

Tab 1

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14 Attorneys for The Inter Tribal Council
of Arizona, Inc., et al.

16 UNITED STATES DISTRICT COURT
17 DISTRICT OF ARIZONA

18 Maria M. Gonzalez, et al.,
19 Plaintiffs,

21 vs.

22 State of Arizona, et al.,
23 Defendants.

No. CV06-01268-PHX-ROS (Lead)
CV06-01362-PHX-ROS (Cons)
CV06-01575-PHX-ROS (Cons)

**RESPONSES OF THE INTER
TRIBAL COUNCIL OF ARIZONA,
INC. TO STATE DEFENDANTS'
FIRST SET OF INTERROGATORIES**

26 Pursuant to Fed. R. Civ. P. 33, plaintiff the Inter Tribal Council of Arizona, Inc.
27 ("ITCA") hereby objects and responds to the First Set of Interrogatories propounded by
28 the State of Arizona and the Arizona Secretary of State.

1 Tribe, 11,497 members of the Hopi Tribe, 2,210 members of the Hualapai Tribe, 240
2 members of the Kaibab-Paiute Tribe, 3,037 members of the Fort Yuma-Quechan Tribe,
3 13,618 members of the Pascua Yaqui Tribe, 8,300 members of the Salt River Pima
4 Maricopa Indian Community, 12,214 members of the San Carlos Apache Tribe, 300
5 members of the San Juan Southern Paiute Tribe, nearly 24,000 members of the Tohono
6 O'odham Nation, 110 members of the Tonto Apache Tribe, over 13,279 members of the
7 White Mountain Apache Tribe, 1,796 members of the Yavapai-Apache Nation, and 161
8 members of the Yavapai-Prescott Indian Tribe.

9
10 4. Identify the number of tribal members who lack proof of citizenship
11 sufficient to satisfy the proof of citizenship requirement of Proposition 200, specifying
12 of which tribe they are members.

13 **ITCA's Response:** ITCA objects to Interrogatory No. 4 because it is vague and
14 overbroad. Interrogatory No. 4 is not restricted to eligible voters, and therefore calls for
15 responses concerning persons not eligible to register to vote, which are not calculated to
16 lead to admissible evidence. ITCA further objects to this interrogatory to the extent that
17 it seeks non-public information that is privileged from disclosure pursuant to the First
18 and Fourteenth Amendments to the United States Constitution. *See NAACP v. Alabama*,
19 357 U.S. 449, 462-63 (1958)). Without waiving the foregoing objections, ITCA
20 responds as follows:

21 ITCA does not at this time have knowledge of the identities of members of its
22 organization whose identities would be responsive to Interrogatory No. 4. It is
23 anticipated that ITCA may review the names of those who have had voter registration
24 forms rejected and compare those names to its membership lists. This response may be
25 supplemented for that reason.
26
27
28

1 5. Identify the documents, data, and/or methodology used to determine the
2 number of tribal members who lack proof of citizenship to satisfy the proof of citizenship
3 requirement of Proposition 200.

4 **ITCA's Response:** ITCA has not completed investigation or discovery regarding this
5 matter. To date, the efforts of ITCA have included voter monitoring conducted during
6 the November 7, 2006, election, in which a limited number of poll monitors collected
7 data on or near the following Indian Reservations: Ft. McDowell Reservation in
8 Maricopa County, San Carlos Apache Reservation, Bylas District, in Graham County,
9 Pascua Yaqui Reservation in Pima County, Hopi Reservation in Navajo County, and Fort
10 Apache Reservation in Navajo County.

11
12 6. Identify the number of tribal members who lack voting identification
13 sufficient to satisfy the voting identification requirement of Proposition 200, specifying
14 of which tribe they are members.

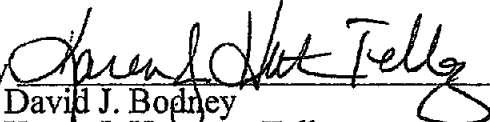
15 **ITCA's Response:** ITCA objects to Interrogatory No. 6 because it is vague and
16 overbroad. Interrogatory No. 6 is not restricted to registered voters or eligible voters, and
17 calls therefore calls for responses concerning persons not eligible to register to vote or
18 vote, which are not calculated to lead to admissible evidence. ITCA further objects to
19 this Interrogatory to the extent that it seeks non-public information that is privileged from
20 disclosure pursuant to the First and Fourteenth Amendments to the United States
21 Constitution. *See NAACP v. Alabama*, 357 U.S. 449, 462-63 (1958)). Without waiving
22 the foregoing objections, ITCA responds as follows:

23 ITCA presently is not aware of the identities of members of its organization who
24 lack voting identification sufficient to vote at the polls on election day in Arizona. It is
25 anticipated that ITCA may review the names of those who have cast conditional
26 provisional ballots due to their lack of identification as required by Proposition 200 and
27 compare those names to its membership lists. This response may be supplemented for
28 that reason.

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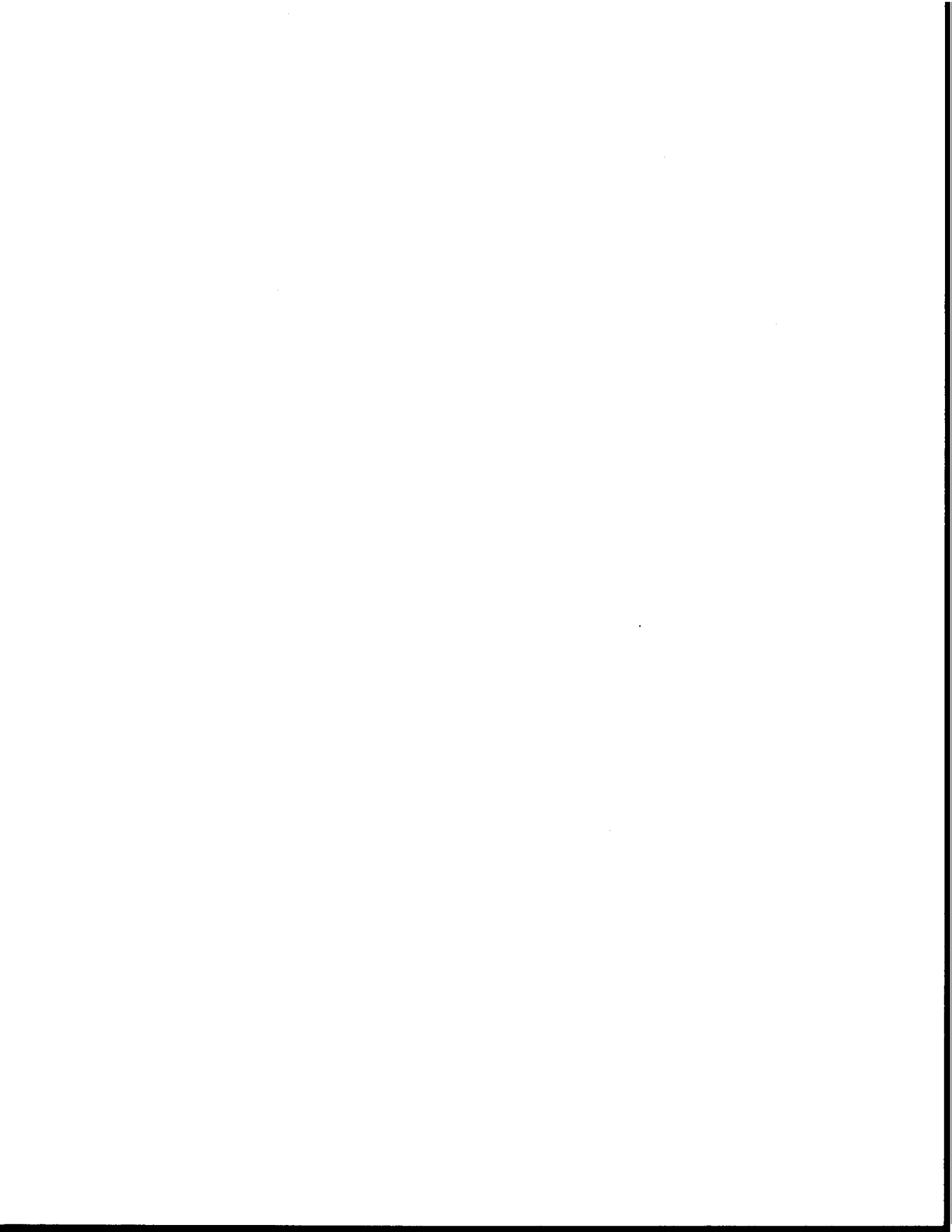
DATED this 26th day of November, 2007.

STEPTOE & JOHNSON LLP

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25 UNITED STATES DISTRICT COURT

26 DISTRICT OF ARIZONA

27 Maria M. Gonzalez, et al.,
28 Plaintiffs,

vs.

State of Arizona, et al.,
Defendants.

No. CV06-01268-PHX-ROS (Lead)
CV06-01362-PHX-ROS (Cons)
CV06-01575-PHX-ROS (Cons)

**RESPONSES OF THE HOPI TRIBE
TO STATE DEFENDANTS' FIRST
SET OF INTERROGATORIES**

29 Pursuant to Fed. R. Civ. P. 33, plaintiff the Hopi Tribe ("Hopi") hereby objects
30 and responds to the First Set of Interrogatories propounded by the State of Arizona and
31 the Arizona Secretary of State.

1 3. Identify the total number of tribal members.

2 **Hopi's Response:**

3 There are approximately 12,512 Hopi tribal members. Of those enrolled
4 members, approximately 9,235 are over 18 years of age.

5
6 4. Identify the number of tribal members who lack proof of citizenship
7 sufficient to satisfy the proof of citizenship requirement of Proposition 200.

8 **Hopi's Response:** Hopi objects to Interrogatory No. 4 because it is vague and
9 overbroad. Interrogatory No. 4 is not restricted to eligible voters, and therefore calls for
10 responses concerning persons not eligible to register to vote, which are not calculated to
11 lead to admissible evidence. Without waiving the foregoing objection, Hopi responds as
12 follows:

13 Hopi does not at this time have knowledge of the number of or identities of its
14 members that would be responsive to Interrogatory No. 4. However, the Hopi
15 Enrollment Department has provided the Hopi Election Office with a listing of
16 individuals who are living Hopi Members 18 years and over who do not have Hopi
17 enrollment cards. Many of these Hopi individuals, in the experience of the Election
18 Office, are also individuals who lack other forms identification such as passports,
19 driver's licenses or Arizona identification card. As of July 2006, there were 4,348 Hopi
20 individuals who had not received a Hopi enrollment card.

21 Also, it is anticipated that Hopi will obtain additional information regarding
22 affected Hopi individuals upon cross-referencing its tribal enrollment list with the list of
23 the names of voters whose voter registration forms were rejected for lack of proof of
24 citizenship. This cross-reference cannot occur until the names of voters whose
25 registration forms were rejected are fully inputted into the ITCA Plaintiffs' database,
26 work which began late due to the late production of unredacted voter registration forms
27 from various counties. This response may be supplemented for that reason.

28

1 5. Identify the documents, data, and/or methodology used to determine the
2 number of tribal members who lack proof of citizenship to satisfy the proof of citizenship
3 requirement of Proposition 200.

4 **Hopi's Response:**

5 Hopi has not completed any comprehensive investigation regarding this matter.
6

7 6. Identify the number of tribal members who lack voting identification
8 sufficient to satisfy the voting identification requirement of Proposition 200.

9 **Hopi's Response:** Hopi objects to Interrogatory No. 6 because it is vague and
10 overbroad. Interrogatory No. 6 is not restricted to registered voters or eligible voters, and
11 calls therefore calls for responses concerning persons not eligible to register to vote or
12 vote, which are not calculated to lead to admissible evidence. Without waiving the
13 foregoing objection, Hopi responds as follows:

14 Hopi presently is not aware of the number of or identities of its tribal
15 members who lack voting identification sufficient to vote at the polls on election day in
16 Arizona. It is anticipated that Hopi will review the names of those who have cast
17 provisional or conditional provisional ballots due to their lack of identification as
18 required by Proposition 200 and compare those names to its tribal enrollment list. This
19 cross-reference cannot occur until the names of voters who cast such ballots are inputted
20 into ITCA Plaintiffs' database, work which began late due to the timing of document
21 production by the various counties. This response may be supplemented for that
22 reason.

23 7. Identify the documents, data, and/or methodology used to determine the
24 number of tribal members who lack voting identification sufficient to satisfy the voting
25 identification requirement of Proposition 200.

26 **Hopi's Response:**

27 Hopi has not completed any comprehensive investigation regarding this matter.
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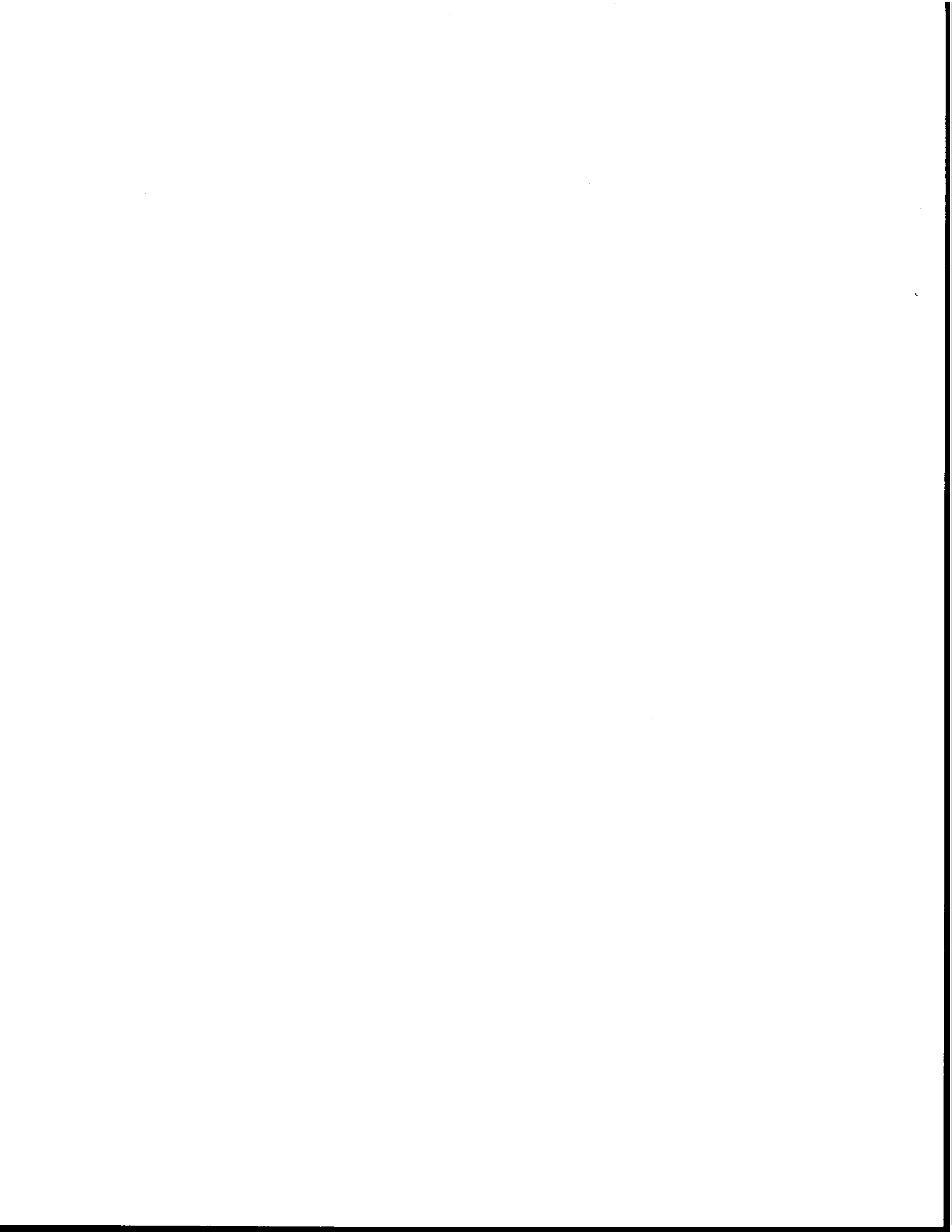
VERIFICATION

I, Karen Shupla, declare that:

I am a Plaintiff in this action. I have read the Responses to Defendant's First Set of Interrogatories ~~and Requests for Production of Documents~~; and declare, under penalty of perjury, that the document is true and correct to the best of my knowledge, information, and belief.

Dated this 15th day of December, 2007.


Karen Shupla



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25 UNITED STATES DISTRICT COURT
26 DISTRICT OF ARIZONA

27 Maria M. Gonzalez, et al.,
28 Plaintiffs,
29 vs.
30 State of Arizona, et al.,
31 Defendants.

No. CV06-01268-PHX-ROS (Lead)
CV06-01362-PHX-ROS (Cons)
CV06-01575-PHX-ROS (Cons)

**RESPONSES OF
STEVE M. GALLARDO
TO STATE DEFENDANTS' FIRST
SET OF INTERROGATORIES**

32 Pursuant to Fed. R. Civ. P. 33, plaintiff Steve M. Gallardo ("Rep. Gallardo")
33 hereby objects and responds to the First Set of Interrogatories propounded by the State
34 of Arizona and the Arizona Secretary of State.

1 whose supporters are better able to satisfy the proof of citizenship requirement of
2 Proposition 200.

3
4 3. Identify each person of whom you have personal knowledge lacks proof of
5 citizenship sufficient to satisfy the proof of citizenship requirement of Proposition 200.

6 **Rep. Gallardo's Response:** Rep. Gallardo objects to Interrogatory No. 3 because
7 it is vague and overbroad. Interrogatory No. 3 is not restricted to citizens, registered
8 voters or eligible voters, and therefore calls for responses concerning persons not eligible
9 to register to vote, which are not calculated to lead to admissible evidence. Without
10 waiving this objection, Rep. Gallardo responds as follows:

11 Rep. Gallardo does not at this time have personal knowledge of any
12 citizens whose identities would be responsive to this Interrogatory. It is expected that
13 Rep. Gallardo will review the names of the residents of his legislative district and the
14 Phoenix Union High School District whose registration applications have been rejected
15 due to the failure to provide proof of citizenship as required by Proposition 200, and this
16 response may be supplemented for that reason.

17
18 4. Identify each and every fact upon which you contend that the proof of
19 citizenship and voting identification requirements of Proposition 200 prevent persons
20 from voting for you.

21 **Rep. Gallardo's Response:** Rep. Gallardo's supporters and likely
22 supporters are concentrated in neighborhoods with low levels of income and education,
23 transportation and communication. Relative to the residents of more affluent
24 communities, these supporters and likely supporters are:

- 25 a) less likely to possess the voting identification required by Proposition 200;
26 b) less likely to possess a birth certificate and/or other proof of citizenship
27 required by the voter registration requirements of Proposition 200;
28 c) less likely to have access to motor vehicles or other means of transportation that

1 would assist them in obtaining documentation to satisfy the requirements of Proposition
2 200; and

3 d) less likely to have access to telephones, the Internet and other mass
4 communication resources that would assist them in meeting the requirements of
5 Proposition 200.

6 Rep. Gallardo's strongest supporters and likely supporters also are concentrated in
7 neighborhoods in which members of racial and ethnic minority groups make up the
8 predominant share of the eligible voters. Relative to communities in which white, non-
9 Hispanic residents are in the majority, his supporters and likely supporters in such
10 heavily-minority communities are:

11 a) less likely to possess the voting identification required by Proposition 200;

12 b) less likely to possess a birth certificate and/or other proof of citizenship
13 required by the voter registration requirements of Proposition 200; and

14 c) less likely to have access to telephones, the Internet and other mass
15 communication resources that would assist them in meeting the requirements of
16 Proposition 200.

17 For these reasons, candidates whose supporters are predominantly residents of
18 affluent communities and/or predominantly white, non-Hispanic neighborhoods will be
19 placed at an advantage relative to Rep. Gallardo because their supporters will be more
20 likely than his to have their votes counted notwithstanding the requirements of
21 Proposition 200. In order to remain competitive with such candidates, Rep. Gallardo will
22 be forced to divert a disproportionate share of his resources toward voter education and
23 other efforts to ensure that his supporters are not frustrated by the requirements of
24 Proposition 200. This is of particular concern for Rep. Gallardo's 2008 reelection to the
25 Phoenix Union High School District, in which he plans to seek one of the two at-large
26 seats.

27 In addition to his general knowledge, Rep. Gallardo's knowledge in providing
28 these responses is based upon the following specific activities:

1 a) his personal experience in conducting and overseeing voter registration
2 activities during fourteen years of service in the Office of the Maricopa County Recorder;

3 b) his personal experience in campaigning for election to the Arizona Legislature;

4 c) his personal experience in campaigning for election to the Phoenix Union High
5 School District;

6 d) his supervision of paid and volunteer campaign staff during his campaigns; and

7 e) his constituent service and outreach.

8
9 5. Identify each person who would vote for you, but cannot due to lack of
10 proof of citizenship to register to vote, including full name, birth date, address of
11 residence and telephone number.

12 **Rep. Gallardo's Response:** Rep. Gallardo does not at this time have personal
13 knowledge of specific individuals whose identities would be responsive to this
14 Interrogatory. It is expected that Rep. Gallardo will review the names of the residents of
15 his legislative district and the Phoenix Union High School District whose registration
16 applications have been rejected due to the failure to provide proof of citizenship as
17 required by Proposition 200, and this response may be supplemented for that reason.

18
19 6. Identify each person of whom you have personal knowledge lacks voting
20 identification sufficient to satisfy the voting identification requirement of Proposition
21 200.

22 **Rep. Gallardo's Response:** Rep. Gallardo does not at this time have personal
23 knowledge of specific individuals whose identities would be responsive to this
24 Interrogatory. It is expected that Rep. Gallardo will review the names of the residents of
25 his legislative district and the Phoenix Union High School District who have cast
26 conditional provisional ballots due to their lack of identification as required by
27 Proposition 200, and this response may be supplemented for that reason.

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VERIFICATION

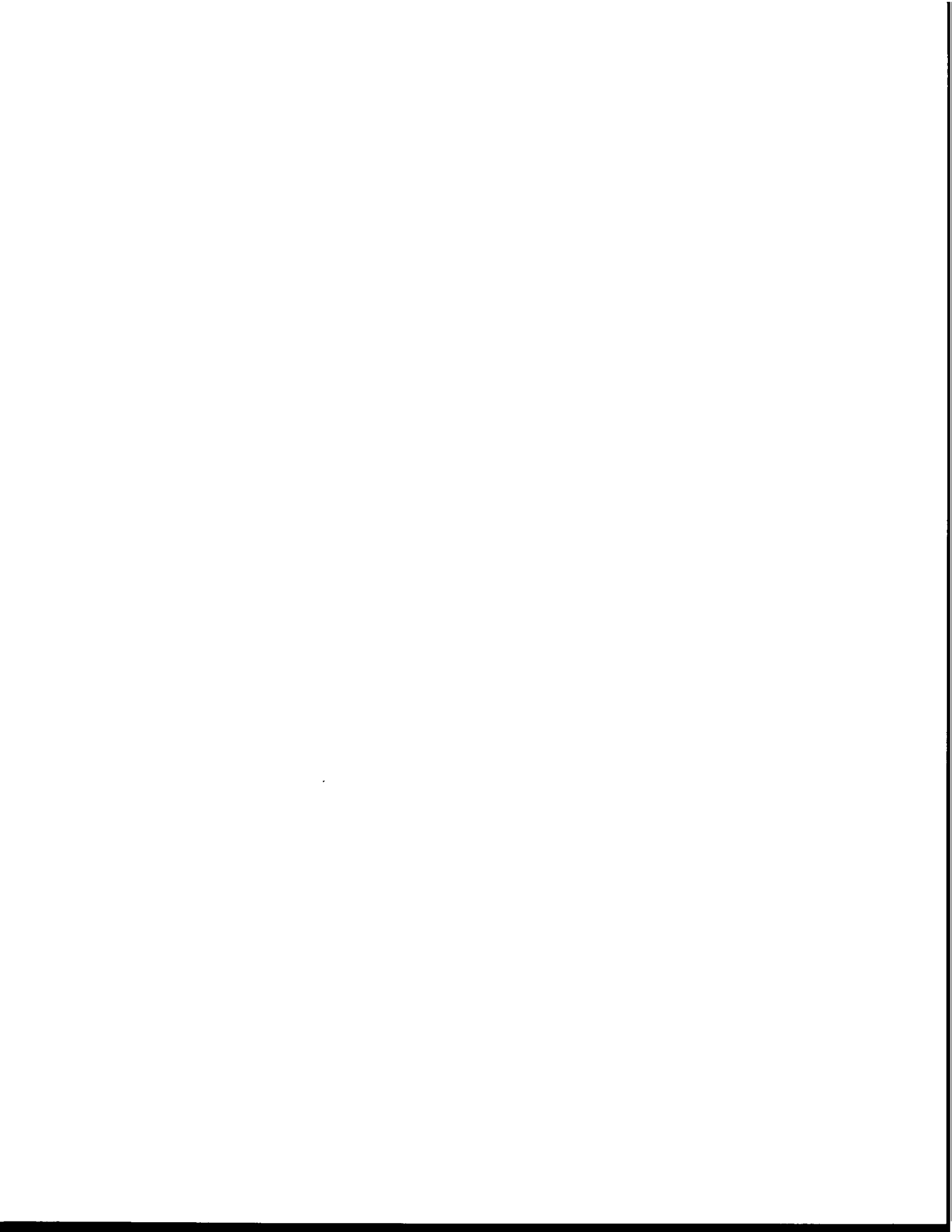
I, Steve M. Gallardo, have read the Responses of Rep. Steve M. Gallardo to First Set of Interrogatories by Defendants State of Arizona and the Arizona Secretary of State and know the contents thereof. The responses therein are true and correct to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 26 day of November, 2007.



Steve M. Gallardo



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14 Attorneys for The Inter Tribal Council
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16 UNITED STATES DISTRICT COURT

17 DISTRICT OF ARIZONA

18 Maria M. Gonzalez, et al.,
19 Plaintiffs,

20 vs.

21 State of Arizona, et al.,
22 Defendants.

} No. CV06-01268-PHX-ROS (Lead)
CV06-01362-PHX-ROS (Cons)
CV06-01575-PHX-ROS (Cons)

} **RESPONSES OF THE ARIZONA
ADVOCACY NETWORK
TO STATE DEFENDANTS' FIRST
SET OF INTERROGATORIES**

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25
26 Pursuant to Fed. R. Civ. P. 33, plaintiff the Arizona Advocacy Network
27 ("AzAN") hereby objects and responds to the First Set of Interrogatories propounded by
28 the State of Arizona and the Arizona Secretary of State.

1 order to register voters. Challenges unique to Arizona include:

2 1. Those eligible citizens who do not have driver's licenses or non-
3 operating IDs issued after September 30, 1996, will not be able to register using the most
4 commonly held acceptable documents. AzAN's staff and/or volunteers will therefore be
5 unable to register such eligible citizens without the additional steps described below,
6 requiring that they speak with a greater number of individuals for each successful
7 registration.

8 2. AzAN will only be compensated for confirmed registrations,
9 requiring that it keep records of all newly registered voters. In order to register voters,
10 AzAN's staff and/or volunteers must convince strangers to provide them with a great deal
11 of personal information. In a state that leads the nation in identity theft, many people are
12 reluctant to give out such information to someone they don't know. The increased
13 demands for information as a result of Proposition 200 make potential registrants more
14 reluctant to register in this way. Although they may choose to complete the voter
15 registration form and mail it in on their own, that means that AzAN will not receive
16 credit for that registration.

17 3. AzAN will also be unable to register most people who could
18 provide a certificate of naturalization, passport or birth certificate to register, because
19 they would need to have a copy machine with them at the time the person wishes to
20 register. This group of eligible voters will not be available to AzAN as potential
21 registrants, once again necessitating that they interact with more citizens per actual
22 registration achieved than in other states.

23 AzAN estimates that the additional costs associated with registering voters under
24 Prop 200's proof-of-citizenship requirements are \$44,000.00, which does not include
25 general overhead costs such as rent, utilities, employee benefits supplies and equipment.

26 3. Identify every member of your organization that you contend would have
27 standing to maintain this action based on that member's inability to comply, or difficulty
28

1 in complying, with the voting identification requirement of Proposition 200, including
2 full name, birth date, and address of residence.

3 **AzAN's Response:** AzAN objects to Interrogatory No. 3 because it is vague and
4 overbroad. Interrogatory No. 3 is not restricted to citizens, registered voters or eligible
5 voters, and therefore calls for responses concerning persons not eligible to register to
6 vote, which are not calculated to lead to admissible evidence. AzAN further objects to
7 this interrogatory to the extent that it seeks non-public information that is privileged
8 from disclosure pursuant to the First and Fourteenth Amendments to the United States
9 Constitution. *See NAACP v. Alabama*, 357 U.S. 449, 462-63 (1958). Without waiving
10 the foregoing objections, AzAN responds as follows:

11 Eva Steele is a member of the Arizona Advocacy Network living on a fixed
12 income. She resides in an assisted living facility in Mesa, Arizona. Ms. Steele does not
13 possess an Arizona driver's license and does not have sufficient non-photo ID to vote at
14 the polls.

15
16 4. Identify every member of your organization that you contend would have
17 standing to maintain this action based on that member's inability to comply, or difficulty
18 in complying, with the proof of citizenship requirement of Proposition 200, including
19 full name, birth date, and address of residence.

20 **AzAN's Response:** AzAN objects to Interrogatory No. 4 because it is vague and
21 overbroad. Interrogatory No. 4 is not restricted to citizens or eligible voters, and
22 therefore calls for responses concerning persons not eligible to register to vote, which
23 are not calculated to lead to admissible evidence. AzAN further objects to this
24 interrogatory to the extent that it seeks non-public information that is privileged from
25 disclosure pursuant to the First and Fourteenth Amendments to the United States
26 Constitution. *See NAACP v. Alabama*, 357 U.S. 449, 462-63 (1958). Without waiving
27 the foregoing objections, AzAN responds as follows:

1 Eva Steele is a member of the Arizona Advocacy Network living on a fixed
2 income. She resides in an assisted living facility in Mesa, Arizona. Ms. Steele does not
3 possess an Arizona driver's license. She has never had a passport. She once had a birth
4 certificate but she knows she does not have it with her in Arizona, and she is unsure of
5 whether she could locate it. Ms. Steele has always voted in elections in Missouri, her
6 prior state of residence, and is very distressed that she is unable to register to vote under
7 Prop 200's proof of citizenship requirement.

8 5. For each person identified in response to Interrogatory 4, state whether
9 such person currently is registered to vote in Arizona.

10 **AzAN's Response:** Eva Steele is not registered to vote in Arizona.

11
12 6. For each person identified in response to Interrogatory 4, state whether
13 such person could obtain proof of citizenship and what he or she would have to do to
14 obtain such proof of citizenship.

15 **AzAN's Response:** Eva Steele subsists on a fixed income, is physically challenged and
16 is wheel-chair dependent. In order to obtain an official copy of her birth certificate, she
17 would need to pay the \$15.00 fee required in her home state of Missouri. This poses a
18 hardship that she cannot afford.

19
20 7. Identify every member of your organization that does not currently
21 possess voting identification sufficient to vote at the polls on election day in Arizona,
22 including full name, birth date, and address of residence.

23 **AzAN's Response:** AzAN objects to Interrogatory No. 7 because it is vague and
24 overbroad. Interrogatory No. 7 is not restricted to citizens, registered voters or eligible
25 voters, and calls therefore calls for responses concerning persons not eligible to register
26 to vote, which are not calculated to lead to admissible evidence. AzAN further objects to
27 this Interrogatory to the extent that it seeks non-public information that is privileged from
28 disclosure pursuant to the First and Fourteenth Amendments to the United States

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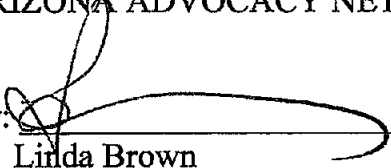
VERIFICATION

I, Linda Brown, have read the Responses of the Arizona Advocacy Network to First Set of Interrogatories by Defendants State of Arizona and the Arizona Secretary of State and know the contents thereof. The responses therein are true and correct to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 24 day of November, 2007.

ARIZONA ADVOCACY NETWORK

By:  _____
Linda Brown

Its: Executive Director



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30 Plaintiffs,

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34 Defendants.

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36 } CV06-01362-PHX-ROS (Cons)
37 } CV06-01575-PHX-ROS (Cons)

38 } **RESPONSES OF THE LEAGUE OF**
39 } **UNITED LATIN AMERICAN**
40 } **CITIZENS TO STATE**
41 } **DEFENDANTS' FIRST SET OF**
42 } **INTERROGATORIES**

43
44 Pursuant to Fed. R. Civ. P. 33, plaintiff League of United Latin American
45 Citizens ("LULAC"), hereby objects and responds to the First Set of Interrogatories
46 propounded by the State of Arizona and the Arizona Secretary of State

1 sufficient financial resources to purchase mobile photocopying equipment, such
2 purchases would require LULAC to divert financial resources from other voter outreach,
3 and registration activities.

4
5 3. Identify every member of your organization that you contend would have
6 standing to maintain this action based on that member's inability to comply, or difficulty
7 in complying, with the voting identification requirement of Proposition 200, including
8 full name, birth date, and address of residence.

9 **LULAC's Response:** LULAC objects to Interrogatory No. 3 because it is vague and
10 overbroad. Interrogatory No. 3 is not restricted to citizens, registered voters or eligible
11 voters, and therefore calls for responses concerning persons not eligible to register to
12 vote, which are not calculated to lead to admissible evidence. LULAC further objects to
13 this interrogatory to the extent that it seeks non-public information that is privileged from
14 disclosure pursuant to the First and Fourteenth Amendments to the United States
15 Constitution. See *NAACP v. Alabama*, 357 U.S. 449, 462-63 (1958). Without waiving
16 the foregoing objections, LULAC responds as follows:

17 LULAC does not at this time have knowledge of any members of its organization
18 whose identities would be responsive to Interrogatory No. 3. It is anticipated that
19 LULAC may review the names of those who have cast conditional provisional ballots
20 due to their lack of identification as required by Proposition 200 and compare those
21 names to its membership lists. This response may be supplemented for that reason.

22
23 4. Identify every member of your organization that you contend would have
24 standing to maintain this action based on that member's inability to comply, or difficulty
25 in complying, with the proof of citizenship requirement of Proposition 200, including
26 full name, birth date, and address of residence.

27 **LULAC's Response:** LULAC objects to Interrogatory No. 4 because it is vague and
28 overbroad. Interrogatory No. 4 is not restricted to citizens or eligible voters, and

1 therefore calls for responses concerning persons not eligible to register to vote, which are
2 not calculated to lead to admissible evidence. LULAC further objects to this
3 interrogatory to the extent that it seeks non-public information that is privileged from
4 disclosure pursuant to the First and Fourteenth Amendments to the United States
5 Constitution. *See NAACP v. Alabama*, 357 U.S. 449, 462-63 (1958). Without waiving
6 the foregoing objections, LULAC responds as follows:

7 LULAC does not at this time have knowledge of any members of its organization
8 whose identities would be responsive to Interrogatory No. 4. It is anticipated that
9 LULAC may review the names of those who have had voter registration forms rejected
10 and compare those names to its membership lists. This response may be supplemented
11 for that reason.

12
13 5. For each person identified in response to Interrogatory 4, state whether
14 such person currently is registered to vote in Arizona.

15 **LULAC's Response:** LULAC objects to Interrogatory No. 5 to the extent that it seeks
16 non-public information that is privileged from disclosure pursuant to the First and
17 Fourteenth Amendments to the United States Constitution. *See NAACP v. Alabama*, 357
18 U.S. 449, 462-63 (1958). Without waiving the foregoing objections, LULAC responds
19 as follows:

20 LULAC has no responsive information at this time.

21
22 6. For each person identified in response to Interrogatory 4, state whether
23 such person could obtain proof of citizenship and what he or she would have to do to
24 obtain such proof of citizenship.

25 **LULAC's Response:** LULAC objects to Interrogatory No. 6 to the extent that it seeks
26 non-public information that is privileged from disclosure pursuant to the First and
27 Fourteenth Amendments to the United States Constitution. *See NAACP v. Alabama*, 357
28 U.S. 449, 462-63 (1958). Without waiving the foregoing objections, LULAC responds

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VERIFICATION

I, Bonnie Saunders, have read the Responses of the League of Women Voters of Arizona to First Set of Interrogatories by Defendants State of Arizona and the Arizona Secretary of State and know the contents thereof. The responses therein are true and correct to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 26~~th~~ day of November, 2006.

LEAGUE OF WOMEN VOTERS OF ARIZONA

By: Bonnie Saunders
Bonnie Saunders

Its: President



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23 Attorneys for The Inter Tribal Council
24 of Arizona, Inc., et al.

25 UNITED STATES DISTRICT COURT
26 DISTRICT OF ARIZONA

27 Maria M. Gonzalez, et al.,
28 Plaintiffs,
vs.
State of Arizona, et al.,
Defendants.

No. CV06-01268-PHX-ROS (Lead)
CV06-01362-PHX-ROS (Cons)
CV06-01575-PHX-ROS (Cons)

**RESPONSES OF THE LEAGUE OF
WOMEN VOTERS OF ARIZONA TO
FIRST SET OF INTERROGATORIES
BY DEFENDANTS STATE OF
ARIZONA AND THE ARIZONA
SECRETARY OF STATE**

29 Pursuant to Fed. R. Civ. P. 33, plaintiff the League of Women Voters of Arizona
30 ("LWV"), hereby objects and responds to the First Set of Interrogatories propounded by
31 the State of Arizona and the Arizona Secretary of State.

1 registering voters. At such voter registration events, LWV would provide voter
2 registration forms to be filled out, then deliver them to the county recorder.

3 LWV has limited resources available to register voters. It is impossible for LWV
4 to set up photocopying equipment at its voter registration events to meet Arizona's proof
5 of citizenship requirement. Moreover, the cost of equipping LWV employees and
6 volunteers with mobile scanners or photocopying machines to create copies of
7 registrants' citizenship documents (for those who lack a driver's or non-operator's
8 license issued after October 1, 1996, naturalization number or tribal enrollment number)
9 is prohibitively expensive, and would preclude LWV from registering voters. LWV does
10 not have the financial resources to purchase such equipment. Even if LWV had
11 sufficient financial resources to purchase mobile photocopying equipment, such
12 purchases would require LWV to divert financial resources from current voter education
13 and registration activities.

14 Because LWV lacks the ability to copy documents that serve as "satisfactory
15 evidence of citizenship" under Proposition 200, it has ceased its voter registration drives,
16 except to distribute registration forms. As such, LWV is unable to ensure that any
17 registration forms it distributes are being delivered to the county recorders.
18 Consequently, LWV's efforts to register voters are harmed by Proposition 200.

19
20 3. Identify every member of your organization that you contend would have
21 standing to maintain this action based on that member's inability to comply, or difficulty
22 in complying, with the voting identification requirement of Proposition 200, including
23 full name, birth date, and address of residence.

24 **LWV's Response:** LWV objects to Interrogatory No. 3 because it is vague and
25 overbroad. Interrogatory No. 3 is not restricted to citizens, registered voters or eligible
26 voters, and therefore calls for responses concerning persons not eligible to register to
27 vote, which are not calculated to lead to admissible evidence. LWV further objects to
28 this interrogatory to the extent that it seeks non-public information that is privileged from

1 disclosure pursuant to the First and Fourteenth Amendments to the United States
2 Constitution. *See NAACP v. Alabama*, 357 U.S. 449, 462-63 (1958). Without waiving
3 the foregoing objections, LWV responds as follows:

4 LWV does not at this time have knowledge of any members of its organization
5 whose identities would be responsive to Interrogatory No. 3. It is anticipated that LWV
6 may review the names of those who have cast conditional provisional ballots due to their
7 lack of identification as required by Proposition 200 and compare those names to its
8 membership lists. This response may be supplemented for that reason.

9
10 4. Identify every member of your organization that you contend would have
11 standing to maintain this action based on that member's inability to comply, or difficulty
12 in complying, with the proof of citizenship requirement of Proposition 200, including
13 full name, birth date, and address of residence.

14 **LWV's Response:** LWV objects to Interrogatory No. 4 because it is vague and
15 overbroad. Interrogatory No. 4 is not restricted to citizens or eligible voters, and
16 therefore calls for responses concerning persons not eligible to register to vote, which are
17 not calculated to lead to admissible evidence. LWV further objects to this interrogatory
18 to the extent that it seeks non-public information that is privileged from disclosure
19 pursuant to the First and Fourteenth Amendments to the United States Constitution. *See*
20 *NAACP v. Alabama*, 357 U.S. 449, 462-63 (1958). Without waiving the foregoing
21 objections, LWV responds as follows:

22 LWV does not at this time have knowledge of any members of its organization
23 whose identities would be responsive to Interrogatory No. 4. It is anticipated that LWV
24 may review the names of those who have had voter registration forms rejected and
25 compare those names to its membership lists. This response may be supplemented for
26 that reason.

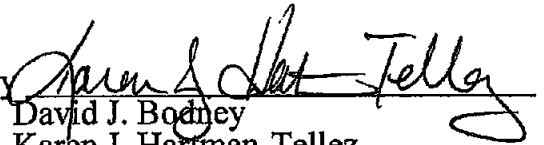
1 LWV has insufficient resources for it to divert them from its voter education and
2 advocacy programs to cover the increased costs of conducting voter registration drives
3 after proposition 200. As such, LWV has ceased its past practice of conducting voter
4 registration drives and delivering voter registration forms to the county recorders for
5 processing. LWV presently is unable to quantify the resources it has diverted to fulfill its
6 organizational mission or purpose as a direct result of the requirements of Proposition
7 200.

8
9 11. For each resource identified in Interrogatory 10, identify each and every
10 document evidencing such diversion and the amounts thereof, including the title, form,
11 content, and location or possessor of the document.

12 **LWV's Response:** LWV seeks only injunctive relief, and therefore objects to
13 Interrogatory No. 11 on the grounds that it is irrelevant and not likely to lead to the
14 discovery of admissible evidence. Without waiving this objection, LWV has not yet
15 identified any documents responsive to this interrogatory, but should it do so, it will
16 supplement this interrogatory response as appropriate.

17 DATED this 26th day of November, 2007.

18 STEPTOE & JOHNSON LLP

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VERIFICATION

I, Bonnie Saunders, have read the Responses of the League of Women Voters of Arizona to First Set of Interrogatories by Defendants State of Arizona and the Arizona Secretary of State and know the contents thereof. The responses therein are true and correct to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this ____ day of November, 2007.

LEAGUE OF WOMEN VOTERS OF
ARIZONA

By: [Signed verification to follow]
Bonnie Saunders

Its: President

Tab 2

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25 UNITED STATES DISTRICT COURT
26 DISTRICT OF ARIZONA

27 Maria M. Gonzalez, et al.,
28 Plaintiffs,

vs.

State of Arizona, et al.,
Defendants.

No. CV06-01268-PHX-ROS (Lead)
CV06-01362-PHX-ROS (Cons)
CV06-01575-PHX-ROS (Cons)

**RESPONSES OF THE INTER
TRIBAL COUNCIL OF ARIZONA,
INC. TO SECOND SET OF
INTERROGATORIES BY THE
ARIZONA SECRETARY OF STATE**

Pursuant to Fed. R. Civ. P. 33, plaintiff the Inter Tribal Council of Arizona, Inc.
("ITCA") hereby objects and responds to the Second Set of Interrogatories propounded
by the Arizona Secretary of State.

JAN 22 2008
SOLICITOR GENERAL'S OFFICE

1 **ITCA's Response:** ITCA objects to Interrogatory No. 2 to the extent that it is
2 premised upon a legal conclusion and is vague and overbroad. Without waiving the
3 foregoing objection, ITCA responds as follows:

4 ITCA incorporates by reference its responses to Interrogatories 3, 4 and 7 below.
5 ITCA also incorporates by references its responses to the State Defendant's First Set of
6 Interrogatories (directed at issues of standing).

7 The study and expert report by Bruce Hernandez on behalf of ITCA Plaintiffs is
8 expected upon its completion to provide evidence that the voting identification
9 requirement of Proposition 200 has a discriminatory impact on Latino and Native
10 American citizens in Arizona. The affidavit of John Lewis, Executive Director of
11 ITCA, which was submitted with ITCA Plaintiffs' brief in support of preliminary
12 injunction relief (as Exhibit 58), as well as Mr. Lewis' testimony during the preliminary
13 injunction hearing in this matter, further supports ITCA's contention that the voting
14 identification requirement has a discriminatory impact on Native Americans in Arizona.

15 3. Identify each and every fact upon which you base your contention that
16 Arizona, or any political subdivision thereof, has a history of official discrimination that
17 touched the right of any Native Americans to register, to vote, or otherwise participate in
18 the democratic process.

19 **ITCA's Response:** ITCA objects to Interrogatory No. 3 as vague and overbroad.
20 Without waiving the foregoing objection, ITCA responds as follows:

21 There is a history of official discrimination in Arizona that touches upon the right
22 to vote. One of the principal examples of such discrimination was the literacy test that
23 was required by the State of Arizona from 1912 until it eventually was suspended in
24 three counties by the Voting Rights Act of 1965, banned by the Voting Rights Act
25 Amendments of 1970, and repealed in 1972. This affected both Hispanic and American
26 Indian citizens and was a basis for Arizona having been covered under the temporary
27 provisions of the Voting Rights Act.
28

1 through NALEO's directory, available at <http://www.naleo.org/pr071207.html>. In
2 2007, NALEO reported that there were 354 elected Latino officials in Arizona, though
3 the great majority of them were municipal or school board officials. *See*
4 <http://www.naleo.org/downloads/NALEOFactSheet07.pdf>; *see also* James Thomas
5 Tucker and Rodolfo Espino, *Voting Rights in Arizona 1982-2006*, A Report of
6 RenewtheVRA.org (March 2006) at 81. Between 1973 and 1984, NALEO reported that
7 Latino elected officials increased from 95 to 184, and NALEO reported that between
8 1985 and 2005, the number of Latino elected officials increased from 230 to 373. *See*
9 *Voting Rights in Arizona 1982-2006* at 80-81; *see also* Expert Report of Dr. Richard
10 Engstrom on behalf of *Gonzalez* Plaintiffs.

11 The report of Dr. Lisa Handley prepared on behalf of the Arizona Redistricting
12 Commission documented the Latino and Indian candidates elected to the Legislature and
13 Congress between 1996 and 2000. *See Voting Patterns By Race/Ethnicity In Arizona*
14 *Congressional and Legislative Elections, 1996 – 2000*, Dr. Lisa Handley (Exhibit 5).

15 10. Identify each and every fact upon which you base your contention that
16 elected officials of Arizona, or any political subdivision thereof, lack responsiveness to
17 the particularized needs of Native Americans.

18 **ITCA's Response:** ITCA objects to Interrogatory No. 10 as vague and overbroad.
19 Without waiving those objections, ITCA incorporates by reference its responses to
20 Interrogatories Nos. 1, 2, 3, and 7, above.

21
22 11. For each of your member tribes, identify each form of tribal identification
23 that such tribe issues or makes available to its tribal members, including in your
24 response the name of such identification, the criteria for the tribe to issue the
25 identification, whether there is a fee charged for such identification, the amount of any
26 fee charged for the identification, and whether the identification includes the tribal
27 member's address or photograph.

28

1 **ITCA's Response:** ITCA objects to interrogatory as overbroad and unduly burdensome.
2 Without waiving these objections, ITCA responds as follows:

3 At the present time, ITCA is able to provide information for thirteen of its
4 Member Tribes. Information regarding criteria for issuing identification and fees
5 charged is unknown to ITCA at this time unless described below.

6 The Hopi Tribal Enrollment Office issues Hopi Tribal Membership Cards. The
7 Enrollment Office does not charge a fee for the first-time issuance of these cards; after
8 the first issuance, these cards cost \$15. The cards currently contain the tribal member's
9 name and photograph, but not address. Photographs were included on the cards as of
10 approximately five years ago; before that, the cards contained only name and date of
11 birth. A person is eligible to be a Hopi Member, and receive a Tribal Membership Card,
12 only if he or she is at least one-fourth Hopi blood. The enrollment office normally
13 requires a birth certificate before issuing a card, and if one is not available, may request
14 baptismal certificates, affidavits, or school records. Occasionally the Tribal Enrollment
15 Office will interview the parents and/or grandparents of the applicant seeking a Tribal
16 Membership Card to determine degree of Hopi blood.

17 The Fort McDowell Yavapai Nation issues Fort McDowell Yavapai Nation
18 Tribal Identification Cards. These cards are provided to enrolled members of the Tribe,
19 though ITCA is not currently aware of whether members are charged a fee for the card.
20 The cards contain the member's name, photograph, date of birth, and enrollment
21 number. In addition, the back of the card includes the member's physical home address,
22 with instructions to return the card to that address in the case that the card is found by a
23 person other than the member.

24 The Colorado Indian Tribes issue identification cards that contain information
25 including the member's name, Social Security Number, Tribal Membership Number,
26 physical address, and date of birth. While physical descriptors are included, such as hair
27 and eye color, height, and weight, no photograph is included. It is not required that the
28

1 card holder maintain a current physical address. If a member chooses to update their
2 address on the card, that member is charged a fee of \$12.00.

3 The Gila River Indian Community issues identification cards to duly enrolled
4 members of the Tribe. These cards contain information which includes the member's
5 name, maiden name (if applicable), date of birth, Tribal Enrollment Number, Social
6 Security Number, and signature. No photograph of the member or address is included.

7 The Hualapai Tribe issues identification cards which contain information
8 including the member's name, photograph, signature, Tribal Identification Number, date
9 of birth, enrollment date, blood quantum, place of birth, and Social Security Number.
10 The card does not list the member's physical address, but the Tribe's Post Office Box
11 address is listed on the back of the card.

12 The Kaibab Band of Paiute Indians issues identification cards which list
13 information including the name, photograph, signature, home mailing address,
14 Enrollment Number, and date of birth of the card-holding member. The card also lists
15 the Tribe's address.

16 The Salt River Pima-Maricopa Indian Community (SRPMIC) issues
17 identification cards which contain information including the member's name,
18 photograph, SRPMIC Identification Number, date of birth, and signature. The
19 member's address is not listed on the card.

20 The Pascua Yaqui Tribe issues Pascua Yaqui Tribe Membership Cards. These
21 cards contain information which includes the member's name, photograph, Social
22 Security Number, physical address, date of birth, Enrollment Number, and signature.

23 The Fort Mojave Indian Tribe issues identification cards which contain
24 information including the member's photograph, date of birth, post office box address,
25 Roll Number, Social Security Number, and signature. The card also includes the
26 address of the Tribe and a holograph.

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1 The Ak-Chin Indian Community issues identification cards which include
2 information such as the member's photograph, Roll Number, date of birth, and address.
3 A statement of membership is also included.

4 The Yavapai-Apache Nation issues Membership Cards which include
5 information such as the member's photograph, mailing address, date of birth, degree of
6 Indian blood, and signature. The member must pay a fee of \$5.00 to obtain the card.

7 The Pueblo of Zuni issues Tribal Enrollment Cards which contain the member's
8 date of birth, blood quantum, mailing address, and Enrollment Number, as well as the
9 name of the member's parents. The new Tribal Enrollment cards include a photograph
10 of the member, while the old cards do not.

11 The Tohono O'Odham Nation issues identification cards which contain
12 information including the member's photograph, name, date of birth, Social Security
13 Number, Enrollment Number, signature, and thumbprint. The member's address is not
14 listed on the card.

15 The San Carlos Apache Tribe issues identification cards to enrolled members of
16 the Tribe. These cards contain information including the member's name, photograph,
17 date of birth, Enrollment Number, blood quantum, veteran status, Tribal voting precinct,
18 and address. The cards also display the date on which the card was issued, and require
19 renewal every five years.

20 The Tonto Apache Tribe issues laminated identification cards to enrolled Tribal
21 members. These cards are prepared using software which is owned by the Tribe, and
22 they contain information including the enrolled member's name, photograph, date of
23 birth, place of birth, blood quantum, degree of Tonto Apache blood, degree of other
24 Indian blood, and signature. The cards include the Tribe's address, but not the enrolled
25 member's address. The San Carlos Apache Tribe issues identification cards to
26 enrolled members of the Tribe. These cards contain information including the
27 member's name, photograph, date of birth, Enrollment Number, blood quantum, veteran
28

1 status, Tribal voting precinct, and address. The cards also display the date on which the
2 card was issued, and require renewal every five years.

3
4
5 DATED this 18th day of January, 2008.

6
7 OSBORN MALEDON, P.A.

8 By 

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VERIFICATION

I, _____, have read the Responses of the Inter Tribal Council of Arizona, Inc. to the Second Set of Interrogatories by Defendant the Arizona Secretary of State and know the contents thereof. The responses therein are true and correct to the best of my knowledge and belief.

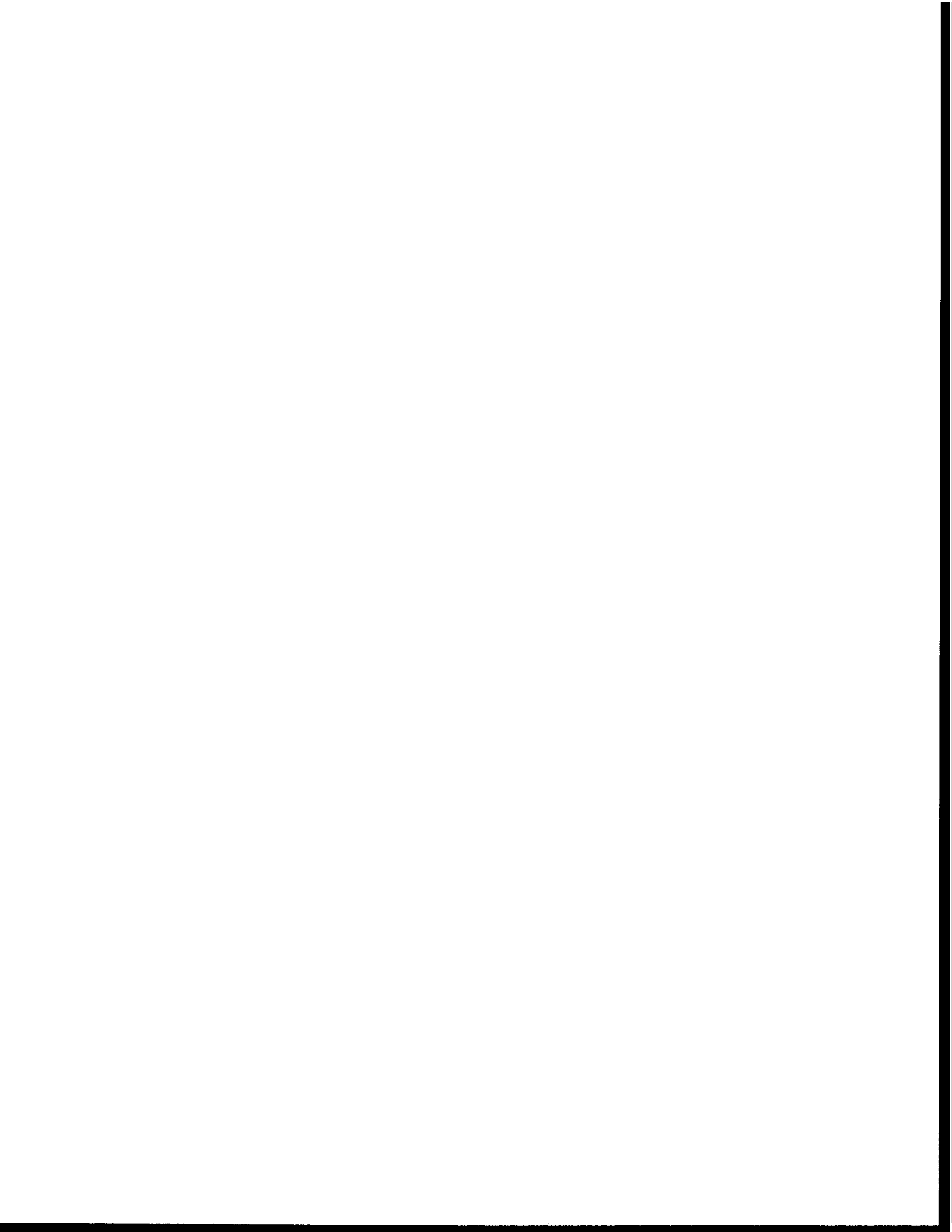
I declare under penalty of perjury that the foregoing is true and correct.

DATED this ____ day of January, 2008.

INTER TRIBAL COUNCIL OF ARIZONA,
INC.

By: [signed verification to follow] _____

Its: _____



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23 Attorneys for The Inter Tribal Council
24 of Arizona, Inc., et al.

25
26 UNITED STATES DISTRICT COURT
27 DISTRICT OF ARIZONA

28 Maria M. Gonzalez, et al.,
29 Plaintiffs,
30
31 vs.
32 State of Arizona, et al.,
33 Defendants.

34 } No. CV06-01268-PHX-ROS (Lead)
35 } CV06-01362-PHX-ROS (Cons)
36 } CV06-01575-PHX-ROS (Cons)

37 } **RESPONSES OF THE HOPI TRIBE**
38 } **TO STATE DEFENDANTS' SECOND**
39 } **SET OF INTERROGATORIES**

40 Pursuant to Fed. R. Civ. P. 33, plaintiff the Hopi Tribe ("Hopi") hereby objects
41 and responds to the Second Set of Interrogatories propounded by the State of Arizona
42 and the Arizona Secretary of State.

JAN 23 2008
SOLICITOR GENERAL'S OFFICE

1 hearing on Navajo Nation's statutory claims, supports Hopi's contention that the proof
2 of citizenship requirement has a discriminatory impact on Native Americans in Arizona.

3 2. Identify each and every fact upon which you base your contention that
4 the voting identification requirement of Proposition 200 has a discriminatory impact
5 on members of the Hopi Tribe.

6 **Hopi's Response:**

7 Hopi objects to Interrogatory No. 2 to the extent that it is premised upon a legal
8 conclusion and is vague and overbroad. Without waiving the foregoing objection, Hopi
9 responds as follows:

10 Hopi incorporates by reference its responses to Interrogatories 3, 4 and 7 below.
11 Hopi also incorporates by references its responses to the State Defendant's First Set of
12 Interrogatories (directed at issues of standing).

13 The study and expert report by Bruce Hernandez on behalf of ITCA Plaintiffs is
14 expected upon its completion to provide evidence that the voting identification
15 requirement of Proposition 200 has a discriminatory impact on Latino and Native
16 American citizens in Arizona. The affidavit of John Lewis, Executive Director of
17 ITCA, which was submitted with ITCA Plaintiffs' brief in support of preliminary
18 injunction relief (as Exhibit 58), as well as Mr. Lewis' testimony during the preliminary
19 injunction hearing in this matter, further supports Hopi's contention that the voting
20 identification requirement has a discriminatory impact on Native Americans in Arizona.

21 3. Identify each and every fact upon which you base your contention that
22 Arizona, or any political subdivision thereof, has a history of official discrimination that
23 touched the right of members of the Hopi Tribe to register, to vote, or otherwise to
24 participate in the democratic process.

25 **Hopi's Response:**

26 Hopi objects to Interrogatory No. 3 as vague and overbroad. Without waiving
27 the foregoing objection, Hopi responds as follows:

28

1 information is in the possession of the State and County Defendants. Without waiving
2 these objections, Hopi responds that no member of the Hopi Tribe is currently serving in
3 public office. Upon information and belief, no member of the Hopi Tribe has ever been
4 elected to public office. Hopi reserves the right to supplement this response.

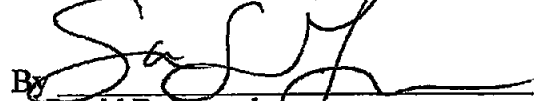
5 10. Identify each form of tribal identification that you issue or make available
6 to your members, including in your response the name of such identification, the criteria
7 you use to issue the identification, whether there is a fee charged for such identification,
8 the amount of any fee charged for the identification, and whether the identification
9 includes the member's address or photograph.

10 **Hopi's Response:**

11 The Hopi Tribal Enrollment Office issues Hopi Tribal Membership Cards. The
12 Enrollment Office does not charge a fee for the first-time issuance of these cards; after
13 the first issuance, these cards cost \$15. The cards currently contain the tribal member's
14 name and photograph, but not address. Photographs were included on the cards as of
15 approximately five years ago; before that, the cards contained only name and date of
16 birth. A person is eligible to be a Hopi Member, and receive a Tribal Membership Card,
17 only if he or she is at least one-fourth Hopi blood. The enrollment office normally
18 requires a birth certificate before issuing a card, and if one is not available, may request
19 baptismal certificates, affidavits, or school records. Occasionally the Tribal Enrollment
20 Office will interview the parents and/or grandparents of the applicant seeking a Tribal
21 Membership Card to determine degree of Hopi blood.

22 DATED this 18 day of January, 2008.

23 OSBORN MALEDON, P.A.

24 
25 By _____

26 David B. Rosenbaum
27 Thomas L. Hudson
28 Sara S. Greene
29 2929 North Central Ave., 21st Floor
30 Phoenix, Arizona 85012-2793

STEPTOE & JOHNSON LLP


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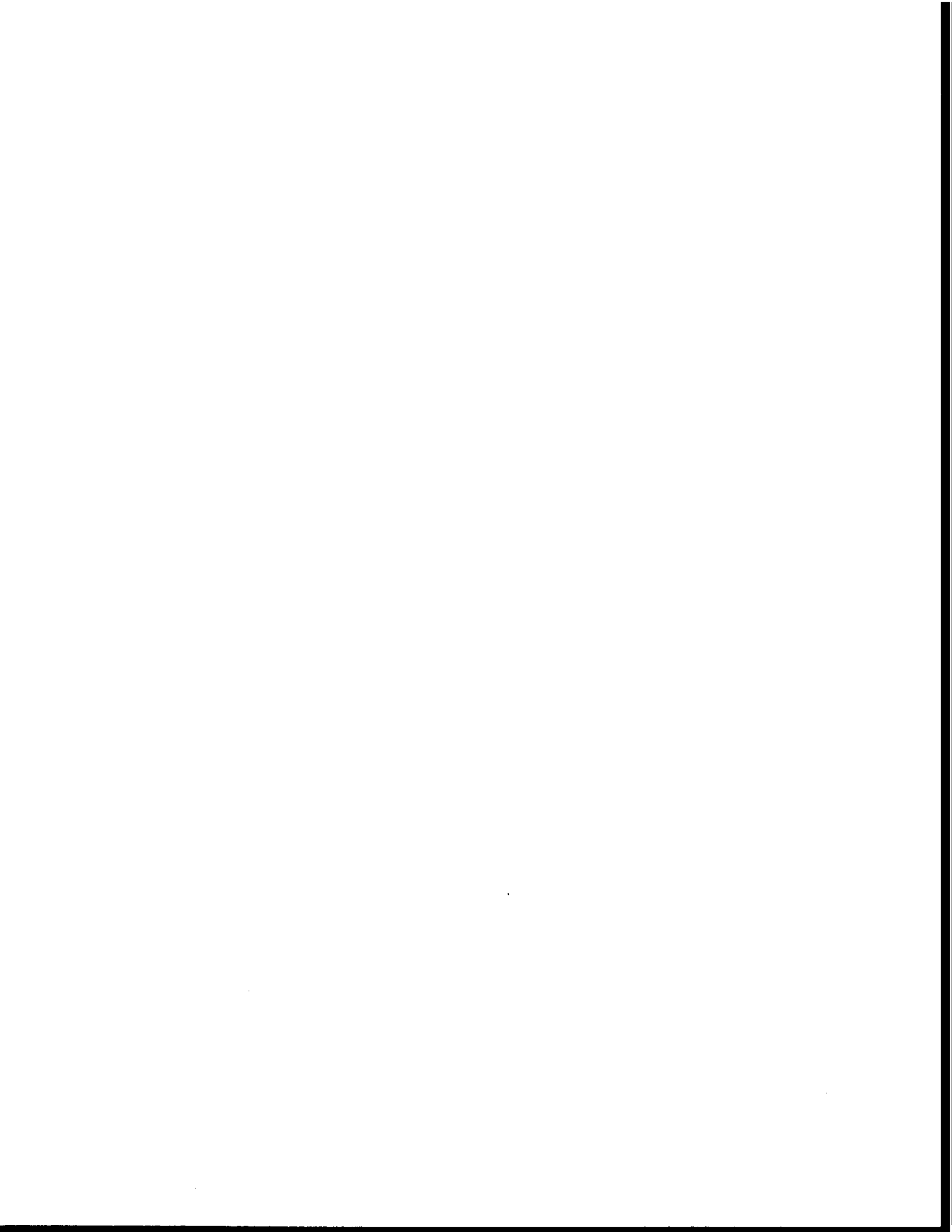
VERIFICATION

I, Karen Shupla, declare that:

I am a Plaintiff in this action. I have read the Responses to Defendant's Second Set of Interrogatories, and declare, under penalty of perjury, that the document is true and correct to the best of my knowledge, information, and belief.

Dated this ___ day of January, 2008.


Karen Shupla



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2 2929 North Central Avenue
3 21st Floor
4 Phoenix, Arizona 85012-2793
5 Telephone: (602) 640-9000

JAN 23 2008
SOLICITOR GENERAL'S OFFICE

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22 khartman@steptoe.com

23 Attorneys for The Inter Tribal Council
24 of Arizona, Inc., et al.

25 UNITED STATES DISTRICT COURT
26 DISTRICT OF ARIZONA

27 Maria M. Gonzalez, et al.,
28 Plaintiffs,

vs.

State of Arizona, et al.,
Defendants.

)
) No. CV06-01268-PHX-ROS (Lead)
) CV06-01362-PHX-ROS (Cons)
) CV06-01575-PHX-ROS (Cons)

)
) **PLAINTIFF REP. STEVE**
) **GALLARDO'S RESPONSE TO**
) **SECOND SET OF**
) **INTERROGATORIES BY**
) **DEFENDANT ARIZONA**
) **SECRETARY OF STATE**
)
)
)

1 that interrogatory or that Gallardo's response constitutes admissible evidence.
2 Gallardo's response to all or any part of an interrogatory is not intended to be, and shall
3 not be, a waiver by Gallardo of all or any part of its objection(s) to that interrogatory.

4 RESPONSES TO INTERROGATORIES

5 1. Identify each and every fact upon which you base your contention that
6 the proof of citizenship requirement of Proposition 200 has a discriminatory impact on
7 Latinos or Native Americans in Arizona.

8 **GALLARDO's Response:** Gallardo objects to Interrogatory No. 1 to the extent that it
9 is premised upon a legal conclusion and is vague and overbroad. Without waiving the
10 foregoing objection, Gallardo responds as follows:

11 Gallardo incorporates by reference his responses to Interrogatories 3, 4 and 7
12 below. Gallardo also incorporates by references his responses to the State's First Set of
13 Interrogatories (directed at issues of standing).

14 The study and expert report by Bruce Hernandez on behalf of ITCA Plaintiffs is
15 expected upon its completion to provide evidence that the proof of citizenship
16 requirement of Proposition 200 has a discriminatory impact on Latinos and American
17 Indian citizens in Arizona. The expert reports of Dr. Louis Lanier and Dr. Rodolfo
18 Espino on Behalf of the *Gonzalez* and *Navajo Nation* Plaintiffs provide evidence of the
19 impact of Proposition 200 on voter registration in Arizona, including a disparate effect
20 upon Latino and American Indian voter registration.¹

21 The affidavit of John Lewis, Executive Director of ITCA, which was submitted
22 with ITCA Plaintiffs' brief in support of preliminary injunction relief (as Exhibit 58), as
23 well as Mr. Lewis' testimony during the preliminary injunction hearing in this matter,
24 further supports Gallardo's contention that the proof of citizenship requirement has a
25

26 ¹ Expert reports already submitted to Defendants are not being produced again
27 with these responses. To the extent these Responses reference exhibits, those exhibits
28 were produced with the responses of the Inter Tribal Council of Arizona and are cited
herein by Exhibit number.

1 discriminatory impact on Native Americans in Arizona. Similarly, the testimony of
2 Leonard Gorman at the preliminary injunction hearing, and at the February 8, 2007
3 hearing on Navajo Nation's statutory claims, supports Gallardo's contention that the
4 proof of citizenship requirement has a discriminatory impact on Native Americans in
5 Arizona.

6 2. Identify each and every fact upon which you base your contention that
7 the voting identification requirement of Proposition 200 has a discriminatory impact
8 on Latinos or Native Americans in Arizona.

9 **GALLARDO's Response:**

10 Gallardo objects to Interrogatory No. 2 to the extent that it is premised upon a
11 legal conclusion and is vague and overbroad. Without waiving the foregoing objection,
12 Gallardo responds as follows:

13 Gallardo incorporates by reference his responses to Interrogatories 3, 4 and 7
14 below. Gallardo also incorporates by references his responses to the State's First Set of
15 Interrogatories (directed at issues of standing).

16 The study and expert report by Bruce Hernandez on behalf of ITCA Plaintiffs is
17 expected upon its completion to provide evidence that the voting identification
18 requirement of Proposition 200 has a discriminatory impact on Latino and Indian
19 citizens in Arizona. The affidavit of John Lewis, Executive Director of ITCA, which
20 was submitted with ITCA Plaintiffs' brief in support of preliminary injunction relief (as
21 Exhibit 58), as well as Mr. Lewis' testimony during the preliminary injunction hearing
22 in this matter, further supports Gallardo's contention that the voting identification
23 requirement has a discriminatory impact on Native Americans in Arizona.

24 3. Identify each and every fact upon which you base your contention that
25 Arizona, or any political subdivision thereof, has a history of official discrimination that
26 touched the right of any Latinos or Native Americans to register, to vote, or otherwise to
27 participate in the democratic process.

28 **GALLARDO's Response:**


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VERIFICATION

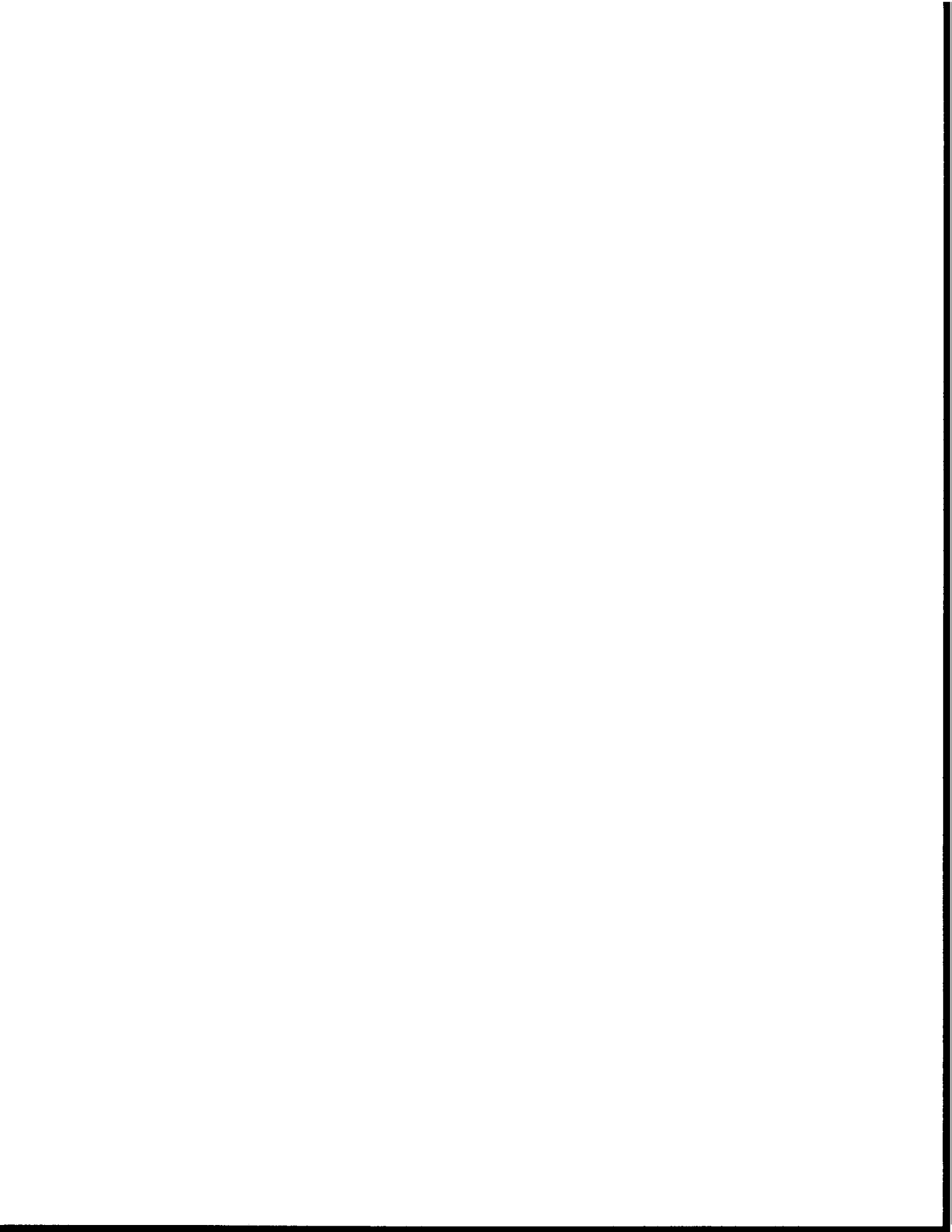
I, Steve M. Gallardo, declare that:

I am a Plaintiff in this action. I have read the Responses to Defendant's Second Set of Interrogatories, and declare, under penalty of perjury, that the document is true and correct to the best of my knowledge, information, and belief.

Dated this 18 day of January, 2008.



Steve M. Gallardo



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21 Karen J. Hartman-Tellez (021121)
22 khartman@steptoe.com

23 Attorneys for The Inter Tribal Council
24 of Arizona, Inc., et al.

25 UNITED STATES DISTRICT COURT
26 DISTRICT OF ARIZONA

27 Maria M. Gonzalez, et al.,
28 Plaintiffs,

vs.

State of Arizona, et al.,
Defendants.

) No. CV06-01268-PHX-ROS (Lead)
) CV06-01362-PHX-ROS (Cons)
) CV06-01575-PHX-ROS (Cons)

) **PLAINTIFF ARIZONA ADVOCACY**
) **NETWORK'S RESPONSE TO**
) **SECOND SET OF**
) **INTERROGATORIES BY**
) **DEFENDANT ARIZONA**
) **SECRETARY OF STATE**

JAN 23 2008
SOLICITOR GENERAL'S OFFICE

1 assumed by that interrogatory or that Arizona Advocacy Network's response constitutes
2 admissible evidence. Arizona Advocacy Network's response to all or any part of an
3 interrogatory is not intended to be, and shall not be, a waiver by Arizona Advocacy
4 Network of all or any part of its objection(s) to that interrogatory.

5 **RESPONSES TO INTERROGATORIES**

6 1. Identify each and every fact upon which you base your contention that
7 the proof of citizenship requirement of Proposition 200 has a discriminatory impact on
8 Latinos or Native Americans in Arizona.

9 **ARIZONA ADVOCACY NETWORK's Response:** Arizona Advocacy Network
10 objects to Interrogatory No. 1 to the extent that it is premised upon a legal conclusion
11 and is vague and overbroad. Without waiving the foregoing objection, Arizona
12 Advocacy Network responds as follows:

13 AZAN incorporates by reference its responses to Interrogatories 3, 4 and 7 below.
14 AZAN also incorporates by references its responses to the State's First Set of
15 Interrogatories (directed at issues of standing).

16 The study and expert report by Bruce Hernandez on behalf of ITCA Plaintiffs is
17 expected upon its completion to provide evidence that the proof of citizenship
18 requirement of Proposition 200 has a discriminatory impact on Latinos and American
19 Indian citizens in Arizona. The expert reports of Dr. Louis Lanier and Dr. Rodolfo
20 Espino on Behalf of the *Gonzalez* and *Navajo Nation* Plaintiffs provide evidence of the
21 impact of Proposition 200 on voter registration in Arizona, including a disparate effect
22 upon Latino and American Indian voter registration.¹

23 The affidavit of John Lewis, Executive Director of ITCA, which was submitted
24 with ITCA Plaintiffs' brief in support of preliminary injunction relief (as Exhibit 58), as
25

26 ¹ Expert reports already submitted to Defendants are not being produced again
27 with these responses. To the extent these Responses reference exhibits, those exhibits
28 were produced with the responses of the Inter Tribal Council of Arizona and are cited
herein by Exhibit number.

1 well as Mr. Lewis' testimony during the preliminary injunction hearing in this matter,
2 further supports AzAN's contention that the proof of citizenship requirement has a
3 discriminatory impact on Native Americans in Arizona. Similarly, the testimony of
4 Leonard Gorman at the preliminary injunction hearing, and at the February 8, 2007
5 hearing on Navajo Nation's statutory claims, supports AzAN's contention that the proof
6 of citizenship requirement has a discriminatory impact on Native Americans in Arizona.

7
8 2. Identify each and every fact upon which you base your contention that
9 the voting identification requirement of Proposition 200 has a discriminatory impact
10 on Latinos or Native Americans in Arizona.

11 **ARIZONA ADVOCACY NETWORK's Response:**

12 Arizona Advocacy Network objects to Interrogatory No. 2 to the extent that it is
13 premised upon a legal conclusion and is vague and overbroad. Without waiving the
14 foregoing objection, Arizona Advocacy Network responds as follows:

15 AzAN incorporates by reference its responses to Interrogatories 3, 4 and 7 below.
16 AzAN also incorporates by references its responses to the State's First Set of
17 Interrogatories (directed at issues of standing).

18 The study and expert report by Bruce Hernandez on behalf of ITCA Plaintiffs is
19 expected upon its completion to provide evidence that the voting identification
20 requirement of Proposition 200 has a discriminatory impact on Latino and Indian
21 citizens in Arizona. The affidavit of John Lewis, Executive Director of ITCA, which
22 was submitted with ITCA Plaintiffs' brief in support of preliminary injunction relief (as
23 Exhibit 58), as well as Mr. Lewis' testimony during the preliminary injunction hearing
24 in this matter, further supports AzAN's contention that the voting identification
25 requirement has a discriminatory impact on Native Americans in Arizona.

26
27 3. Identify each and every fact upon which you base your contention that
28 Arizona, or any political subdivision thereof, has a history of official discrimination that


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VERIFICATION

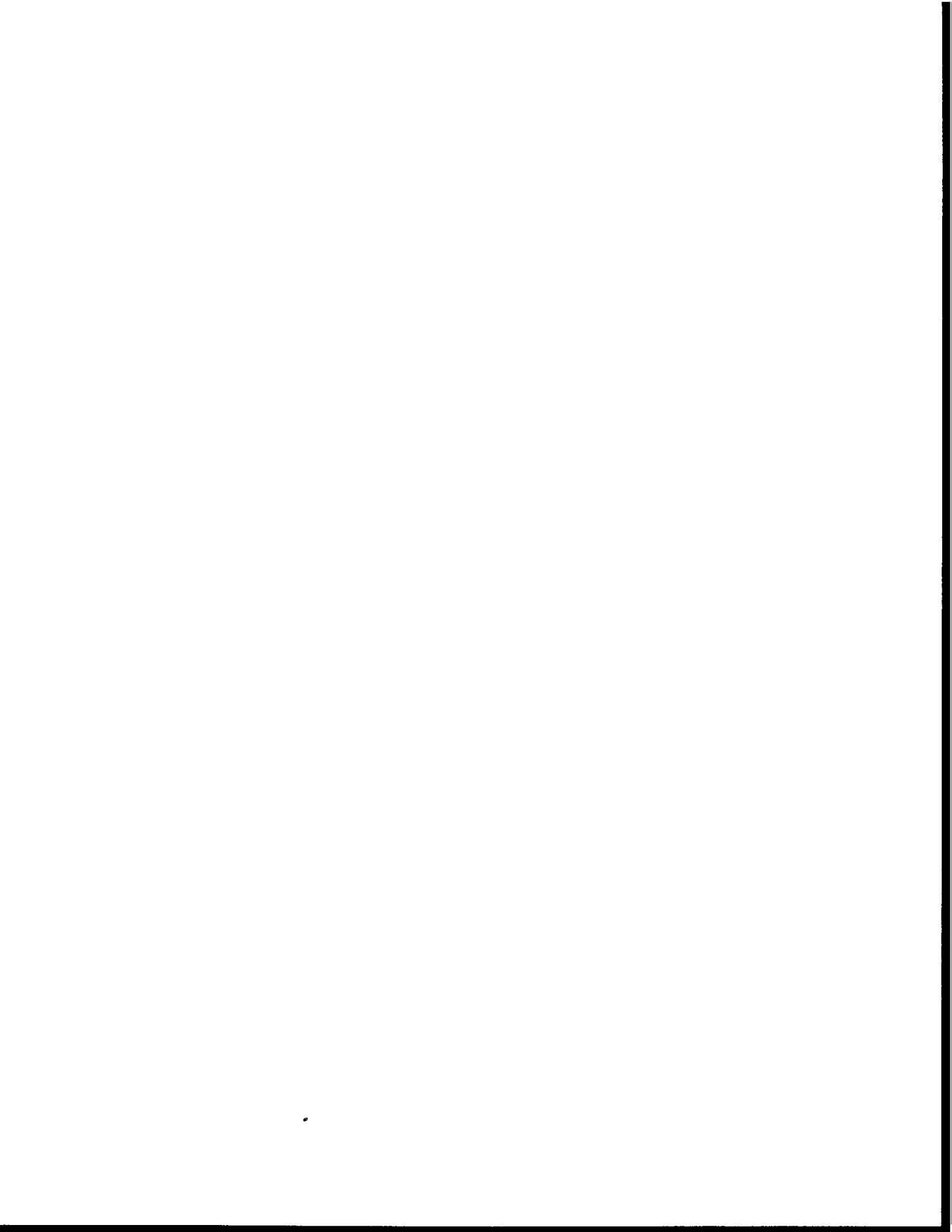
I, Linda Brown, declare that:

I am a Plaintiff in this action. I have read the Responses to Defendant's
Second Set of Interrogatories, and declare, under penalty of perjury, that the
document is true and correct to the best of my knowledge, information, and belief.

Dated this 18 day of January, 2008.



Linda Brown



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20 dbodney@steptoe.com
21 Karen J. Hartman-Tellez (021121)
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23 Attorneys for The Inter Tribal Council
24 of Arizona, Inc., et al.

25 UNITED STATES DISTRICT COURT
26 DISTRICT OF ARIZONA

27 Maria M. Gonzalez, et al.,
28 Plaintiffs,

vs.

State of Arizona, et al.,
Defendants.

No. CV06-01268-PHX-ROS (Lead)
CV06-01362-PHX-ROS (Cons)
CV06-01575-PHX-ROS (Cons)

**RESPONSES OF THE LEAGUE OF
UNITED LATIN AMERICAN
CITIZENS TO SECOND SET OF
INTERROGATORIES BY
DEFENDANT ARIZONA
SECRETARY OF STATE**

Pursuant to Fed. R. Civ. P. 33, plaintiff League of United Latin American
Citizens ("LULAC"), hereby objects and responds to the Second Set of Interrogatories
propounded by the Arizona Secretary of State

JAN 23 2008
SOLICITOR GENERAL'S OFFICE

1 LULAC incorporates by reference its responses to Interrogatories 3, 4 and 7
2 below. LULAC also incorporates by references its responses to the State's First Set of
3 Interrogatories (directed at issues of standing).

4 The study and expert report by Bruce Hernandez on behalf of ITCA Plaintiffs is
5 expected upon its completion to provide evidence that the voting identification
6 requirement of Proposition 200 has a discriminatory impact on Latino and Indian
7 citizens in Arizona.

8 3. Identify each and every fact upon which you base your contention that
9 Arizona, or any political subdivision thereof, has a history of official discrimination that
10 touched the right of any Latinos to register, to vote, or otherwise participate in the
11 democratic process.

12 **LULAC's Response:** LULAC objects to Interrogatory No. 3 as vague and
13 overbroad. Without waiving the foregoing objection, LULAC responds as follows:

14 There is a history of official discrimination in Arizona that touches on the right to
15 vote. One of the principal examples of such discrimination was the literacy test that was
16 required by the State of Arizona from 1912 until it was eventually suspended in three
17 counties by the Voting Rights Act of 1965, banned by the Voting Rights Act
18 Amendments of 1970, and repealed in 1972. This affected both Hispanic and American
19 American Indian citizens and was a basis for Arizona having been covered under the
20 temporary provisions of the Voting Rights Act.

21 Arizona also used English-only elections until it became covered by the language
22 minority provisions of the Voting Rights Act. This harmed the ability of both Hispanic
23 and American Indian citizens to participate in the political process.

24 A 1988 amendment to the Arizona Constitution imposed an English-only
25 requirement for the State and its political subdivisions. It was held to be
26 unconstitutional by the Arizona Supreme Court. *Ruiz v. Hall*, 191 Ariz. 441, 957 P.2d
27 984 (1998). This harmed the ability of both Hispanic and American Indian citizens to
28 participate in the political process.

1 *Voting Rights in Arizona 1982-2006* at 80-81; *see also* Expert Report of Dr. Richard
2 Engstrom on behalf of *Gonzalez* Plaintiffs.

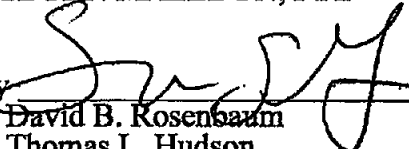
3 The report of Dr. Lisa Handley prepared on behalf of the Arizona Redistricting
4 Commission documented the Latino and American Indian candidates elected to the
5 Legislature and Congress between 1996 and 2000. *See Voting Patterns By*
6 *Race/Ethnicity In Arizona Congressional and Legislative Elections, 1996 – 2000*, Dr.
7 Lisa Handley (Exhibit 5 to ITCA's Responses).

8 10. Identify each and every fact upon which you base your contention that
9 elected officials in Arizona, or any political subdivision thereof, lack responsiveness to
10 the particularized needs of Latinos.

11 **LULAC's Response:** LULAC incorporates by references it's responses to
12 Interrogatories Nos. 1, 2, 3, 4 and 7 above.

13 DATED this 18th day of January, 2008.

14 OSBORN MALEDON, P.A.

15
16 By 
17 David B. Rosenbaum
18 Thomas L. Hudson
19 Sara S. Greene
20 2929 North Central Ave., 21st Floor
21 Phoenix, Arizona 85012-2793

19 STEPTOE & JOHNSON LLP
20 David J. Bodney
21 Karen J. Hartman-Tellez
22 Collier Center
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24 Phoenix, Arizona 85004-2382

25 Attorneys for The Inter Tribal
26 Council of Arizona, Inc., et al.
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VERIFICATION

I, Lydia Guzman, have read the Responses of the League of United Latin American Citizens to the Second Set of Interrogatories by Defendant the Arizona Secretary of State and know the contents thereof. The responses therein are true and correct to the best of my knowledge and belief.

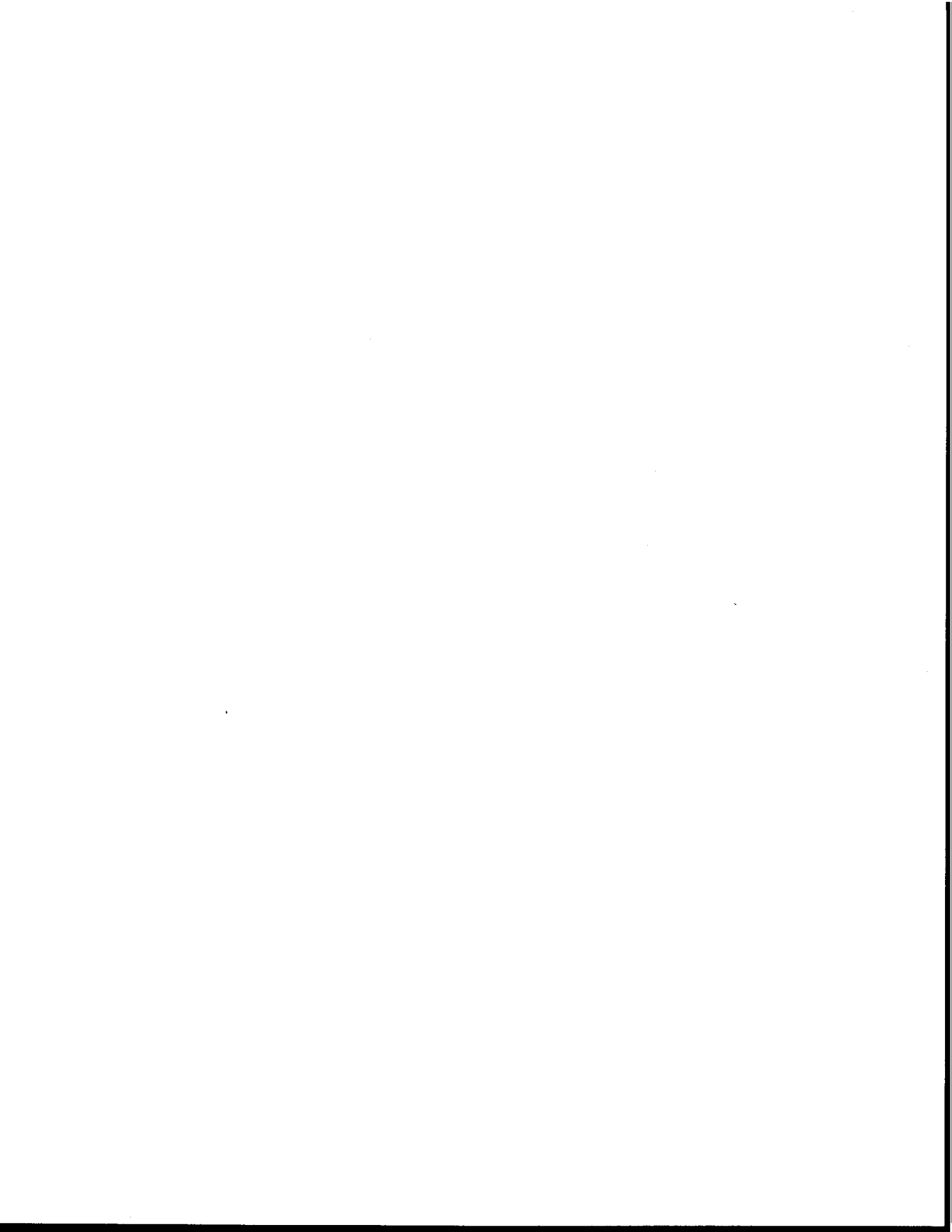
I declare under penalty of perjury that the foregoing is true and correct.

DATED this ____ day of January, 2008.

LEAGUE OF WOMEN VOTERS OF
ARIZONA

By: [signed verification to follow]
Lydia Guzman

Its: _____



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4 Phoenix, Arizona 85012-2793
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20 dbodney@steptoe.com
21 Karen J. Hartman-Tellez (021121)
22 khartman@steptoe.com

23 Attorneys for The Inter Tribal Council
24 of Arizona, Inc., et al.

25 UNITED STATES DISTRICT COURT
26 DISTRICT OF ARIZONA

27 Maria M. Gonzalez, et al.,
28 Plaintiffs,

vs.

State of Arizona, et al.,
Defendants.

No. CV06-01268-PHX-ROS (Lead)
CV06-01362-PHX-ROS (Cons)
CV06-01575-PHX-ROS (Cons)

**RESPONSES OF THE LEAGUE OF
WOMEN VOTERS OF ARIZONA TO
SECOND SET OF
INTERROGATORIES BY
DEFENDANT ARIZONA
SECRETARY OF STATE**

26 Pursuant to Fed. R. Civ. P. 33, plaintiff the League of Women Voters of Arizona
27 ("LWV"), hereby objects and responds to the Second Set of Interrogatories propounded
28 by the State of Arizona and the Arizona Secretary of State.

JAN 23 2008
SOLICITOR GENERAL'S OFFICE

1 hearing on Navajo Nation's statutory claims, supports LWV's contention that the proof
2 of citizenship requirement has a discriminatory impact on Native Americans in Arizona.

3 2. Identify each and every fact upon which you base your contention that
4 the voting identification requirement of Proposition 200 has a discriminatory impact on
5 Latinos or Native Americans in Arizona.

6 **LWV's Response:** LWV objects to Interrogatory No. 2 to the extent that it is
7 premised upon a legal conclusion and is vague and overbroad. Without waiving the
8 foregoing objection, LWV responds as follows:

9 LWV incorporates by reference its responses to Interrogatories 3, 4 and 7 below.
10 LWV also incorporates by references its responses to the State's First Set of
11 Interrogatories (directed at issues of standing).

12 The study and expert report by Bruce Hernandez on behalf of ITCA Plaintiffs is
13 expected upon its completion to provide evidence that the voting identification
14 requirement of Proposition 200 has a discriminatory impact on Latino and Indian
15 citizens in Arizona. The affidavit of John Lewis, Executive Director of ITCA, which
16 was submitted with ITCA Plaintiffs' brief in support of preliminary injunction relief (as
17 Exhibit 58), as well as Mr. Lewis' testimony during the preliminary injunction hearing
18 in this matter, further supports LWV's contention that the voting identification
19 requirement has a discriminatory impact on Native Americans in Arizona.

20 3. Identify each and every fact upon which you base your contention that
21 Arizona, or any political subdivision thereof, has a history of official discrimination that
22 touched the right of any Latinos or Native Americans to register, to vote, or otherwise
23 participate in the democratic process.

24 **LWV's Response:** LWV objects to Interrogatory No. 3 as vague and overbroad.
25 Without waiving the foregoing objection, LWV responds as follows:

26 There is a history of official discrimination in Arizona that touches on the right to
27 vote. One of the principal examples of such discrimination was the literacy test that was
28 required by the State of Arizona from 1912 until it was eventually suspended in three

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VERIFICATION

I, Bonnie Saunders, have read the Responses of the League of Women Voters of Arizona to the Second Set of Interrogatories by Defendant the Arizona Secretary of State and know the contents thereof. The responses therein are true and correct to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this ____ day of January, 2008.

LEAGUE OF WOMEN VOTERS OF
ARIZONA

By: [Signed verification to follow]
Bonnie Saunders

Its: President

Tab 3

1 Judith M. Dworkin (No. 010849)
Marvin S. Cohen (No. 00923)
2 Patricia Ferguson-Bohnee (No. 020996)
Javier G. Ramos (No. 017442)
3 SACKS TIERNEY P.A. (No. 00182000)
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Judith.Dworkin@sackstierney.com
6 Patty.Ferguson@sackstierney.com
Javier.Ramos@sackstierney.com

7 Louis Denetsosie
8 The Navajo Nation, Dept. of Justice
P.O. Drawer 2010
9 Window Rock, Arizona 86515
Telephone: (928) 871-6275
10 Facsimile: (928) 871-6177
louisdenetsosie@navajo.org

11
12 Attorneys for Plaintiffs Navajo Nation and
Agnes Laughter

13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF ARIZONA**

15
16 MARIA M. GONZALEZ, et al.,

17 Plaintiffs,

18 v.

19 STATE OF ARIZONA; et al.

20 Defendants.

No. CV 06-1268-PHX-ROS (LEAD)
CV 06-1362-PHX-ROS
CV 06-1575-PHX-ROS

**PLAINTIFF'S EXPERT REPORT OF
DR. RODOLFO ESPINO III**

(Consolidated)

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24 Pursuant to the Court's December 5, 2007 Amended Scheduling Order, Plaintiffs
25 Navajo Nation and Agnes Laughter hereby provide to the Defendants its Expert Witness
26 Report.
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JAN 0 7 2008
SOLICITOR GENERAL'S OFFICE

Tab 4

COPY

JAN 22 2008
SOLICITOR GENERAL'S OFFICE

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18 Karen J. Hartman-Tellez, 021121
19 khartman@steptoe.com

20 Attorneys for The Inter-Tribal Council of Arizona, Inc., et al.

21
22 IN THE UNITED STATES DISTRICT COURT

23 FOR THE DISTRICT OF ARIZONA

24 Maria M. Gonzalez, et al.,
25
26 Plaintiffs,

27 vs.

28 State of Arizona, et al.,
Defendants.

) CV 06-1268-PHX-ROS (Lead)
) CV 06-1362-PHX-ROS
) CV 06-1575-PHX-ROS

) (CONSOLIDATED)

) ITCA PLAINTIFF'S FIRST
) SUPPLEMENTAL
) DISCLOSURE STATEMENT

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The Inter-Tribal Council of Arizona, Inc., et al. (hereinafter the "ITCA Plaintiffs") makes the following supplement to its disclosures pursuant to Fed. R. Civ. P. Rule 26(a)(1). ITCA reserves the right to supplement or amend this disclosure statement in accordance with Rule 26.

1 **A. Names, Addresses And Telephone Numbers Of Individuals Likely To Have**
2 **Discoverable Information Relevant To The Disputed Facts Alleged With**
3 **Particularity In The Pleadings And The Subjects Of The Information.**

4 12. Ms. Shirley Preiss
5 C/o Osborn Maledon
6 2929 N. Central Ave., Ste. 2100
7 Phoenix, AZ 85012
8 602-640-9000

9 Ms. Preiss is an elderly Arizona resident who wishes to register to vote but
10 lacks sufficient proof of citizenship. She has knowledge regarding her failed efforts
11 to obtain an Arizona identification card from the Arizona Motor Vehicle Division,
12 and the burdens, both financial and practical, that are involved in obtaining proof of
13 citizenship.

14 DATED this 8 day of January, 2008.

15 OSBORN MALEDON, P.A.

16 By 

17 David B. Rosenbaum
18 Thomas L. Hudson
19 Sara S. Greene
20 2929 North Central, 21st Floor
21 Phoenix, Arizona 85012-2793

22 STEPTOE & JOHNSON LLP

23 David J. Bodney
24 Karen J. Hartman-Tellez
25 Collier Center
26 201 East Washington Street, Suite 1600
27 Phoenix, Arizona 85004-2382
28 Telephone: 602-257-5212
Fax: 602-257-5299
E-mail: dbodney@steptoe.com

Attorneys for The Inter-Tribal Council of
Arizona, Inc., et al.

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LAWYERS' COMMITTEE FOR CIVIL
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Jon Greenbaum
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1 THE INTER TRIBAL COUNCIL OF
2 ARIZONA, INC.

3 Joe P. Sparks, No. 002383
4 Susan B. Montgomery, No. 020595
5 Sparks, Tehan & Ryley PC
6 7503 First St, Scottsdale AZ 85251
7 Telephone: 480-949-1339
8 Fax: 480-949-7587

9 ATTORNEYS FOR THE ITCA
10 PLAINTIFFS

11 Copy of the foregoing mailed this
12 18th day of January, 2008 to:

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15 650 N. 3rd Avenue
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21 San Antonio, TX 78205

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9 of State of the State of Arizona

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23 Yavapai, and Yuma Counties

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33 Attorney for Coconino County Defendants
34 Owens and Hansen

35 *Patricia Palmer*

Tab 5

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MAR 31 2008

SOLICITOR GENERAL'S OFFICE

March 28, 2008

VIA FACSIMILE
AND U.S. MAIL

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Lance Payette
Navajo County Attorneys' Office
P.O. Box 668
Holbrook, Arizona 86025

Re: *Gonzalez v. Arizona*, No. CV06-01268 (D. Ariz.) / ITCA Plaintiffs' Second Set of
Discovery Requests

Dear Counsel:

On behalf of plaintiffs the Inter Tribal Council of Arizona, Inc., *et al.* (the "ITCA Plaintiffs"), I write to notify you that the ITCA Plaintiffs hereby re-designate Bruce Hernandez as a consulting expert with respect to Mr. Hernandez's survey of individuals whose voter registration forms were rejected for failure to provide the "satisfactory evidence of citizenship" required by A.R.S. § 16-166(F). The ITCA Plaintiffs do not intend to call Mr. Hernandez as a witness at trial on this subject.

March 28, 2008

Page 2

Accordingly, the ITCA Plaintiffs shall not produce a supplemental report from Mr. Hernandez today.

Very truly yours,



Karen J. Hartman-Tellez

Copy to:

Nina Perales
Diego Bernal
Mexican American Legal Defense and Education Fund
110 Broadway, Ste. 300
San Antonio, Texas 78205

Judith M. Dworkin
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APR 23 2008
SOLICITOR GENERAL'S OFFICE

April 25, 2008

VIA FACSIMILE
AND U.S. MAIL

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110 East Cherry Avenue
Flagstaff, Arizona 86001

Lance Payette
Navajo County Attorneys' Office
P.O. Box 668
Holbrook, Arizona 86025

Re: Gonzalez v. Arizona, No. CV06-01268 (D. Ariz.)

Dear Counsel:

On behalf of plaintiffs the Inter Tribal Council of Arizona, Inc., *et al.* (the "ITCA Plaintiffs"), I write to notify you that the ITCA Plaintiffs hereby re-designate Bruce Hernandez as a consulting expert with respect to Mr. Hernandez's survey of individuals who voted conditional provisional ballots. The ITCA Plaintiffs do not intend to call Mr. Hernandez as a witness at trial on this subject.

April 25, 2008

Page 2

Accordingly, the ITCA Plaintiffs shall not produce a supplemental report from Mr. Hernandez today.

Very truly yours,

A handwritten signature in black ink, appearing to read "Karen J. Hartman-Tellez". The signature is fluid and cursive, with a large loop at the end.

Karen J. Hartman-Tellez

Copy to:

Nina Perales
Diego Bernal
Mexican American Legal Defense and Education Fund
110 Broadway, Ste. 300
San Antonio, Texas 78205

Judith M. Dworkin
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Tab 6

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AFFIDAVIT

STATE OF ARIZONA)
)
County of Maricopa) ss.

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

1. I am the Maricopa County Director of Elections and have been employed by Maricopa County as its Director since 1994 and the Deputy Director of Elections since 1991. I also serve as a Deputy to Maricopa County Recorder Helen Purcell. I am responsible for the process of registering eligible persons to vote and polling place procedures, including proof of identification at the polls, in Maricopa County, and therefore have knowledge relevant to the matters described herein.

2. The records of the Maricopa County Elections Department indicate that Eva Steele registered to vote on October 9, 2006. As of January 6, 2008, Eva Steele was moved from the active voter registration list to the inactive voting list. Ms. Steele was moved to the inactive voter registration list after two mailings from the Maricopa County Elections Department were returned with a notification from the U.S. Post Office that Ms. Steele's mail was being forwarded to an address is in Kansas City, Missouri.

Further, your affiant sayeth not.


Karen Osborne

SUBSCRIBED AND SWORN to before me this 4th day of June 2008.


NOTARY PUBLIC

My Commission Expires:

