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

14 Maria M. Gonzalez, et al., ) No. CV-06-1268-PHX-ROS(Lead)  
15 ) No. CV-06-1362-PCT-JAT(Cons.)  
Plaintiffs, ) No. CV-06-1575-PHX-EHC(Cons.)  
16 )  
vs. ) GONZALEZ PLAINTIFFS' TRIAL  
17 ) MOTION TO ADMIT EXHIBITS  
State of Arizona, et al, ) THAT ARE PUBLIC RECORDS OR  
18 ) HAVE HAD FOUNDATION  
Defendants. ) ESTABLISHED  
19 )  
) (Assigned to the  
) Honorable Roslyn O. Silver)

20  
21 NOW COME Gonzalez Plaintiffs and file this Trial Motion to Admit Exhibits  
22 That are Public Records or Have had Foundation Established. Gonzalez Plaintiffs

1 respectfully urge the Court to admit Trial Exhibits 494, 430, 403, 146, 957, 134, 293,  
2 403 into evidence. In support of their Motion, Gonzalez Plaintiffs show the following:

3 **I. Trial Exhibits that Contain Public Records are Excepted From the**  
4 **Hearsay Rule and Therefore Admissible at Trial.**

5 FED. R. EVID. 803(8) excepts “[r]ecords, reports, statements, or data  
6 compilations, in any form, of public offices or agencies, setting forth. . .the activities of  
7 the office or agency” from the hearsay rule.

8 Trial Exhibit 494 is a pamphlet entitled “Acceptable Forms of Identification  
9 Could Include.” It also features the Graham County seal and Graham County Recorder  
10 contact information which make the exhibit identifiable on its face as a public record  
11 under Rule 803(8).

12 Similarly, Trial Exhibits 430 and 403 are documents entitled "Poll Worker  
13 Training Manual September 12, 2006 and November 7, 2006, Gila County, Arizona"  
14 and “Voters Identification at the Polls,” respectively, and are identifiable as Gila County  
15 documents. These documents are also public records excepted from the hearsay rule.

16 Finally, the public record hearsay exception includes public records and  
17 government documents available from reliable sources on the internet. *See, e.g., Grimes*  
18 *v. Navigant Consulting, Inc.*, 185 F.Supp.2d 906, 913 (N.D. Ill. 2002) (taking judicial  
19 notice of stock prices posted on a website); *Cali v. E. Coast Aviation Servs., Ltd.*, 178  
20 F.Supp.2d 276, 287 (E.D.N.Y. 2001). Exhibit 146 is a printout of the page "How to  
21 Register to Vote in Arizona" and posted on the Arizona Secretary of State website.  
22 Similarly, Exhibit 957, a printout from United States Citizenship and Immigration

1 Services (USCIS) website entitled "Immigration Forms," is a government document  
2 maintained on a government website. Exhibit 957 shows the costs associated with  
3 replacing a Certificate of Naturalization, one of the forms of documentary proof of  
4 citizenship under Prop. 200.

5 Because the listed exhibits are authentic public records firmly excepted from the  
6 hearsay rule, Gonzalez Plaintiffs respectfully request that the Court admit them into  
7 evidence.

8 **II. Proper Foundation has Been Laid For Exhibits that Were Identified**  
9 **in Previous Portions of the Trial Record.**

10 Exhibit 134 and 293 are trial exhibits that had proper foundation established in  
11 deposition testimony that is already a part of the Court's record.

12 Trial Exhibit 134 is a Table entitled EZ Voter Statistics. This exhibit is already a  
13 part of the trial record, because it is attached as Exhibit 4 to Craig Stender's January 11,  
14 2008 Deposition. Craig Stender is the HAVA Project Manager of the Arizona Secretary  
15 of State's Office and a 30(b)(6) witness in this case. He identified Exhibit 134 as a  
16 report of statewide electronic voter registrations. Thus foundation has been laid for this  
17 exhibit, and it is admissible evidence at trial.

18 Trial Exhibit 293 was identified by F. Ann Rodriguez, the Pima County Recorder,  
19 in her August 20, 2006 deposition as Exhibit 4. This exhibit is a table entitled  
20 "Authorized Presence Document/License Expiration Date," and Ms. Rodriguez  
21 describes it as a letter that Pima County sends to potential voter registrants after an  
22 unsuccessful attempt to vote.

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**CONCLUSION**

For the stated reasons, Gonzalez Plaintiffs respectfully request that the Court admit the above listed trial exhibits into evidence.

**RESPECTFULLY SUBMITTED** this 16th day of July, 2008

By: s/Nina Perales  
Nina Perales

**Counsel for Plaintiffs  
Gonzalez, et al.**

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of July, 2008, I caused the foregoing document to be electronically transmitted to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to CM/ECF registrants.

COPY of the foregoing filed electronically this 16<sup>th</sup> day of July, 2008.

COPY of the foregoing mailed with Notice of Electronic Filing this 16<sup>th</sup> day of July, 2008 to:

The Honorable Roslyn O. Silver  
United States District Court  
Sandra Day O’Connor U.S. Courthouse, Suite 624  
401 West Washington Street, SPC 59  
Phoenix, AZ 85003-2158

s/Nina Perales  
Nina Perales

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