

# EXHIBIT A

Cite	Description of Incorrect Cite	Response
<p>[1.] Kanefield 01/11/08 Depo. 21:22-24</p>	<p><b>Kanefield Gonzalez Plaintiff Post-Trial Memorandum page 6 states:</b> Four Arizona tribes include members who were born in Mexico.</p> <p><b>The cite states:</b> "knowledge of any incident since January 1, 1996 involving allegations of fraud in military personnel registering to vote"</p>	<p><b>Citation Withdrawn</b></p> <p>Adjacent citations remain that support the proposition.</p>
<p>[2.] Ratliff 19:16-19, 32:14-19, 35:13-21, 44:2-4, 54:7-14</p>	<p><b>Gonzalez Plaintiff Post-Trial Memorandum page 7 states:</b> that because of delays in data entry into the SAVE program that County Recorders are unable to confirm citizenship of newly-naturalized citizens for two weeks or longer.</p> <p><b>19:16-19 states:</b> "And I do know that for at least the Web 1 access method, the primary query is not by Certificate of Naturalization number; it's by A-number."</p> <p><b>32:14-19 states:</b> "Q: Is it correct, then, to say that currently, the SAVE system does not allow you to see, or does not pull up information about the number of Certificate of Naturalization for a naturalized citizen? A: Yes."</p> <p><b>35:13-21 states:</b> "Can you confirm the place on this form where CIS responds, confirming that somebody is naturalized? A: It's tiny font, but I will try. I don't see any category - or category is the wrong word, in the response section, section B. I don't see any possible printed response that would say naturalized citizen."</p> <p><b>44:2-4 states:</b> "Q: Is that the method used by Arizona county recorders to verify citizenship? A: Yes."</p> <p><b>54:7-14 states:</b> "Hit 'Submit Additional Verification,' and then the user will see the next screen will say, 'DHS Verification in Process,' meaning you've just got to wait until we get back to you, we've got to search around. Q: At that point, does it turn into a manual task by CIS to try to verify? A: Yes."</p> <p>Ratliff actually testifies, "I don't know how much time it takes." [Ratliff 04/22/08 Dep. 62:13]</p>	<p><b>Citations Withdrawn</b></p> <p>Adjacent citations remain that support the proposition.</p>

<p>[3.] Osborne 7/31/06 Dep. 99:10-19.</p>	<p><b>Has not been designated.</b></p>	<p><b>E-Transcript Error</b></p> <p>The correct citation is: <b>Osborne 1/14/08 Dep. 48:8-22.</b></p> <p>Adjacent citations remain that support the proposition.</p>
<p>[4.] Rodriguez 8/22/06 Dep. 69:12-14</p>	<p><b>Gonzalez Plaintiff Post-Trial Memorandum page 7 states:</b> The County Recorder requires the applicant to apply again and provide different citizenship information.</p> <p><b>The cite states:</b> "register to vote for whatever reason. They don't have birth certificate. Most of them don't have driver's license. So we would really depend on their - what is"</p>	<p><b>Clerical Error</b></p> <p>The correct citation is: <b>Rodriguez 8/2/06 Dep. 64:19-66:20.</b></p>
<p>[5.] Gage 1/10/08 Dep. 54:22-25</p> <p>[6.] Collins 1/10/08 Dep. 20:24-21:2</p>	<p><b>Gonzalez Plaintiff Post-Trial Memorandum page 9 states:</b> That a Type F license does not show it's designation on its face.</p> <p><b>Gage 01/10/08 Dep. 54: 22-25:</b> This cite has not been designated and states: "Security or any of the Federal Immigration Agencies can directly update the customer record in the MVD database themselves? A: Not that I'm aware of." Q: SO in the instance where and individual does have a"</p> <p><b>Collins 01/10/08 Dep. 20:24-21:2: The cite states:</b> "Q. I'm drowning in yellow stickies over here, and I'm also losing my train of thought. Let me ask you a slightly different question. You know, it's okay if I ask you a question that you"</p>	<p><b>Defendants' chart is incorrect. The citation supports the proposition.</b></p> <p><b>Citation Expanded</b></p> <p>Gonzalez Plaintiffs have expanded the citation to encompass the entire question. The correct cite is: <b>Gage 1/10/08 Dep. 54:15-25.</b></p> <p><b>E-Transcript Error</b></p> <p>The correct citation is: <b>Collins 1/10/08 Dep. 19:24-20:2.</b></p>

<p>[7. ] Yanofsky 1/10/08 Dep. 71:9-72:17; 77:25-78:11</p>	<p><b>Gonzalez Plaintiff Post-Trial Memorandum page 9, footnote 2 states:</b> A resident showing a green card at the MVD would receive a Type F card and a permanent legal resident that shows a driver's license from California would not be coded Type F.</p> <p><b>Yanofsky 01110/08 Dep. 71:9-72:17 states:</b> That a US Passport shows proof of name and date of birth and that the only function of a F category license is to establish authorized presence. The authorization would be for 90 or 30 days.</p> <p><b>Yanofsky 01/10/08 Dep. 77:25-78:11 is not designated and actual testimony ends at 77:1. This is just the affidavit from the court reporter.</b></p>	<p><b>E-Transcript Error</b></p> <p>The correct cite is: <b>Yanofsky 1/10/08 Dep. 44:9-45:16, 47:25-48:10.</b></p>
<p>[8.] Tr. 711:4-712:17</p>	<p><b>Gonzalez Plaintiff Post-Trial Memorandum page 10 states:</b> Service Arizona has rejected approximately 1300 voter applicant with Type F licenses or who posses licenses issued before <b>January</b> 1, 1996.</p> <p><b>Tr. 711:4-712:17</b> does not refer to Type F licenses, but for people attempting to register with licenses issued before October 1, 1996.</p>	<p><b>Citation Unchanged</b></p> <p>The citation supports the statement in that sentence that “The Secretary of State does not know how many of these naturalized citizens hold licenses that are coded Type F in the MVD database.”</p> <p>Gonzalez Plaintiffs did change the month in that sentence to October to reflect Mr. Kanefield’s changed testimony at trial.</p>

<p>[9.] <b>Altaha</b> 1/14/08 Dep. 22:14-23.</p> <p>[10.] <b>Dean-Lytle</b> 1/16/08 Dep. 37- 8-38:10</p>	<p><b>Gonzalez Plaintiff Post-Trial Memorandum page 12 states:</b> That contrary to Kanefield testifying that the County Recorders "back date" voter registration applications after receiving proof of citizenship, the date of registration is the date the applicant provided new information even if it falls after election deadlines.</p> <p><b>Altaha 01/14/08 Dep. 22:14-23 states:</b> That if they are waiting to run an A number through the VIS database, they just hold onto the application until they can get the number verified and the date of registration would be "The date they signed it" or "the date the registration drive occurred or the receive date."</p> <p><b>Dean-Lytle 01/16/08 Dep. 37-8-38:10</b> speaks of sending out new registrations form to applicants when there is missing or incorrect information. It does not mention date of registration or "back dating."</p>	<p><b>Citation Expanded</b> The citation to Mr. Altaha's testimony supports the proposition, as demonstrated in the expanded testimony attached following this chart and added in the Corrected Post-Trial Memorandum: <b>Altaha 1/14/08 Dep. 14:7-25-22:14-23.</b></p> <p><b>Citation Unchanged</b> The citation to the testimony of Ms. Dean-Lytle supports the proposition.</p>
<p>[11.] <b>Morrison</b> 1/17/08 Dep. 18:14-19:23</p>	<p><b>Gonzalez Plaintiff Post-Trial Memorandum page 16 states:</b> "voters who possess valid identification are turned away or forced to vote conditional provisional ballots that are never counted."</p> <p><b>Morrison 01/17/08 Dep. 18:14-19:23 states:</b> "Q. Okay. And for what period did you have that post office box address? A: Oh. Since about 1970 to 2007. Q: Okay. A: I - I canceled it when my mother died. Q: Okay. In November of 2007? A: Yes, ma'am. Q: Okay. Can you tell me what the fee was for that PO Box? A: Oh. It varies. In fact, I think even for"</p>	<p><b>E-Transcript Error</b> The correct cite is: <b>Morrison-Flores 1/17/08 Dep. 43:14-45:23.</b></p>

# EXHIBIT B



1 Exhibit 8, other than what's in this document?

2 A. No.

3 MS. PERALES: All right.

4 Let's mark this.

5 MR. BERNAL: We don't have it.

6 MS. PERALES: Oh, okay. I think I need you to get it.

7 MR. BERNAL: Okay. I'll be back then

8 MS. PERALES: Can we go off the record for a second,  
9 please?

10 (A discussion was held off the record.)

11 BY MS. PERALES:

12 Q. Do you know whether the Election Procedures Manual  
13 describes, specifically, the return codes reported by the VRAZ  
14 nightly matching process to county recorders?

15 MS. BAILEY: I'm going to object. It's outside the  
16 scope of the topics designated for this witness.

17 Go ahead.

18 THE WITNESS: I don't know specifically.

19 Craig Stender probably would have been the better person to ask  
20 that question to be honest with you. It may or not be reflected  
21 in there. I just don't know at the moment.

22 BY MS. PERALES:

23 Q. Do you have any knowledge of any incident since  
24 January 1, 1996 -- with the caveat that you gave before about  
25 the presence of your administration and your record review --

1 involving allegations that a non-US citizen registered to vote  
2 in Arizona?

3 A. Specific allegations -- I don't recall specific  
4 allegations. I know we have provided you with every written  
5 allegation that we have regarding citizenship.

6 We hear from time to time unsubstantiated  
7 allegations -- what I call global allegations -- that this is  
8 occurring. But I'm assuming what you're asking me is a specific  
9 allegation of a particular individual.

10 We do know that the statewide system has prevented  
11 some individuals from registering whose driver's license  
12 category has designated them as non-citizens. Those that are  
13 authorized to be here in the country but not necessarily  
14 citizens. And whether they were almost citizens, I don't know.

15 Q. Do you know whether those persons were recently  
16 naturalized citizens?

17 A. I don't know. I only know that -- and Craig Stender  
18 may have addressed this with you -- but the driver's license  
19 system in Arizona classifies folks or applicants into those that  
20 are authorized to be in the country versus those that are  
21 citizens. That's reflected per Proposition 200, I suppose, in  
22 those that have a driver's license number after January 1, 1996  
23 and those that have licenses that are classified as F or N, if I  
24 recall -- again, Craig knows more about this than I do.

25 The system has prevented approximately 1,300

1 to try to get that information.

2 And now, I pass the witness.

3 MS. RAPP: I'm just going to make a note that  
4 Ms. Brennan asked yesterday that it be put in writing.

5 MS. PERALES: That certain questions be put in  
6 writing. That's correct. And we had also mentioned, with  
7 respect to the request to put it in writing, that sometimes an  
8 answer that you get back that you haven't seen before would  
9 cause you to ask another question, which is why we do this in  
10 the form of a 30(b)(6) deposition.

11 But we reiterate our willingness to work in good faith  
12 with the State to resolve those spots where we haven't been able  
13 to get testimony.

14 And now, I pass the witness.

15 MR. RAMOS: I don't have any questions.

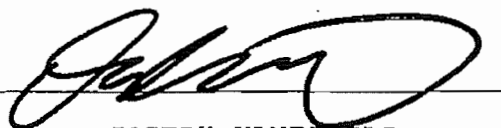
16 MR. KENGLE: No questions. Thank you.

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

18 MS. RAPP: I don't either. Thank you, Mr. Kanefield.

19 MS. PERALES: Thank you.

20 (The deposition concluded at 1:00 p.m.)

21  
22 

23 JOSEPH KANEFIELD  
24  
25

STATE OF ARIZONA        )  
                                  )  ss.  
COUNTY OF MARICOPA    )

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

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

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



Cindy Bachman  
Certified Reporter No. 50763

CV 06-01268-PHX-ROS, July 16, 2008

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

08:46:33

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5	Maria M. Gonzalez, et al.,	)			
6		)			
7	Plaintiffs,	)			
8		)			
9	vs.	)	CV 06-01268-PHX-ROS		
10		)			
11	State of Arizona, et al.,	)			
12		)			
13		)	Phoenix, Arizona		
14		)	July 16, 2008		
15		)	8:46 a.m.		
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BEFORE: THE HONORABLE ROSLYN O. SILVER, JUDGE

REPORTER'S TRANSCRIPT OF PROCEEDINGS

BENCH TRIAL - Day 4

(Pages 529 through 737, inclusive.)

08:46:33

Official Court Reporter:  
 Elaine Cropper, RDR, CRR, CCP  
 Sandra Day O'Connor U.S. Courthouse  
 401 West Washington Street,  
 Suite 312, Spc. 35  
 Phoenix, Arizona 85003-2150  
 (602) 322-7245

08:46:33

Proceedings Reported by Stenographic Court Reporter  
 Transcript Prepared by Computer-Aided Transcription

08:46:33

JOSEPH KANEFIELD, PH.D. - Cross

1 Q. And in Prop 200, which is an initiative, you are also told  
2 to provide guidance, is that right, or is your guidance under  
3 Prop 200 something you carry out because you are mandated by  
4 the legislature to carry it out?

03:55:27

5 A. The guidance provided for Prop 200 is through the  
6 authority procedures manual which I talked about earlier which  
7 generally instructs the Secretary of State to provide uniform  
8 rules with respect to voting which was interpreted shortly  
9 after Proposition 200 was passed to include providing guidance  
10 and identification at the polls and the procedures for  
11 processing registration forms with respect to the citizenship  
12 component.

03:55:43

03:56:01

13 Q. And so the Secretary of State does not implement early  
14 voting, does it, at the county level?

15 A. That's correct.

03:56:15

16 Q. And it does not implement mail balloting at the county  
17 level; is that right?

18 A. That's correct.

19 Q. Would you agree with me, then, that your guidance that you  
20 provide to counties is only as good as the extent to which it's  
21 being implemented properly.

03:56:28

22 A. Well, we have to assume that the counties are following  
23 the procedures that we promulgate.

24 As we talked about earlier, those procedures have the  
25 force and effect of law in this state. They are approved by

03:56:47

JOSEPH KANEFIELD, PH.D. - Cross

1 the Governor and the Attorney General and ultimately precleared 03:56:50  
2 by the Department of Justice so we have to assume they are  
3 following those procedures as they are instructed to do.

4 Q. Going back to your mention of Service Arizona and the  
5 computer-based program for voter registration at MVD. Is that 03:57:08  
6 also called Easy Voter?

7 A. Yes.

8 Q. Are you aware whether some somebody tries to register to  
9 vote on easy voter using a driver's license that was issued  
10 before October 1, 1996, whether they will be able to 03:57:25  
11 successfully complete that registration on Easy Voter?

12 A. They will not.

13 Q. What will happen?

14 A. They will get a message indicating that they have not  
15 provided evidence of United States citizenship. I believe they 03:57:37  
16 will be instructed to register using a registration form and  
17 provided instructions on how to get that form either by  
18 downloading it and printing it or acquiring it from the  
19 recorder or another office.

20 Q. Does the Secretary of State receive any information 03:57:56  
21 regarding the number of people who attempt to register to vote  
22 using Easy Voter on the Internet but who are unable to complete  
23 that process because their driver's license is before October  
24 1, 1996?

25 A. We don't receive that information on a regular basis. We 03:58:14

JOSEPH KANEFIELD, PH.D. - Cross

1 did gather that information a few months ago. I referred to it 03:58:18  
2 earlier.

3 I don't remember what the time period was but I  
4 believe it was from the beginning of Proposition 200 on January  
5 25 of 2005 through some date several months ago. It was 03:58:32  
6 determined that some number over 1300 individuals attempted to  
7 register using the online system with a driver's license that  
8 was issued before October 1 of 1996.

9 Q. I know at least one of those people.

10 Do you know whether any of that information, which if 03:58:59  
11 you say it was a few months ago, does that mean it was after  
12 your deposition of January 11, 2008?

13 A. It was shortly before that deposition because I believe I  
14 mentioned that number at the deposition.

15 Q. Do you remember whether you brought that document with you 03:59:17  
16 to the deposition?

17 A. It was just in my head.

18 Q. Okay. Thank you.

19 THE COURT: We're going to take a 10-minute break  
20 now. 03:59:29

21 (Recess at 3:59; resumed at 4:27.)

22 MS. PERALES: May I proceed?

23 THE COURT: You may.

24 BY MS. PERALES:

25 Q. Mr. Kanefield, do you have any knowledge since you began 04:27:34

## JOSEPH KANEFIELD, PH.D. - Cross

1 working as the State Elections Director of an incident 04:27:37  
2 involving fraud in the registration using the federal postcard  
3 application in Arizona?  
4 A. Not that I'm aware of.  
5 Q. Looking back at Section 4F of Proposition 200, can you 04:27:53  
6 tell me if -- I'm sorry, F4, can you tell me if anywhere in  
7 there Proposition 200 says you can use your alien registration  
8 number as satisfactory proof of citizenship?  
9 A. It doesn't use the words alien registration number.  
10 Q. You were looking at Exhibit 1170 with Ms. Bailey. Is that 04:28:27  
11 1170?  
12 MS. PERALES: 1354, which is the same thing which was  
13 admitted; right?  
14 MS. BAILEY: Yes.  
15 BY MS. PERALES: 04:28:47  
16 Q. Okay. Let's look at 1354. This is what you describe as  
17 the new voter registration form; is that right?  
18 A. 1354.  
19 MS. BAILEY: It appears to be 1357. I'm sorry.  
20 BY MS. PERALES: 04:29:03  
21 Q. 1357. Do you see that, Mr. Kanefield?  
22 A. I'm sorry. I'm trying to find it.  
23 THE COURT: 1354 should only be a couple of pages.  
24 THE WITNESS: I have 1355 and 1356.  
25

JOSEPH KANEFIELD, PH.D. - Cross

## C E R T I F I C A T E

05:04:58

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3 I, ELAINE M. CROPPER, do hereby certify that I am  
4 duly appointed and qualified to act as Official Court Reporter  
5 for the United States District Court for the District of  
6 Arizona.

05:04:58

7  
8 I FURTHER CERTIFY that the foregoing pages constitute  
9 a full, true, and accurate transcript of all of that portion of  
10 the proceedings contained herein, had in the above-entitled  
11 cause on the date specified therein, and that said transcript  
12 was prepared under my direction and control, and to the best of  
13 my ability.

05:04:58

14  
15 DATED at Phoenix, Arizona, this 17th day of July,  
16 2008.

05:04:58

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20 s/Elaine M. Cropper

05:04:58

21 \_\_\_\_\_  
22 Elaine M. Cropper, RDR, CRR, CCP  
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United States District Court

# EXHIBIT C

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

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

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DEPOSITION OF LAURA DEAN-LYTLLE  
January 16, 2008  
Tucson, Arizona

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BY: CYNTHIA D. MCDEVITT, RPR, CR No. 50108	
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1 could call them.

2 Q Okay. Do you know whether or not you did?

3 A I can tell you that I had a specific question on how  
4 to process the voter registration forms that did not provide the  
5 proper information in the beginning, but I feel that we had a  
6 meeting in close proximity to that implementation time that we  
7 were able to discuss the issues.

8 Q When you say you had questions about how to process  
9 the voter registration form, what do you mean by that?

10 A In the past, if we received a voter registration form  
11 that had inadequate information, we processed the form in that  
12 we would return it to the voter or the applicant that wanted to  
13 be a voter with a letter saying, We need your date of birth, We  
14 need your signature, something is incomplete. Please complete  
15 it and return it to us.

16 In the implementation of Prop 200, that procedure was  
17 changed in that we then realized that we should not return the  
18 forms. They are immediately rejected and filed so that we then  
19 sent a letter to the voter and provide them a new form and state  
20 that it needs to be completely filled out, and we indicate on  
21 the letter what is needed on the form.

22 Q When was it that you began sending out those letters  
23 to people whose registration application had been rejected?

24 A Right away when Prop 200 was implemented and I  
25 honestly can't say whether it was 2004 or 2005. I don't

1 remember the year to tell you the truth but as soon as it was  
2 implemented, it was our goal to communicate as well as we could  
3 with the voter to help them understand the process.

4 Q You stated -- I just want to clarify something before  
5 we go on. You stated earlier in the past you would just return  
6 to voters the forms and tell them what was missing; correct?

7 A Yes.

8 Q And when you said that, you meant prior to Proposition  
9 200?

10 A Yes.

11 Q Okay. Did you prepare a form letter of some sort, a  
12 template that would be used to send out to people whose forms  
13 were rejected?

14 A I don't know that I personally did but our office did.

15 Q Okay. And the reason I ask is we have not received  
16 that letter or that -- a copy of that form.

17 MS. RAPP: Isn't --

18 THE WITNESS: Is it in this group that you have?

19 MR. URIAS: We can take a look.

20 MS. RAPP: You know what, I just realized -- can  
21 we go off the record a second?

22 MR. URIAS: Sure.

23 (A discussion was had off the record from 10:02 to  
24 10:14 a.m.)

25 MR. URIAS:

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MS. RAPP: Read and sign.

(Signature reserved.)

(On January 16, 2008, at the hour of  
12:15 p.m., the deposition concluded.)



LAURA DEAN-LYTLÉ

## C E R T I F I C A T E

1  
2 STATE OF ARIZONA )  
3 COUNTY OF PIMA )  
4

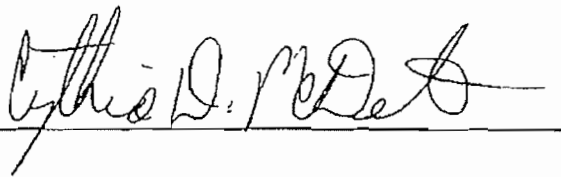
5 BE IT KNOWN that I took the foregoing deposition; that  
6 I was then and there a Certified Reporter in the State of  
7 Arizona; that by virtue thereof, I was authorized to administer  
8 an oath; that the witness, ADRIAN CANEZ, before testifying was  
9 duly sworn to testify to the whole truth and nothing but the  
10 truth; and the testimony of the witness was reduced to writing  
11 under my direction.

12 I DO FURTHER CERTIFY that I am not a relative or  
13 attorney of either party or otherwise interested in the events  
14 of this action.

15 ( X ) Pursuant to request, notification was provided  
16 that the deposition is available for review and signature.

17 ( ) Deposition review and signature was not  
18 requested.

19 Signed and dated this 29th day of January, 2008.  
20

21  
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23 CYNTHIA D. MCDEVITT, RPR  
24 Certified Reporter,  
25 State of Arizona, #50108

# EXHIBIT D

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UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

MARIA M. GONZALEZ, et al., )  
 ) NO. CV-061268-PHX-  
 Plaintiffs, ) ROS (Lead)  
 ) NO. CV-06-1362-PCT-  
 -vs- ) ROS  
 ) NO. CV-06-1575-PCT-  
 STATE OF ARIZONA, et al., ) ROS  
 )  
 Defendants. )

DEPOSITION OF JASPER ALTAHA  
January 14, 2008  
Phoenix, Arizona

ORIGINAL

BY: CINDY J. SHEARMAN, CR #50718

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Suite 200 P.O. Box 17507  
177 North Church Avenue Tucson, Arizona 85731

1 application?

2 MS. RAPP: Objection, form.

3 THE WITNESS: There's two parts to  
4 Exhibit 19. The second part, which is, I believe,  
5 at the bottom right, it says 11712. Anyone that  
6 does -- that submits a registration form that does  
7 not provide proof of citizenship would get a copy  
8 of this letter, included with a new registration  
9 form and business reply envelope.

10 BY MS. PERALES:

11 Q And is the business reply envelope  
12 something that you have to put a stamp on?

13 A The business reply, it's already paid  
14 for, it's a prepaid envelope.

15 Q Okay. And so a person could return  
16 their new voter registration form, and if they put  
17 in additional pages like a photocopy of a birth  
18 certificate, does the postage cover that?

19 A The postage covers that.

20 Q All right. Now, in addition to  
21 sending a letter to the voter registration  
22 applicant, what do you do with the registration  
23 form that you received the first time?

24 A We keep them in our office -- in our  
25 office.

1 Q Do you enter them into VRAZ?

2 A No, we don't.

3 Q Are you familiar with the way that you  
4 can enter registration forms into VRAZ with a  
5 rejection indicated?

6 A We don't enter them at all.

7 Q Okay. And when you keep these voter  
8 registration applications that lack proof of  
9 citizenship and you get a phone call from the  
10 applicant who wants to give you the A number over  
11 the telephone, do you pick up that original  
12 application and write the A number in on it?

13 A No, we would have to have them  
14 reregister.

15 Q So if somebody calls over the phone  
16 and says, "I just got your letter. I'm ready to  
17 give you my A number over the phone", would you  
18 accept that information?

19 A No, we wouldn't.

20 Q Would you instruct the person who's  
21 calling you to fill out the new application and  
22 return it to you?

23 A That's correct, because they would --  
24 they would get a copy of the letter telling them  
25 that they need to reregister.

1           Q     And, now, if it's the case of somebody  
2 who sent in the voter registration form and  
3 accidentally transposed a number on the driver's  
4 license so you were unable to verify citizenship  
5 and that person calls you in response to your  
6 letter and says, "I wrote down the wrong driver's  
7 license number, can I give it to you over the  
8 phone", what would you say to that person?

9           A     That one we -- there's a letter  
10 similar to Exhibit 19 which we call a suspense  
11 letter. Any registration that we get where the  
12 information is either incorrect or lacking, we  
13 would have them provide that information again, and  
14 I believe the most paramount thing would be that we  
15 would need their signature on there saying that  
16 that's a change.

17          Q     And if it's somebody who's not  
18 registered to vote at all, first time registration,  
19 and the applicant was using his driver's license  
20 number as proof of citizenship because it was dated  
21 after 1996, but you got a return code saying that  
22 the driver's license was not a match, would you  
23 still send the person the letter that is  
24 Exhibit 19?

25          A     I don't understand the question.

1           Q       Okay. It's my fault for asking a bad  
2 question.

3           I met a man once who tried to register to  
4 vote -- not here in Maricopa County -- and he  
5 accidentally transposed the numbers of his driver's  
6 license when he wrote it down on the registration  
7 form, he got the numbers mixed up, and he was --  
8 his application was rejected for voter  
9 registration. Have you ever seen something like  
10 that happen in Maricopa County?

11          A       Yes.

12          Q       And in that situation, how do you --  
13 how do you respond to the applicant?

14          A       We would send them a letter similar to  
15 Exhibit 19, the suspense letter, telling them the  
16 information that they're supplying to us is  
17 incorrect.

18          Q       And if the person called you in  
19 response to the suspense letter and said, "I wrote  
20 down my driver's license wrong", would you take  
21 that number over the phone?

22          A       No, we wouldn't. We would need them  
23 to sign the paper and send it back in.

24          Q       And when you say "sign the paper", is  
25 that a new registration form or a different paper?

1           A       That would be similar to Exhibit 19.  
2       It says 11714 at the bottom. It would be a letter  
3       similar to that.

4           Q       Okay. And you mean what we call Bates  
5       No. 11714?

6           A       I believe that's what it is.

7           Q       Okay. And so you would wait to get  
8       that back in the mail before you would register  
9       that person?

10          A       That's correct.

11          Q       In this case that we're currently  
12       discussing where somebody sends you their correct  
13       driver's license number and you accept it and you  
14       register the person, what is the date of  
15       registration?

16          A       The date of registration would be the  
17       date, if they put a date on there, when they signed  
18       the form. That would be the date of registration.  
19       If they left it blank, we would use the postmark.  
20       If there was no postmark, we would use the date  
21       that we received it in our office.

22          Q       Okay. Would you, in any event, use  
23       the date of the original voter registration  
24       application?

25          A       No.

1           Q     Have you personally ever called a  
2 voter registration applicant and asked him or her  
3 for the A number?

4           A     No, I haven't.

5           Q     Does Maricopa County phone voter  
6 registration applicants and ask them for their  
7 A number?

8           A     No, we don't.

9           Q     Do you limit your communication with  
10 the applicant to this letter requesting that they  
11 reregister?

12          A     The -- in regards to the A number,  
13 yes, we would send them the letter. But in regards  
14 to having the applicant submit a registration form  
15 where we believe the address to be invalid, in  
16 other words, the address doesn't exist or they  
17 don't know where they live at, something -- in that  
18 case, we would call the voter and ask them where  
19 exactly they reside at.

20          Q     Okay. Do you know if every person who  
21 holds a driver's license dated after 1996 is a US  
22 citizen?

23                   MS. RAPP: Objection, foundation.

24                   MS. BRENNAN: Join.

25

1 and federal.

2 Q Okay. Great. Do you have any  
3 knowledge about how long it takes for somebody's  
4 naturalization to show up in the VIS database?

5 A No, I don't.

6 Q Do you know why the procedures manual  
7 says it takes two weeks for someone's  
8 naturalization to reflect in the VIS database?

9 MS. RAPP: Objection, foundation.

10 THE WITNESS: No, I don't.

11 BY MS. PERALES:

12 Q Have you ever had a situation where a  
13 newly naturalized citizen's naturalization was not  
14 in the VIS database within -- or two weeks later?

15 A To my personal knowledge, none that I  
16 know of, but I do know that if we were to conduct a  
17 voter registration drive at the naturalization  
18 ceremony on a Friday, the following week the  
19 information wouldn't be there.

20 Q How do you know that?

21 A We go through the SAVE VIS program.

22 Q Do you go through the VIS program even  
23 after you have viewed the original naturalization  
24 certificate?

25 A Some of those -- we get a lot of those

1 registrations, so there might be some that we miss.  
2 What we do when we go to the ceremonies, we have a  
3 little stamp that says "verified by", and if the  
4 registration form doesn't have a "verified by"  
5 stamp, with the person that is accepting that  
6 registration form and the type of document, in that  
7 case, we would check the VIS database.

8 Q Okay. So if, as a result of just  
9 moving very quickly, you bring back a voter  
10 registration application from a naturalization  
11 ceremony and it doesn't have the accepted by stamp  
12 on it, you will go ahead and run that through VIS?

13 A That's correct.

14 MS. RAPP: Objection, form.

15 BY MS. PERALES:

16 Q Okay. And, in those cases, how long  
17 will you wait to run that application through VIS?

18 A We usually -- we usually -- it all  
19 depends, it all varies, depending on when the event  
20 took place. And I guess it would also depend on  
21 the date. Usually we check it the week after. I  
22 believe we check it probably two or three weeks  
23 after the date, so we do hold on to the form.

24 Q Do you ask the applicant to come in  
25 and give you anything more or different during that

1 time?

2 A No, not unless if the voter wants to  
3 be registered on the same day or if they want to be  
4 added to the system that day, then we tell them to  
5 bring some -- either that document or some other  
6 proof of documentation.

7 Q How would the voter know that their  
8 original registration was taking longer?

9 A Usually the only people that I know of  
10 would be somebody that, say, that's running for  
11 office or somebody that signed a petition or  
12 something to that effect. Other than that, there's  
13 none that I know of.

14 Q Okay. In the situation where you're  
15 waiting to run an A number through the VIS database  
16 from a registration application, do you just hold  
17 that registration application until you can get it  
18 verified?

19 A That's correct.

20 Q And what would be the date of  
21 registration for that application?

22 A The date that they signed it.

23 Q Okay.

24 A Or the -- if it was a voter  
25 registration drive, it would be the date that we --

1 if they didn't sign it -- I mean, if they didn't  
2 date it, we would date it with the date the  
3 registration drive occurred or the receive date.

4 Q How many people in the Maricopa County  
5 recorder's office log on to the VIS database?

6 A Currently, there's only two of us that  
7 have access. When we first started the process, I  
8 believe there was -- there was six of us that had  
9 access to the database.

10 Q And will there be six of you in the  
11 future?

12 A That's correct. It takes a while;  
13 it's the federal government.

14 Q Do you have -- can you log on to the  
15 VIS database through any computer that has Internet  
16 access?

17 A That's correct.

18 Q And in this office here in the  
19 Maricopa County recorder's office, how many  
20 computer desktops are used to log on to the VIS  
21 database?

22 A That I'm aware of, there's only two.  
23 I mean, there's a lot of computer work stations.  
24 As you stated, you know, we can access it using the  
25 Internet and we have a lot of computers here, but

1 BY MS. PERALES:

2 Q You may answer.

3 A I don't know.

4 MS. PERALES: I think I am ready to  
5 pass the witness.

6 MS. TELLEZ: I don't have anything for  
7 this witness.

8 MS. CONNOR: Carrie, do you have  
9 anything?

10 MS. BRENNAN: No.

11 MS. PERALES: We are finished.

12 MS. CONNOR: Thank you, Jasper.

13 (Concluded at 1:00 p.m., January 14, 2008.)

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JASPER ALTAHA

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## C E R T I F I C A T E

1  
2 STATE OF ARIZONA)  
3 COUNTY OF PIMA )


4 BE IT KNOWN I took the foregoing  
5 deposition; that I was then and there a Certified  
6 Reporter in the State of Arizona; that by virtue  
7 thereof, I was authorized to administer an oath;  
8 that the witness, JASPER ALTAHA, before testifying  
9 was duly sworn to testify to the whole truth and  
10 nothing but the truth; and the testimony of the  
11 witness was reduced to writing under my direction.

12 I DO FURTHER CERTIFY that I am not relative  
13 or attorney of either party or otherwise interested  
14 in the events of this action.

15 (X) Pursuant to request, notification was  
16 provided that the deposition is available for  
17 review and signature.

18 ( ) Deposition review and signature was  
19 not requested.

20 Signed and dated this 29th day of January,  
21 2008.

22  
23   
24 CINDY J. SHEARMAN, RMR, CRR  
25 Certified Reporter,  
State of Arizona, #50718

# EXHIBIT E

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 CINDY GAGE

Phoenix, Arizona  
January 10, 2008  
1:09 a.m.

ORIGINAL

REPORTED BY:

Cindy Bachman  
Certified Reporter No. 50763

PREPARED FOR:

Ms. Carrie Brennan

1 any changes to a record -- a customer record.

2 A. (No audible response.)

3 Q. Do you want me to ask that again?

4 A. Yeah, rephrase that one more time. Okay?

5 Q. To your knowledge, are there any outside organizations  
6 or agencies that can directly update a customer record  
7 themselves without having to go first through the MVD? In other  
8 words, without having to provide you information and allowing  
9 you to input that information in?

10 A. Would you be thinking if the Court sent us a citation  
11 or somebody didn't pay for their ticket, that goes on our  
12 system. We generate a mailer to tell the driver they're  
13 suspended. I never really touched the record. The Court did it  
14 all electronically. Is that --

15 Q. Let me give you an example that I'm thinking of.  
16 Earlier we were talking to Anne Yanofsky from the MVD and she  
17 was talking about how people come into the MVD when they are  
18 updating their status or there's been a change in their status.  
19 For instance, somebody became married and now has to change  
20 their immigration status from one to the other. Those are  
21 people who actually walk in and try to make those updates.

22 Is there any way that the Department of Homeland  
23 Security or any of the Federal Immigration Agencies can directly  
24 update the customer record in the MVD database themselves?

25 A. Not that I'm aware of.

1 Q. So in the instance where an individual does have a  
2 change in their status -- they already have a record with the  
3 MVD, let's assume, and they have a change in their immigration  
4 status. To your knowledge, other than that person walking in  
5 and notifying you of that change, is there any way that you can  
6 think of that the MVD might have the ability to update the  
7 customer record?

8 A. No.

9 Q. All right. Going back to 6448. The rest of the  
10 document as you see -- we were going to go through all the  
11 codes, but they seem to be the same in the line as well. And  
12 those particular lines, at least, don't appear to have anything  
13 in those -- entries for those, correct?

14 A. That's correct.

15 Q. At the very bottom, it says "Enter Segment Wanted or  
16 'No'." Do you know what that refers to?

17 A. That's what we call a trans-switch field. If I'm  
18 looking in this as a query record and I'm on the segment 24, if  
19 I went in now to go look, say, these comments, I'll enter 03 and  
20 it will take me over to the next comment segment.

21 So I'm entering segment numbers 01, 02. In this case,  
22 I would go 01 or 03 or 09 and that would just flip me into the  
23 next segment.

24 Q. Okay. It's just a way for you to -- because obviously  
25 you don't have this on hard copy like we do. You have it on a

1 say that we are satisfied that all of them have been answered to  
2 the extent that was required under the Rule 30(b)(6).

3 MS. BRENNAN: And I would invite you to send me a  
4 letter or an e-mail with the certain information that you  
5 believe has not been covered under the topics that we designated  
6 for the witnesses today. Then, we will follow up.

7 MR. URIAS: Okay.

8 MS. BRENNAN: There's going to be a transcript  
9 generated of this deposition. You can go ahead, if you like,  
10 and review your transcripts for any errors and sign it. Do you  
11 wish to do that?

12 THE WITNESS: I would like to review it, please.

13 MS. BRENNAN: Okay.

14 MR. URIAS: Thank you very much.

15 (Deposition concluded at 5:20 p.m.)

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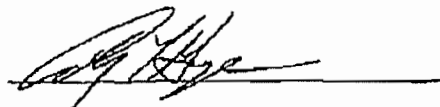
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CINDY GAGE

STATE OF ARIZONA     )  
                          )  ss.  
COUNTY OF MARICOPA  )

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

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

DATED at Phoenix, Arizona, this 15th day of January, 2008.

  
Cindy Bachman  
Certified Reporter No. 50763