

EXHIBIT A

Exhibit	Description	ITCA Motion to Admit Trial Exhibit	State Defendants' Response
1122	8/23/06 Declaration of Patty Hansen	<p>Ms. Hansen is the Coconino County Elections Director, a defendant in this consolidated action. As such the document is an admission of a party opponent and does not contain hearsay pursuant to Fed. R. Evid. 801(d)(2).</p> <p>The Coconino County Defendants have stipulated to the authenticity and admissibility of this exhibit. [Doc. 912]</p>	
1126	Printouts from websites for Arizona 2-1-1, APS, Southwest Gas, and SRP describing low-income assistance programs	<p>Exhibit 1126 is made up of website printouts from Arizona 2-1-1, APS, Southwest Gas and SRP describing low income assistance programs.</p> <p>Arizona 2-1-1 is a state agency website and SRP is made up of a private corporation and the Salt River Project Agricultural Improvement and Power District, a political subdivision of the State of Arizona. As such, the documents from Arizona 2-1-1 and SRP websites are public records admissible under Fed. R. Evid. 803(8).</p> <p>In the unique circumstances of this case, SRP, APS and Southwest Gas serve a public purpose in terms of providing identification pursuant to Proposition 200. <i>See Smith v. Alwright</i>, 321 U.S. 649 (1944). The state function of issuing identification for voting has been</p>	

	<p>delegated to these companies. Accordingly the documents printed from their websites are constructive public records admissible under Fed. R. Evid. 803(8).</p> <p>The Court may also take judicial notice of the facts contained in Exhibit 1126. Fed. R. Evid. 201.</p>	
<p>1143</p>	<p>Website printout(s): http://www.vitalchek.com/provider_overview.asp?provider_id=10154&Georgia_Birth_Certificate</p> <p>On its face, the document provides sufficient evidence to support a finding that it was printed from the Vital Check website. Fed. R. Evid. 901(a).</p> <p>Due to market realities, which require that Vital Check provide accurate information to maintain its business, Exhibit 1143 has guarantees of trustworthiness equivalent to those found in Fed. R. Evid. 803 and 804, and it is more probative to show the information that is available to those members of the public with internet access concerning obtaining a birth certificate and the cost thereof than any other evidence the ITCA Plaintiffs could procure through reasonable efforts. <i>See</i> Fed. R. Evid. 807.</p> <p>In addition, the Court may also take judicial notice of the information in Exhibit 1143. <i>See</i> Fed R. Evid. 201.</p>	

1146	<p>Website printout(s):</p> <p>http://www.uscis.gov/graphics/formsfee/forms/index.htm</p> <p>https://www.svgas.com/ServiceRequests/index.jsp</p> <p>https://www.aps.com/aps_services/residential/turnon/default.html</p> <p>http://www.srpnet.com/service/home/deposits.aspx;</p> <p>http://www.aps.com/aps_services/residential/creditpolicy/ResCreditPolicy_1.html</p>	<p>The State Defendants have interposed no objection to the document included in Exhibit 1146 printed from the website of United States Citizenship and Immigration Services.</p> <p>The documents printed from the website of SRP are public records admissible under Fed. R. Evid. 803(8). In the unique circumstances of this case, SRP, APS and Southwest Gas serve a public purpose in terms of providing identification pursuant to Proposition 200. <i>See Smith v. Alwright</i>, 321 U.S. 649 (1944). The state function of issuing identification for voting has been delegated to these companies.</p> <p>Accordingly the documents printed from their websites are constructive public records admissible under Fed. R. Evid. 803(8).</p> <p>The Court may also take judicial notice of the facts contained in Exhibit 1146. Fed. R. Evid. 201.</p>	
1147	<p>Website printout(s):</p> <p>http://www.chase.com/ccp/index.jsp?pg_name=ccpmapp/individuals/checking/page/chase_free_checking;</p> <p>http://www.bankofamerica.com/deposits/checksave/index.cfm?</p>	<p>In the unique circumstances of this case, banks that provide bank statements to their customers serve a public purpose in terms of providing identification pursuant to Proposition 200. <i>See Smith v. Alwright</i>, 321 U.S. 649 (1944). The state function of issuing identification for</p>	

	<p>template=check_myaccess https://www.wellsfargo.com/wf/checking/free http://www.azfcu.org/cksav/ck_superior.html</p>	<p>voting has been delegated to these banks. Accordingly the documents printed from their websites are constructive public records admissible under Fed. R. Evid. 803(8). The Court may also take judicial notice of the facts contained in Exhibit 1147. Fed. R. Evid. 201.</p>	
1172	<p>Report of the number of voters who left Coconino County polling places without casting any ballot in the November 2006 General Election</p>	<p>Exhibit 1172 is a document compiled by the Coconino County Defendants, which reflects the number of prospective voters in the 2006 general election who did not have appropriate identification and chose to leave the polling location rather than cast a conditional provisional ballot. Pursuant to the Court's November 1, 2006 Order, the Defendants were ordered to track and turn this information over to the ITCA Plaintiffs. [See Doc. 241] Consequently, the document is an admission by a party opponent and does not contain hearsay pursuant to Fed R. Evid. 801(d)(2). Even if the document did contain hearsay statements, it is a data compilation of public officers setting forth matters observed pursuant to duty imposed by law as to which there was a duty to report, and is admissible under the Public Records and Reports hearsay exception. Fed. R. Evid. 803(8). The Coconino County Defendants have</p>	

1173	<p>Report of the number of voters who left Apache, Cochise, Gila, Graham, Greenlee, La Paz, Maricopa, Mohave, Pima, Pinal, Santa Cruz, Yavapai and Yuma County polling places without casting any ballot in the November 2006 General Election</p>	<p>stipulated to the authenticity and admissibility of this exhibit. [Doc. 912]</p>	
1195	<p>James Thomas Tucker and Rodolfo Espino, Voting Rights in Arizona 1982-2006 (March 2006)</p>	<p>Exhibit 1173 is a document compiled by counsel for the County Defendants, which reflects the number of prospective voters in the 2006 general election who did not have appropriate identification and chose to leave the polling location rather than cast a conditional provisional ballot. Pursuant to the Court's November 1, 2006 Order, the Defendants were ordered to track and turn this information over to the ITCA Plaintiffs. [See Doc. 241] Attached as Exhibit B is a copy of the email with which the County Defendants' counsel transmitted Exhibit 1173 to counsel for the ITCA Plaintiffs.</p>	
1200	<p>List of Native American elected officials printed from the following website: http://indnslst.org/elected_officials</p>	<p>The Tucker/Espino Report was cited in and an attachment to (Ex. 4) the Responses of the Inter Tribal Council of Arizona, Inc. to Second Set of Interrogatories by the Arizona Secretary of State (Trial Ex. 1325), which the Court admitted during trial on July 15, 2008, on motion of the State Defendants.</p>	
		<p>Exhibit 1200 was cited in and an attachment to (Ex. 8) the Responses of the Inter Tribal Council of Arizona, Inc. to Second Set of Interrogatories by the Arizona Secretary of State (Trial Ex.</p>	

	1325), which the Court admitted during trial on July 15, 2008, on motion of the State Defendants.	
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EXHIBIT B

Hartman, Karen

From: Kathleen E. Rapp [KathleenR@wb-law.com]
Sent: Tuesday, January 30, 2007 4:02 PM
To: mary.ogrady@azag.gov; dkohrman@aarp.org; nbradley@aclu.org; thance@coconino.az.gov; jwilcox@coconino.az.us; bblustein@lawyerscommittee.org; jgreenbaum@lawyerscommittee.org; dbernal@maldef.org; Nperales@maldef.org; connorc@mcao.maricopa.gov; danny@rmgmoinjurylaw.com; brennalclani@navajo.org; dbecker@pfaw.org; emincberg@pfaw.org; joe-sparks@qwest.net; Judith.dworkin@sackstierney.com; marvin.cohen@sackstierney.com; patty.ferguson@sackstierney.com; Bodney, David; Hartman, Karen; bruce.skolnik@azag.gov; Dennis Wilenchik; Carrie Brennan
Cc: Rosenbaum, David; Greene, Sara; Hudson, Thomas
Subject: Second Amended Voter Data Chart
Attachments: 01-30-07 amended Voter Chart.xls

Good afternoon all. We recently received a few "stragglers" detailing the number of voters who made contact with a poll worker on Election Day, but for whatever reason chose to leave the polling place without casting a ballot. In an effort to provide the most up-to-date information, please find the updated chart attached. Please let me know if you have any questions.

Thanks!

Katie

From: Kathleen E. Rapp
Sent: Thursday, December 21, 2006 11:34 AM
To: 'mary.ogrady@azag.gov'; 'peter.silverman@azag.gov'; 'dkohrman@aarp.org'; 'nbradley@aclu.org'; 'thance@coconino.az.gov'; 'jwilcox@coconino.az.us'; 'bblustein@lawyerscommittee.org'; 'jgreenbaum@lawyerscommittee.org'; 'dbernal@maldef.org'; 'Nperales@maldef.org'; 'connorc@mcao.maricopa.gov'; 'danny@rmgmoinjurylaw.com'; 'brennalclani@navajo.org'; 'dbecker@pfaw.org'; 'emincberg@pfaw.org'; 'joe-sparks@qwest.net'; 'Judith.dworkin@sackstierney.com'; 'marvin.cohen@sackstierney.com'; 'patty.ferguson@sackstierney.com'; 'dbodney@steptoe.com'; 'khartman@steptoe.com'; 'bruce.skolnik@azag.gov'; Dennis Wilenchik
Cc: 'Rosenbaum, David'; 'Greene, Sara'; 'Hudson, Thomas'
Subject: Amended Summary Chart

Good morning all! I received some updated voter information from Gila County yesterday. Attached is the amended summary. As always, please don't hesitate to contact Colleen or me if you have any questions.

Thanks! Happy Holidays!

Katie

From: Kathleen E. Rapp
Sent: Monday, December 18, 2006 2:09 PM
To: mary.ogrady@azag.gov; peter.silverman@azag.gov; dkohrman@aarp.org; nbradley@aclu.org; thance@coconino.az.gov; jwilcox@coconino.az.us; bblustein@lawyerscommittee.org; jgreenbaum@lawyerscommittee.org; dbernal@maldef.org; Nperales@maldef.org; connorc@mcao.maricopa.gov; danny@rmgmoinjurylaw.com; brennalclani@navajo.org; dbecker@pfaw.org; emincberg@pfaw.org; joe-sparks@qwest.net; Judith.dworkin@sackstierney.com; marvin.cohen@sackstierney.com;

7/17/2008

patty.ferguson@sackstierney.com; dbodney@steptoe.com; khartman@steptoe.com; bruce.skolnik@azag.gov

Cc: Rosenbaum, David; Greene, Sara; Hudson, Thomas

Subject: Summary of Election Information

Attached is a database summary of the information collected in response to the Court's November 1, 2006 Order. This information chronicles, to the best of the counties' ability, those voters who made contact with a poll worker on Election Day, but for whatever reason chose to leave the polling place without casting any ballot whatsoever. If you have any questions, please do not hesitate to contact Colleen Connor or myself.

Thanks!

Katie

Very truly yours,

Kathleen E. Rapp

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