

EXHIBIT A

Cite	Description	Response
<p>[1.] Gage 1/10/08 Dep. 54:22-25</p> <p>[2.] Collins 1/10/08 Dep. 20:24-21:2</p>	<p>Gonzalez Plaintiff Corrected Post-Trial Memorandum Page 9 states: That a type F license does not show its designation on its face.</p> <p>Gage 01/10/08 Dep. 54:15-25: This deposition testimony has not been designated and states: “Earlier we were talking to Anne Yanofsky from the MVD and she was talking about how people come into the MVD when they are updating their status or there’s been a change in their status. For instance, somebody became married and not has to change their immigration status from one to the other. Those are people who actually walk in and try to make those updates.</p> <p>Is there any way that the Department of Homeland Security or any of the Federal Immigration agencies can directly update the customer record in the MVD database themselves? A: Not that I’m aware of.” Q: So in the instance where and individual does have a”</p> <p>Collins 01/10/08 Dep. 19:24-20:2: The cite states: “Q: Do you have any Memorandum of Understanding between the MVD and DHS with respect to verifying immigration information with DHS? A: Not that I’m aware of. Q: Are you aware of any system or process used by MVD to communicate with DHS to do routine updates on customer records with respect to immigration status? A; No, I’m not.”</p>	<p>Correct Citations</p> <p>The proposition in the Corrected Post-Trial Brief relies on more than one citation, including deposition testimony of Ann Yanofsky where she states that a Type F licenses does not show its designation on its face. <i>See</i> Ex. B.</p>

[3.] Tr. 711:4-712:17

Gonzalez Plaintiff Corrected Post-Trial Memorandum page 10 states: Service Arizona has rejected approximately 1300 voter applicant with Type F licenses or who posses licenses issued before **January** 1, 1996.

Tr. 711:4-712:17 does not refer to Type F licenses, but for people attempting to register with licenses issued before **October** 1, 1996.

Correct Citation

Defendants' chart is incorrect. Page 10 of the Memorandum correctly reflects Joe Kanefield's changed testimony at trial that Service Arizona rejects voters with driver's licenses issued before October 1, 1996. *See* Dkt. Entry No. 1037 at 10; *see also* Ex. C.

Furthermore, the proposition relies on more than one citation, including the deposition testimony of Mr. Kanefield where he explains that Service Arizona has rejected voter registration applicants with Type F licenses. *See* Ex. D.

[4.] **Altaha**
01/14/08 Dep.
22:14-23.

[5.] **Dean-Lytle**
01/16/08 Dep. 37-
8-38:10

Gonzalez Plaintiff Corrected Post-Trial Memorandum page 12 states: Contrary to Kanefield testifying that the County Recorders "back date" voter registration applications after receiving proof of citizenship, the date of registration is the date the applicant provided new information even if it falls after election deadlines.

Altaha 01/14/08 Dep. 22:14-23 states: That if they are waiting to run an A number through the VIS database, they just hold onto the application until they can get the number verified and the date of registration would be "The date they signed it" or "the date the registration drive occurred or the receive date."

Dean-Lytle 01/16/08 Dep. 37-8-38:10 speaks of sending out new registrations form to applicants when there is missing or incorrect information. It does not mention date of registration or "back dating."

Correct Citation

The Gonzalez Plaintiffs rely on more than one citation, including the deposition testimony of Laura Dean-Lytle where she explains that before Prop 200 her office processed incomplete voter registration forms and sent the applicant a letter, and since Prop 200 they now reject the applications that lack proof of citizenship. *See Ex. E.* She also explains that after the application is rejected, the applicant must complete an entirely new form before he or she can be added to the voter rolls. *See id.*

Today, Maricopa County reiterated this position through its Federal Compliance Officer. *See Ex. I.*

Gonzalez Plaintiffs previously discussed the citations to the deposition of Jasper Altaha in their Motion for Leave and contend that they support the proposition in the Memorandum. *See Dkt. Entry Nos. 1036-1 at 4; 1036-2 at Ex. A, No. 9; 1036-2 at Ex. C.*

<p>[6.] Tr. 800:24-801:17</p>	<p>Gonzalez Plaintiffs’ Consolidated Response to Defendants’ Post Trial Memoranda page 4 states: That Defendants claim that the “thousands of excluded registrants are unimportant.”</p> <p>Tr. 800:24-801:17 is a direct examination of Dr. Jeffrey Zax and states: “Q: And what is the – what are those opinions, sir?</p> <p>A. This difference is not nearly large enough, in my estimation, to be thought of as substantively important. He doesn’t – Dr. Lanier doesn’t provide us with the statistical significance test, nor does he provide us with what we would need in order to precalculate that test. But recognizing, if nothing else, that his identification of Hispanic identify for each of these registrants is an estimate – he uses the passive word “index” to identify who’s Hispanic and who’s not. My impression is that that’s a pretty good estimate. But it’s by no means infallible. So some of his identifications of who is Hispanic and who is not are clearly wrong. We don’t know which ones.”</p>	<p>Correct Citation</p> <p>The citation supports the proposition. <i>See</i> Ex. F.</p>
<p>[7.] Table 9e Ex. 862</p>	<p>Gonzalez Plaintiff’s Consolidated Response to Defendants’ Post Trial Memoranda page 5, footnote 4 states: <i>See</i> Table 9e Ex. 862 (showing Latino citizen population growing at an average annual rate of 4.2% per year before Prop 200 and 4.6% in the year following Prop 200.)</p> <p>Plaintiffs are correct that there was a 4.6% growth rate for Hispanic CVAP from 2005-2006. However, the Hispanic CVAP growth rate from 2000 to 2005 is 26.8%, which averages out to a 5.4% annual rate, not 4.2% as Plaintiffs claim.</p>	<p>Correct Citation</p> <p>The citation supports the proposition. Defendants’ calculations are incorrect. Defendants are only able to arrive at their suggestion of 5.6% Latino CVAP growth preceding Prop 200 by including population growth from the period 2004-2005 following the passage of Prop 200.</p>
<p>[8.] Ex. 1146</p>	<p>Gonzalez Plaintiffs’ Consolidated Response to Defendants’ Post Trial Memoranda page 6 cites Ex. 1146, which has not been admitted into evidence.</p>	<p>Correct Citation</p> <p>The citation refers only to the USCIS webpage contained within Tr. Ex. 1146 which was admitted at trial.</p>
<p>[9.] Tr. 82:9-89:11</p>	<p>Gonzalez Plaintiffs’ Consolidated Response to Defendants’ Post Trial Memoranda page 6 states: Individuals such as Shirley Priess cannot obtain or afford documentary proof of citizenship.</p> <p>Tr. 82:9-89:11 is a citation to Ms. Priess’ entire direct examination in which there is no mention of whether Ms. Priess could afford such documentation.</p>	<p>Correct Citation</p> <p>The citation supports the proposition, as Ms. Priess testified that she is low income. <i>See</i> Ex. G.</p>

<p>[10.] Tr. 227:45</p>	<p>Gonzalez Plaintiffs’ Consolidated Response to Defendants’ Post Trial Memoranda page 7 cites Tr. 227:45, which is an improper citation.</p>	<p>Missing Hyphen in Citation</p> <p>The correct citation is Tr. 227: 4-5. <i>See</i> Ex. H.</p>
<p>[11.] Dkt. 816</p> <p>[12.] Ex. 138 and Dkt. 130 at 67-687</p>	<p>Gonzalez Plaintiffs’ Consolidated Response to Defendants’ Post Trial Memoranda page 15 cites to declaration of Ann Fletchall, Caleb Laporte, Karen Lewsader, Diedre Bell-Oudry, Dorothy Terrazas, Kris Sorge, Sasra Dethloff and Sylvia Cotto, none have been admitted into evidence.</p> <p>Gonzalez Plaintiffs’ Consolidated Response to Defendants’ Post Trial Memoranda page 16 states: “Prop 200 did not notify voters that driver’s licenses issued after October 1, 1996 do not prove U.S. citizenship.”</p> <p>Ex. 138 and Dkt. 130 at 67-687 is an Attorney General Opinion which concludes that a driver’s license or non-operating identification license issued in Arizona after October 1, 1996, is satisfactory evidence of U.S. citizenship for the purpose of registering to vote. It does not address notification to persons with licenses issued before October 1, 1996.</p>	<p>Correct Citation</p> <p>Correct Citation</p> <p>The sentence references section F(1) of Prop 200 itself; the citations serve as additional support for the proposition that driver’s licenses do not prove citizenship.</p>

EXHIBIT B

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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

30(b)(6) DEPOSITION OF ANNE YANOFSKY

Phoenix, Arizona
January 10, 2008
9:12 a.m.

REPORTED BY:
Cindy Bachman
Certified Reporter No. 50763

UNITED COURT REPORTERS, INC.
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1 the "Establishing Authorized Presence Policy." At the very top
2 where it says the purpose is to provide guidelines to use when
3 establishing authorized presence and, when applicable, issuing
4 Type F (limited) license. Why is it a limited license if you're
5 a Type F license?

6 A. Because it's not the full extended to your 65th.

7 Q. So "limited" means limited in time?

8 A. Correct.

9 Q. Does the Type F license show on the face of a license
10 that it is a Type F?

11 A. No. It will just have an expiration date that is
12 lesser than the norm.

13 Q. Okay. Look at Exhibit 3 for me. It's "Acceptable
14 Documentation." If you go to page 3 of 5 or otherwise known as
15 Bates 6378, where the list begins of acceptable documents, L.

16 Does this exhibit tell us anywhere which of these
17 primary forms of identification would merit a Type F license?

18 A. Can you say that again?

19 Q. Where does this list explain which documents trigger a
20 Type F license?

21 A. Well, on 379, the next page, it does have I-94.
22 Different classifications, resident, alien.

23 Q. But it doesn't say issue a Type F license to these
24 people, does it?

25 A. No. That would be your training that comes into play

In re: Gonzalez v. Arizona -- Anna Yanofsky -- January 10, 2008

Page 78

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

3
4 BE IT KNOWN that the foregoing transcript was
5 taken before me, CINDY BACHMAN, a Certified Reporter in the
6 State of Arizona; that the witness before testifying was duly
7 sworn by me to testify the whole truth; that the questions
8 propounded to the witness and the answers of the witness thereto
9 were taken down by the Voice Writing method and translated into
10 text via speech recognition under my direction; at the witness's
11 request, notification was provided that the transcript was
12 available to read and sign; and that the foregoing typewritten
13 pages are a true and correct transcript of all proceedings, all
14 done to the best of my skill and ability.

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

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

20
21 
22 Cindy Bachman
23 Certified Reporter No. 50762
24
25

EXHIBIT C

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

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

08:46:33

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4					
5	Maria M. Gonzalez, et al.,)			
6)			
7	Plaintiffs,)			
8)			
9	vs.)	CV 06-01268-PHX-ROS		
10)			
11	State of Arizona, et al.,)			
12)	Phoenix, Arizona		
13)	July 16, 2008		
14	Defendants.)	8:46 a.m.		
15)			

08:46:33

08:46:33

BEFORE: THE HONORABLE ROSLYN O. SILVER, JUDGE

REPORTER'S TRANSCRIPT OF PROCEEDINGS

BENCH TRIAL - Day 4

08:46:33

(Pages 529 through 737, inclusive.)

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

08:46:33

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

08:46:33

JOSEPH KANEFIELD, PH.D. - Cross

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

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

7 A. Yes.

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

12 A. They will not.

13 Q. What will happen?

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

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

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

JOSEPH KANEFIELD, PH.D. - Cross

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

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

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

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

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

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

17 A. It was just in my head.

18 Q. Okay. Thank you.

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

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

22 MS. PERALES: May I proceed?

23 THE COURT: You may.

24 BY MS. PERALES:

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

JOSEPH KANEFIELD, PH.D. - Cross

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C E R T I F I C A T E

05:04:58

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

05:04:58

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

05:04:58

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

05:04:58

s/Elaine M. Cropper

05:04:58

Elaine M. Cropper, RDR, CRR, CCP

EXHIBIT D

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

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

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

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

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

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

25 The system has prevented approximately 1,300

1 individuals, that we're aware of, from registering online who
2 had a license classification that was designated as someone who
3 was not a US citizen but had a valid driver's license.

4 Q. How many of those people does the Secretary of State
5 know were not US citizens?

6 A. We don't know.

7 Q. Is it possible for somebody to have a driver's license
8 issued before October 1, 1996 and be a US citizen?

9 MS. BAILEY: Objection. Foundation and outside the
10 scope of the topics this witness is designated for.

11 THE WITNESS: I would refer you to the Arizona
12 Attorney General's opinion where he goes through a lengthy
13 discussion on that particular question.

14 BY MS. PERALES:

15 Q. And I think I'm asking an easier question.

16 A. Okay.

17 Q. Are there US citizens who are currently in possession
18 of a driver's license issued before 1996?

19 MS. BAILEY: Objection. Foundation. Form.

20 THE WITNESS: I would assume, yes.

21 BY MS. PERALES:

22 Q. When you mentioned producing written allegations to us
23 in discovery of persons who are not US citizens and who
24 registered to vote, do you know whether you've ever produced to
25 us any documents showing that persons were prosecuted or

1 to try to get that information.

2 And now, I pass the witness.

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

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

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

14 And now, I pass the witness.

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

16 MR. KENGLE: No questions. Thank you.

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

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

19 MS. PERALES: Thank you.

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

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23 JOSEPH KANEFIELD
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EXHIBIT E

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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

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

ORIGINAL

BY: CYNTHIA D. MCDEVITT, RPR, CR No. 50108	
UNITED COURT REPORTERS, INC.	
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(520)792-2600 or (800)759-9075	
CONFERENCE ROOMS:	MAILING ADDRESS:
Suite 200	P.O. Box 17507
177 North Church Avenue	Tucson, Arizona 85731

1 could call them.

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

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

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

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

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

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

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

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

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

7 A Yes.

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

10 A Yes.

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

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

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

17 MS. RAPP: Isn't --

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

19 MR. URIAS: We can take a look.

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

22 MR. URIAS: Sure.

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

25 MR. URIAS:

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MS. RAPP: Read and sign.

(Signature reserved.)

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



LAURA DEAN-LYTTLE

C E R T I F I C A T E

1
2 STATE OF ARIZONA)
3 COUNTY OF PIMA)
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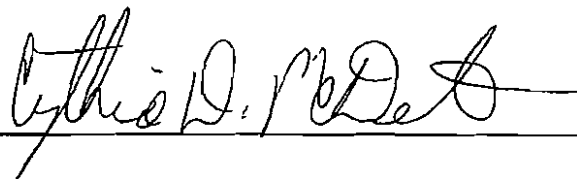
5 BE IT KNOWN that I took the foregoing deposition; that
6 I was then and there a Certified Reporter in the State of
7 Arizona; that by virtue thereof, I was authorized to administer
8 an oath; that the witness, ADRIAN CANEZ, before testifying was
9 duly sworn to testify to the whole truth and nothing but the
10 truth; and the testimony of the witness was reduced to writing
11 under my direction.

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

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

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

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

21 
22 _____

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

EXHIBIT F

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

MARIA M. GONZALEZ, et al.,)
) No. CV 06-1268-PHX-ROS
Plaintiffs,)
)
vs.) Phoenix, Arizona
) July 17, 2008
STATE OF ARIZONA, et al.,) 9:02 a.m.
)
Defendants.)
)

BEFORE: THE HONORABLE ROSLYN O. SILVER, JUDGE

REPORTER'S TRANSCRIPT OF PROCEEDINGS

BENCH TRIAL
DAY 5
A.M. Session
Pages 737 through 825

Official Court Reporter:
Candy L. Potter, RMR, CRR
Sandra Day O'Connor U.S. Courthouse, Suite 312
401 West Washington Street, Spc 36
Phoenix, Arizona 85003-2151
(602) 322-7246

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

1 A. Yes. In other words, one -- one out of 1,000. One out of
2 1,000 would have been the change in the Hispanic composition of
3 those registered.

4 Q. Now, in your opinion does that difference have any either
5 statistical or substantive significance to an opinion about 11:10:33
6 whether Prop 200 had a disparate impact on Hispanic
7 individuals?

8 A. I appreciate the phrasing of that question, because in
9 scientific terms when the question is, is a difference
10 important, there's two levels to the analysis. 11:10:51

11 The first level is, is the difference reliable? Can
12 we really believe it's there? That's the question of
13 statistical significance.

14 And if you pass that test, then the next question is,
15 if the difference is reliable, is it large enough in practical 11:11:06
16 terms to be important?

17 So in order to conclude that a difference is
18 meaningful, is salient, you need to pass both tests.

19 Q. And did you present your opinions about these figures in
20 your work? 11:11:20

21 A. Yes.

22 Q. That was disclosed to plaintiffs?

23 A. I believe I did.

24 Q. And what is the -- what are those opinions, sir?

25 A. This difference is not nearly large enough, in my 11:11:27

1 estimation, to be thought of as substantively important. He
2 doesn't -- Dr. Lanier doesn't provide us with the statistical
3 significance test, nor does he provide us with what we would
4 need in order to precalculate that test.

5 But recognizing, if nothing else, that his 11:11:45
6 identification of Hispanic identity for each of these
7 registrants is an estimate -- he uses the passive word "index"
8 to identify who's Hispanic and who's not. My impression is
9 that that's a pretty good estimate. But it's by no means
10 infallible. So some of his identifications of who is Hispanic 11:12:04
11 and who is not are clearly wrong. We don't know which ones.

12 But when you factor in that there's some uncertainty
13 about the actual number of Hispanics and nonHispanics in this
14 31,550 pool, then you have to reference that the difference
15 between 13.7 and 13.8 percent is so small that it is probably 11:12:21
16 overwhelmed by the uncertainty associated with the original
17 identification of who's Hispanic and who's not.

18 Q. Because that is an estimate also?

19 A. Yes. I think it's a responsible estimate, but it's still
20 an estimate. 11:12:39

21 Q. And you don't quarrel with the fact that he used the data
22 he used to give an estimate in the first instance of what
23 portion of those rejected registrations were Hispanic; correct?

24 A. No, I don't.

25 MR. KENGLER: Objection, leading, Your Honor. 11:12:52

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C E R T I F I C A T E

I, CANDY L. POTTER, do hereby certify that I am duly appointed and qualified to act as Official Court Reporter for the United States District Court for the District of Arizona.

I FURTHER CERTIFY that the foregoing pages constitute a full, true, and accurate transcript of all of that portion of the proceedings contained herein, had in the above-entitled cause on the date specified therein, and that said transcript was prepared under my direction and control.

DATED at Phoenix, Arizona, this 18th day of July, 2008.

s/Candy L. Potter
Candy L. Potter, RMR, CRR

EXHIBIT G

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

JESUS GONZALEZ, et al.,)	
)	
Plaintiffs,)	CIV 06-1268-PHX-ROS
)	
vs.)	Phoenix, Arizona
)	July 10, 2008
STATE OF ARIZONA, et al.,)	8:46 a.m.
)	
Defendants.)	
)	
)	

BEFORE: THE HONORABLE ROSLYN O. SILVER, JUDGE

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TRIAL TO THE COURT

VOLUME II

(Pages 77 through 282, inclusive.)

Official Court Reporter:
Linda Schroeder, RDR, CRR
Sandra Day O'Connor U.S. Courthouse, Suite 312
401 West Washington Street, Spc. 32
Phoenix, Arizona 85003-2151
(602) 322-7249

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

1 SHIRLEY PREISS, PLAINTIFFS' WITNESS, SWORN

2 DIRECT EXAMINATION

3 BY MS. GREENE:

4 Q. Good morning, Ms. Preiss.

5 A. Good morning.

6 Q. Can you hear me?

7 A. I can hear you.

8 Q. Perfect. Could you state your name for the record.

9 A. My name is Shirley Preiss, P-r-e-i-s-s.

10 Q. Thank you. Ms. Preiss, what was your name when you were
11 born?

12 A. My name was Shirley Meshew, M-e-s-h-e-w.

13 Q. And when were you born?

14 A. I was born August the 17th, 1910.

15 Q. Where were you born?

16 A. Clinton, Kentucky.

17 Q. Ms. Preiss, were you born at home or in a --

18 A. I was born at home.

19 Q. You were born at home.

20 Okay. One little reminder: Let me finish my
21 question, Ms. Preiss, and then give me your answer. Okay?

22 A. Beg your pardon?

23 Q. Let me finish my question first, and then you --

24 A. No birth certificates were given.

25 Q. Okay. Listen for my question.

UNITED STATES DISTRICT COURT

1 When you were born, did the State of Kentucky issue
2 you a birth certificate?

3 A. No.

4 Q. Did Kentucky issue birth certificates at the time you were
5 born?

6 A. No.

7 Q. Ms. Preiss, are any of your siblings still alive?

8 A. No.

9 Q. Joe --

10 JOE NEMICH: I'm a sibling.

11 THE WITNESS: I have one son, yes, and a sister.

12 Q. (BY MS. GREENE) I'm just going to admonish Mr. Nemich I
13 know you're trying to help your mother, but we've got to make
14 sure she's the one who's testifying. Okay?

15 Shirley, I'm going to repeat my question. Are any of
16 your brothers or sisters still alive?

17 A. One sister.

18 Q. Thank you. Is she a younger or older sister?

19 A. She's a younger.

20 Q. Okay. Have you or your family attempted to get a birth
21 certificate?

22 A. Oh, yes.

23 Q. Have you been successful?

24 A. No, no.

25 Q. And why is that?

1 A. Well, just right now I'm in Arizona, and I was not born
2 here. I live here, and I want to vote in this state, and I
3 want the right to vote under the constitutional right of mine.

4 Q. Thank you.

5 So you now live in Arizona?

6 A. I'm living here, and I'm going to stay here.

7 Q. Okay. And do you live with your son?

8 A. I live with my son and my daughter-in-law.

9 Q. When did you move to Arizona?

10 A. About three years ago.

11 Q. Okay. Do you drive, Mrs. Preiss?

12 A. Oh, no. I'm legally blind.

13 Q. Okay. You just mentioned that you're legally blind. Do
14 you have other health issues?

15 A. I beg your pardon?

16 Q. Do you have other issues with your health other than your
17 eyes?

18 A. I have had a stroke, and I'm paralyzed in my left hand
19 completely. I have trouble with my left leg. And that's how I
20 got my eye trouble.

21 (Reporter interrupts for clarification.)

22 Q. You mentioned your eye trouble. Was that the result of the
23 stroke?

24 A. That was the cause of the stroke. It hit my left eye, and
25 that was the trouble.

1 Q. Okay. Do you have some hearing trouble?

2 A. Security? I don't have any security trouble.

3 Q. Shirley, I think you misheard me.

4 A. Huh?

5 Q. I think you misheard me. Do you have trouble with your
6 hearing?

7 A. Oh, yes. And I have a hearing aid to help me.

8 Q. Okay. Because of your stroke, Shirley, is standing and
9 walking difficult for you?

10 A. Oh, yes. I can't walk.

11 Q. Okay. Do you use the wheelchair all the time?

12 A. All the time.

13 Q. Would taking public transportation be difficult for you?

14 A. Oh, yes. I couldn't do it without somebody to help me.

15 Q. How do you get around then? Does your son help you?

16 A. My son helps me all of the time.

17 Q. Ms. Preiss, what is your financial situation? What is your
18 income?

19 A. I get my social security check.

20 Q. Is there anything other than your social security?

21 A. No, I do not.

22 Q. Thank you. I'm going to ask you a few questions about your
23 voting history --

24 A. Okay.

25 Q. -- and your attempts to register. Okay?

1 A. Okay.

2 Q. When did you first vote, Mrs. Preiss?

3 A. I first voted in 1932, and I voted for Franklin Delano
4 Roosevelt.

5 Q. Okay. Have you voted regularly since that time?

6 A. Every time that I have the opportunity.

7 Q. Would you vote in the upcoming November election if you
8 could?

9 A. I certainly would.

10 Q. Are you eligible to vote in Arizona?

11 A. Will you repeat that?

12 Q. Yes, ma'am. Are you eligible to vote in Arizona?

13 A. Not yet, but I hope to be.

14 Q. Let me ask you this question. Are you a U.S. citizen?

15 A. Beg your pardon?

16 Q. Are you a U.S. citizen?

17 A. Oh, yes, indeed, all of my life. Every breath I ever
18 breathed has been in America.

19 Q. And are you -- I take it you are over 18 years old?

20 A. Beg your pardon?

21 MR. LAMAR: We'll stipulate to that?

22 MS. GREENE: Counsel will stipulate that she's over
23 18.

24 THE COURT: I'll take judicial notice.

25 Q. (BY MS. GREENE) Ms. Preiss, have you ever been convicted

1 of a felony?

2 A. Oh, no, indeed, no.

3 Q. Thank you.

4 Ms. Preiss, have you or your family tried to register
5 you to vote in Arizona?

6 A. Yes, we did.

7 Q. Have your efforts to register been successful?

8 A. No, indeed.

9 Q. Why not?

10 A. Because they said I didn't have a birth certificate, and I
11 didn't have a passport. Why should I have a passport when I've
12 never been out of this country, never?

13 Q. Okay. And I take it -- Well, let me ask you: Are you an
14 American Indian?

15 A. Oh, no, indeed.

16 Q. Ms. Preiss, I want to ask you some questions about your
17 dealings with Arizona Motor Vehicles Division. Okay?

18 Because you cannot obtain a birth certificate, have
19 you attempted to get another form of identification that would
20 allow you to register?

21 A. I couldn't vote here because I did not have a birth
22 certificate, and I did not have a passport. And they would not
23 accept my driver's license or my social security. I'm on
24 Medicare now. So that left me no way.

25 Q. Ms. Preiss, did you try to get a non-operator's

1 identification from Arizona Motor Vehicles Division?

2 A. Huh?

3 Q. Was that a yes?

4 A. I have not gotten any, any authorization as yet. Is that
5 what you asked me?

6 Q. I'm trying to be a little more specific for the Judge. I'm
7 asking you if you ever tried to get an identification from the
8 Arizona Office of Motor Vehicles.

9 A. I want to get the right to vote. I want to vote in this
10 state.

11 Q. Ms. Preiss --

12 A. Yes.

13 Q. -- do you have any utility bills in your name?

14 A. I didn't understand that.

15 Q. Do you have any utility bills in your name?

16 A. No, I do not.

17 Q. Do you have a valid Arizona vehicle registration in your
18 name?

19 A. No, I do not.

20 Q. Do you have any property tax statements for an Arizona
21 residence in your name?

22 A. No, I do not.

23 Q. Do you have any bank accounts in your name?

24 A. I have one bank account in my name, but it is in Texas.

25 Q. Ms. Preiss, do you have any forms, any at all -- I think

1 you mentioned a few already -- of --

2 A. Any what?

3 Q. Do you have any forms of ID issued by the state, local, or
4 federal government?

5 A. If I understand what you mean, I think I put everything in
6 my son's name. Is that what you mean?

7 Q. Not exactly. I'm asking you if you have any identification
8 at all.

9 A. I have my social security card and my Medicare card.

10 Q. Okay. A social security card and a Medicare card?

11 A. Yes, ma'am.

12 Q. Do you have any old driver's licenses?

13 A. Oh, yes.

14 Q. From what state?

15 A. Well, I -- The State of Texas.

16 Q. The State of Texas?

17 A. Yes.

18 Q. Are those driver's licenses very old?

19 A. They're pretty old.

20 MS. GREENE: One moment, Your Honor.

21 I have no more questions for Ms. Preiss.

22 THE COURT: All right. Anything from the defense?

23 MR. LAMAR: Yes, Your Honor, if the Court please.

24 Will counsel stipulate that Ms. Preiss is not
25 Hispanic?

1 MS. GREENE: Yes.

2 CROSS-EXAMINATION

3 BY MR. LAMAR:

4 Q. Ms. Preiss? Ms. Preiss, can you hear me?

5 A. I beg your pardon?

6 THE COURT: Speak up.

7 Q. Can you hear me?

8 A. Now I can hear you.

9 Will you repeat that?

10 Q. Yes. I'm going to make you a deal this morning. Is that
11 all right?

12 A. What?

13 Q. I'm going to make a deal with you this morning. Is that
14 all right?

15 A. You want me to repeat what you said?

16 Q. No, no, ma'am. I want to make you a deal. If you tell the
17 next person you see that lawyers are capable of random acts of
18 kindness, I've got no questions of you. Is that a deal?

19 A. You want me --

20 THE COURT: No, no deals in the courtroom, counsel.

21 MR. LAMAR: Deals or not, no questions.

22 THE COURT: No questions. All right.

23 Anything else?

24 MS. GREENE: Nothing further, Your Honor.

25 THE COURT: Okay. Thank you.

C E R T I F I C A T E

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2
3 I, LINDA SCHROEDER, do hereby certify that I am duly
4 appointed and qualified to act as Official Court Reporter for
5 the United States District Court for the District of Arizona.

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

11 DATED at Phoenix, Arizona, this 11th day of July,
12 2008.

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14 s/Linda Schroeder
15 Linda Schroeder, RDR, CRR
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EXHIBIT H

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

JESUS GONZALEZ, et al.,)	
)	
Plaintiffs,)	CIV 06-1268-PHX-ROS
)	
vs.)	Phoenix, Arizona
)	July 10, 2008
STATE OF ARIZONA, et al.,)	8:46 a.m.
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Official Court Reporter:
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Sandra Day O'Connor U.S. Courthouse, Suite 312
401 West Washington Street, Spc. 32
Phoenix, Arizona 85003-2151
(602) 322-7249

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

1 A. Yes.

2 Q. What is this document, Mr. Gonzalez?

3 A. It's a document pertaining to my passport.

4 Q. And do you recall how much you paid for your passport?

5 A. About \$112 more or less.

6 Q. The receipt here indicates that you paid \$112.95.

7 Would that be the number that you see reflected here?

8 A. Yes.

9 Q. If you'll go back to document 710, Mr. Gonzalez --

10 A. 710?

11 Q. Yes, the page of your passport.

12 A. 710?

13 Q. Yes.

14 A. This is 710.

15 Q. Oh, 709. Pardon me.

16 709.

17 Is that the passport page that you're looking at,

18 Mr. Gonzalez?

19 A. Yes.

20 Q. There's an issue date on there that says November of 2006.

21 Would that be the date that you applied for your passport,

22 Mr. Gonzalez?

23 A. Yes.

24 Q. Mr. Gonzalez, have you had any individual experiences where
25 you felt that you were discriminated against?

C E R T I F I C A T E

1
2
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4 appointed and qualified to act as Official Court Reporter for
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12 2008.

13
14 s/Linda Schroeder
15 Linda Schroeder, RDR, CRR
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EXHIBIT I

From: Tammy Patrick - RISCX [mailto:tpatrick@risc.maricopa.gov]

Sent: Monday, August 04, 2008 1:30 PM

To: Alberto Olivas; ameeze@acluaz.org; Alison Rapping; ashleigh@azspinal.org; Ayensa Millan; barblubin@gmail.com; brandy@makeadifference.org; cmartinez@reforminstitute.org; Cynthia Dunham; Diane Gruber; Doris Clark; Douglas Kladis; Dr. Bernie Ronan; Dr. Steve Helfgot; emyers@azdisabilitylaw.org; fkahn@azdes.gov; Fred von Blume; Greg Stanton; Jason Barraza; jason@azgcdd.org; Jeffrey Schrade; Joan Fitz Randolph; K S; Kay Lapid; lacy@azgcdd.org; Leticia Castro - RISCX; Linda@azadvocacy.org; Linda Rosenthal; lisa.magana@asu.edu; ramon@azdisabilityvote.org; rflores@sos.state.az.us; Sandy Baker; Sandy Kaszeta; serena@azstudents.org; Terri Leija; Tony DiRienzi; Vision Loss Solutions; ben_arredondo@tempe.gov; Danny Ortega; Alexander Rachel; Connor Colleen; Cris Meyer; Helen Purcell - RISCX; Karen Osborne - RISCX; Linda Weedon - RISCX; Steve Gallardo; jan_hort@tempe.gov; mario.paniagua@phoenix.gov; Rhonda.Simmons@peoriaaz.gov; Bender, Bev; Betsy Wise; Beverly Turner; Blaine.Comeaux@cityofmesa.org; Carolyn Jagger; Carrie Dyrek; Cathy Templeton; Chris Hagen; Donna Riffel; Duncan Miller; gina.soria@peoriaaz.gov; Jennifer Bigby; Jennifer Robinson; Kathleen Connelly; Linda Farris; Linda.Crocker@cityofmesa.org; Lynn.Mulhall@goodyearaz.gov; Maria.Paddock@chandleraz.gov; maryjo.kief@peoriaaz.gov; Mary Rose Evans; McCracken, Darcie; Michael Claspell; Pam Hanna; RoseMary Arrellano; rsaathoff@cityofelmirage.org; Shaunna Lee-Rice; Sherry Aguilar; AZGlow@gmail.com; barbbass2@cox.net; bknudson@asdb.state.az.us; boardofdirectors@abil.org; dcurry24@cox.net; post@deaftoday.com; info@pad.cc; beca.bailey@acdhh.state.az.us; Kenneth Jacuzzi; Bettina@hgdr.com; edmund.hidalgo@cpic.org; jose.cortez@cplc.org; npisano46@hotmail.com; carlosg@valledelso.com; Chicanos Por La Causa; claudep@mifamiliavota.net; Friendly House; herediaf@dnc.org; irene.aguirre@aps.com; La Voz Newspaper; nespirtu@maldef.org; npowers@clsaz.org; PALACIOSIRMA@YAHOO.COM; Salt River Project; Telefuturo-Univision; executivemail@gric.nsn.us; pthomas@ftmcdowell.org; vera.phillips@indianaffairs.state.az.us; cpattea@ftmcdowell.org; Guerrero, Ruben; Joyce McAfee; joyce.lopez@gric.nsn.us; ALaRusso@azdem.org; Liz Steele; Itapahe@aol.com; Marlinda Littleman; Michael Preston; Nadine Shelde; Patti Hibbeler; Patty Ferguson; Randella Bluehouse; Rush, Patricia; shunter@ftmcdowell.org; sheila.morago@azindiagaming.org; tmoriarty@ftmcdowell.org; Tom Largo; travis.lane@itcaonline.com; Vivian Juan Saunders; phxjbc@msn.com; cbrill@azdem.org; MCRChairman@AOL.com; chair@maricopademocrat.com; Todd; Annette Alvarez; ivan.makil@g7sp.com; jacob.moore@g7sp.com; Mary Reiss; ned.norrisjr@tonation-nsn.gov; Adam P. Andrews; amanuel@toua.net; daniellopez@tocc.cc.az.us; dandrew@toua.net; davideh@simginc.com; garciad@toua.net; namiguel@toua.net; sortega@toua.net

Subject: Registration Requirements Refresher

Importance: High

Just a reminder of some registration points:

1. For voters updating an existing registration it is helpful if they put their last address or former name.
2. For first time registrants to Maricopa County proof of citizenship is required. The registrant can:
 - a. Put down the number of their AZ driver's license or AZ non-operating ID issued after 10/1/1996, a Tribal ID number, or the A-number off of their Naturalization Certificate (the last four of their SSN does not suffice).

- b. Send a copy of their birth certificate or a copy of their US passport
 - c. Any new registration not containing this documentation is rejected. (The registrant will receive notice from MCED but they will not be registered for the Primary. They will need to complete a new form containing the correct information in order to participate in the General Election in November.)
3. For voters updating their information they do not need to provide proof of citizenship.
 4. Voters must register at a physical address—PO Boxes are fine for mailing addresses but are not acceptable as the residential address (the same for commercial addresses).
 5. For forms mailed in they need to be postmarked with today's date. It is fine to mail in multiple forms in one batch.
 6. The four recognized parties in Arizona are (in alphabetical order): Democrat, Green, Libertarian, and Republican
 7. Voters who do not affiliate themselves with a recognized party will be able to select their ballot when they get to the polls on September 2nd. They can choose from the Democrat, Green, and Republican party ballots; in order to vote Libertarian they have to be registered as a Libertarian.

Please let me know if you have any other questions.

Tammy Patrick

Federal Compliance Officer

Maricopa County Elections

111 S 3rd Avenue

Phoenix, AZ 85003

tpatrick@risc.maricopa.gov