

NO. _____

In The
Supreme Court of the United States

MARICOPA COUNTY; HELEN PURCELL, Maricopa County Recorder; KAREN OSBORNE, Maricopa County Elections Director; NAVAJO COUNTY; LAURETTE JUSTMAN, Navajo County Recorder; KELLY DASTRUP, Navajo County Elections Director; YAVAPAI COUNTY; ANA WAYMAN-TRUJILLO, Yavapai County Recorder; LYNN A. CONSTABLE, Yavapai Election Director; MOHAVE COUNTY; JOAN MCCALL, Mohave County Recorder; ALLEN TEMPERT, Mohave County Elections Director; COCHISE COUNTY; CHRISTINE RHODES, Cochise County Recorder; and THOMAS SCHELLING, Cochise County Elections Officer

APPLICANTS,

v.

MARIA M. GONZALEZ, ET AL.

RESPONDENTS.

To the Honorable Anthony M. Kennedy, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Ninth Circuit

APPLICANTS' EMERGENCY STAY OF THE ORDER OF THE NINTH
CIRCUIT

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IN THE SUPREME COURT OF THE UNITED STATES

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MARICOPA COUNTY; HELEN PURCELL, Maricopa County Recorder; KAREN OSBORNE, Maricopa County Elections Director; NAVAJO COUNTY; LAURETTE JUSTMAN, Navajo County Recorder; KELLY DASTRUP, Navajo County Elections Director; YAVAPAI COUNTY; ANA WAYMAN-TRUJILLO, Yavapai County Recorder; LYNN A. CONSTABILE, Yavapai Election Director; MOHAVE COUNTY; JOAN MCCALL, Mohave County Recorder; ALLEN TEMPERT, Mohave County Elections Director; COCHISE COUNTY; CHRISTINE RHODES, Cochise County Recorder; and THOMAS SCHELLING, Cochise County Elections Officer *APPLICANTS*

v.

MARIA M. GONZALEZ, ET AL.

To the Honorable Anthony M. Kennedy, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Ninth Circuit:

Applicants Maricopa County; Helen Purcell, Maricopa County Recorder; Karen Osborne, Maricopa County Elections Director; Navajo County; Laurette Justman, Navajo County Recorder; Kelly Dastrup, Navajo County Elections Director; Yavapai County; Ana Wayman-Trujillo, Yavapai County Recorder; Lynn A. Constabile,

Yavapai Election Director; Mohave County; Joan McCall, Mohave County Recorder; Allen Tempert, Mohave County Elections Director; Cochise County; Christine Rhodes, Cochise County Recorder; and Thomas Schelling, Cochise County Elections Officer (herein after “the Counties” or “Applicants”) hereby apply for an emergency stay of the order of the Ninth Circuit enjoining implementation of state laws requiring voter identification at the polls and some evidence of citizenship from people registering to vote pending resolution of an appeal from a district court order denying a preliminary injunction against those laws.¹ Applicants opposed the injunction pending appeal at the Ninth Circuit and promptly requested that the Court reconsider the injunction because of the adverse impact on the November 7, 2006 general election, and the disruption caused thereby. Having been denied relief by the Ninth Circuit, Applicants seek emergency relief pursuant to Supreme Court Rule 23 so that Arizona may implement its State law requiring identification at the coming general election and continue to require evidence of citizenship from people registering to vote. Particularly given the serious nature of the problem experienced in such Counties as Maricopa, with voter fraud, and illegal immigration, such minimally invasive impositions as requiring some evidence of identification and citizenship before voting, cannot be considered an unlawful “poll tax” as urged by opponents of the law, and is not a

¹ State App. Tab __

constitutional infringement on any protected rights. The Court is urged to intervene immediately as it is a matter of great and pressing public concern.

PROCEDURAL AND FACTUAL BACKGROUND²

In November 2004, Arizona voters passed a ballot initiative known as Proposition 200 that, among other things,³ requires: (1) individuals who are registering to vote in Arizona for the first time or those who must re-register after moving from one Arizona county to another to provide proof of U.S. citizenship; and (2) individuals who wish to vote in-person at a polling place on election day to present proof of identification.⁴ Proposition 200 was passed largely in response to a growing concern, both in Arizona and nationally, regarding election fraud and a wave of unlawful immigration leading to such abuses. Prior to the passage of Proposition 200, Arizona essentially relied on an honor system to govern whether individuals registering to vote were United States citizens, as required, and whether individuals attempting to vote on election day were who they said they were. A.R.S. § 16-152 (A) (14), (18)-(19) (2004); A.R.S. §16-579 (2004). Even under such a system, clearly not designed to uncover fraud, Arizona has experienced the unfortunate reality of voter fraud by non-

² In order to streamline the appeals process, the Counties have principally cited to the Appendix provided by the State of Arizona, which is incorporated herein by this reference, and have secondarily cited to the Counties' Separate Appendix, which is incorporated herein by this reference.

³ The only sections of Proposition 200 at issue in the present case and appeal are the requirements for: (1) proof of citizenship when registering to vote; and (2) proof of identification when voting at a polling place on election day.

citizens and felons that places a great post hoc burden on the prosecutorial and judicial system and dilutes the vote of properly qualified and registered voters.⁵ To date in Maricopa County alone, fifteen individuals have been prosecuted recently for voter fraud, seven individuals, including two non-citizens, have been convicted of voter fraud, and there are over one hundred on-going criminal investigations into other instances of voter fraud and abuse winding their way through the system.⁶ These instances that were discovered despite a system that did not readily permit the discovery and prevention of fraud are likely only a small fraction of the voter fraud that actually existed in Arizona under the old statutory scheme. Furthermore, even if no fraud had existed, the Counties have a compelling interest in ensuring that elections are administered fairly and accurately. This necessarily includes ensuring that voter registrants are United States citizens and that individuals attempting to vote are who they say they are. The citizens of Arizona recognized this interest and imposed upon themselves legislation to further that interest.

After the passage of Proposition 200, the Secretary of State promulgated procedures to implement the law.⁷ The Counties are directly affected by its administration. All changes to Arizona's election law and procedures, including the

⁴ A.R.S. §§ 16-152, 16-579 (2004).

⁵ Counties' App. Tabs 1-3

⁶ Counties' App. Tabs 1-3

⁷ State App. Tab 6.

Secretary of State's Procedures, were precleared by the Department of Justice as required by federal law.⁸ Since January of 2005 the Counties have been verifying a voter registrant's citizenship.⁹ In March, May, and September of 2006, counties that conducted polling place elections implemented the requirement for proof of identification at the polls.¹⁰ For almost two years, Proposition 200 has been the law in Arizona and the Counties have been implementing it for nearly twenty months without any discernible problem. The Counties have conducted vast voter outreach campaigns to promote awareness of the law's requirements and have taken steps to ensure that each registered voter has the identification necessary to vote at the polls on election day.¹¹

Notwithstanding, on May 9, 2006 the Gonzalez Plaintiffs and others filed a lawsuit in federal district court seeking a temporary restraining order, preliminary injunction and permanent injunction of the operation of the law.¹² Two lawsuits by other groups were subsequently filed seeking similar relief and were consolidated with the Gonzalez complaint. These included a lawsuit filed by the Intertribal Council of

⁸ Counties' App. Tab 4 ¶¶ 5, 9, 10.

⁹ *Id* at ¶ 4.

¹⁰ *Id* at ¶ 10.

¹¹ *Id* at ¶¶ 12-18. Each county has implemented procedures to accept the voter registration card and individually addressed official election mail sent to voters, free of charge, by the counties as two forms of non-photo identification with which a voter can prove his identity and vote at the polls on election day. *See id* at ¶ 17; Plaintiffs' Emergency Motion for Injunction to the Ninth Circuit App. Tabs B.5-B.20

¹² *Gonzalez v. State of Arizona*, No. CV 06-1268-PHX-ROS (Dkt. 1)

Arizona and others (ITCA Plaintiffs) and a lawsuit by the Navajo Nation and individual plaintiffs seeking relief only on the Navajo Nation. Plaintiffs' complaints alleged that requiring even minimal identification from voters at the polls and evidence of citizenship when people register to vote constituted an unlawful poll tax of some kind, violated equal protection, and created an "undue burden" on the right to vote. The Defendants included the State of Arizona, the Arizona Secretary of State, all fifteen individual counties, the County Recorders, and the County Election Directors.

After full briefing and a hearing, the district court denied Plaintiffs' request for a Temporary Restraining Order on June 19, 2006 and set the evidentiary hearing on the Plaintiffs' Motion for Preliminary Injunction for July 19 and 20.¹³ In this ruling, the district court rejected Plaintiffs' argument that the National Voter Registration Act preempted Arizona's requirement that prospective voters provide evidence of citizenship when registering to vote. Despite Defendants objections, Plaintiffs requested an extension of time for the evidentiary hearing and the intervening deadlines.¹⁴ Following a period of expedited discovery, and a two-day evidentiary hearing on August 30 and 31, 2006, the court denied Plaintiffs' request for a preliminary injunction in an order dated September 11, 2006.¹⁵ The court subsequently

¹³ State App. Tab 4.

¹⁴ State App. Tab 5.

¹⁵ State App. Tab 1.

issued its Findings of Fact and Conclusions of Law to assist the Appellate Courts in understanding its reasoning. The district court concluded that “[p]laintiffs have not shown a strong likelihood of success on the merits, the balance of hardships favors Defendants, and the public interest would not be advanced by granting the injunction.”¹⁶ The district court’s Findings of Fact and Conclusions of Law issued on October 11, 2006, provides: (1) that Proposition 200 does **not** fit within the traditional definition of a poll tax; (2) that the State is not conditioning the right to vote on considerations of wealth, but on basic eligibility to vote as a citizen; (3) that Proposition 200 does not impose a severe or undue burden on an individual’s right to vote; (4) that the balance of hardships tips in favor of the State and Counties who have invested “enormous resources” in the upcoming election, including “extensive training to ensure consistent application” of a law which is to be applied equally; and (5) that an injunction would create a significant burden for the Counties if the law were later found to be valid because the Counties would have to later comb through all the voter lists and somehow remove individuals that did not comply with Proposition 200 at the time that they registered.¹⁷ The alternative is obviously much less burdensome on all involved.

Plaintiffs cannot seriously argue that identification and citizenship are not basic

¹⁶ *Id.*

conditions to vote in Arizona Counties. And yet, without some proof of this, there would be no meaning to these basic and logical requirements and certainly no teeth to them. Nevertheless, the opponents appealed from the court's September 11, 2006 order denying the preliminary injunction. On September 29, 2006, the ITCA Plaintiffs filed an emergency motion asking the Ninth Circuit to enjoin Proposition 200 pending resolution of their appeal of the district court's decision to deny the preliminary injunction. The State responded Tuesday, October 3, 2006 opposing the injunction pending appeal, and a panel of two judges of the Ninth Circuit granted Plaintiffs' emergency motion Thursday, October 5, 2006.¹⁸ The panel's order prohibits the implementation of any identification at the polls requirement at the November general election and while Plaintiffs' appeal is pending. It also enjoins the State or Counties from continuing to require evidence of citizenship from people registering to vote while Plaintiffs' appeal is pending.¹⁹ On October 6, 2006, the State and Counties requested that the panel reconsider its decision to grant Plaintiffs' motion, and this motion was denied October 9, 2006.²⁰

STATEMENT OF THE ISSUES

County Applicants (hereinafter known as "the Counties" or "Applicants")

¹⁷ State App. Tab 5.

¹⁸ State App. Tab 2.

¹⁹ *Id.*

contend that the issues raised by Plaintiffs/Appellants in the Ninth Circuit were correctly decided by the District Court below and that appropriate deference was not given to the District Court's decision. Because of the emergency nature of this Petition given the upcoming election, an immediate Order accepting review and overturning the decision of the Appellate Court is necessary. Relief from this Court is necessary because the Ninth Circuit panel's decision to enjoin Arizona from implementing state election laws requiring identification at the polls and proof of citizenship at this late stage of the election cycle would disturb the status quo in Arizona and create great hardship for the Counties and, more importantly, Arizona Voters. In addition, such an injunction would create havoc and confusion at the polls as numerous people have already been trained on the new law and the disruption of those extensive preparations with no apparent good purpose is shocking. The Counties join in the well-pleaded motion of the State of Arizona to the extent of not repeating their argument, which is incorporated herein by this reference, but we respectfully present two additional issues to the Court for its consideration:

I. Issuance of an Injunction Will Cause Irreparable Harm to the Citizens of Arizona, County Defendants And To The Public Interest

II. Plaintiff's Claim Barred by the Doctrine of Laches

The Counties request that the Court take these serious matters under advisement and stay or

²⁰ State App. Tab 3.

vacate the Ninth Circuit's wholesale Injunction of Arizona election law.

ARGUMENT

I. Issuance of an Injunction Will Cause Irreparable Harm to the Citizens of Arizona, County Defendants And To The Public Interest

a. Voter fraud is a real problem in Arizona and the voters enacted law to combat the problem

Arizona has experienced real problems with voter fraud and illegal immigration over the last few decades. Prior to the passage of Proposition 200, Arizona essentially relied on an honor system to govern whether individuals registering to vote were United States citizens, as required, and whether individuals attempting to vote on election day were who they said they were. A.R.S. § 16-152 (A) (14), (18)-(19) (2004); A.R.S. §16-579 (2004). Even under such a system, clearly not designed to catch fraud, Arizona has experienced the unfortunate reality of voter fraud by non-citizens and felons.²¹ To date in Maricopa County alone, fifteen individuals have been prosecuted for voter fraud, seven individuals, including two non-citizens, have been convicted of voter fraud, and there are over one hundred on-going criminal investigations into other instances of voter fraud.²² These instances that were discovered despite a system that did not readily permit the discovery and prevention of fraud are likely only a small fraction of the voter fraud that actually existed in Arizona

²¹ Counties' App. Tabs 1-3.

under the old statutory scheme.

Furthermore, elections in Arizona and nation-wide are more and more frequently being decided by razor-thin margins. Famously, in the 2000 United States Presidential race in Florida, President Bush won the state by just 537 votes.²³ But Arizona has had its share of close elections too. In 1994 the Democratic Primary for U.S. Senate was won by Sam Coppersmith by only fifty-nine (59) votes.²⁴ In 2004, during the Republican Party Primary Election for House of Representatives in Arizona District 10, a recount was triggered when John McComish finished only four (4) votes behind Anton Orlich. In the recount McComish overtook Orlich to win by only thirteen (13) votes – 5,633 to 5,620.²⁵ Perhaps most memorably was the 1992 legislative race that ended in a tie even after a recount.²⁶ The race was ultimately decided by a game of chance, when Richard Kyle beat his opponent John Gaylord (now Judge Gaylord) in a single hand of poker with a pair of sevens.²⁷

Arizona voters recognized that in every election, but especially in elections that are decided by such narrow margins, every vote counts. They also recognized that under Arizona's old statutory scheme every illegal vote counted and could potentially

²² Counties' App. Tab 3.

²³ Counties' App. Tab. 5

²⁴ Counties' App. Tab. 6

²⁵ *Id.*

²⁶ *Id.*

decide close elections. In response, Arizona voters enacted self-imposed proof of citizenship and identification requirements for voting, through the ballot initiative Proposition 200. Proposition 200 passed in Arizona with an overwhelming majority and has now been the implemented law for nearly two years.²⁸ Permitting the injunction to remain in place would be a shocking override of the people's will and would cause irreparable harm to Arizona's citizens and the public interest.

b. Proposition 200 is now election law in Arizona and is the status quo

Plaintiffs' have challenged the proof of citizenship for voter registration and identification at the polls requirements, instituted by Arizona's Voter Initiative Proposition 200, too late in the course of Arizona's election cycle and permitting the injunction to remain in place would impermissibly disturb the status quo. For the past twenty months, the Counties have been verifying a voter registrant's proof of citizenship and rejecting voter registrations that lack evidence of citizenship.²⁹ Moreover, in County and City elections held in November 2005, March 2006, May 2006, and September 2006, election officials implemented the identification at the polls requirement.³⁰ The Plaintiffs waited to file suit until they could purposefully disrupt that process and are not entitled to enjoin it.

²⁷ *Id.*

²⁸ Counties' App. Tab 4 at ¶¶6, 10.

²⁹ *Id.* at ¶ 4.

³⁰ *Id.* at ¶ 10.

Under the new law, the Counties revised their voter registration procedures and developed new procedures to implement the requirement that voters provide identification at the polls. Pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C.A. § 1973c, the Counties' new forms and procedures required preclearance, and all forms, signs, and voter information that will be used on election day have already actually been precleared by the Department of Justice.³¹ Any alteration of voting qualifications and procedures, changes that have a direct relation to voting and the election process, must be precleared by the United States Attorney General before being implemented. *Allen v. State Bd. of Elections*, 393 U.S. 544 (1969).

Consequently, previous voter registration and polling place procedures, materials, letters, and forms have been replaced with new forms, letters, and instructive materials that include information about the identification at the polls requirement. These new materials have already been precleared by the Department of Justice and use of different documents, or using old documents, would require another preclearance by the Justice Department. There is simply not sufficient time to produce different documents, and alter the training, nor is there time to acquire the necessary preclearance should the Court maintain the Injunction. While Plaintiffs argued that the

³¹ The provisions requiring preclearance apply to the subtle, as well as obvious, regulations. *Presley v. Etowah County Com'n*, 502 U.S. 491 (1992); *City of Pleasant Grove v. U.S.*, 479 U.S. 462 (1987); *N.A.A.C.P. v. Hampton County Election Com'n*, 470 U.S. 166 (1985).

grant of an Injunction would simply have the effect of re-establishing the last precleared procedures, they failed to address the fact that this remedy is not so easily applied to the multiple documents and instructive material that are used on election day. As stated above, these materials too have been precleared. There is neither the time nor the money to reproduce all of these documents and have them precleared in time to be used for the Arizona general election on November 7th. Furthermore, previously used documents do not exist in quantities large enough to supply all of the precincts in Arizona. Thus, even if the Department of Justice were to permit the use of previous materials, in addition to the use of the previous procedures, a fact that is very much in question, the Counties would be faced with an enormous shortage of polling-place materials to instruct and aid voters on election day. The Appellate Court never even mentioned any of this nor gave it any concern.

Disruption of the law at this late date, within weeks of the November 7, 2006 election, would be a disservice to the public interest because it would disturb the status quo and would cause significant election official and voter confusion. The relief that Plaintiffs seek, and that the Appellate Court's ruling establishes, contravenes the chief function of a preliminary injunction, which is to preserve the status quo. "Plaintiff's long delay before seeking a preliminary injunction implies a lack of urgency and irreparable harm." *Oakland Tribune, Inc. v. Chronicle Pub. Co.*, 762 F.2d 1374, 1377 (9th Cir.1985);

accord Kobell v. Suburban Lines, Inc., 731 F.2d 1076, 1092 n. 27 (3rd Cir.1984) (“[T]he district court may legitimately think it suspicious that the party who asks to preserve the status quo through interim relief has allowed the status quo to change through unexplained delay.”). While Plaintiffs could have brought their action sooner and avoided the harm that would now result, Plaintiffs chose to wait. The District Court acted properly in refusing the Injunction. It was not an abuse of discretion.

A. Significant Training of Election Officials for the Implementation of Proposition 200 Has Already Occurred; Consequently the Injunction Would Cause Mass Confusion on Election Day

The Secretary of State and County election officials have revised their training classes to instruct staff on the proof of citizenship requirement for voter registration³² and identification at the polls procedure.³³ Election officials then use this training to train the thousands of boardworkers who work at the polls on election day.³⁴

The training that has already been conducted includes: (1) the 2005 Arizona Secretary of State Election Officer Certification Course³⁵ conducted from July 11- 15, 2005, and August 1 - 5, 2005; (2) the Secretary of State’s two-day Recertification

³² Counties’ App. Tab 4 at ¶¶ 4 - 8.

³³ *Id* at ¶¶ 9 - 11.

³⁴ *Id* at ¶ 18.

³⁵ The Secretary of State’s Certification and Training Program is required pursuant to A.R.S. § 16-407(A), which states:

Except as provided in subsection H, no person may perform the duties or exercise the authority of an election officer or of the clerk of the board of supervisors or the county recorder in performance of election duties in or on behalf of any county unless the

Classes in September and October 2005; (3) the Arizona County Recorder Association meeting on February 2, 2005; (4) the Arizona Association of Counties Annual Conference from 1:00 – 4:00 p.m. on November 16, 2005; (5) the Election Officials of Arizona meeting on November 17 – 18, 2005; and (6) the City Clerk meeting on October 12, 2005.³⁶ In addition, boardworker training for the general election began on October 3, 2006. In addition, the 2006 Secretary of State's Procedures Manual,³⁷ which County election officials are required to follow,³⁸ contains more than 25 pages outlining the voter registration and identification at the polls procedures.³⁹ This too the Court of Appeals simply ignored and failed to even address.

1. Voter Registration

The proof of citizenship requirement for voter registration went into effect on January 24, 2005, the date the Department of Justice precleared Proposition 200.⁴⁰ In

person is the holder of an election officer's certificate issued by the secretary of state before January 1 of each general election year.

³⁶ Counties' App. Tab 4 at ¶ 12.

³⁷ The Secretary of State's Procedures Manual is produced pursuant to A.R.S. § 16-452: After consultation with each county board of supervisors or other officer in charge of elections, the secretary of state shall prescribe rules to achieve and maintain the maximum degree of correctness, impartiality, uniformity and efficiency on the procedures for early voting and voting, and of producing, distributing, collecting, counting, tabulating and storing ballots. The secretary of state shall also adopt rules regarding fax transmittal of unvoted ballots, ballot requests, voted ballots and other election materials to and from absent uniformed and overseas citizens and shall adopt rules regarding internet receipt of requests for federal postcard applications prescribed by section 16-543.

³⁸ "A person who violates any rule adopted pursuant to [Procedure Manual] is guilty of a class 2 misdemeanor." A.R.S. § 16-452(C).

³⁹ State App. Tab 6.

⁴⁰ Counties' App. Tab 4 at ¶¶ 3 - 4.

July 2005, the County elections offices began distributing an amended Arizona Voter Registration form⁴¹ that included instructions about the proof of citizenship requirements and provided additional fields on the form for registrants' drivers license number, non-operating identification number, and naturalization certificate number.⁴²

The Counties have also developed their own procedures to notify voters that evidence of citizenship is necessary to register to vote. In Maricopa County, for example, when the Department receives a registration that does not prove citizenship, the potential registrant is sent a notification letter outlining the deficiency along with a new registration form and postage-paid return envelope.⁴³ On December 21, 2005, Maricopa County's revised procedure for giving instructive materials to new registrants, along with the new voter registration form, was precleared by the Department of Justice.⁴⁴

2. Identification at the Polls

In March 2006, Maricopa County Recorder Helen Purcell launched a public outreach campaign to educate the public about the identification requirements for

⁴¹ It should be noted that many of the 20,000 registrations that were rejected for lack of proof of citizenship, and that the Plaintiffs have pointed to as being the minimum number of people being harmed by the registration requirement of Proposition 200, were rejected prior to the availability of the new registration form. *See* Plaintiffs' Emergency Motion for Injunction to the Ninth Circuit App. Tab B.15 Thus, individuals who were submitting the registration forms may not have been aware of the need to submit proof of citizenship. Upon rejection of the initial registration form, the potential registrants were informed of the proof of citizenship requirement and were permitted to submit a new registration form with adequate proof of citizenship.

⁴² Counties' App. Tab 4 at ¶ 6.

voting.⁴⁵ The outreach campaign included appearances on local television and radio programs, a card mailed to each voter, and large signs posted outside each polling place listing acceptable proof of identification at the polls. The outreach campaign continued for the September 12, 2006 Primary Election and was scheduled to be in place again for the upcoming General Election.⁴⁶ In addition, the Counties have already trained boardworkers for the primary and general elections⁴⁷ and have included detailed instruction on how to easily and professionally implement Arizona's election law as revised by Proposition 200.⁴⁸ With less than one month before the general election, the Counties simply do not possess the ability and the time to revise election materials and re-train boardworkers. Preparation for an election must begin far in advance of the scheduled election date and, in fact, have already been underway for quite some time. Permitting the injunction to remain in place at this late date would result in certain confusion for pollworkers who have already been trained, in some cases multiple times, to ask for identification at the polls and for voters who have already been inundated with a vast voter-outreach campaign designed to make every voter aware of the requirements under the law.

⁴³ Counties' App. Tab 4 at ¶ 5.

⁴⁴ *Id.*

⁴⁵ *Id.* at ¶¶ 14, 16.

⁴⁶ *Id.* at ¶ 15.

⁴⁷ Many of these same boardworkers were trained on the identification procedures prior to the March and May 2006 elections.

Additionally, the County election officials have already ordered and received the election day supplies. Those supplies include the packet of forms for each polling place and the large signs to be placed outside the polling place that lists the types of acceptable identification for in-person voting.⁴⁹ In Maricopa County alone, there are 1,142 precincts that require supplies for the general election. These supplies as they are printed include multiple references to the requirement for proof of identification under Arizona's election law. There is no time now for new supplies to be ordered and received by County election officials prior to the upcoming elections. Even if the Counties could spare the time and money to re-order all of the materials and re-train all of the boardworkers needed for election day, there is no guarantee that those changes could be precleared by the Justice Department in time for election day.

B. A Last Minute Change to the Status Quo Would Be Harmful and Disruptive to the Public Interest

If the injunction is not vacated or stayed immediately, mass confusion will result for election officials, boardworkers, and, most importantly, voters. No benefit is perceived. Clearly, proof of identification and citizenship to register cannot seriously be considered unduly invasive or restrictive on the ability to vote to avoid basic voter fraud. In any event, new training of thousands of election officials could not occur in time for them in turn to

⁴⁸ Counties' App. Tab 4 at ¶ 18.

⁴⁹ *Id* at ¶ 9.

train boardworkers on the revised identification requirement for in-person voting were the court to disagree. There is insufficient time to preclear, order, and send out new sample ballots or post accurate posters at polling places for use in the upcoming elections. The voters will be confused. This disruption is tangible and a problem that would be exacerbated by the unavailability of correct materials, boardworker training, and the lack of time to educate the public about the injunction. In short it may be a disaster. The confusion may be even greater in the Counties that have already held three or four elections under the new law.

Furthermore, permitting this injunction to remain in place for the election is contrary to the public interest by virtue of the enormous resources already invested in the Proposition 200 requirements. In reversing the Ninth Circuit's decision to grant an injunction to delay the 2003 California recall election, the Ninth Circuit sitting *en banc* emphasized the point that the public interest would be significantly affected by delaying an election because a significant amount of time and money had already been expended.

Southwest Voter Registration Educ. Project v. Shelley, 344 F.3d 914 (9th Cir. 2003) (*en banc*).

In this case, hardship falls not only upon the putative defendant, the California Secretary of State, but on all the citizens of California, because this case concerns a statewide election. The public interest is significantly affected. For this reason our law recognizes that election cases are different from ordinary injunction cases.

Id. 344 at 919 (citing *Reynolds v. Sims*, 377 U.S. 533, 585 (1964)). Similarly, the

Counties have dedicated significant time and resources to inform Arizona citizens of the current law, train election officials and boardworkers, and develop new election materials. For all these reasons, it is highly probable that inconsistent application of the identification requirement may occur in the Counties if the injunction remains in effect at this late date, resulting in some municipalities applying the identification at the polls requirement and some not. This effect should not be underestimated as the lesser of two evils, as has been encouraged by the Plaintiffs below. There simply is no evil. Requiring some basic proof of identification and citizenship does not impinge on basic rights - it insures them! The citizens of Arizona have a right to have the election administered fairly and equally throughout the state, and to have those who prove their identity vote, and to have citizens of our country vote. That is not bizarre or oppressive. It is fundamental to insuring that our election system is not infiltrated by those who have no right to participate in it and protecting the integrity of each qualified vote. Instead of one qualified voter being subjected to one set of rules and another qualified voter being subjected to another set of rules due to confusion caused by last-minute changes, Arizona election law must be permitted to be applied as it has been for nearly two years. That cannot happen here if the Appellate Court's injunction is permitted to remain in place. Given the slight imposition on voters in complying with the requirement of identification, weighed against the massive damage and fraud

that may ensue in the event the injunction stands, the balance of hardships could not be and was not met by the Plaintiffs/Appellants below.

II. Plaintiff's Claim Barred by the Doctrine of Laches

Laches will generally bar a claim when the delay is unreasonable and results in prejudice to the opposing party. *Harris v. Purcell*, 193 Ariz. 409, 412, 973 P.2d 1166, 1169 (1998); *Mathieu v. Mahoney*, 174 Ariz. 456, 458-59, 851 P.2d 81, 83-84 (1993). In determining whether the delay was unreasonable, the court must examine the justification for delay, including the extent of plaintiff's advance knowledge of the basis for challenge. *Harris*, 193 Ariz. at 413. In this case, the Plaintiffs have known that proof of citizenship for voter registration has been required since January 2005, and that the identification at the polls procedure would be implemented in certain counties as early as the November 2005 election and again in the March and May 2006 elections.

Plaintiffs did not file this lawsuit, however, until May 9, 2006, more than fifteen months after the law went into effect.⁵⁰ In addition to delaying the filing of this lawsuit, Plaintiffs delayed the district court proceedings by initially focusing on the

⁵⁰ While Plaintiffs have claimed on appeal that their purpose for waiting until May 2006 to bring the present lawsuit was to see the outcome of the March and May elections, that argument was not presented below. There, Plaintiffs only argued that in waiting to file they were exercising due diligence by collecting data regarding registration and that until March 2006 it was unclear whether the Secretary of State would implement the requirements or follow a recommendation by the Elections Assistance Commission to forego proof of citizenship when accepting the federal form for voter registration. See Plaintiffs' Emergency Motion for Injunction to the Ninth Circuit App. Tab D.

one, narrow claim seeking to enjoin the Secretary of State from rejecting the Federal Mail Voter Registration form.⁵¹ Even after the district court tried to expedite this litigation by scheduling the evidentiary hearing for mid-July, Plaintiffs moved to delay discovery⁵² and the evidentiary hearing until the end of August.⁵³ Plaintiffs' dilatory tactics belie their claim of irreparable harm. Instead, the September 12, 2006 Primary Election was the fourth Arizona election implementing Proposition 200's identification at the polls requirement.

In a lawsuit brought by Ralph Nader in Illinois in 2004 to allow him to file petitions late in order to place him on the presidential ballot, Judge Posner emphasized the doctrine of laches in weighing the public interest and public confidence in the election process.

[I]t would be inequitable to order preliminary relief in a suit filed so gratuitously late in the campaign season. It wasn't filed until June 27, only a little more than four months before the election. If when he declared his candidacy back in February Nader had thought as he now does that the Illinois Election Code unconstitutionally impaired his chances of getting a

⁵¹ May 17, 2006, Status Conference (District Court Record-Dkt. 26). Not until after this Court's June 19, 2006 Opinion and Order (District Court Record-Dkt. 68) establishing the briefing schedule and setting the date for the Preliminary Injunction hearing did Plaintiffs begin to proceed litigating the other claims.

⁵² With just weeks left before the Primary Election, Plaintiffs required all 15 County Recorders and Elections Directors to answer Interrogatories and respond to Requests for Production of Documents, totaling over 16,000 pages, as well as deposing seven county election officials. *See* Plaintiffs' Emergency Motion for Injunction to the Ninth Circuit App. Tabs B.5 - B.20 and B.23 - B.31.

⁵³ Commenting on Ralph Nader's delay of his ballot access lawsuit, Judge Posner noted that the case could have proceeded more expeditiously: "By waiting as long as he did to sue, and despite the strenuous efforts by the district court and this court to expedite the litigation, Nader created a situation in which any remedial order would throw the state's preparations for the election into turmoil." *Nader v. Keith*, 385 F.3d 729, 736 (7th Cir. 2004).

place on the ballot, he could easily have filed suit at the same time that he declared his candidacy-especially as he had filed a similar suit the last time he ran for President, in 2000, when he obtained a preliminary injunction that got him on the Illinois ballot by allowing him to submit petitions collected after the deadline, though no final judgment was ever entered.

Nader v. Keith, 385 F.3d 729, 736 (7th Cir. 2004) (internal citation omitted). Judge Posner recognized that the public interest in an election case militated in favor of a laches holding:

We are mindful that the right to stand for office is to some extent derivative from the right of the people to express their opinions by voting . . . But nothing is more common than for the denial of an injunction to harm innocent nonparties, such as people who would like to vote for Nader but unlike the two voter plaintiffs are not complicit in his decision on the timing of the suit. But there are innocents on the other side as well - namely the people who will be harmed if a last-minute injunction disrupts the Presidential election in Illinois.

Id. Likewise, any last minute change to the election procedures after extensive voter education efforts, training of boardworkers, and the law's implementation in previous elections will be disruptive, costly and just as harmful to all Arizona citizens and the Counties. The district court recognized the tardiness of Plaintiffs' claims and determined that it undermined Plaintiffs' claims that immediate relief is mandated.⁵⁴

A laches defense, however, cannot stand on unreasonable conduct alone. *Harris*, 193 Ariz. at 412, 973 P.2d at 1169. A showing of prejudice is also required. *Id.*;

Mathieu, 174 Ariz. at 459, 851 P.2d at 84. In election cases, prejudice caused by a challenger's delay affects interests that reach beyond those of the defendants. The real prejudice caused by delay in election cases is to the quality of decision making in matters of great public importance. *Mathieu*, 174 Ariz. at 460, 851 P.2d at 85. The effects of such delay extend far beyond the interests of the parties. In *Mathieu*, the Arizona Supreme Court explained that waiting until the last minute to file an election challenge to a ballot measure "places the court in a position of having to steamroll through the delicate legal issues in order to meet the deadline for measures to be placed on the ballot." *Id.* at 459, 851 P.2d at 84 (quoting *State ex rel. Fidanque v. Paulus*, 297 Or. 711, 688 P.2d 1303, 1308 (1984)).

Moreover, the Arizona Supreme Court cautioned that litigants and lawyers in election cases "must be keenly aware of the need to bring such cases with all deliberate speed or else the quality of judicial decision making is seriously compromised." *Id.* at 460, 851 P.2d at 85. Late filings "deprive judges of the ability to fairly and reasonably process and consider the issues ... and rush appellate review, leaving little time for reflection and wise decision making." *Id.* at 461, 851 P.2d at 86. Fundamental fairness is the *sine qua non* of the laches doctrine. *Mathieu*, 174 Ariz. at 460, 851 P.2d at 85. The Counties request that this Honorable Court consider the unfairness of the

⁵⁴ State App. Tab 5.

injunction presently in place, not only to those challenging, but also to the thousands of Arizonans who will go the polls on election day who have a right to assume that others voting along with them have the right to do so, and that their Government is insuring that right and its integrity. The Appellate Injunction of the Law preventing the State and Counties from so insuring the election must be quashed and the District Court Order reinstated.

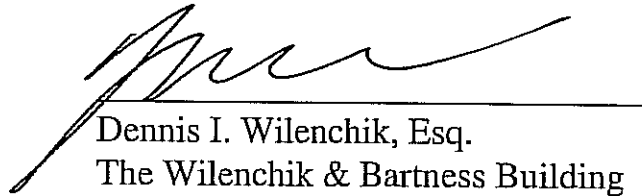
CONCLUSION

If the injunction is permitted to remain in place at this point in time, less than four weeks before the Arizona general election, great harm will come to the Counties and, more importantly, to the voters of Arizona. Despite the fact that Proposition 200 has been the status quo in Arizona for nearly two years, Plaintiffs chose to wait until just a few months before the federal election cycle to file the present lawsuit. If not for this delay, the harm that the Counties and voters are presently facing could have been avoided. Nonetheless, Arizona is now already in the depths of early voting and is just weeks away from election day. To remove the election from the status quo at this late juncture, and without time to reorder and federally preclear the necessary educational and informational material, would throw the election into chaos. This is neither fair to the Counties, nor the voters who have a right to equally administered elections. For these reasons, Applicants request that this Court stay or vacate the Ninth Circuit order

so Arizona may implement its law requiring identification at the polls at the November election and so Arizona can continue requiring evidence of citizenship from people registering to vote.

RESPECTFULLY SUBMITTED this 12th day of October, 2006.

WILENCHIK & BARTNESS, P.C.

A handwritten signature in black ink, appearing to read 'Dennis I. Wilenchik', is written over a horizontal line. The signature is fluid and cursive.

Dennis I. Wilenchik, Esq.
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CERTIFICATE OF SERVICE
Pursuant to Rule 29(5) and 29(5)(b) of the
Rules of the Supreme Court of the United States

I hereby certify that I caused a copy of the Counties' Emergency Motion to Stay or Vacate the Ninth Circuit's Injunction to be served on October 12, 2006, by mailing it with the United States Parcel Service via first class mail, postage pre-paid, to the attorneys of record for the parties, as follows:

ORIGINAL and FOUR COPIES mailed
this 12th day of October, 2006, to:

Supreme Court of the United States
1 First Street, N.E.
Washington, DC 20543

COPY emailed to: dbickell@sc-us.gov
this 12th day of October, 2006

ORIGINAL and FOUR COPIES Fed-Exed
this 12th day of October, 2006, to:

Supreme Court of the United States
1 First Street, N.E.
Washington, DC 20543

COPIES e-mailed and mailed this same day to:

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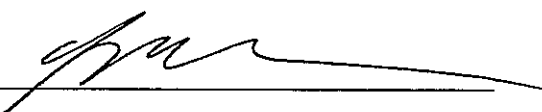
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By: _____



Gonzalez v. State of Arizona
United States Supreme Court
Index to Appendix

TAB NO.	DOCUMENT TITLE
1.	Maricopa County's July 26, 2006 Responses to Plaintiffs First Set of Interrogatories
2.	<i>Gonzalez v. State of Arizona</i> , No. CV 06-1268-PHX-ROS State's Exhibit 401 to August 30 and 31, 2006 Hearing; Excerpts of the Deposition of Karen Osborne, Maricopa County Elections Director
3.	Statement of Voter Fraud Cases
4.	Affidavit of Karen Osborne, Maricopa County Elections Director
5.	<i>"Florida Won't Use a Flawed Felon List,"</i> N.Y. TIMES, July 11, 2004.
6.	Kevin Tyne's December 30, 2005 report to the Arizona Secretary of State on Recount and Contested Election Law

JUL 31 2006

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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE DISTRICT OF ARIZONA

13 MARIA M. GONZALES; JESUS M.
GONZALES; BERNIE ABEYTIA;
14 LUCIANO VALENCIA; DEBBIE LOPEZ,
SOUTHWEST VOTER REGISTRATION
15 EDUCATION PROJECT; VALLE DEL
SOL; FRIENDLY HOUSE; CHICANOS
16 POR LA CAUSA, INC.; and ARIZONA
HISPANIC FORUM,

17 Plaintiffs,

18 v.

19 STATE OF ARIZONA, JAN BREWER, in
20 her official capacity as the Secretary of State
of the State of Arizona, et al.,

21 Defendants.
22

No. CV06-1268-PHX ROS
No. CV06-1362-PCT JAT

ANSWERS TO FIRST SET OF
INTERROGATORIES BY
MARICOPA COUNTY
RECORDER AND COUNTY
ELECTIONS DIRECTOR

1 Defendants Maricopa County Recorder Helen Purcell and Maricopa
2 County Elections Director Karen Osborne, by and through undersigned counsel, hereby
3 submit the following Responses to Plaintiffs' First Set of Interrogatories.

4
5 1. Identify each incident since January 1, 1996, in which (a) a non-United States
6 citizen was alleged to have registered to vote in your county; (b) a non-United States
7 citizen was alleged to have voted at a polling place in your county; (c) a non-United
8 States citizen was alleged to have voted in your county by early ballot pursuant to A.R.S.
9 § 16-542(A); and (d) an individual impersonated a registered voter at a polling place in
your county. With respect to each such incident, please provide: (i) the name, last known
address and telephone number of the individual and whether the individual was lawfully
in the United States at the time of the incident; (ii) the date the individual was registered
to vote and/or voted; and (iii) whether criminal charges were filed against the individual
and, if so, the case caption, court, docket number and disposition.

10 Answer: With the exception of privileged materials, all documents related to the
11 above-related incidents have been produced in Response to the Request For Production
12 of Documents #1 through 4.

13
14 2. Identify all reports, studies or memoranda in the possession of your office
15 that discuss or relate to the voting-related provisions of the Arizona Taxpayer and
16 Citizen Protection Act ("ATCPA" or "the Act"), amending A.R.S. §§ 16-152, 16-166
and 16-579, or the effect, impact or consequences of such provisions (including but not
limited to any analysis of the number of individuals who lack an Arizona driver's license
or the other forms of identification required by the Act).

17 Answer: All reports, studies, or memoranda have been produced in Response to
18 the Request For Production of Documents #5.

19
20 3. Provide the total number of voter registration forms in your county that
21 have been submitted since the date of implementation of the amendment to A.R.S. § 16-
22 152 set forth in the ATCPA (requiring that voter registration forms contain proof of
United States citizenship), and of that total number provide the number that were (i)
accepted (*i.e.*, the applicant was registered), (ii) rejected due to the application form's
failure to contain satisfactory proof of citizenship as required by Proposition 200, and

1 (iii) rejected for reasons other than the application form's failure to contain proof of
2 citizenship. If a breakdown of this information is available by month, and age, race and
ethnicity of applicant, please provide that information.

3 Answer: As of July 13, 2006, the total number of voter registration forms in
4 Maricopa County that have been submitted since January 24, 2005 is 118,209 over the
5 counter or by mail and 323,311 from Service Arizona that pass electronically. The total
6 number provide the number that were (i) accepted is 103,119 of the over the counter or
7 by mail voter registration and 323,311 from Service Arizona electronic pass; (ii) rejected
8 due to the application form's failure to contain satisfactory proof of citizenship as
9 required by Proposition 200 is 15,090, and (iii) rejected for reasons other than the
10 application form's failure to contain proof of citizenship is zero. The breakdown of this
11 information is available by month for the forms submitted over the counter or by mail,
12 which is attached as Exhibit A.

13
14 4. State the total number of voters who were registered in your county on the
15 effective date of the amendment to A.R.S. § 16-166 and who, pursuant to A.R.S. § 16-
16 166(G), were deemed to have provided satisfactory evidence of citizenship and not
required to resubmit evidence of citizenship unless changing voter registration from one
county to another.

17 Answer: As of January 24, 2005, there were 1,599,412 active and 111,419
18 inactive registered voters in Maricopa County.

19 5. For each election conducted in your county since the implementation of
20 the voting-related provisions of the Arizona Taxpayer and Citizen Protection Act, please
21 state the number of registered voters who (a) voted by mail; (b) cast a regular ballot at a
22 polling place; (c) were not permitted to cast a regular ballot at a polling place due to the
failure to provide identification required by A.R.S. § 16-579; (d) cast a provisional ballot
due to the failure to provide identification required by A.R.S. § 16-579; (e) cast a
provisional ballot and subsequently provided satisfactory proof of identification to the

1 county recorder's office; and (f) cast a provisional ballot that was not counted due to
2 failure to provide identification required by A.R.S. § 16-579. In addition, please identify
any analyses, reports or studies in your possession that address the above.

3 Answer: For the March 14, 2006 election, (a) 71,306 registered voters voted by
4 mail; (b) 39,496 cast a regular ballot at a polling place; (c) the number of persons who
5 were not permitted to cast a regular ballot at a polling place due to the failure to provide
6 identification required by A.R.S. § 16-579 is unknown; (d) 177 cast a provisional ballot
7 due to the failure to provide identification required by A.R.S. § 16-579; (e) 62 cast a
8 provisional ballot and subsequently provided satisfactory proof of identification to the
9 county recorder's office; and (f) 115 cast a provisional ballot that was not counted due to
10 failure to provide identification required by A.R.S. § 16-579.

11 For the May 16, 2006 election; (a) 70,670 registered voters voted by mail; (b)
12 35,752 cast a regular ballot at a polling place; (c) the number of persons who were not
13 permitted to cast a regular ballot at a polling place due to the failure to provide
14 identification required by A.R.S. § 16-579 is unknown; (d) 130 cast a provisional ballot
15 due to the failure to provide identification required by A.R.S. § 16-579; (e) 58 cast a
16 provisional ballot and subsequently provided satisfactory proof of identification to the
17 county recorder's office; and (f) 72 cast a provisional ballot that was not counted due to
18 failure to provide identification required by A.R.S. § 16-579.

19 6. Identify the forms of identification that have been deemed acceptable by
20 your county to establish the identity of electors in accordance with the requirements of
A.R.S. § 16-579(A).

21 Answer: Acceptable forms of identification with photograph, name, and address
22 of the elector are:

- 1 • Valid Arizona driver license
- 2 • Valid Arizona nonoperating identification license
- 3 • Tribal enrollment card or other form of tribal identification
- 4 • Valid United States federal, state, or local government issued identification

4 An identification is "valid" unless it can be determined on its face that it has expired.

5 Acceptable forms of identification without a photograph that bear the name and address
6 of the elector (two required):

- 7 • Utility bill of the elector that is dated within ninety days of the date of the
8 election. A utility bill may be for electric, gas, water, solid waste, sewer,
9 telephone, cellular phone, or cable television
- 10 • Bank or credit union statement that is dated within ninety days of the date of the
11 election
- 12 • Valid Arizona Vehicle Registration
- 13 • Indian census card
- 14 • Property tax statement of the elector's residence
- 15 • Tribal enrollment card or other form of tribal identification
- 16 • Vehicle insurance card
- 17 • Recorder's Certificate
- 18 • Valid United States federal, state, or local government issued identification,
19 including a voter registration card issued by the county recorder or mail identified
20 as "Election Mail".

21 7. Provide a breakdown of the number of voter registration applications
22 submitted in your county since the date of implementation of the amendment to A.R.S. §
16-152 (requiring that voter registration forms contain proof of United States
citizenship), that were on (a) Arizona Voter Registration Forms, (b) Federal Mail Voter
Registration Forms, and (c) other voter registration forms.

Answer: Since the date of implementation of the amendment to A.R.S. § 16-152,
the breakdown of the number of voter registration forms submitted is as follows: (a)
118,209 Arizona Voter Registration Forms, (b) 81 Federal Mail Voter Registration
Forms, and (c) 323,311 Service Arizona registrations and 622 Federal Post Card
Application registrations.

1
2 8. Provide the identity of individuals who submitted voter registration
3 application forms in your county since the date of implementation of the amendment to
A.R.S. § 16-152 whose applications were rejected due to the failure to provide
satisfactory proof of citizenship as required by § 16-152.

4 Answer: The identity of those individuals has been disclosed in Response to
5 Plaintiffs' Gonzales, et al. Request For Production of Documents #1.

6 9. Provide the identity of voters registered to vote in your county who, since
7 the implementation of the voting-related provisions of the Arizona Taxpayer and Citizen
8 Protection Act, (a) were not permitted to cast a regular ballot at a polling place due to the
9 failure to provide identification required by A.R.S. § 16-579; (b) cast a provisional ballot
10 due to the failure to provide identification required by A.R.S. § 16-579; (c) cast a
provisional ballot and subsequently provided satisfactory proof of identification to the
county recorder's office; and (d) cast a provisional ballot that was not counted due to
failure to provide identification required by A.R.S. § 16-579.

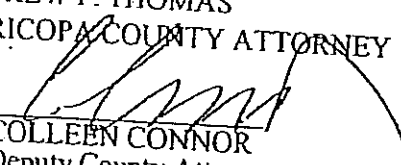
11 Answer: The identity of persons who cast a provisional ballot due to the failure
12 to provide identification required by A.R.S. § 16-579 is attached as Exhibit B. Due to
13 the expedited time frame, the list has not been compared with the County's voter
14 registration records to determine whether the persons identified were registered voters at
15 the time of the election. The column "DP" identifies: persons who (c) cast a provisional
16 ballot and subsequently provided satisfactory proof of identification to the county
17 recorder's office with the letter "Y"; and (d) cast a provisional ballot that was not
18 counted due to failure to provide identification required by A.R.S. § 16-579 with the
19 letter "N".

20 10. Identify each and every person whom you intend to call as a fact witness at
21 the trial of this lawsuit or any other evidentiary hearing, including a hearing held
pursuant to a motion for preliminary injunction, convened for the purpose of addressing
the claims raised in plaintiffs' complaint.

22 Answer: Karen Osborne, Maricopa County Elections Director; Amy Putman,

1 Voter Registration Manager, Maricopa County Elections Department; Tammy Patrick,
2 Federal Compliance Officer, Maricopa County Elections Department.

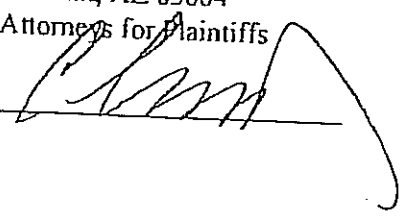
3
4
5 DATED this 26th day of July 2006.

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8 BY: 
9 COLLEEN CONNOR
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11 Attorney for County Defendants

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26 Attorneys for Plaintiffs



2005 - DAILY VOTER REGISTRATIONS - PROPOSITION 200

NEW	MOD	DL#'S	NO DOC	AUTH	SUSP DOB	SUSP CIT	SUSP RES	SUSP DL	SUSP SIG	SUSP YNG	INS #
1-Mar	116	55	56	5	1	13					
1-Mar	101	35	59	7			5				1
1-Mar	126	35	20	71			4				
1-Mar	83	36	45	2							
1-Mar	184	91	80	13							
1-Mar	90	35	53	2	1	21					
1-Mar	67	28	36	3	1	4					
1-Mar	52	29	20	3							
1-Mar	90	53	69	7							
1-Mar	89	33	47	9	1						
1-Mar	68	32	32	4		12					
1-Mar	117	55	61	1							
1-Apr	151	47	36	58		9					
1-Apr	65	36	20	9			5				
1-Apr	171	81	76	14		6					
1-Apr	82	32	44	6		3					
1-Apr	167	65	94	8	1	11					1
1-Apr	147	87	56	3							
1-Apr	85	37	41	4		13					
1-Apr	118	51	58	9		17					
1-Apr	139	77	62								
1-Apr	296	102	138			2					
1-Apr	162	69	76	56							
1-Apr	68	31	28	15	1	16					2
1-Apr	176	69	101	9		7					
1-Apr	81	48	30	6	3	4					
1-Apr	200	39	91	70							
1-Apr	74	35	35	4							
1-Apr	92	41	35	15							
1-Apr	88	41	37	10	1	22					4
1-Apr	102	50	40	3							
1-Apr	152	51	41	60							
1-May	67	33	32	3							
1-May	192	78	89	25							

2005 - DAILY VOTER REGISTRATIONS - PROPOSITION 200

NEW	MOD	DL#S	NO DOC	AUTH	SUSP DOB	SUSP CIT	SUSP RES	SUSP DL	SUSP SIG	SUSP YNG	INS #
May 98	44	40	50	6							
May 115	115	57	55	3	13			1			
May 126	39	43	34	49	3						
May 117	76	38	68	11							
May 223	67	57	155	11							
May 70	36	29	41		3	11		1			
May 138	59	68	59		1	9					
May 163	82	73	80		6	1			3		
May 133	49	58	68	10							
May 91	92	42	40	9							
May 100	73	56	40	4							
May 191	86	54	83	54							
May 133	79	53	74	6							
May 90	57	52	32	5							
May 88	41	33	44	9							
May 70	34	29	32	9							
May 111	42	46	36	29							
May 167	79	83	73	11							
Jun 91	91	58	32	1							
Jun 111	50	70	34	7							
Jun 138	3	35	52	50							
Jun 97	61	51	34	12							
Jun 148	59	51	88	9							
Jun 69	42	26	34	9							
Jun 86	24	36	42	6							
Jun 151	59	47	47	57							
Jun 104	62	45	45	14							
Jun 141	73	116	19	7							
Jun 105	68	34	61	10							
Jun 85	46	41	40	4							
Jun 185	52	49	83	53							
Jun 86	51	50	34	2							
Jun 101	65	39	53	9							
Jun 20	4	4	14	2							
Jun 91					2	35					1
Jun 111						5					2
Jun 138						7					
Jun 97						16					
Jun 148						6					
Jun 69											
Jun 86											
Jun 151											
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Jun 148											
Jun 69											
Jun 86											

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NEW	MOD	DL#S	NO DOC	AUTH	SUSP DOB	SUSP CIT	SUSP RES	SUSP DL	SUSP SIG	SUSP YNG	INS #
1-Jun	94	98	76	8	1		2				
1-Jun	46	50	55	56							
1-Jun	58	36	58	8	8	1	5	1	1		
1-Jun	89	43	38	8	2	1	12	1			
1-Jun	53	37	35	8	6	1					
1-Jun	54	47	46	4	4		4				
1-Jul	44	51	23	7	1						
1-Jul	90	146	103	5	3	1					
1-Jul	65	65	46	6	2		3				
1-Jul	40	53	44	5	15	1	4				
1-Jul	82	155	26	5	6		4				
1-Jul	61	47	92	5	1						
1-Jul	57	78	28	7	13		11				
1-Jul	52	34	53	2							2
1-Jul	73	87	86	8	16	1	6				
1-Jul	74	163	64	4							
1-Jul	67	36	22	9	3	2	22	1			
1-Jul	169		89	15							
1-Jul	52	55	66	4							
1-Jul	64	44	22	7	20	1	5	1			
1-Jul	90	178	101	7							
1-Jul	66	38	52	19							
1-Jul	82	91	64	17	17	3	17	3			
1-Jul	49	37	69	6							
1-Jul	85	35	44	6							
1-Aug	62	126	49	1	5		4				
1-Aug	72	83	38	75							
1-Aug	56	72	57	2							
1-Aug	79	62	27	6							
1-Aug	76	139	36	71			5				
1-Aug	92	80	71	11			6				
1-May	135	80	58	5							
1-Aug	109	79	91	4							
1-Aug	95	75	33	8							

2005 - DAILY VOTER REGISTRATIONS - PROPOSITION 200

NEW	MOD	DL#S	NODOC	AUTH	SUSP DOB	SUSP CIT	SUSP RES	SUSP DL	SUSP SIG	SUSP YNG	INS #
12-Aug 218	91	134	40	44		36					
15-Aug 161	131	90	55	16		29				19	
16-Aug 92	84	51	30	11						12	
17-Aug 177	80	90	85	2						7	
18-Aug 110	50	50	58	2						3	
19-Aug 272	86	170	27	75							
22-Aug 220	117	109	103	8							
23-Aug 190	110	94	85	11		24	4			5	
24-Aug 144	54	74	61	9							
25-Aug 120	49	72	39	9							
26-Aug 449	171	332	56	61							
29-Aug 160	97	106	49	5	5	46	2			25	3
30-Aug 147	60	93	46	8							
31-Aug 112	60	66	32	14							
1-Sep 139	62	98	35	6							
2-Sep 397	158	236	102	59							
6-Sep 165	79	120	40	5							
7-Sep 136	106	75	46	15							
8-Sep 225	116	146	77	2						32	
9-Sep 273	77	91	105	77							
12-Sep 87	79	65	19	3	5						
13-Sep 111	87	68	27	16							
14-Sep 122	59	85	33	4					12		4
15-Sep 108	60	57	42	9							
16-Sep 332	138	289	35	8							
19-Sep 124	109	98	19	7							
20-Sep 273	173	143	123	7						38	
21-Sep 187	91	102	79	6						5	
22-Sep 144	56	87	46	11							
23-Sep 274	118	163	41	70							
25-Sep 150	141	86	57	7							
27-Sep 198	186	131	44	23							
28-Sep 95	52	62	19	14							
29-Sep 215	100	151	57	7							
30-Sep 161	79	144	13	4							

2005 - DAILY VOTER REGISTRATIONS - PROPOSITION 200

NEW	MOD	DL#S	NO DOC	AUTH	SUSP DOB	SUSP CIT	SUSP RES	SUSP DL	SUSP SIG	SUSP YNG	INS#
22-Nov 136	70	51	15	4							
23-Nov 64	112	41	20	3							
25-Nov 25	39	14	10	1							
28-Nov 49	131	35	12	2							
29-Nov 161	238	126	29	6							
30-Nov 86	106	68	18	3							
1-Dec 79	86	59	17	3							
2-Dec 196	104	120	23	52							
5-Dec 62	209	48	9	5							
6-Dec 42	247	29	11	2							
7-Dec 39	129	22	12	5							
8-Dec 136	108	103	32	4							
9-Dec 195	207	101	22	72							
12-Dec 178	334	131	43	4							
13-Dec 143	342	108	30	5							
14-Dec 3	154	2		1							
15-Dec 33	201	28	3	2							
16-Dec 88	120	56	25	1							
19-Dec 46	99	30	15	1							
20-Dec 89	84	70	19								
21-Dec 33	69	22	10	1							
22-Dec 119	360	71	40	8							
23-Dec 63	204	47	15	1							
28-Dec 2	519	2		1							
29-Dec 65	434	36	24	5							
30-Dec 63	279	49	24	4							
TOTAL 32420	23263	17996	11197	3230	46	706	84	629	27	4	6

35% new registrations are rejected for insufficient proof of citizenship

10% new registrations are received with proper documentation other than the DLN

2006 - DAILY VOTER REGISTRATIONS - PROPOSITION 200

	NEW	MOD	DL#S	NO DOC	AUTH
3-Jan	139	235	111	25	3
4-Jan	29	216	12	12	5
5-Jan	206	284	155	47	4
6-Jan	115	162	38	9	68
9-Jan	429	398	373	49	7
10-Jan	110	267	90	18	2
11-Jan	108	232	79	28	3
12-Jan	25	213	17	4	3
13-Jan	138	309	56	11	71
17-Jan	102	340	83	15	4
18-Jan	67	482	47	12	8
19-Jan	73	350	49	13	11
20-Jan	187	150	100	25	62
23-Jan	136	194	102	25	9
24-Jan	64	546	45	13	6
25-Jan	59	99	47	10	2
26-Jan	86	400	60	19	3
27-Jan	148	235	69	12	74
30-Jan	98	321	82	8	9
31-Jan	127	454	106	16	5
1-Feb	155	128	130	23	2
2-Feb	97	267	72	17	8
3-Feb	162	450	88	21	8
6-Feb	139	195	59	16	64
7-Feb	76	847	60	11	5
8-Feb	80	594	54	25	1
9-Feb	263	1362	140	50	73
10-Feb	82	437	71	10	1
13-Feb	4	110	3	1	
14-Feb	62	582	51	8	3
15-Feb	105	215	79	21	5
16-Feb	22	751	12	3	7
17-Feb	127	539	84	30	13
20-Feb	173	437	111	26	36
21-Feb	99	555	63	28	8
23-Feb	130	597	112	14	4
24-Feb	99	263	19	9	
27-Feb	130	321	69	10	51
28-Feb	121	307	92	27	2
1-Mar	45	134	33	11	1
2-Mar	102	404	70	11	12
3-Mar	71	148	56	5	2
6-Mar	181	258	67	39	70
7-Mar	193	230	156	23	7
8-Mar	90	295	70	18	2
9-Mar	246	238	202	30	3
10-Mar	74	101	58	8	
13-Mar	186	266	94	17	46
14-Mar	127	150	98	16	12
17-Mar	163	428	116	27	11
20-Mar	167	205	79	17	63
21-Mar	158	298	108	31	9
22-Mar	96	229	74	9	6

23-Mar	62	139	35	11	1
24-Mar	85	130	60	13	6
27-Mar	191	210	107	16	58
28-Mar	82	119	42	3	6
29-Mar	119	122	79	32	1
30-Mar	24	74	3		4
31-Mar	136	97	77	34	5
3-Apr	121	578	91	15	9
4-Apr	120	448	81	17	3
5-Apr	107	656	82	20	
6-Apr	63	59	49	4	
7-Apr	44	607	34	5	
10-Apr	116	486	74	21	50
11-Apr	124	451	84	13	6
12-Apr	62	306	38	10	3
14-Apr	350	300	220	51	
15-Apr	1518	1243	1213	221	73
18-Apr	244	424	193	25	6
19-Apr	925	615	422	78	6
20-Apr	478	344	413	58	1
21-Apr	502	462	423	57	3
22-Apr	332	380	262	53	9
24-Apr	72	75	52	14	2
25-Apr	59	274	40	8	2
26-Apr	99	368	72	10	6
27-Apr	70	163	43	11	4
28-Apr	46	154	35	8	2
1-May	113	109	28	8	53
2-May	48	139	30	8	3
3-May	119	226	82	12	6
4-May	54	56	40	5	3
5-May	68	170	39	9	6
8-May	191	206	102	18	53
9-May	106	80	70	17	3
10-May	127	268	94	15	6
11-May	64	117	45	11	3
12-May	136	178	43	11	52
15-May	119	283	86	17	7
16-May	171	257	107	39	9
19-May	171	206	157	38	6
22-May	136	186	101	19	6
23-May	88	80	71	8	8
24-May	149	317	97	22	6
25-May	55	31	38	11	1
26-May	67	180	47	9	3
30-May	68	93	29	9	22
31-May	105	108	77	14	3
1-Jun	85	502	52	8	0
2-Jun	136	331	85	27	5
5-Jun	133	98	52	16	54
6-Jun	108	451	67	18	4
7-Jun	565	642	319	43	13
8-Jun	238	403	172	43	7
9-Jun	68	124	44	17	5
12-Jun	135	422	37	9	63
14-Jun	318	529	230	44	11

15-Jun	119	274	75	27	11
16-Jun	541	524	317	132	4
19-Jun	838	684	622	160	29
20-Jun	822	476	640	121	28
21-Jun	247	432	146	72	14
22-Jun	43	139	28	6	3
23-Jun	638	378	478	93	7
26-Jun	66	133	36	16	7
27-Jun	68	89	44	13	4
28-Jun	52	81	40	5	4
30-Jun	130	350	86	12	18
5-Jul	501	494	207	67	43
7-Jul	812	512	581	127	67
10-Jul	494	360	145	242	70
11-Jul	497	63	146	319	6
12-Jul	183	188	123	36	9
13-Jul	262	169	95	129	6
14-Jul					
17-Jul					
18-Jul					
19-Jul					
20-Jul					
21-Jul					
24-Jul					
25-Jul					
26-Jul					
27-Jul					
28-Jul					
31-Jul					
1-Aug					
2-Aug					
3-Aug					
4-Aug					
7-Aug					
8-Aug					
9-Aug					
10-Aug					
11-Aug					
TOTAL	22876	39650	14945	3893	1911

17% new registrations are rejected for insufficient proof of citizenship

8% new registrations are received with proper documentation other than the DLN

March 2006

HENDERSON	KAAREN	M	5318 E	LINDSTROM	LN	MESA	85215	N
HERNANDEZ	JAMES	DONALD	1327 E	WASHINGTON	AVE	GILBERT	85234	N
HINCHEY	THOMAS	FRANCIS	15835 N	9TH	AVE	PHOENIX	85023	Y
HINDENLANG	ERNIE	CHALMER	2501 W	WICKENBURG	WAY	135 WICKENBURG	85390	Y
HOLDREN	BRIAN	JAMES	3830 S	BARBERRY	WAY	CHANDLER	85248	N
HOLLINGSWORTH	LEE	FRANCES	3314 N	68TH	PL	260W SCOTTSDALE	85251	N
HOLMGREN	MICHAEL	A	3940 W	ALICE	AVE	PHOENIX	85051	N
HOSSACK	GEOFFREY	TODD	1616 W	GERMANN	RD	3005 CHANDLER	85248	N
HOWLETT	KITTY	LAMAE	5361 E	FORD	CIR	MESA	85215	N
HUSK	CARA	SUE	7936 S	DROMEDARY	DR	TEMPE	85284	N
INGRAM	GEORGE	GILFORD	685 W	GARY	DR	CHANDLER	85225	N
JACKSON	AMANDA	MARIE	2255 W	GERMANN	DR	CHANDLER	85248	Y
JACKSON	MITCHELL	DEAN	290 N	JACKSON	RD	2135 CHANDLER	85390	N
JENSEN	CAROL	ANN	2743 E	LA COSTA	DR	WICKENBURG	85249	N
JONSON	HEATHER	ANN	2041 E	PEBBLE BEACH	DR	CHANDLER	85282	N
JONES	CHRISTINE	C WALKER	8135 N	35TH	AVE	TEMPE	85051	N
KING	RACHELLE		8242 W	VOLTAIRE	AVE	PHOENIX	85381	N
KOSMAL	ROBERT	KENNETH	4908 W	IRONWOOD	AVE	PEORIA	85302	N
KRAFT	CHRISTINE	NICOLE	4532 E	BADGER	DR	GLENDALE	85044	N
KREBS	NATALIE	LYNN	4610 E	HAZELTINE	WAY	PHOENIX	85249	N
LAESSIG	BRUCE	A	16104 E	GREENE VALLEY	WAY	CHANDLER	85288	N
LANE	THOMAS	RYAN	13341 N	82ND	RD	FTN HILLS	85381	N
LEONARD	IVALOU	G	11161 E	POINSETTIA	DR	PEORIA	85259	Y
LEVITTE	JESSICA	LOUISE	7224 W	DREYFUS	DR	SCOTTSDALE	85381	N
LEVY	JOAN	MARCIA	3846 N	PUEBLO	DR	PEORIA	85251	Y
LEWIS	HAROLD	G	316 N	MILLER	WAY	SCOTTSDALE	85326	N
LEWIS-BABICKA	LORI	LEE	2293 E	BONITA	RD	BUCKEYE	85296	N
LUNA	PAUL	JEROME	14627 S	46TH	ST	GILBERT	85044	N
LYNCH	WILLIAM	DANIEL	11412 E	BELLA VISTA	ST	PHOENIX	85259	Y
MALLOY	AMY	ELIZABETH	2795 E	PALM BEACH	DR	SCOTTSDALE	85249	N
MANFRA	THERESA	LOUISE	16626 E	WESTBY	DR	CHANDLER	85268	Y
MANNIS	BURTON	RONALD	8619 E	SAN RAFAEL	DR	FTN HILLS	85258	N
MARICH	RUTH		1475 N	GRANITE REEF	DR	SCOTTSDALE	85257	N
MARKLEY	BEN	ROBERT	8855 W	CHRISTOPHER MICHAEL	RD	SCOTTSDALE	85345	N
MARTIN	CLAUDIA	SOTO	1829 E	LOMA VISTA	LN	PEORIA	85282	N
MCDERMOTT	FILIPPINA	MARY	12000 N	90TH	DR	TEMPE	85260	N
MELCHIORRE	MICHELLE	CLARE	11427 N	CHIPMUNK	ST	SCOTTSDALE	85268	N
					LN	FTN HILLS		

MELENDEZ	ANTHONY	EDWARD	PO BOX 900	85358	N	WICKENBURG
MILLER	JACQUELYN	E	6250 N 19TH	85015	N	328 PHOENIX
MILNER	LANCE	LEE	3978 E GEMINI	85249	N	CHANDLER
MINWEASER	RICHARD	DEAN	7669 E BAKER	85262	Y	SCOTTSDALE
MORRIS	LARRY	I EL-AMIN	6719 S HARDY	85283	Y	TEMPE
MULAZIM	ABDULLAH	CHRISTOPHER	651 W BARROW	85225	N	CHANDLER
MYERS	BRIAN	CORRINE	22468 N 90TH	85255	N	SCOTTSDALE
NAUGLE	HAELY	RICHARD	8051 E LONE MOUNTAIN	85262	Y	SCOTTSDALE
NAUGLE	JOHN	E	8051 E LONE MOUNTAIN	85262	Y	SCOTTSDALE
NEUZIL	WILLIAM	L	8092 E DEL LATON	85258	N	SCOTTSDALE
NIELSEN	JEAN	JEANETTE	127 E MESQUITE	85296	Y	SCOTTSDALE
O'GORMAN	MALTA	JOYCE	10602 E IRONWOOD	85208	Y	GILBERT
ORTIZ	CAROLYN	ROSS	6527 N 24TH	85015	Y	MESA
OSERAN	DANIEL	RICHARD	6818 E 5TH	85251	Y	PHOENIX
PERKINS	CAROLYNE	EDWAED	1621 S CARRIAGE	85248	Y	SCOTTSDALE
PERKINS	HAROLD	CHARLENE	4442 E DELTA	85206	N	CHANDLER
PLAMBECK	CHARLES	LEE	16455 E AVENUE OF THE FOUNTAIN	85268	N	MESA
POTTER	REBECCA	MICHELLE	937 S SAN JOAQUIN	85296	N	116 FTN HILLS
PROCTOR	WANDA	LORRAINE	1625 S SANDSTONE	85326	N	GILBERT
REED	DANA	DANIEL	25214 W PARKSIDE	85215	N	GILBERT
REID	JANE	PATRICK	5959 E VALDAI	85283	N	BUCKEYE
RENFRO	ALAN	ARTHUR	5272 S HAZELTON	85204	Y	MESA
RHOTAN	DEANN	P	853 E HAMPTON	85390	N	TEMPE
RICHARD	RAYMOND	MAY	490 EL RECREO	85205	N	MESA
RIGG	DUANE	KEN	4327 E HACKAMORE	85306	N	MESA
RIGLE	JAY	PAUL	6331 W PORT ROYALE	85390	Y	6 WICKENBURG
ROBERTS	SUSAN	JACOB	565 S DESERT CANYON	85235	N	MESA
ROLLINS	KARDA	JEAN	4249 E DOUGLAS	85044	N	GLENDAL
SANCHEZ	PAUL	BASHIR	15420 S 38TH	85249	N	WICKENBURG
SARSAM	BONNIE	S	2657 E WESTCHESTER	85249	N	HIGLEY
SARSAM	JAMAL	MORLEY	2657 E WESTCHESTER	85236	Y	PHOENIX
SAWYER	SANDRA	ROBERT	4776 E GUADALUPE	85249	N	CHANDLER
SCHWEERS	ANN	MAY	15026 N TAMARACK	85236	Y	CHANDLER
SCHWEERS	WILLIAM	K	15026 N TAMARACK	85268	Y	2047 HIGLEY
SHAMMAS	KAREN		2562 E TORREY PINES	85268	Y	FTN HILLS
SHINDLER	ANNE		6250 N 19TH	85249	N	FTN HILLS
SHIPLE	ANDREA		112 W ESCALANTE	85015	N	CHANDLER
				85326	N	241 PHOENIX
						BUCKEYE

SHOUGH	DALE	DUANE	7751 W RUE DE LAMOUR	RD	PEORIA	85381	Y
SHUMWAY	KEVIN	MICHAEL	715 KELLIS	DR	WICKENBURG	85380	N
SIMMONS	BRENDA	S	756 W HARVARD	DR	TEMPE	85283	Y
SMITH	SHELDON	STUART	12459 N 116TH	ST	SCOTTSDALE	85259	N
SPARR	MARTIN	A	3708 N NAVAJO	TRL	SCOTTSDALE	85251	N
SPEARS	WAYNE	P	10819 N 105TH	WAY	SCOTTSDALE	85259	N
STANCIU	PATRICIA	LOUISE	4831 W PURDUE	AVE	GLENDALE	85302	Y
STEWART	JEFFREY	NEAL	2662 E WINGED FOOT	CT	CHANDLER	85249	Y
THAYER	BELINDA	SUE	1812 S BRENTWOOD	PL	CHANDLER	85248	N
TINSTMAN	JUOY	L	11421 ASTER	RD	SCOTTSDALE	85259	Y
TURNER	MELINDA	BELL	2656 E WESTCHESTER	RD	CHANDLER	85249	N
UNDERDOWN	TERESA	RAE	286 N FRONTIER	DR	WICKENBURG	85390	Y
VADALA-HOMER	VALERIE	JEAN	20717 N 74TH	ST	SCOTTSDALE	85255	Y
VINCITORIO	SOPHIA	ELLEN	1204 N CAMBRIDGE	WAY	CHANDLER	85225	N
VOLKMAN	DOUGLAS	E	4043 E FAIRVIEW	CIR	MESA	85208	N
WARSI	SYED	WASIF	857 N EVERGREEN	CIR	CHANDLER	85225	N
WATSON	CLARKE	WILLIAM	35152 N 80TH	ST	SCOTTSDALE	85262	N
WEISS	CATHY	JO	55407 N COYOTE CROSSING	WAY	WICKENBURG	85390	N
WEIST	BARBARA	JEAN	14802 E DELGADO	DR	FTN HILLS	85268	N
WESLEY	IRENE	VICTORIA	16841 S 27TH	LN	PHOENIX	85045	N
WHARTON	APRIL	LYNN	3909 E FLOSSMOOR	AVE	MESA	85208	Y
WHITEHOUSE	ORIANA	LYNN	2507 E MANHATTON	DR	TEMPE	85282	N
WIDGEON-FULLER	TERRY	LYNN	679 E STOTTLER	PL	CHANDLER	85225	Y
WIGGINS	KARI	LYNN	8425 W CAMINO DE ORO	CT	PEORIA	85383	Y
WOJCEK	CHRISTOPHER	JAMES	15002 N TANGLEWOOD	AVE	FTN HILLS	85268	N
YOUNCE	SHIRLEY	L	820 E ROOSEVELT	ST	BUCKEYE	85326	N
ZART	WILLIAM	LYMAN	3778 E DEL RIO	DR	HIGLEY	85236	N
GRAYSON	JUDITH	ANN	252 W AMARANTH	ST	WICKENBURG	85390	Y
GREGORY	NANCY	ANN	590 BASS	LN	WICKENBURG	85390	N
PETERSEN	DOUGLAS	KEITH	970870 CAMINO DE ALEGRA		WICKENBURG	85390	N

GOODWIN	SUSAN	8029 E	VIA DEL SOL	DR	SCOTTSDALE	85255	N
GOULDTHORPE	RACHELLE	10235 E	JEROME	AVE	MESA	85209	N
GURR	CAROLYN	9330 E	FAIRBROOK	ST	MESA	85207	N
HALL	DONALD	3314 N	68TH	ST	206W SCOTTSDALE	85251	Y
HALL	GRACE	8155 E	FRITO	DR	MESA	85208	N
HASTINGS	VERNON	2316 E	CHICAGO	ST	CHANDLER	85225	N
HELLMANN	DALE	1322 E	EVERGREEN	ST	MESA	85208	N
HOUGE	KENNETH	810 E	ROBERTS	ST	BUCKEYE	85326	N
HOUSE	LARRY	3327 N	CIVIC-CENTER	AVE	135 SCOTTSDALE	85251	N
HUBBARD	EDWARD	824 S	REVERE	PLZ	MESA	85210	Y
HULTZ	CORY	11253 E	RENFIELD	AVE	MESA	85212	N
ICKES	MELISSA	3460 E	HARMONY	AVE	MESA	85204	N
INDOCENCIO	RAMIRO	8906 E	ORO	AVE	MESA	85212	N
JACKSON	NEWEL	2753 E	LYNWOOD	ST	MESA	85213	N
JERRICK	SUSAN	10306 E	JUANITA	AVE	MESA	85209	N
JESPERSEN	PAULEA	1636 E	GARNET	AVE	MESA	85204	N
JOHNSON	LINDA	5068 E	ESCONDIDO	AVE	MESA	85206	Y
JOHNSON	TERRI-LYNN	8932 E	ARLINGTON	RD	SCOTTSDALE	85250	N
JONES	CAMERON	10321 E	JUANITA	AVE	MESA	85209	N
KELLER	MICHAEL	6762 W	SHANNON	ST	CHANDLER	85226	N
KIMBRELL	AMANDA	607 E	EASON	AVE	BUCKEYE	85328	N
LANGLEY	JUNE	9494 E	BECKER	LN	SCOTTSDALE	85260	Y
LARAWAY	FREDRIC	11429 E	DOWNING	ST	MESA	85207	N
LEE	JERI	111 E	BASELINE	RD	BUCKEYE	85328	Y
LILIE	CECELIA	12121 E	GOLD DUST	AVE	SCOTTSDALE	85259	Y
LILIE	LAWRENCE	12121 E	GOLD DUST	AVE	SCOTTSDALE	85259	Y
LONG	MATTHEW	5555 E	DOLPHIN	AVE	MESA	85206	Y
LOUGHRAN	MAURA	8542 E	ROANOKE	AVE	SCOTTSDALE	85257	Y
LYMER	MARK	719 W	10TH	ST	TEMPE	85281	Y
LYNCH	KEITH	9547 E	MONTE	AVE	MESA	85209	N
LYONS	KELLY	2107 N	BRIDLEWOOD	AVE	MESA	85207	Y
MAZZEO	NANCY	10302 E	LAGUNA AZUL	AVE	MESA	85209	Y
MCATEE	JOYCE	4628 E	FLOWER	AVE	MESA	85206	Y
MCCAIN	CHARLES	10728 N	140TH	PL	SCOTTSDALE	85259	N
MCCLAIN	LUCINDA	9723 E	WOOD	DR	SCOTTSDALE	85260	N
MCCULLOUGH	GAVIN	2343 W	MAIN	ST	2066 MESA	85201	Y
MCINTYRE	JEFFERSON	1328 E	INDIGO	CIR	MESA	85203	Y

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MCNEIL	KAREN	LOUISE	323 W	LAGUNA	DR	TEMPE	85282	N
MILLER	LAWRENCE	FRANK	13804 E	GERONIMO	RD	SCOTTSDALE	85259	Y
MONTIERTH	WENDY	GUNNELL	5241 E	CATALINA	AVE	MESA	85206	N
MOREY	RISA	AINDA	4819 E	HALIFAX	ST	MESA	85205	Y
MURPHY-BAUER	KAREN	JENICE	1264 E	FORGE	AVE	MESA	85204	N
NICHOLS	LINDA	C	2654 E	LAUREL	CIR	MESA	85213	N
NIELSEN	NINA	MCELWAIN	5735 E	MCDOWELL	RD	MESA	85215	N
OCONNOR	BEVERLY	JEAN	7508 E	ED RICE	RD	442 MESA	85208	N
OCONNOR	DELMAR	WILLIAM	7508 E	ED RICE	AVE	MESA	85208	Y
PADELFOED	KAREN	R	5426 E	GROVE	AVE	MESA	85208	N
PADELFOED	RICHARD	JAMES	5426 E	GROVE	AVE	MESA	85206	Y
PEARCE	KATHERINE		3105 E	CAMINO	ST	MESA	85206	Y
PELOQUIN	SCOTT		9661 E	PAMPA	AVE	MESA	85213	Y
PETERSEN	CRYSTAL	RICKS	6261 E	MCLELLAN	AVE	MESA	85212	Y
PETERSEN	JARRET	VAUGHN	6261 E	MCLELLAN	RD	MESA	85205	N
PIAZZA	ANTHONY	ROBERT	12571 N	146TH	RD	MESA	85205	N
POSTERT	DUSTON	GARFIELD	4712 E	GROVE	WAY	SCOTTSDALE	85259	N
PRICE	JOYCE	ANN	7800 E	BOULDERS	CIR	MESA	85206	Y
RAMSEY	CLAUDE	EUGENE	12000 N	90TH	PKY	4 SCOTTSDALE	85262	Y
RAMSEY	JAMES	A	954 N	94TH	ST	1003 SCOTTSDALE	85260	N
RANDALL	LISA	MICHAEL	18552 W	CAPISTRANO	ST	MESA	85207	Y
RIFFICE	ANTHONY	ROSE	5518 E	LINDSTROM	AVE	GOODYEAR	85338	Y
RIVERS	RAQUEL	MARY	5518 E	LINDSTROM	LN	67 MESA	85215	N
ROBERTS	GAYLE	MARIE	11482 E	ASTER	LN	67 MESA	85215	N
ROCHE	EILEEN	HALE	11288 S	INDIAN WELLS	DR	SCOTTSDALE	85259	Y
ROSPAPA	DENISE	MARIA	2308 N	CABOT	DR	GOODYEAR	85338	N
ROY	DENISE	JOYCE	7109 E	JENSEN	CIR	MESA	85207	Y
RUIZ	LINDA	BERENICE	5498 S	DOVE WASH	ST	MESA	85207	Y
RYAN	ADRIANA	PATRICIA	418 N	DREW	ST	BUCKEYE	85326	Y
SCHALLER	GRACE	LAWRENCE	4710 N	70TH	ST	MESA	85201	N
SCHROEDER	JOHN	ANNE	10410 E	WETHERSFIELD	ST	SCOTTSDALE	85251	N
SHAW	CHERYL	EILLEN	3348 E	HAMPTON	RD	SCOTTSDALE	85259	N
SLOAN	LYNDA	LOUISE	10000 S	PALO VERDE	AVE	MESA	85204	N
SMITH	MARGARET	YVONNE	4222 E	HOLMES	RD	PALO VERDE	85343	N
SMITH	GWENDOLYN	DION	10426 E	JAVELINA	CIR	MESA	85206	N
SPARKS	STEFAN	LEE	10426 E	JAVELINA	AVE	MESA	85209	N
	TONY		7787 E	SOARING EAGLE	AVE	MESA	85209	N
				WAY	WAY	SCOTTSDALE	85262	Y

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1 Flagstaff and we've run newspaper ads.
2 And prior to this for our March and May
3 elections in the papers we'll be running ads starting
4 shortly for the Navajo, Hopi Times. Also we're trying
5 to get as many of the local newspapers that we'll be
6 running ads in, too, and then doing a mailing with the ID
7 cards, we are going to put information in there.

**DEPOSITION OF THE MARICOPA COUNTY RECORDER
BY AND THROUGH KAREN OSBORNE
July 31, 2006**

32:9 – 36:9

Page 32:

9 Q. This is a copy of a Certificate of
10 Naturalization, is that correct?
11 A. That's correct.
12 Q. Okay. This is included as an exhibit to the
13 D.O.J. submission?
14 A. Correct.
15 Q. There are two numbers on this certificate in
16 the right-hand corner, is that correct?
17 A. Correct.
18 Q. Are both of those numbers verifiable with the
19 United States Government?
20 A. No.
21 Q. Which one is?
22 A. The A number is the number that is tracked by
23 Homeland Security.
24 As you pointed out in, I believe it was F,
25 when we deal with a Naturalization Certificate we are

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1 required before we do any processing to verify its
2 authenticity, that the person is really a citizen.
3 Q. You are required to do that if they come to
4 the Recorder's Office with their Naturalization
5 Certificate?
6 A. Well, if we have just the number, if we have
7 just the A number.
8 Q. So if someone mails in a registration form on
9 which they have just listed their --
10 A. Right.
11 Q. -- number or if they come to the office with
12 a registration form on which they have just listed their
13 number?
14 A. Right. But it's the A number. We are

15 connected to Homeland Security electronically and it is
16 the A number, not the certificate number that will
17 track.
18 Q. And when you say A number, is that the number
19 on the certificate that's identified here as the INS
20 Registration Number?
21 A. It is.
22 Q. And the first character in that number is an
23 A?
24 A. Is an A and always is an A.
25 Q. Is that number an alien registration number?

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1 A. Yes.
2 Q. Did you attempt to verify the other number
3 listed on this document? Did anyone submit –
4 A. Yes.
5 Q. – to you a registration form with the number
6 that isn't the A number?
7 A. Yes.
8 Q. And you attempted to verify that with the
9 federal government?
10 A. We did.
11 Q. And when was that?
12 A. That was the very first week that we were
13 accepting registrations and we were trying to learn how
14 to do this effectively and we were having to make calls
15 at that time and found out from INS that there were two
16 numbers on the certificate; that the first number that
17 appears at the top is simply that, it is a number of the
18 certificate. One up I guess. In 1492 they probably
19 start again with that amount. But the A number is what
20 we use in our match.
21 Q. So, in the statute it says the number of the
22 Certificate of Naturalization?
23 A. Correct.
24 Q. But that number is not the number that is
25 verifiable?

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1 A. That's correct.
2 Q. Did you reject any registration form that
3 included the number of the certificate instead of the A
4 number?
5 A. No, we have not. We kept going until we
6 figured out the process that we could use to be able to
7 – to be able to accommodate that type of number and we
8 have – we finally figured out how to do that.
9 Q. How frequently do voters submit registration

10 forms with the certificate number instead of the A
11 number?
12 A. Rarely. They now -- once the information --
13 we try to do a education process through all of the
14 groups and everybody we can think of. We actually go to
15 the INS -- I mean, to the federal courthouse every
16 Friday when there's a swearing in. We try and provide
17 as much help as we can so they will just send in or they
18 will just put down the A number or they show us their
19 certificate so we can deal with that.
20 Q. Do any of the forms that are used for
21 registration include instructions about which number to
22 use off the naturalization form?
23 A. Yes.
24 Q. Which forms are those?
25 A. Well, any of the information that we send

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1 out.
2 If you were to send in something that was
3 non-verifiable, and I can't -- I can't say that we have
4 never rejected anyone with one of those numbers, it
5 would probably not have appeared to be a naturalization
6 number. But when we send back for any rejection we send
7 them a list of all the things that you can use, we send
8 them a self-addressed stamped envelope and we provide a
9 number for them to call.

51:15 – 53:23

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15 Q. So you match the signature on the provisional
16 ballot envelope --
17 A. That's correct.
18 Q. -- to the --
19 A. The voter.
20 Q. -- the voter registration file in your
21 office?
22 A. That's correct.
23 Q. And you believe that procedure is sufficient
24 to guard against fraud?
25 A. We believe there is sufficiency because it's

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1 not the only thing that we check. We check the birth
2 date, we check is this the registrant, did they show up
3 in the right polling place, because if you don't show up
4 in the right polling place your ballot isn't counted.
5 Once in a while you'll have people that just
6 swear they are a Democrat and they are registered
7 Republican or whatever the issue is. So that's one of
8 the things. But there's enough information on there

9 that we feel that it is secure.
10 Q. List 2 in this document, Exhibit 11, page 21,
11 it lists the non-photo identification --
12 A. Yes.
13 Q. -- that's acceptable, is that correct?
14 A. Yes.
15 Q. And a voter would need to provide two forms
16 of acceptable non-photo identification to obtain a
17 regular ballot, correct?
18 A. Correct.
19 Q. Okay. Does the county accept a satellite
20 television bill?
21 A. Yes.
22 Q. But that item is not listed in list 2, is it?
23 A. We would consider it as a utility bill.

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1 A. We would -- we would not nitpick that. If
2 it's a bill, it's a bill.
3 Q. But this document is what's given to
4 boardworkers so that they know what to do at the polls,
5 correct?
6 A. That's correct.
7 Q. Are they told at any other time that they can
8 accept satellite television bills as non-photo
9 identification?
10 A. Satellite -- of all the things that came up,
11 satellite television bills did not come up.
12 They are asked to use common sense and try
13 and see if that documentation can fit into the --
14 legitimately into these issues. We don't want one more
15 provisional than we have to have. We don't want them to
16 have to come back. We want to be able to accept it, so
17 we try and something like that we would take.
18 Q. What about a bill from an Internet service
19 provider that didn't happen to be a telephone or cable
20 television company?
21 A. We would certainly -- if someone were to ask
22 me, I would certainly be willing to accept that. I see
23 that as a utility that is not listed.

59:21 – 64:13

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21 Q. Only voters in the active registration file
22 receive official election mail from the county?
23 A. Right.
24 Active does not mean that they vote. Active
25 is their voter address and if you have -- we have sent

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1 you two first class pieces of mail and it has come back
2 that you are no longer at this address and there's no
3 forwarding, then we move you only after we receive that
4 second piece of mail to an inactive status.

5 You can then at the back of the polling place
6 book when you go in, the first part is -- has white on
7 the pages much like your phone book has a dark part on
8 the back. Those are inactive.

9 If you come in, your name is not on the first
10 part, they look in inactive. If your name is on the
11 inactive and you have your identification it's as good
12 as though you were in the front part of the book.

13 Q. But for people who are in the inactive
14 section they don't receive --

15 A. They don't vote a provisional.

16 Q. They don't receive official election mailings
17 from the Recorder's Office?

18 A. That's correct.

19 Q. So those people couldn't use that as
20 non-photo ID because they are not getting them?

21 A. That's correct.

22 Q. Let's talk about election mail. You have
23 listed as one of the forms of non-photo identification
24 that's acceptable any official election material mailing
25 bearing the voter's name and address, is that correct?

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1 A. Yes.

2 Q. The County Recorder's Office is doing this
3 because you recognize that voters may not possess any of
4 the other forms of identification on the Secretary of
5 State's list, right?

6 A. Well, the official election mailing we
7 consider as very critical because we do mail the voter
8 registration card and we do send the sample ballot this
9 year in the primary, and in this election it was a
10 separate yellow card to every registered voter and it
11 was an official card so that they had their voter
12 registration and this card. That was their two forms.

13 Now it's going to be their sample ballot. It
14 will have a map on how to get to the polling place. It
15 will have listed all the different things that you can
16 take and it will be -- we are providing them the two
17 pieces of information to go to the polls.

18 Right now we're mailing the voter ID cards
19 but eleven days out from the election we mail the sample
20 ballot and it's intended that it's a little closer to
21 the time. Fifty percent of our people don't vote at the

22 polls, they vote by mail and that's exempt from this
23 process.
24 Q. So how many pieces of election, official
25 election mail –

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1 A. Uh-huh.
2 Q. – that would be acceptable as ID will the
3 county be mailing for the September primary?
4 A. The county will be mailing two pieces of
5 acceptable ID to them.
6 We do also have on our election ballot, some
7 of the cities like the city of Glendale, city of Peoria,
8 the city of El Mirage, and they send different pieces,
9 official pieces of mailing. So in those cases those
10 people would have three pieces of mail.
11 Q. Do you know if the cities are sending them to
12 the individual voter or to "registered voter at"?
13 A. They are sending them to the individual voter
14 for the purpose of this "You can take this to the polls
15 as another form of ID."
16 Q. Do you know if any other counties are doing
17 that?
18 A. I don't.
19 Q. But Maricopa County is doing this to ensure
20 that people will have the necessary identification to
21 vote, correct?
22 A. Absolutely.
23 Q. And you recognize that some people may not
24 have had the necessary identification to vote?
25 A. Yes.

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1 Q. This is not something that's required by
2 Proposition 200 itself, is it?
3 A. That's correct.
4 Q. Nor is it required by the procedures
5 promulgated by the Secretary of State's Office, correct?
6 A. The voter registration card is required by
7 law but the sending of the sample ballots to individuals
8 rather than households is not required any place.
9 Q. Is there a cost for replacement of a voter
10 registration card?
11 A. No.
12 Q. But do you issue replacement cards --
13 A. Yes.
14 Q. -- if someone requests one?
15 A. Uh-huh.
16 Q. It's possible that the County Recorder could

17 decide later to not accept election mail as
18 identification at the polls, is that correct?
19 A. I don't see how you would not be able to
20 accept it because it talks about the validly issued --
21 valid United States, federal, state or local government
22 issued identification. And I don't know how you could
23 not accept a voter registration. I see that as
24 identification.
25 Q. But the election mail, the other items, that

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1 could change?
2 A. It could.
3 Q. Or the county could go back to its previous
4 procedure of mailing election mailings to the registered
5 voter at the address as opposed to listing the name of
6 the voter?
7 A. That's correct.
8 Q. And if that were the case that item would not
9 be acceptable identification at the poll?
10 A. That's correct.
11 The city of Phoenix used their publicity
12 pamphlet last time to send to every individual. They
13 also used that.

69:11 – 78:22

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1 These are our high efficacy voters. These
2 are the people in March and May that they read the
3 newspaper, they get involved in their local school
4 elections, they do all that. We sent them material.
5 My concern is that in the general election 99
6 percent of the people get it correct and only one
7 percent do not. We had 600,000 people come to the
8 polling place in the last general election and one
9 percent of them is 6,000 and that's why we reached out
10 to our city clerks.
11 And when you leave our polling place it
12 doesn't matter whether it's March or May or the primary
13 or the general, we want you to come back that day
14 because that's when most of the people do, but if they
15 don't they leave with -- for the primary and general 30
16 different places that you can come and prove up your
17 identification so that you can salvage that. And that
18 was -- we had 28 places during the -- we had 15
19 elections in March and 15 in May.
20 Q. How many places will the county have where a
21 person can come back to show their ID for the September
22 primary election?
23 A. Thirty.

24 Q. Okay. And that's the same for the general
25 election?

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1 A. For the general, yes. And they get a list
2 with the address of where, because they are going to
3 change from the different times so we can have more
4 people and more places participating.

5 Q. And for the two upcoming elections, the
6 September primary and the November general, a person
7 will have how many days to come back?

8 A. They have three for the primary and you
9 have -- it says five but it's excluding Saturdays,
10 Sundays and holidays, so this year it will be eight,
11 eight days for the general.

12 Q. Will there be ID verification sites open
13 during Saturdays, Sundays and holidays?

14 A. There will be Saturdays. The Sunday and the
15 holiday we don't know yet, but we'll certainly have our
16 offices, our three main offices, open on the Saturday.

17 Q. And where are your three main offices?

18 A. We have one that's in the East Valley in the
19 court complex there right off of the Freeway. And we
20 have --

21 Q. Is that in Mesa?

22 A. It is in Mesa.

23 And we have what we call McTech. And it's at
24 510 South 3rd Avenue and it's very easy parking, easy to
25 get in and easy to get out.

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1 Q. But so if you have someone who lives in Gila
2 Bend, Gila Bend is within Maricopa County, is that
3 correct?

4 A. Yes.

5 Q. And the only day they could get in to show
6 their ID was a Saturday they would have to drive to
7 Phoenix?

8 A. That's correct.

9 Their clerk has signed on to help us, though,
10 so if they could possibly get in there right in their
11 own community any day that the clerk's office is open,
12 then they could get them help then.

13 Q. And will the offices be open just during
14 regular business hours or will they be open in the
15 evening or early in the morning?

16 A. The clerk's office will be open most
17 generally and we're working that out now with them of
18 8:00 to 5:00, but our offices during that time are open
19 usually from 7:00 to 6:00.

20 Q. In the May election is it possible that some
21 prospective voters who didn't show up at the polls with
22 sufficient ID didn't get a conditional provisional
23 ballot?
24 A. Unless they left of their own accord and
25 refused it I'm not aware of anyone who -- we try to make

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1 very sure in our training that everybody understood that
2 no matter what they could get a conditional provisional.
3 If they had absolutely nothing with them for ID and just
4 said, "Hi, I'm Suzy Smith. I want to vote," they could
5 get a conditional provisional.

6 Now, I don't know that we didn't have some
7 that just walked out and said, "I don't want to do
8 this," but that was certainly the training, certainly
9 the intent that every single person in there would have
10 an opportunity to cast one of those three types of
11 ballots.

12 Q. And going back to the May election, you did a
13 survey -- or March and May elections you did a survey of
14 voters, isn't that correct?

15 A. We did.

16 Q. And that survey showed that 2 percent didn't
17 even know about the ID requirement?

18 A. That's correct. I'm surprised that 98
19 percent knew something.

20 Q. But in a general election that 2 percent
21 could be a lot of people, right?

22 A. Yes.

23 Q. About 25,000?

24 A. Well, in the general election if we have
25 1,600,000 voters and more than a million are going to

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1 cast a ballot, half of those are going to be early
2 voters so it doesn't apply to them, but that's where
3 we're hoping that we can hold it down to the one
4 percent, the 6,000.

5 Q. And the people who voted conditional
6 provisional ballots in March and May, a majority of them
7 did not come back to show ID, is that correct?

8 A. That's correct. The people that did come
9 back came back that day and we had very few that came
10 back after the election day. Despite all the efforts,
11 they just did not come back after that. There were
12 some, but not very many.

13 Q. Do you know if state law requires employers
14 to give people time off to vote on election day?

15 A. It does. It does.

16 Q. But it doesn't require employers to give them
17 time off to come back with ID on the day after election
18 day?

19 A. That's correct. It's never been necessary.

20 Q. You said you expect there to be up to -- or
21 maybe I shouldn't say "up to." You estimated 6,000,
22 5,000 to 6,000 conditional provisional ballots?

23 A. Correct.

24 Q. I'll show you what the court reporter has
25 marked as Exhibit 16. Do you recognize this document?

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1 A. I do.

2 Q. This is an e-mail you sent to State Elections
3 Director, Joe Kanefield, is that correct?

4 A. I did.

5 Q. And you were actually forwarding an e-mail
6 written by Helen Purcell, the County Recorder?

7 A. I was.

8 Q. Ms. Purcell indicates in this e-mail that the
9 impact of setting up the locations and having the
10 personnel to handle verification of provisional votes
11 cast requiring ID could be devastating. Do you agree
12 with that sentence?

13 A. Yes.

14 Q. Okay.

15 A. And what she was talking about here is we had
16 68,000 provisional ballots cast in the general election,
17 and at the time that this was written back in September
18 the thought of trying to prove all -- have everyone come
19 back that cast a provisional ballot was physically
20 impossible for us to accommodate.

21 Q. So the smaller number that you estimate now,
22 the 6,000, would not be -- would not be devastating?

23 A. Well, it's not a pretty picture. That's why
24 we reached out to the community for these 30 places.
25 Six thousand people in the span of even the eight days,

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1 you're talking about a very large exercise to try and
2 get this information in to try and make sure that
3 everybody can in fact successfully cast their ballot.
4 It is -- it continues to be of great concern and that's
5 why we are trying so very hard to do our education
6 process.

7 Q. This e-mail also indicates that a signature
8 check is sufficient for those who vote early ballots.
9 Is that correct?

10 A. Yes.

11 Q. Do you agree that that is a sufficient guard

12 against fraud?

13 A. Absolutely. The early ballots -- we have --
14 Prop. 200 for it's fault at least has a level. I mean,
15 if that's what they are looking at.

16 There was consideration in our legislature to
17 have ID for early ballots, but we've always had to prove
18 up the early ballots because you have to check the
19 signature. You are not only checking the signature but
20 you have to make sure is that the right person.

21 When women change their names, they are
22 divorced, they marry, whatever, the name change, we have
23 to check that, but that's actually a visual check of
24 every single one of those 580,000 early ballots before
25 they are processed.

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1 We do not check the signatures from the
2 polling place. But that standard has served us well in
3 the early balloting. We have had very few that -- you'd
4 be surprised, even though we haven't had total
5 registration, re-registration since 1970, how many of
6 the -- how few of the actual registrations don't match
7 the signature on the early ballot. It is -- you still
8 have enough of those pictures in there. We are not
9 handwriting experts but we have gone to enough of the
10 classes that we can certainly determine whether this is
11 something that should be processed or not.

12 Q. And you feel that the signature checks done
13 for provisional ballots cast at the polls is equally
14 sufficient to guard against fraud?

15 A. I do.

16 Q. You testified that the majority of
17 conditional provisional voters in the May and March
18 elections did not return, correct?

19 A. Correct.

20 Q. And, in fact, 65 percent of those voters did
21 not return, is that right?

22 A. I believe that's correct.

23 Q. Okay. Why do you think they didn't come
24 back?

25 A. I wish I knew. I don't know. In an effort

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1 to look at, pull this all together what we were trying
2 to find out is what did we miss, what communication
3 could we have given to make it easier for them. We're
4 as confounded as anybody as to why they don't. It makes
5 you want to call them and you say, "You know, tell me
6 why you didn't come back." I don't know.

7 Q. I just want to actually go back and give you

8 a document that the court reporter has marked as Exhibit
9 12. Do you recognize this document?
10 A. I do.
11 Q. Was the document created by your office in
12 the normal course of business?
13 A. It is.
14 Q. And this is another Voting Rights Act
15 submission to the Department of Justice?
16 A. That's correct.
17 Q. From December 6, 2005?
18 A. Yes.
19 Q. On page Maricopa 11391 --
20 A. Okay.
21 Q. -- this is in the section related to
22 anticipated effect on members of racial or language
23 minority groups.
24 This letter points out that many Native
25 American tribes don't issue ID that would be sufficient

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1 under the Prop. 200 procedure. Is that correct?
2 A. That's correct.
3 Q. And that many within the Hispanic and Latino
4 community won't have bank or credit union statements
5 because they tend to use financial institutions less
6 than other groups, is that correct?
7 A. That's correct.
8 Q. And also that because of their -- of extended
9 family living situations in the Latino community that
10 fewer people within that group are likely to be able to
11 obtain utility bills, is that correct?
12 A. That's correct.
13 Q. Also it indicates that many retired voters or
14 older people who no longer drive or own vehicles will
15 have -- will be unable to obtain many of the forms of
16 identification on the list.
17 A. That's correct.
18 Q. Especially those living in care facilities
19 and nursing homes and that they won't be able to obtain
20 property tax statements if they are not living in an
21 owner occupied home.
22 A. That's correct.

87:20 -- 88:9

Page 87:

20 Q. How many poll workers will you have for the
21 September primary?
22 A. 7,700.
23 Q. And how are those poll workers being trained?

24 A. Every poll worker is being trained at a group
25 meeting. We have -- we let them select. They can come

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1 back more times if they want to, but everybody goes home
2 with either a DVD or a VHS, whatever, that is their
3 choice, so that they can look at it at home and continue
4 to learn.

5 We actually are going to put that on our
6 web-site as well so they can revisit it, but we found
7 that that's been very helpful. We used to just give
8 them to the inspectors. Everybody is getting it this
9 time, so they can go back and it isn't as complicated.

96:10 – 102:10

Page 96:

10 Q. Okay. Let me ask you what would you do.
11 I'll give you a hypothetical. Somebody comes to the
12 County Recorder's Office and says, "I would like to
13 register to vote" and they present you with an original
14 Certificate of Naturalization. What can you do with
15 that?

16 A. We note down the number, the A number on
17 there, and we mark the voter registration as having been
18 verified and register them to vote.

19 Q. And when you say you note the A number, does
20 that mean that you write the A number from the
21 Certificate of Naturalization onto the voter
22 registration application?

23 A. There's a place on the form for it. If they
24 haven't already written it in, we do and then we have a
25 stamp that we put on there that says we have verified

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1 it.

2 Q. And do you then take any further steps to
3 verify that A number by running it through the system of
4 the federal government?

5 A. No, ma'am.

6 Q. Okay. Okay. You had mentioned earlier --
7 you had said earlier when asked what do you do with
8 people who come in with a voter registration application
9 that has the Certificate of Naturalization number filled
10 in on the form where it says "Provide the number of your
11 Certificate of Naturalization," you said earlier "We
12 figured out a process to accommodate that" and I was

13 wondering exactly what you meant?
14 A. If it just has the number that doesn't have
15 the A and we have the person in front of us we can
16 explain to them that the A number, that's how it's
17 referred to, and they can remember that number. It
18 seems to be that's something that is very easy for them
19 to remember. If we get the number and it is not the A
20 number, then we contact them and ask them for the A
21 number.

22 Q. Let's say that somebody has mailed the form
23 in and they filled it out and they put in the
24 Certificate of Naturalization number in the blank where
25 it's supposed to go, and do you contact them by letter

Page 98:

1 or by other means?

2 A. Well, the first thing we do is sometimes they
3 will rarely, but sometimes they will forget the A. So
4 we try it at first and if it comes back as not being the
5 right A number, then if they've given us a phone number
6 we call them. If not, we send them a letter immediately
7 and ask them to contact us or provide us the A number.

8 Q. And let's say you call and the person says,
9 "Sure, let me go and look." And they say, "Sure, I have
10 my A number." Would you accept that over the telephone?

11 A. We accept it over the telephone but we do
12 have to match it up. We do have to go ahead and process
13 it through INS.

14 Q. Okay. So you would accept the person to tell
15 it to you over the phone and then you would take the
16 number and put it into your verification system?

17 A. We would.

18 Q. Okay. Now let me ask you what that process
19 is like. How do you go ahead and verify an A number
20 exactly?

21 A. We have an electronic connection with
22 Homeland Security and we have two people that are
23 authorized to do that. They enter in the screen their
24 number, their own user ID number, and we put in the
25 information. The A number is the first thing we put in

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1 and then we put the name by which we know them and any
2 other identifying information, date of birth. Those are
3 the three that are the easiest to put in. But we can
4 get a match just on the A number. And then it comes
5 back and it tells us this is who we have, that this
6 person has achieved citizenship.

7 Q. So the record that you get back does show
8 whether the person is a U.S. citizen or not?

9 A. Yes.
10 Q. And do you know how long after somebody
11 naturalizes it takes for their citizenship status to be
12 reflected in the database that you're searching?
13 A. Well, I know that we go -- like I said
14 before, we actually go to, attend all the INS ceremonies
15 so that we can get it done faster for them. But it -- I
16 believe it is at least a week before that information is
17 in there. That was the last time I had talked with the
18 voter reg. supervisor that it was at least a week before
19 the information was data entered.
20 Q. Okay. Do you know the name of the database
21 that you're searching when you do this verification?
22 A. I do not.
23 Q. Have you ever -- or does the term SAVE,
24 S-A-V-E, sound familiar?
25 A. No.

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1 Q. No. Okay.
2 You had mentioned a little bit earlier that
3 when someone sends in a photocopy of a Naturalization
4 Certificate that you verify it by matching the name on
5 the certificate with the name on the voter registration
6 application. Is that correct?
7 A. If they send in a naturalization -- a copy of
8 a Naturalization Certificate we look first to make sure
9 is the certificate they sent us the same person that's
10 registering.
11 Q. Do you then subsequently verify the A number?
12 A. Not unless it's -- not unless there's any
13 doubt. If there's any doubt in that that we don't have
14 the right person or we can't read the information or if
15 it doesn't look to be -- like if it's not very clear, we
16 go ahead and run the A number, but in most of the cases
17 it can be pretty clear and you can see what you're
18 doing.
19 Q. So you would say in most cases when you
20 receive a photocopy of someone's Certificate of
21 Naturalization along with their voter registration
22 application that you would not go ahead and enter the A
23 number into your verification system?
24 A. Correct.
25 Q. Do you know about how many times a month at

Page 101:

1 this point you are using the DHS verification system?
2 A. You know, we don't have very many at all that
3 we have had. Just not -- I bet we've had less than 200
4 in this entire time.
5 Q. Do you mean since the implementation of

6 Prop. 200?

7 A. Yes, ma'am.

8 Q. From your perspective, having seen a lot of
9 these voter registration applications pass through your
10 office, how would you say that most naturalized citizens
11 are providing proof of U.S. citizenship for voter
12 registration?

13 A. Most of them either bring us their
14 certificate or we've gotten them at the swearing in
15 ceremony. That's how most of them come in.

16 They will bring their original certificate to
17 the counter or they will bring a copy, but the vast
18 majority of what we get on naturalization is at the
19 ceremony itself.

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1 citizens are interested in registering to vote?

2 A. Oh, they're really excited about it. We
3 usually get at least, oh, at least 30 or 40 percent of
4 the people coming out there. They are excited. You
5 know, they have things they want to celebrate. So we
6 make sure that in every packet that the Court hands out
7 along with all their other stuff there's another voter
8 registration in there in case they are just too excited
9 and they really want to go, then they can register at a
10 different time.

106:13 – 10:24

Page 106:

13 Well, let me ask you this question. You
14 testified earlier that perhaps about 15,000 voter
15 registration applications have been rejected in Maricopa
16 County for failure to provide proof of citizenship since
17 the implementation of Proposition 200, is that right?

18 A. Yes, ma'am.

19 Q. Do you have a sense of how many of those
20 rejected applications were subsequently resubmitted with
21 proof of citizenship and then the person was added to
22 the rolls?

23 A. That's something that we don't track at all,
24 so I have -- I just don't know.

**DEPOSITION OF THE NAVAJO COUNTY RECORDER
BY AND THROUGH KELLY DASTRUP
August 1, 2006**

10:1-22

Page 10:

Felon Voter Cases

Felons who pled guilty:

1. Roy Androes

Conviction Date(s): 04/18/2002

Date Registered: 10/01/2002

Date(s) Voted: 2002

Probation Status: Given three years probation starting 05/2002

Admitted that he was convicted of insurance fraud and that he is still on probation. Said that he had not voted after being placed on probation. However, when he was confronted with the fact that he was put on probation in May of 2002 and voted in November of 2002 he said he felt bad and thought it didn't count anyway. Registered to vote online.

2. Christopher Laurella

Conviction Date(s): 5/25/2004

Date Registered: 04/05/2004

Date(s) Voted: 2004

Probation Status: Currently on probation

Claims that his probation officer told him that he could vote. However, when asked about this conversation, his probation officer denies receiving a phone call from Laurella and denies telling him that he could vote. Laurella did not present a false instrument for filing since he did not lie on his Voter Registration form or on his Juror Affidavit, but he did vote illegally.

3. David Eagans

Conviction Date(s): 11/30/1999, 5/24/2001,

Date Registered: 11/07/2000

Date(s) Voted: 2002, 2004

Probation Status: On probation starting on 11/30/1999

Claims that he is planning on petitioning the court to have his rights restored. Said that he knew he was a convicted felon and that he knows he is on probation until July 2005. Eagans also said that he believed since he was working on his prior his "thinking was that this, that was cleared up." Says he voted because he got a Voter Registration card in the mail, and said he misunderstood the line on the Voter Registration Card which said "I am not a convicted felon or my civil rights are restored."

4. Lori Susunkewa

Conviction Date(s): 4/7/2003

Date Registered: 05/20/2003

Date(s) Voted: 2004

Probation Status:

Claims that she did not know that she was not supposed to vote after being convicted of a felony.

5. Allan Rouse

Conviction Date(s): 05/22/1986, 4/20/1993, 8/18/2004

Date Registered: 02/19/2002

Date(s) Voted: 2002, 2004

Probation Status: Received two years probation on 4/20/1993

Said that he did not pay attention to the fact the he could not vote as a convicted felon. He said that he thought it was his civic duty to vote. When he was told during the interview that it was against the law for him to vote he said that he did not know.

Felons still pending trial

6. Hector Gamez

Conviction Date(s): 11/7/2003

Date Registered: 03/07/2000

Date(s) Voted: 2000, 2004

Probation Status: Placed on three years probation starting 11/7/2003

Claims that he did not know that he could not vote until he got a letter from Elections recently telling him not to vote until his rights were restored.

7. Timothy Burud

Conviction Date(s): 4/17/2003

Date Registered: 06/20/2002

Date(s) Voted: 2002, 2004

Probation Status: two years probation beginning 5/13/2003

No interview was conducted.

8. Dale Schwartz

Conviction Date(s): 7/21/2002

Date Registered: 10/01/2004

Date(s) Voted: 2004

Probation Status: Three years probation starting June 21, 2002.

Although he was on probation when he voted, he claimed that he thought his civil rights were restored. Also claimed that he thought his crime had been dropped to a misdemeanor because he was paying restitution. He was convicted of a class three felony, not a class six undesignated felony.

Non-citizens who pled guilty:

1. Maria Torres

Ms. Torres' citizenship status is pending. She admitted filling out the Voter Registration Card and signing it at a Christmas party held by her husband's employer. She claims that she completed the form quickly and without reading it because there were other people behind her in line. According to Ms. Torres, she has not voted since filling out the card in 1999 because she knows that she cannot legally vote. Ms. Torres did not vote.

2. Tevita Maliu

Mr. Maliu is a Lawful Permanent Resident. Mr. Maliu admits completing and signing the Voter Registration Card. Furthermore, Mr. Maliu indicated both at the top of the card and in the Voter Declaration section that he is an U.S. citizen. He claims that he is forgetful and sometimes doesn't remember what he reads. Mr. Maliu did not vote.

Non-citizens still pending trial

3. Israel Rivera

Mr. Rivera is a Lawful Permanent Resident. He completed and signed the Voter Registration Card, submitted the card and even claims to have voted in late 2004. Mr. Rivera claims that he does not read English very well. On the Voter Registration Card, the first line asking whether he is a U.S. citizen in checked yes. Mr. Rivera voted in 2004.

4. Irma Lemons

Ms. Lemons has no record in the ICE database but she claims to have a Green Card. She admits both signing and filling out the Voter Registration Card. According to Ms. Lemons, she has been in the U.S. for years, but failed her citizenship test. Ms. Lemons claims that someone at the polling place told her that she could vote and so she checked the blank that says she is a citizen. Lemons has received three voter identification cards, two from 1990, and one from 2003. Ms. Lemons voted in 2004.

5. Esequiel Morales

Mr. Morales is a Lawful Permanent Resident. Mr. Morales completed the Voter Registration Card when he first came to the United States and claims that he did not know what his citizenship status was at the time. In fact, he claims that his registering to vote is due to a big misunderstanding. However, he does

acknowledge filling out and signing the Voter Registration Card because he wanted to vote. Mr. Morales voted in 2000.

6. Margarito Blancas

Mr. Blancas is a Lawful Permanent Resident. He admits both completing and signing the Voter Registration Card in 1992. Voting records show that he voted in 2000, although he claims that he only voted the first time Bill Clinton ran for President in 1992. Mr. Blancas voted in 2000.

7. Carlos Magallanes

Mr. Magallanes is a Lawful Permanent Resident. He admitted both completing and signing the Voter Registration Card. He checked the blank at the top of the card indicating that he was a U.S. citizen. Although he claimed to have a difficult time reading the first line during his interview, he said he completed the card because he thought he had been in the United States so long that he thought he could vote. Mr. Magallanes voted in 1992.

1
2 AFFIDAVIT

3 STATE OF ARIZONA)
4 County of Maricopa) ss.

5 I, Karen Osborne, being first duly sworn upon my oath depose and state the
6 following:

7 1. I am the Maricopa County Director of Elections and have been employed
8 by Maricopa County as its Director since 1994 and its Deputy Director of Elections since
9 1991. I also serve as a Deputy to Maricopa County Recorder Helen Purcell.

10 2. I am responsible for the process of registering eligible persons to vote in
11 Maricopa County, and therefore have knowledge relevant to the matters described herein.
12 In that capacity, my duties include direct oversight of the voter registration process to
13 ensure that state mail in voter registration forms are distributed at locations throughout
14 the County, to designate places for receipt of completed voter registration forms
15 throughout the County, to notify applicants whose registration is incomplete or illegible,
16 and, upon receipt of a complete registration, to add the registration to the county register.

17 3. Upon passage of Proposition 200 in the November 2004 General Election
18 and preclearance of the same by the United States Department of Justice under Section 5
19 of the Voting Rights Act of 1965, 42 U.S.C. § 1973c, the Maricopa County Recorder
20 Helen Purcell appointed me to oversee the tasks necessary to ensure that the proof of
21 citizenship requirement for voter registration and identification at the polls procedures
22 were implemented.

Maricopa County Voter Registration Procedures

1
2 4. On January 24, 2005, the Elections Department ("Department") began
3 reviewing new voter registration forms to verify the registrant's United States citizenship.
4 When the Elections Department ("Department") receives a new and complete voter
5 registration form, the registration is first checked to determine that the registration
6 contains the five elements required by A.R.S. § 16-121.01, which are the name, residence
7 address, date of birth, signature of the registrant, and an affirmative indicator to the
8 question regarding citizenship. The Department then determines if the registration is
9 accompanied by satisfactory evidence of United States citizenship as prescribed in A.R.S.
10 § 16-166(F).

11 5. On December 21, 2005, the Department of Justice precleared Maricopa
12 County's new voter registration procedures and materials, which included the letters sent
13 to potential registrants with information about the new voter registration requirements.
14 When someone requests a voter registration form, the Department now sends a letter of
15 instruction that outlines the proof of citizenship requirement along with a voter
16 registration form. When someone's registration is rejected because it lacks proof of
17 citizenship, the person is immediately notified by letter that the registration has been
18 rejected and supplied with a new voter registration form listing the acceptable
19 identification to prove citizenship along with a postage paid return envelope.

20 6. In July 2005, the new voter registration form, revised by the Secretary of
21 State to comply with Proposition 200 by highlighting the proof of citizenship
22 requirement, includes the following fields: #14, Issue Date of Drivers License or

1 Nonoperating ID, #16 Tribal Identification options, and #20 Naturalization Certificate
2 Number.

3 7. When the registrant provides his or her driver's license number as proof of
4 citizenship, the Department sends the number to the Secretary of State who accesses the
5 motor vehicle division database to determine the registrant's citizenship status. The
6 Secretary of State then informs the Department of the results within one business day of
7 receiving the number. The voter's date of registration is not delayed for the time needed
8 to prove citizenship. For example, a registrant who submits a complete voter registration
9 form to the Department on the last day to register to vote in a particular election, 29 days
10 before the election, will be eligible to vote in that election even if the citizenship
11 verification process takes 1 or 2 days.

12 8. If the registrant submits a copy of his or her birth certificate, U.S. Passport,
13 or any other personal documentation with the voter registration, the Department destroys
14 the personal documents after verifying the registrants citizenship two years following
15 receipt as prescribed in A.R.S. § 16-166(J).

16 **Maricopa County Identification at the Polls Procedures**

17 9. On October 7, 2005, the Department of Justice precleared the Secretary of
18 State's procedural guidelines on identification at the polls. On December 6, 2005,
19 Maricopa County submitted its own identification at the polls procedures and materials
20 for preclearance including: Signature Roster Duty Card that is used by the boardworkers
21 at the polls as a communications tool with the voter and a procedural reminder of the
22

1 board worker's duties; List of Acceptable Forms of Identification to be distributed to the
2 public at outreach events or at the polls; a Registered Voter Polling Place Location Card,
3 which is mailed to every qualified elector to give the location of the polling place,
4 provides a list of acceptable identification, and also may be used as a form of non-
5 photograph identification; a Polling Place Sandwich Board Sign posted outside the
6 polling place providing voters with a list of identification items; a Provisional Ballot form
7 and envelope; and Identification Provided at Polls, which is the form filled out by a
8 boardworker at the polls when a voter has returned to the polls with identification after
9 casting a provisional ballot.

10 10. On January 31, 2006, the Department of Justice precleared Maricopa
11 County's identification at the polls procedures and materials. Maricopa County then
12 implemented the identification at the polls procedures for both the March 14 and May
13 16, 2006 elections.

14 11. Voters without identification on Election Day have the ability to vote a
15 provisional ballot and return post election with their identification. The Secretary of
16 State's procedures specify that the County Recorder, or an official deemed acceptable by
17 the County Recorder, will accept identification after the election in order for the ballot to
18 be counted. In accordance with this procedure, the Department has secured locations
19 throughout Maricopa County where voters may go to show their acceptable identification
20 after the election and have their provisional ballot processed and counted. Boardworkers
21 are trained to provide these voters who cast a provisional ballot for not providing
22 identification a document listing different identification sites throughout the County.

1 This procedure for establishing satellite verification sites, the locations of those sites, and
2 the document listing the locations have also been precleared by the Department of
3 Justice.

4 **Public Awareness and Training by Elections Department**

5 12. The Department's staff has undergone extensive training during the last 18
6 months to ensure consistent application of the proof of citizenship for voter registration
7 and identification at the polls requirements. For all Counties, nearly every employee
8 performing election duties must attend the Secretary of State's Certification and Training
9 Program by January 1 of an election year. In 2005, the Arizona Secretary of State
10 Election Officer Certification Course was conducted from July 11- 15, 2005, and again
11 from August 1 - 5, 2005. County election officials were also required to attend one of the
12 Secretary of State's two-day Recertification Classes that were held in September and
13 October 2005. Other meetings that provided training on Proposition 200's requirements
14 include: (1) Arizona County Recorder Association meeting on February 2, 2005; (2)
15 Arizona Association of Counties Annual Conference from 1:00 - 4:00 p.m. on November
16 16, 2005; (3) Election Officials of Arizona meeting on November 17 - 18, 2005, and (3)
17 City Clerk meeting on October 12, 2005.

18 13. County election officials are required to comply with the Secretary of
19 State's Procedures Manual issued pursuant to A.R.S. § 16-452: "After consultation with
20 each county board of supervisors or other officer in charge of elections, the secretary of
21 state shall prescribe rules to achieve and maintain the maximum degree of correctness,
22 impartiality, uniformity and efficiency on the procedures for early voting and voting, and

1 of producing, distributing, collecting, counting, tabulating and storing ballots." The 2006
2 Procedures Manual contains detailed voter registration procedures and identification at
3 the polls procedures.

4 14. As part of its ongoing public awareness efforts, the Maricopa County
5 Recorder Helen Purcell launched a public awareness campaign starting in March 2006.
6 The campaign included television, radio and print paid public service announcements in
7 both English and Spanish. Those announcements provide information about the need to
8 bring identification to the polls, the types of identification that are acceptable, and the
9 ability for voters to vote by early ballot without having to provide an excuse or need to
10 present identification.

11 15. In preparation for the September 12, 2006 Primary Election, the County
12 Recorder will hold a press conference on August 29, 2006 regarding the identification at
13 the polls requirement and the ability for all voters to request and cast an early ballot. All
14 the major television and radio stations as well as the major newspapers, including the
15 Spanish stations and newspapers, have been invited to attend. Also prior to the Primary
16 Election, the County will run the radio and print paid public service announcements in
17 both English and Spanish.

18 16. The public service announcements began airing before the March 2006
19 election. The County Recorder and I have been interviewed by numerous television and
20 radio stations to give information about the new law requiring identification at the polls
21 to vote.

22

1 17. Sending "Official Election Mail" to registered voters is another method
2 used to inform voters that they must bring identification to the polls. In July 2006, the
3 Department mailed a new voter registration card to each registered voter. Eleven days
4 before the election, the Department will mail each registered voter a sample ballot. Both
5 mailings provide information about the need to bring identification to the polls and may
6 be used as one form of non-photograph identification.


7 18. On August 1, 2006, the Department began its classroom-type training of
8 more than 7,000 boardworkers. Boardworker training takes three hours and includes the
9 procedures for voters to cast a ballot, polling place security, new voter identification
10 requirements, and sensitivity training so that all voters are treated with courtesy and
11 respect. Approximately 25% of the boardworker training is dedicated to the identification
12 at the polls procedures. Many of these same boardworkers were trained on the
13 identification procedures prior to the March and May 2006 elections. The Department has
14 filmed an instructional video that will be given to each board worker. The video outlines
15 the duties and responsibilities of each person working at the polls on Election Day,
16 including the procedures for identification at the polls.

17
18 **Effect of a Preliminary Injunction**

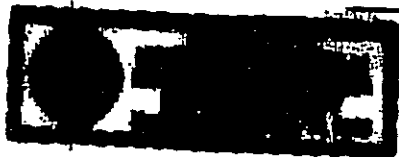
19 19. A preliminary injunction precluding the County from applying the proof of
20 citizenship or identification at the polls requirements in either the September 12 or
21 November 7, 2006 election likely would cause confusion for election officials,
22 boardworkers, and voters, especially in jurisdictions that already have conducted


1 elections under the new law. Additionally, the Department would have to reprint and
2 distribute new election forms and materials for the elections in a very short period of
3 time. I anticipate that such a preliminary injunction would result in some local election
4 officials and poll workers who would continue to apply the proof of citizenship and
5 identification at the polls requirements. Whereas some local election officials would not
6 apply the Proposition 200 requirements, and others applying a variation of the laws.

7 Further, your affiant sayeth not.

8
9
10 
Karen Osborne

11 SUBSCRIBED AND SWORN to before me this 15th day of August, 2006.



13 
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Florida Won't Use a Flawed Felon List

By **THE ASSOCIATED PRESS**

Published: July 11, 2004

MIAMI, July 10 (AP) - Florida elections officials said Saturday that they would not use a disputed list that was intended to keep felons from voting, acknowledging a flaw that could have allowed Hispanic felons to cast ballots in November.

The problem could have been significant in Florida, which President Bush won by just 537 votes in 2000. The state has a sizable Cuban population, and Hispanics in Florida have tended to vote Republican more than Hispanics nationally. The list had about 28,000 Democrats and around 9,500 Republicans, with most of the rest unaffiliated.

Gov. Jeb Bush said that not including Hispanic felons on the list "was an oversight and a mistake." He added, "We accept responsibility, and that's why we're pulling it back."

Governor Bush said the mistake occurred because two databases that were merged to form the disputed list were incompatible.

When voters register in Florida, they can identify themselves as Hispanic. But the felons database has no Hispanic category, which excluded many people from the list.

Secretary of State Glenda Hood said elections supervisors would find other ways to ensure that felons were removed from the rolls.

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The decision to scrap the list was made after it was reported that of the nearly 48,000 people on the list, created by the Florida Department of Law Enforcement, only 61 were classified as Hispanics.

The purge of felons from voter rolls has been a thorny issue since the 2000 presidential election. A private company hired to identify ineligible voters before the election produced a list with scores of errors, and elections supervisors used it to remove voters without verifying its accuracy. A federal lawsuit led to an agreement to restore rights to thousands of voters.

Florida is one of only a few states that do not automatically restore voting rights to felons once they have completed their sentence.

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JAN BREWER
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STATE OF ARIZONA

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December 30, 2005

The Honorable Janice K. Brewer
Arizona Secretary of State
1700 West Washington, 7th Floor
Phoenix, Arizona 85007

Dear Secretary Brewer:

I am pleased to present the final report of your Recount & Contested Election Law Advisory Committee.

The Committee has spent the past several months performing a comprehensive review of Arizona's recount and contested election laws and procedures as set forth in the Brewer Voting Action Plan. The report contains a series of findings and recommendations that the Committee believes will greatly improve our election procedures.

On behalf of the Committee, thank you for the opportunity to help improve our elections in Arizona.

Sincerely,

Kevin Tyne
Deputy Secretary of State

cc: Joseph Kanefield, State Election Director
Mitch Etter, Maricopa County Assistant Director of Elections
Patty Hansen, Coconino County Director of Elections
Lisa Hauser, Attorney at Law, Gammage & Burnham
Mary Jo Kief, City Clerk, City of Peoria
Dixie Mundy, Gila County Director of Elections

IMPROVING ARIZONA'S RECOUNT AND ELECTION CONTEST LAWS

REPORT OF SECRETARY OF STATE JANICE K. BREWER'S RECOUNT & CONTESTED ELECTION LAW ADVISORY COMMITTEE*

December 30, 2005

I. INTRODUCTION

On May 3, 2005, Arizona Secretary of State Jan Brewer issued her Brewer Voting Action Plan (BVAP) setting forth a series of recommendations to improve the election process in Arizona and address voting security.¹ One of the Plan's recommendations is to review and strengthen the laws, policies, and procedures concerning recounts and contested elections.

In accordance with BVAP, Secretary Brewer appointed a Recount and Contested Elections Law Review Advisory Committee to perform a comprehensive review of recounts and contested elections by evaluating the current laws and procedures, recent studies, best practices from other states, and other relevant material. This report sets forth the Advisory Committee's findings and recommendations.

The Arizona statutes establishing recount and contest procedures have been in existence for decades. The voting equipment technology has changed significantly since many of these statutes first became law. The Advisory Committee conducted a comprehensive review of these statutes in light of the election process and technology currently in use today.

The Advisory Committee determined that there are several changes that will help improve recount and contested election proceedings, policies and procedures. More specifically, the Committee recommends the following changes be made to Arizona's recount and election contest laws to update and improve the process and to take into consideration current and future voting equipment technology:

- Move the Primary Election back four weeks.
- Adjust statutory dates that are triggered off the Primary Election.
- Establish a mid-June election-year filing date for independent candidates.
- Calculate nomination petition signature requirements based on the January 1 election-year voter registration numbers.
- Provide in law a uniform and secure way to store and handle ballots following an election.
- Establish procedures for memory card storage and handling.
- Allow ballots to be stored after an election with the officer in charge of elections rather than the Treasurer's vault.
- Require recounts to be performed on the same equipment as the initial tabulation.
- Permit voters to verify their ballot choices using a paper receipt generated by an electronic vote-tabulating machine before casting an electronic ballot.

- Prohibit a voter verifiable paper receipt generated by an electronic vote tabulating machine from being used in a recount unless a court determines it would be “impracticable” to conduct the recount in the same manner as the initial tabulation.
- Define “impracticability” to include only emergency situations.
- Require logic and accuracy testing of voting equipment prior to automatic recounts.
- Permit the Secretary of State to delegate her recount oversight responsibilities to the county officer in charge of elections in the event of a statewide recount.
- Allow in law for a recount to be ordered by a court during a contest proceeding if the court determines it is necessary to resolve the matter.

These are changes that the Advisory Committee recognized could be immediately addressed to improve the recount and contested election proceedings. The Committee, however, believes that these laws and procedures should continue to be reviewed and improved if it is shown to be necessary.

II. COMMITTEE MEMBERS

Secretary Brewer appointed the Advisory Committee members on June 8, 2005. The members are as follows:

Kevin Tyne, Deputy Secretary of State
 Joseph Kanefield, State Election Director
 Mitch Etter, Maricopa County Assistant Director of Elections
 Patty Hansen, Coconino County Director of Elections
 Lisa Hauser, Attorney at Law, Gammage & Burnham
 Mary Jo Kief, City Clerk, City of Peoria
 Dixie Mundy, Gila County Director of Elections

III. ARIZONA RECOUNT AND CONTESTED ELECTION LAWS

Arizona Recount History

Arizona’s recount laws have been on the books in one form or another since at least 1925². Various amendments have been made to these laws over the years, with the most recent occurring in 2004.³

The largest recount in state history took place in 1994 during the Democratic primary for United States Senate.⁴ Sam Coppersmith led Dick Mahoney by 99 votes (81,762 to 81,663) after the initial count. After the recount was complete, Sam Coppersmith ended up winning by 59 votes.⁵

Several other recounts have occurred in legislative races. In 1992, Richard Kyle and John Gaylord (now Judge Gaylord) tied after the initial tabulation in the Republican Primary for the Arizona House of Representatives in District 6. A tie still resulted after the recount and the race was decided by a game of chance. Kyle and Gaylord agreed to play a hand of poker and Kyle won with a pair of sevens.⁶

In 1994, a recount took place in the District 27 Republican Primary Election for the Arizona House of Representatives between Mike Gardner and John MacDonald. Mike Gardner kept his 32-vote lead over MacDonald.⁷ In 1996, Sue Gerard led Jerry Harris by 32 votes after the initial tabulation in the Republican Party primary. Gerard won by 33 votes after the recount.⁸

The most recent recount of a legislative race occurred in 2004, in the Republican Party Primary Election for the House of Representatives in District 20. A recount was triggered in that race when the initial count yielded a four-vote margin between Anton Orlich and John McComish. Orlich finished second with 5,533 votes and McComish finished a close third with 5,529 votes.⁹ After the recount, McComish overtook Orlich to win by 13 votes. The final recount was McComish: 5,633, Orlich: 5,620.¹⁰

Serious questions were raised during the subsequent contest proceedings following the District 20 recount, including allegations that the ballots were mishandled and the tabulation equipment malfunctioned. The court ultimately ordered the recount results to be the final tabulation and no appeal of that decision was filed.¹¹

Arizona Recount Law

The recount laws and procedures are defined in statute. The right to a recount and contest of an election is based in law and the granting of such right lies within the discretion of the legislature.¹² Arizona's recount laws are set forth in the Arizona Revised Statutes, Title 16, Chapter 4, Article 12.¹³

According to A.R.S. § 16-661, a recount in Arizona can be triggered in one of two situations. The first occurs when the votes dividing the candidates or ballot measures is less than one tenth of one percent of the number of votes cast for both. The second occurs if the votes dividing the top candidates or ballot measures falls below a certain number of votes determined according to the office, or the number of votes cast. The lower of the two numbers will trigger a recount.

For candidates, an automatic recount is required when the margin between the two candidates with the greatest number of votes for a particular office is either less than one tenth of one percent or does not exceed 200 votes for statewide offices, fifty votes for the state legislature, or ten votes for city or county offices.¹⁴

For initiatives, referendums or proposals to amend the constitution where the total number of votes cast is more than 25,000, an automatic recount is required if the margin is either less than one tenth of one percent or does not exceed 200 votes.¹⁵ If the total number of votes cast is less than 25,000, an automatic recount is required if the margin is either less than one tenth of one percent or does not exceed 50 votes.¹⁶

An automatic recount will often be triggered by a vote margin of less than one tenth of one percent for legislative and smaller races. This happens because in most elections, one tenth

of one percent of the total votes cast for the top two candidates is a significantly smaller number than the specified number of votes set forth in the statute.

For larger statewide offices, however, a recount will most likely be triggered if the vote difference is 200 or less between the top two candidates. In these races, the number 200 will usually be less than one tenth of one percent because of the large number of votes cast for these offices. The following chart illustrates when a recount will be triggered for the noted offices based on the total votes cast:

	16-61(A)(1)	16-661(A)(2)	16-661(A)(3)	16-661(A)(4)	16-661(A)(5)	16-661(A)(6)
# Votes	.01 of 1% of votes	200 Votes if state office and more than 25,000 votes	50 Votes if state office and less than 25,000 votes	Initiated measure or amendment to const.	Member of the legislature	City, Town, County elector
5000	5		50	200	50	10
10000	10		50	200	50	10
20000	20		50	200	50	10
25000	25	200		200	50	10
50000	50	200		200	50	10
100000	100	200		200	50	10
200000	200	200		200	50	10
1000000	1000	200		200	50	10
2000000	2000	200		200	50	10

For example, in the 2004 District 20 Republican primary for the Arizona House of Representatives, an automatic recount was triggered when the initial count yielded a four-vote margin out of a total of 11,062 votes. A legislative race with this amount of votes will trigger a recount based on the one tenth of one percent calculation because that number is significantly less than 50. When calculated, one tenth of one percent of 11,062 votes equals eleven votes. Had the margin been higher than eleven, an automatic recount would not have occurred.

For state primary, general, and special elections, the automatic tabulating system is furnished and programmed under the supervision of the Secretary of State.¹⁷ This is done so that the machine can be reprogrammed to only recount the race at issue. For elections other than for the office of supervisor, the Secretary of State may designate the county board of supervisors to perform her duties.¹⁸ If the Secretary of State's election is contested, the recount will be ordered, furnished and programmed on an automatic tabulating system under the Governor's supervision.¹⁹

Arizona Contest Law

In Arizona, any voter may challenge a nomination or election, regardless of political party registration.²⁰ Similar to recount law, election contests are purely statutory and dependent upon statutory provisions for their conduct.²¹

A contest can be filed for the election of a person nominated or elected to United States congressional seats; state, county, city, town or political subdivision office (primary and general elections); an initiated or referred measure; an amendment to the Arizona Constitution or any other question or proposal submitted to the vote of the people.²² Arizona legislative elections are not covered under the same contest statutes. The legislature chooses its own officers, judges the election and qualification of its own members and determines its own rules of procedure.²³

The grounds for a contest according to Arizona statute are: (1) misconduct on the part of election officials, (2) ineligibility of the person elected, (3) an offense committed against the elective franchise; (4) bribery of an election official or judge, (5) illegal votes and (6) erroneous count of votes.²⁴

Contests may be brought in the superior court of the county in which the person contesting resides or in the Superior Court of Maricopa County. The Attorney General may change the trial location to Maricopa County in the case of a contest of a state elected office, measure, amendment or other question or proposal.²⁵ A contest must be filed within five days of the completion of the canvass of the election and the Secretary of State has declared the results.²⁶

A hearing will take place no later than ten days after the date in which the statement of contest was filed. Within five days of the completion of the hearing, the court is required to file its findings and immediately thereafter pronounce judgment either confirming the election or annulling and setting it aside.²⁷

If the contest results show that a person other than the contestee has the highest number of legal votes, the court shall declare that person elected. It also declares that the certificate of election of the person whose office is contested no longer carries the legal force of that office.²⁸

Although recount and contested proceedings are separate, they can be combined according to Arizona law. A.R.S. § 16-667 provides that upon initiation of a contest action, a proceeding begun under the recount statute "abates". In practice, the courts have typically consolidated the recount and contest actions into a single case. Moreover, courts have ordered recounts in contest actions, when deemed appropriate, even when the automatic recount procedure was not triggered.

III. ISSUES IDENTIFIED

During the course of its deliberations the Committee identified several issues with regard to Arizona's recount and contest laws. What follows is a discussion of these issues and proposed changes that the Committee believes will help improve recount and contested election proceedings, policies and procedures.

A. Primary Election Date

The eight-week period between Arizona's Primary and General Elections has proven to be a challenge for our state and county election administrators. The Committee identified

Arizona's late Primary Election date as the crucial issue with respect to the recount and contest proceedings because it greatly compresses the time in which both are to be conducted.

Our State's Primary Election occurs "on the eighth Tuesday prior to a general or special election at which candidates for public office are to be elected".²⁹ The General Election in which statewide, legislative and federal candidates appear on the ballot occurs "on the first Tuesday after the first Monday in November of every even-numbered year", making the Primary Election the second Tuesday in September.³⁰

The time necessary to tabulate ballots and canvass the Primary Election runs into the deadline for printing early ballots for the General Election. Although our election officials have seamlessly made this transition for many election cycles, the short period between elections proved to be problematic during the 2004 recount and election contest of the legislative District 20 primary for the Arizona House of Representatives.

An automatic recount was triggered in the race and a contested election followed the recount. The candidate who led after the first count but not after the recount filed an election contest.³¹ Several issues were raised during the court hearing but because of the looming ballot printing deadline, the parties agreed to present their cases in one day and abide by the court's ruling with no option for appeal.

Had one of the parties wished to appeal there would not have been enough time. If an appeal was filed, it would have been rendered moot because the ballots for the General Election would have already gone to print.³² Having additional time would have allowed the issues to be more fully addressed during the recount/contest proceedings and provided an appeal option for the non-prevailing party.

Closing out the Primary Election and preparing for the General Election is very demanding on Election Officials. The pressures can lead to mistakes during the General Election. For example, early voting requests for the General Election begins ninety-three days before the election.³³ Election Officials are receiving requests for both Primary and General Election early ballots at the same time. A voter may request an early ballot only for the General Election, but receive an early ballot for the Primary Election. There are also concerns that military and overseas ballots may not be delivered, completed and received back at the counties in time to be counted.

Other states with primaries similar to Arizona's have moved or proposed moving the date earlier.³⁴ This year Nevada's Governor signed Assembly Bill 455, changing the Primary Election to the "twelfth Tuesday before the General Election", moving Nevada's Primary from September to August, effective October 1, 2005.³⁵ This bill was enacted in order to give the county election boards more time to get ready for the General Election. The introduced version of the bill (AB 455) called for the primary to be held in June. This would have interfered with the candidate-filing deadline so the twelfth Tuesday before the General Election was agreed upon.³⁶

On November 24, 2004, following the statewide recount of the race for Governor, Washington Secretary of State Sam Reed, announced his intention to seek legislation to move the Primary Election from September. In his press release dated November 24, 2004, he said:

Washington currently holds the latest primary in the nation leaving election administrators with little time to prepare for the General Election. A primary scheduled earlier in the year would allow election workers to mail out absentee ballots for the General Election sooner to our voters overseas and around the world.

Secretary Reed went on to say, “[w]ith a September primary, we are simply begging for a train wreck... [h]ad a race [as tight as the general election race for Governor] occurred back in September, it would have been impossible for election workers to print ballots in time for the November General Election”.³⁷ While Washington has not yet changed its primary date, there is legislation pending that would move this date back.³⁸

Hawaii also has two bills currently pending that would push the primary back from the second to last Saturday in September to the second Saturday of August.³⁹ There are also bills pending in Minnesota to move their primary from September to June.

The Advisory Committee recommends that the Primary Election be moved four weeks earlier. These additional four weeks will allow sufficient time for the election administrators to properly finish the post-Primary Election duties and allow enough time to prepare for the General Election. Moreover, moving the primary four weeks earlier will also permit candidates involved in post-election recount or contest proceedings sufficient time to have their cases reviewed by the courts.

It is important to note that moving the Primary Election date will affect several other election tasks and dates that are triggered off the Primary Election. The Appendix contains an election calendar with all of the critical dates that would also have to be moved if Arizona’s Primary Election is moved earlier in the election cycle. This calendar assumes the Primary Election is moved back four weeks or the “*twelfth* Tuesday prior to a general or special election at which candidates for public office are to be elected”.

One date that is tied to the Primary Election that should not be changed is the filing deadline for independent candidates. This deadline is set forth in A.R.S. § 16-341, and imposes the same filing deadline for these candidates as that set forth in A.R.S. § 16-311 for partisan candidates. The Arizona Supreme Court upheld this deadline in *Browne v. Bayless*.⁴⁰ The challengers in that case argued that Arizona’s filing deadline for independent candidates is too early. Although the court upheld the date, moving it back four weeks could put the new date at risk of being challenged once again and possibly struck down based on the court’s reasoning in *Browne*. Consequently, the Advisory Committee recommends that the filing deadline for independent candidates remain in June of the election year.

Finally, if the primary is moved earlier, it is also recommended that the date upon which signature requirements for candidates are calculated be moved earlier in the year. Currently, the March 1 election-year voter registration statistics are used to calculate the signature requirements

for candidates.⁴¹ Because it takes several weeks for the counties and the Secretary of State to compile these voter registration statistics and calculate the signature requirements, it can be as late as April before these numbers are known. Also, participating candidates under the Citizens Clean Elections Act may file their nomination petitions with the Secretary of State's Office after January 1 of the election year.⁴² Moving the signature calculation period earlier will provide these candidates more advanced notice of the legal requirements.

Consequently, in the interest of providing candidates as much certainty as possible before the Primary Election, it is recommended that A.R.S. § 16-322(B) be amended to calculate the signature requirements based on the January 1 voter registration numbers.

Recommendations:

- Move the Primary Election back four weeks by amending A.R.S. 16-201 to read: "On the *twelfth* Tuesday prior to a general or special election at which candidates for public office are to be elected, a Primary Election shall be held."
- Revise other dates in statute that are dependent on the Primary Election Date.
- Amend A.R.S. § 16-341 to keep filing date for independent candidates in June of the election year.
- Amend A.R.S. § 16-322(B) to calculate the nomination petition signature requirements based on the January 1 election-year voter registration numbers.

B. Ballot Storage

The statutes and procedures set forth how ballots are handled after an election. Section 16-624 of the Arizona Revised Statutes provides that the officer in charge of elections shall deposit the package or envelope containing the ballots in the safe of the county treasurer, who shall keep it unopened and unaltered for 24 months for elections for a federal office or for six months for all other elections. If a recount is ordered or a contest is brought within six months, the county treasurer may be ordered to deliver the packages or envelopes containing the ballots to the court.⁴³

The Secretary of State's Procedures Manual, however, provides that the ballots shall be sealed in containers or a room until the end of the challenge period or if a challenge has been filed, until the challenge has been resolved, and the ballots have been released to the custody of the officer in charge of elections.⁴⁴

Because of the number of ballots cast in many of our elections, there is simply not enough room to store ballots in the County Treasurers' vaults. Moreover, because the time period following an election through the challenge period is often short, the ballots should be secured at each county tabulating location until the challenge period is over. Finally, the handling and transportation of the ballots during the critical time period should be kept to a minimum to assure that the ballots do not become damaged or lost.

The Advisory Committee recommends that A.R.S. § 16-664 and the Procedures Manual be amended to provide for a uniform and secure approach to handling and storing the ballots during the period following the election to the end of the challenge period. Specific provisions should be drafted to address how ballots that are secured in memory cards on accessible voting devices should be handled and stored. The provisions should allow for the secure storage of the ballots by the officer in charge of elections rather than with the County Treasurer.

Recommendations

- Amend A.R.S. §16-664 and the Procedures Manual to allow for a uniform, secure way to store and handle ballots following an election.
- Draft specific provisions to address memory card storage and handling.
- Draft provision allowing ballots to be stored with the officer in charge of elections.

C. Manual Recounts

The primary issues concerning manual recounts include the time needed to conduct them, physical space needs, the need for uniform guidelines and, most importantly, human error that may occur from the physical demand on election officials who must work under intense time restrictions. For these reasons, the Advisory Committee recommends against manual recounts in Arizona except in limited emergency circumstances as defined in law.

If an automatic recount is triggered, Arizona law requires that the recount be conducted on the same automatic tabulating system used during the initial count with a new program.⁴⁵ Generally speaking, manual recounts are not permitted in Arizona.⁴⁶ The only exception is set forth in A.R.S. § 16-621(B), which allows the officer in charge of elections to direct that the ballots be “counted manually” if “for any reason it becomes impracticable to count all or part of the ballots with tabulating equipment.” The Committee addressed the issue of whether manual recounts should be permitted under any circumstances.

Manual recounts introduce a level of uncertainty into the tabulation process by creating two different standards for counting a vote when ballots are cast on certain types of voting equipment. If the instructions to voters on how to cast their ballots are clear, voters who do not follow the instructions will not have their votes counted. If, for example, a vote is cast on an optical scan ballot and the voter circles the candidate’s name or the oval next to a candidate’s name rather than filling in the oval then the vote will not be counted by the optical scan equipment.⁴⁷ In a manual count, however, the question will be raised whether the vote should be tabulated because the voter intended to vote for the candidate but simply failed to follow instructions. Without clear standards two different results could be reached between the initial and manual recount of the votes.

In addition, a recent study conducted by Caltech/MIT titled “Using Recounts to Measure the Accuracy of Vote Tabulations,” published in January of 2004 established that machines are more accurate than hand counts when counting votes. The study concluded that, “[h]istorically, there is about a 1 percent difference between initial counts and recounts when ballots are tabulated by hand. The discrepancy between initial counts and recounts falls to about .5 percent with the optically scanned ballots.” All fifteen counties in Arizona use optical scan technology as their primary voting method.

The issue of manual recounts also arises when newer electronic voting technology is taken into consideration. In accordance with the federal Help America Vote Act, Arizona must acquire an accessible voting device for use in every polling place prior to the 2006 federal elections. In 2004, the Arizona Legislature extended this same requirement to cities and towns with populations of greater than 20,000 citizens.⁴⁸ Moreover, in 2005 the Arizona Legislature passed a law that requires all voting systems in Arizona to produce a paper ballot or document.⁴⁹ The machines purchased to satisfy these requirements may tabulate ballots electronically while also printing a paper receipt that a voter can use to visually verify his or her selections before voting the ballot electronically. Specific procedures for conducting recounts on this type of voting equipment will be necessary.

For optical scan voting systems, the system currently used in every county, the ballot serves as the required paper trail. For the new accessible voting systems, however, the paper artifact cannot be considered the ballot under law and therefore may not be used during the recount process. Even if this paper printout could be used, it would be susceptible to human errors during the recount process for the reasons previously discussed. If the equipment purchased tabulates ballots electronically such as a touch screen (direct recording electronic) device, then the recount laws should be amended to address situations where the device is unable to automatically recount the ballots.

To allow for an appropriate contingency in the unlikely event that an electronic voting machine fails, the Advisory Committee believes it would be prudent to amend Arizona's recount law to permit a court to order a manual recount of the paper receipt but only in the event that the court determines it would be "impracticable" to conduct the recount on the same equipment in accordance with the current law.

The standard for determining impracticability should be clearly set forth in law and should include only those emergency situations where the equipment is incapable of recounting the votes under any circumstances. The Committee believes this strikes an appropriate balance between the current recount policies, while also addressing a potential contingency that could arise with electronic voting equipment.

Recommendations

- All recounts should be performed on the same equipment as the initial tabulation.
- The voters to verify their ballot choices before they cast their electronic ballots may use a paper receipt generated by an electronic vote-tabulating machine.
- A voter verifiable paper receipt generated by an electronic vote tabulating machine shall not be used in a recount unless a court determines it would be "impracticable" to conduct the recount in the same manner as the initial tabulation.
- "Impracticability" should be clearly defined to include only emergency situations.

D. Equipment Testing

The Committee discussed the need for equipment testing prior to a recount. It was determined that the statutes should be amended to require logic and accuracy testing of the voting equipment by the officer in charge of elections prior to conducting a recount.

By law the automatic tabulating equipment and programs must be tested prior to election day to ascertain that the equipment and programs will correctly count the votes cast for all offices and on all measures.⁵⁰ The test is publicly noticed and is conducted by processing a group of pre-marked ballots.⁵¹ There is currently no requirement in law to test the voting equipment prior to a recount.

To ensure the integrity of the recount process, the Committee recommends that logic and accuracy testing of voting equipment be conducted whenever an automatic recount is triggered by statute. This will permit any issue identified with the machines to be addressed prior to the recount. In the event of a statewide recount the Secretary of State should be permitted to delegate her authority over the logic and accuracy proceedings to the county officer in charge of elections because of the limited time available to conduct the recount.

Recommendations:

- Require logic and accuracy testing of voting equipment prior to automatic recounts.
- Permit the Secretary of State to delegate her recount oversight responsibilities to the county officer in charge of elections in the event of a statewide recount.

E. Contested Elections & Recounts

Arizona law does not permit a candidate or anyone else to request a recount. Many states, however, allow this as an option and therefore the Advisory Committee studied whether a similar optional recount system should be allowed in Arizona. The Committee concluded that an optional recount should be permitted if raised during a contest proceeding and deemed necessary by a court to resolve the matter.

The Committee discussed allowing candidates to request a recount outside of a contest proceeding but concluded that the current system adequately addresses situations where a recount is necessary. As discussed on pages 2-3 of this report, the statutory triggers for conducting an automatic recount under law have brought about many recounts in Arizona elections at all levels. Thus, between the automatic recount triggers in statute and the Committee's proposal to permit a recount in a contested election proceeding, the right to a recount should always be available when appropriate.

One factor that weighed in the Committee's recommendation with regard to optional recounts is the expense of conducting a recount. In Arizona, the expenses incurred for recounts in statewide elections are charged to the State.⁵² Those incurred for county elections are charged to the county and city or town election recount expenses are charged to the city or town.⁵³ In most states the expense of an optional recount is borne by the candidate who asks for the recount. This expense could be a serious burden and it raises significant issues for statewide and legislative candidates in Arizona who run their campaigns with funds obtained from the Citizens Clean Elections Commission. Most campaigns would have exhausted the bulk of their funds by the end of the election and may be prohibited from soliciting contributions or using personal monies to pay for the cost of the recount under the Citizens Clean Elections Act.⁵⁴

Although not expressly provided for in law, the courts have ordered recounts during contest proceedings in the past. There, however, is no specific provision in law for this procedure. Therefore the Committee recommends that the contest laws be amended to explicitly say that the court may order a recount if the court determines it is necessary to resolve the matter. This would assure that a court could order a recount during a contest proceeding if the court deemed it appropriate. Moreover, it would expressly allow recounts to be conducted in certain jurisdictional races where an automatic recount is currently prohibited in law.⁵⁵

Recommendations

- Keep existing recount triggers in place.
- Amend contest laws to expressly allow a recount to be ordered during a contest proceeding if a court deems it necessary to resolve the matter.

* The Advisory Committee would like to thank Craig Stender, Mary Fontes, Liz Atkinson, and the Secretary of State's graduate student interns Nicole Gonzales, Jacob Shuler, Lauren Cochran and Liz Tuttle for their assistance and research in developing this report.

¹ The Brewer Voting Action Plan can be found at <www.azsos.gov/election/Brewer_Voting_Action_Plan>.

- ² Laws 1925, Ch. 20 (requiring recount when vote margin between two candidates does not exceed .01 of 1%).
- ³ See Laws 1972, Ch. 218; Laws 1979, Ch. 209; Laws 1986, Ch. 376; Laws 1987, Ch. 231; Laws 1993, Ch. 98; Laws 2004, Ch. 233; Laws 2004, Ch. 132.
- ⁴ Fiscus, Chris. "Coppersmith Inches Closer to Win, Mahoney Down 103 Votes with 2,000 Ballots to Count." The Phoenix Gazette. September 16, 1994. Page B1.
- ⁵ Muhler, Bill. "Coppersmith Wins Recount by 59 Votes, "Landslide Sam" Now Ready for Kyl." The Arizona Republic. October 1, 1994. Page A1.
- ⁶ Padgett, Mike. "Winning Hand, Poker-Faced Candidates Decided Election With Turn Of The Cards." The Phoenix Gazette. September 30, 1992. Page B1.
- ⁷ Staff. "Vote Recount Settles District 27 GOP Primary." The Phoenix Gazette. September 29, 1994. Page B2.
- ⁸ Van Der Werf, Martin. "Gerard Ekes Out Victory in District 18 Race." The Arizona Republic. September 14, 1996. Page A1.
- ⁹ Kelley, Josh. "Count Gives Orlich 4-vote Lead Over McComish." The Arizona Republic. September 12, 2004. Page B5.
- ¹⁰ Lindsey, Nedra. "District 20 Recount Reverses Order: McComish Tops Orlich." The Arizona Republic. September 22, 2004. Page B5.
- ¹¹ Lindsey, Nedra. "McComish's District 20 2nd Place Finish Confirmed, Results are Certified by Judge in Superior Court." The Arizona Republic. September 24, 2004. Page B10.
- ¹² *Barrera v. Superior Court*, 117 Ariz. 528, 529, 573 P.2d 928, 929 (App. 1977).
- ¹³ A.R.S. §§ 16-661 et seq.
- ¹⁴ A.R.S. § 16-661(A).
- ¹⁵ A.R.S. §16-661(A)(1), (2) .
- ¹⁶ A.R.S. § 16-661(A).
- ¹⁷ A.R.S. § 16-664(A); see also A.R.S. § 16-445, which requires the counties to file with the Secretary of State a copy of each computer program used to tabulate the votes for any state, county, school district, special district, city or town election, including Primary Elections, two weeks before the election.
- ¹⁸ *Id.*
- ¹⁹ A.R.S. § 16-664(B).
- ²⁰ A.R.S. § 16-672(A); *Archer v. Board of Supervisors of Pima County*, 166 Ariz. 106, '07, 800 P.2d 972, 973 (1990).
- ²¹ *Fish v. Redeker*, 2 Ariz.App. 602, 604, 411 P.2d 40, 42 (1966).
- ²² A.R.S. § 16-672(A); *Harless v. Lockwood*, 85 Ariz. 97, 100, 332 P.2d 887, 889 (1958).
- ²³ A.R.S. § 16-678; Ariz. Cont. art. IV, Part 2, § 8.
- ²⁴ A.R.S. § 16-672(A).
- ²⁵ A.R.S. § 16-672(B,C).
- ²⁶ A.R.S. § 16-673(A).
- ²⁷ A.R.S. § 16-676.
- ²⁸ A.R.S. § 16-676(B,C).
- ²⁹ A.R.S. §16-201.
- ³⁰ A.R.S. §16-211.
- ³¹ Lindsey, Nedra. "District 20 Recount Reverses Order: McComish Tops Orlich." The Arizona Republic. September 22, 2004. Page B5.
- ³² *Korte v. Bayless*, 199 Ariz. 173, 174, 16 P.3d 200, 201 (2001) ("to avoid the problem of mootness, actions must be brought in sufficient time to allow the court to make a decision before absentee ballots must be printed.").
- ³³ A.R.S. § 16-542(A).
- ³⁴ In researching other states, 4% hold their Primary Election in March, 19% in May, 25% in June, 4% in July, 17% in August, 30% in September and 1% in November. No Primaries are scheduled in January, February, April, October, and December.
- ³⁵ Nevada Assembly Bill 455, 2005.
- ³⁶ Senate Committee on Legislative Operations and Elections, 73rd Session. 2-7 (May 5, 2005); Senate Committee on Legislative Operations and Elections, 73rd Session p. 11 (May 19, 2005).
- ³⁷ See <www.secstate.wa.gov/pffice/osos_news.aspx?I=ThQBA%2F%2fixeRnDpN7znzKpg%3d%3d>.
- ³⁸ House Bill 2027 is currently pending in the Washington Legislature proposing to change Washington's September Primary to the third Tuesday in August.
- ³⁹ HB 543, SB 652.

⁴⁰ 200 Ariz. 261, 25 P.3d 749 (2001).

⁴¹ A.R.S. § 16-322(B).

⁴² A.R.S. § 16-951(B).

⁴³ A.R.S. § 16-624(D).

⁴⁴ Secretary of State's Electronic Voting System Instructions & Procedures Manual, October 2004, p. 122.

⁴⁵ A.R.S. § 16-664.

⁴⁶ See *Barrera v. Superior Court*, 117 Ariz. 528, 573 P.2d 928 (App. 1977).

⁴⁷ This type of error could not occur with touch screen voting equipment.

⁴⁸ A.R.S. § 16-442.01.

⁴⁹ Laws 2005, Ch.144 (adding A.R.S. § 16-446(B)(7)).

⁵⁰ A.R.S. § 16-449(A).

⁵¹ *Id.*

⁵² A.R.S. § 16-666.

⁵³ *Id.*

⁵⁴ See A.R.S. § 16-941(A)(limiting the contributions that a Clean Elections candidate can accept); Arizona Administrative Code R2-20-104 (specifying that Clean Elections funding can be used for direct campaign purposes only).

⁵⁵ Section 16-661(B) prohibits automatic recounts in elections for precinct committeemen, school district governing boards, community college district governing boards, fire district boards or fire district chiefs or secretary-treasurers or boards of other special districts.

APPENDIX

This appendix contains an election calendar with the critical dates that would have to be moved if Arizona's primary election is moved earlier in the election cycle. This calendar assumes the primary election is moved four weeks earlier or the "twelfth tuesday prior to a general or special election at which candidates for public office are to be elected." If this change were made prior to the 2006 federal elections, the primary would fall on August 15, 2006.

DATE	DATE IN STATUTE	EVENT	A.R.S. REFERENCE
1/1/2006	1-Jan	Voter Registration Report	16-168(G)
1/1/2006	1-Jan	Begin qualifying period for legislative candidates	16-961(B)3
1/1/2006	1-Jan	Begin filing Public Officers Annual Financial Disclosure Statement	38-542(D)
1/1/2006	1-Jan	Begin filing period for January 31 Report Campaign finance report - Report covers November 23, 2004 - December 31, 2005	16-913(C), 16-916(D)
1/1/2006	1-Jan	Begin filing period for January 31st Report - standing committee campaign finance report - Report covers January 1, 2005 - December 31, 2005	16-913(B)(C)(K), 16-916(D)
1/1/2006	1-Jan	Begin qualifying period for CCEC legislative candidates - January 1, 2006 through August 24, 2006,	16-961 (B)3
1/15/2006	15-Jan	Counties to provide Nov. 1 voter registration numbers to SOS to calculate political party status (Oct. 1 stats to be used in year of PPE)	16-804(C), 16-244(B)
1/31/2006	31-Jan	Deadline for Public Officers to file Annual Financial Disclosure Statement	38-542(D)
1/31/2006	31-Jan	Deadline for filing of January 31st Report - campaign finance report - Report covers November 23, 2004 - December 31, 2005	16-913(C), 16-916(D)
1/31/2006	31-Jan	Deadline for filing of January 31st Report - standing committee campaign finance report - Report covers January 1, 2005 - December 31, 2005	16-913(B)(C)(K), 16-916(D)
2/1/2006	1-Feb	Determine Political Parties entitled to continued ballot representation	16-804(C)
2/1/2006	Beginning of February	Begin meetings with SPO	**
2/1/2006	1-Feb	Begin bid process for printing publicity pamphlet	**
2/1/2006	1-Feb	Begin entering text of ballot measures	**
2/1/2006	1-Feb	Begin work with Spanish Translator for Ballot	**

		Measures	
3/1/2006	1-Mar	Place voters in new precincts	16-412
3/1/2006	1-Mar	Voter Registration Report	16-168(G)
3/1/2006	1-Mar	Calculate candidate signature requirements	16-168(G), 16-322(B)
2/16/2006	PE-180	Last day to file New Party Petitions for Primary Election to County Recorder	16-803(B)
2/16/2006	PE-180	Notice of election sent out by the Board of Supervisors for September Primary Election	16-205
3/28/2006	PE-140	Last day to file New Party Petitions for Primary Election to SOS	16-803
5/1/2006	1-May	Assign Proposition Numbers to Referenda sent by legislature / Begin Spanish translations	**
5/6/2006	6-May	Begin drafting Yes/No & descriptive title language	**
4/17/2006	PE-120	Send notice of offices up for election	16-202
4/17/2006	PE-120	Begin to accept partisan primary candidate nomination petitions and papers	16-311,16-314, 16-905, 38-541
4/17/2006	PE-120	Begin to accept "nomination other than by primary" and "Independent" candidate nomination petitions and papers	16-341
5/7/2006	PE-100	Order ballot cards for primary election	16-508*
6/1/2006	1-Jun	Begin filing period for June 30 Report - standing committee campaign finance report - Report covers January 1, 2006 - May 31, 2006	16-913(B)(C)(K), 16-916(D)
6/1/2006	1-Jun	Begin filing period for June 30 Report - Campaign finance report covering January 1, 2006 - May 31, 2006	16-913(B)(C)(K), 16-916(D)
5/14/2006	PE-93	Begin to accept requests for early ballot. Uniformed services voters or overseas voters can request ballots and special write-in early ballots before this date.	16-542(A)(B) 16-543.01
5/14/2006	PE-93	Begin to accept requests for assistance by special election board due to "continuing" illness	16-549*
5/17/2006	PE-90	Accept lists submitted by party chairmen of election board nominees	16-531(A)
5/17/2006	PE-90	Deadline for partisan primary candidate nomination petitions and papers	16-311,16-314, 16-905, 38-541
5/17/2006	PE-90	Deadline for accepting "nomination other than by primary" candidate filing nomination petitions and papers	16-341
5/27/2006	PE-80	Post lists of polling places for all precincts including polling place changes submitted to DOJ	16-411(G)

5/31/2006	PE-76	Deadline for challenges to nomination petitions	16-351
6/1/2006	PE-75	Start preparation of submission to U.S. Justice Department of changes	**
6/8/2006	PE-68	Deadline for CCEC Candidates to present list of persons who made qualifying contributions and original reporting slips to Secretary of State	16-950(B)
6/30/2006	30-Jun	Deadline for filing of June 30 Report - standing committee campaign finance report - Report covers January 1, 2006 - May 31, 2006	16-913(B)(C)(K), 16-916(D)
6/30/2006	30-Jun	Deadline for filing of June 30 Report - Campaign finance report - Report covers January 1, 2006 - May 31, 2006	16-913(B)(C)(K), 16-916(D)
6/14/2006	(PE-9 weeks) +1 day	Primary election period begins	16-961(B)(4)
6/14/2006	(PE-9 weeks) +1 day	Clean Election Commission payment to candidates	16-951(A)
6/16/2006	PE-60	Deadline for arguments filed for or against initiative measures or constitutional amendments / Leg. Council Analysis / JLBC Economic Impact Summaries	19-124(A)(B) 19-123(A)6
6/16/2006	PE-60	Send Yes/No and Descriptive Titles to Spanish and Navajo Translators	**
6/16/2006	PE-60	Accept lists of nominees for special election boards from the party chairmen	16-549
6/16/2006	PE-60	Mail certified lists of all candidates qualified for primary ballot to recorders to send with special write-in early ballots	16-543(01)(C)
6/16/2006	PE-60	Order parts for voting devices	**
6/16/2006	PE-60	Send Judges and Justices retention forms	**
7/15/2006	15-Jul	Receive registered voter data from 15 counties	**
6/26/2006	PE-50	Prepare instruction materials and supplies for classes of instruction	16-532*
6/28/2006	PE-48	Layout ballot pages and master rotation list if rotation is required	16-464*
6/30/2006	PE-46	Allocate voting devices to precincts	16-447*
7/1/2006	PE-45	Begin instruction classes for precinct election boards	16-532
7/1/2006	PE-45	Print election board inspectors' instructions and check list	**
7/1/2006	PE-45	Prepare proof of sample ballots and submit to each party county chairmen; mail copy to each candidate; post copy of proof sample ballot in	16-461

		office	
7/2/2006	PE-44	Order ballot cards for general election	16-508*
7/6/2006	PE-40	Accept suggestions from party chairmen on changes needed due to error or omission in ballot	16-461
7/6/2006	PE-40	Print sample ballots	16-461
7/6/2006	PE-40	Deadline for write-in candidate nomination papers for primary election	16-312
7/10/2006	PE-36	Have Styrofoam backers for early ballots	**
7/13/2006	PE-33	Print early ballots and deliver to county recorder	16-503, 16-545
7/13/2006	PE-33	Print instructions and envelopes needed for early voting	16-544(B)(2)*, 16-547*
7/13/2006	PE-33	Print ballots and ballot labels	16-505, 16-545, 16-466, 16-503
7/13/2006	PE-33	Begin to accept ballots from early voters for Primary Election	16-545
7/13/2006	PE-33	Appoint special election boards	16-549
7/14/2006	PE-32	Accept list submitted from party chairmen of party election observers	16-590*
7/14/2006	PE-32	Designate location for central counting place boards, precinct boards, early boards data processing boards and receiving center boards	16-532*
7/17/2006	PE-29	Close voter registration for primary election at midnight	16-120
7/17/2006	PE-29	Voter Registration Report	16-168(G)
7/17/2006	PE-29	Designate location for receiving centers, central counting place, computer center and early processing center	16-532*, 16-551*
7/21/2006	PE-25	Lay out floor space for receiving center, central counting place, computer center, and early processing center	**
7/21/2006	PE-25	Print official and unofficial return envelopes	16-511*, 16-615*, 16-616*
7/21/2006	PE-25	Print poll lists and instructions to voter signs	16-511*, 16-513*
7/21/2006	PE-25	Ballot labels ready for voting devices	16-505*, 16-466*
7/21/2006	PE-25	Print challenge lists and payroll vouchers	16-536*, 16-594*
7/21/2006	PE-25	Print "no smoking," "vote here," "seventy-five foot limit", "arrow," and "right to vote a provisional ballot" signs	16-513(01)*, 16-515*, 16-563(2)*
7/21/2006	PE-25	Print duplicate ballot report forms	16-608*

7/24/2006	PE-22	Check precinct supplies	16-404*, 16-405*, 16-426*, 16-447*, 16-511-515*
7/25/2006	PE-21	Deliver complete copies of precinct registers to party county chairmen and state chairmen	16-168
7/26/2006	PE-20	Designate polling places except for special district mail ballot elections	16-411(B)
7/26/2006	PE-20	Appoint all election boards	16-531, 16-535, 16-551
7/26/2006	PE-20	End pre-primary election reporting period for campaign finance reports	16-913(B)(2)
8/24/2006	GE-75	End of qualifying period	16-961(B)
8/24/2006	GE-75	Last day for Candidates to file application for certification for Clean Elections with Secretary of State	16-947(A)
7/27/2006	PE-19	Begin filing period for Pre-Primary Report - August 15, 2006 Primary Election - for standing committees - Report covers June 6, 2006 - July 26, 2006	16-913(B)(C)(K), 16-916(D)
8/24/2006	GE-75	End of qualifying period for CCEC statewide and legislative candidates	16-961(B)(3)
7/27/2006	PE-19	Begin filing period for Pre-Primary Report - August 15, 2006 Primary Election - Campaign finance report covering June 6, 2006 - July 26, 2006	16-913(B)(C)(K), 16-916(D)
7/28/2006	PE-18	Print log books and other forms for receiving center, central counting place, computer center and early ballot processing center	16-608*
7/28/2006	PE-18	Outline polling place support plan for election day	**
8/1/2006	PE-14	Mail notice to party county chairmen as to time and place when voting devices can be inspected	16-447(C)*
8/1/2006	PE-14	Deliver notice of write-in candidates filing nomination papers	16-312
8/1/2006	PE-14	File programs with SOS	16-445
8/1/2006	PE-14	Include list of eligible write-in candidates in supplies for precinct inspectors	16-312(C)
8/2/2006	PE-13	Include list of eligible write-in candidates in supplies for precinct inspectors	16-312
8/3/2006	PE-12	Deadline for filing of Pre-Primary Report - August 15, 2006 Primary Election - for standing committees - Report covers June 6, 2006 - July 26, 2006	16-913(B)(C)(K), 16-916(D)

8/3/2006	PE-12	Deadline for filing of Pre-Primary Report - August 15, 2006 Primary Election - Campaign finance report covering June 6, 2006 - July 26, 2006	16-913(B)(C)(K), 16-916(D)
8/4/2006	PE-11	Deadline for requests for assistance by special election boards due to "continuing" illness	16-549
8/4/2006	PE-11	Deadline for requests for early ballot	16-542(D)
8/4/2006	PE-11	Mail sample ballots	16-461
8/5/2006	PE-10	Assemble precinct kits, supplies and materials	16-404* 16-405*, 16-426*, 16-447*, 16-511-515*
8/5/2006	PE-10	Begin to accept requests for assistance by special board due to "unanticipated" illness	16-542, 16-549
8/5/2006	PE-10	Begin to accept requests for early ballots from voters prevented from voting at polls due to an emergency	16-542(F)
8/5/2006	PE-10	Prepare precinct registers	16-168
8/5/2006	PE-10	Provide the names of electors on the inactive voter list to each precinct	16-583*
8/7/2006	PE-8	Assemble voting devices, punch masks, crimp pages	**
8/8/2006	PE-7	Perform logic and accuracy tests - notify public 48 hours in advance	16-449
8/8/2006	PE-7	Complete plans for transfer to alternate computer facility	**
8/8/2006	PE-7	Complete ballot and supply dispersal plan	16-509*
8/8/2006	PE-7	Complete receiving center ballot card pick-up plan	**
9/2/2006	2-Sep	Receive Navajo translations from translator / send to vendor for duplication	**
9/2/2006	2-Sep	Provide registered voter mailing list data to printer	**
9/2/2006	2-Sep	Printer returns proofs to SOS (Spanish and large print)	**
8/13/2006	PE-2	If BOS fails to designate polling places, the justice of the peace may designate polling places	16-411(C)
8/13/2006	PE-2	Deliver ballots to inspectors	16-509
8/14/2006	PE-1	Complete instruction classes for precinct boards, early boards, receiving and central counting place boards and data processing board	16-532
8/14/2006	PE-1	Deliver polling place supplies	16-404,16-447(D),

			16-511*
8/14/2006	PE-1	Complete post election supply and materials pick-up plan	**
8/14/2006	PE-1	Complete voter education program - public display of voting equipment	16-406
8/14/2006	PE-1	Deadline for requests for assistance by special board due to "unanticipated" illness	16-549(D)
8/14/2006	PE-1	Deadline for accepting ballots from those prevented from voting at the polls as a result of an emergency occurring between 5:00 p.m. the second Friday preceding the election and 5:00 p.m. Monday preceding the election	16-542(F)
8/14/2006	PE-1	Deliver list of all persons who were issued early ballots to precinct inspectors	16-550(C)
8/14/2006	PE-1	Deliver list of qualified write-in candidates to inspector to be posted election day	16-312*
8/15/2006	PE	August 15, 2006 Primary Election	16-201
8/15/2006	PE	Continue delivery of early ballots to early boards until 7:00 p.m.	16-551(C)
8/15/2006	PE	Last date for members of U.S. service and family residing outside AZ to register for primary election	16-103
8/16/2006	PE+1	Candidates to return monies above sufficient to pay unpaid bills during primary period	16-953(A)
8/16/2006	PE+1	General election period begins	16-961(B)(5)
8/16/2006	PE+1	Clean Election Commission payment to candidates	16-951(C)
8/21/2006	PE+6	Deadline to hear early ballot challenges	16-552(E)
8/21/2006	PE+6	Canvass returns; declare nominated candidates	16-642, 16-645
8/21/2006	PE+6	Deliver certificate of nomination	16-645
8/22/2006	PE+5 business days	Process new residence ballots and provisional ballots	16-135, 16-584(E)
8/25/2006	PE+10	Last day to meet and canvass returns; declare nominated candidates	16-642, 16-645
8/25/2006	PE+10	Deliver canvass to SOS	16-645
8/28/2006	PE+13	OFFICIAL CANVASS OF PRIMARY ELECTION Canvass returns of all offices or districts larger than a county or for members of the legislature - issue certificate of nomination	16-645
8/31/2006	PE+16	Voting devices may be unsealed	16-428
9/4/2006	PE+20	End Post-Primary Election reporting period for campaign finance reports	16-913(B)(3)
9/5/2006	PE+21	Begin filing period for Post-Primary Report - August 15, 2006 Primary Election - for	16-913(B)(C)(K),

		standing committees - Report covers July 27, 2006 - September 4, 2006	16-916(D)
9/5/2006	PE+21	Begin filing period for Post-Primary Report - August 15, 2006 Primary Election - Campaign finance report covers July 27, 2006 - September 4, 2006	16-913(B)(C)(K), 16-916(D)
9/14/2006	PE+30	Deadline for filing of Post-Primary Report - August 15, 2006 Primary Election - for standing committees - Report covers July 27, 2006 - September 4, 2006	16-913(B)(C)(K), 16-916(D)
9/14/2006	PE+30	Deadline for filing of Post-Primary Report - August 15, 2006 Primary Election - Campaign finance report covers July 27, 2006 - September 4, 2006	16-913(B)(C)(K), 16-916(D)
9/14/2006	PE+30	Candidates shall pay uncontested / unpaid bills primary election	16-953(C)
10/19/2006	GE-19	Begin filing period for Pre-General Report - November 7, 2006 General Election - for standing committees - Report covers September 5, 2006 - October 18, 2006	16-913(B)(C)(K), 16-916(D)
10/19/2006	GE-19	Begin filing period for Pre-General Report - November 7, 2006 General Election - Campaign finance report covering September 5, 2006 - October 18, 2006	16-913(B)(C)(K), 16-916(D)
11/7/2006	GE	November 7, 2006 General Election	16-211
11/8/2006	GE+1	Candidates to return monies above sufficient to pay unpaid bills during general election period	16-953(B)
11/28/2006	GE+21	Begin filing period for Post-General Report - November 7, 2006 General Election - for standing committees - Report covers October 19, 2006 - November 27, 2006	16-913(B)(C)(K), 16-916(D)
11/28/2006	GE+21	Begin filing period for Post-General Report - November 7, 2006 General Election - Campaign finance report covers October 19, 2006 - November 27, 2006	16-913(B)(C)(K), 16-916(D)
12/7/2006	GE+30	Deadline for filing of Post-General Report - November 7, 2006 General Election - for standing committees - Report covers October 19, 2006 - November 27, 2006	16-913(B)(C)(K), 316-916(D)
12/7/2006	GE+30	Deadline for filing of Post-General Report - November 7, 2006 General Election - Campaign finance report covers October 19, 2006 - November 27, 2006	16-913(B)(C)(K), 16-916(D)
12/7/2006	GE+30	Candidates shall pay uncontested / unpaid bills from the general election	16-953(C)