the mails is a significant restriction of First Amendment rights.”).

23 66. HB 2023’s prohibition against private mail carriage is an unlawful  
24 restraint on protected speech.

25 67. Plaintiff seeks to engage in the private carriage of mail-in ballots in the  
26 2018 Primary Election, but because the Defendant has threatened her and others with  
27 criminal sanctions for doing so, she credibly fears engaging in such conduct.

28

1           68.     Although HB 2023 may not discriminate among viewpoints, HB 2023  
2 constitutes a content-based speech restriction because it provides restrictions on the  
3 delivery of mail based on the mail’s subject matter—ballots.

4   **COUNT THREE**

5                         **(Excessive Vagueness in Violation of the Due Process Clause of the  
6                         Fourteenth Amendment; 42 U.S.C. § 1983)**

7           69.     Plaintiff realleges and incorporates by reference all prior paragraphs of  
8 this Complaint as though fully set forth herein.

9           70.     The Due Process Clause of the Fourteenth Amendment provides that “No  
10 state shall . . . deprive any person of life, liberty, or property, without due process of  
11 law.” It is “a basic principle of due process that an enactment is void for vagueness if  
12 its prohibitions are not clearly defined.” *Grayned v. City of Rockford*, 408 U.S. 104,  
13 108 (1972).

14          71.     The criminal penalties in HB 2023 are triggered if a person is deemed to  
15 have “collected” an early ballot of another person. However, HB 2023 confusingly  
16 states that, “any [] person who is allowed by law to transmit United States mail is  
17 deemed not to have collected an early ballot if the ... person is engaged in official  
18 duties.” However, the phrase “allowed by law to transmit United States mail” is  
19 undefined and vague. In addition, the phrase, “engaged in official duties” is inherently  
20 unclear, as the phrase can be understood to apply only to government employees or  
21 officials in the scope of their employment. Indeed, under federal law, **all** persons are  
22 authorized to deliver mail as long as it is done so without compensation.

23          72.     Because HB 2023 imposes significant criminal penalties on individuals  
24 that collect and deliver early ballots in violation of the statute, the vagaries of the phrase  
25 “any [] person who is allowed by law to transmit United States mail is deemed not to  
26 have collected an early ballot if the ... person is engaged in official duties” present  
27 particularly grave dangers. A person that makes an honest and reasonable  
28 determination that she is permitted to deliver a piece of mail under federal law may

1 nevertheless face a presumptive sentence of one year of incarceration and a fine of up to  
2 \$150,000 plus surcharges. Those dangers are compounded by the inherent vagueness of  
3 the phrase “engaged in official duties,” which invites arbitrary or discriminatory  
4 enforcement of HB 2023 by the Attorney General. Moreover, the vagueness implicates  
5 fundamental free speech concerns under the First Amendment.

6 73. HB 2023 is therefore void for vagueness in violation of the Due Process  
7 Clause.

8 **PRAYER FOR RELIEF**

9 WHEREFORE, in light of the foregoing facts and arguments, Plaintiff requests  
10 that the Court:

- 11 A. Assume jurisdiction over this matter;
- 12 B. Declare that HB 2023 is unconstitutional in its entirety;
- 13 C. Preliminarily and permanently enjoin Defendant, his officers, agents,  
14 servants, employees, and attorneys, and those officials in active concert or participation  
15 with him from implementing or enforcing HB 2023;
- 16 D. Award Plaintiff’s costs of suit, reasonable attorneys’ fees, and other  
17 expenses pursuant to 42 U.S.C. § 1988; and
- 18 E. Grant such other relief as the Court may deem appropriate.

19  
20 Respectfully submitted this 3rd day of July, 2018.

21 **COPPERSMITH BROCKELMAN PLC**

22 By s/ Roopali H. Desai  
23 Roopali H. Desai

24 **SCHARFF PLC**

25 By s/ Spencer G. Scharff  
26 Spencer G. Scharff

27 *Attorneys for Plaintiff*