

1 **IV. COUNTY IMPLEMENTATION OF PROOF OF CITIZENSHIP**
2 **PROVISIONS OF PROPOSITION 200**

3 **A. County Procedures for Handling Deficient Voter Registration**
4 **Applications**

5 **525.** The Counties reject voter registration forms that do not include
6 proper proof of citizenship under Proposition 200. [Exhibit 521 (Wayman-Trujillo 50-
7 51); Exhibit 502 (Altaha Dep. 12:20-13:19, Jan. 14, 2008 (“Altaha”))]

8 **526.** The Counties require re-registration for a person whose voter
9 registration form was rejected for failure to include proper proof of citizenship under
10 Proposition 200. [Exhibit 521 (Wayman-Trujillo 51); Exhibit 502 (Altaha 14); *see, e.g.*,
11 Exhibits 174-178]

12 **527.** When a voter registration form is rejected for failing to include
13 proper proof of citizenship under Proposition 200, some Counties mail a letter to the
14 applicant explaining why the application was rejected and instructing the applicant to
15 submit a new registration form with proper proof of citizenship. [Exhibit 521 (Wayman-
16 Trujillo 51-52); Exhibit 502 (Altaha 13)]

17 **528.** Maricopa County keeps the rejected registration forms and does not
18 enter information from the forms into VRAZ. [Exhibit 502 (Altaha 13:24-14:6)]

19 **529.** Registrants cannot provide proof of citizenship via telephone; the
20 registrant must fill out a new voter registration form and submit the required proof of
21 citizenship. [Exhibit 502 (Altaha 14:15-19, 16:18-23)]

22 **530.** Yavapai County does not send any follow-up letters to people whose
23 voter registration applications were rejected for failure include proper proof of citizenship
24 under Proposition 200 and who do not reregister. [Exhibit 521 (Wayman-Trujillo 68)]

25 **531.** The Counties are unaware of any federally issued identification that
26 contains a person’s name, address and photograph. [Exhibit 507 (Hansen 41:1-4)]

532. Very few of these rejected voter registration form are cured.

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- a. In Maricopa County, if citizenship information is provided after it was left off a registration form, the date of the registration is the date the information is provided, not the date the person submitted the original voter registration form. [Exhibit 513 (Osborne vol. 2 34:20-35:4)]
- b. In Maricopa County, if the individual provides the wrong driver’s license number, the record is suspended, but once he or she provides the correct number, the date of registration becomes the date the initial registration was turned in.

B. The Counties Always Reject Applicants Who Provide a Certificate of Naturalization Number Instead of an Alien Registration Number

533. The Counties use the “A number” or “Alien registration number” to verify citizenship with the federal government. [Exhibit 517 (Rodriguez vol. 1, 53:12-54:4, 59:21-23, Aug. 8, 2006 (“Rodriguez vol. 1”)); Exhibit 511 (Marin 46:24-47:1); Exhibit 512 (Osborne vol. 1 34:14-24)]

534. The Counties are aware that there are two numbers on the naturalization certificates, but are inconsistent in their treatment of the numbers. [Exhibit 510 (Johnson 23:25-25:17); Exhibit 178 at 5; Exhibit 509 (Justman Dep. 27:4-28:19), Aug. 1, 2006 (“Justman”); Exhibit 521 (Wayman-Trujillo 39-40)]

535. In Yavapai County, the only way for a naturalized citizen to find out that in order to register they must provide their “A number,” rather than their certificate of naturalization number, is by calling or appearing in person at the County Recorder’s office. [Exhibit 521 (Wayman-Trujillo 46)]

536. Pima County’s website only asks for the number on the certificate of naturalization for the voter registration form. [Exhibit 517 (Rodriguez vol. 1 59:2-5) & Exhibit 180]

537. The Counties do not list the “A number” as an acceptable form of identification on any educational documents they produce for the public. [Apache 2d RFP Response, No. 2; Pima 2d RFP Response No. 2; Pinal 2d RFP Response No. 2; Coconino 2d RFP Response No. 15; Santa Cruz 2d RFP Response No. 2; Yavapai 2d RFP

1 Response No. 2] But Maricopa County has requested the “A number” to community
2 groups. [See p.10 from Maricopa Resp. to Q #13] [Exhibit 181]

3 **538.** The Counties reject voter registration forms that provide the
4 certificate of naturalization number. [Exhibit 517 (Rodriguez vol. 1 at 60:18-22); Exhibit
5 182 (rejected forms providing naturalization number); Exhibit 507 (Hansen at 29:21-
6 30:5)]

7 **539.** Some Counties will contact those who provide a certificate of
8 naturalization number and instruct them to provide their alien registration number in
9 order to register to vote. [Exhibit 517 (Rodriguez, vol. 1 65:9-21); Exhibit 507 (Hansen,
10 29:21-30:5); Exhibit 512 (Osborne vol. 1 36:2-16)]

11 **540.** It takes several weeks after a citizen is naturalized before the federal
12 government’s database is updated to reflect that the “A number” belongs to a U.S.
13 citizen. [Exhibit 517 (Rodriguez vol. 1 61:16-62:3); Exhibit 511 (Marin at 51:7-9);
14 Exhibit 512 (Osborne vol. 1 99:10-19)]

15 **541.** If the County Recorder’s staff has seen the registrant’s naturalization
16 certificate, the certificate number is not confirmed with the federal government. [Exhibit
17 517 (Rodriguez vol. 1 62:4-62:11); Exhibit 518 (Rodriguez vol. 2, 35:5-12, Jan. 22, 2008
18 (“Rodriguez vol. 2”)); Exhibit 507 (Hansen 27:13-14); Exhibit 502 (Altaha 21)]

19 **542.** The Counties accept a photocopy of a naturalization certificate as
20 proof of citizenship [Exhibit 517 (Rodriguez vol. 1 63:5-7); Exhibit 505 (Dean-Lytle
21 Dep. 53:2-6, Jan. 16, 2008) (“Dean-Lytle”); Exhibit 507 (Hansen 27:20-23); Exhibit 509
22 (Justman at 23:20-23); Exhibit 512 (Osborne vol. 1 39:22-25); Exhibits 183, 184, 185 &
23 186], but some Counties do not inform the public that they will do so [Apache 2d RFP
24 Response, No. 3; Pima 2d RFP Response No. 3; Pinal 2d RFP Response No. 3; Coconino
25 2d RFP Response No. 16; Yavapai 2d RFP Response No. 3; Santa Cruz 2d RFP
26 Response No. 3; *see also* Exhibits 187-189 (listing photocopies as acceptable for all

1 documents except naturalization papers)], nor do they educate the public that making
2 such a photocopy is illegal. [Apache 2d RFP Response No. 4; Pima 2d RFP Response,
3 No. 4; Pinal 2d RFP Response No. 4; Coconino 2d RFP Response No. 17; Yavapai 2d
4 RFP Response No. 4; Santa Cruz 2d RFP Response No. 4] [Exhibit190]

5 **543.** Some Counties know that it is illegal to copy a naturalization
6 certificate. [Exhibit 517 (Rodriguez vol. 1 64:4-8); Exhibit 511 (Marin 44:13–45:6)]

7 **544.** Pinal County has knowledge that naturalized citizens attempting to
8 register to vote were concerned that their naturalization certificate indicated that they
9 could not duplicate or copy it. [Exhibit191]

10 **545.** Pinal County notified Joe Kanefield, State Election Director for
11 Arizona, and Craig Stender that registrants who were naturalized U.S. citizens were
12 concerned that the face of their naturalization certificate indicated that they could not
13 copy it. [Exhibit191]

14 **546.** The Pima County Recorder’s Office specifically noted in its
15 educational materials that “federal law prohibits making a photocopy of a Naturalization
16 certificate.” [Exhibit107]

17 **547.** Private and volunteer voter registration organizations no longer go to
18 naturalization ceremonies in Pima County because they have been persuaded by the
19 County Recorder that they cannot satisfy the requirements for Proposition 200. [Exhibit
20 518 (Rodriguez vol. 2 32:20-33:25)]

21 **548.** The voter registration form provided on many county websites
22 requires the certificate number, and not the “A number,” as proof of citizenship. [See,
23 e.g., Exhibits 192-197, 185] Likewise, many Counties provide lists of documents to
24 prove citizenship with the same mistake. [See, e.g., Exhibits 177-78, 184-85, 187-88,
25 198-223]

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1 **549.** The Pima County Recorder’s Office sent letters and posted notice
2 requesting a photocopy of a certificate of naturalization or to provide the “number of
3 certification of naturalization.” This was done even though USCIS could not verify one’s
4 citizenship by certificate of naturalization. [Exhibits 224, 225] The Pima County
5 Recorder’s Office then began to send letters notifying individuals that the office could
6 not process their applications because they were submitted with naturalization certificate
7 numbers. The County notified registrants that they needed to provide their alien
8 registration number or present a copy of their naturalization certificate in order to
9 successfully register. [Exhibit 226]

10 **C. The Counties Are Aware That a Driver’s License Is Not Proof of**
11 **Citizenship, But They Accept them Anyway**

12 **550.** The Counties requested an opinion from the Attorney General
13 acknowledging that, although the issue date of a driver’s license tells nothing about the
14 citizenship of the driver, the Counties can accept driver’s licenses issued after October 1,
15 1996 as proof of citizenship because that is what Proposition 200 requires. [Exhibit 517
16 (Rodriguez vol. 1 31:8-17); Exhibit 512 (Osborne vol. 1 104:7-21)]

17 **551.** No out-of-state driver’s licenses are acceptable as proof of citizenship
18 for registration. [Exhibit 517 (Rodriguez vol. 1 38:24-39:1); Exhibit 227 (listing
19 requirements for registration); Exhibit 507 (Hansen 18:21-19:2); Exhibit 512 (Osborne
20 vol. 1 24:15-25); Exhibit 511 (Marin 39:10-16); Exhibits 228 & 229; Exhibit 174 at 8]

21 **552.** Arizona driver’s licenses with F or W numbers indicated to Yuma
22 County that the driver is in the country legally but is not a citizen. [Exhibit 511 (Marin
23 69:15-25)]

24 **553.** Although listed in the statute and publicity pamphlets for Proposition
25 200, out-of-state driver’s licenses are not accepted as valid identification at the polls.
26 [Exhibit 508 (Hoyos Dep. 22:21-23, Jan. 16, 2006 (“Hoyos”); Exhibit 230]

1 **554.** Maricopa County is aware that there are people who hold driver's
2 licenses after 1996 that are not citizens. [Exhibit 513 (Osborne vol. 2 42:21)]

3 **D. Counties Are Not Verifying Identification Documents**

4 **555.** The Counties do not verify birth certificates or U.S. passports that
5 they receive with voter registrations. [Exhibit 518 (Rodriguez vol. 2 86:23-87:6); Exhibit
6 505 (Dean-Lytle 50:8-17); Exhibit 513 (Osborne vol. 2 50:10-21); Exhibit 521 (Wayman-
7 Trujillo 63-64); Exhibit 518 (Rodriguez vol. 2 87:7-87:10); Exhibit 505 (Dean-Lytle
8 50:21-23); Exhibit 513 (Osborne vol. 2 50:22-25)]

9 **556.** Some Counties accept tribal treaty card numbers at face value and do
10 not verify them. [Exhibit 505 (Dean-Lytle 51:5-7); Exhibit 513 (Osborne vol. 2 51:19-
11 22, 97:3-13)]

12 **557.** Some Counties accept tribal enrollment numbers or Certificates of
13 Indian Blood at face value and do not verify them. [Exhibit 510 (Johnson 20:6-21:3);
14 Exhibit 511 (Marin 46:20-23)]

15 **558.** Navajo County might accept a birth certificate from a married
16 woman if some of the fields matched, or it might require a marriage certificate. [Exhibit
17 509 (Justman 29:18-30:13)] Pima County will accept a birth certificate from a married
18 woman if the parents' names and state of birth match. [Exhibit 517 (Rodriguez vol. 1
19 32:3-33:5)] The federal voter registration form, however, does not ask for a parent's
20 name or state of birth.

21 **559.** Yuma County does not take any steps to verify a Bureau of Indian
22 Affairs card number when it's filled out on the voter registration form as proof of
23 citizenship. [Exhibit 511 (Marin 46:10-13)]

24 **560.** Yuma County does not verify a tribal treaty card number when it is
25 provided on the voter registration form, even though they are required to do so pursuant
26 to Proposition 200. [Exhibit 511 (Marin 46:16-19)]

1 **E. The Counties Refuse to Accept the Federal Voter Registration Form**

2 **561.** Some Counties do not make available the federal voter registration
3 form [Exhibit 517 (Rodriguez vol. 1 83:14-84:6); Exhibit 507 (Hansen 35:17-36:9)], and
4 have rejected registrants who used the federal voter registration form or the federal voter
5 postcard to register. [Exhibit 517 (Rodriguez vol. 2 97:22-25, 103:4-9); Exhibits 231 &
6 232 (rejected forms); Coconino Suppl. Resp. to 2nd RFP, Attach 1 at 37-38 & Attach 2 at
7 2 (rejected forms); Exhibit 505 (Dean-Lytle 72:8-73:1)]

8 **562.** Yuma and Maricopa Counties will reject federal voter registration
9 forms that do not show proof of citizenship. [Exhibit 511 (Marin 62:14-22); Exhibit 513
10 (Osborne vol. 2 38:1-6)]

11 **F. Native Americans Have Unique Identification Issues**

12 **563.** The Navajo Nation does not issue anything called a Bureau of Indian
13 Affairs Card Number, a Tribal Treaty Card, or a Tribal Enrollment number. [Exhibit 510
14 (Johnson 16:22-17:21); Exhibit 507 (Hansen 24:18-25:3)]

15 **564.** Coconino County has never seen a Bureau of Indian Affairs Card or a
16 Tribal Treaty Card from any tribe. [Exhibit 507 (Hansen 25:17-26:3); Exhibit 512
17 (Osborne vol. 1 26:2-3)]

18 **565.** Some Native Americans who possess tribal enrollment cards are not
19 born in the United States, such as some members of the Tohono O’odham tribe who were
20 born in Mexico. [Exhibit 517 (Rodriguez vol. 1 41:19-21)]

21 **566.** Tribal enrollment numbers do not indicate the tribe to which they
22 apply. [Exhibit 510 (Johnson 21:9-13)]

23 **567.** Counties with high populations of Native American citizens, like
24 Apache County, have expressed concerns about the effect of Proposition 200 on Native
25 American voters. [Exhibit 514 (Pew 9-13); Pew Dep. At Exs. 9 & 11; Exhibits 233 &
26 234]

1 **V. COUNTY USE OF THE FEDERAL SAVE SYSTEM TO VERIFY**
2 **CITIZENSHIP OF NATURALIZED CITIZENS**

3 **A. County Procedures for Using SAVE**

4 **568.** The certificate of naturalization states that it is punishable by U.S.
5 law to copy, print or photograph the certificate. [Exhibits 235 & 236]

6 **569.** Joe Kanefield, State Election Director for Arizona, inquired with the
7 United States Citizenship and Immigration Service (USCIS) office in Phoenix, Arizona
8 on January 12, 2005, as to whether USCIS had a database or program where the
9 government could verify naturalization certificate numbers. [Exhibit 237]

10 **570.** In January 2005, Joe Kanefield determined that if USCIS could not
11 verify one's status by inquiry of their certificate of naturalization number, then
12 presentation of naturalization documents would be necessary. [Exhibit 238]

13 **571.** The USCIS Phoenix Office answered Joe Kanefield, State Election
14 Director for Arizona by letter on January 18, 2005 and advised him about the Systematic
15 Alien Verification for Entitlements Program (SAVE). [Exhibit 237]

16 **572.** The USCIS Phoenix Office letter described the SAVE program, the
17 costs associated with the program and how a new agency may begin participating in
18 SAVE. The letter also provided the contact information as to who to contact because the
19 SAVE program was not run out of the Phoenix office. [Exhibit 237]

20 **573.** On June 9, 2005, all Counties in Arizona were ordered to establish an
21 account with USCIS and sign an MOU to access SAVE. [Exhibit 239]

22 **574.** The State of Arizona had knowledge that USCIS did not immediately
23 update their databases after a person has naturalized. [Exhibit 240; Exhibit 241] The
24 VRAZ county advisory committee continued to advise Counties to reject applications
25 despite knowledge that there was delay between the day a person naturalized and the day
26 the information was actually updated into the SAVE system. [Exhibit 240; Exhibit 241]

1 **575.** The naturalization certificate number printed at the top of a certificate
2 of naturalization cannot be verified with the SAVE program. [Exhibit 517 (Rodriguez
3 vol. 1 54:7-16, 56:14-23, 59:21-23)]

4 **576.** Maricopa County has access to the SAVE VIS database to verify “A
5 numbers,” and occasionally, other Counties without access to SAVE VIS, including
6 Yavapai County, call or email the Maricopa County Recorder’s Office to have them
7 verify A numbers through SAVE VIS. [Exhibit 502 (Altaha 30-31); Exhibit 521
8 (Wayman-Trujillo 57-58)]

9 **B. CIS testimony re contents and uses of SAVE**

10 **577.** Gerri Ratliff is Deputy Associate Director of the National Security
11 and Records Verification Directorate of the United States Citizenship and Immigration
12 Services (USCIS). [Exhibit 516 (Ratliff 5:18-21)]

13 **578.** Gerri Ratliff described the Systematic Alien Verification for
14 Entitlements Program (SAVE) as a program that allows certain government agencies to
15 verify the noncitizen or naturalized status of benefit applicants. [Exhibit 516 (Ratliff
16 12:1-8)]

17 **579.** The SAVE program runs a database called the Verification
18 Information System (VIS). VIS is not a primary source database. It is comprised of
19 nightly uploads of information from primary source databases. The primary databases
20 are in the USCIS Central Index System, which is referred to as CIS. [Exhibit 516 (Ratliff
21 14:8-17)]

22 **580.** The VIS database does not contain all of the information about a
23 particular alien that would be found in the Central Index System. [Exhibit 516 (Ratliff
24 16:18-20)]

25 **581.** The VIS database also does not contain an alien’s status history. The
26 database only contains current status information. [Exhibit 516 (Ratliff 18:19-20)]

1 **582.** The Web 1 access method in SAVE, which is used by Counties in
2 Arizona, only allows queries by A numbers. The query cannot be made by a Certificate
3 of Naturalization number. [Exhibit 516 (Ratliff 19:16-19 & 44:2-4)]

4 **583.** The SAVE Program, unlike the E-Verify Program, cannot verify
5 U.S.-born citizens. [Exhibit 516 (Ratliff 20:10-12)]

6 **584.** The SAVE Program and the E-Verify Program do not always access
7 the same data. [Exhibit 516 (Ratliff 28:12-18)]

8 **585.** The SAVE Program is used primarily to verify noncitizen eligibility
9 for public benefits. [Exhibit 516 (Ratliff 20:17-20)]

10 **586.** The SAVE Program was created in response to the congressional
11 enactment of the Immigration Reform and Control Act and the Personal Responsibility
12 and Work Opportunity Act, and specifically for the requirement that the Department of
13 Homeland Security (DHS) establish a system for verifying immigration status of
14 noncitizen applicants for and recipients of certain types of federally funded benefits.
15 [Exhibit 516 (Ratliff 21:20-22:13)]

16 **587.** Relatively few verifications in the SAVE Program are conducted to
17 determine U.S. citizenship. [Exhibit 516 (Ratliff 23:18-21)]

18 **588.** Only the State of Arizona uses the SAVE Program to verify U.S.
19 citizenship for voter registration purposes. [Exhibit 516 (Ratliff 24:1-3)]

20 **589.** In order for a government agency to be authorized to use the SAVE
21 Program, it needs to sign a Memorandum of Understanding (MOU). [Exhibit 516
22 (Ratliff 25:7-10)]

23 **590.** The SAVE Program does not allow someone to see or access
24 information about the

25 **591.** number of the Certificate of Naturalization for a naturalized citizen.
26 [Exhibit 516 (Ratliff 32:14)]

1 **592.** The USCIS form entitled “G-845S” is a non-electronic verification
2 request form that is used by agencies to verify information about certain noncitizens and
3 naturalized citizens who are applying for a benefit as defined and applicable in the
4 context of that user. [Exhibit 516 (Ratliff 34:13-20)]

5 **593.** The G-845S form does not list any possible response that would
6 indicate the person is a naturalized citizen. [Exhibit 516 (Ratliff 35:13-21)]

7 **594.** It is a legal requirement that a SAVE Program user have an MOU
8 with the federal government. [Exhibit 516 (Ratliff 36:12-15)]

9 **595.** The MOU serves to protect from the misuse or improper sharing of
10 private information. [Exhibit 516 (Ratliff 37:4-7)]

11 **596.** A separate MOU would have to be entered into with each county in
12 Arizona. It would be a violation of the federal rules if a county were to use the SAVE
13 Program without an MOU. [Exhibit 516 (Ratliff 37:8-19)]

14 **597.** Every person who has permission to access the SAVE Program is
15 given a password, and if someone were to share their login or password with someone
16 else, it would violate the MOU. [Exhibit 516 (Ratliff 45:1-5)]

17 **598.** If there is a non-responsive query in the SAVE Program, the user can
18 follow through and request additional verification. Then the user would have to wait
19 until DHS conducted a manual search for verification purposes. [Exhibit 516 (Ratliff
20 54:7-14)]

21 **599.** The cost of a query in the SAVE Program is approximately 26 cents
22 for a query that resolves instantly. It is an additional 26 cents for a query that has to go to
23 a secondary step. [Exhibit 516 (Ratliff 58:8-18)]

24 **600.** When a person takes the oath of citizenship, that information is
25 updated by a person in the local district USCIS office. The updated information would be
26 entered into the CLAIMS 4 database, which updates the CIS database. How quickly the

1 CIS database receives this information is a direct function of how quickly the local office
2 can update the system in CLAIMS 4. The CIS database receives nightly uploads from
3 CLAIMS 4. [Exhibit 516 (Ratliff 62:1-63:16)]

4 **601.** As of April 17, 2008 there were only four Arizona Counties that
5 entered into an MOU to use the SAVE Program. There were four additional Counties that
6 previously had an MOU but they recently self-terminated. [Exhibit 516 (Ratliff 66:20-
7 67:1)]

8 **602.** The Counties of La Paz, Yavapai, Navajo, Coconino and Pinal have
9 never run a query in the SAVE Program. [Exhibit 516 (Ratliff 67:18-68:3)]

10 **603.** Maricopa County was the first county to enter into an MOU on
11 March 15, 2005. [Exhibit 516 (Ratliff 72:12-16)]

12 **604.** The “A number” is a number that USCIS assigns to a person at
13 certain steps, such as when an individual files an application for immigration benefits
14 many years ahead of the time of filing for naturalization. [Exhibit 516 (Ratliff 72:20-
15 73:2)]

16 **605.** An A number stays with an individual throughout his relationship
17 with USCIS. When one becomes naturalized, the naturalization certificate will have a
18 new number printed on it, and that is different from an A number. [Exhibit 516 (Ratliff
19 73:3-7)]

20 **606.** The naturalization certificate number is used to track certificates,
21 which are secured documents. DHS uses this number to track certificates carefully for
22 antifraud purposes, for inventory control, and so that certificates are not disappearing and
23 being sold. [Exhibit 516 (Ratliff 73:8-14)]

24 **607.** The naturalization certificate states that it is a violation of law to
25 photocopy or duplicate the certificate. [Exhibit 516 (Ratliff 81:16-19)]

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1 **608.** An individual is supposed to relinquish his green card when he
2 naturalizes and it is possible that a naturalized citizen will not be in possession of his A
3 number. [Exhibit 516 (Ratliff 83:4-6 & 83:17-20)]

4 **609.** After someone has been naturalized, there is no legal duty to continue
5 notifying USCIS of one's address. [Exhibit 516 (Ratliff 87:4-9)]

6 **610.** There is no legal requirement for a naturalized citizen to carry
7 documentary proof of naturalization. [Exhibit 516 (Ratliff 87:10-15)]

8 **611.** USCIS has no interest in an individual once that person has
9 naturalized. [Exhibit 516 (Ratliff 88:6-12)]

10 **612.** If an "A file" is at one location and an entitlement is granted at
11 another location, United States Customs & Immigration Service ("USCIS") Records
12 Services will send the file to the requesting office. [Exhibit 515 (Quinn 20: 5-12)]

13 **613.** Once an individual has naturalized, the information will be updated
14 by a person in the local field office. The field office will "close the ceremony" or update
15 the new information in the CLAIMS 4 database. Subsequently, that information is input
16 into the Central Index System database. [Exhibit 515 (Quinn 34:5-11)]

17 **614.** Individuals must relinquish their green card when they naturalize.
18 [Exhibit 515 (Quinn 40:9-15)]

19 **615.** Once an adjudicator updates the new information and closes out the
20 file, there is no further action for the individual who naturalized. The file is sent to
21 National Archives location. [Exhibit 515 (Quinn 45:7-12)]

22 **616.** Files housed at the National Archives remain for seventy five years
23 and subsequently get destroyed. [Exhibit 515 (Quinn 45:21-46:7)]

24 **617.** If a person applied for a replacement of his naturalization certificate,
25 the original "A file" needs to be retrieved from the location where the file was retired.
26 [Exhibit 515 (Quinn 46:8-10)]

1 **618.** Some places take as long as six months to issue a replacement of a
2 naturalization certificate. [Exhibit 515 (Quinn 47:4-11)]

3 **619.** There are different National Archives locations. The bulk of the files
4 are in Lee's Summit, Missouri, but there are some files in Maryland, Washington, and
5 California. [Exhibit 515 (Quinn 47:16-48:2)]

6 **620.** Some "A files" cannot be retrieved from their archives because
7 USCIS cannot find them. [Exhibit 515 (Quinn 50:4-7)]

8 **621.** The "A number" is no longer necessary for a federal purpose after a
9 person naturalizes. [Exhibit 515 (Quinn 51:18-20)]

10 **622.** The A number was not always in use. Before the inception of the
11 Central Index System database that was created in 1975, "certificate numbers" or "C
12 numbers" were issued and used to track individuals. [Exhibit 515 (Quinn 53:21-54:8)]

13 **623.** Older certificates of naturalization do not have an A-number on the
14 face of the certificate. [Exhibit 515 (Quinn 56:11-15)]

15 **624.** If an individual only has a C number, he would likely not be found in
16 the Central Index System. [Exhibit 515 (Quinn 56:16-20)]

17 **625.** If a person was naturalized in 1960 for instance, it is likely he or she
18 would not be found in the Central Index System. [Exhibit 515 (Quinn 64:9-16)]

19 **626.** The files with a C number are maintained on microfiche and
20 microfilm. One would have to search the old archived records and research using various
21 criteria to find the C number for a particular naturalized citizen. [Exhibit 515 (Quinn
22 62:1-63:9)]

23 **627.** The A number and the Certificate of Naturalization number are
24 separate and distinct numbers. [Exhibit 515 (Quinn 74:3-6)]

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1 **628.** The Government Printing Office has language on the certificate of
2 naturalization stating that the certificate cannot be reproduced. [Exhibit 515 (Quinn
3 75:20-22)]

4 **629.** The only way the Central Index System will show one’s citizenship
5 will be if a person affirmatively applies for a certificate of citizenship. [Exhibit 515
6 (Quinn 88:1-8)]

7 **VI. STATE IMPLEMENTATION OF VOTER IDENTIFICATION**
8 **PROVISIONS OF PROPOSITION 200**

9 **A. Procedure for Proof of Identification at the Polls**

10 **630.** In order to vote a regular ballot with only a photo identification, the
11 voter must present an identification issued by Arizona’s Motor Vehicle Department.
12 [Exhibit 512 (Osborne vol. 1 50:5-12)]

13 **631.** The Maricopa County Elections Director admitted that the system of
14 identification and determining who receives a conditional provisional ballot and who
15 receives a regular provisional ballot is confusing. [Exhibit 512 (Osborne vol. 1 81:16;
16 Exhibits 242 & 243)]

17 **632.** Originally, the Secretary of State’s office planned to deny a
18 provisional ballot to a voter who did not present sufficient identification at the polls. The
19 Attorney General’s office advised them that such a procedure was a denial of the voters’
20 fundamental right to vote. [Exhibits 244 & 245] The Counties strenuously objected to
21 the Secretary of State’s original plan because they believed it would disenfranchise
22 voters. [See Exhibits 246 & 247]

23 **B. Special Procedures for Native Americans**

24 **633.** Some of the Counties strongly objected to the Secretary of State’s
25 decision not to allow Tribal Enrollment Cards as sufficient identification at the polls
26 which would require a voter showing that card at the polling place to fill out a provisional
ballot. [Exhibit 248]

1 **C. The Counties Objected to the Secretary of State’s Excessively**
2 **Restrictive Regulations**

3 **634.** Some of the Counties strenuously objected to the Secretary of State’s
4 office actions in making changes to the polling place identification procedures, which
5 were rushed and did not allow sufficient time for the County Recorders to review and
6 comment on the proposals, nor for the County Boards of Supervisors to comply with
7 Arizona’s Open Meetings Law to conduct a public session regarding the proposals.
8 [Exhibit 249]

9 **635.** Some Counties also objected to the Secretary’s of State’s decisions
10 on the polling place procedures as they relate to voter identification because the Secretary
11 of State was imposing restrictions that were not required by law and was thus exceeding
12 her constitutional authority. [Exhibit 249]

13 **636.** Some Counties objected to the non-photo identification restrictions
14 because some voters, including the elderly and students, would be unlikely to have an
15 approved form of identification even though they were qualified to vote. [Exhibits 246,
16 250, 249 & 251]

17 **637.** The United States Election Assistance Commission staunchly
18 disagreed with Arizona’s original position that voters who lacked the requisite
19 identification could not receive a provisional ballot. [Exhibit 252]

20 **638.** Some Counties objected to any limitation on the kinds of
21 identification that would be accepted at polling places because the statutory language did
22 not put any such limitations on the identification, and thus the Counties believed that the
23 Secretary of State should not impose additional restrictions. [Exhibit 253 at p. 4]

24 **639.** The Counties believed that the Secretary of State’s polling place plan
25 would disenfranchise numerous voters. [Exhibit 249]

26

1 **640.** Some of the Counties also believed that the Secretary of State’s
2 polling place plan would have disparate impact on many demographic groups, including
3 Native American and rural voters. [Exhibits 249 & 254]

4 **641.** Some Counties were concerned that the Secretary of State’s
5 requirement that an identification card “appear” to match the voter would lead to the
6 partisan disenfranchisement of voters. [Exhibit 255]

7 **642.** Many of the Counties’ concerns were never addressed by the
8 Secretary of State, even though it is the Counties who run the elections and have to
9 implement the procedures. [Exhibits 248-249, 251, 256-257]

10 **VII. COUNTY IMPLEMENTATION OF VOTER IDENTIFICATION**
11 **PROVISIONS OF PROPOSITION 200**

12 **A. County Procedures for Voter Identification at the Polls**

13 **643.** Voters must provide identification at the polls that match their name
14 and address on the Signature Roster. [Exhibit 258 at p. 23; Exhibit 259 at p. 21; Exhibits
15 260, 261, 262, 263, 264 & 265] These voters follow the Standard Voting Procedure.
16 [Exhibit 258 at p. 23; Exhibit 259 at p. 21; *see* Exhibits 266 & 267 (pamphlets regarding
17 how the voting system works), 517 (bilingual presentation regarding identification at the
18 polls)]

19 **644.** The voter I.D. clerks determine whether a voter will receive a
20 regular, a provisional, or a conditional provisional ballot. [Exhibit 508 (Hoyos 20)]

21 **645.** Voters who do not have sufficient voter identification to meet the
22 requirements of Proposition 200 are provided a “conditional provisional” ballot. [Exhibit
23 508 (Hoyos 12-14); *see* Exhibits 268, 269 & 270 at p. 27] Voters who have sufficient
24 identification but have another issue with their qualification to vote at the polling place,
25 such as their name not appearing on the Signature Roster or if the voter previously
26 received a vote-by-mail ballot, are provided a “provisional” ballot. [See Exhibit 271]

1 However, Yavapai County’s website states that voters without sufficient identification do
2 not receive a ballot at all. [Exhibits 272 & 273]

3 **646.** Voters whose name and/or address on their identification does not
4 match the name and/or address on the Signature Roster must vote a provisional ballot.
5 [Exhibit 258 at p. 25; Exhibit 259 at pp. 21 & 29; Exhibit 270 at 26; Exhibit 274 at p. 22]

6 **647.** Voters whose names appear on the Signature Roster but who do not
7 have sufficient identification required by Proposition 200 must vote a conditional
8 provisional ballot. [Exhibit 258 at p. 25; Exhibit 259 at p. 21]

9 **648.** Voters who fill out a provisional or conditional provisional ballot are
10 supposed be provided a receipt from the polling place that explains why they had to fill
11 out a provisional, rather than a standard, ballot. [Exhibits 275, 276 & 270 at 27]

12 **649.** When a voter receives a provisional ballot, he must fill out and sign a
13 “Provisional Ballot Envelope” in which he places his completed ballot. [Exhibit 269]
14 The Provisional Ballot Envelopes were developed by each County according to the
15 Secretary of State’s guidelines. [Exhibit 277]

16 **650.** After placing his completed ballot in the Provisional Ballot Envelope,
17 the voter places the envelope in the “Emergency Storage Bin.” [Exhibit 269]

18 **651.** Persons who are not allowed to cast their ballot at the polls, but
19 instead receive conditional provisional ballots because they do not have the identification
20 required by Proposition 200, must return to the County Recorder’s Office or another
21 place designated by the County Recorder to show identification for that ballot to be
22 counted. [Exhibit 514 (Pew 27); SOS Elections Procedures Manual; Exhibit 278]

23 **652.** Voters who fill out a conditional provisional ballot are supposed to be
24 provided a list of the locations that will accept the voters’ identification. [Exhibit 258 at
25 p. 28; Exhibit 259 at p. 29; Exhibit 270 at 27]

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1 **653.** For a primary election, voters who filled out a conditional provisional
2 ballot must return to a designated location to show identification within three days of the
3 election. [Exhibit 258 at p. 25; Exhibit 259 at p. 23] This timeframe requires voters who
4 work during the day to take time off from work to bring their identification to another
5 location. The law does not require employers to provide their employees with time off to
6 do so.

7 **654.** If a voter returns to a polling place on election day after having
8 previously voted a conditional provisional ballot because the voter did not originally have
9 sufficient identification, the voter must fill out a Proof of Identification form, which is
10 then placed in the provisional ballot box. The voter is not permitted to retrieve their
11 conditional provisional ballot and cast it on election day. [Exhibit 258 at p. 30; Exhibit
12 259 at p. 31]

13 **655.** If a voter who filled out a conditional provisional ballot does not
14 return to show sufficient identification, his or her ballot is not counted. [Exhibit 270 at p.
15 28]

16 **656.** The Counties determine what locations will be used to verify
17 identification for voters who filled out conditional provisional ballots, and the Counties
18 determine who will be allowed to verify the voters' identification and whether political
19 party representatives will be involved. [Exhibit 270 at p. 29; Exhibits 279 & 280]

20 **657.** Some Counties do not perform any background checks of poll
21 workers who are charged with reviewing identification documents at the polls, and
22 therefore do not fully protect voters from identity theft and other potential security risks.
23 [Exhibit 508 (Hoyos 37); Exhibit 521 (Wayman-Trujillo 91); *see also* Exhibits 256
24 (email regarding need to address identify theft issues in polling place procedures) & 250]

25 **658.** County election officials have had to inform voters whom they know
26 personally that they cannot vote because they lack the identification required by

1 Proposition 200 and have expressed concerns that poll workers will be asked to review
2 identification from voters who they know personally. [Exhibit 508 (Hoyos 38); Exhibits
3 281, 282 & 283]

4 **659.** For voters who elect to vote early by mail, THE Counties use a
5 signature verification process that is sufficient to verify the voter's identification.
6 [Exhibit 508 (Hoyos 43); Exhibit 512 (Osborne vol. 1 51:23-52:9); Exhibit 521
7 (Wayman-Trujillo 110)] No identification is required for those early voters. [Exhibit
8 284 at 5]

9 **660.** Voters who received a vote-by-mail ballot can drop off their
10 completed ballots at any polling place and do not have to show identification at the poll.
11 [Exhibit 258 at p. 26; Exhibit 259 at p. 27]

12 **661.** For voters who elect to vote early in person, the Counties do not
13 require the voters to present identification, but do verify the voter's signature. [Exhibit
14 285 at p. 3]

15 **B. County Efforts in Community Education for Providing Identification at**
16 **the Polls**

17 **662.** In some instances, the Counties only mailed out educational material
18 about the new voter identification requirements of Proposition 200 to the public one time;
19 the mailings were a costly effort for some Counties. [Exhibit 508 (Hoyos at 26-27)]

20 **663.** Some Counties do not have any information posted on their websites
21 about the voter identification requirements of Proposition 200. [Exhibit 508 (Hoyos at
22 33)]

23 **664.** Some Counties' websites include information about voting without
24 listing the proof of citizenship requirements. [Exhibit 286]

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1 **665.** Some Counties have not done any outreach in Spanish-language
2 media outlets or other events regarding the voter identification requirements of
3 Proposition 200. [Exhibit 508 (Hoyos 33)]

4 **666.** After the implementation of Proposition 200, a few Counties have
5 provided registered voters with documents that the county will accept as a valid form of
6 identification for voting at the polls because there is a concern that some voters will not
7 have the identification documents required by Proposition 200. [Exhibit 508 (Hoyos 27-
8 29); Exhibit 514 (Pew 21-22); Exhibit 521 (Wayman-Trujillo 106-107); *see* Exhibit 287
9 at p. 2; 288, 289 & 290] Pinal County, for example, distributes “sample ballots” prior to
10 every federal, state and county election at a cost of approximately \$70,000 to \$80,000 per
11 distribution. [Exhibit 508 (Hoyos 41-42)]; other Counties do not provide voters with
12 official mailers that can be used as a form of identification at the polls. [Exhibit 519
13 (Exhibit 519 (Stallworth 32))]

14 **667.** Some “official election mail” from the Counties cannot be used as
15 identification because it is mailed to households, and therefore does not have the voter’s
16 name. [Exhibit 289]

17 **668.** Of the fifteen Counties in Arizona, only a few Counties provide
18 official mailers to registered voters that can constitute one of the two forms of non-photo
19 identification required to vote under Proposition 200. [Exhibit 508 (Hoyos 59)]

20 **669.** In some Counties, funds to pay for the cost of producing and
21 distributing mailers and documents such as “sample ballots” and other forms of “official
22 election” mail that are accepted as one form of identification for voting at the polls have
23 not been budgeted for future elections. [Exhibit 508 (Hoyos 41); Exhibit 521 (Wayman-
24 Trujillo 108-109)]

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1 **670.** After the implementation of Proposition 200, some Counties did not
2 have the funding to adequately communicate information about the new identification
3 requirements for voting to the public. [Exhibit 514 (Pew 10)]

4 **671.** The Counties are not required to send out election mail that can be
5 used as proof of identification at the polls. [Exhibit 514 (Pew 23:4-24:18); Exhibit 507
6 (Hansen 38:3-5), 56:4-9, 57:10-11; Exhibit 508 (Hoyos 54:15-55:23); Exhibit 504
7 (Dastrup 10:7-12); Exhibit 512 (Osborne vol. 1 63:1-3); Exhibit 521 (Wayman-Trujillo
8 106-107); Exhibits 291 & 292]

9 **672.** Maricopa County is considering eliminating mailers for the
10 November 2008 elections to address budget issues. [Exhibit 513 (Osborne vol. 2 83:25-
11 84:11)]

12
13 **C. The Counties Vary in Their Approaches to Forms of Identification That
14 Are Accepted**

15 **673.** After and because of the implementation of Proposition 200, some
16 Counties do not accept valid out-of-state driver's licenses as sufficient identification for
17 voting at the polls. [Exhibit 508 (Hoyos 22-23); Exhibit 519 (Stallworth 20)] However,
18 Yavapai County does accept valid out-of-state driver's licenses as sufficient identification
19 for voting at the polls. [Exhibit 521 (Wayman-Trujillo 127-128)] Mohave County would
20 give a conditional provisional ballot to a voter with only an out-of-state driver's license.
[Exhibit 293]

21 **674.** The Counties do not accept passports or military identification cards
22 for identification at the polls. [Exhibit 285 at p. 4 & Exhibit 294]

23 **675.** For proof of identification at the polls, Apache County accepts
24 documents that are not listed in the statute as long as the documents have the voter's
25 name and address. [Exhibit 514 (Pew 19:8-22); Exhibit 295at 4]

26

1 **676.** Apache County will issue provisional ballots for people with a photo
2 identification with no address. [Exhibit 514 (Pew 28:20-29:9)] Coconino County would
3 issue such a voter a conditional provisional ballot. [Exhibit 507 (Hansen 84:17-85:1)]
4 Maricopa County would issue a conditional provisional ballot if the voter had nothing
5 else, but a provisional ballot if he produced a utility bill. [Exhibit 512 (Osborne vol. 1
6 83:10-14)]

7 **677.** Coconino and Mohave Counties will not accept two utility bills from
8 the same company. [Exhibit 507 (Hansen 41:20-24); Exhibit 293] Apache County
9 would call the County Attorney’s office for guidance on this issue. [Exhibit 514 (Pew
10 29:14-25)] It is the policy of Maricopa County to accept them. [Exhibit 512 (Osborne
11 vol. 1 54:21-55:6, 83:15-18)]

12 **678.** Apache County will issue conditional provisional ballots to someone
13 with two non-photo forms of identification that show a wrong address. [Exhibit 514
14 (Pew 30:24-31:6)] Coconino and Mohave Counties would issue such a voter a
15 provisional ballot. [Exhibit 507 (Hansen 85:14-18), Exhibit 293]

16 **679.** Coconino County will not accept statements from financial
17 institutions other than banks. [Exhibit 507 (Hansen at 42:20-23)] Navajo County would
18 leave it up to the poll worker to determine if the identification were reliable. [Exhibit 504
19 (Dastrup Dep. 19:24-20:8), Aug. 1, 2006 (“Dastrup”)]

20 **680.** Coconino County does not take credit card bills as proof of
21 identification. [Exhibit 507 (Hansen 81:22)] Apache County does. [Exhibit 514 (Pew
22 19:18-22)] Navajo County does not know. [Exhibit 504 (Dastrup 19:19-21)]

23 **681.** Apache and Maricopa Counties will take bills from Internet Service
24 Providers and satellite TV companies. [Exhibit 514 (Pew at 19:8-14); Exhibit 512
25 (Osborne vol. 1 at 52:19-53:23)] Navajo County will take satellite TV bills. [Exhibit
26 504 (Dastrup 17:19-21)]

1 **682.** Individual poll workers make the decision as to what forms of
2 identification are reliable, leaving the implementation of the provisions to the whims of
3 the workers, which leads to inconsistency across the Counties. [Exhibit 504 (Dastrup
4 18:6-22)] Maricopa County has “zero level of confidence” that all election boardworkers
5 would come to the same decision regarding when a particular identification was
6 acceptable and when it would require voting a conditional provisional ballot. [Exhibit
7 512 (Osborne vol. 1 87:11-19)]

8 **683.** Even though the Counties have discretion to allow additional forms
9 of identification, some Counties have chosen not to exercise that discretion and have
10 limited the identification they accept to those listed in the Secretary of State’s Elections
11 Manual. [Exhibit 296]

12 **D. Detrimental Effects of Proposition 200 on the Counties**

13 **684.** Prior to the implementation of Proposition 200, registered voters
14 could enter a polling place run by their county, announce their name, sign in, and proceed
15 to get a ballot. [Exhibit 508 (Hoyos 9-10)]

16 **685.** After and because of the implementation of Proposition 200,
17 Counties have had to develop methods by which to review the forms of identification in
18 the possession of voters at the polling place in order to determine whether voters are
19 eligible to vote. [Exhibit 508 (Hoyos 9-10)]

20 **686.** Because Arizona is a covered jurisdiction under the Voting Rights
21 Act, the Counties were required to submit their new polling place procedures to the
22 Department of Justice for preclearance. [Exhibits 297 (Pima County submission) &
23 298(Cochise County submission)]

24 **687.** After and because of the implementation of Proposition 200, the
25 Counties have had to reconfigure their polling places to include voter identification
26

1 stations, where voters have their identifications checked by voter “I.D. clerks” before
2 they are allowed to cast their ballots. [Exhibit 508 (Hoyos 9-11)]

3 **688.** After and because of the implementation of Proposition 200, the
4 Counties have had to reconfigure their polling places to include provisional ballot
5 stations, where voters who cannot present the forms of identification required by
6 Proposition 200 are referred. [Exhibit 508 (Hoyos 12)]

7 **689.** The Counties are responsible for hiring the additional poll workers
8 that are required at the polls due to Proposition 200. [Exhibit 508 (Hoyos 10); Exhibit
9 250]

10 **690.** Yavapai County has had poll workers quit and had a harder time
11 recruiting poll workers as a result of the enactment of Proposition 200. [Exhibit 521
12 (Wayman-Trujillo 90-91); Exhibit 299]

13 **691.** After and because of the implementation of Proposition 200, voters
14 who have been told that they may only receive a provisional ballot or a conditional
15 provisional ballot have raised objections and have been upset that they cannot cast their
16 ballots. [Exhibit 508 (Hoyos 16-17)]

17 **692.** Prior to the implementation of Proposition 200, there was no ballot
18 that a voter was offered that would require the voter to return to the polling place with
19 additional documentation to satisfy an identification requirement before he or she could
20 cast his or her vote. [Exhibit 508 (Hoyos 17-18)]

21 **E. Native American Voter Identification Issues**

22 **693.** An elector who identifies himself or herself as a member of a
23 federally recognized Native American tribe, who does not have one form of identification
24 with the name, address, and photograph of the elector or two of the approved forms of
25 identification with the name and address of the elector, may present one form of tribal
26 identification bearing only the voter’s name. The Native American voter will then be

1 allowed to vote a provisional ballot. [Exhibit 300 at 3; 301, 302] Such voters are
2 provided a provisional ballot and are not required to return with additional identification.
3 [Exhibit 303 at p. 3; Exhibit 274 at p. 29]

4 **694.** Native American voters are more likely to vote at polling places in
5 person than by mail because they require language assistance that they do not get through
6 the mail. [Exhibit 514 (Pew 12-13); Exhibit 304] Ballots are not printed in the Navajo
7 language. [Exhibit 514 (Pew 13); Exhibit 304]

8 **695.** Although Arizona's procedures provide that one form of acceptable
9 identification is a "form of tribal identification," poll workers are not provided with a list
10 of all federally recognized tribes in the United States. [Exhibit 514 (Pew 15)]

11 **696.** Maricopa County is not aware of any tribal identification cards that
12 include the individual's address. [Exhibit 512 (Osborne vol. 1 49:8-13)]

13 **697.** In the Counties with high populations of Native American voters,
14 voters may travel over fifty miles to polling places; those without sufficient identification
15 will nevertheless be turned away at the polls. [Exhibit 514 (Pew 11); Exhibit 304] In
16 Apache County, at least one voter returned home four times during an election to try and
17 bring the forms of identification required by Proposition 200, but ultimately was not able
18 to cast a ballot. [Exhibit 514 (Pew 32-33)]

19 **698.** Some Counties urged the Department of Justice to deny preclearance
20 for the Secretary of State's proposal to use conditional provisional ballots because the
21 procedures would disenfranchise many Native American voters. [Exhibits 304, 305 &
22 306]

23 **699.** Indian Census Cards are only issued to Native American citizens who
24 belong to federally recognized tribes, and as such, they show that the holder is a U.S.
25 citizen, but they do not contain the holder's address, and accordingly are unacceptable for
26 identification at the polling place. [Exhibit 257]

1 **700.** Many Native American communities are very rural and spread out,
2 making it very difficult for a voter who filled out a conditional provisional ballot to return
3 on election day or later with additional identification. The Counties urged the Secretary
4 of State to take these issues into consideration when issuing the polling place procedures,
5 but she refused. [Exhibits 304, 249, 251, 307 & 308]

6 **701.** Secretary of State Jan Brewer insisted that on the most restrictive
7 implementation of Proposition 200 in terms of both the voter registration and voter
8 identification requirements in light of guidance and caution from the Election Assistance
9 Commission. [Exhibits 309, 310, 311, 1 & 312-317]

10 **702.** Before the passage and implementation of Proposition 200, the
11 Secretary of State believed that the “strong desire to remain in the United States and fear
12 of deportation outweigh [noncitizen’s] desire to deliberately register to vote before
13 obtaining citizenship. Those who are in the county illegally are especially fearful of
14 registering their names and addresses with a government agency for fear of detection and
15 deportation.” [Exhibit 318]

16 **703.** Some county officials voiced an awareness that Hispanics may be
17 less likely to cure a conditional provisional ballot. [Exhibit 319]

18 **704.** Members of the public have voiced their opposition to the voting
19 requirements of Proposition 200. [Exhibit 320]

20 **705.** Arizona Secretary of State Jan Brewer disagreed with the counsel of
21 Arizona Attorney General Terry Goddard and sought to implement Proposition 200 with
22 a requirement that voters without the proper identification not be given a ballot of any
23 kind. [Exhibit 321]

24 **706.** On February 4, 2005 Arizona Attorney General Terry Goddard
25 issued an Opinion that held that “the number of a driver or nonoperating identification
26

1 license issued in Arizona after October 1, 1996, is satisfactory evidence of United States
2 citizenship to vote.” [Exhibit 169]

3 **707.** The Arizona Attorney General based his February 4, 2005 Opinion
4 on a literal interpretation of Proposition 200. [Exhibit 169]

5 **708.** On February 4, 2005 Arizona Secretary of State Jan Brewer wrote to
6 Arizona Attorney General Terry Goddard to seek his approval on a change to the manual
7 for election day procedures which contained revisions made to conform with the
8 requirements of Proposition 200. [Exhibit 322]

9 **709.** On February 9, 2005 Arizona Attorney General Terry Goddard
10 responded to Secretary of State Jan Brewer’s February 4, 2005 letter and stated that he
11 did not believe the proposed identification at the polls requirements under Proposition
12 200 could meet its burden under Section 5 of the Voting Rights Act that it would not
13 have a retrogressive effect on minority voters. Specifically, he explained that many
14 minority voters may not have the necessary documents to receive a ballot under the
15 proposed provisions. He insisted that the State must allow voters who do not have the
16 necessary identification to cast provisional ballots. [Exhibit 322]

17
18 **VIII. IMPACT OF PROPOSITION 200 ON THE AGGREGATE OF
REGISTRANTS AND VOTERS**

19 **A. Proof of Citizenship is not Universally held in Arizona**

20 **710.** Some Native American tribes, such as the Tohono O’odham, do not
21 issue birth certificates. [Exhibit 517 (Rodriguez vol. 1 41:21-22)]

22 **711.** Some Native American tribal members, such as members of the
23 Tohono O’odham Nation, do not have addresses, making it difficult for them to provide
24 identification that includes their address. [Exhibit 517 (Rodriguez vol. 1 70:6-70:8,
25 71:13-15)]

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1 **712.** Older Navajos are likely to have been born at home, and thus lack
2 birth certificates and in many cases do not know the actual date of their birth. [Exhibit
3 507 (Hansen 23:8-18); Exhibit 323]

4 **713.** There are U.S. citizens who cannot satisfy the Proposition 200
5 requirements. Such individuals include Native Americans and others born in
6 jurisdictions that cannot provide them with a birth certificate (including the mother of
7 Pima County Recorder Ann Rodriguez) [Exhibit 517 (Rodriguez vol. 1 at 89:4-90:20)],
8 and people who were adopted whose original birth certificate is sealed [Exhibit 518
9 (Rodriguez vol. 2 at 121:10-13)], and Native Americans such as Navajos with a cultural
10 belief that photographs are taboo. [Exhibit 510 (Johnson at 32:7-10)]

11 **714.** University students living in university housing on a temporary basis
12 have difficulty meeting Proposition 200 requirements when they maintain their driver's
13 license at their permanent home address. [Exhibit 517 (Rodriguez vol. 1 97:25-98:10)
14 (discussing U of A); Exhibit 507 (Hansen at 62:1-10 (discussing NAU)); *see* Exhibit 324;
15 Exhibits 325, 326 & 327]

16 **715.** A number of Native Americans have difficulty meeting Proposition
17 200 identification requirements because they either have no electricity or live in large
18 households where the utility bills come in someone else's name, and they lack photo
19 identification because of the cultural belief that photographs of people are taboo.
20 [Exhibit 510 (Johnson 32:3-33:2); Exhibit 507 (Hansen 59:6-25); Exhibits 304, 326 &
21 305]

22 **716.** Native Americans living on tribal lands are not assessed property
23 taxes and thus do not have property tax statements they can use as identification.
24 [Exhibit 507 (Hansen 46:3-6); Exhibit 304]

25 **717.** The Hopi and Havasupai tribes do not issue tribal identification that
26 contains a name, address, and photograph. [Exhibit 507 (Hansen 39:21-25, 40:8-12)]

1 **718.** Older voters who do not drive and no longer have bills in their own
2 names have been unable to satisfy Proposition 200 identification requirements. [Exhibit
3 507 (Hansen 65:4-16)] Several Counties were concerned that older voters, particularly
4 those in nursing homes, lacked the necessary identification and would be prevented from
5 voting. [Exhibits 233, 327, 328, 329, 326 & 305]

6 **719.** Major pockets of the Tucson Latino community require bus service
7 because large numbers of people do not have cars, and thus they have a very difficult
8 time obtaining the proof necessary to vote. [Exhibit 517 (Rodriguez vol. 1 108:2-10)
9 (referring to study by Pima County Association of Governments)]

10 **B. Voter Identification and Proof of Citizenship Cost Money to Obtain**

11 **720.**

12 **721.** USCIS Form N-565 is the application an individual would submit in
13 order to request a replacement of their naturalization certificate. The application fee is
14 \$380.00. [Exhibit 330]

15 **C. Thousands of Arizonans Have Been Unable to Register to Vote**

16 **722.** Since the passage of Proposition 200, over 35,000 voter registration
17 applications have been rejected due to the documentary proof of citizenship requirements.
18 [Exhibits 332 & 332]

19 **723.** In Maricopa County in 2005, thirty-five percent of new voter
20 registrations were rejected for insufficient proof of citizenship. That amounts to 11,197
21 potential voters. [Exhibit 333]

22 **724.** In Maricopa County in 2006, seventeen percent of new voter
23 registrations were rejected for insufficient proof of citizenship. That amounts to 6,686
24 potential voters. [Exhibit 333]

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1 **725.** In Maricopa County in 2007, twenty-four percent of new voter
2 registrations were rejected for insufficient proof of citizenship. That amounts to 9,044
3 potential voters. [Exhibit 333]

4 **726.** In the first week of January 2008, in Maricopa County, eighteen
5 percent of new voter registrations were rejected for insufficient proof of citizenship. That
6 amounts to 108 potential voters. [Exhibit 333]

7 **727.** From January 24, 2005 to mid-2006, Apache County rejected 132 of
8 3,333 voter registration forms for failure to provide proof of citizenship, despite believing
9 that the prospective voters were citizens. [Exhibit 510 (Johnson 13:22-14:16)]

10 **728.** From January 24, 2005 to mid-2006, Coconino County rejected 494
11 voter registration forms for failure to provide proof of citizenship. [Exhibit 507 (Hansen
12 15:25-16:8)]

13 **729.** From January 24, 2005 to mid-2006, Navajo County rejected 175 of
14 3,935 voter registration forms for failure to provide proof of citizenship. [Exhibit 509
15 (Justman 14:10-17)]

16 **730.** From December 1, 2007 to February 14, 2008, Coconino County
17 rejected ninety-one people for failing to prove citizenship, sixty-one of which provided
18 the requested partial Social Security number. [Exhibit 324, Attach 1, p. 1; Attach 2, p. 1;
19 Attach 3, p. 1]

20 **731.** County elections officials believe that U.S. citizens are
21 disenfranchised by Proposition 200's requirements. [Exhibit 514 (Pew 12:1-8); Exhibit
22 507 (Hansen 35:11-16)]

23 **732.** From January 24, 2005 to July 13, 2006 the Maricopa County
24 Recorder received 118,209 voter registration forms through the mail or over the counter,
25 and 15,090 were rejected for failure to provide proof of citizenship. [Exhibit 512
26 (Osborne vol. 1 21:12-19)]

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733.

D. Thousands of Conditional Provisional Ballots Were Never Counted

734. The voter identification requirements of Proposition 200 resulted in thousands of uncounted conditional provisional ballots throughout Arizona. [Exhibits 333 & 334]

735.

736. In some Counties, there is no record of how many qualified voters had to cast a conditional provisional ballot and had to return to show their identification in order to vote because some Counties do not record such events if the voter returned with the required identification on the same day. [Exhibit 508 (Hoyos 62-63, 78)]

737. Because of the identification requirements of Proposition 200, a number of voters received conditional provisional ballots instead of being allowed to vote, and many never provided the identification required by Proposition 200 and thus their votes were not counted. [Exhibit 508 (Hoyos 81)]

738. In the 2006 primary and general elections, only one in thirty voters required to cast conditional provisional ballots in Pinal County returned with proper identification within the required time period. [Exhibit 508 (Hoyos 47:22-24)] All of the other ballots were never counted.

739. In the November 2006 election in Maricopa County, 1,301 of 2,275 conditional provisional ballot voters did not return. [Exhibit 513 (Osborne at vol. 2 75:9-21)] All of the other ballots were never counted.

740. In the March and May 2007 elections in Maricopa County, only thirty-five percent of voters who cast conditional provisional ballots returned with proper identification. [Exhibit 512 (Osborne vol. 1 76:20-22)]

741. Maricopa County anticipates 5,000 to 6,000 conditional provisional ballots will be cast in the 2008 general election. [Exhibit 512 (Osborne vol. 1 68:17-22)]

1 **742.** Employers are not required to give employees time off for a trip to a
2 county office to provide verification for their conditional provisional ballot. [Exhibit 512
3 (Osborne vol. 1 73:16-19)]

4 **743.** It would be very difficult for Maricopa County to handle the
5 verification process if everyone who voted a conditional provisional ballot came back to
6 verify their ballot. [Exhibit 512 (Osborne vol. 1 74:8-75:6)]

7 **744.** In Pinal County alone, there were forty voters in the 2006 general
8 election who were given conditional provisional ballots and whose ballots were never
9 counted because they did not have the identification required by Proposition 200.
10 [Exhibit 508 (Hoyos Dep. at Ex. 11)]

11 **745.** In Yuma County alone, there were forty-five voters in the 2006
12 general election who were given conditional provisional ballots and whose ballots were
13 never counted because they did not have the identification required by Proposition 200.
14 [Exhibit 519 (Stallworth Dep. at Ex. D)]

15 **746.** Yuma County reported over fifty-three uncounted conditional
16 provisional ballots in select elections between May 2006 and May 2007. [Exhibits 335 &
17 336]

18 **E. Disparate racial impact of voter identification**

19 **747.** Maricopa County Federal Compliance Office Tammy Patrick
20 reported that Hispanic voters cast seventeen percent of the uncounted conditional
21 provisional ballots in the county's 2008 Presidential Preference Election. [Exhibit 337]

22 **748.** People in each county left their polling place without casting a ballot
23 with a total of 2422. [Exhibit 338]

24 **749.** State of Arizona Registration Report indicated a total of 489,490
25 inactive voters for April 2007. [Exhibit 339]

26

1 **750.** State of Arizona Registration Report indicated a total of 2,609,585
2 active voters in April 2007. [Exhibit 591]

3 **751.** State of Arizona Registration Report indicated a total of 2,706, 223
4 active voters in January 2005. [Exhibits 341; 342]

5 **752.** Population estimates for July 1 2006 for Arizona Counties,
6 Incorporated Places and balance of county with a total of 6305210. [Exhibit 343]

7 **753.** Population estimates for July 1 2004 for Arizona Counties,
8 Incorporated Places and balance of county with a total of 5,845,250. [Exhibit 344]

9 **754.** Greenlee County NVRA Statistic Report for the period of 7/1/06 –
10 7/3/07 with a total of 405. [Exhibit 345]

11 **755.** General demographic characteristics: 2000 with statistics of the
12 Navajo Nation Reservations and the off-reservation trust land in Arizona. [Exhibit 346]

13 **756.** Letter from Stacey Stanton to Bill Richards providing information
14 about Arizona driver license and identification card statistics. [Exhibit 347]

15 **757.** News release from the Georgia Secretary of State states:
16 “Demographic analysis shows that registered voters lacking a driver’s license or state-
17 issued Georgia ID card are disproportionately elderly and minority” [Exhibit 348]

18 **758.** Results of the voter turnout on Indian Reservations for the November
19 2, 2004 General Election in Coconino County with a county total of 73.04%. [Exhibit
20 349]

21 **759.** Since Arizona passed Proposition 200 there have been and will
22 continue to be ballots that go uncounted because the voters were unable to fulfill the
23 identification requirements [Exhibits 350-374]

24 **760.** Candace Owens, Coconino County Recorder and Election Official,
25 explains how a discrepancy was caused when the two Tonalea voting precincts; Tonalea
26 North and Tonalea South were given the wrong ballots. [Exhibit 375; Exhibit 376 states:

1 “My observation of the meaning of ‘residence’ to a Navajo voter is that of their parents’
2 or clan and is the location of their chapter membership, not their mailing or actual current
3 residence. As a result, the voter registration records of their residence are not the same as
4 the documents they present for identification. Therefore, they are unable to present proper
5 identification and cannot vote”]

6 **761.** Ballots not counted for reasons other than lack of citizenship proof
7 show more ballots not being counted for address problems [Exhibit 377]

8 **762.** Some people who were once rejected have since re-registered and are
9 now registered. [Exhibit 378]

10 **763.** Registrations received by several sources with a total of 5,763 new
11 registrations through January 24, 2005 – July 17, 2006. [Exhibit 379]

12 **764.** During the registration period of January 25, 2005 through April 22,
13 2005, Yavapai County had a total of 821 registered active voters. [Exhibit 380]

14 **765.** On August 6, 2005, Judy Allen-Wise from the Registrar of Voter of
15 Yavapai County, wrote to State Senator Bennett and voiced her disapproval of voter Id
16 requirements of Prop 200. [Exhibit 381].

17 **766.** There was a total of 25 Accepted Provisional Ballot Statistics and
18 two rejected for the City of Somerton on March 13, 2007. On May 15, 2007, there was 20
19 total accepted Provisional Ballots and six rejected. [Exhibit 382].

20 **767.** Tammy Patrick indicated that since the passage of Prop 200 the
21 Maricopa County has been forced to reject voter registration applicants because they fail
22 to produce the necessary documentary proof. [Exhibit 383].

23 **768.** In a cursory analysis of Maricopa County of Conditional Provisional
24 ballots, it was found that 55% of Conditional Provisional Ballots were unresolved and
25 never processed. [Exhibit 384].

26

1 **769.** Voters over 65 who did not have sufficient ID predominately did not
2 return – 82%. [Exhibit 385].

3 **770.** On June 21, 2005, Amy Putman sent Tammy Patrick an table
4 indicating that 46% of new registrants are rejected for insufficient proof of citizenship.
5 [Exhibits 386, 387].

6 **771.** On May 17, 2006 there was a total of 108 Conditional Ballots.
7 [Exhibit 388].

8 **772.** On March 15, 2006 there are total of 177 Conditional Provisional
9 Ballots. [Exhibit 389].

10 **773.** Fourteen percent of all voter registration forms received from the
11 inception of Prop 200 citizenship requirements on January 24, 2005 through March 31,
12 2006 have been rejected for lack of citizenship documentation. [Exhibits 390, 391].

13 **774.** The number of total unresolved conditional ballots increased from
14 55% to 65% in Maricopa County. [Exhibit 392].

15 **775.** In the 2006 General Election there was a total of 2275 Conditional
16 Provisional Ballots. [Exhibit 393].

17 **776.** November 1, 2006, the number of people who were not allowed to
18 vote in Coconino County was 91 due to identification problems. [Exhibits 394-395].

19 **777.** In April 28, 2005 in Coconino County, there were a total of 131
20 rejected Voter Registration Forms. [Exhibit 396].

21 **778.** The number of total unresolved conditional ballots increased from
22 55% to 65% in Maricopa County. [Exhibit 397].

23 **779.** There were 130 Conditional Provisional Ballots the Spring 2006 in
24 Maricopa County. [Exhibit 398].

25 **780.** Tammy Patrick of Maricopa County acknowledged high rejection
26 rate because of the Prop 200 documentary proof of citizenship requirement to vote. She

1 attempted to reconcile the statute demand for the certification of naturalization number
2 with the fact that the certificate number cannot be verified. [Exhibit 399].

3 **781.** In November 2002, the U.S Census Bureau reported that Arizona had
4 a 50.8 percent voter registration. [Exhibit 400].

5 **782.** In November 2000, the U.S Census Bureau reported that Arizona had
6 a 53.3 percent voter registration. [Exhibit 401].

7 **783.** In November 1998, the U.S Census Bureau reported that Arizona had
8 a 51.1 percent voter registration. [Exhibit 402].

9 **784.** In November 1990, the U.S Census Bureau reported that Arizona had
10 a 56.3 percent voter registration. [Exhibit 403].

11 **785.** In November 1980, the U.S Census Bureau reported that Arizona had
12 a 58.7 percent voter registration. [Exhibit 404].

13 **786.** In November 1982, the U.S Census Bureau reported that Arizona had
14 a 53.8 percent voter registration. [Exhibit 405].

15 **787.** In November 1984, the U.S Census Bureau reported that the
16 Southern region of the United States had a 66.9 percent voter registration. [Exhibit 406].

17 **788.** In November 1986, the U.S Census Bureau reported that the Arizona
18 had a 57.3 percent voter registration. [Exhibit 407].

19 **789.** In November 1994, the U.S Census Bureau reported that the Arizona
20 had a 56.6 percent voter registration. [Exhibit 408].

21 **790.** In November 1998, the U.S Census Bureau reported that the Arizona
22 had a 51.1 percent voter registration. [Exhibit 409].

23 **791.** In November 1996, the U.S Census Bureau reported that the Arizona
24 had a 58.5 percent voter registration. [Exhibit 410].

25 **792.** In November 2004, the U.S Census Bureau reported that the Arizona
26 had a 60.3 percent voter registration. [Exhibit 411].

1 **793.** In October 2006, the Federal Highway Administration issued
2 Highway Statistics of 2005, that the ratio of licensed driver's and private and commercial
3 motor vehicles registered is 1.0. [Exhibit 412].

4 **794.** There was 739 Conditional Provisional ballots not counted and 158
5 Counted Conditional Provisional ballots. [Exhibit 413].

6 **795.** As of 2005, Arizona had a population of 5,939,292. 28% of the
7 population is Hispanic. [Exhibit 414]

8 **796.** There are many fees associated with obtaining certain documents.
9 [Exhibit 415]

10 **797.** Excerpt from the Arizona Notary Public Reference Manual regarding
11 fees a notary may charge. [Exhibit 416]

12 **798.** Arizona and other states in the United States charge fees for
13 obtaining a birth certificate. [Exhibits 417; 418; 419]

14 **799.** The total charge as of August 2006 for obtaining a passport is \$97.00.
15 [Exhibit 420]

16 **800.** The fees for an Arizona driver's license vary depending upon the age
17 of the applicant. [Exhibit 421]

18 **801.** There is a \$4.00 charge for obtaining a replacement or duplicate
19 driver license or identification card in Arizona. [Exhibits 421; 422]

20 **802.** William A. Richards, Senior Litigation Counsel of the Attorney
21 General provides the total of Arizona registered voters listed on the database maintained
22 by the Arizona SOS as of July 25, 2006: 2,972,214 compared with 2,597,619 as the total
23 number of registered voters for which the database reflects an identification number from
24 an Arizona driver's license or non-operating Arizona identification card. [Exhibit 423]

25
26

1 **803.** Prop 200 has prompted many people to voice their opinions
2 regarding the difficulties arising as a direct result of the new voting and registration laws.
3 [Exhibits 424-432; 433; 434]

4 **804.** Arizona’s AZ Voter Roll has the capability of keeping tallies of many
5 different types of information for each month out of the year. [Exhibit 435]

6 **805.** Arizona Department of Transportation has many guidelines regarding
7 who may be issued an Arizona driver’s license. [Exhibits 436-438]

8
9 **IX. IMPACT OF PROPOSITION 200 ON INDIVIDUAL VOTER**
10 **REGISTRANTS AND VOTERS**

11 **A. The Proof of Citizenship Requirements Has Had a Negative Impact on**
12 **Voters**

13 **806.** Applicants obtained voter registration materials at the United States
14 Post Office and Motor Vehicle Division [Exhibit 536 (Higuera Dec ¶ 5); Exhibit 544
15 (Quintero Dec ¶¶ 5-6), Exhibit 553 (Valencia Dec ¶ 4)].

16 **807.** Many applicants filled out the voter registration forms, which did not
17 ask for additional proof of citizenship, and mailed them to the County Recorder’s Office
18 [Exhibit 536 (Higuera Dec ¶ 5); Exhibit 544 (Quintero Dec ¶¶ 5-6); Exhibit 529
19 (Fitzpatrick Dec ¶ 6)].

20 **808.** Some applicants filled in their Alien Registration Number in place of
21 their Certificate of Naturalization Number on the registration forms [Exhibit 553
22 (Valencia Dec ¶¶ 5-6)]. However, other applicants filled in their Certificate of
23 Naturalization Number. [Luna Dec ¶ 4]

24 **809.** Applicants received a letter from the Maricopa County Recorder’s
25 Office informing them that their voter registration forms would not be accepted until they
26 provided proof of citizenship [Exhibit 536 (Higuera Dec ¶ 6); Exhibit 544 (Quintero Dec
¶ 7); Exhibit 553 (Valencia Dec ¶ 7); Exhibit 529 (Fitzpatrick Dec ¶ 7), Luna Dec ¶ 5].

1 **810.** In order to register to vote, applicants had to present documents to the
2 Maricopa County Recorder’s Office in order to establish proof of citizenship. [Exhibit
3 536 (Higuera Dec ¶ 8); Exhibit 544 (Quintero Dec ¶ 9); Exhibit 529 (Fitzpatrick Dec ¶
4 7)].

5 **811.** Receiving these rejection letters makes some Latino residents of
6 Arizona reluctant to re-register [Exhibit 536 (Higuera Dec ¶ 9); Exhibit 544 (Quintero
7 Dec ¶ 9); Exhibit 553 (Valencia Dec ¶ 2)].

8 **812.** Having to provide documents to prove citizenship makes some
9 Latino applicants feel so discriminated against that they do not send proof of citizenship
10 in order to complete the registration process [Exhibit 553 (Valencia Dec ¶ 8)].

11 **813.** Having to provide documents to prove citizenship makes applicants
12 continue to feel marginalized even after complying with the request [Exhibit 536
13 (Higuera Dec ¶¶ 10-11)].

14 **814.** Having to provide documents to prove citizenship negatively affects
15 applicants’ desire to be civically engaged [Exhibit 536 (Higuera Dec ¶¶ 10-11); Exhibit
16 553 (Valencia Dec ¶ 8)].

17 **815.** Having to provide documents to prove citizenship makes some
18 applicants believe they are being treated differently because they were born outside of the
19 United States and gained citizenship through naturalization [Exhibit 536 (Higuera Dec ¶
20 9); Exhibit 544 (Quintero Dec ¶ 12); Exhibit 553 (Valencia Dec ¶ 9)].

21 **816.** Some applicants feel that their Latino names directly contributed to
22 the Recorder’s Office decision to ask for proof of citizenship [Exhibit 536 (Higuera Dec ¶
23 9); Exhibit 544 (Quintero Dec ¶ 10)].

24 **817.** Some applicants feel they are being discouraged from voting because
25 of widespread negative feelings towards Latinos in Arizona [Exhibit 536 (Higuera Dec ¶
26 9); Exhibit 544 (Quintero Dec ¶ 12); Exhibit 553 (Valencia Dec ¶ 10)].

1 **818.** Some applicants did not understand why their voter registration
2 applications were rejected when they had properly completed the application and
3 submitted it to the County Recorder. [Exhibit 529 (Fitzpatrick Dec ¶ 8); Luna Dec ¶ 8;
4 Exhibit 528 (Davis Dec ¶ 8); Exhibit 554 (Walker Dec ¶ 21)]

5 **819.** Many applicants whose applications are rejected for failure to include
6 proof of citizenship want to vote. They want to exercise this right because they feel that
7 it is the best method to improve the lives of people in the United States. [Exhibit 529
8 (Fitzpatrick Dec ¶ 9); Exhibit 527 (Exhibit 527 (Cotto Dec ¶ 10))]

9 **820.** The entire experience of having to register twice has left many
10 applicants to question the integrity and the reliability of the United States voting system.
11 [Exhibit 529 (Fitzpatrick Dec ¶ 10); Exhibit 528 (Davis Dec ¶ 13); Exhibit 554 (Walker
12 Dec ¶ 22)]

13 **821.** Some applicants believe the problem in this country lies not with
14 illegal immigrants trying to register to vote, but in citizens like them wanting to vote and
15 being unable to exercise that right in a simple and straightforward manner. [Exhibit 529
16 (Fitzpatrick Dec ¶ 10)]

17 **822.** One applicant, a retired Army serviceman and U.S. citizen, who had
18 been rejected was very angry and took his forms and proof of citizenship to the Secretary
19 of State's office to demand that the situation be remedied. [Exhibit 528 (Davis Dec ¶¶ 1-
20 4, 8)]

21 **823.** One applicant, a naturalized citizen, was told on multiple occasions
22 that she could not register because she did not have an Arizona driver's license; she does
23 not understand why it was so difficult for her to register to vote. [Exhibit 523 (Allen Dec
24 ¶¶ 1-8)]

25 **824.** One applicant went in person to register to vote at the Recorder's
26 Office because the Recorder's Office staff knows the registration rules and would prevent

1 one from making any mistakes. She followed all the rules and did everything that was
2 asked of her by the Recorder's staff. Despite following instructions and even going in
3 person to register to vote, her applications were rejected. [Exhibit 554 (Walker Dec ¶
4 21)]

5 **825.** The Maricopa County Elections Director Karen Osborne admitted
6 that United States citizens living in Maricopa County who are eligible to register to vote
7 have been unable to do so since Proposition 200's provisions and requirements went into
8 effect because they lack the necessary documents. [Exhibit 512 (Osborne vol. 1 43:12-
9 44:9)]

10 **826.** A woman came to the Maricopa County Recorder's Office who had
11 just moved from back east. She had not yet had her identification delivered. She didn't
12 have her birth certificate and had not yet gotten an Arizona driver's license. She also did
13 not have a passport and was caught in between the law's requirements. [Exhibit 512
14 (Osborne vol. 1 43:12-44:9)]

15 **827.** Amy Marie Smith is over the age of 18. She resides at 3526 W. Frier
16 Dr., Phoenix Arizona 85051. She is a resident of Maricopa County. She was born in
17 Sonora, Mexico, on November 2, 1978. [Exhibit 550 (Declaration of Amy Marie Smith
18 "A. Smith," ¶¶1,2,3)]

19 **828.** Her mother is a United States citizen who was born in Oregon. Her
20 mother was residing in Wilcox, Arizona at the time of her birth. [Exhibit 550 (A. Smith,
21 ¶3)]

22 **829.** Wilcox is a border town when her mother was pregnant with her.
23 Her mother went to the doctor across the border in Mexico because she could not afford
24 to pay a doctor in Arizona. Her mother never lived in Mexico, and lived and worked
25 exclusively in the United States prior to and immediately following her birth. [Exhibit
26 550 (A. Marie Smith, ¶3)]

1 **830.** Her mother gave birth to her in a clinic in Mexico and then
2 immediately returned to Arizona with her. She has always believed that she is a United
3 States citizen because her mother is a United States citizen and she was only visiting
4 Mexico when she gave birth to her. For this reason, she is a U.S. citizen by operation of
5 law. [Exhibit 550 (A. Smith, ¶4)]

6 **831.** She does not have evidence of her United States citizenship despite
7 the fact that she is a United States citizen. [Exhibit 550 (A. Smith, ¶5)]

8 **832.** She does not have a U.S. passport. [Exhibit 550 (A. Smith, ¶5)]

9 **833.** Her only birth certificate is from Mexico. [Exhibit 550 (A. Smith,
10 ¶5)]

11 **834.** Although she contacted the U.S. State Department in the hope that
12 they could provide her documents showing her U.S. citizenship, they informed her that
13 they had no record of her birth or citizenship. [Exhibit 550 (A. Smith, ¶5)]

14 **835.** She is low income and cannot afford the cost of ordering certified
15 copies of the documents she would need to apply for a Certificate of U.S. Citizenship.
16 [Exhibit 550 (A. Smith, ¶5)]

17 **836.** On November 1, 2004, after moving her family from Wisconsin back
18 to Arizona, she went to the Motor Vehicle Division Office in Gila County in order to
19 apply for a replacement Arizona driver's license. [Exhibit 550 (A. Smith, ¶6)]

20 **837.** Before she left Arizona, she had an Arizona driver's license since the
21 age of 16. She never showed proof of citizenship to obtain her Arizona driver's license.
22 [Exhibit 550 (A. Smith, ¶6)]

23 **838.** She showed the person behind the counter her social security card
24 and was not asked to provide any proof of citizenship in order to get her replacement
25 Arizona license. [Exhibit 550 (A. Smith, ¶6)]

26

1 **839.** The person behind the counter asked her if she wanted to register to
2 vote and she decided to go ahead and register. [Exhibit 550 (A. Smith, ¶6)]

3 **840.** She completed the form on her own and returned it to the person
4 behind the counter with her request for a license. [Exhibit 550 (A. Smith, ¶6)]

5 **841.** She was never told by anyone at the Motor Vehicle Division that her
6 registration would be rejected for any reason, and she does not remember getting a letter
7 from the Gila County Recorder informing her that her registration application was
8 rejected. [Exhibit 550 (A. Smith, ¶8)]

9 **842.** Because of this she missed being able to vote in the General Election.
10 She has not made a second attempt to register to vote. [Exhibit 550 (A. Smith, ¶8)]

11 **843.** She does not understand why her voter registration application was
12 rejected when she had properly completed the application and submitted it to the Motor
13 Vehicle Division. [Exhibit 550 (A. Smith, ¶9)]

14 **844.** She wants to vote. [Exhibit 550 (A. Smith, ¶11)]

15 **845.** She wants to exercise this right because she feels that it is important
16 to the future of her child. [Exhibit 550 (A. Smith, ¶11)]

17 **846.** She is extremely frustrated with the voting system as a result of all of
18 the difficulties she has had in trying to register. [Exhibit 550 (A. Smith, ¶11)]

19 **847.** Deirdre Belle-Oudry is over 18 and competent to make this
20 declaration. [Exhibit 525 (Declaration of Deirdre Belle-Oudry, (“Belle-Oudry”), June 10,
21 2008 at ¶ 2)].

22 **848.** Ms. Belle-Oudry current physical address is 8922 East Calle Pasto,
23 Tucson, Arizona 85715. [Exhibit 525 (Belle-Oudry at ¶ 2)].

24 **849.** Ms. Belle-Oudry voted on February 5, 2008 at the polling place
25 located in the 9000th block of E. Speedway, Tucson, Arizona. [Exhibit 525 (Belle-Oudry
26 at ¶ 2)].

1 **850.** Ms. Belle-Oudry arrived at the polling place at approximately 6:15
2 A.M. No poll worker informed her husband that he needed to sign the voter book.
3 [Exhibit 525 (Belle-Oudry ¶ 2)].

4 **851.** Ms. Belle-Oudry waited in line approximately 5 minutes. [Exhibit
5 525 (Belle-Oudry ¶ 2)].

6 **852.** Ms. Belle-Oudry showed her Arizona license to the poll worker and
7 told the poll worker that she received an early ballot in the mail but never returned it. Ms.
8 Belle-Oudry was then directed to another table to fill out a conditional provisional ballot
9 envelope. The poll worker then detached a piece of paper from the envelope and told Ms.
10 Belle-Oudry to check online in 10 days to find out if her vote was counted. [Exhibit 525
11 (Belle-Oudry ¶ 2)].

12 **853.** Ms. Belle-Oudry showed two different poll workers her Arizona
13 driver's license which has the same information as what is on her voting record. [Exhibit
14 525 (Belle-Oudry ¶ 2)].

15 **854.** Ms. Belle-Oudry was not told what was wrong with her
16 identification. [Exhibit 525 (Belle-Oudry ¶ 2)].

17 **855.** Ms. Belle-Oudry completed the conditional provisional ballot
18 envelope as directed. [Exhibit 525 (Belle-Oudry ¶ 2)]

19 **856.** Ms. Belle-Oudry left the polling place approximately 15 minutes
20 after she had arrived. [Exhibit 525 (Belle-Oudry ¶ 2)]

21 **857.** Ms. Belle-Oudry is afraid Proposition 200 discriminates against
22 Democrats. [Exhibit 525 (Belle-Oudry ¶ 2)]

23 **B. Negative Impact of Voter Identification on Individuals**

24 **858.** Ann Michelle Fletchall is over the age of 18 and currently lives at
25 1703 South Hardy Drive, Tempe, Arizona 85281. She is a United States citizen and a
26 registered voter. She is a graduate student at Arizona State University and studies

1 Geography. She received her undergraduate degree from Gustavus Adolphus College in
2 Minnesota. [Exhibit 530 (Declaration of Ann Michelle Fletchall, (“Fletchall”), ¶¶1,2)]

3 **859.** On February 5, 2008, she attempted to vote at her designated polling
4 place: the Tempe Women’s Club located on Mill Avenue and 13th Street. This polling
5 place is located in Tempe, Arizona. [Fetchall, ¶3]

6 **860.** She is a registered Democrat and was eligible to vote in the
7 Presidential Preference Election held that day. [Fetchall, ¶3]

8 **861.** She had just changed addresses in Tempe from Dorsey Street to her
9 current address on Hardy Street and this was the first time she tried to vote in person
10 because she had always voted through the mail. [Fetchall, ¶4]

11 **862.** She received a voter registration card in the mail with her current
12 address on South Hardy Street and she mistakenly thought that would suffice to cast her
13 vote. [Fetchall, ¶4]

14 **863.** She carried two forms of ID: her voter registration card and her
15 driver’s license, but her driver’s license had her old address previous to the Dorsey Street
16 address (2134 Broadway Road, Tempe, Arizona, 85282) and her voter registration card
17 reflected her new address on Hardy Street. She did not have any other form of ID on her
18 person at the time. [Fetchall, ¶6]

19 **864.** The poll worker asked her to present two forms of identification.
20 [Fetchall, ¶7]

21 **865.** She produced her voter registration card and her driver’s license.
22 [Fetchall, ¶8]

23 **866.** Her ID was then checked to a list. Since the address on the driver’s
24 license did not match the address on the list, the poll worker told her she had to cast a
25 conditional provisional ballot. [Fetchall, ¶9]

26

1 **867.** Her name was on the list of voters, but it was not where it should
2 have been on the alphabetical list. It was in the back of the list. [Fetchall, ¶9]

3 **868.** The poll worker informed her that she had to go talk to the person
4 who handled the provisional ballots since her addresses did not match-up. [Fetchall, ¶10]

5 **869.** The person in charge of the provisional ballots told her that she
6 needed to present a piece of mail reflecting her current address in order to vote.
7 [Fetchall, ¶10]

8 **870.** He did not specify what type of mail she needed to bring or give her
9 any information regarding acceptable forms of mail. [Fetchall, ¶10]

10 **871.** Later in the afternoon, around 5:00 p.m., she returned with a piece of
11 mail and waited in line approximately thirty minutes. [Fetchall, ¶10]

12 **872.** The person in charge of the conditional provisional ballots told her
13 the piece of mail she brought was not acceptable. [Fetchall, ¶10]

14 **873.** It was not until that moment that he informed her of the specific types
15 of mail accepted as valid verification of my current address. [Fetchall, ¶10]

16 **874.** At that point, she gave up and chose not to cast her vote in the
17 Presidential Preference Election. [Fetchall, ¶10]

18 **875.** When she was sent to speak with the provisional ballot person he did
19 not give good information concerning what type of mail to bring back in order to verify
20 her address. [Fetchall, ¶11]

21 **876.** She does not have any utility bills because all the utilities are under
22 her roommate's name. [Fetchall, ¶11]

23 **877.** She was unable to prove her current address and was unable to vote.
24 [Fetchall, ¶11]

25
26

1 **878.** To cast the conditional provisional ballot she filled out a regular
2 voting form completely, using her new address on Hardy Street, signed it, and it was
3 placed in a special box. [Fetchall, ¶12]

4 **879.** The new voting rules are very inconvenient and do not make sense.
5 [Fetchall, ¶14]

6 **880.** Now she knows that she has to make sure she does everything right
7 to properly prove her identification and address in order for her vote to be counted,
8 despite the fact that she is a registered voter and holds an Arizona driver's license.
9 [Fetchall, ¶14]

10 **881.** Steven Frank Fulton is over the age of 18. He currently lives at 3220
11 West Hanna Road, Eloy, Arizona 85231. He is a United States citizen and a registered
12 voter. He has lived in Arizona for about forty-five years. He is currently retired. He
13 worked for thirty years in the field of corrections and several of those years were spent
14 working for the Arizona Department of Corrections. He also spent four years serving his
15 country in the United States Army. [Exhibit 531A (Declaration of Steven Frank Fulton,
16 ("Fulton") ¶¶1,2)]

17 **882.** In late 2007, his wife and he moved from Safford, Arizona, where
18 they were registered voters, to Eloy, Arizona. [Exhibit 531A (Fulton, ¶¶3)]

19 **883.** In December 2007, he went to the post office and got a voter
20 registration form. [Exhibit 531A (Fulton, ¶3)]

21 **884.** He filled out his new address and other information, and mailed the
22 completed voter registration form to the Pinal County Recorder's Office. [Exhibit 531A
23 (Fulton, ¶3)]

24 **885.** He did not receive a new voter registration card from Pinal County
25 prior to the Presidential Preference primary election, held on February 5, 2008. [Exhibit
26 531A (Fulton, ¶4)]

1 **886.** He assumed that his registration form had been received and
2 processed, and he wanted to cast his vote in the primary election, so he proceeded to the
3 local polling place. [Exhibit 531A (Fulton, ¶4)]

4 **887.** On February 5, 2008, he attempted to vote at the nearest polling
5 place. [Exhibit 531A (Fulton, ¶5)]

6 **888.** When he arrived at the table used to accept voters, the poll worker
7 could not find his name on the list of registered voters. He had submitted the voter
8 registration form more than 30 days prior to the election. [Exhibit 531A (Fulton, ¶6)]

9 **889.** The poll worker said that since he was not registered to vote, he
10 could vote using a provisional ballot. [Exhibit 531A (Fulton, ¶7)]

11 **890.** He was asked to show identification to prove that he was a citizen, so
12 he provided his driver's license, birth certificate, several utility bills, with his new address
13 on them, and his old voter registration card that he had used when he lived in Safford,
14 Arizona. [Exhibit 531A (Fulton, ¶7)]

15 **891.** The poll worker made copies of his various forms of identification.
16 The poll worker was satisfied with his identification and allowed him to complete the
17 provisional ballot. [Exhibit 531A (Fulton, ¶8)]

18 **892.** The poll worker never asked him to return to the County Recorder's
19 Office after the election to provide his identification again. [Exhibit 531A (Fulton, ¶9)]

20 **893.** One month after the election he received a letter in the mail stating
21 that his provisional ballot was rejected and his vote was not counted. [Exhibit 531A
22 (Fulton, ¶10)]

23 **894.** The letter explained that his ballot was rejected because he failed to
24 provide proper proof of citizenship. [Exhibit 531A (Fulton, ¶10)]

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1 **895.** He called the County Registrar’s Office and was told that his ballot
2 was rejected because the address on his forms of identification did not match. [Exhibit
3 531A (Fulton, ¶11)]

4 **896.** He explained that he had recently moved and that he had sent in his
5 voter registration forms in December 2007. He was told that the forms must be submitted
6 90 days prior to the election, not 30 days, and since the forms were not received 90 days
7 before the election, he was not registered to vote in time for the election. [Exhibit 531A
8 (Fulton, ¶11)]

9 **897.** He was very upset that his provisional ballot was not counted when
10 he provided numerous forms of identification, including forms of identification with his
11 new address on them. [Exhibit 531A (Fulton, ¶12)]

12 **898.** He provided several forms of proof that he is a United States citizen,
13 yet his vote was not counted. [Exhibit 531A (Fulton, ¶12)]

14 **899.** He still has not yet received his new voter registration card though it
15 has been over five months since he submitted his voter registration form. [Exhibit 531A
16 (Fulton, ¶13)]

17 **900.** Nicole Elizabeth Carlisle Natale is over the age of 18 years and
18 resides at 2304 North Bullmoose Drive, Chandler, Arizona 85224. She is a resident of
19 Maricopa County. She has lived in Arizona since childhood and she and her husband
20 currently live in Chandler. She owns her own production company and works as a
21 freelance writer. She also does work in marketing. [Exhibit 543 (Declaration of Nicole
22 Elizabeth Carlisle Natale, (“Natale”), ¶¶1,2,3)]

23 **901.** On September 8, 2006, she applied to register to vote. [Exhibit 543
24 (Natale, ¶4)]

1 **902.** At the time, she and her husband were very interested in the current
2 issues, particularly the Smoke Free Arizona initiative (Proposition 201) on the November
3 2006 ballot. [Exhibit 543 (Natale, ¶4)]

4 **903.** She found the federal voter registration form online and filled it out.
5 She had a current driver's license and passport on hand as she filled out the form.
6 [Exhibit 543 (Natale, ¶5)]

7 **904.** She followed the directions carefully on the voter registration
8 application. [Exhibit 543 (Natale, ¶6)]

9 **905.** After she submitted her voter registration application, she received a
10 form letter from the Maricopa County Recorder's Office. [Exhibit 543 (Natale, ¶7)]

11 **906.** The letter stated that her registration was being rejected because she
12 had not included proper proof of citizenship. [Exhibit 543 (Natale, ¶7)]

13 **907.** It was her understanding that she was required to fill out a new voter
14 registration form. [Exhibit 543 (Natale, ¶7)]

15 **908.** She did not understand why her voter registration application was
16 rejected when she had properly completed the application and submitted it to the County
17 Recorder. [Exhibit 543 (Natale, ¶8)]

18 **909.** She was bitter, angry, and frustrated that her application was rejected
19 and she was unable to vote in the November 2006, election. [Exhibit 543 (Natale, ¶9)]

20 **910.** She did not attempt to register again. [Exhibit 543 (Natale, ¶9)]

21 **911.** After the election passed, she received a voter card in the mail from
22 the County Recorder. [Exhibit 543 (Natale, ¶9)]

23 **912.** She did not do anything to get the card, as she had not filled out a
24 new voter registration form. [Exhibit 543 (Natale, ¶9)]

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1 **913.** The rejection of her voter registration application affected her
2 perception on the fairness and accuracy of our country’s voting system. [Exhibit 543
3 (Natale, ¶10)]

4 **914.** She and her husband have shared her experience with others and this
5 has influenced their opinions about our country’s voting system as well. [Exhibit 543
6 (Natale, ¶10)]

7 **915.** Her driver’s license was issued to her after October 1, 1996. [Exhibit
8 543 (Natale, ¶11)]

9 **916.** She also has a U.S. birth certificate and a current U.S. passport.
10 [Exhibit 543 (Natale, ¶11)]

11 **917.** Donna Fae Fulton is over the age of 18. She currently lives at 3220
12 West Hanna Road, Eloy, Arizona 85231. She is a United States citizen and a registered
13 voter. She was born in Arizona and has lived in Arizona for most of her life. She
14 currently works for the Immigration and Customs Enforcement Division of the
15 Department of Homeland Security. Prior to this employment she worked for the Arizona
16 Department of Corrections for twelve years. [Exhibit 531 (Declaration of Donna Fae
17 Fulton, (“D. Fulton”) ¶¶1,2)]

18 **918.** In late 2007, she and her husband moved from Safford, Arizona,
19 where they were registered voters, to Eloy, Arizona. [Exhibit 531 (D. Fulton, ¶3)]

20 **919.** In December 2007, her husband went to the post office and got voter
21 registration forms. [Exhibit 531 (Fulton, ¶3)]

22 **920.** She filled out her new address, and other information, and mailed the
23 completed voter registration form to the Pinal County Recorder’s Office. [Exhibit 531
24 (D. Fulton, ¶3)]

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1 **921.** She did not receive a new voter registration card from Pinal County
2 prior to the Presidential Preference primary election, held on February 5, 2008. [Exhibit
3 531 (D. Fulton, ¶4)]

4 **922.** She assumed that her registration form had been received and
5 processed and she wanted to cast her vote in the primary election, so she proceeded to the
6 local polling place. [Exhibit 531 (D. Fulton, ¶4)]

7 **923.** On February 5, 2008, she attempted to vote at the nearest polling
8 place. [Exhibit 531 (D. Fulton, ¶5)]

9 **924.** When she arrived at the table used to accept voters, the poll worker
10 could not find her name on the list of registered voters. She had submitted the voter
11 registration form more than 30 days prior to the election. [Exhibit 531 (D. Fulton, ¶6)]

12 **925.** The poll worker said that since she was not registered to vote, she
13 could vote using a provisional ballot. [Exhibit 531 (D. Fulton, ¶7)]

14 **926.** She was asked to show identification to prove that she was a citizen,
15 so she provided her driver's license, birth certificate, several utility bills, with her new
16 address on them, and her old voter registration card that she had used when she lived in
17 Safford, Arizona. [Exhibit 531 (D. Fulton, ¶7)]

18 **927.** The poll worker made copies of her various forms of identification.
19 The poll worker was satisfied with her identification and allowed her to complete the
20 provisional ballot. [Exhibit 531 (D. Fulton, ¶8)]

21 **928.** The poll worker never asked her to return to the County Recorder's
22 Office after the election to provide her identification again. [Exhibit 531 (D. Fulton, ¶9)]

23 **929.** One month after the election she received a letter in the mail stating
24 that her provisional ballot was rejected and her vote was not counted. [Exhibit 531 (D.
25 Fulton, ¶10)]

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1 **930.** The letter explained that her ballot was rejected because she failed to
2 provide proper proof of citizenship. [Exhibit 531 (D. Fulton, ¶10)]

3 **931.** Her husband called the County Registrar's Office and was told that
4 their ballots were rejected because the address on their forms of identification did not
5 match. [Exhibit 531 (D. Fulton, ¶11)]

6 **932.** Her husband explained that they had recently moved and that they
7 had sent in their voter registration forms in December 2007. He was told that the forms
8 must be submitted 90 days prior to the election, not 30 days, and since the forms were not
9 received 90 days before the election, they were not registered to vote in time for the
10 election. [Exhibit 531 (D. Fulton, ¶11)]

11 **933.** She was very upset that her provisional ballot was not counted when
12 she provided numerous forms of identification, including forms of identification with her
13 new address on them. [Exhibit 531 (D. Fulton, ¶12)]

14 **934.** She provided several forms of proof that she is a United States
15 citizen, yet her vote was not counted. [Exhibit 531 (D. Fulton, ¶12)]

16 **935.** She still has not yet received her new voter registration card though it
17 has been over five months since she submitted her voter registration form. [Exhibit 531
18 (D. Fulton, ¶13)]

19 **936.** Rasheedah Adeli Hameed is over the age of 18 and resides at 1820
20 Ezmirilian Street, Compton, California 90221. She recently moved from Arizona to
21 California to live with her sister while she recovers from brain surgery. Prior to her
22 surgery, she resided at 104 North 130th Circle, Chandler, Arizona 85225. She was a
23 resident of Maricopa County. She is the mother of two children, and has six
24 grandchildren and six great-grandchildren. She is currently retired, though she worked
25 for seventeen years as an attendant in a medical facility. Since she has retired, she has
26

1 actively volunteered in support of several causes, including voter registration drives.
2 [Exhibit 535 (Declaration of Rasheedah Adelih Hameed, (“Hameed”) ¶¶1,2,3)]

3 **937.** On April 20, 2007, she applied to register to vote. She was registering
4 to vote because she had just moved to Arizona. [Exhibit 535 (Hameed, ¶4)]

5 **938.** She has been a consistent voter since she was first able to vote at age
6 18, so she wanted to continue to exercise her right to vote and participate in the political
7 process. [Exhibit 535 (Hameed, ¶4)]

8 **939.** She received her voter registration form in the mail, filled it out, and
9 mailed the completed form to the Maricopa County Recorder’s Office. [Exhibit 535
10 (Hameed, ¶5)]

11 **940.** She followed the directions carefully on the voter registration
12 application. [Exhibit 535 (Hameed, ¶5)]

13 **941.** She was not aware that she had to provide proof of citizenship with
14 my completed voter registration form, so she did not provide the required proof. [Exhibit
15 535 (Hameed, ¶6)]

16 **942.** Shortly after she submitted her voter registration application, she
17 received a form letter from the Maricopa County Recorder’s Office enclosing her rejected
18 application. [Exhibit 535 (Hameed, ¶7)]

19 **943.** The letter stated that, “Your registration form has been rejected for
20 the following reason: First time registration requires proof of citizenship which was not
21 included. Please fill in any missing blanks and return enclosed form with your proof of
22 citizenship.” [Exhibit 535 (Hameed, ¶7)]

23 **944.** She called the Maricopa County Recorder’s Office and was told that
24 she needed to provide one of several forms of identification along with a new voter
25 registration form. [Exhibit 535 (Hameed, ¶8)]

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1 **945.** She sent in a copy of her driver's license with the new form, but this
2 application was also rejected. [Exhibit 535 (Hameed, ¶9)]

3 **946.** She was told by the Maricopa County Recorder's Office that her
4 driver's license was not an acceptable form of identification because it was a California
5 license and was issued prior to 1996. [Exhibit 535 (Hameed, ¶9)]

6 **947.** She contacted the California Department of Motor Vehicles and
7 changed her address on the license to her Arizona address. [Exhibit 535 (Hameed, ¶10)]

8 **948.** She submitted a copy of this updated license and a copy of her U.S.
9 birth certificate along with another voter registration form. [Exhibit 535 (Hameed, ¶10)]

10 **949.** This third attempt to register was likewise rejected. [Exhibit 535
11 (Hameed, ¶11)]

12 **950.** She tried to register at least two more times, and has always followed
13 the instructions that the Maricopa County Recorder's Office gave to her. [Exhibit 535
14 (Hameed, ¶11)]

15 **951.** Each voter registration form she has submitted has been rejected.
16 [Exhibit 535 (Hameed, ¶11)]

17 **952.** She was never able to successfully register in Arizona. [Exhibit 535
18 (Hameed, ¶12)]

19 **953.** She still has not figured out why all her voter registration applications
20 were rejected, particularly when she had properly completed the application and
21 submitted it to the County Recorder. [Exhibit 535 (Hameed, ¶12)]

22 **954.** Her driver's license was issued to her before October 1, 1996.
23 [Exhibit 535 (Hameed, ¶13)]

24 **955.** She also has a copy of her U.S. birth certificate. [Exhibit 535
25 (Hameed, ¶13)]

26

1 **956.** She is African American and was born in Mississippi. [Exhibit 535
2 (Hameed, ¶14)]

3 **957.** She believes that all citizens, regardless of ethnicity or race, should
4 be able to vote without obstacle. [Exhibit 535 (Hameed, ¶14)]

5 **958.** She wants to vote. [Exhibit 535 (Hameed, ¶15)]

6 **959.** She wants to exercise this right because she feels that it is the best
7 method to improve the lives of people in the United States. [Exhibit 535 (Hameed, ¶15)]

8 **960.** Ataul Mannan is over the age of 18 and resides at 3601 West Tierra
9 Buena Lane, Apartment 233, Phoenix, Arizona 85053. He is a United States citizen and
10 a registered voter. He has been employed since the age of 18 and is the Unit Manager of
11 a restaurant corporation. He has lived in Phoenix for approximately three years, but has
12 resided in Arizona since age 1. Born in Pakistan, he lived and grew up in the United
13 States and became a citizen 3 years ago. He is a good, working class citizen, has a home,
14 is married, and has children. He is a resident of Maricopa County. [Exhibit 540
15 (Declaration of Ataul Mannan, (“Mannan”) ¶¶1,2,3)]

16 **961.** On June 19, 2006, he applied to register to vote. [Exhibit 540
17 (Mannan ¶4)]

18 **962.** He completed the application available at the Post Office. [Exhibit
19 540 (Mannan ¶4)]

20 **963.** As a newly naturalized citizen, he was eager to register to vote in
21 order to take part in the political process. [Exhibit 540 (Mannan ¶4)]

22 **964.** The application was the new version that requires a naturalization
23 number, but the Post Office employee only required that he present either a driver’s
24 license or birth certificate. He complied with all forms of ID asked for. [Exhibit 540
25 (Mannan ¶5)]

26

1 **965.** The employee asked if he was a United States citizen and he said,
2 “Yes.” He completed the registration form and turned it over to the Post Office for
3 delivery to the Maricopa County Recorder’s Office. [Exhibit 540 (Mannan ¶5)]

4 **966.** He followed the directions carefully on the voter registration
5 application. [Exhibit 540 (Mannan ¶6)]

6 **967.** He did not have his naturalization certificate on his person at the time
7 but the Post Office employee began the registration process and informed him that he
8 would have to mail-in his naturalization number to finish the registration process.
9 [Exhibit 540 (Mannan ¶6)]

10 **968.** Within two weeks after he submitted his voter registration
11 application, he received a form letter from the Maricopa County Recorder’s Office
12 enclosing his rejected application. [Exhibit 540 (Mannan ¶7)]

13 **969.** The letter stated that, “Your registration form has been rejected for
14 the following reason: First time registration requires proof of citizenship which was not
15 included. Please fill in any missing blanks and return enclosed form with your proof of
16 citizenship.” [Exhibit 540 (Mannan ¶7)]

17 **970.** He sent in an official, certified pink copy of his naturalization
18 certificate from the United States Immigration Office. [Exhibit 540 (Mannan ¶7)]

19 **971.** His voter registration card arrived a couple of weeks later, but when
20 he attempted to vote for the first time, he was not on the list of voters. His wife, a life-
21 long US citizen, was not on the list either. [Exhibit 540 (Mannan ¶7)]

22 **972.** He was told he could not vote since he had not picked the Democratic
23 Party. [Exhibit 540 (Mannan, ¶7)]

24 **973.** He then had to provide his name and fill out an affidavit declaring
25 himself as a Democrat and he was then allowed to vote. [Exhibit 540 (Mannan, ¶7)]
26

1 **974.** A month later, however, he received a pink letter in the mail in a pink
2 envelope stating that his vote had not been counted. [Exhibit 540 (Mannan, ¶7)]

3 **975.** His wife also had to sign an affidavit declaring herself as a Democrat,
4 but her vote was counted. [Exhibit 540 (Mannan, ¶7)]

5 **976.** His vote was not counted because he is naturalized unlike his wife
6 who is a US citizen by birth. [Exhibit 540 (Mannan, ¶7)]

7 **977.** His driver's license was issued before October 1, 1996. It was issued
8 on September 18, 2006. [Exhibit 540 (Mannan, ¶8)]

9 **978.** He has the following proof of US citizenship: a naturalization
10 certificate and an Arizona driver's license. [Exhibit 540 (Mannan, ¶8)]

11 **979.** He was born in Pakistan and is a naturalized United States Citizen.
12 [Exhibit 540 (Mannan, ¶9)]

13 **980.** The new voting requirements are discriminating against naturalized
14 versus born US-born citizens. [Exhibit 540 (Mannan, ¶9)]

15 **981.** He is a United States citizen and is supposed to have all the rights of
16 a United States citizen but he is being discriminated against solely because he is a
17 naturalized citizen. [Exhibit 540 (Mannan, ¶9)]

18 **982.** The barriers that Arizona has placed on voting and voter registration
19 constitutes yet another disadvantage and hardship of becoming a United States citizen.
20 [Exhibit 540 (Mannan, ¶9)]

21 **983.** His vote still does not count even though he has the legal right to
22 vote. [Exhibit 540 (Mannan, ¶9)]

23 **984.** It took him many years to acquire this right, especially after 9/11.
24 His name fell on a list of "suspect" names and it took him from the age of 18 until the age
25 of 31 to get his citizenship. [Exhibit 540 (Mannan, ¶9)]

26

1 **985.** He is a working class citizen and has no criminal history -- not even a
2 parking ticket. [Exhibit 540 (Mannan, ¶9)]

3 **986.** He is also a college graduate and cannot exercise his right to do
4 something as basic as voting. [Exhibit 540 (Mannan, ¶9)]

5 **987.** The most important right a citizen has is the right to vote and that
6 right is being taken away from him. [Exhibit 540 (Mannan, ¶9)]

7 **988.** He is not being treated as an equal United States citizen. [Exhibit
8 540 (Mannan, ¶9)]

9 **989.** He believes he is being treated differently than other citizens in
10 Arizona because he was born in Pakistan and gained citizenship through naturalization.
11 [Exhibit 540 (Mannan, ¶9)]

12 **990.** He wants to vote. He feels that it is the best method to improve the
13 lives of people in the United States. [Exhibit 540 (Mannan, ¶10)]

14 **991.** Voting has been made extremely difficult and he wants to exercise
15 his right to vote especially with the upcoming Presidential Election. [Exhibit 540
16 (Mannan, ¶11)]

17 **992.** This election will be his first chance to vote as a U.S. citizen. It is
18 extremely discouraging that he is unable to vote. [Exhibit 540 (Mannan, ¶11)]

19 **993.** One applicant, a U.S. citizen, only presented one form of
20 identification with his name and address at the polling place. He was allowed to cast a
21 provisional ballot. When he tried to return with a second form of identification, the poll
22 worker would not let him change his ballot to a regular ballot. His provisional ballot was
23 ultimately not counted. [Exhibit 551 (Sorge Dec ¶¶ 6-10)]

24 **994.** Brenda and Charles Rogers, U.S. citizens, presented two different
25 utility bills with their names proper address on them. They were not allowed to cast
26 regular ballots, and after 45 minutes of discussion with the poll workers, they were only

1 allowed to cast conditional provisional ballots. Ultimately, their votes were not counted.
2 [Exhibit 546 (Rogers Dec ¶¶ 11, 13, 14)]

3 **995.** A voter was not asked to show any identification at the poll, and
4 when the voting machine would not take her regular ballot, she was given a conditional
5 provisional ballot. No one explained to her that she had insufficient identification or why
6 she had to vote with a conditional provisional ballot. [Exhibit 554A (White Dec ¶¶ 6-7)]

7 **996.** A voter presented her passport and a piece of election mail. [Exhibit
8 552 (Terrazas Decl. at ¶ 8)] The poll worker stated that neither form of ID brought was
9 valid. [*Id.* ¶ 9] Another poll worker gave her a provisional ballot and told her to vote by
10 Friday. [*Id.* ¶ 12] The voter filled out the conditional provisional ballot in its entirety,
11 but was unable to return to the polling place due to her work schedule. [*Id.* ¶ 13]

12 **997.** Bernie Abeytia is 57 years old. He lives in Phoenix Arizona and is
13 native born United States citizen. He is registered voter in Maricopa County, but after
14 the passage of Proposition 200 and until he changed his voter registration, he could not
15 vote like everyone else on Election Day because he did not have the identification
16 documentation that Proposition 200 requires. [Exhibit 522 (Declaration of Bernie Abeytia
17 (“Abeytia Decl. at”) at 2; Exhibit 439)]

18 **998.** Although he had a valid driver’s license from 2004 to 2007, he could
19 not use his license to vote at the polls on Election Day because it did not satisfy the voter
20 identification requirements of Proposition 200. [Exhibit 522 (Abeytia Decl. at 2)]

21 **999.** Mr. Abeytia is a Vietnam veteran. He worked for the U.S. Social
22 Security Administration (SSA) for 27 years and retired with the job title of Technical
23 Expert. As part of his work he conducted workshops around the country on identity theft.
24 For this reason, he had always taken safety precautions when it came to providing
25 personal information and advised many of his trainees to do the same. He believed it was
26 safer for a person not to reveal their physical address whenever possible. This is why Mr.

1 Abeytia's driver's license only had his post office box address. He used his post office
2 box address on all bills and bank statements. He felt strongly about protecting his
3 personal information and did not want to risk any form of identity theft. He did not
4 intend to stop using these precautions because he was told that even banks are now
5 recommending that people get post office boxes to prevent identity theft. [Exhibit 522
6 (Abeytia Decl. at 2)]

7 **1000.** As a result of using a post office box for his correspondence and
8 driver's license, he lacked one form of photo identification and two forms of the
9 secondary voter identification documents specified by Proposition 200 and could not use
10 these documents to vote at the polls on Election Day. [Exhibit 522 (Abeytia Decl. at 3)]

11 **1001.** Proposition 200 harmed him because, until he recently re-registered
12 to vote and listed his post office box address, he could not cast a regular ballot at the polls
13 on election day, including the 2006 General Election. [Exhibit 522 (Abeytia Decl. at 3)]

14 **1002.** Mr. Abeytia wants to vote on Election Day because he wants to see
15 his ballot physically cast and wants to be sure that his vote will count. Mr. Abeytia also
16 wants to vote on Election Day because he often does not make a final decision about
17 which candidate to support until he arrives at the poll and considers all information, even
18 information he learns on Election Day. It makes him feel good to be able to say that he
19 voted on that day like everyone else. He wears the "I voted" sticker given to him at the
20 polling place on Election Day because he wants to encourage others to also vote that day.
21 The right to vote at the polls on Election Day is one of the rights he fought for when he
22 served his country in the military. [Exhibit 522 (Abeytia Decl. at 3)]

23 **1003.** In 2008, Mr. Abeytia received in the mail a letter from the Maricopa
24 County Elections Department asking him to re-register to vote. He did not request the
25 letter or a voter registration application from Maricopa County. He does not know of
26 anyone else in his neighborhood who received such a request from Maricopa County. He

1 believes that Maricopa County singled him out for the letter because he is a plaintiff in
2 this lawsuit and they wanted to make a special effort to resolve his voter identification
3 problem so that he could not continue to sue them. [Exhibit 522 (Abeytia Decl. at 3-4)]

4 **1004.** Mr. Abeytia did re-register to vote after receiving the Maricopa
5 County letter and listed his post office box address on his new application. Although he
6 voted at the polls in the 2008 Presidential Preference Election, he does not know of any
7 other person who lacked voter identification and whether he was the recipient of special
8 efforts by Maricopa County to ensure that they had the identification required by
9 Proposition 200. He believes many Arizona voters who use post office boxes like him
10 are still unable to provide the identification required by Proposition 200 and as a result
11 are unable to vote at the polls on Election Day. [Exhibit 522 (Abeytia Decl. at 4)]

12 **1005.** When Mr. Abeytia was denied the opportunity to vote at the polls
13 after Proposition 200, nothing can restore his lost opportunity. After having the
14 experience of being an eligible voter who was denied the opportunity to cast a ballot at
15 the polls, he lost confidence in the electoral system in Arizona. He believes it is not fair
16 that eligible voters are turned away from the polls because of Proposition 200's
17 identification requirements. He believes that this law is not only unfair but that it has
18 negatively affected the election system by preventing eligible voters from casting a
19 ballot. [Exhibit 522 (Abeytia Decl. at 4)]

20 **1006.** Proposition 200 continues to prevent many people who live on
21 Native American reservations and in rural areas and use a post office box as a mailing
22 addresses from registering to vote and casting a ballot. [Exhibits 440 & 441]

23 **1007.** Georgia Morrison-Flores is 54 years old. [Exhibit 542 (Declaration
24 of Georgia Morrison-Flores ("Morrison-Flores Decl. at") at 2)]

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1 **1008.** Georgia Morrison-Flores is life-long resident of Yuma, Arizona and
2 currently lives at 510 S. 17th Ave. She is a U.S. citizen and a registered voter. [Exhibit
3 542 (Morrison-Flores Decl. at 2 and Exhibit 442)]

4 **1009.** Georgia Morrison-Flores registered to vote for the first time in
5 September 2004 in a community-based voter registration drive. She was a newlywed at
6 the time, so she used her married name to register. [Exhibit 542 (Morrison-Flores Decl.
7 at 2 and Exhibits 442- 445)]

8 **1010.** On Election Day, November 7, 2006, Georgia Morrison-Flores
9 attempted to vote at her polling place at the Dr. Martin Luther King Jr. Neighborhood
10 Center, which is approximately four to five blocks from her home on the south side of
11 Yuma, Arizona. The Center is located at 300 W. 13th Ave. She was turned away by the
12 election staff there. [Exhibit 542 (Morrison-Flores Decl. at 2)].

13 **1011.** The election workers at the poll told Georgia Morrison-Flores that
14 her valid license did not meet the requirements of Proposition 200. Ms. Morrison-Flores
15 was told that her license was insufficient as voter identification because the name on her
16 license did not match her name on the voter rolls and that she could not vote. [Exhibit
17 542 (Morrison-Flores Decl. at 2 and Exhibits 446, 442)]

18 **1012.** Georgia Morrison-Flores was turned away from voting despite the
19 fact that she personally knew at least two election workers at the polling place. One of
20 the election workers lived across the street from her and knew her from the time she was
21 a child. [Exhibit 542 (Morrison-Flores Decl. at 2)].

22 **1013.** The election workers did not offer Georgia Morrison-Flores a
23 provisional ballot or conditional ballot to vote. [Exhibit 542 (Morrison-Flores Decl. at
24 2)].

1 **1014.** On February 8, 2008 Georgia Morrison-Flores again attempted to
2 vote at her designated polling place, the Dr. Martin Luther King, Jr. Neighborhood
3 Center. [Exhibit 542 (Morrison-Flores Decl. at 2)].

4 **1015.** Georgia Morrison-Flores' cousin, Pauleen Wilson, also intended to
5 vote that day and drove her to the polling place around 4:30 p.m., which was a
6 convenient time for both of them to go to the polling place together. [Exhibit 542
7 (Morrison-Flores 3)]

8 **1016.** After Georgia Morrison-Flores and Pauleen arrived at the Martin
9 Luther King, Jr. Neighborhood Center they waited in line for approximately 15 minutes.
10 [Exhibit 542 (Morrison-Flores 3)].

11 **1017.** When Ms. Morrison-Flores finally arrived at the table used to accept
12 voters. She recognized the woman working there as Betsy Johnson, a friend of the family
13 whom she had known for over 30 years. [Exhibit 542 (Morrison-Flores Decl. at 3)].

14 **1018.** Ms. Johnson and Georgia Morrison-Flores exchanged pleasantries
15 and Ms. Johnson then asked for a "photo I.D." Ms. Morrison-Flores handed her Arizona
16 driver's license. [Exhibit 542 (Morrison-Flores Decl. at 3 and Exhibit 446)]

17 **1019.** Ms. Johnson took Georgia Morrison-Flores driver's license and
18 began to look through the documents on her desk. After several minutes of searching
19 Ms. Johnson looked up, handed the license back to her and told her she could not vote.
20 [Exhibit 542 (Morrison-Flores Decl. at 3)].

21 **1020.** Ms. Johnson then proceeded to inform another poll worker, Joyce
22 Hassell, whom Georgia Morrison-Flores had also known for many years, that she could
23 not vote. Ms. Hassel came over and told Ms. Morrison-Flores that she would "look into
24 it" and call her if she learned anything that would allow her to vote. [Exhibit 542
25 (Morrison-Flores Decl. at 3)].

26

1 **1021.** Ms. Hassell wrote down Georgia Morrison-Flores phone number and
2 address information but she did not subsequently contact her regarding her ability to vote.
3 [Exhibit 542 (Morrison-Flores Decl. at 3)].

4 **1022.** At no point did Ms. Johnson or Ms. Hassell offer Georgia Morrison-
5 Flores any other means to cast her ballot, such as a provisional ballot. [Exhibit 542
6 (Morrison-Flores Decl. at 3)]

7 **1023.** Georgia Morrison-Flores' cousin, Pauleen Wilson, was also told by
8 the poll worker that she could not vote even though she presented her driver's license.
9 [Exhibit 542 (Morrison-Flores Decl. at 3)].

10 **1024.** Pauleen Wilson and Georgia Morrison-Flores left the polling place
11 approximately 30 to 45 minutes after they first arrived. [Exhibit 542 (Morrison-Flores
12 Decl. at 4)].

13 **1025.** Georgia Morrison-Flores had to pay a fee of approximately \$4 to
14 update her name on her driver's license in 2007. Ms. Morrison-Flores does not feel that
15 she should have to choose between spending her money on food and other necessities
16 versus a driver's license in order to vote at the polls on Election Day. [Exhibit 542
17 (Morrison-Flores Decl. at 4 and Exhibit 447)]

18 **1026.** Georgia Morrison-Flores has not had a car for over three years. Her
19 annual income for the year of 2007 was \$ 1,822. Ms. Morrison-Flores' home, which her
20 mother left to her when she passed away last year, is currently in foreclosure because she
21 cannot afford the monthly mortgage payments of \$154.20. In order to stop the foreclosure
22 process Ms. Morrison-Flores would have to pay approximately \$1,200 of back pay and
23 resume payments. [Exhibit 542 (Morrison-Flores Decl. at 4)].

24 **1027.** Georgia Morrison-Flores stated in her declaration that she felt
25 frustrated after her unsuccessful attempts voting because she felt that as U.S citizen who
26 made the effort to go register to vote she should have not been denied her right to vote.

1 Ms. Morrison-Flores also testified that she felt helpless as her right as a citizen was
2 stripped and her voice was muffled. [Exhibit 542 (Dec. Georgia Morrison-Flores)]

3 **1028.** Maria Magdalena Gonzalez is 55 years old. [Exhibit 532
4 (Declaration of Maria Magdalena Gonzalez, (“Maria Magdalena Gonzalez Decl. at”)
5 1)]

6 **1029.** Maria Magdalena Gonzalez resides at 727 Huron Ct., Somerton,
7 Arizona. She is a resident of Yuma County. Ms. Gonzalez has lived in the United States
8 for over forty years. She currently stays home and cares for her grandchildren. [Exhibit
9 532 (Maria Magdalena Gonzalez Decl. at 2)].

10 **1030.** On August 18, 2005, Maria Magdalena Gonzalez took her oath of
11 U.S. citizenship in a naturalization ceremony held in Yuma, Arizona. This was a very
12 important moment for her. After living in the United States for many decades, she always
13 dreamed of becoming a U.S. citizen. Ms. Gonzalez had a great desire to become a U.S.
14 citizen because, among other reasons, she wanted to register to vote and participate in the
15 political process. She wanted the opportunity to elect people who make important
16 decisions that affect me and her family. She is concerned about issues related to
17 education, healthcare and others issues. I want to influence those decisions. [Exhibit 532
18 (Maria Magdalena Gonzalez Decl. at 2) and Exhibit 448]

19 **1031.** After Maria Magdalena Gonzalez became a citizen at the ceremony,
20 she applied to register to vote at a table staffed by volunteers outside of the courthouse.
21 She completed the voter registration application form with the assistance of a volunteer,
22 signed the form and handed it over to the volunteer to deliver to the Yuma County
23 Recorder’s Office. [Exhibit 532 (Maria Magdalena Gonzalez Decl. at 2) and Exhibits
24 449-450]

25 **1032.** Maria Magdalena Gonzalez complied with the directions on the voter
26 registration application. The application form requested her “Certificate of

1 Naturalization number.” She asked the volunteer who was assisting me to copy the
2 number from her certificate of naturalization into the space requested. Ms. Gonzalez had
3 the certificate with her since she had just received it during the ceremony. [Exhibit 532
4 (Maria Magdalena Gonzalez Decl. at 2) and Exhibits 449-450]

5 **1033.** After Maria Magdalena Gonzalez submitted her voter registration
6 application, she received a form letter from the Yuma County Recorder’s Office
7 enclosing her application that was not accepted by their office. The letter stated: “Your
8 registration form has been rejected for the following reason: First time registration
9 requires proof of citizenship which was not included. Please fill in any missing blanks
10 and return enclosed form with your proof of citizenship.” [Exhibit 532 (Maria
11 Magdalena Gonzalez Decl. at 2-3) and Exhibit 451]

12 **1034.** Although Maria Magdalena Gonzalez’s voter registration application
13 contained the number of her certificate of naturalization, it was returned back to her; on
14 her original application the certificate of naturalization number was crossed out and
15 someone had written over it “A#.” [Exhibit 532 (Maria Magdalena Gonzalez Decl. at 3)
16 and Exhibits 449- 451]

17 **1035.** The letter from the Yuma County Recorder’s Office further advised
18 Ms. Gonzalez that “satisfactory evidence of citizenship” includes “A **presentation** to the
19 county recorder of the applicants’ United States naturalization documents **or** the ‘A
20 number’ on the certificate of naturalization form.” [Exhibit 532 (Maria Magdalena
21 Gonzalez Decl. at 3) and Exhibits 450-451]

22 **1036.** Maria Magdalena Gonzalez did not understand why her voter
23 registration application was rejected when she had provided the number of her certificate
24 of naturalization as they instructed her to do on the registration form. [Exhibit 532
25 (Maria Magdalena Gonzalez Decl. at 3)].
26

1 **1037.** In 2006, Maria Magdalena Gonzalez made another attempt to register
2 to vote and was successful. [Exhibit 532 (Maria Magdalena Gonzalez Decl. at 3) and
3 Exhibits 452-454]

4 **1038.** Maria Magdalena Gonzalez is Hispanic/Latino and was born in
5 Mexico. When she was denied the opportunity to register the first time, she felt like she
6 was discriminated against. Ms. Gonzalez did not understand why she was questioned
7 about her citizenship despite the fact that she had already provided her citizenship
8 certificate number and signed a sworn declaration as to her citizenship. [Exhibit 532
9 (Maria Magdalena Gonzalez Decl. at 3)].

10 **1039.** Maria Magdalena Gonzalez has lived in the United States for many
11 decades. She fully understands that Mexicans have a history of discrimination in the U.S.
12 Ms. Gonzalez has heard of many people being treated differently because of their
13 national origin and has experienced discrimination herself. In 2006, she went to apply for
14 a U.S. passport at a local post office. She was told by the postal agent at the counter that
15 she could not apply for the passport because she did not speak English. She was angry
16 and upset that yet again her rights as a U.S. citizen were being called into question by a
17 government official because of her national origin. She had to ask her daughter to call a
18 government official to complain. She was finally able to apply for a passport two months
19 later by going to a different post office. [Exhibit 532 (Maria Magdalena Gonzalez Decl.
20 at 4) and Exhibits 455-456]

21 **1040.** Maria Magdalena Gonzalez hopes that the law that she is challenging
22 in Arizona is recognized as a bad law. Before she was finally able to register, she was
23 rejected after following all the directions given to her. She also lost the opportunity to
24 exercise her right to vote until she registered a second time. She feels that the law affects
25 many naturalized citizens, and will prevent people from exercising their rights. [Exhibit
26 532 (Maria Magdalena Gonzalez Decl. at 4)].

1 **1041.** Some voters who had to fill out conditional provisional ballots were
2 not instructed to return with identification to have their ballot counted and were not told
3 how their ballots would be verified. [Exhibit 527 (Exhibit 527 (Cotto Dec ¶ 7); Dethloff
4 Dec ¶¶ 13-15; Exhibit 554A (White Dec ¶ 8)]

5 **1042.** Jesus Maria Gonzalez is 58 years old. [Exhibit 532A (Declaration of
6 Jesus Maria Gonzalez (“Jesus M. Gonzalez Decl. at1”)]

7 **1043.** Jesus Maria Gonzalez resides at 727 Huron Ct., Somerton, Arizona.
8 He is a resident of Yuma County. He has lived in the United States for 42 years. [Exhibit
9 532A (Jesus M. Gonzalez Decl. at 2)]

10 **1044.** On August 18, 2005, Mr. Gonzalez took his oath of U.S. citizenship
11 in a naturalization ceremony held at the federal courthouse in Yuma. This moment was a
12 very proud one for him. [Exhibit 532A (Jesus M. Gonzalez Decl. at 2) and Exhibit 235]

13 **1045.** When Jesus Maria Gonzalez came to the United States many years
14 ago, he had always dreamed of becoming a United States citizen. He recognized what the
15 United States stood for- the “American Dream” and the right to live life to its fullest. He
16 also wanted to become a U.S. citizen because, among other reasons, he wanted to register
17 to vote and participate in the political process. [Exhibit 532A (Jesus M. Gonzalez Decl.
18 at 2)].

19 **1046.** After Jesus Maria Gonzalez completed the naturalization ceremony
20 he applied to register to vote at a table staffed by volunteers outside of the ceremony. He
21 completed the voter registration form with the assistance of a volunteer, signed the form
22 and handed it over to the volunteer to deliver to the Yuma County Recorder’s Office.
23 [Exhibit 532A (Jesus M. Gonzalez Decl. at 2) and Exhibits 449, 457]

24 **1047.** Jesus Maria Gonzalez followed the directions carefully on the voter
25 registration application. In the box where the application form requested his “Certificate
26 of Naturalization number,” he asked the volunteer who was assisting him to copy the

1 number from her certificate of naturalization, which had just been handed to him in his
2 citizenship ceremony. [Exhibit 532A (Jesus M. Gonzalez Decl. at 2) and Exhibits 449,
3 457]

4 **1048.** Shortly after Jesus Maria Gonzalez submitted his voter registration
5 application, he received a form letter from the Yuma County Recorder's Office enclosing
6 his rejected application. The letter stated that "Your registration form has been rejected
7 for the following reason: First time registration requires proof of citizenship which was
8 not included. Please fill in any missing blanks and return enclosed form with your proof
9 of citizenship." [Exhibit 532A (Jesus M. Gonzalez Decl. at 2-3) and Exhibit 457]

10 **1049.** Although Jesus Maria Gonzalez's voter registration application
11 contained the number of her certificate of naturalization, as requested by the application
12 form, on the form that was returned to him the certificate of naturalization number was
13 crossed out and someone had written over it "A#." [Exhibit 532A (Jesus M. Gonzalez
14 Decl. at 3) and Exhibits 449, 457]

15 **1050.** The letter from the Yuma County Recorder's Office further advised
16 Jesus Maria Gonzalez that "satisfactory evidence of citizenship" includes "A
17 **presentation** to the county recorder of the applicants' United States naturalization
18 documents **or** the 'A number' on the certificate of naturalization form." [Exhibit 532A
19 (Jesus M. Gonzalez Decl. at 3) and Exhibit 457]

20 **1051.** Jesus Maria Gonzalez did not understand why his voter registration
21 application was rejected when he had properly provided the number of his certificate of
22 naturalization as instructed by the registration form. [Exhibit 532A (Jesus M. Gonzalez
23 Decl. at 3)].

24 **1052.** In October, 2006, Jesus Maria Gonzalez made a second attempt to
25 register to vote, this time using the ServiceArizona internet-based voter registration
26 system sponsored by the Arizona Motor Vehicles Department. However, after entering

1 his personal information, including his valid Arizona driver's license number, the website
2 informed him that it could not accept his voter registration application. As a result, he
3 was unable to register to vote using the ServiceArizona system. [Exhibit 532A (Jesus M.
4 Gonzalez Decl. at 3) and Exhibit 458]

5 **1053.** Jesus Maria Gonzalez's driver's license was issued to him before
6 November 1, 1996. [Exhibit 532A (Jesus M. Gonzalez Decl. at 3)].

7 **1054.** Jesus Maria Gonzalez is Hispanic/Latino and was born in Mexico.
8 He believes that he has been treated differently than other citizens in Arizona because he
9 was born in Mexico and gained citizenship through naturalization. [Exhibit 532A (Jesus
10 M. Gonzalez Decl. at 4)]

11 **1055.** On October 14, 2006, Jesus Maria Gonzalez applied for and received
12 a United States Passport. He paid \$112.95 for his passport. He does not believe that he
13 should have to pay a fee to acquire proof of citizenship for voter registration. He also
14 does not believe he should have to present his naturalization certificate in person to the
15 County Recorder as a condition of voter registration. [Exhibit 532A (Jesus M. Gonzalez
16 Decl. at 4) and Exhibit 459]

17 **1056.** As a Mexican national, Jesus Maria Gonzalez suffered from
18 discrimination while living in the United States. Early on he worked as a farm worker
19 under very difficult conditions while working in the fields. He was treated like a slave.
20 Mr. Gonzalez remembers drinking water from a canal like an animal. He believes he was
21 treated this way by his employer because he was Mexican. Also, he worked in a
22 packaging plant and all the Mexican workers suffered bad working conditions. He
23 recognizes that Mexicans have a history of being discriminated against in this country
24 and in Arizona. [Exhibit 532A (Jesus M. Gonzalez Decl. at 4)].

25 **1057.** When Jesus Maria Gonzalez's application for voter registration was
26 denied, he was angry. After all of his hardship and struggles to finally become a U.S.

1 citizen, he was still treated like a second class citizen of this country. Once again, he felt
2 like he was treated this way because he was Mexican. [Exhibit 532A (Jesus M. Gonzalez
3 Decl. at 4)].

4 **1058.** Jesus Maria Gonzalez feels as U.S. citizens, we should all have the
5 same rights, despite our country of origin. He has paid taxes all his life, and has
6 contributed to this country. [Exhibit 532A (Jesus M. Gonzalez Decl. at 4)].

7 **1059.** Jesus Maria Gonzalez wants to vote. He wants to exercise this right
8 because he feels that it is the best method to improve the lives of people in the United
9 States, particularly Latino people. He believes that we should all have an equal right to
10 elect the people who make the decisions in our country. He wants to have a voice in the
11 United States. [Exhibit 532A (Jesus M. Gonzalez Decl. at 5)].

12 **1060.** Jesus Maria Gonzalez hopes that the law that he is challenging in
13 Arizona will not be in effect in the future. Mr. Gonzalez has faced obstacles trying to
14 register to vote, and to this day remains unregistered. He feels that the law affects many
15 naturalized citizens like him, and it prevents them from exercising their fundamental right
16 to vote. [Exhibit 532A (Jesus M. Gonzalez Decl. at 5)].

17 **1061.** Some voters who had to fill out conditional provisional ballots feel
18 the poll workers who were supposed to assist them with the conditional provisional
19 ballots seemed unsure of the process for issuing conditional provisional ballots. [Exhibit
20 527 (Cotto Dec ¶ 8); Dethloff Dec ¶¶ 14-15, 19]

21 **X. IMPACT OF PROPOSITION 200 ON VOTER REGISTRATION** 22 **ORGANIZATIONS AND VOLUNTEERS**

23 **A. SW Voter**

24 **1062.** Lydia Camarillo is employed as the Vice President of the Southwest
25 Voter Registration Education Project (SVREP). [Exhibit 526 (Declaration of Lydia
26 Camarillo(“Camarillo Decl. at”), May 9, 2006 at 2)].

1 **1063.** Lydia Camarillo served as Vice President of SVREP since August
2 2003. From December 1994 through September 1999 she served as Executive Director of
3 SVREP, and from September 1, 2005 to March, 2006 she was Acting President. During
4 her employment with SVREP, she has been responsible for supervising the registration.
5 [Exhibit 526 (Camarillo Decl. at 2)].

6 **1064.** SVREP is a non-profit and non partisan organization committed to
7 improving the participation of Latino and other minority communities across the United
8 States in the democratic process, through voter registration, voter education and voter
9 participation activities. SVREP was founded in 1974, SVREO has conducted more than
10 2, 200 voter registration campaigns in 15 states, including Arizona. SVREP conducts its
11 voter registration activities at community-based sites such as school campuses, malls and
12 fairs. Because Proposition 200 has limited the number of person that SVREP can register
13 to vote and impaired the ability of SVREP to conduct voter registration and turnout
14 efforts, SVREP has been injured by Proposition 200. [Exhibit 526 (Camarillo Decl. at
15 3)].

16 **1065.** SVREP also increases Latino and other minorities' participation in
17 American democratic process by strengthening the capacity, and experience and skills of
18 Latino leaders, networks and organizations through programs that rain, organize, finance,
19 develop, expand and mobilize Latino leasers and voters around an agenda that reflects
20 their values. [Answers to Defendants State of Arizona, et al. First Set of Interrogatories to
21 Southwest Voter Registration Education Project ("SVREP Interrogatory"), Nov. 8, 2007
22 at 4 and Exhibit 460].

23 **1066.** SVREP has stated in an interrogatory that the Voter identification
24 provisions of Proposition 200 require them to educate voters in Arizona on how to
25 successfully cast their ballot. [SVREP Interrogatory at 3 and Exhibit 460]. SVREP
26 expended time and human resources examining the legislation voting requirements.

1 **1067.** SVREP is the nation’s largest and oldest non-profit organization
2 focused on increasing Latino voter registration and participation and has registered 2.3
3 million voters since its founding. [Exhibit 526 (Camarillo Decl. at 3)].

4 **1068.** SVREP conducts its voter registration and voter mobilization
5 campaigns in a similar fashion across the United States including Arizona. [Exhibit 526
6 (Camarillo Decl. at 3)].

7 **1069.** SVREP selects a local community, meets with leaders and asks them
8 to provide them with 2-10 names of neighborhood leaders. From this group they
9 organize a steering committee which will determine the goals and objectives of the
10 project. The committee monitors the voter campaign, recruits volunteers, serves as the
11 public voice for the voter campaign, and helps supervise the locally-hired Field
12 Organizers. The Field Organizers in turn supervise the activities of 10-20 Project
13 Coordinators. [Exhibit 526 (Camarillo Decl. at 3)].

14 **1070.** SVREP trains the Field Organizers and Project Coordinators and
15 helps them develop their plan for a non-partisan voter campaign. SVREP also trains the
16 Organizers and Project Coordinators on how to conduct community based voter
17 registration, using clipboards to be more mobile and following the state rules regarding
18 voter registration. [Exhibit 526 (Camarillo Decl. at 3)].

19 **1071.** SVREP campaigns have relied on voter registration forms
20 promulgated by the Secretary of State of the state in which the campaign is occurring as
21 well as the federal mail voter registration application. [Exhibit 526 (Camarillo Decl. at
22 4)].

23 **1072.** In a non-Presidential cycle, SVREP normally spends the equivalent
24 of \$20 per voter to conduct a registration and mobilization campaign. Thus, in order to
25 register and turn out 1,000 voters SVREP can expect to use \$20,000 from its budget.
26

1 This amount assumes that voter registration is conducted by volunteers under the
2 supervision of project Field Organizers. [Exhibit 526 (Camarillo Decl. at 4)].

3 **1073.** As a non-profit organization, SVREP raises money from private
4 donors. SVREP testifies that their resources are very limited. SVREP stated that if they
5 are required to expend greater resources on one voter campaign, it impairs their ability to
6 conduct additional voter campaigns and fulfill our mission of improving the participation
7 of Latino and other minority communities across the United States in the democratic
8 process. [Exhibit 526 (Camarillo Decl. at 4)].

9 **1074.** SVREP stated that Proposition 200's proof of citizenship
10 requirements for voter registration will severely impair their ability to register voters.
11 [Exhibit 526 (Camarillo Decl. at 4)].

12 **1075.** Because it is more cost effective, SVREP conducted voter
13 registration, in malls, sports games, college campuses, and other places where people
14 congregate. It is less cost-effective for SVREP to conduct voter registration in a door to
15 door campaign. SVREP stated that Proposition 200's proof of citizenship requirements
16 will greatly hinder their voter registration efforts by requiring all canvassers to bring
17 along photocopy machines or scanners and printers to places where voters gather, or to
18 bring such a machine door to door in a neighborhood. SVREP does not have the
19 resources to equip canvassers with portable photocopy machines or scanners and printers
20 in order to conduct voter registration campaigns in Arizona. [Exhibit 526 (Camarillo
21 Decl. at 4)].

22 **1076.** In addition, in a time of heightened fear of identity theft, SVREP
23 stated that even if it were able to equip canvassers with photocopy equipment, few voter
24 registration applicants would be willing to allow a canvasser to copy their citizenship
25 documents, such as birth certificates or passports. [Exhibit 526 (Camarillo Decl. at 4-5)].
26

1 **1077.** SVREP has stated that because of Proposition 200's proof of
2 citizenship requirements, the only realistic alternative for SVREP is to discontinue its
3 voter registration activities. SVREP also stated that Secretary of State Brewer's refusal
4 to use and accept the federal mail voter registration application, and her order that
5 Arizona county recorders do the same, forecloses the only avenue available to SVREP to
6 register voters for federal elections. [Exhibit 526 (Camarillo Decl. at 5)].

7 **B. Plaintiff Debbie Lopez**

8 **1078.** Debra Sue Lopez is 45 years. [Exhibit 539 (Declaration of Debra
9 Sue Lopez ("Lopez Decl. at") and Exhibit 461)]

10 **1079.** Ms. Lopez resides at 1001 E. Jefferson at 10th St. in Phoenix Arizona.
11 She is a United States citizen and life-long resident of Arizona. [Exhibits 461-462]

12 **1080.** For many years now, Ms. Lopez has dedicated a substantial amount
13 of her time to working to improve the condition of the Latino community in Arizona by
14 increasing voter registration and voter turnout. [Exhibits 461, 463]

15 **1081.** As early as February 2003, Ms. Lopez served as State Director for
16 the Latino Vote Project in Arizona. This organization was a non-profit, non-partisan
17 organization that Ms. Lopez founded to empower the Latino community and encourage
18 more Latinos to become involved in the political process. [Exhibits 461, 464]

19 **1082.** Latino Vote Project's activities focused on voter registration and
20 voter turnout in Arizona. Ms. Lopez feels that the organization was very successful.
21 However, in December 2004 the organization lost funding. Despite this, Ms. Lopez
22 continued to engage in her own personal and political cause by continuing to conduct
23 voter registration. Since the passage of Proposition 200, Ms. Lopez has personally
24 registered voters one by one and has directed broader voter registration and turnout
25 campaigns. [Exhibits 461, 465, 466, 467, 468]

26

1 **1083.** Ms. Lopez feels that Proposition 200 has harmed her professional and
2 personal efforts in this regard. Prior to the implementation of Proposition 200, she would
3 register eligible individuals by assisting them with filling out the forms and ensuring that
4 those forms were submitted to the Counties. However, since the implementation of
5 Proposition 200, her ability to register voters has suffered. [Exhibit 461].

6 **1084.** Ms. Lopez says in her experience many people in the Latino
7 community do not carry around evidence of their United States citizenship such as their
8 birth certificates or naturalization certificates. Thus, even if her or her fellow voter
9 registration workers wanted to help these people register to vote, they could not register
10 unless they were able to provide a valid driver's license dated after 1996. [Exhibit 461].

11 **1085.** In Ms. Lopez's experience even if voter applicants did carry
12 documentary proof of citizenship, she had no way of duplicating their documents in the
13 field. She began bringing copy machines to voter registration drives for proper
14 registration. As a result, Ms. Lopez feels that today she can register fewer people when
15 compared to number of people she could register with the same resources prior to the
16 passage of Proposition 200. [Exhibit 461].

17 **1086.** Ms. Lopez stated that Proposition 200 has also required her to spend
18 a significant amount of time navigating problems with the new registration forms. In Ms.
19 Lopez's experience, the Arizona voter registration application requests that eligible
20 registrants who are naturalized citizens provide their naturalization certificate numbers as
21 proof of citizenship. However, the Counties continue to reject those properly completed
22 forms because the Counties cannot verify the naturalization certificate number. In Ms.
23 Lopez's experience, Naturalized voter registrants have no way of knowing this and
24 frequently are forced to attempt to register a second time. [Exhibit 461].

25 **1087.** Ms. Lopez has spent her own personal money on voter registration
26 after the passage of Proposition 200. Ms. Lopez paid for phone calls to educate eligible

1 registrants about the requirements of Proposition 200 and address other problems that
2 Proposition 200 has created. Ms. Lopez also paid for photocopying original documents
3 and gas in order to drive to prospective registrants' homes to gather the necessary
4 information required by Proposition 200. Ms. Lopez stated that as a result of Proposition
5 200, she has spent over a thousand dollars of her money for which she has never been
6 reimbursed. [Exhibit 461].

7 **1088.** Before Proposition 200 was passed, the Latino Vote Project was
8 funded in large part by Project Vote, a non profit organization separate from the Latino
9 Vote Project. After the passage of Proposition 200, the funding for the project was
10 eliminated because the new law's voter registration restrictions resulted in fewer
11 successful voter registrations during registration drives when compared to the number of
12 successful registrations they could achieve using the same resources prior to the passage
13 of Proposition 200. Ms. Lopez feels that Proposition 200 ultimately cut short her
14 longstanding professional work with voter registration in Arizona. [Exhibit 461].

15 **C. ACORN/Project Vote**

16 **1089.** Monica Sandschafer is the State Head Organizer for Arizona
17 Association of Community Organizations for Reform Now (ACORN). She has held this
18 position since February of 2007. [Exhibit 547 (Declaration of Monica Sandschafer
19 ("Sandschafer Decl. at") at 1)].

20 **1090.** ACORN is a nonpartisan, nonprofit organization with offices in
21 Mesa, Glendale, Tucson, and Phoenix. ACORN is the nation's largest community
22 organization of low and moderate income families, working together for social justice
23 and stronger communities. [Exhibit 547 (Sandschafer Decl. at 1)].

24 **1091.** Voter registration drives are fundamental to the work of ACORN.
25 Nationally, ACORN has registered over 1.5 million citizens. It is the position of
26 ACORN that registering to vote is central to becoming a full participant in American

1 democracy and influencing change in our community. [Exhibit 547 (Sandschafer Decl. at
2 1)]

3 **1092.** Through numerous staff persons, ACORN conducts voter registration
4 drives targeting low and moderate-income families in Arizona. ACORN conducts voter
5 registration drives at numerous places in Arizona. ACORN attempts to register voters at
6 grocery stores, laundry mats, libraries, and other high traffic sites.

7 **1093.** As a result of Proposition 200, ACORN's voter registration activities
8 in Arizona have suffered drastically. [Exhibit 547 (Sandschafer Decl. at 1)].

9 **1094.** For example, in the year 2004 the voter registration campaign of
10 ACORN in Arizona resulted in 77, 000 new registrants. This year, ACORN has only
11 been able to register approximately 12,000 so far. [Exhibit 547 (Sandschafer Decl. at 1)].

12 **1095.** The primary reason ACORN cannot successfully register new voters
13 is because individuals do not possess the proper documentation to complete a voter
14 registration application. For instance, at one point ACORN accounted for over 1,000
15 voter registration applications that could not be completed because the individual lacked
16 proof of citizenship documentation. [Exhibit 547 (Sandschafer Decl. at 1)].

17 **1096. 8.** ACORN'S mission has suffered because of Proposition 200.
18 It has caused a large decrease in registrants and has diminished their funding and
19 resources. ACORN cannot compete with voter registration efforts in other states that do
20 not have the same obstacles they do. For example, ACORN currently registers an
21 average of 11 persons for every 20 persons that organizers in other states register. In
22 addition, they have spent time, funds and human resources in the field in order to
23 determine the impact of Proposition 200 on potential registrants. [Exhibit 547
24 (Sandschafer Decl. at 2)].

25 **1097.** Arizona ACORN has been prevented from effectively realizing some
26 of our goals as an organization -- creating an impetus for change through civic