

# **EXHIBIT 1**

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17 David J. Bodney (006065)  
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21 Attorneys for The Inter Tribal Council  
22 of Arizona, Inc., et al.

23 UNITED STATES DISTRICT COURT

24 DISTRICT OF ARIZONA

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

27 vs.

28 State of Arizona; Jan Brewer, in her  
official capacity as Secretary of State of  
the state of Arizona, et al.,

Defendants.

The Inter Tribal Council of Arizona,  
Inc., et al.

Plaintiffs,

vs.

Jan Brewer, in her official capacity as  
Secretary of State of Arizona,

Defendant.

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

**FIRST SET OF  
INTERROGATORIES TO  
DEFENDANTS SUSAN  
HIGHTOWER MARLER AND  
PATTI MADRILL FROM  
PLAINTIFFS INTER TRIBAL  
COUNCIL OF ARIZONA, INC.,  
ET AL.**

1 TO: Susan Hightower Madrill, Yuma County Recorder  
2 Patti Madrill, Yuma County Elections Director  
3 through their counsel of record, M. Colleen Connor, Maricopa  
4 County Attorney's Office, Division of County Counsel, 222 N.  
5 Central Avenue, Ste. 1100, Phoenix, Arizona 85003; and Dennis I.  
6 Wilenchik, Kathleen Rapp, Wilenchik and Bartness, P.C., 2810  
7 North Third Street, Phoenix, Arizona 85004, Attorneys for County  
8 Defendants

9 Pursuant to Fed. R. Civ. P. 33, Plaintiffs Inter Tribal Council of Arizona,  
10 Inc., *et al.*, request Defendants to answer each of the interrogatories set forth below, in  
11 writing under oath, pursuant to the schedule established by the Court.

12 **DEFINITIONS AND INSTRUCTIONS**

13 As used herein, "you" or "your" refer to the above-named defendants upon  
14 whom these requests have been served, and their respective offices.

15 Unless otherwise indicated, as used herein, "identity" or "identify" refers to the  
16 full name, last known work and home address, telephone number, email address, and job  
17 title of an individual.

18 As used herein, the "voting-related provisions of the Arizona Taxpayer and  
19 Citizen Protection Act" refers to A.R.S. §§ 16-152, 16-166, and 16-579 which were  
20 amended by the ballot initiative passed in November 2004 commonly known as  
21 "Proposition 200."

22 These interrogatories shall be deemed to seek responses as of the date hereof and  
23 shall be deemed to be continuing in nature up to and including the time of trial in this  
24 matter.  
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3 **INTERROGATORIES**  
4

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

16 2. Identify all reports, studies or memoranda in the possession of your  
17 office that discuss or relate to the voting-related provisions of the Arizona Taxpayer and  
18 Citizen Protection Act ("ATCPA" or "the Act"), amending A.R.S. §§ 16-152, 16-166  
19 and 16-579, or the effect, impact or consequences of such provisions (including but not  
20 limited to any analysis of the number of individuals who lack an Arizona driver's  
21 license or the other forms of identification required by the Act).  
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3. Provide the total number of voter registration forms in your county that have been submitted since the date of implementation of the amendment to A.R.S. 16-152 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 (iii) rejected for reasons other than the application form's failure to contain proof of citizenship. If a breakdown of this information is available by month, and age, race and ethnicity of applicant, please provide that information.

4. State the total number of voters who were registered in your county on the effective date of the amendment to A.R.S. § 16-166 and who, pursuant to A.R.S. § 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.

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5. For each election conducted in your county since the implementation of the voting-related provisions of the Arizona Taxpayer and Citizen Protection Act, please state the number of registered voters who (a) voted by mail; (b) cast a regular ballot at a 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 county recorder's office; and (f) cast a provisional ballot that was not counted due to 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.

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

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7. Provide a breakdown of the number of voter registration applications 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.

8. Provide the identity of individuals who submitted voter registration 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.

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9. Provide the identity of voters registered to vote in your county who, since the implementation of the voting-related provisions of the Arizona Taxpayer and Citizen Protection Act, (a) 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; (b) cast a provisional ballot 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.

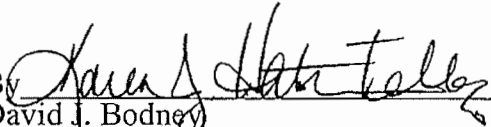
10. Identify each and every person whom you intend to call as a fact witness at the trial of this lawsuit or any other evidentiary hearing, including a hearing held pursuant to a motion for preliminary injunction, convened for the purpose of addressing the claims raised in plaintiffs' complaint.

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11. Identify each and every person whom you intend to call as an expert witness at 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. Identify the subject matter(s) as to which the expert(s) will be providing testimony or opinions.

DATED this 30th day of June, 2006.

STEPTOE & JOHNSON LLP

By   
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THE INTER TRIBAL COUNCIL OF  
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Attorneys for the Inter Tribal Council of  
Arizona, Inc., et al.

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CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of June, 2006, I caused the original of foregoing document to be hand-delivered to the following:

M. Colleen Connor (connorc@mcao.maricopa.gov)  
MCAO Division of County Counsel  
222 N. Central Avenue, Ste. 1100  
Phoenix, Arizona 85003

Attorneys for County Defendants

I hereby certify that on the 30th day of June, 2006, I caused a copy of foregoing document to be hand-delivered to the following:

Dennis I. Wilenchik (diw@wb-law.com)  
Kathleen Rapp (kathleenr@wb-law.com)  
Wilenchik and Bartness, P.C.  
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Phoenix, Arizona 85004

Attorneys for County Defendants

Mary O'Grady (mary.ogrady@azag.gov)  
Peter Alex Silverman (peter.silverman@azag.gov)  
Office of the Attorney General  
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Attorneys for Defendants State of Arizona, and Secretary of State Jan Brewer

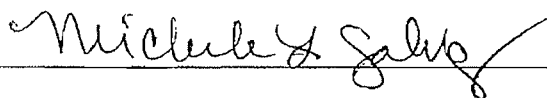
I further certify that on the 30th day of June, 2006, I mailed copies of the foregoing document to the following:

Daniel R. Ortega, Jr. (danny@rmgmoinjurylaw.com)  
Roush McCracken Guerrero Miller & Ortega  
650 N. 3rd Avenue  
Phoenix, Arizona 85003

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Nina Perales (nperales@maldef.org)  
Mexican American Legal Defense and Education Fund  
110 Broadway, Ste. 300  
San Antonio, Texas 78205

Attorneys for Plaintiffs

  
\_\_\_\_\_

# **EXHIBIT 2**

1 **JON R. SMITH**  
2 **YUMA COUNTY ATTORNEY**

3 WILLIAM J. KERREKES  
4 State Bar Number 007073  
5 Deputy County Attorney  
6 250 W. Second Street, Suite G  
7 Yuma, Arizona 85364  
8 Phone: (928) 817-4300  
9 Fax: (928) 817-4302

10 **IN THE UNITED STATES DISTRICT COURT**  
11 **IN AND FOR THE DISTRICT OF ARIZONA**

12 MARIA M. GONZALEZ, et al.,

13 Plaintiffs,

14 vs.

15 STATE OF ARIZONA; JAN BREWER, in her  
16 official capacity as Secretary of State of Arizona,  
17 et al.,

18 Defendants.

19 THE INTER TRIBAL COUNCIL OF AIROZNA,  
20 INC., et al.,

21 Plaintiffs,

22 vs.

23 JAN BREWER, in her official capacity as  
24 Secretary of State of Arizona,

25 Defendant.

No.: CV06-01268-PHX-ROS (Lead)  
No.: CV06-01362-PCT-JAT (Cons)

**DEFENDANT YUMA COUNTY'S  
RESPONSE TO PLAINTIFFS' FIRST SET  
OF INTERROGATORIES**

26 COMES NOW the Yuma County Attorney's Office, by and through Deputy County Attorney,  
27 WILLIAM J. KERREKES, and responds to Plaintiffs' First Set of Discovery Request.  
28

1 ANSWER TO INTERROGATORIES

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

11 ANSWER:

12 a. *Gisela Nogales submitted a voter registration form in September, 2004, indicating she*  
13 *was a citizen of the United States of America.*

14 b. *Yuma County does not track or maintain the information requested in this interrogatory.*

15 c. *Yuma County does not track or maintain the information requested in this interrogatory.*

16 d. *Yuma County does not track or maintain the information requested in this interrogatory.*

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

22 ANSWER:

23 *None*

24 3. Provide the total number of voter registration forms in your county that have been  
25 submitted since the date of implementation of the amendment to *A.R.S. § 16-152* set forth in the ATCPA  
26 (requiring that voter registration forms contain proof of United States citizenship), and that total number  
27 provide the number that were (i) accepted (*i.e.*, the applicant was registered), (ii) rejected due to the  
28 application form’s failure to contain satisfactory proof of citizenship as required by Proposition 200, and  
(iii) rejected for reasons other than the application form’s failure to contain proof of citizenship. If a  
breakdown of this information is available by month, and age, race and ethnicity of applicant, please

1 provide that information.

2 ANSWER:

3 *Yuma County does not track or maintain the information requested in this interrogatory.*

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

8 ANSWER:

9 *Yuma County does not track or maintain the information requested in this interrogatory.*

10 5. For each election conducted in your county since the implementation of the voting-  
11 related provisions of the Arizona Taxpayer and Citizen Protection Act please state the number of  
12 registered voters who (a) voted by mail; (b) cast a regular ballot at a polling place; (c) were not  
13 permitted to cast a regular ballot at a polling place due to the failure to provide identification required by  
14 *A.R.S. § 16-579*; (d) cast a provisional ballot due to the failure to provide identification required by  
15 *A.R.S. § 16-579*; (e) cast a provisional ballot and subsequently provided satisfactory proof of  
16 identification to the county recorder's office; and (f) cast a provisional ballot that was not counted due to  
17 failure to provide identification required by *A.R.S. § 16-579*. In addition, please identify any analyses,  
18 reports or studies in your possession that address the above.

19 ANSWER:

20 a. *See Early Voting Turnout sheet attached hereto as Exhibit "A".*

21 b. *San Luis Primary Election 3/14/06 - 2224 voters cast ballots at one polling place.*

22 *San Luis General Election 5/16/05 - 2695 voters cast ballots at one polling place.*

23 *City of Somerton Special Election 5/16/06 - 427 voters cast ballots at the one polling*  
24 *place.*

25 *Yuma Elementary School District #1 Override Election 5/16/06 - 78844 voters cast*  
26 *ballots at 17 polling places --ballots cast at each polling place.*

27 c. *Unknown*

28 d. *Seven (7).*

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Copy:

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Sara S. Greene  
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*(Attorneys for The Inter Tribal Council  
of Arizona, Inc., et al)*

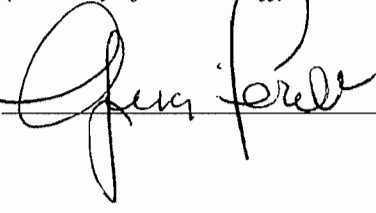
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*(Attorneys for County Defendants)*

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*(Attorneys for State of Arizona and  
Secretary of State Jan Brewer)*

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650 N. 3<sup>rd</sup> Avenue  
Phoenix, AZ 85003

Nina Perales  
Mexican American Legal Defense and Education Fund  
110 Broadway, Ste. 300  
San Antonio TX 78205  
*(Attorneys for Plaintiff)*



---

# **EXHIBIT 3**

**Nina Perales**

**From:** Connor Colleen [connorc@mcao.maricopa.gov]  
**Sent:** Thursday, March 20, 2008 3:44 PM  
**To:** Nina Perales  
**Cc:** Diego Bernal; kathleenr@wb-law.com; David Urias  
**Subject:** RE: Yuma County Responses to Gonzalez RFP

Nina-

When the lawsuit was filed in May 2006, Yuma County's Elections Dept. provided the Gonzalez's rejected forms to their deputy county attorney because Mr. and Mrs. Gonzalez were named Plaintiffs from Yuma. Their attorney then provided those forms to me. But when the court ordered disclosure in 2007, Yuma County said they did not have any rejected forms prior to 2007. So the only reason we were able to produce the Gonzalez forms was because their attorney had received the forms long before the court's order. Yuma's Elections Dept. does not have those forms of the Gonzalez Plaintiffs or any other person whose forms were rejected prior to 2007.

Colleen

**From:** Nina Perales [mailto:nperales@MALDEF.org]  
**Sent:** Thursday, March 20, 2008 1:24 PM  
**To:** Connor Colleen  
**Cc:** Diego Bernal; kathleenr@wb-law.com; David Urias  
**Subject:** RE: Yuma County Responses to Gonzalez RFP

Colleen,

I'm writing to follow up on what we believe is an incomplete production of rejected voter registration forms by Yuma County and to request that you have them look at their records again before the 3/28 discovery supplementation deadline. Yuma County produced the rejected voter registration forms for Mr. and Mrs. Gonzalez in response to a specific request from Gonzalez Plaintiffs (see below).

However, Yuma County did not produce the Gonzalez's rejected voter registration forms in response to the Court's order of 8/30/07 (see Hr'g Tr. At 25:20 – 26:24). You wrote me on November 9, 2007 to say that Yuma County had only recently begun to retain voter registration forms and would produce those that it retained (see attached email). That production, which we have finished entering into a database, begins with a few forms dated February and April 2007 and then more forms with dates beginning mid year 2007. Because Yuma County was able to produce the Gonzalez's two rejected voter applications from August 2005, but has produced only rejected forms dated in 2007 in response to the Court's order, we ask that Yuma County review its records again to determine if it has any other rejected voter forms that it has not yet produced.

Nina Perales  
 Southwest Regional Counsel  
 MALDEF  
 110 Broadway Suite 300  
 San Antonio, TX 78205  
 (210) 224-5476 ph  
 (210) 224-5382 fax

Confidentiality Notice: The information contained in this e-mail and any attachments may be legally privileged and confidential. If you are not an intended recipient, you are hereby notified that any dissemination, distribution or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please notify the sender and permanently delete the e-mail and any attachments immediately. You should not retain, copy or use this e-mail or any attachment for any purpose, nor

6/30/2008

disclose all or any part of the contents to any other person. Thank you.

---

**From:** Nina Perales  
**Sent:** Sunday, December 16, 2007 12:08 PM  
**To:** 'Connor Colleen'  
**Cc:** Diego Bernal; 'Hartman, Karen'; 'Barbara Bailey'; 'kathleenr@wb-law.com'  
**Subject:** RE: Yuma County Responses to Gonzalez RFP

Thanks very much.

Nina Perales  
Southwest Regional Counsel  
MALDEF  
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San Antonio, TX 78205  
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Confidentiality Notice: The information contained in this e-mail and any attachments may be legally privileged and confidential. If you are not an intended recipient, you are hereby notified that any dissemination, distribution or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please notify the sender and permanently delete the e-mail and any attachments immediately. You should not retain, copy or use this e-mail or any attachment for any purpose, nor disclose all or any part of the contents to any other person. Thank you .

---

**From:** Connor Colleen [mailto:connorc@mcao.maricopa.gov]  
**Sent:** Friday, December 14, 2007 3:57 PM  
**To:** Nina Perales  
**Cc:** Diego Bernal; Hartman, Karen; Barbara Bailey; kathleenr@wb-law.com  
**Subject:** RE: Yuma County Responses to Gonzalez RFP

Dear Nina:

Attached are supplemental responses to requests 14, 15, and 16, including the rejected voter registration forms for Mr. and Mrs. Gonzalez.

---

**From:** Nina Perales [mailto:nperales@MALDEF.org]  
**Sent:** Friday, December 14, 2007 9:36 AM  
**To:** Connor Colleen; kathleenr@wb-law.com  
**Cc:** Diego Bernal  
**Subject:** Yuma County Responses to Gonzalez RFP

Dear Kathleen and Colleen,

I write to follow up on the Yuma County Defendants' Responses to Gonzalez First Set of RFPs. In response to our RFPs 14, 15 and 16, Yuma County Defendants objected and produced no documents. These questions asked for all documents related to three of our individual plaintiffs who reside in Yuma County: Jesus Gonzalez, Maria Gonzalez and Georgia Morrison Flores. As you know, these plaintiffs either applied to register to vote or registered to vote in Yuma County. We have no doubt that Yuma County Defendants are in possession of documents responsive to the Requests for Production and believe that the request for the documents is not "overbroad, unduly burdensome, irrelevant, vague, and ambiguous."

Please let me know whether Yuma County Defendants will respond to questions 14, 15 and 16 in our First Set of RFPs. Thank you.

Nina Perales  
Southwest Regional Counsel  
MALDEF  
110 Broadway Suite 300  
San Antonio, TX 78205

6/30/2008

(210) 224-5476 ph  
(210) 224-5382 fax

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# **EXHIBIT 4**

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**WILENCHIK & BARTNESS**  
A PROFESSIONAL CORPORATION

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ANDREW P. THOMAS  
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By: Colleen Connor, # 015679  
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Attorneys for Apache, Cochise, Gila, Graham, Greenlee,  
La Paz, Maricopa, Mohave, Navajo, Pima, Pinal, Santa Cruz,  
Yavapai, and Yuma County Defendants

**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

**MARIA M. GONZALEZ, et al.,**  
  
**Plaintiffs,**  
  
**v.**  
  
**STATE OF ARIZONA, et al.,**  
  
**Defendants.**

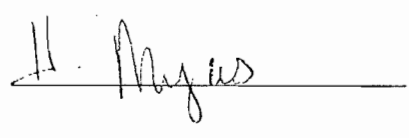
**Cause No. CV-06-1268-PHX-ROX**  
  
**MARICOPA COUNTY RECORDER  
HELEN PURCELL AND ELECTIONS  
DIRECTOR KAREN OSBORNE'S  
RESPONSE TO GONZALEZ  
PLAINTIFFS' FIRST REQUESTS FOR  
PRODUCTION**

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



1 COPY Delivered Via Federal Express  
2 this 28<sup>th</sup> day of July, 2006, to:

3 Carlos Becerra  
4 ([cbecerra@MALDEF.org](mailto:cbecerra@MALDEF.org))  
5 Mexican American Legal Defense  
6 and Educational Fund  
7 110 Broadway, Suite 300  
8 San Antonio, Texas 78205  
9 210-224-5476

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WILFONG & BARTNESS  
A PROFESSIONAL CORPORATION

# **EXHIBIT 5**

## Nina Perales

**From:** Kathleen E. Rapp [KathleenR@wb-law.com]  
**Sent:** Thursday, July 27, 2006 3:26 PM  
**To:** Carlos Becerra; Nina Perales; connorc@mcao.maricopa.gov; jwilcox@coconino.az.gov; sgreene@omlaw.com; bblustein@lawyerscommittee.org; peter.silverman@azag.gov; khartman@steptoe.com; thudson@omlaw.com  
**Subject:** RE: Discovery Production and Confidentiality  
**Attachments:** 07-26-06 Stipulation to Confidentiality.doc

Carlos, here is a stipulation with your suggestions incorporated. Please let us know if we can sign for you.

Katie

---

**From:** Carlos Becerra [mailto:cbecerra@MALDEF.org]  
**Sent:** Thursday, July 27, 2006 8:39 AM  
**To:** Kathleen E. Rapp; Nina Perales; connorc@mcao.maricopa.gov; jwilcox@coconino.az.gov; sgreene@omlaw.com; bblustein@lawyerscommittee.org; peter.silverman@azag.gov; khartman@steptoe.com; thudson@omlaw.com  
**Subject:** Re: Discovery Production and Confidentiality

Gonzalez Plaintiffs propose the following additions to the Stipulation:

- A carve-out in the Stipulation for experts and consultants; potential witnesses; and court personnel. We propose the following language:  
“Individuals entitled to access include: a. counsel for the parties, including paralegals, clerks, and other staff as deemed necessary by counsel; b. the named parties in this action, to the extent necessary, as determined by counsel; c. official representatives of the parties if the party is a membership organization, as determined by counsel; d. experts and consultants retained by the parties in this case; e. the Court; court personnel, court reporters, and foreign language interpreters; f. any actual or potential witness, as determined by counsel.”
- Please provide guidance in the Stipulation as to how to handle the information at the conclusion of the case. Also, there is no provision for inadvertent disclosure.
- Please include the following in the Stipulation: “Nothing in this stipulation of confidentiality will preclude the disclosure of discoverable information or otherwise affect the admissibility of evidence during trial. Federal Rule of Civil Procedure 26(b), the Federal Rules of Evidence, and any applicable legal authority will govern the disclosure and admissibility of evidence in this case.”

Thank you.

-----Original Message-----

**From:** Kathleen E. Rapp [mailto:KathleenR@wb-law.com]  
**Sent:** Wednesday, July 26, 2006 1:24 PM  
**To:** Peter Silverman; Nina Perales; connorc@mcao.maricopa.gov; Karen Hartman; jwilcox@coconino.az.gov; sgreene@omlaw.com  
**Cc:** bblustein@lawyerscommittee.org; Thomas Hudson

6/30/2008

Subject: Discovery Production and Confidentiality

Good morning:

After speaking with Colleen about the need for confidentiality of the documents we are about to disclose, it seems that the real answer was somewhere in the middle of Karen's understanding and mine! The information that needs to be kept confidential is any information derived from voter registration forms. This includes, not only the forms themselves, but the names, addresses, etc. that are taken off of the forms and put into some sort of list or database. I have included a proposed stipulation for everyone to review. Please let me know if this meets everyone's needs and if we can sign for you. As soon as we have this worked out, I will send over the first few boxes of documents.

Thanks!

Very truly yours,

Kathleen E. Rapp

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kathleenr@wb-law.com

The information in this e-mail transaction, and any documents, files, or previous e-mail messages attached to it are confidential and legally privileged. It is intended for the sole and exclusive use of the addressee(s) and their authorized representative and may not be disclosed to any third party without the prior written authorization of the sender. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained or attached to this transmission is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify Wilenchik & Bartness, P.C., destroy the original transmission and its attachments without reading or saving in any manner.

\*\*\*\*\*

The information in this e-mail transaction, and any documents, files, or previous e-mail messages attached to it are confidential and legally privileged. It is intended for the sole and exclusive use of the addressee(s) and their authorized representative and may not be disclosed to any third party without the

6/30/2008

prior written authorization of the sender. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained or attached to this transmission is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify Wilenchik & Bartness, P.C., destroy the original transmission and its attachments without reading or saving in any manner.

# **EXHIBIT 6**

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11 STEPTOE & JOHNSON LLP  
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17 David J. Bodney (006065)  
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19 Karen J. Hartman-Tellez (021121)  
20 khartman@steptoe.com

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

23 UNITED STATES DISTRICT COURT

24 DISTRICT OF ARIZONA

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

28 vs.

State of Arizona, et al.,  
Defendants.

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

) **ITCA PLAINTIFFS'**  
) **SECOND SET OF**  
) **NON-UNIFORM**  
) **INTERROGATORIES TO**  
) **COUNTY DEFENDANTS**

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TO: LeNora Johnson, Apache County Recorder,  
Steve Kizer, Apache County Elections Director,  
Christine Rhodes, Cochise County Recorder,  
Thomas Schelling, Cochise County Elections Director,  
Linda Haught Ortega, Gila County Recorder,  
Dixie Mundy, Gila County Elections Director,  
Wendy John, Graham County Recorder,  
Judy Dickerson, Graham County Elections Director,  
Berta Manuz, Greenlee County Recorder,  
Yvonne Pearson, Greenlee County Elections Director,  
Shelly Baker, La Paz County Recorder,  
Donna Hale, La Paz County Elections Director,  
Helen Purcell, Maricopa County Recorder,  
Karen Osborne, Maricopa County Elections Director ,  
Joan McCall, Mohave County Recorder,  
Allen Tempert, Mohave County Elections Director,  
F. Ann Rodriguez, Pima County Recorder,  
Brad R. Nelson, Pima County Elections Director,  
Laura Dean-Lytle, Pinal County Recorder,  
Gilberto Hoyos, Pinal County Elections Director,  
Suzie Sainz, Santa Cruz County Recorder,  
Melinda Meek, Santa Cruz County Elections Director,  
Ana Wayman-Trujillo, Yavapai County Recorder,  
Lynn A. Constable, Yavapai County Elections Director,  
Susan Hightower Marler, Yuma County Recorder and  
Patti Madrill, Yuma County Elections Director,

through their counsel of record, M. Colleen Connor, Maricopa  
County Attorney's Office, Division of County Counsel, 222 N.  
Central Avenue, Ste. 1100, Phoenix, Arizona 85003, and Dennis I.  
Wilenchik, Kathleen Rapp, Wilenchik and Bartness, P.C., 2810  
North Third Street, Phoenix, Arizona 85004.

Pursuant to Fed. R. Civ. P. 33, Plaintiffs Inter Tribal Council of Arizona,  
Inc., *et al.*, request Defendants to answer each of the interrogatories set forth below, in  
writing under oath, pursuant to the schedule established by the Court.

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**DEFINITIONS AND INSTRUCTIONS**

“You” or “your” refer to the above-named defendants upon whom these requests have been served, and their respective offices.

“Proposition 200” refers to the voting-related provisions of the Arizona Taxpayer and Citizen Protection Act, the ballot initiative passed in November 2004, which amended A.R.S. §§ 16-152, 16-166, and 16-579.

These interrogatories shall be deemed to seek responses as of the date hereof and shall be deemed to be continuing in nature up to and including the time of trial in this matter.

**INTERROGATORIES**

1. Provide the total number of voter registration forms in your county that have been submitted since January 24, 2005. For that total number, provide the number of individuals who were (a) added to the list of registered voters, (b) *not* added to the list of registered voters due to the application form’s failure to contain satisfactory evidence of citizenship as required by Proposition 200, and (c) *not* added to the list of registered voters for reasons other than the application form’s failure to contain evidence of citizenship. If a breakdown of the foregoing information is available by month, and age, race and ethnicity of applicant, provide that information.

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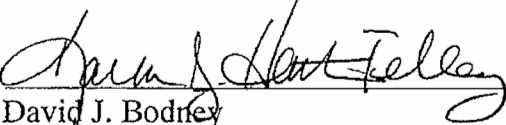
2. Identify (by providing the full name, last known address, telephone number and email address) the individuals who submitted voter registration application forms in your county since January 24, 2005, but were *not* added to the list of registered voters because they did not provide satisfactory evidence of citizenship as required by Proposition 200.

3. For each election conducted in your county from September 2005 to present, provide the number of registered voters who (a) voted by mail; (b) cast a regular ballot at a polling place; (c) were not permitted to cast a regular ballot at a polling place due to failure to provide identification required by A.R.S. § 16-579; (d) cast a conditional provisional ballot due to failure to provide identification required by A.R.S. § 16-579; (e) cast a conditional provisional ballot and subsequently provided satisfactory identification to the county recorder's office; and (f) cast a conditional provisional ballot that was not counted due to failure to provide identification required by A.R.S. § 16-579. In addition, identify any analyses, reports or studies in your possession that relate to the foregoing.

1           4.     For each election conducted in your county from September 2005  
2 to present, identify (by full name, last known address, telephone number and email  
3 address) the voters registered to vote in your county who (i) were not permitted to cast a  
4 regular ballot at a polling place due to failure to provide identification required by  
5 A.R.S. § 16-579; (ii) cast a conditional provisional ballot due to failure to provide  
6 identification required by A.R.S. § 16-579; (iii) cast a conditional provisional ballot and  
7 subsequently provided satisfactory identification to the county recorder's office; (iv)  
8 cast a conditional provisional ballot that was not counted due to failure to provide  
9 identification required by A.R.S. § 16-579; and (v) cast a conditional provisional ballot  
10 that was not counted for any other reason, and state such reason.  
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16                     DATED this 7th day of June, 2007.

17                             STEPTOE & JOHNSON LLP

18                             By 

19                             David J. Bodney

20                             Karen J. Hartman-Tellez

21                             Collier Center

22                             201 East Washington St., Ste. 1600

23                             Phoenix, Arizona 85004-2382

24                             OSBORN MALEDON, P.A.

25                             David B. Rosenbaum

26                             Thomas L. Hudson

27                             Sara S. Greene

28                             2929 North Central Ave., 21st Floor

                              Phoenix, Arizona 85012-2793

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

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jgreenbaum@lawyerscommittee.org  
*Admitted Pro Hac Vice*

6 ACLU Southern Regional Office  
Neil Bradley

7 2600 Marquis One Tower  
245 Peachtree Center Avenue  
8 Atlanta, Georgia 30303  
Telephone: 404-523-2721  
9 Fax: 404-653-0331  
E-mail: nbradley@aclu.org  
10 *Admitted Pro Hac Vice*

11 PEOPLE FOR THE AMERICAN WAY  
FOUNDATION

12 David Becker  
*Pro Hac Vice Application Pending*  
13 2000 M Street, NW, Suite 400  
Washington, DC 20036  
14 Telephone: 202-467-4999  
15 Fax: 202-293-2672  
E-mail: emincberg@pfaw.org

THE LEAGUE OF UNITED LATIN  
AMERICAN CITIZENS

Luis Roberto Vera, Jr.  
(TX SBN 20546740)  
111 Soledad, Suite 1325  
San Antonio, Texas 78205-2260  
Telephone: 210-225-3300  
Fax: 210-225-2060  
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*Pro Hac Vice Application to be Filed*

AARP FOUNDATION LITIGATION

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THE INTER TRIBAL COUNCIL OF  
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Attorneys for the Inter Tribal Council of  
Arizona, Inc., et al.

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Sacks Tierney P.A.  
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Scottsdale, Arizona 85251

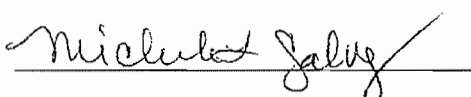
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Flagstaff, Arizona 86001

Attorneys for Coconino County Defendants

Lance Payette (lance.payette@co.navajo.az.us)  
Navajo County Attorneys' Office  
P.O. Box 668  
Holbrook, Arizona 86025

Attorneys for Navajo County Defendants

  
\_\_\_\_\_

# **EXHIBIT 7**

1 OSBORN MALEDON, P.A.  
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11 STEPTOE & JOHNSON LLP  
12 Collier Center  
13 201 East Washington Street, Suite 1600  
14 Phoenix, Arizona 85004-2382  
15 Telephone: (602) 257-5200  
16 Facsimile: (602) 257-5299

17 David J. Bodney (006065)  
18 dbodney@steptoe.com  
19 Karen J. Hartman-Tellez (021121)  
20 khartman@steptoe.com

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

23 UNITED STATES DISTRICT COURT  
24 DISTRICT OF ARIZONA

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

28 vs.

State of Arizona, et al.,  
Defendants.

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

) **ITCA PLAINTIFFS'**  
) **SECOND SET OF**  
) **REQUESTS FOR PRODUCTION**  
) **OF DOCUMENTS TO**  
) **COUNTY DEFENDANTS**

1 TO: LeNora Johnson, Apache County Recorder,  
2 Steve Kizer, Apache County Elections Director,  
3 Christine Rhodes, Cochise County Recorder,  
4 Thomas Schelling, Cochise County Elections Director,  
5 Linda Haught Ortega, Gila County Recorder,  
6 Dixie Mundy, Gila County Elections Director,  
7 Wendy John, Graham County Recorder,  
8 Judy Dickerson, Graham County Elections Director,  
9 Berta Manuz, Greenlee County Recorder,  
10 Yvonne Pearson, Greenlee County Elections Director,  
11 Shelly Baker, La Paz County Recorder,  
12 Donna Hale, La Paz County Elections Director,  
13 Helen Purcell, Maricopa County Recorder,  
14 Karen Osborne, Maricopa County Elections Director ,  
15 Joan McCall, Mohave County Recorder,  
16 Allen Tempert, Mohave County Elections Director,  
17 F. Ann Rodriguez, Pima County Recorder,  
18 Brad R. Nelson, Pima County Elections Director,  
19 Laura Dean-Lytle, Pinal County Recorder,  
20 Gilberto Hoyos, Pinal County Elections Director,  
21 Suzie Sainz, Santa Cruz County Recorder,  
22 Melinda MEEK, Santa Cruz County Elections Director,  
23 Ana Wayman-Trujillo, Yavapai County Recorder,  
24 Lynn A. Constabile, Yavapai County Elections Director,  
25 Susan Hightower Marler, Yuma County Recorder and  
26 Patti Madrill, Yuma County Elections Director,

27 through their counsel of record, M. Colleen Connor, Maricopa  
28 County Attorney's Office, Division of County Counsel, 222 N.  
Central Avenue, Ste. 1100, Phoenix, Arizona 85003; and Dennis I.  
Wilenchik, Kathleen Rapp, Wilenchik and Bartness, P.C., 2810  
North Third Street, Phoenix, Arizona 85004.

29 Pursuant to Fed. R. Civ. P. 34, Plaintiffs Inter Tribal Council of Arizona,  
30 Inc., *et al.*, by and through their counsel, request that Defendants respond to each of the  
31 following requests for production of documents.

#### 32 DEFINITIONS AND INSTRUCTIONS

33 "You" or "your" refers to the above-named defendants upon whom these  
34 requests have been served, and their respective offices.

35 "Document" or "documents" means any writing or record of any type and  
36 description within the meaning of "document" as that term is used in the Federal Rules

1 of Civil Procedure and related case law that is in your possession, custody, or control,  
2 including but not limited to, forms, memoranda, reports, publications, studies, surveys,  
3 pamphlets, charts, letters, notes, emails, logs, telephone records and any such materials  
4 stored on computer disks or electronic media. "Document" includes the original, drafts,  
5 and every non-identical copy (whether because of notes made on or attached to such  
6 copy or otherwise).

7 "Proposition 200" refers to the voting-related provisions of the Arizona  
8 Taxpayer and Citizen Protection Act, the ballot initiative passed in November 2004,  
9 which amended A.R.S. §§ 16-152, 16-166, and 16-579.

10 If you withhold any document responsive to any Request based on the  
11 attorney-client privilege, the work product doctrine, or any other applicable protection  
12 from discovery, provide the information required by Rule 26(b)(5) of the Federal Rules  
13 of Civil Procedure and an appropriate designation of the protection or protections being  
14 asserted for each document withheld.

15 These Requests shall be deemed to seek responses as of the date hereof  
16 and shall be deemed to be continuing in nature up to and including the time of trial in  
17 this matter.

### 18 REQUESTS FOR PRODUCTION

19 1. All voter registration application forms submitted from January 24,  
20 2005 to present that did *not* result in addition of the applicant to the voter registration  
21 list, because "satisfactory evidence of citizenship," as defined in A.R.S. § 16-166(F), did  
not accompany the forms.

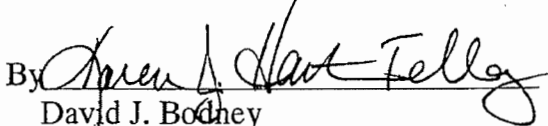
22 2. All documents relating to conditional provisional ballots cast in  
23 each election conducted in your county from September 2005 to the present that were  
24 not counted, including but not limited to copies of conditional provisional ballot  
envelopes.

25 3. All documents that you reviewed or upon which you relied in  
26 responding to the ITCA Plaintiffs' Second Set of Non-Uniform Interrogatories.

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DATED this 7th day of June, 2007.

STEPTOE & JOHNSON LLP

By 

David J. Bodney  
Karen J. Hartman-Tellez  
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