

Stender, Craig
Gonzalez v. Arizona

1/11/2008

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Maria M. Gonzalez, et al.,)	
)	
Plaintiffs,)	
)	No. CV-06-1268-PHX-ROS (Lead)
vs.)	No. CV-06-1362-PCT-ROS
)	No. CV-06-1575-PCT-ROS
State of Arizona, et al.,)	
)	
Defendants.)	
_____)	

30(b)(6) DEPOSITION OF CRAIG STENDER

Phoenix, Arizona
January 11, 2008
9:04 a.m.

REPORTED BY:

Cindy Bachman
Certified Reporter No. 50763

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1 DEPOSITION OF CRAIG STENDER, was taken at
2 9:04 a.m., on Friday, January 11, 2008, at the offices of
3 JAN BREWER, ARIZONA SECRETARY OF STATE, 1700 West Washington
4 Street, Phoenix, Arizona, before CINDY BACHMAN, Certified
5 Reporter No. 50763, in the State of Arizona.

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I N D E X

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E X H I B I T S

EXHIBIT

DESCRIPTION

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No. 1

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C E R T I F I E D Q U E S T I O N

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CRAIG STENDER,

called as a witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MS. PERALES:

Q. Good morning. My name is Nina Perales, and I represent the Gonzalez plaintiffs in this action. With me is David Uris. And shortly, Mr. Diego Bernal will be entering.

Have you ever had your deposition taken before?

A. No.

Q. All right.

MS. BAILEY: Nina?

MS. PERALES: Yes?

MS. BAILEY: I'm sorry. I haven't met this gentleman at the end of the table, just to know who's present.

MS. PERALES: Sure. Let's go off the record, and we can do the introductions.

(A discussion was held off the record.)

MS. PERALES: Back on the record.

BY MS. PERALES:

Q. Did I ask you to state your name and title yet?

A. No.

Q. If I didn't, I would like to ask you now.

A. My name is Craig Stender, and I'm serving as the HAVA

1 Project Manager for the Secretary of State's office.

2 Q. Thank you. Since you haven't had your deposition
3 taken before, I'll just go over a couple of rules of the road.

4 Because what you and I say is being taken down by the
5 court reporter, I'll ask you to make your answers out loud to
6 me.

7 And I will also ask you to wait until I finish my
8 question before you start your answer, and I will also endeavor
9 to let you finish your answer before I ask my next question.

10 A. Okay.

11 Q. Is that all right with you?

12 A. Yes.

13 Q. Do you understand that today you're testifying as a
14 representative of either the State of Arizona or the Secretary
15 of State?

16 A. Yes.

17 Q. So when I ask you questions and I say "you," will you
18 understand that to mean not just Craig Stender himself, but also
19 the Secretary of State or the State of Arizona?

20 A. Yes.

21 Q. Thank you. I want to let you know that you can take a
22 break at any time as long as there's not a question laying out
23 there on the table. So if you want to take a break, and I've
24 just asked you a question, I will ask you to answer, and then we
25 can take whatever break you want. Is that all right?

1 A. Yes.

2 Q. Thank you. Is there any reason that you cannot
3 testify accurately or completely today, such as illness or
4 medication?

5 A. No.

6 Q. I'm really excited to talk to you about VRAZ today,
7 but in my outline, I have to ask you first about voter purging.
8 So I wanted to ask you quickly to describe for me the process
9 that Arizona uses to purge voters from the rolls.

10 A. Okay. We -- when we use the term purge, we're not
11 purging records. I don't know if you mean to say canceled.

12 Q. I mean canceled.

13 A. Okay.

14 Q. Tell me how you cancel a registration.

15 A. Okay. A voter registration record being canceled is
16 governed by the NVRA Act and HAVA and Arizona statutes and the
17 State Election Procedures Manual. Those are where the
18 guidelines are given.

19 There's basically -- a voter registration record can
20 be canceled for a variety of reasons. I'll try to make sure I
21 get to all of them.

22 The first is NVRA related. If someone has moved and
23 not notified the county recorder, there is a process established
24 in NVRA that, if a mailing goes out and is returned as
25 non-deliverable, and then a second mailing to that same address

1 is made, and that comes back non-deliverable, that record can be
2 placed in an inactive status.

3 Inactive is different than canceled. And it's
4 inactive for two federal election cycles before it's canceled.
5 Now, it can move from inactive back to active simply by the
6 person saying no, they are active, filling out a new
7 registration form, if in certain instances -- if they sign a
8 petition, if they vote, all of those will make them active
9 again. And then there's -- but if there's no activity, and
10 they've been inactive for two election cycles, then they can be
11 canceled.

12 Q. All right.

13 A. Okay. That's one.

14 Q. That's for non-voting, then, or for returned mail?

15 A. It's not -- actually it has nothing to do with
16 non-voting. If I'm an active voter, if I'm active, and I choose
17 not to -- and I don't move, and I choose not to vote for
18 40 years, I'm still an active voter.

19 Q. Okay. Thanks for letting me know about it.

20 A. Okay. It has nothing to do with your voting activity.
21 It has to do with that there was a piece of mail that was
22 nondelivered. They cannot ascertain that you are at that
23 address.

24 Q. When you describe the process of mail being returned
25 and a voter being placed into the inactive status, is that

1 something that's done at the County level, or by the State?

2 A. It's always the County level.

3 Q. Is there anything that the State does that would
4 result in a registration being canceled?

5 A. No. Okay. The other things that will cause a record
6 to be canceled, a voluntary cancellation, that would go straight
7 to the county recorder.

8 Death records, felon records, being declared
9 incapacitated, or duplicates with another county, those pieces
10 of information are done through VRAZ, but the notification is
11 given to the Counties, and the Counties take the action on the
12 voter record.

13 Q. So would it be correct to say that the Secretary of
14 State has a mechanism for collecting information about felony
15 convictions?

16 A. That's correct, yes.

17 Q. Okay. And I do have some -- I do have some questions
18 about that near the end. So I'll follow up with you on that.

19 So would it be correct to say, then, that there isn't
20 a period of time, for example, before an election where the
21 Secretary of State would go through the voter rolls statewide
22 and cancel registrations?

23 A. Absolutely not. The Secretary -- the Counties are the
24 ones that modify a status on a voter registration record.

25 Q. Is there anything that the Secretary of State might do

1 to the voter rolls that would result in a drop in the number of
2 active voters on the roll?

3 A. No. All activity to a voter registration record is
4 initiated or performed by the Counties.

5 Q. Do you know if the Counties are advised by the
6 Secretary of State to send out mail to registered voters at
7 particular times, either in the year or in the election cycle?

8 A. There are items prescribed by NVRA that mailers go
9 out -- there's ways to approach how to comply with NVRA. So,
10 yes, and I don't know the exact specifics, but there are certain
11 mailers that have to go out to all voters.

12 Q. Now I'm going to ask you about VRAZ.

13 A. Okay.

14 Q. When did the VRAZ-I program go into effect?

15 A. January 1, 2004.

16 Q. And before VRAZ-I, was there a process by which the
17 Secretary of State compared information about voter registrants
18 to information maintained by the MVD?

19 A. I wasn't here. I don't believe so.

20 Q. Okay. Let me back up a little bit and ask you about
21 when you did come into your current position.

22 A. I came in the current position May of 2003.

23 Q. All right. And you've held the same title since
24 May of 2003?

25 A. That's correct.

1 Q. All right. And when you got into your job in
2 May 2003, did you understand, at that time, that there was a way
3 for the Secretary of State to compare information about voter
4 registration applicants to the information over at the MVD?

5 A. Would you restate that? I didn't quite get it.

6 Q. Okay. When you came into your position in May 2003,
7 did you understand whether at that time there was a process for
8 the Secretary of State to compare?

9 A. No. I believe that that's what we built for the first
10 time in VRAZ-I.

11 Q. Were you involved in the building of VRAZ-I from the
12 beginning?

13 A. Yes.

14 Q. Are you perhaps the most knowledgeable person at the
15 Secretary of State about VRAZ-I?

16 A. I'm very knowledgeable on VRAZ-I.

17 Q. Have you been involved in the process of creating
18 VRAZ-II?

19 A. Yes.

20 Q. And you're familiar with the changes that occurred to
21 go from Version I to Version II in VRAZ?

22 A. Yes. But VRAZ-II is not fully implemented.

23 Q. I got that impression the other day.

24 A. Okay.

25 Q. I'm going to ask you about that. Would it be fair to

1 say that VRAZ-II is under design?

2 A. Phases of VRAZ-II have been implemented. The pieces
3 relating to matching of data has not. That new part has not
4 been implemented.

5 Q. When you say "implemented," is it correct to say that
6 implementation starts in certain counties and then expands to
7 all counties in a sort of a pilot program sense?

8 A. When the pieces that have been implemented have not
9 been related to any of the matching of data. The pieces that
10 have been implemented has been implementing new hardware and
11 voter -- basic voter registration software in those counties.
12 It had nothing to do yet with matching of records.

13 Q. Okay. Do you have a sense of when the
14 Records matching components of VRAZ-II will be implemented?

15 A. Sometime in 2008.

16 Q. Do you know for sure whether the records matching
17 process in VRAZ-II will be implemented before or after the
18 general election of 2008?

19 A. I'm not sure yet.

20 Q. Okay. Thank you. I wanted to mention that if there's
21 anything that you don't know the answer to, definitely let me
22 know.

23 A. Okay.

24 Q. And if you don't understand a question that I ask, ask
25 me to clarify it.

1 A. Okay.

2 Q. Thank you. I would like you to walk me through the
3 records matching process that is currently in effect for VRAZ.

4 A. Which -- which --

5 Q. Which --

6 A. Okay. I will try to -- the counties each night around
7 7 p.m. or so send a file to the Secretary of State's office.
8 All voter registration records that have had any activity then
9 are combined in a state file that gets sent to first the Motor
10 Vehicle Division for matching.

11 After that, those results come back, and then any
12 felon records that have been received -- or court records, I
13 should say -- that have been received get compared against a
14 statewide database. Then any death records get compared, and
15 then we check for duplicates.

16 All of the reporting, then, for MVD, court, death, and
17 duplicates then gets printed in a report specific to each county
18 and posted for them to obtain off a secure website.

19 Q. Excellent. Thank you. Let's --

20 A. At that point, no changes in any records have
21 happened. We have posted what we have received or what the
22 computer has matched, and it's on a report for the counties to
23 work.

24 Q. All right. I have one question already for you about
25 the court records.

1 When you say that the court records are compared, do
2 you mean you're comparing court records to only the information
3 on activity that's come up from the counties? Or are you
4 comparing court records to the entire database?

5 A. Good question. Entire database.

6 Q. Thank you. For example --

7 A. That applies to death records, too.

8 Q. And death records. Okay. So if somebody who's been
9 registered and hasn't had any activity on their voter
10 registration record for, let's say, two years, and is not
11 transmitted upwards that night at 7 p.m., let's say, by Maricopa
12 County, but who turns up as having been adjudicated mentally
13 incompetent in a court record that you've received, that's going
14 to get flagged for Maricopa County?

15 A. That's correct. Yes.

16 Q. Okay. How do you get your court records from the
17 respective counties to the Secretary of State?

18 A. Okay. The majority of Arizona Superior Courts send
19 their information electronically to us. And I say the majority.
20 Some still send it through paper, meaning they write it out on a
21 piece -- a form that we worked with them to prescribe.

22 All US District Courts give us the information by
23 paper. So the vast majority come electronically. Almost all of
24 the Superior Courts, definitely the biggest ones, send it
25 electronically. The other courts send it by paper, and those

1 are data-entered here. And both electronic and data-entered
2 ones follow the same process.

3 Q. With respect to death records, how do you get death
4 records?

5 A. The death records come electronically over a secured
6 FTP site from DHS to the Secretary of State's office.

7 Q. What is DHS?

8 A. I'm sorry, Department of Health Services.

9 Q. Is that a state department in Arizona?

10 A. That's correct, yes.

11 Q. So the state Department of Health Services collects
12 statewide information about deaths?

13 A. That's correct.

14 Q. Okay. When you mentioned court records, would that
15 include, for example, felony convictions?

16 A. Yes.

17 Q. Would that also include information about persons who
18 had been deemed incompetent by the court?

19 A. Yes.

20 Q. Would that also include information from juror
21 questionnaires regarding non-US citizenship?

22 A. Not usually.

23 Q. All right. Does the Secretary of State collect or
24 receive any information with respect to juror questionnaires?

25 A. Sometimes they're sent to us by accident. I don't

1 know if that's the proper word -- and we just forward it on to
2 the proper county recorder.

3 Q. I see. So it's your understanding that information
4 from juror questionnaires is collected at the county level?

5 A. That's correct.

6 Q. Do you know if every county has a system for
7 collecting information from juror questionnaires?

8 A. I don't know.

9 Q. I just chopped off a bunch of questions at the end.
10 Okay.

11 When you mentioned that the counties send up
12 information to you at night about activity in their voter
13 records -- let me ask you about EZVoter then. If I'm a resident
14 of Maricopa County, and I'm not registered to vote, and I get in
15 front of my computer that day, and I put in all of the
16 information to register to vote in EZVoter, is that some piece
17 of -- is that information or that attempt to register going to
18 go to the county first or is it going to go to the Secretary of
19 State first?

20 A. It comes to the Secretary of State, but it is not
21 entered into the state -- actually at that point it is a
22 separate system. It comes -- the data comes to the Secretary of
23 State's office. We funnel the voter registration to the proper
24 counties.

25 Then the counties take that EZVoter record. It's

1 entered into their system, and then it follows the process we
2 talked about before where, then, it comes as an add to the
3 statewide database. So it's not added first to the
4 state database and then sent to them. It follows the same path
5 as any other voter registration, whether it's paper, you know,
6 or like --

7 Q. So in a sense, the Secretary of State serves as a
8 conduit for that registration application through EZVoter, but
9 it's going to have a record match done on it after it's sent
10 from the county up to the Secretary of State?

11 A. That's absolutely correct.

12 Q. Okay. Thank you. All right. Let's talk about the
13 records matching that happens with information sent up from the
14 counties to the Secretary of State and specifically with
15 requests -- with respect to the motor vehicles database.

16 A. Okay.

17 Q. Can you explain to me in some -- overall how that
18 works?

19 A. Okay. Yes. We match, or potentially match, on four
20 pieces of information. Okay. Those four pieces are driver's
21 license, name, date of birth, and last four digits of the social
22 security number.

23 The motor vehicle division database will always have a
24 driver's license number, name, and date of birth, and the vast
25 majority have the last four digits of the social security

1 number.

2 A voter registration record will always have a name
3 and date of birth. The vast majority have a driver's license
4 number, and a lot enter the last four digits of the social
5 security number. So we have to match on name and date of birth
6 or driver's license to even start the matching process.

7 If it doesn't match on name and date of birth or
8 driver's license, then it's out. So if we just find John Smith
9 with John Smith and nothing else, we don't call that a match.

10 Anyway, those are the four pieces of data that we
11 try -- that are attempted to compare one system to the other.

12 Q. All right. Let me ask you technically how the
13 matching -- on a technical computer level, how the matching is
14 done. I understand that the Secretary of State receives voter
15 files from the counties at about 7 p.m. at night. Tell me
16 exactly what happens with that information.

17 A. At midnight, we send it over to -- it's all done
18 computer to computer. It's sent over the secured state network
19 to the MVD database. They have a program that kicks off, and it
20 takes the first voter registration record and then searches and
21 tries to find it in the driver's license database.

22 If it finds it, then it reports out to us, you know,
23 name matched, date of birth matched. We didn't have a social
24 security number to match, so we'll leave that one blank, and
25 driver's license match. And it tells us that.

1 And then it grabs the second record and does the same
2 process for all of the records that had some sort of activity on
3 them. They are usually adds or it could be that maybe the
4 County transposed a number the day before and they're correcting
5 it. It will still go over to get matched.

6 Q. I see. The County wouldn't -- activity on a voter
7 file, for example, that was moving somebody from active to
8 inactive would not?

9 A. No. That's a very good question. So all -- what gets
10 sent to MVD is all adds, or if something on the voter
11 registration record changes one of those four key pieces of
12 information. When I say change, it usually is because there is
13 a data entry error.

14 Q. We wrote down that question last night for you. One
15 of my attorneys said, "How could you change your birth date?"

16 A. No. What happens is sometimes when they're entering a
17 paper voter registration app, the registrant puts their driver's
18 license number, and they transpose two numbers. Our system will
19 come back and say you matched, and it matches someone else. You
20 matched on driver's license number, and then -- but the names
21 don't match.

22 It's real obvious, you know, because they go, oh --
23 they go back to the form and they say, "Oh, I switched the 8 and
24 the 9." They fix it in the voter registration, and because it
25 changed the driver's license, it goes up for a match, and the

1 next day, they go, "Okay, everything matched."

2 Q. What if I'm a registered voter in Pima County, and I
3 get married, and I change my name. And I call up the
4 Pima County recorder, and I say, "I want a new voter
5 registration card with my new name on it." Would that be like
6 an add into the records matching system? Or how would that
7 work?

8 MS. BAILEY: Objection. Form.

9 BY MS. PERALES:

10 Q. You may answer.

11 Let me instruct you on the record that from time to
12 time your lawyer will make an objection for the court reporter
13 and for the record. And then I will ask you to answer the
14 question. You must answer the question unless your lawyer
15 directs you not to answer. So unless your lawyer says, "Don't
16 answer that question" --

17 A. Okay.

18 Q. -- which means I have, you know, tread into some area
19 I shouldn't go into, you may answer the question.

20 A. Okay. Can you repeat the question?

21 Q. I will do my best. If the county recorder is
22 processing a change to a voter record that involves a change to
23 the name of the registered voter, and that information is sent
24 up to the Secretary of State at 7 p.m. that night, is that name
25 change information submitted to the records matching process

1 with MVD?

2 A. Yes.

3 Q. So it would behoove me before changing my name and my
4 voter registration to change my name on my driver's license?

5 MS. BAILEY: Objection. Form.

6 Let me get my objection in.

7 THE WITNESS: Okay.

8 BY MS. PERALES:

9 Q. You may answer now.

10 A. Say the question again.

11 Q. If I get married, and I want to change my name on my
12 voter registration, but now I know that there's going to be a
13 records matching process looking for a match in the MVD records,
14 should I -- in order to get my match to go through right,
15 shouldn't I change my name on my driver's license record first?

16 A. What does --

17 MS. BAILEY: Objection. Form.

18 Just let me object, if you would. Go ahead and
19 answer.

20 THE WITNESS: Okay. I don't really -- I don't really
21 understand the question. I mean, when you say "behoove," what
22 do you mean by -- I mean, it's --

23 BY MS. PERALES:

24 Q. Well, let me ask it this way.

25 A. It has no bearing on whether someone's active or

1 inactive.

2 Q. I'm asking you whether there's going to be, for
3 example, a return code saying that MVD was unable to find a
4 match on the name with my driver's license number.

5 But --

6 A. It all depends on the sequence of what you do as a
7 customer.

8 Q. Okay. So, for example, if I change my name on my
9 voter registration, but I keep my driver's license number and
10 the last four digits of my social and my birth date the same,
11 and I reregister under my new name -- it's a completely
12 different name -- well, the first name's the same but the last
13 name has changed.

14 A. I got lost. I'm sorry.

15 Q. Okay. I'll start again.

16 A. Okay.

17 Q. I'm a registered voter. My name is Nina Perales.
18 I live in Pima County. I get married. I change my name to
19 Maldonado.

20 Q. Now my voter registration card doesn't match my new
21 name that I have for myself, right, because my voter
22 registration card says Nina Perales, and my new name is
23 Nina Maldonado. Got me so far?

24 A. Okay.

25 Q. I go to the county recorder, and I say, "I want to

1 change my voter registration record so that my name says
2 Nina Maldonado." And I fill out a name change application.
3 Would it be correct to say that that information is submitted to
4 records matching at MVD that night by the Secretary of State?

5 A. Yes.

6 Q. When that occurs, what is MVD going to transmit back
7 to the Secretary of State?

8 MS. RAPP: Objection. Form.

9 MS. BAILEY: Same objection.

10 BY MS. PERALES:

11 Q. You may answer.

12 A. In the scenario, you have not gone to MVD?

13 Q. That's right.

14 A. MVD would report -- if I understand the scenario
15 correctly that you're trying -- that the driver's license, date
16 of birth, and SSN4 matches, and the name doesn't, that has no
17 bearing on your status as a voter.

18 Q. Okay. So I'm still --

19 A. Because you're active. You don't -- changing a name
20 doesn't -- you don't need to do anything else to do that. You
21 don't need to provide the recorder anything. It has no -- it's
22 just that we're reporting that to the County who, then, would
23 take whatever action, if any, they need to. But nothing has
24 happened to the record.

25 Q. So you're explaining to me that I wouldn't, in any

1 way, fall out of the system as a registered voter?

2 A. Absolutely not.

3 Q. Okay.

4 A. It's just a piece of information that's given to the
5 counties.

6 Q. And in that situation that I described to you, my --
7 I'm curious to ask you about the hard matches and the soft
8 matches. But I might leave it until a little bit later. But I
9 might bring that situation or that hypothetical back to you when
10 I ask you questions about the return codes, okay?

11 A. Okay.

12 Q. When the Secretary of State computer sends information
13 to the MVD database, do you know which records over at MVD are
14 being accessed by the computer program that is doing the
15 matching? And, for example, do you know how much of the
16 customer record at MVD is being accessed to perform the
17 matching?

18 MS. BAILEY: Objection. Compound.

19 BY MS. PERALES:

20 Q. You may answer.

21 A. Well, okay. Ask me one part of it. I mean, which --

22 MS. BAILEY: It's two questions.

23 THE WITNESS: Yeah.

24 BY MS. PERALES:

25 Q. Okay. I'm going to ask again. But I can also --

1 we'll get there.

2 When the Secretary of State computer is checking --
3 well, it's actually the program that you've designed. Can we
4 agree that the program is called VRAZ that does the checking
5 with MVD?

6 A. Sure.

7 Q. When MVD -- when VRAZ is checking or looking for a
8 certain match over in the MVD database, do you know whether VRAZ
9 is accessing the MVD customer database?

10 A. Yes. That's what you use for comparison.

11 Q. Do you know whether VRAZ is checking the customer
12 record in the customer database?

13 A. Yes. That is where MVD stores name, date of birth,
14 and driver's license number. That's what we're calling
15 customer.

16 Q. Okay. Do you know whether the verification that's
17 being done by VRAZ is limited to accessing the customer base
18 record?

19 A. Absolutely.

20 Q. Do you know if VRAZ does any checking in what are
21 called child segments of the base record?

22 A. I don't know their database. We are only interested
23 in data that pertains to voter registration business. We do not
24 care about driving history and stuff like that.

25 But as -- when you're asking me child segments, I'm

1 not a database administrator over there, so I don't know.

2 Q. Do you know whether the customer record is comprised
3 of both the base record and associated segments?

4 A. Again, you're asking me if I know their database
5 layout. I don't.

6 Q. So you don't --

7 A. I mean, I don't know specifically their database
8 layout.

9 Q. So you're not aware that the base record has
10 associated segments?

11 A. No. I am aware it has associated segments, yes. It's
12 an IMS database, so it has a main segment and child segments.

13 Q. Okay.

14 A. But if you are asking me what's in each segment, I
15 don't know that.

16 Q. Okay. That helps me. I won't ask you to name the
17 segments or the type of information that resides in those
18 segments. I'm not sure I myself have a handle on that.

19 But you are sure that VRAZ is not accessing
20 information in child segments --

21 MS. RAPP: Objection. Form. Foundation

22 BY MS. PERALES:

23 Q. -- of the base record?

24 A. I already answered that. I said I don't know what's
25 in each of the segments, so I don't -- I can't answer that.

1 Q. All right. Earlier, when I had asked you whether VRAZ
2 matching is limited to the customer base record, you said
3 definitely. So I'm just --

4 A. I --

5 MS. BAILEY: Let her ask the question.

6 BY MS. PERALES:

7 Q. So I'm asking a slightly different question, which is
8 whether you know if VRAZ does any matching with information that
9 is outside the base record and in the child segments?

10 A. You're asking me again --

11 MS. RAPP: Same objection.

12 MS. BAILEY: Same objection.

13 THE WITNESS: You are asking me again if I know what's
14 in the child segments. I don't know the database layout. We
15 only care about information that is useful for voter
16 registration purposes.

17 Data -- I don't know where it resides -- relating to
18 driving history or reinstatements or whatever else they do at
19 Motor Vehicle on the driver's license database has no -- it has
20 no pertinence to voter registration. We use information that is
21 relevant for voter registration purposes. I have no idea
22 exactly what segments that resides on.

23 Q. So would it be correct to say that you do not know
24 whether the VRAZ matching process is limited to the customer
25 base record at MVD?

1 A. Okay. If you're -- go this way. Define what
2 "customer record" means in your terms.

3 Q. Okay. We had mentioned -- we had talked a little bit
4 earlier about the customer -- that the system used at MVD is an
5 IMS system; is that right?

6 A. That's correct.

7 Q. I believe it's -- correct me if I'm wrong -- that you
8 had explained earlier that the MVD customer record is comprised
9 of a base record and associated segments; is that right?

10 A. I said IMS databases have -- that is how they're
11 structured.

12 Q. And so what I'm trying to understand is a how far the
13 VRAZ checking system goes into the customer records that are
14 over at MVD. And so I --

15 A. Okay.

16 MS. BAILEY: Let her ask you a question, please.

17 BY MS. PERALES:

18 Q. And I do know that you've explained to me that VRAZ is
19 only looking for certain information, i.e., the driver's
20 license, the name, the date of birth, and the last four digits
21 of the social. So my question is whether you know for sure if
22 VRAZ is only checking in the base record?

23 A. Okay.

24 Q. That's the end of my question.

25 A. Okay. Again, if I -- when I answered do we only look

1 at the base record, I, at that point in time, was assuming you
2 meant are we only looking at information related to voter
3 registration.

4 I, again, -- I will say it again, I do not know the
5 segment layout, but information is in each segment. MVD wrote
6 the program that when we pass our data, they wrote the program
7 that go match the data, and we gave them business requirements.
8 They wrote it.

9 I have no idea of what's in what segment. I do know
10 what information we're interested in. Okay? But you can ask it
11 anyway you want. I do not know what segments they are, if it's
12 base or if it's in the segment or whatever.

13 Q. Okay. So, for example, if the last four digits of a
14 MVD customer social security number resided in a child segment,
15 you wouldn't necessarily know that, but you know that VRAZ is
16 checking for the last four digits of the social?

17 A. That's correct.

18 Q. Okay. Are there any characteristics other than the
19 four that you have identified for me, driver's license, name,
20 date of birth, and last four digits of social, that are checked
21 tonight by VRAZ and MVD?

22 A. For comparison?

23 Q. For records matching.

24 A. For matching purposes? No.

25 Q. Okay. Is there any other -- okay. Let me ask you

1 this. Is VRAZ accessing the MVD database for any purpose other
2 than records matching on driver's license, name, date of birth,
3 and last four digits of social?

4 A. Yes.

5 MS. RAPP: Objection. Form.

6 BY MS. PERALES:

7 Q. Okay. Can you list -- can you list that part for me
8 now? Can you list that accessing for me that you answered yes
9 to?

10 MS. BAILEY: Objection. Form.

11 MS. PERALES: Can you read back the question please.

12 (A discussion was held off the record.)

13 BY MS. PERALES:

14 Q. Okay. Mr. Stender, I asked you some questions about
15 VRAZ matching of driver's license, name, date of birth, and last
16 four digits of the social. And now I'd like to move to asking
17 about other kinds of communication between VRAZ and the Motor
18 Vehicles Department database. Can you describe what those other
19 communications are?

20 A. I don't understand the question.

21 Q. Can you explain to me the circumstances under which
22 the VRAZ program accesses information in the Motor Vehicle
23 Department database outside of the records matching that you
24 just described?

25 A. We don't -- we send that file, one file to them

1 communication-wise over a secured network to them.

2 Q. Yes.

3 A. One file.

4 Q. Yes.

5 A. Once a night.

6 Q. Got it.

7 A. So that's the only communication.

8 Q. Yes.

9 A. Okay.

10 Q. Aside from comparison, which is a word that you used
11 earlier, is there something else that's going on in that
12 process?

13 MS. BAILEY: Objection. Form.

14 THE WITNESS: I don't understand what "something else"
15 means.

16 BY MS. PERALES:

17 Q. Aside from comparing information with respect to
18 driver's license, name, date of birth, and last four digits of
19 the social security number, is VRAZ conducting any other
20 comparisons with MVD records?

21 A. There are no other comparisons that are made.

22 Q. Okay.

23 A. Those are the four pieces of criteria that we match
24 on.

25 Q. Okay. So is there any process going on besides the

1 matching process when VRAZ connects to the MVD database?

2 A. The record is looked at -- the issue date of the
3 license, and the type of license, and that information is
4 reported out on the same report to the counties. No action on
5 the record is taken in any manner.

6 Q. And so when the record looks at the issue date and the
7 type of license, would it be correct to say there that it's not
8 a matching process that's happening, because you're not
9 comparing the two pieces of information to each other?

10 A. We would only report out -- the process would only --
11 MVD would only report out information about the issue date or
12 the type, if there was a match.

13 Q. I see. So is it essentially a two-step process?

14 A. I don't know how they -- I assume so. But I didn't
15 write the program.

16 Q. Okay. And is there anything else that happens during
17 the VRAZ process with MVD besides looking for a match on
18 driver's license, name, date of birth, and last four digits of
19 social, and also looking at the issue date and the type of
20 license? Is there anything else that you can tell me about what
21 happens during that process?

22 A. That's all that's coming to mind that we care about
23 for voter registration purposes.

24 Q. Okay. When MVD is reporting back the issue date for
25 the license, does it report the issue date? Or does it report

1 whether the license is issued before or after a certain date?

2 A. They return it in the return code, whether it's before
3 or after.

4 Q. Okay. Do you know the date that's being used to
5 examine whether the license is before or after a certain date?

6 A. Yes.

7 Q. Can you tell me that date?

8 A. 10/1/1996.

9 Q. Is that a date that the Secretary of State provided to
10 MVD as part of the business requirements?

11 A. Both statute and the business requirements define
12 that.

13 Q. Okay. Can you tell me which statute you mean?

14 A. I don't know the number.

15 Q. Okay.

16 A. It's in Title 16.

17 Q. Yeah. Do you happen to know whether the before or
18 after 10/1/1996 is also in Proposition 200?

19 A. Yes.

20 Q. Okay.

21 A. Of that year.

22 Q. Of that year, of 1994.

23 A. No.

24 Q. I mean 2004.

25 A. Yeah. I mean, because there's been other

1 Proposition 200s after.

2 Q. Yes. Is it your understanding that the date,
3 October 1, 1996, is embodied in Proposition 200, otherwise known
4 as the Arizona Citizen and Taxpayer Protection Act?

5 A. Yes.

6 Q. Can you describe for me the type of license checking
7 or information that's being reported back from MVD? Can you
8 tell me whether MVD is reporting back the existence of a
9 specific type of license? Or is MVD simply reporting back the
10 type of license regardless?

11 A. If the type of license is a Type F, then they put that
12 information in a return code.

13 Q. If the license is a Type G, do you know if that comes
14 back in a return code?

15 MS. BAILEY: Objection. Form.

16 BY MS. PERALES:

17 Q. You may answer.

18 A. Any other -- I don't know what other types there are
19 of license, but --

20 Q. Okay. Do you know if there's still a return code for
21 reporting back the existence of a Type N license?

22 A. It would be in the same return code. It's type F or
23 N, but it's my understanding that Ns don't exist yet.

24 Q. Yet or anymore?

25 A. My understanding was yet.

1 Q. Okay.

2 A. But I'm not an expert on that business.

3 Q. And is it the Secretary of State who requested that
4 MVD report back whether a license is Type F or N?

5 MS. RAPP: Objection. Form.

6 BY MS. PERALES:

7 Q. You may answer.

8 A. Yes.

9 Q. Okay.

10 It's okay, you can --

11 A. Oh, okay.

12 MS. BAILEY: There's no question pending. Unless you
13 need to clarify your answer.

14 THE WITNESS: No. I want to clarify. Again, this
15 information is just reported to the counties. There's no action
16 on the record because of this reporting. It is just
17 informational purposes.

18 BY MS. PERALES:

19 Q. Got it. And it's the County who decides what to do or
20 how to go deal with the reports?

21 A. Right, because it matters if it's a new voter
22 registration or if it's a change or what. It could be just
23 information.

24 MS. RAPP: Delayed objection to form.

25 MS. PERALES: Okay.

1 MS. RAPP: If you could just wait a second before
2 answering so that we can get our objections on the record. You
3 can still answer afterward, but just kind pause for a second so
4 we can tell the court reporter. Thank you.

5 BY MS. PERALES:

6 Q. Do you know why the Secretary of State decided to
7 request that MVD report whether a license is Type F or N?

8 A. I'm not sure.

9 Q. Do you know why the Secretary of State decided to ask
10 the MVD to report whether a license issue date was before or
11 after October 1, 1996?

12 A. Because that statute required that if a license was
13 used as proof of citizenship, it had to be issued on or after
14 that date. Therefore, that's why it's only informational
15 purposes on our report, because we don't know what other
16 information was presented to the county recorder.

17 So it's just information that, hey, this license
18 happened to be issued before 10/1/1996. It may have no bearing
19 on the voter registration process, because they may have shown a
20 birth certificate or the other forms that are prescribed by law.

21 Q. Do you know whether the Secretary of State decided to
22 request information about whether a type of license was F or N
23 also pursuant to the citizenship requirements in Prop 200?

24 A. I believe so.

25 Q. Are you the person who serves as the main interface

1 between the Secretary of State and the MVD with respect to VRAZ?

2 A. Yes.

3 Q. Do you sometimes sit down or talk on the phone with
4 people over at MVD about VRAZ and the MVD database?

5 A. Yes.

6 Q. Who over at MVD do you usually talk to about this
7 topic?

8 A. They have a whole team related to HAVA.

9 Q. So MVD has a team related to HAVA. And what is their
10 title or their name?

11 A. They come from different business areas and technical
12 areas. When we have a HAVA meeting, we group together. So, I
13 mean, there's probably 12, 14 people that go to those meetings
14 from MVD.

15 Q. And do the HAVA meetings cover issues related to VRAZ
16 as well as other things related to HAVA?

17 A. It's primarily VRAZ and EZVoter, because that's all
18 MVD would be -- that we interface with them for.

19 Q. Okay. But you don't know whether the team or the
20 project group over at MVD has a particular name, like the HAVA
21 team or the HAVA project group?

22 A. No. I don't know of any particular name they have.

23 Q. Can you give me the name of the leader of that team?

24 A. Penny Martucci.

25 Q. Okay. Do you know if Penny Martucci was involved in

1 the design of the software over at MVD that helps VRAZ do the
2 communication with the MVD database?

3 A. She participated in the design of the business
4 requirements.

5 Q. I see. Was this a process in which you sat down and
6 communicated from the Secretary of State's perspective what the
7 goals of VRAZ were, and she helped you --

8 A. The team --

9 MS. BAILEY: Let her ask the question, please.

10 BY MS. PERALES:

11 Q. I'll stop there. I'll make the question shorter.
12 Was this a process in which you sat down with Martucci and
13 communicated the needs or the goals of VRAZ?

14 A. Our office sat down with their team to define the
15 business requirements. It wasn't with one individual.

16 Q. And then after these two groups of people sat down and
17 defined the business requirements, who over at MVD actually
18 created the program?

19 MS. BAILEY: Objection. Form. Foundation.

20 BY MS. PERALES:

21 Q. You may answer.

22 A. I don't know who their programmer or programmers
23 necessarily who worked on that.

24 Q. Do you know if Penny Martucci oversaw that process?

25 A. I don't know MVD's structure or how they operate. I

1 don't work there.

2 Q. But when you have continuing questions about how the
3 MVD program is working over there, do you communicate with
4 Penny Martucci and her other team members?

5 A. Yes.

6 Q. All right. Can you explain to me whether VRAZ assists
7 in duplicate matching across counties?

8 A. Yes.

9 Q. Can you tell me how that's done?

10 A. When a county sends their information to us, and
11 they're basically saying they're adding a record, that record
12 gets compared with all of the other records in the state. We
13 match on the same four pieces of information that were described
14 before, name, date of birth, driver's license, and SSN4. And
15 depending on the level of match we report out to the counties in
16 the same -- on the same report.

17 Q. All right. If a record is received by the Secretary
18 of State from a county that has a driver's license number, a
19 name, and a date of birth, but it doesn't have the last four
20 digits of the social, and VRAZ checks with MVD and finds a match
21 to those three things, and then also sees a social security, or
22 the last four digits of a social in the MVD records, will VRAZ
23 add that information about the social security number to the
24 voter record before it's sent back down to the county?

25 A. No.

1 Q. Okay. Do you know if the Secretary of State assigns a
2 unique identifying number to a registrant who does not have a
3 driver's license number or a non-operating number or social
4 security number?

5 A. Yes.

6 Q. Can you tell me when that occurs in the process of
7 voter registration?

8 A. It occurs when the county is adding a record, and we
9 put it into the statewide database. All records get a unique
10 identifier.

11 Q. Would that happen on the night of the records matching
12 process, or does that happen at a later point?

13 A. It happens the night of the records matching process.

14 Q. Okay. So after the county has sent you this
15 information on this added record, and then the next morning they
16 come into the office and they've got it back, and they see that
17 there's a match on the name and the address and the date of
18 birth, would they also see back from the Secretary of State this
19 information telling them this is going to be the unique number
20 for this person; is that right?

21 A. Yes.

22 Q. Okay. Have you been out to the county recorder
23 offices to look at the hardware that they use for the VRAZ
24 program?

25 A. I've been out to many county offices, and yes, in

1 those offices I've seen the equipment, because they're voter
2 registration system equipment.

3 Q. And they're computers, is that right?

4 A. That's correct.

5 Q. Do you know if the county recorders typically have one
6 computer or more than one computer through which they can send
7 information to the Secretary of State? Or is it like one
8 terminal in somebody's office?

9 A. There is one computer that sends the file to the
10 Secretary of State's office.

11 Q. Do you know if the one computer that sends information
12 to the Secretary of State's office sends that information over
13 the Internet somehow?

14 A. It's sent over the secured state network.

15 Q. Is that a hard network or a virtual network?

16 A. I'm not a network person. The file is encrypted and
17 sent over a secured network.

18 Q. Okay. Thank you. Can you tell me who created the
19 list of return codes from MVD that are related to the matching
20 process?

21 A. Our office did.

22 Q. And were you involved in that process?

23 A. Yes.

24 MS. PERALES: Can we mark the return codes? Let's go
25 ahead and mark this.

1 (Exhibit No. 1 was marked.)

2 BY MS. PERALES:

3 Q. The court reporter has handed you what has been marked
4 as Exhibit No. 1, and the reason that the court reporter marks
5 it is so that the record will show that you and I are discussing
6 this particular document. And I'd like you to turn to the next
7 page after the page of the e-mail.

8 A. Can I --

9 Q. Yes.

10 A. How is -- this is saying I sent it to Diego?

11 Q. No, no. It says you sent it to Joe Canfield,
12 Chris Waite.

13 A. Okay.

14 Q. The name across the top --

15 A. Okay.

16 Q. -- is the name of the staff attorney who printed it
17 out at my office.

18 A. Okay.

19 Q. I am not going to ask you to authenticate the top page
20 or anything like that.

21 A. Okay.

22 Q. I'm only going to ask you to turn to the next page and
23 tell me if you can identify this as a list of -- I'm going to
24 ask you to describe it in your own words, if you can.

25 A. This is a list of return codes that come back from the

1 MVD program that gives us information on the matching of those
2 four pieces of data that we described before.

3 So it gives basically every -- well, every combination
4 that is possible from that, whether the name matched or didn't
5 match; whether date of birth matched or didn't match; whether
6 the license matched but was issued prior to 10/1/96.

7 Q. Okay. Do you know if this list is current?

8 A. Yes.

9 Q. Is it current?

10 A. Yes.

11 Q. Do you also provide information to counties about the
12 steps that they should take after they get these return codes
13 back from you?

14 MS. RAPP: Objection. Form.

15 BY MS. PERALES:

16 Q. You may answer.

17 A. All instructions of what counties are supposed to do
18 are in the procedures manual.

19 Q. Right. I've been through the procedures manual. I
20 don't recall a place where the procedures manual says if you get
21 return code MM22, this is what you should do with, let's say,
22 the add request. Is it your testimony that somewhere in the
23 procedures manual there's guidance like that?

24 MS. RAPP: Objection. Form.

25

1 BY MS. PERALES:

2 Q. You may answer.

3 A. I don't know what MM22 is.

4 Q. Okay. Let's take a look at the second page, then, and
5 we will go down it. Do you see in the left-hand column at the
6 top in the first box that's filled in, there is an X and an X?

7 A. Okay.

8 Q. Do you see that?

9 A. Yes.

10 Q. Okay. And then the next box over to the right there's
11 the number 11. Do you see that?

12 A. Yes.

13 Q. All right. And the next box to the right it says "no
14 record match, VRAZ ID assigned." Do you see that?

15 A. Yes.

16 Q. Now, if I'm a county recorder, and I receive this
17 return code, or I receive this information "XX 11, no record
18 match, VRAZ ID assigned," how am I going to understand, as a
19 county recorder, what to do about this information?

20 A. This text here gets printed on the report also.

21 Q. Okay. So now that I see that information "no record
22 match, VRAZ ID assigned," how do I know what to do about that
23 information if I'm a county recorder?

24 MS. BAILEY: Objection. Form.

25

1 BY MS. PERALES:

2 Q. You may answer.

3 A. I don't -- how am I supposed to speak on what the
4 counties do in their offices?

5 Q. No. I'm not asking you that. But you've come up with
6 this list of return codes. I understand that county recorders
7 do receive this information back.

8 I also understand that the Secretary of State provides
9 guidance to the county recorders about what to do in the wake of
10 receiving return codes. So I'm trying to understand, outside
11 the pages of the procedures manual, how a county recorder comes
12 to learn or understand how to respond.

13 A. I have my --

14 MS. RAPP: Objection. Form.

15 BY MS. PERALES:

16 Q. Go ahead. You can answer.

17 A. My understanding is the instructions of what they're
18 supposed to do is in the procedures manual.

19 Q. So if the instructions are not in the procedures
20 manual, would it be your testimony that the guidance exists
21 nowhere?

22 MS. RAPP: Objection. Form.

23 MS. BAILEY: Objection. Form.

24 BY MS. PERALES:

25 Q. You may answer.

1 A. I'm not saying that at all.

2 Q. Okay. So where might the guidance exist if it doesn't
3 exist in the procedures manual?

4 A. My understanding is the instructions they get are in
5 the procedures manual.

6 Q. And if the instructions are not found in the
7 procedures manual, are they anywhere else?

8 A. Haven't you asked me that already?

9 Q. I don't think so. Are they any --

10 A. My understanding is they're in the procedures manual.

11 Q. And if they are not in the procedures manual, do you
12 have an understanding of any other place where these
13 instructions would be?

14 A. My understanding is that they are in the procedures
15 manual.

16 Q. Okay. Now, I'm going to ask you a yes or no question
17 following your answer.

18 If the instructions for how to respond to specific
19 return codes are not in the procedures manual, do you have an
20 understanding of where else they might be? That's a yes or no
21 question.

22 MS. BAILEY: Objection. Form.

23 BY MS. PERALES:

24 Q. You may answer.

25 A. My understanding is the instructions are in the

1 procedures manual.

2 MS. PERALES: I'm going to certify that question,
3 please.

4 BY MS. PERALES:

5 Q. Do you, from time to time, ever receive communication
6 from a county recorder seeking guidance on how to respond to a
7 particular return code that they receive from the Secretary of
8 State?

9 A. I have, yes.

10 Q. And have you responded with information in that case?

11 A. I have, yes.

12 Q. And do you participate in the VRAZ advisory committee
13 meetings?

14 A. Yes.

15 Q. And, from time to time, do county recorders ask you in
16 the context of those meetings, how to respond to certain return
17 codes?

18 A. No, not usually in that meeting.

19 Q. Have county recorders in those meetings ever talked to
20 you about return codes that they think ought to be added or
21 taken away?

22 A. No.

23 Q. Have you ever been asked in a county advisory
24 committee meeting to clarify the meaning of certain return
25 codes?

1 A. Not that I know of.

2 Q. Okay. Are you in a position to advise a county
3 recorder, based on a specific return code, whether or not the
4 applicant can be added to the voter rolls?

5 MS. RAPP: Objection. Form.

6 BY MS. PERALES:

7 Q. You may answer.

8 A. No. The decision to add or do any modification to a
9 voter registration is purely the county's responsibility.

10 Q. Okay. So if the county recorder contacts you and
11 says, "I have a return code here 6222, which says, 'DLN, Type
12 FN, strong match,'" and the county recorder asks you what that
13 means, what would you explain to them?

14 A. This is hypothetical? Because I've never been asked
15 that.

16 Q. Right. If a county recorder were to ask you, "What is
17 this return code, I've never seen it before, '6222 DLN Type FN,
18 strong match,'" what would you explain to the county recorder?

19 A. That MVD reported back to us that they matched on
20 driver's license, name, date of birth, and SSN4, all four pieces
21 of criteria. And they reported back that the license type was
22 F or N, and that's what I -- I mean, I'd basically be saying
23 what was printed on the report.

24 Q. Do you advise or give guidance to county recorders
25 about whether, in this particular situation, such a person can

1 be added to the voter rolls or has met the requirements for the
2 information for voter registration?

3 MS. RAPP: Objection. Form.

4 THE WITNESS: You just asked that question. The
5 counties are the sole responsibility of someone added or
6 modified in the voter registration list. We do not tell them
7 who should be added or not added.

8 BY MS. PERALES:

9 Q. Okay. Do you --

10 A. That is a county recorder responsibility.

11 Q. Do you provide guidance to the county recorders on
12 what information has to be provided in the voter registration
13 process in order for somebody to satisfy the application
14 requirements?

15 A. That's in statute.

16 Q. Do you provide guidance as well?

17 A. Then -- it's also, then, in the procedures manual. So
18 if you call the procedures manual guidance, then yes.

19 Q. Okay. So outside the statute and the procedures
20 manual, is there any other forum in which you provide guidance,
21 for example, in the VRAZ advisory committee meetings about the
22 fact that somebody with a Type F or N driver's license may or
23 may not have satisfied application proof requirements?

24 A. There's county election official training. That's
25 another forum where it may be discussed.

1 Q. Do you conduct any of that training?

2 A. I'm not responsible for training of election officers.

3 Q. I see. Do you sometimes -- although you may not be
4 responsible for it, do you sometimes do trainings with county
5 officials, either about VRAZ or other topics of specialty?

6 A. Yes, we have. When we initially implemented this, we
7 had to, obviously, perform some education on what the reports
8 would look like and such.

9 Q. Okay. Is it correct to say that Arizona has a
10 statewide voter list?

11 A. Yes.

12 Q. Okay. And is this a list that you have created to
13 comply with HAVA?

14 A. Yes.

15 Q. And is the statewide voter list maintained by the
16 Secretary of State's office?

17 A. Yes.

18 Q. Is it correct to say that the statewide voter list is
19 a combination of voter lists from the counties?

20 A. Yes.

21 Q. And if a voter record is going to be added to the
22 statewide voter list, that would be something that would be done
23 from the county; is that right?

24 A. Yes. As I stated before, all voter registration
25 activity goes through the county recorders. No modification

1 ever happens from the state list down. It all comes through the
2 county recorder databases through their actions, which updates
3 the statewide list.

4 Q. With respect to the records that are kept in the
5 statewide voter list, is it correct to say that a voter record
6 in the statewide list includes that voter's name and date of
7 birth?

8 A. Yes. Those are in the statewide voter list.

9 Q. Does the statewide voter list also include an
10 individual's last four digits of the social security number if
11 it's available?

12 A. Yes.

13 Q. And does the statewide voter list include the
14 individual's driver's license number?

15 A. If available.

16 Q. If available. Does the statewide voter list include
17 information regarding whether the driver's license was issued
18 before or after October 1, 1996?

19 A. I don't believe so. I'm not sure, though.

20 Q. Does that the statewide -- do the records in the
21 statewide voter list show whether a person has been issued a
22 Type F or N driver's license?

23 A. I'm not sure.

24 Q. Going back to the VRAZ communication with the MVD
25 database, and we talked about the fact that the MVD would report

1 whether the person has a Type F or N driver's license, do you
2 know if MVD is reporting whether the person currently holds a
3 Type F or N, or whether the person has ever held a Type F or N
4 license?

5 A. The information is only relevant for that point in
6 time, the point in time of the comparison. We don't look at any
7 sort of history.

8 Q. Do you know for sure whether MVD is telling you that
9 the Type F or N license is current versus previous?

10 A. The business requirements we gave them was current
11 status of the record. We have no need to know history.

12 Q. Okay. When you did the business requirements with
13 MVD, did you memorialize them in any document?

14 A. Yes, the -- yes.

15 Q. And do you know if, when VRAZ is checking for a match
16 in the MVD records for the last four digits of the social,
17 whether there is also a checking process going on at that point
18 with the Solve Program or the social security database?

19 A. Yes. In certain situations.

20 Q. Can you describe that for me?

21 A. Yeah. If MVD has a verified social security number
22 already on file, then the four digits from the voter
23 registration record does not go to Solve, because it's only been
24 verified.

25 If a voter registration record is coming in with the

1 four digits, and it does not exist on MVD for a variety of
2 reasons, then that is sent to the Solve Program for matching.

3 Q. Is that something that happens that same night that
4 the VRAZ program is talking to the MVD database?

5 A. It could.

6 Q. Does it sometimes happen at a later time?

7 A. It could.

8 Q. Does the VRAZ program then hold certain information
9 for later checking?

10 A. Whatever can be reported out to the counties the night
11 of the matching is reported out. Nothing is held. Sometimes
12 the Social Security Administration database is down, so
13 therefore, the check may happen the next day. And, therefore,
14 it's reported on the next day's report also. But nothing is
15 held back from the counties for whatever is known at that night.

16 Q. So might a county find out the next morning, for
17 example, that an add is being processed through Solve, and so
18 the county has to wait for the return codes on that particular
19 add? Or is it broken out where VRAZ as saying, "Well, we've got
20 a hit on a name, and date of birth, but we're still checking on
21 the social." How does that work?

22 MS. RAPP: Objection. Form.

23 BY MS. PERALES:

24 Q. You may answer.

25 A. The reports of the MVD match will be reported out the

1 next day. And if there's -- okay. So that will -- and if that
2 record was duplicated it would tell the other county.

3 They will also get an indication that the SSN match
4 couldn't occur that night, let's say in this scenario; and,
5 therefore, they'll see it on the report. That social security
6 number match has no bearing on whether they become active or
7 not.

8 Q. Do you know -- can you tell me, besides the MVD
9 database and the Solve Program, whether information sent from
10 the counties to VRAZ is compared to any other database?

11 A. No external database.

12 Q. Would it be correct to say, then, that Solve and MVD
13 are the only databases external to the Secretary of State that
14 are used by VRAZ?

15 A. No.

16 Q. Okay. I'll ask my question better, then.

17 A. Okay.

18 Q. When a county sends up a record for an add through
19 VRAZ, would it be correct to say that the information in that
20 record is compared externally only to Solve and to the MVD?

21 A. Yes.

22 Q. So, for example, you wouldn't compare information from
23 that record to any database maintained by the US Department of
24 Homeland Security?

25 A. No.

1 Q. Have you already described to me the nightly VRAZ
2 matching process?

3 A. Yes.

4 Q. I have that written down.

5 A. That's an easy one.

6 Q. The next one isn't as easy. Can you tell me or
7 summarize for me the differences between VRAZ-I and VRAZ-II?

8 A. VRAZ-II is not fully implemented. VRAZ-II is a
9 multiphase project. What we have worked on so far is replacing
10 the base voter registration systems in the counties, basically
11 new software for how they print voter registration cards, how
12 they process petitions, all of the normal kind of voter
13 registration logic.

14 All matching logic and everything that your questions
15 have been based on has not been implemented yet in VRAZ-II. We
16 are still using VRAZ-I for that purpose.

17 So all counties, with their new voter registration
18 systems, are sending a file nightly to the Secretary of State's
19 office, and it's processed through that nightly VRAZ process.

20 Q. Do you plan, in the implementation of VRAZ-II, to make
21 any changes to the matching process or the matching logic?

22 A. Can you split that question out?

23 Q. Yes. Let me ask you about the logic first.

24 A. Okay.

25 Q. Do you plan in implementing VRAZ-II to make any

1 changes to the matching logic?

2 A. No.

3 Q. And what, if any, changes do you plan in implementing
4 VRAZ-II to the matching process?

5 A. We plan to make the matching process more real time
6 than it is now. I mean, right now, it's a nightly process, a
7 batch process. We're planning to make the matching process real
8 time or as near real time as we can.

9 Q. Okay.

10 MS. PERALES: Can you mark this for me.

11 (Exhibit No. 2 was marked.)

12 BY MS. PERALES:

13 Q. The court reporter is handing you what has been marked
14 Exhibit 2. Can you identify this document for me?

15 A. This is an issue paper from the VRAZ-II advisory
16 committee dealing with provisional ballot envelopes.

17 Q. Can you tell me about -- I mean, tell me generally
18 about these issue papers. Because we've had some of them
19 produced to us by the State and also by some of the counties
20 that kept them. I hope you're gratified by the extent to which
21 the counties kept these issue papers in their records because we
22 got quite a few of them.

23 I was wondering if you could just describe for me,
24 generally, about these issue papers, their origin and their
25 purpose.

1 A. Their purpose is to work as the 15 counties -- to
2 identify issues that we feel need to be made clear. Usually it
3 could be a new issue because of a statute that was passed or
4 whatever, to talk about ways that could best work to implement,
5 perhaps.

6 And then the reason it's called advisory is because
7 they're not binding in nature. If they're binding in nature,
8 then they get memorialized in the procedures manual.

9 Q. When we see the issues presented on the issue papers,
10 are these often questions that have been raised by the counties
11 themselves?

12 A. Perhaps.

13 Q. Do you sometimes add an issue because you think it's
14 one that's important for the counties to think about?

15 A. Perhaps.

16 Q. Does your office produce the issue papers?

17 A. Yes.

18 Q. Do you write them?

19 A. Yes.

20 Q. Oh, okay. Do the VRAZ county advisory committees have
21 conference calls?

22 A. Yes.

23 Q. How often do they occur?

24 A. Usually every two weeks.

25 Q. And might you, from time to time, create an issue

1 paper in response to a discussion that came up on the conference
2 call?

3 A. Perhaps.

4 Q. Okay. Do counties create provisional ballot envelopes
5 on their own? Or does the State promulgate the form of the
6 provisional ballot envelope?

7 A. The counties are responsible for designing and
8 ordering their own provisional ballot envelopes.

9 Q. Do you know if information from the outside of the
10 provisional ballot envelope is collected at the county level?

11 A. I'm not a county recorder or election officer so you'd
12 have to ask them.

13 Q. Okay. Do you know if counties report to the Secretary
14 of State information from the outside of the provisional ballot
15 envelope?

16 A. I don't know.

17 Q. If there was a requirement that counties reported to
18 the Secretary of State information from the outside of the
19 ballot envelope, would you know about it? Would that be
20 something you would know?

21 A. Not necessarily.

22 Q. Do you know if counties report to the Secretary of
23 State the number of provisional ballots that are cast in a
24 particular election?

25 A. Yes, I believe so.

1 Q. Do you know if the counties report to the Secretary of
2 State the number of provisional ballots that went uncounted?

3 A. I don't know. I don't receive any such information,
4 so I'm only speculating.

5 Q. Okay.

6 A. So I'm not the right person for this line of
7 questioning.

8 Q. All right. Do you know who is the person who would
9 know if and how counties report up information about uncounted
10 provisional conditional ballots?

11 MS. BAILEY: I'm going to object as outside the scope
12 of the topics listed for this witness.

13 BY MS. PERALES:

14 Q. You can answer. Do you know who that person might be?

15 A. I would ask our elections department.

16 Q. I will. Can you describe for me generally how
17 counties use the SAVE Program?

18 MS. RAPP: Objection. Foundation.

19 BY MS. PERALES:

20 Q. You may answer.

21 MS. BAILEY: Same objection.

22 THE WITNESS: I don't interact with the SAVE Program.
23 So I don't know how necessarily they use it. The extent of my
24 knowledge is that there are to use it to validate information on
25 the voter registration form.

1 Q. Do you know if there's any guidance to counties about
2 the SAVE Program in the Election Procedures Manual?

3 A. I know that the procedures manual says they need to
4 establish an account with SAVE for that purpose.

5 Q. Do you have any knowledge about the extent to which
6 counties have or have not created those accounts?

7 A. No. I have no knowledge of that.

8 Q. Do you have any knowledge about the procedures used by
9 county recorders to verify citizenship status of voter
10 registrants using SAVE?

11 A. No.

12 Q. Do you have any knowledge of the nature of the
13 information that county recorders receive from the SAVE Program?

14 A. None at all.

15 Q. Do you have any knowledge about what the VIS, V-I-S,
16 database is?

17 A. No.

18 Q. Do you have any knowledge regarding the amount of time
19 that it takes for the SAVE program to reflect that a person has
20 become a naturalized citizen?

21 A. No. I don't know. I have not used the SAVE Program,
22 so I'm not able to answer questions about SAVE.

23 MS. PERALES: Let's go ahead and mark this.

24 (Exhibit No. 3 was marked.)

25

1 BY MS. PERALES:

2 Q. The court reporter has passed you, or handed to you
3 what has been marked as deposition Exhibit No. 3. And I'll tell
4 you at the outset that I recognize that this e-mail is more than
5 two years old. So I'm acknowledging that the e-mail is old.

6 But I did find it in the State's production. And so I
7 wanted to ask you whether you ever remember inquiring with CIS
8 about how long it would take for the SAVE Program to reflect
9 somebody's naturalization?

10 MS. BAILEY: May I just say it doesn't appear that
11 this is a complete document. It looks like it might go on. I
12 don't know how it was produced, but --

13 MS. PERALES: Yeah.

14 MS. BAILEY: It doesn't appear to be the whole --

15 THE WITNESS: I -- okay.

16 MS. PERALES: You may answer.

17 MS. BAILEY: I just wanted to put that on the record.

18 THE WITNESS: I never contacted anyone at the SAVE
19 Program. This information was given to me from Maricopa County.
20 So I did not acquire it.

21 BY MS. PERALES:

22 Q. From time to time, do counties discuss issues related
23 to SAVE in the VRAZ advisory committee meetings?

24 A. It was discussed in the sense of people establishing
25 accounts and how to do that very early on. It has not been an

1 issue for some time.

2 Q. Do you know when the MVD started issuing Type F
3 licenses?

4 A. No, I don't.

5 MS. PERALES: Let's go ahead -- last document.

6 (Exhibit No. 4 was marked.)

7 BY MS. PERALES:

8 Q. The court reporter has handed you what has been marked
9 deposition Exhibit No. 4. Can you identify this document?

10 MS. BAILEY: If you need to look it over, you can do
11 that.

12 THE WITNESS: This is a document describing the nature
13 of VRAZ-I and VRAZ-II. Probably -- I don't remember exactly
14 what spurred its development, but it gives a description of
15 VRAZ, of HAVA, VRAZ-I, VRAZ-II and what to expect from VRAZ-II.

16 BY MS. PERALES:

17 Q. Did you create this document?

18 A. Yes.

19 Q. So you recognize it as yours?

20 A. Uh-huh.

21 Q. Good. When we came across it, we weren't sure who had
22 written it.

23 My question for you is towards the end when there's a
24 chart on EZVoter statistics, can you help me understand whether
25 this chart relates to statewide data as opposed to data --

1 I will insert here that we are looking at Bates
2 Stamped page No. 4187. And I will rephrase my question now that
3 I have to ask it again.

4 Do you know whether the numbers in this chart on
5 page 4187 are statewide numbers as opposed to numbers from a
6 particular county?

7 A. Yes. They are statewide numbers, I mean, the total of
8 statewide electronic voter registrations.

9 Q. Okay. And on the column entitled "Internet," those
10 numbers are registrations that were conducted over the Internet;
11 is that right?

12 A. That's correct.

13 Q. Now, the column marked "Office," tell me what that
14 column is for.

15 A. That indicates the number of voter registrations that
16 were performed in an MVD office after we implemented receiving
17 the information from the MVD office electronically.

18 Q. And did you implement receiving the information
19 electronically in October of 2005?

20 A. That's correct.

21 Q. And when you use the word "EZVoter," is that the
22 Internet-based system for voter registration in Arizona? Or
23 does it include more than that?

24 A. It includes more -- we use EZVoter to mean any
25 electronic voter registration.

1 Q. Okay. So EZVoter means electronic voter registration?

2 A. Yes.

3 Q. Okay. And today, somebody could use EZVoter by
4 logging onto a website from home; is that right?

5 A. Yes.

6 Q. And could somebody use EZVoter by walking into a
7 county recorder office? Do you know?

8 A. I don't know.

9 Q. And, now, with respect to MVD offices, if a person is
10 in an MVD office applying for a driver's license, for example,
11 and indicates that she wants to register to vote on her license
12 application form, how does that information get to the Secretary
13 of State?

14 A. The information -- their desire to register to vote is
15 inputted on -- I would assume on the same screen as the driver's
16 license application information.

17 And from that point, then, the data is sent to us the
18 same way that the Internet is, which is basically the voter
19 registration information, name, date of birth, residence
20 address. And the digitized signature gets sent to us.

21 Q. And once the information is sent to you, is it then
22 subjected to the records matching process in VRAZ?

23 A. No. We covered this before. All voter registration
24 follows the same process. Nothing is added to the State
25 database. EZVoter is a separate process. We pass those voter

1 registrations to the counties.

2 The counties -- the information is inputted into the
3 county system, then, in the nightly process, it comes up for
4 HAVA matching. These follow the same process as a paper
5 application.

6 Q. Got it. Were you involved in creating the
7 Internet-based voter registration that's offered through
8 ServiceArizona?

9 A. Not really.

10 Q. Okay. Do you have any knowledge whether, when a voter
11 registration applicant logs onto the Internet to register to
12 vote in Arizona, there is a part of the system that will not
13 allow the person to progress in the voter registration if they
14 have a driver's license dated before 10/1/1996?

15 A. That's correct.

16 Q. Were you involved in designing that part of the
17 process?

18 A. Yes.

19 Q. Who did you work with to design that part of the
20 process?

21 A. The same HAVA team. We did it in those same meetings.

22 Q. Do you know if the Internet-based voter registration
23 is the system that was designed by the MVD or by the Secretary
24 of State or by both?

25 A. By both.

1 Q. Do you know who wrote the program for the voter
2 registration on the Internet?

3 A. No.

4 Q. Do you know whether it was written at MVD or at the
5 Secretary of State?

6 A. No.

7 Q. Do you have programmers at the Secretary of State?

8 A. Yes.

9 Q. If you make a change to the VRAZ software, is that
10 done in the Secretary of State's office?

11 MS. RAPP: Objection. Form.

12 THE WITNESS: Can you be more specific on VRAZ-I or
13 VRAZ-II?

14 BY MS. PERALES:

15 Q. VRAZ-I.

16 A. VRAZ-I, and the question is, do we make those changes?

17 Q. Uh-huh.

18 A. If they were needed, we would make them.

19 Q. Okay. Do you know if the Internet-based voter
20 registration system has a way -- has a process to stop the voter
21 registration if the person who's applying to register to vote
22 holds a Type F or N driver's license?

23 A. Yes. In the same way if there's anything that would
24 potentially -- that person is instructed on how to register
25 outside the electronic process.

1 It does not indicate that they can't register or
2 anything like that. It says you'll need to use a paper form.
3 It could be because there's not a digitized signature. It could
4 be because the license was issued before 10/1/1996. It could be
5 whatever edits that -- maybe the MVD record doesn't have a state
6 in the residence address, and we can't register it.

7 All those messages get the same -- all those
8 conditions get a similar message saying you'll need to register
9 this way.

10 Q. And who created the list of conditions that you're
11 describing?

12 A. That HAVA team with us in conjunction.

13 Q. So the Internet-based voter registration is, in a
14 sense, a live-time process?

15 A. Yes.

16 Q. And if somebody has a driver's license dated before
17 October 1, 1996, and they're attempting to register to vote
18 online, is the system going to return a message saying that the
19 driver's license number cannot be found? Or is it going to
20 return some other kind of message?

21 A. No. I believe now it gives a generic message for all
22 error condit- -- if the record's found that's saying that you
23 cannot process; it's different than if the record is not found.

24 But if the record is found, and there's some condition
25 on there that won't allow a voter registration to continue

1 electronically, then a generic message saying that you need to
2 register through another method.

3 Q. Okay. Do you know if that list of conditions is
4 memorialized in a document anywhere?

5 A. Yes.

6 Q. Do you know where that document is? Or is it in a
7 manual or any publication?

8 A. It would be in the program specification.

9 Q. Okay. And when you say "program specification," you
10 mean the program specification for what?

11 A. We're talking EZVoter.

12 Q. If somebody is in a driver's license office and says
13 that they want to apply to register to vote, do you know if the
14 MVD has any screening process that happens right then and there
15 that would, for example, mean if the person was getting a Type F
16 license that their request to register to vote would not be
17 transmitted to the Secretary of State?

18 A. I don't know what type of screening they do at the
19 counters.

20 MS. PERALES: I'm going to take a minute off the
21 record, if you don't mind. Can we take a five-minute break?

22 MS. BAILEY: Sure.

23 (A break was taken from 10:55 a.m. until 11:07 a.m.)

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EXAMINATION

BY MS. PERALES:

Q. We're back on the record. Were you involved in any way in gathering up documents that the State would produce in response to discovery requests in this case?

A. Yes.

Q. Did you at some point go through your files and pull documents for production?

A. Yes.

Q. Do you know if you ever pulled an exemplary copy of the VRAZ report that goes back to the counties?

A. What does that mean?

Q. Well, I know that after the nightly VRAZ matching process, some kind of report is made back to the counties. And I'm wondering if there's a printout of such a report, an example.

A. I don't have one.

Q. Do you know if such a document has ever been created for training purposes?

A. We're talking back to 2004. Again, I do believe we gave them a mockup of what the report would look like at that time. I don't know. I didn't bring any.

Q. I noticed on one of the documents that we looked at -- and believe me my hotel room has stacks; I only brought the choice few. One of the documents that I looked at I recall

1 mentioning that there was an area of the VRAZ report that came
2 back to the county that was described as severe. Do you know if
3 that word is used in terms of categorizing return codes for the
4 counties?

5 MS. BAILEY: I'm sorry. Could I get the question? I
6 didn't catch the question.

7 (The record was read back by the court reporter.)

8 MS. BAILEY: Objection to form.

9 BY MS. PERALES:

10 Q. You may answer.

11 A. We categorize the return codes.

12 Q. Do you know if the word "severe" is used to describe
13 any of the categories of return codes?

14 A. I believe so.

15 Q. When the county gets the VRAZ reports back, are the
16 return codes grouped on the report?

17 A. Yes.

18 Q. Are the groups of return codes headed up by titles?

19 A. I don't know what you mean.

20 Q. I'm assuming that the -- correct me if I'm wrong, but
21 the report that comes back to the counties is a computer file;
22 is that right?

23 A. It is a PDF document.

24 Q. A PDF document. Okay. So it's some kind of graphic
25 display of return codes; is that right?

1 A. I wouldn't call it a graphic return of display.

2 Q. No, no, no. A graphic presentation. It's a PDF so it
3 looks like words on a page; is that right?

4 A. It's a PDF document so they can look on their computer
5 screen or they can print it off.

6 Q. Are the groups of return codes either separated by or
7 collected into boxes? Or shaded? Or how do you show that
8 return codes are in groups?

9 A. The matching results -- if part of it was something
10 that the county needs to look at in determining what action to
11 take to the record -- because, again, there's no action done.
12 That is just recording for information purposes -- gets grouped
13 so that they don't have to fumble through the whole report to
14 look to see if there's a duplicate with another county or
15 something that they need to look at and determine what action to
16 take.

17 Q. So in a typical report, what might the first group be?

18 A. The first group is the items they need to look at
19 because it's usually, in most cases, like, duplicates with
20 another county, and they need to take some action.

21 Q. And does that first group have a title or a heading on
22 top of it to help the county recorder assess the information
23 that's about to come in that group?

24 A. Yes.

25 Q. What is that title on the first group?

1 A. I believe we say severe.

2 Q. Okay.

3 A. Meaning, they need to take -- look at that and
4 possibly take action. As opposed to somewhere it may be like a
5 record they added; it was a complete match with MVD; and there's
6 no action to take place. We put those later so they know that
7 they were worked -- they were matched, but there's no possible
8 action that needs to --

9 Q. What's the title of that group that you just
10 described?

11 A. I don't remember all the four categories. I mean, I
12 think it's something like "informational purposes, no action
13 needed" or something like that.

14 Q. Okay. If the VRAZ nightly matching process found, for
15 example, that a voter registration applicant had a Type F
16 license, would that return code for that record be listed in the
17 severe category?

18 A. I'm not sure. I mean, there's 72 return codes. I
19 can't answer which ones go in which categories without looking
20 at it.

21 Q. Okay. And do you happen to have a document that would
22 help you answer that question?

23 A. No.

24 Q. When you say "looking at it," do you mean like a
25 sample report from --

1 A. No.

2 Q. All right. Then what would you need to look at to
3 answer my question?

4 A. I would have to look at the table in the database.

5 Q. Is it possible to print that table from the database?

6 A. You can print values from a database, yes.

7 Q. Did you work on the part of the VRAZ program that
8 returns information to the counties grouped for ease of use?

9 A. Yes. I worked on that with -- again, which is
10 reporting to the counties whatever information was found.

11 Q. But you worked on -- you were part of the decision to
12 group the return codes so that the county recorders would be
13 able to decide what they needed to do?

14 MS. BAILEY: Objection. Form.

15 THE WITNESS: No.

16 BY MS. PERALES:

17 Q. Can you tell me who made the decision to group the
18 return codes in the manner in which they are currently grouped?

19 A. I said "no" to your question because I was answering
20 the last part of it.

21 Q. Okay.

22 A. So can you rephrase your question then --

23 Q. Yes.

24 A. -- because it was a compound question.

25 Q. Were you part of the decision to group the return

1 codes in the way that they are currently grouped?

2 A. Yes.

3 Q. And what was the purpose of grouping the return codes?

4 A. The purpose of grouping the return codes was to assist
5 the county recorders in determining which records may need to be
6 looked at further before they make a decision on what to do with
7 that record.

8 Q. Would it be correct to say that the VRAZ Program does
9 not collect or view information showing that somebody is a US
10 citizen?

11 A. That's -- can you rephrase that?

12 Q. Well, I'll ask it again. Would it be correct to say
13 that the VRAZ Program does not collect or view information
14 showing that somebody is a US citizen?

15 MS. RAPP: Objection. Form.

16 MS. BAILEY: Same objection.

17 BY MS. PERALES:

18 Q. You may answer.

19 A. If someone showed a birth certificate to the county
20 recorder, that information is not reflected in VRAZ. The burden
21 to determine if someone has shown proof of citizenship is on the
22 county recorder.

23 Q. So is it correct to say, then, that the VRAZ process
24 does not collect or view, in other databases, information
25 showing that somebody is a US citizen?

1 MS. BAILEY: Same objection.

2 MS. RAPP: Same objection.

3 BY MS. PERALES:

4 Q. You may answer.

5 A. The responsibility for determining if someone's shown
6 proof of citizenship is at the county recorder. We -- in
7 certain -- yes. So I think that answered the question.

8 Q. No. The question that I've asked is a yes or no
9 question.

10 A. Okay.

11 Q. And it is an attempt to summarize some of your
12 testimony and to help me understand.

13 So because we've covered that VRAZ does both matching
14 with name, date of birth, social security number, and driver's
15 license, as well as, checking for things, such as Type F or
16 issuance date.

17 I ask, would it be correct to say that the VRAZ
18 process does not collect or view information showing that
19 somebody is a US citizen?

20 A. That is not a yes or no question.

21 Q. Okay. Why isn't it a yes or no question?

22 MS. BAILEY: I'm going to object to that question. To
23 form.

24 BY MS. PERALES:

25 Q. You can answer.

1 A. VRAZ does not store information on what documents were
2 presented to the county recorder.

3 Q. Okay.

4 A. Okay. Driver's license can be used as proof of
5 citizenship. So we do store driver's license numbers. That's
6 why it's hard to answer the question as you had it constructed.

7 Q. Okay. Do you -- okay.

8 In light of the fact that the VRAZ process collects or
9 views information showing that somebody has a driver's license
10 issued after October 1, 1996, is it your understanding, then,
11 that the VRAZ process collects or views information showing that
12 somebody is a US citizen?

13 MS. RAPP: Objection. Form.

14 THE WITNESS: We collect driver's license numbers.

15 BY MS. PERALES:

16 Q. Does your driver's license number show that you're a
17 US citizen?

18 A. I don't -- Arizona -- I don't know. I don't know.

19 Q. Is it most accurate then to say you don't know if the
20 VRAZ process collects or views information showing US
21 citizenship of an individual?

22 A. No. That's not accurate. I was saying the question
23 didn't make -- wasn't -- no. That's not accurate.

24 Q. Is it correct to say that you don't know if an Arizona
25 driver's license demonstrates an individual's US citizenship?

1 MS. BAILEY: I'm going to object to the form.

2 BY MS. PERALES:

3 Q. You can answer.

4 A. I don't know. I don't know how -- there's certain
5 definitions in Arizona statutes. That's what I know.

6 Q. Outside of the definitions provided in A.R.S. 16, do
7 you have any knowledge whether a person who possesses a driver's
8 license issued after October 1, 1996, that is not a Type F or N,
9 is, in fact, a US citizen?

10 A. That to me sounds like an MVD question.

11 Q. But do you possess knowledge?

12 A. I do not know MVD's process at the counters and so
13 forth and what they do. I'm not a field agent.

14 Q. Do you possess knowledge whether a driver's license in
15 Arizona issued after October 1, 1996, that is not Type F or N,
16 demonstrates an individual's US citizenship?

17 A. As defined in Title 16?

18 Q. No.

19 A. I don't know. I don't know.

20 Q. Putting aside the requirements of A.R.S. 16, is there
21 anything in the VRAZ report back to the counties that allows a
22 county recorder to determine that a voter registration applicant
23 is a US citizen?

24 A. No.

25 Q. With respect to the statewide voter list, let's say

1 for the upcoming presidential preference election, which is our
2 next election that comes up here, do poll workers in the polls
3 on February 5th have live-time access to the statewide voter
4 registration list?

5 MS. RAPP: Objection. Foundation.

6 MS. BAILEY: Same objection.

7 THE WITNESS: No. I would say no.

8 BY MS. PERALES:

9 Q. Do you know how polling place workers for the
10 February 5th election check the voter rolls if somebody comes in
11 and says, "I'm registered to vote here. I'd like to vote."

12 MS. BAILEY: Objection. Foundation.

13 BY MS. PERALES:

14 Q. Go ahead. You can answer.

15 A. Okay. I'm not a poll worker, but we do -- they do --
16 the counties print off signature rosters and precinct registers
17 that, to my knowledge, are what is used to determine if
18 someone's on the voter rolls or not.

19 Q. Do you know if the signature roster and precinct
20 registers are drawing information from the statewide voter
21 registration list?

22 MS. BAILEY: I'm going to object. It's outside the
23 scope of the 30(b)(6) deposition topics.

24 BY MS. PERALES:

25 Q. Go ahead. You can answer.

1 Q. I see on the first page that it's dated February 10,
2 2005; is that correct?

3 A. Yes.

4 Q. It's an e-mail message.

5 A. Hold on.

6 Q. Is it correct that the attached list of codes was the
7 set of codes that was in force and in effect at that time?

8 A. I'm not sure.

9 Q. Okay. Do you know at what point the attached list of
10 codes was prepared?

11 A. Somewhere around this date.

12 Q. Is that attached list of codes the set of codes that
13 are in effect today?

14 A. Yes.

15 Q. Do you anticipate making any changes to that set of
16 codes in the future with the implementation of VRAZ-II?

17 A. No.

18 MR. KENGLE: Thank you. No further questions.

19 MS. BAILEY: I don't have any questions.

20 MS. RAPP: Neither do I. Thank you.

21 MS. PERALES: Thank you.

22 (The deposition concluded at 11:30 a.m.)

23

24

25

CRAIG STENDER

1 STATE OF ARIZONA)
) ss.
2 COUNTY OF MARICOPA)

3

4 BE IT KNOWN that the foregoing transcript was
5 taken before me, CINDY BACHMAN, a Certified Reporter in the
6 State of Arizona; that the witness before testifying was duly
7 sworn by me to testify the whole truth; that the questions
8 propounded to the witness and the answers of the witness thereto
9 were taken down by the Voice Writing method and translated into
10 text via speech recognition under my direction; at the witness's
11 request, notification was provided that the transcript was
12 available to read and sign; and that the foregoing typewritten
13 pages are a true and correct transcript of all proceedings, all
14 done to the best of my skill and ability.

15 I FURTHER CERTIFY that I am in no way related to
16 any of the parties hereto, nor am I in any way interested in the
17 outcome hereof.

18 DATED at Phoenix, Arizona, this 16th day of
19 January, 2008.

20

21

22

Cindy Bachman
Certified Reporter No. 50763

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