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25 UNITED STATES DISTRICT COURT
26 DISTRICT OF ARIZONA

27 Maria M. Gonzalez, et al.,
28 Plaintiffs,

29 v.

30 State of Arizona, et al.,
31 Defendants.

No. CV-06-1268-PHX-ROS(Lead)
No. CV-06-1362-PCT-JAT(Cons.)
No. CV-06-1575-PHX-EHC(Cons.)

**GONZALEZ PLAINTIFFS’
CONSOLIDATED RESPONSE TO
STATE AND COUNTIES’
STATEMENTS OF FACT, AND
ADDITIONAL FACTS**

(Assigned to the Hon. Roslyn O. Silver)

1 Pursuant to Federal Rule of Civil Procedure 56 and Local Rule of Civil Procedure
2 56.1(b), the Gonzalez Plaintiffs respond to the (1) Separate Statement of Facts in Support
3 of Motion for Summary Judgment Directed to Gonzalez Plaintiffs by Defendants State of
4 Arizona and the Arizona Secretary of State (the “State’s SOF”), and (2) Separate
5 Statement of Facts in Support of Motion for Summary Judgment by Defendant Maricopa
6 County (the “County’s SOF”) as follows:

7 **Global Responses to All Applicable Statements of Fact**

8 1. The Gonzalez Plaintiffs submit that each document cited, quoted or
9 otherwise relied upon in the State’s SOF and the County’s SOF, to the extent that it is
10 accurate, true and correct, speaks for itself.

11 2. Any statement of fact not disputed by the Gonzalez Plaintiffs is not disputed
12 to the extent that each document cited, quoted or otherwise relied upon in the State’s SOF
13 and the County’s SOF is an accurate, true and correct copy and/or quote of what that
14 statement of facts purports that document to state or reflect.

15 3. By not disputing a statement of fact, the Gonzalez Plaintiffs do not waive
16 any objections to the admissibility or authenticity of that statement of fact or any
17 document cited therein, and the Gonzalez Plaintiffs expressly reserve the right to much
18 such objections.

19 4. The Gonzalez Plaintiffs’ Responses herein are made only for the purposes
20 of the defendants’ Motions for Summary Judgments (the “Motions”) currently before this
21 Court and are not intended to be otherwise binding.

22 **Response to Separate Statement of Facts in Support of Motion for Summary**
23 **Judgment Directed to Gonzalez Plaintiffs by Defendants State of Arizona and the**
24 **Arizona Secretary of State**

25 1. Paragraph 1, although immaterial to the Motions, is not disputed. The Gonzalez
26 Plaintiffs further clarify that the written discovery responses were provided to Defendants
over strenuous objections that the requests were overly broad, burdensome, vague, and

1 called for a legal conclusion. Additionally, the record is replete with evidence that
2 supports the Gonzalez Plaintiffs' claims. *See* Additional Facts below.

3 2. Paragraph 2, although immaterial to the Motions, is not disputed. The Gonzalez
4 Plaintiffs further clarify that the written discovery responses were provided to Defendants
5 over strenuous objections that the requests were overly broad, burdensome, vague, and
6 called for a legal conclusion. Additionally, the record is replete with evidence that
7 supports the Gonzalez Plaintiffs' claims. *See* Additional Facts below.

8 3. The Gonzalez Plaintiffs do not dispute Paragraph 3 but assert that the document
9 speaks for itself and must be read in its entirety along with the supplemental reports.

10 4. Paragraph 4, although immaterial to the Motions, is not disputed. The Gonzalez
11 Plaintiffs further clarify that the written discovery responses were provided to Defendants
12 over strenuous objections that the requests were overly broad, burdensome, vague, and
13 called for a legal conclusion. Additionally, the record is replete with evidence that
14 supports the Gonzalez Plaintiffs' claims. *See* Additional Facts below.

15 5. The Gonzalez Plaintiffs do not dispute Paragraph 5 but assert that the document
16 speaks for itself and must be read in its entirety along with the supplemental reports.

17 6. The Gonzalez Plaintiffs do not dispute Paragraph 6 but assert that the document
18 speaks for itself and must be read in its entirety along with the supplemental reports.

19 7. The Gonzalez Plaintiffs dispute Paragraph 7. Dr. Lanier's report specifically
20 explains that it included a control variable for "presidential election year dummy
21 variables." [Exhibit 569 (Lanier Report at 5)] The Gonzalez Plaintiffs further dispute
22 Paragraph 7 because it mischaracterizes Dr. Lanier's report and contradicts his well-
23 founded conclusions.

24 8. The Gonzalez Plaintiffs dispute Paragraph 8. Dr. Lanier's report does not
25 demonstrate that Latino and non-Latino voter registrations have increased in the post-
26 Proposition 200 period. [Exhibit 569 (Lanier Report at 5-6)]

1 9. The Gonzalez Plaintiffs dispute Paragraph 9. Dr. Lanier’s report demonstrates
2 that Hispanic voter registration was 80.1 percent lower over the post-Proposition 200
3 period. [Exhibit 569 (Lanier Report at 5)]

4 10. The Gonzalez Plaintiffs dispute Paragraph 10. Dr. Lanier’s report specifically
5 explains that it included a control variable for “presidential election year dummy
6 variables.” [Exhibit 569 (Lanier Report at 5)]

7 11. The Gonzalez Plaintiffs dispute Paragraph 11. Dr. Lanier’s report specifically
8 explains that it included control variables for “monthly variation in registrations
9 associated with the times of the year in which elections take place,” “the effects of bi-
10 annual elections,” and “a time trend to account for the general trend in voter registrations,
11 adjusted for the cyclical and county-level effects.” [Exhibit 569 (Lanier Report at 5)] The
12 report, therefore, does account for the possibility of variations in levels of registration
13 based on time trends.

14 12. The Gonzalez Plaintiffs dispute Paragraph 12. Dr. Lanier’s report included
15 appropriate variables in his analysis and thus his conclusions are reliable. [Exhibit 569
16 (Lanier Report)]

17 13. The Gonzalez Plaintiffs do not dispute Paragraph 13, but assert that the
18 document speaks for itself and must be read in its entirety along with the supplemental
19 reports.

20 14. The Gonzalez Plaintiffs dispute Paragraph 14. Dr. Espino’s Report does not
21 demonstrate that monthly Latino voter registrations have increased following the
22 implementation of Proposition 200. [Exhibit 561 (Espino Report)]

23 15. The Gonzalez Plaintiffs dispute Paragraph 15. Dr. Espino’s well-founded
24 conclusions demonstrate that voter registration among Latinos has decreased following
25 the implementation of Proposition 200. The Gonzalez Plaintiffs further assert that Dr.
26 Espino’s Report speaks for itself and should be read in its entirety, including the

1 supplemental reports, and it is inappropriate for the State to manipulate the report by
2 “overlying” straight lines over Dr. Espino’s chart. Doing so demonstrates that there is a
3 dispute of material facts for this matter.

4 16. The Gonzalez Plaintiffs dispute Paragraph 16. Dr. Espino’s report did not
5 merely conclude that “there was a 0.93% difference in percentage declines in weekly
6 Latino versus non-Latino registrations after Prop 200.” Rather, Dr. Espino concluded that
7 “the percent of Hispanic individuals registered to vote each week in Arizona decline 6.29
8 percent following the implementation of Proposition 200.” [Exhibit 565 (Espino Rebuttal
9 Report at 13)] Dr. Espino concluded that the difference in the declines in Hispanic voter
10 registrations “can amount to differences in thousands of voters each years.” [*Id.* at 14]
11 The Gonzalez Plaintiffs further assert that Dr. Espino’s reports speak for themselves and
12 should be read in their entirety.

13 17. The Gonzalez Plaintiffs dispute Paragraph 17. Dr. Espino’s analysis concludes
14 that the decline in Hispanic voter registrations “can amount to differences in thousands of
15 voters each years.” [Exhibit 565 (Espino Rebuttal Report at 14)]

16 18. The Gonzalez Plaintiffs dispute Paragraph 18. Dr. Espino analyzed all
17 relevant data to determine the impact of Proposition 200 on voter registration numbers.
18 [Exhibit 561 (Espino Report at 2)]

19 19. Paragraph 19 is not disputed.

20 20. The Gonzalez Plaintiffs dispute Paragraph 20. The Gonzalez Plaintiffs have
21 identified thousands of individuals who lack sufficient identification for voting in person
22 at the polls on Election Day. They include the thousands of conditional provisional
23 ballots that have been cast in various Arizona elections. [*See, e.g.*, Exhibits 333, 334, 335
24 & 336; Exhibit 508 (Hoyos 47:22-24 & Hoyos Dep. Ex. 11); Exhibit 513 (Osborne vol. 2
25 75:9-21; 76:20-22)]

26 21. Paragraph 21 is not disputed.

1 22. The Gonzalez Plaintiffs dispute Paragraph 22. The Gonzalez Plaintiffs have
2 identified thousands of individuals who lack proof of citizenship and therefore cannot
3 register to vote. These individuals include the thousands of individuals whose voter
4 registration forms have been rejected by the Counties. [See Exhibit 3; Exhibit 510
5 (Johnson 13:22-14:16); Exhibit 507 (Hansen 15:25-16:8); Exhibit 509 (Justman 14:10-
6 17); Exhibit 512 (Osborne vol. 1 21:12-19)]

7 23. While the Gonzalez Plaintiffs do not dispute that the Counties accept alien
8 registration numbers for potential voter registrants, the Gonzalez Plaintiffs dispute that
9 doing so is simple in light of the fact that the Counties do not educate the public about the
10 option of providing an alien registration number and instead ask for the certificate of
11 naturalization number. [See Exhibits 521 (Wayman-Trujillo 46); Exhibit 517 (Rodriguez
12 vol. 1 59:2-5; Pima Dep. Ex. 2)]

13 24. The Gonzalez Plaintiffs do not dispute the testimony of Ronald Sissons and
14 assert that it speaks for itself.

15 **Response to Separate Statement of Fact in Support of Motion for Summary**
16 **Judgment by Defendant Maricopa County**

17 1. Paragraph 1, although immaterial to the Motions, is not disputed.

18 2. Paragraph 2, although immaterial to the Motions, is not disputed.

19 3. Because the County failed to provide any evidence in the record regarding the
20 statements in Paragraph 3, the Gonzalez Plaintiffs dispute Paragraph 3.

21 4. The Gonzalez Plaintiffs dispute the first sentence in Paragraph 4. There is no
22 evidence in the record to support the County's claim. Although immaterial, the Gonzalez
23 Plaintiffs do not dispute the remainder of Paragraph 4.

24 5. The Gonzalez Plaintiffs dispute Paragraph 5. The exhibit on which it relies is
25 ambiguous and moreover, immaterial, and accordingly there is no evidence in the record
26 to support the County's claim.

 6. The Gonzalez Plaintiffs dispute the first sentence in Paragraph 6. There is no

1 evidence in the record to support the County's claim. Although immaterial, the Gonzalez
2 Plaintiffs do not dispute the remainder of Paragraph 6.

3 7. The Gonzalez Plaintiffs do not dispute the first four sentences in Paragraph 7,
4 but dispute the last sentence because there is no evidence in the record to support the
5 County's claim.

6 8. Paragraph 8, although immaterial to the Motions, is not disputed.

7 9. Paragraph 9, although immaterial to the Motions, is not disputed.

8 10. The Gonzalez Plaintiffs dispute the first sentence in Paragraph 10. There is no
9 evidence in the record to support the County's claim. The remainder of Paragraph 10,
10 although immaterial to the Motions, is not disputed.

11 11. The Gonzalez Plaintiffs dispute Paragraph 11. There is no evidence in the
12 record to support the County's claim.

13 12. Paragraph 12, although immaterial to the Motions, is not disputed.

14 13. The Gonzalez Plaintiffs dispute Paragraph 13. There is no evidence in the
15 record to support the County's claim that non-citizens registered to vote because the
16 registrant was not required to prove citizenship.

17 14. The Gonzalez Plaintiffs do not dispute the first and second sentences of
18 Paragraph 14. The remainder of Paragraph 14, however, is not supported by the evidence
19 in the record and thus the Gonzalez Plaintiffs dispute it.

20 15. The Gonzalez Plaintiffs dispute Paragraph 15. There is no evidence in the
21 record to support the County's claim, and moreover it is not a factual statement.

22 **Additional Facts in Support of Gonzalez Plaintiffs' Factual Response**

23 **I. BACKGROUND ON ARIZONA ELECTIONS SYSTEM**

24 1. Arizona is the recipient of federal funds designated for voting-related
25 endeavors. [Plfs. Ex. 778- 860]

26

1 2. Arizona sought preclearance for the Proposition 200 requirement that
2 a voter must show some form of identification to receive a ballot on August 18, 2005.
3 [Exhibit 1]

4 3. Federal voter registration postcard instructions for Arizona, updated
5 on March 1, 2006, do not include the documentary proof of citizenship requirements of
6 Proposition 200. [Exhibit 2]

7 4. The Arizona voter roll is comprised of over 3.3 million registered
8 voters. [Exhibit 3]

9 **II. PROVISIONS OF PROPOSITION 200**

10 5. Arizona’s Proposition 200 amended A.R.S. 16-152 and 16-579 and
11 requires that individuals produce documentary proof of citizenship in order to register to
12 vote and photo identification or two other forms of acceptable non-photo identification to
13 cast their ballot. [Plfs. Ex. 1, 2, 3, 5, 6]

14 **III. STATE IMPLEMENTATION OF PROOF OF CITIZENSHIP PROVISIONS 15 OF PROPOSITION 200**

16 **A. The Secretary of State Changed the Statewide Voter Registration Form 17 to Reflect Proposition 200 Requirements**

18 6. The Secretary of State is responsible for changes made to the state
19 voter registration form and ensures that any new forms are properly approved before they
20 are used. The Secretary of State often takes suggestions from County Recorders and
21 other election officials when deciding to change the voter registration form. [Exhibit 521
(Wayman-Trujillo Dep. 13-14, Jan. 9, 2008) (“Wayman-Trujillo”)]

22 7. State officials recognized that Proposition 200 specifically requires a
23 physical presentation of naturalization documents, as opposed to a photocopy, and they
24 struggled to reconcile the difference. [Exhibit 4]

25 8. Arizona employed English and Spanish-language voter registration
26 forms that had a box designated for a “Certificate of Naturalization Number.” [Exhibit 5]

1 **9.** Pursuant to Proposition 200, all new registrants must provide proof of
2 citizenship as of January 24, 2005. [Exhibit 6]

3 **10.** Birth certificates are sufficient to satisfy the citizenship requirement.
4 If the name is different between the registration form and certificate, registrants must also
5 provide legal documentation of the name change. [Exhibit 6]

6 **11.** Registrants were supposed to be able to present to the County
7 Recorder their U.S. Naturalization Documents or the number in Box 20 of the new voter
8 registration form as proof of citizenship. [Exhibit 6]

9 **12.** Arizona requires that the certificate of naturalization number
10 furnished by the registrant be verified by the County Recorder with the United States
11 Immigration and Naturalization Service before the applicant can be added to the rolls. As
12 of January 10, 2005, the State was alerted that they did not yet have the ability to verify
13 the certificate of naturalization numbers. [Exhibit 520 (Stender Dep., Jan. 10, 2005)]

14 **13.** Secretary of State Jan Brewer testified before the Committee on
15 House Administration that Proposition 200 had not had a negative effect on voter
16 registration in Arizona. [Exhibit 7]

17 **B. The VRAZ System for Verifying Voter Eligibility Expanded to Include**
18 **Driver's Licenses Issued After 1996**

19 **14.** Voter registration files are sent to the Secretary of State on a daily
20 basis for verification of information provided by the voter. This information is matched
21 with motor vehicle records and against those records on file with the Social Security
22 Administration. [Exhibit 8]

23 **15.** Arizona's online voter registration system suffered a major
24 malfunction on the deadline for voters to register in time participate in the state's
25 Presidential Preference Election. [Exhibits 9 & 10]

26

1 **16.** The goal of the VRAZ system is to increase voter registration while
2 reducing threats to election integrity by removing ineligible voters and preventing
3 individuals from registering to vote in multiple Counties. [Exhibit 11]

4 **17.** Prior to VRAZ there was no effective mechanism to centrally check
5 if a voter had died, been convicted of felony, or was registered in multiple Counties.
6 VRAZ automatically performs all of the processes for receiving information, performing
7 matching, and reporting back to the Counties on a set schedule without human
8 intervention. [Exhibit 11]

9 **18.** When an Arizona resident registers to vote online through the EZ
10 Voter portion of VRAZ, the voter registration is updated instantly and the record is sent
11 to the county where the resident resides. If a person registers to vote using a paper voter
12 registration form, the form must be entered by the County into its individual voter
13 registration system through data entry. [Exhibit 11]

14 **19.** All County voter registration data additions, changes and deletions
15 are automatically sent electronically to the Secretary of State on a daily basis. The
16 Secretary of State, using VRAZ, automatically uploads all voter registration records that
17 need identity checking to the Motor Vehicle Division (“MVD”) each night. [Exhibit 11]

18 **20.** Arizona’s voter registration system is capable of producing daily
19 tallies of voter registration. [Exhibits 12-13]

20 **21.** All new additions to the voter registration database are matched
21 against the MVD database to check the registrant’s name, date of birth, driver’s license
22 number and last four digits of the Social Security number. VRAZ then sends the results
23 of the MVD matching back to the Secretary of State. [Exhibit 11]

24 **22.** After the Secretary of State automatically receives the records back
25 from the MVD, VRAZ checks for duplicated matching across Counties to see if a
26 registrant is registered in another County. VRAZ also checks registrations against court

1 records received by the Secretary of State to check for felony convictions or declarations
2 of incapacitation, and checks all death records from the Department of Health Services
3 received by the Secretary of State and notifies Counties of the results. [Exhibit 11]

4 **23.** After all checks have been completed, the Secretary of State creates
5 and posts a unique County matching report each morning which classifies the matching
6 results as severe, notifications, informational and no action needed. [Exhibit 11]

7 **24.** Each County must either electronically or manually process the
8 matching reports, and may access the custom VRAZ internet system when processing its
9 reports or researching voter information. [Exhibit 11] [*Id.*]

10 **25.** Counties have a variety of hardware and software that enables them
11 to automatically send and receive files electronically from VRAZ. [Exhibit 11]

12 **26.** The MVD record matching is performed on the Arizona Department
13 of Administration's mainframe computer. [Exhibit 11]

14 **27.** The Secretary of State transfers data to the MVD and the Department
15 of Health Services over a secured private statewide network called MAGnet. [Exhibit
16 11]

17 **28.** VRAZ reports back to Counties if a driver's license number entered
18 on a voter registration form was issued before October 1, 1996, or is a license type "F" or
19 "N." This report will show the match in the "severe" category. [Exhibit 14]

20 **29.** Arizona's "EZVoter" system allows for applicants to register online
21 if they have a digitized signature on file with the MVD. [Exhibit 15]

22 **30.** Legislation enacted in 2005 allows the new Driver's
23 License/Identification Card Application form to serve as a voter registration form if
24 applicants check the box indicating they want to register to vote. [Exhibit15]

25 **31.** The information is then transmitted to the County Recorders through
26 the EZ Voter online registration system. [Exhibit15]

1 **32.** VRAZ is made up of fifteen County voter registration systems that
2 interface with a statewide system. [Exhibit 16]

3 **33.** In contrast to VRAZ I, under VRAZ II, thirteen of the Counties will
4 convert to local versions of a common registration system. [Exhibit16]

5 **34.** Only Maricopa and Pima Counties will maintain their custom voter
6 registration systems. [Exhibit16]

7 **35.** Voter registration applications are rejected if proper citizenship
8 information is not provided or if the VRAZ-II system cannot verify citizenship through
9 the centralized matching process. [Exhibit 6]

10 **36.** The MVD issues driver's licenses to non-citizens, including legal
11 permanent residents who present alien registration cards as proof of authorized presence.
12 [Exhibit 503 (Collins 1/10/08 31:13-32:19)]

13 **37.** The MVD created the Customer Characteristics USCIS Class Matrix
14 [Exhibit 503 (Collins 10: 23-25)]

15 **38.** The MVD utilizes the Class Matrix to determine which documents
16 establish authorized presence sufficient to obtain a license in Arizona and distinguish
17 between different types of immigration documents. [Exhibit 503 (Collins 9:5-9; 11:19-
18 25; 20:3-12)]

19 **39.** The MVD does not have a means to confirm immigration documents
20 through either the VIS database or the SAVE Program. [Exhibit 503 (Collins 19:3-5)]

21 **40.** The MVD has no system that allows it to do routine updates on
22 customer records with respect to changes in immigration status. [Exhibit 503 (Collins
23 20:24-21:2)]

24 **41.** Arizona Type F licenses are those licenses that are issued for a
25 limited period of time. [Exhibit 503 (Collins 23:1-3)]

26

1 **42.** If an individual’s authorized stay in the United States is only for a
2 limited period of time, then the MVD will only issue a Type F license that expires when
3 the individual’s term of stay in the United States is up. [Exhibit 503 (Collins 23: 7- 16)]

4 **43.** The MVD bases the expiration date of Type F licenses on the license
5 expiration date document which is a chart that states when a license should expire based
6 on the documentation presented. [Exhibit 503 (Collins 24: 2-13)]

7 **44.** Alien registration cards are one of the documents listed in the license
8 expiration date document. [Exhibit 503 (Collins 26:23-25)]

9 **45.** Individuals that use alien registration cards, otherwise known as
10 permanent resident cards, as proof of authorized legal presence are not issued extended
11 Arizona driver’s licenses; rather they are issued driver’s licenses in some portion of a ten-
12 year increment because the alien registration cards are good for ten-year increments.
13 [Exhibit 503 (Collins 27:1-11)]

14 **46.** Individuals with expired alien registration cards will be given a
15 driver’s license that expires a year from the expiration date of the alien registration card.
16 [Exhibit 503 (Collins 28: 11-17)]

17 **C. VRAZ Advisory Committee Emails/Guidance**

18 **47.** The VRAZ committee has distributed and continues to distribute
19 issue papers and emails to the Counties that clarify certain election and registration
20 issues. [Exhibit 521 (Wayman-Trujillo 1/9/08 37-38)]

21 **48.** Driver License types “F” and “N” are issued to people legally in the
22 country who are not citizens. [Exhibit 14]

23 **49.** The VRAZ Advisory Committee (the “Committee”) advised
24 Counties that when Counties receive a report of an “F” or “N” driver license number
25 entered on a voter registration form, they first check to be sure the driver license number
26 was entered correctly, then check to see if the registrant is already registered to vote and

1 is just changing information, or has provided other citizenship documents if they are a
2 first time voter. [Exhibit 14]

3 **50.** The Committee advised Counties that when Counties receive a report
4 of an “F” or “N” driver license number entered on a voter registration form, the VRAZ-II
5 County Advisory Committee states that if it is first time registrant in that county, and no
6 other proof of citizenship documents have been provided, that registrant has not
7 satisfactorily proved citizenship. [Exhibit 14]

8 **51.** The Committee advised Counties that until VRAZ-II is implemented,
9 voter registration records without satisfactory proof of citizenship should be canceled or
10 deleted in the voter registration system and a correspondence sent to the registrant asking
11 for proof of citizenship. [Exhibit 14]

12 **52.** The Committee advised Counties that VRAZ-II should automatically
13 generate correspondence when certain actions take place such as, rejection of a voter
14 registration record due to lack of citizenship, an MVD non-match, issuing a voter
15 registration identification card for a new registration, cancellation due to a court
16 notification, cancellation since received notification from a jury questionnaire that voter
17 marked “not a citizen,” ask registrant to present naturalization papers or provide A
18 number, etc. [Exhibit 17]

19 **53.** VRAZ-II, serves as the statewide registration system and compile the
20 official statewide voter registration list. [Exhibit 18]

21 **54.** February 24, 2005, the Committee determined that if voter
22 registration records lack key information not relating to citizenship proof, the voter
23 registration record is placed as “pending” in status and allows the registrant between 35
24 days and 90 days to respond to the request for information before the record is deleted.
25 [Exhibit 19]

26

1 **55.** The Committee determined that requests for information not relating
2 to citizenship proof must provide registrants with a voter registration form and
3 instructions on the necessary steps to complete the application. [Exhibit 19]

4 **56.** The Committee determined that the registration date is to be
5 backdated to the registration date on the original form for “pending” status records.
6 [Exhibit 19]

7 **57.** The Committee determined that if a voter registration request is
8 missing proof of citizenship, the voter registration record is marked as “rejected” and
9 registrant is allowed between 35 days and 90 days to respond to request for information
10 before the record is deleted. [Exhibit 19]

11 **58.** The Committee determined that for citizenship proof cases, requests
12 for information must be accompanied by a blank voter registration form. [Exhibit 19]

13 **59.** The Committee determined that the registration date for citizenship
14 proof cases will be the new registration date that the registrant enters on the form.
15 [Exhibit 19]

16 **60.** The Committee determined that the county should file the rejected
17 application by the date received and archive it for two years. [Exhibit 19]

18 **61.** The Committee determined that they want VRAZ-II to automatically
19 delete records that go beyond any of the periods of time defined in the statute. [Exhibit
20 19]

21 **62.** The Committee determined that the County Recorder may destroy all
22 documents that were submitted as evidence of citizenship after two years. [Exhibit 19]

23 **63.** The Committee determined that if a registrant registers in person with
24 proof of citizenship, the County Recorder personnel need only to indicate on the voter
25 registration form that the person provided such proof but does not need to make or retain
26 any copies. [Exhibit 19]

1 **64.** The Committee determined that if registrant uses a U.S. birth
2 certificate, naturalization document, or U.S. passport as proof of citizenship but whose
3 registration name does not match the name on those documents need to furnish legal
4 documentation of the name change in order for proof of citizenship to be accepted for
5 registration purposes. [Exhibit 19]

6 **65.** The Committee determined that Counties can accept voter
7 registration forms where a U.S. birth certificate is provided and the name on the birth
8 certificate is different from the voter registration if the following five field match on the
9 form and on the certificate; 1) First Name, 2) Middle Name, 3) Place of Birth, 4) Date of
10 Birth, and 5) Parents Name. [Exhibit 19]

11 **66.** The Committee determined that any elector that is canceled for
12 legitimate reasons in a county and wishes to participate in the election process again in
13 the same county needs to register as a new voter and must meet all the requirements of a
14 first time registrant. [Exhibit 19]

15 **67.** Pima County clarified and affirmed VRAZ business rules regarding
16 the reinstatement of cancelled voters when there is, 1) a legitimate 301 cancellation, 2)
17 when cancellation resulted from an entry error and 3) when there is any cancellation
18 initiated by the County. [Exhibit 20].

19 **68.** VRAZ-II implementation encountered problems when the data from
20 VRAZ-I could not be fully transferred. The alternative was to require an implementation
21 plan that calls for a complete redefinition of the database but this would most likely result
22 in an insufficient audit trail. [Exhibit 21].

23 **69.** The functional specification for PowerProfile EE provides the
24 instructions for Arizona to export information to VRAZ-I. Arizona Counties would
25 require a custom state export file to populate the VRAZ-I system until the full state
26 interface (ZIA) is brought online. [Exhibit 22].

1 **70.** Data Conversion Plan and Approach for Arizona HAVA VRAZ-II
2 outlines the data migration/conversion strategy for use in 15 Arizona Counties. [Exhibit
3 23].

4 **71.** Document outlines the additional information needed from Arizona
5 SOS to obtain Statewide VR Code Standardization from the different voter registration
6 legacy systems that were used in the Counties prior to the decision to switch to VRAZ.
7 [Exhibit 24].

8 **72.** Arizona's Motor Vehicle Division's Identification License policy
9 provides instructions for issuances of an Identification Licenses (ID). An Identification
10 License is solely for the use and convenience of the customer for identification purposes.
11 [Exhibit 25].

12 **73.** Arizona's Motor Vehicle Division's Customer Records policy
13 provides the guidelines for Customer Records and the Customer Database. The Customer
14 Database stores information for all customers conducting business with the Division.
15 Each of these customers is assigned a Customer Record. [Exhibit 26].

16 **74.** Arizona's Motor Vehicle Division's Establishing Authorized
17 Presence policy provides guidelines for Customer Service Representatives (CSR) to use
18 when establishing authorized presence for purposes of issuing Arizona Driver Licenses.
19 [Exhibit 27].

20 **75.** Arizona's Motor Vehicle Division's Establishing Authorized
21 Presence policy allows Arizona to issue limited Type F licenses to customers who are
22 applying for an identification license of Class D, G, or M driver license or instruction
23 permit and whose period of authorized presence is for a limited period of time; as
24 determined by the primary form of identification and any supporting documentation that
25 is presented at the time of application. The Type F licenses' expiration date shall coincide
26

1 with the customer's assigned authorized presence expiration date (as shown on the
2 primary form of identification or supporting documents). [Exhibit 27].

3 **76.** Arizona's Motor Vehicle Division's Social Security Online
4 Verification policy provides information about the SSOLV system including the
5 requirement that a customer must provide their Social Security Number upon application
6 for a driver license, commercial driver license, identification license, and/or instruction
7 permit. Division is required to obtain, verify and retain the person's SSN. [Exhibit 28].

8 **77.** Arizona's Motor Vehicle Division's Customer Name Requirement
9 policy provides guidelines for determining a customer's name as they apply to the
10 customer and/or vehicle record. [Exhibit 29].

11 **78.** Arizona's Motor Vehicle Division's Customer Address Requirement
12 policy provides the guidelines for determining a customer's address as they apply to a
13 customer and/or vehicle record. [Exhibit 30].

14 **79.** Arizona's Motor Vehicle Division's Film Imaging policy outlines the
15 procedure for preparing and transferring of all applications (for a driver license,
16 commercial driver license, instruction permit, identification license, title, registration and
17 their supporting documents) made to the Division's Film Records Unit for microfilming
18 in order to maintain public records. [Exhibit 31].

19 **80.** The office in charge of implementing VRAZ-II had to spend a lot of
20 political capital to keep Counties happy with rough implementation of VRAZ-II. [Exhibit
21 32].

22 **81.** VRAZ-II was implemented in six Counties prior to the 2006 Federal
23 Elections. [Exhibit 32].

24 **82.** VRAZ-II executes a wide variety of functions, including generating
25 automatic thank you emails to voters, verifying petition signatures, and tracking absentee
26 ballots. [Exhibit 33].

1 **83.** The VRAZ Daily Report classifies new voter records into severe,
2 notifications, informational, and no action needed. A “severe” classification will result if
3 records sent by the county do not contain all the mandatory information, a certain match
4 to a felony record was made, or an exact duplicate match with another county voter
5 registration was found. When matches are fairly certain but not exact, the record is
6 classified as a notification, indicating that the record needs to be looked at further.
7 [Exhibit 34].

8 **84.** The EZ Voter program is an e-government application that allows
9 citizens of Arizona to completely register to vote over Internet in either English or
10 Spanish. Approximately 33% of Arizona voter registration are processed through EZ
11 Voter. [Exhibit 35].

12 **85.** The VRAZ daily report screen that is sent to each county summarizes
13 the total reports received and lists the number of records matched from court, MVD,
14 death and duplicates. [Exhibit 36].

15 **86.** The objective of VRAZ-II is to provide a true statewide, real-time
16 system that will allow the system to instantly check court, death and MCD records as the
17 voter registration is being added, rather than checking all records in a batch overnight as
18 the VRAZ system does. [Exhibit 37].

19 **87.** The VRAZ Development Log tracked implementation issues in
20 various Counties, such as Maricopa County record changes taking longer to process,
21 Pima County record changes being done as adds, and the Secretary of State office
22 needing to be listed as a county in order to view all county records. [Exhibit 38]

23 **88.** Pima County was concerned about the risk of being sued for
24 improperly disqualifying an eligible voter without legal reason, due to the workload in
25 another county delaying the verification process if there was a “soft match” with a
26 registration in another county. [Exhibit 39].

1 **89.** The VRAZ-II system will not hold someone in the suspense status
2 because their old county has not resolved a duplicate record; it will move a registrant
3 from suspense to active whenever the new county resolves the issue. [Exhibit 40].

4 **90.** Invalid driver license numbers on voter registrations must be cleared
5 from the Power Profile first and then the registrant's name and date of birth will be
6 compared against MVD records and VRAZ will report if the registrant's have a valid
7 license number. [Exhibits 41 & 42].

8 **91.** Pima County had problems using EZ voter because the MVD
9 sometimes did not capture the digitized signature, rejected the voter registration, and
10 never informed the County Recorder. Pima County also regularly gets forms with the
11 wrong signature. [Exhibit 43].

12 **92.** Pima County had problems using EZ voter because the system sent
13 them hundreds of forms that they had submitted months earlier, but it did not transmit the
14 forms back to the county until the day before the cutoff date. [Exhibit 43].

15 **93.** The VRAZ-II County Advisory Committee drafted a recommended
16 uniform cover letter and procedures for county recorder staff checking citizenship
17 documents and registering new voters at swearing in ceremonies. The county recorder
18 staff at the ceremonies will collect the voter registrations for voters in various Counties
19 and send the registrations to the appropriate county office, initialing that they examined
20 citizenship documents. [Exhibit 44].

21 **94.** When a registrant submits a voter registration application with
22 information that does not match the records at MVD, the no match information must be
23 clarified, regardless of whether it is critical to the registration of the registrant. The
24 VRAZ-II County Advisory Committee issued a uniform letter that Counties could send to
25 voters to inform them that their registration does not match existing records. [Exhibit 45].
26

1 **95.** EZ Voter statistics show the number of voter applications completed
2 online and in the office from July 2002-May 2007, and the percentages of hard and soft
3 MVD matches, court matches, duplicates and death record. [Exhibit 46].

4 **96.** VRAZ-II will issue voter identification cards that Counties can order
5 with their county-specific information. [Exhibit 47].

6 **97.** The VRAZ-II County Advisory Committee issued uniform language
7 that Counties could use to inform registrants that proof of citizenship needed to be
8 submitted before their voter registration would be processed. The uniform language
9 instructs voters to complete a new voter registration form and return along with one of
10 the following identification documents: driver license number issued after October 1,
11 1996, photocopy of an out-of-state driver's license that identifies citizenship on its face,
12 photocopy of a U.S. birth certificate, a photocopy of a U.S. passport, photocopy of
13 naturalization documents, alien registration number, or Bureau of Indian Affairs Card
14 Number, Tribal Treat Card Number or Tribal Enrollment Number. The correspondence
15 mandates that registrants send photocopies only, not original documents, and contains a
16 line in Spanish at the end with instructions for obtaining the correspondence in Spanish.
17 The Committee also informed each county that they would need to submit their own
18 version of the letter to the Department of Justice for preclearance and translate the letter
19 into Spanish. [Exhibit 48].

20 **98.** The VRAZ-II County Advisory Committee acknowledged that
21 County Recorders often get requests for information to determine how many voter
22 registration applications are rejected due to lack of citizenship proof. [Exhibit 49].

23 **99.** The VRAZ-II County Advisory Committee decided that keeping
24 statistics is optional for the Counties. They also expressed a strong desire for VRAZ-II to
25 have the ability to keep such statistics. [Exhibit 49].

26

1 **100.** The VRAZ-II County Advisory Committee recommended that
2 Counties accept proof of citizenship such as a U.S. birth certificate, naturalization
3 document or U.S. Passport even if the registrants name has changed since the document
4 was issued, as long as the registrant also provides legal documentation of the name
5 change such as a marriage certificate, court name change document, etc. [Exhibit 50].

6 **101.** The VRAZ-II County Advisory Committee also recommended that
7 Counties accept voter registration forms where a U.S. birth certificate is provided and the
8 name on the birth certificate is different from the voter registration if the following five
9 fields match: First Name, Middle Name, Place of Birth, Date of Birth and Parents Name.
10 If not all five fields match, the birth certificate must be accompanied by a legal
11 documentation of the name change. [Exhibit 50].

12 **102.** The VRAZ-II County Advisory Committee recommended that if a
13 registrant has been registered in one county, and are their registration is legitimately
14 canceled from the voter registration list, when that person re-registers in the same county
15 they must meet all the requirements of a first time registrant. [Exhibit 51].

16 **103.** The VRAZ-II County Advisory Committee implemented codes so
17 that the VRAZ-II system could determine how registrants registered. [Exhibit 52].

18 **104.** The VRAZ-II County Advisory Committee instructed Counties to
19 keep canceled voters on file for five years before archiving the records. [Exhibit 53]

20 **105.** The VRAZ County Advisory Committee created a checklist of issues
21 raised by the passage of Proposition 200 to determine if what additional policy changes
22 would need to be made. [Exhibit 54]

23 **106.** The VRAZ County Advisory Committee kept a spreadsheet of the
24 issues addressed by the advisory committee, whether the issues were covered in the
25 manual, and the year they were placed in the manual. [Exhibit 55]

26

1 **107.** A document was created that gathers the requirements for completing
2 the interface between the VRAZ-II and Maricopa and Pima Counties. [Exhibit 56].

3 **108.** The VRAZ-II County Advisory Committee advised that the pertinent
4 pages of a US Passport for purposes of proving a registrant's citizenship as required
5 under Proposition 200 are the pages that contain the passport number, name, nationality,
6 date of birth, gender, and place of birth along with the page that contains the passport
7 holders signature. [Exhibit 57].

8 **D. Second Set of VRAZ-II**

9 **109.** Joseph Kanefield is the State Election Director for the Secretary of
10 State. [Kanefield 14:11-13]

11 **110.** The Election Services Division is one of the divisions of the
12 Secretary of State's office. [Kanefield 15:17-18]

13 **111.** As the State Election Director he is in charge of the Election Services
14 Division of the Secretary of State's office. He has a staff of ten or eleven people. Her
15 office certifies federal and statewide legislative candidates for the ballot. They oversee
16 the state campaign finance system and filing structure. The office also receives initiative
17 referendum filings for statewide measures. The office works with the Counties on
18 election matters. The office drafts the instructions and procedures manual, which the
19 Counties follow in administering their elections. The office certifies voting equipment
20 and performs logic and accuracy tests on the voting equipment prior to the elections.
21 [Kanefield 14:20-15:9]

22 **112.** Proposition 200 went into effect on January 25, 2005. [Kanefield
23 16:11-13]

24 **113.** With respect to the citizenship requirement, the main task for the
25 Secretary of State's office was to promulgate a new voter registration form that reflected
26 the new requirements to properly instruct voters registering that they would now need to

1 provide evidence of citizenship. That process took several months of working with the
2 Counties and other interest groups. The voter registration form was precleared by the
3 Department of Justice, but it was after the effective date of Proposition 200. [Kanefield
4 16:17-17:5]

5 **114.** With respect to identification at the polls, Mr. Kanefield stated that
6 the Secretary of State's office began working on the procedures in December of 2004 in
7 anticipation of Proposition 200 becoming precleared by the Department of Justice and
8 that process also took several months. [Kanefield 17:6- 10]

9 **115.** Mr. Kanefield stated that the identification procedures constitute the
10 primary implementing mechanism for Proposition 200 and no other procedures exists.
11 [Kanefield 17:15-18]

12 **116.** Mr. Kanefield stated there are no other regulations out there relating
13 to the proof of citizenship requirement, only the form. [Kanefield 17:22-25]

14 **117.** Mr. Kanefield stated that the his office developed the Procedure For
15 Proof of Identification at the Polls. [Kanefield 18:9-12]

16 **118.** The Secretary of State gave guidance to election officials as to what
17 forms of identification might suffice under Proposition 200 by way of the procedures
18 manual Procedure For Proof of Identification at the Polls. This procedure sets forth
19 identifications that were in existence at the time the procedure was promulgated and were
20 deemed to be acceptable for satisfying what was the intent of the statute. The reason that
21 there is language in there that allows the county election directors flexibility is because
22 the state recognized that the universe of identifications might change as time goes on.
23 But at the time this procedure was adopted, these were the identifications that were
24 deemed to be acceptable. [Kanefield 19:13-20:3]

25 **119.** The Counties still have discretion under the manual to deem what
26 identifications are acceptable. [Kanefield 20:10-11]

1 **120.** The Secretary of State approves the final version of the procedures
2 manual. [Kanefield 22:19-20]

3 **121.** The drafting of the procedures manual was a coordinated effort by
4 the Elections Division, Counties, and the public. [Kanefield 21:3-10]

5 **122.** Mr. Kanefield stated that the purpose in drafting the regulations was
6 to require identification at the polls in order to prevent voter fraud at the polls.
7 [Kanefield 23:2-24]

8 **123.** In the identification regulations, special provisions were made for
9 Native American voters and homeless voters who may not possess identification that
10 matches the information contained in the voter's registration record. In an effort to
11 accommodate the special needs of that community, a Native American individual can
12 present just one form of tribal identification which allows him to vote a provisional
13 ballot. In other words, that individual would need not

14 **124.** come back with any other form of identification within the time
15 period prescribed in the procedure for those that, for example, show up with no
16 identification. [Kanefield 27:2-28:5]

17 **125.** AR Section 16-166 allows for BIA card, tribal treaty card number,
18 and an Indian Census Card. [Kanefield 34:6-36:17]

19 **126.** Any identification issued by the state or federal government that
20 contains a photo of the person and the person's name and address is also acceptable.
21 [Kanefield 37:19-21; 38:2-4]

22 **127.** The Secretary of State claims that the provisional ballot procedure for
23 Native Americans adequately protects against voter fraud. [Kanefield 56:17-20]

24 **128.** The Secretary of State did not consider some of the costs associated
25 with at least some of the forms of identification. [Kanefield 60:19-21]

26

1 **129.** Mr. Kanefield stated that if the voter provides no identification, he is
2 issued a conditional provisional ballot. Further he stated that a conditional provisional
3 ballot is a provisional ballot except that when it is sent back to the County Recorder's
4 office, it is not processed in accordance with the procedures for processing a provisional
5 ballot. Rather, it is held until the voter comes in and provides sufficient identification, at
6 which time it then goes through the normal procedures for processing a provisional
7 ballot. [Kanefield 61:23-62:11]

8 **130.** Mr. Kanefield stated that if the voter provides insufficient
9 identification, then he is issued a provisional ballot. The voter would not have to come
10 back with identification, but the ballot would be processed as a provisional ballot
11 whereby the signature on the affidavit would be matched against the voter's registration
12 record and if the signature matches, then the ballot would be counted. [Kanefield 63:21-
13 64:1]

14 **131.** Mr. Kanefield stated that the six documents listed in the Elections
15 Procedures Manual are the only documents that provide satisfactory evidence of
16 citizenship, and he is not aware of any other documents. [Kanefield 78:16-19]

17 **132.** Mr. Kanefield stated that County Recorders must reject applications
18 for voter registration that are not accompanied by satisfactory proof of citizenship.
19 [Kanefield 80:13-17]

20 **133.** Mr. Kanefield stated that County Recorders must reject federal voter
21 registration applications that are not accompanied by satisfactory proof of citizenship.
22 [Kanefield 81:2-9]

23 **134.** Mr. Kanefield stated that his office did not make any investigation
24 into the extent to which the types of proof of citizenship outlined in Proposition 200 are
25 or are not universally held in Arizona. [Kanefield 86:18-22]

26

1 **135.** Mr. Kanefield stated that his office was aware that one out of ten
2 registered voters in Arizona did not possess a driver's license. [Kanefield 91:11-13]

3 **136.** Mr. Kanefield stated that Proposition 200 requires that a certificate of
4 naturalization number be provided and that is what is requested on the voter registration
5 form. [Kanefield 92:20-22]

6 **137.** Mr. Kanefield stated that he was aware that County Recorders had
7 problems verifying the certificate of naturalization number through the SAVE Program
8 because the number that is needed for verification is the alien registration number.
9 [Kanefield 94:3-10]

10 **138.** Mr. Kanefield admitted that certain applicants correctly completed
11 the form

12 **139.** by providing their certificate of naturalization number but that the
13 County Recorder was unable to verify that number with federal immigration offices.
14 [Kanefield 94:17-23]

15 **140.** Mr. Kanefield acknowledged that there was a provision in
16 Proposition 200 that allows a naturalized citizen to present in person the naturalization
17 certificate and be added to the rolls. [Kanefield 97:21-15]

18 **141.** The Secretary of State's representative indicated that there is a two-
19 step process for naturalized citizens who follow the text of the Arizona voter registration
20 form and provide their certificate of naturalization number. This process requires the
21 County Recorder to contact the registrant after his application is submitted and ask for his
22 alien registration number. [Kanefield Dep. 98:23-99:8]

23 **142.** The Secretary of State's representative testified that Arizona chose to
24 disregard the Election Assistance Commission's recommendation that Arizona use and
25 accept the federal voter registration form without documentary proof of citizenship.
26 [Kanefield 104:13-105:5]

1 **143.** The Secretary of State’s office does not believe Proposition 200
2 addresses voter fraud in the mail or absentee balloting. [Kanefield 106:22-25]

3 **144.** The position of the Secretary of State’s office is that Proposition 200
4 does not apply to the mail balloting process or in the early voting process, only to voting
5 at the polls. [Kanefield107:24-108:5]

6 **145.** The text of Proposition 200 does not require government-issued
7 photo identification. That requirement was added later by the Secretary of State.
8 [Kanefield 108:6-109:11]

9 **146.** The text of Proposition 200 does not require that the address on the
10 voter’s identification match their address on the voter rolls. The Secretary of State added
11 such a requirement at the advice of her counsel. [Kanefield 108:12-23]

12 **147.** The Secretary of State’s office did not ascertain whether most
13 persons who lack driver’s licenses have a state-issued identification card. [Kanefield
14 114:4-9]

15 **148.** Nothing in the state’s procedures requires the Counties to produce
16 forms of non-photo identification to voters. [Kanefield 119:18-24]

17 **149.** In the situation where someone has changed her name, the poll
18 workers are instructed to ascertain whether the name is different because of a recent
19 marriage or name change, and if so, to make a note of that and to provide that person a
20 regular provisional ballot. [Kanefield 125:13-21]

21 **150.** The Secretary of State concluded that the regular provisional ballot
22 process sufficiently protected against voter fraud because it provided for signature
23 verification. [Kanefield 126:10-16]

24 **151.** The Secretary of State has always made available the federal voter
25 registration form to anyone that has asked for it, and it is available at the Secretary of
26

1 State's office, but it is not displayed and a voter must ask an employee of the Secretary of
2 state's office to obtain it. [Kanefield 147:2-12; 150]

3 **152.** The federal voter registration form is not available on the Secretary
4 of State's webpage. [Kanefield at 150]

5 **153.** The Secretary of State's office changed its position on the NVRA
6 prohibiting states from requiring proof of citizenship to register to vote. [Kanefield 151]

7 **154.** The effort to educate voters is not focused on the proof of citizenship
8 when registering to vote. [Kanefield at 155]

9 **155.** The Secretary of State concluded that the signature verification, as it
10 applies to Native American voters, but not other communities, provides sufficient
11 protection against voter fraud. [Kanefield 162]

12 **156.** The most recent Secretary of State Elections Procedure Manual is
13 dated October 30th of 2007. It was approved by the Governor and the Attorney General.
14 [Kanefield 5]

15 **157.** The major changes made to the Secretary of State Elections
16 Procedure Manual concerned the combining of the provisional ballot processing
17 procedure into the identification at the polls procedure. The change combined the two
18 together because their relation in that if someone comes to the polls without identification
19 or insufficient identification they vote a provisional ballot. [Kanefield 6]

20 **158.** No changes were made to the procedure relating to how registration
21 forms are processed in regard to proof of citizenship. [Kanefield 6-7]

22 **159.** The current voter registration form went into effect in early
23 December. [Kanefield 8]

24 **160.** The changes made from the previous voter registration form include
25 changes to the alien registration number in box 19 used to read the naturalization number.
26 [Kanefield 8]

1 **161.** The previous form instructed registrants to fill in the number of his
2 certificate of naturalization. The new form changed the box to read “Presentation to the
3 county recorder of US naturalization documents or fill in your alien registration number
4 in box 19.” [Kanefield 9-10] Mr. Kanefield took part in the decision to change the voter
5 registration form itself to replace that language with the words alien registration number.
6 [Kanefield 10]

7 **162.** The voter registration form was just an extension of that procedure to
8 save the County Recorders the step of having to contact voters if they put the
9 naturalization number in to ascertain the alien registration number and to get the person
10 registered more quickly. [Kanefield 10]

11 **163.** The Arizona Secretary of State’s office was aware that errors could
12 occur as a result of the confusion between the naturalization number and the alien
13 registration number. [Kanefield 10-11]

14 **164.** A person may be retroactively registered to the date that the registrant
15 filed the voter registration form if the county is able to ascertain the alien registration
16 number before the election. [Kanefield 11]

17 **165.** The change to the voter registration form to request the alien
18 registration number was made pursuant to Proposition 200. [Kanefield 11, 12]

19 **166.** It can be confusing to have different versions of the voter registration
20 form circulating. [Kanefield 12]

21 **167.** The Secretary of State produces and distributes hard copies of the
22 voter registration form to the public. [Kanefield 12]

23 **168.** The County Recorders are the entities in Arizona that are tasked with
24 voter registration. They are responsible for printing and distributing the voter registration
25 form. [Kanefield 13]

26

1 **169.** The Secretary of State’s office is tasked with designing and
2 promulgating the voter registration form. [Kanefield 13]

3 **170.** It is the understanding of the Secretary of State’s office that all
4 certificates of naturalization carry an alien registration number. [Kanefield 14]

5 **171.** The Secretary of State’s office is not aware whether an individual has
6 to turn in to DHS his alien registration card at the time that he or she is naturalized.
7 [Kanefield 13]

8 **172.** The Secretary of State’s office is not aware of any documents,
9 besides the alien registration card and the certificate of naturalization, that may carry the
10 alien registration number. [Kanefield 13-14]

11 **173.** The Secretary of State’s office is not aware of any occasions, besides
12 voter registration in Arizona, in which a naturalized U.S. citizen might use his or her
13 alien registration number. [Kanefield 14]

14 **174.** The Secretary of State’s efforts in educating the public about that
15 alien registration number have come primarily through their voter outreach coordinator,
16 Robert Flores, a full-time employee of that office, whose job is to reach out to the public,
17 conduct voter registration drives, and attend voter outreach events. [Kanefield 15]

18 **175.** The Secretary of State’s office is not aware whether Mr. Flores
19 conducts voter education regarding whether an individual can photocopy his
20 naturalization certificate and submit that to a County Recorder as proof of citizenship.
21 [Kanefield 15]

22 **176.** The Secretary of State’s office has always interpreted “document
23 shall be presented” to mean that the document must be presented and not copied, as
24 reflected in the language of the law. [Kanefield 15]

25 **177.** The Secretary of State’s office relied on information from County
26 Recorders and communications with the local director of the immigration office for the

1 statement in the Secretary of State's Procedure Manual stating, it takes approximately
2 two weeks from the time after a new citizen takes his or her oath at the citizenship
3 ceremony before that citizen's alien registration number is placed in the SAVE database.
4 [Kanefield 16, 17]

5 **178.** In a situation where the County Recorder has received a voter
6 registration application, and she cannot verify the alien registration number and an
7 election registration deadline is going to occur within the next two weeks, the County
8 Recorder is instructed to notify the registrant that further citizenship proof may be
9 necessary in order to assure that the voter is registered on time, which is simply asking
10 the County Recorders to notify that person and inform that person that because of the
11 timing, that person may not be able to verify citizenship through that process. [Kanefield
12 18]

13 **179.** Tribal documentation and a tribal number are accepted on their face
14 as valid proof of citizenship, and the Secretary of State does not provide any additional
15 guidance to County Recorders on how to recognize a tribal number. [Kanefield 20]

16 **180.** The Secretary of State's office does not know whether all persons
17 with tribal documentation or tribal numbers are United States citizens. [Kanefield 20]

18 **181.** The Secretary of State's office does not provide any guidance to the
19 Counties on how to verify a birth certificate or how to verify pages of a United States
20 passport. [Kanefield 19- 21]

21 **182.** The Secretary of State's office has no knowledge of any incident
22 since January 1, 1996 involving allegations of fraud in military personnel registering to
23 vote using the Federal Post Card Application. [Kanefield 21-22]

24 **183.** The Secretary of State's office has no knowledge of any incident
25 since January 1, 1996 involving allegations of fraud in any overseas individuals
26 registering to vote using the Federal Post Card Application in Arizona. [Kanefield 22]

1 **184.** The document Titled 2006 General Election ID and Citizenship
2 Complaints was created by the staff in the Election Services Division of the Secretary of
3 State’s office. [Kanefield 23]

4 **185.** The document titled 2006 General Election ID and Citizenship
5 Complaints is a spreadsheet, generated from a larger database created by Mr. Kanefield’s
6 staff to log complaints that occur primarily regarding election day itself. The database
7 contains subcategories to categorize election complaints. Two of those categories are
8 identification at the polls complaints and citizenship complaints. The 2006 General
9 Election ID and Citizenship Complaints represent the complaints pulled from the
10 database from those specific categories. There are other categories in the larger database.
11 [Kanefield 23]

12 **186.** The 2006 General Election ID and Citizenship Complaints database
13 is created with Microsoft Access, a computer database program that contains a number of
14 fields that can be filled in and navigated by the Secretary of State’s staff. [Kanefield 25]

15 **187.** The complaints database created by the Secretary of State’s office
16 was designed to provide a mechanism for the Secretary of State’s office to document
17 grievances and complaints quickly around election day when a high-volume of all calls
18 are generated. [Kanefield 25]

19 **188.** The 2006 General Election ID and Citizenship Complaints database
20 would not likely contain complaints about proof of citizenship to register to vote, since
21 the database only contains calls and complaints received on election day. [Kanefield 25-
22 26]

23 **189.** The Secretary of State’s office does not log every complaint received
24 into a database, but rather only those received on or around election day. [Kanefield 27]

25 **190.** The Secretary of State’s complaint database does not include any
26 grievances received by any Counties. [Kanefield 28]

1 **191.** If an action regarding an election day problem was taken by a county
2 official and the Secretary of State’s staff knew about the action, then the staff may or may
3 not have documented that action in the database category of action. [Kanefield 28]

4 **192.** Kris Waite is the Assistant Election Director and supervises the
5 people who are receiving calls and attempting to respond to grievances at the Secretary of
6 State’s office. [Kanefield 28]

7 **193.** Mr. Kanefield, as a representative of the Secretary of State’s office, is
8 not aware of any specific allegations that a non-US citizen registered to vote in Arizona.
9 [Kanefield 29-30]

10 **194.** The Secretary of State does not know how many of the
11 approximately 1,300 individuals prevented from registering online, who had a driver’s
12 license classification that was designated as a non-citizen but had a valid driver’s license,
13 were not U.S. citizens. [Kanefield 30-31]

14 **195.** Mr. Kanefield admits there are U.S. citizens who are currently in
15 possession of a driver’s license issued before 1996. [Kanefield 31]

16 **196.** The Secretary of State is not in possession of any information relating
17 to any incident since January 1, 1996 involving allegations that a non-U.S. citizen voted
18 in Arizona by early ballot. [Kanefield 33]

19 **197.** Since January 1, 1996, the Secretary of State’s office has not come
20 into possession of any allegations that a non-U.S. citizen voted in person at a polling
21 place in Arizona. [Kanefield 33]

22 **198.** Since January 1, 1996 the Secretary of State’s office does not have
23 any specific information involving allegations that an individual has impersonated a
24 registered voter at a polling place. [Kanefield 33-34]

25 **199.** Arizona receives federal funds that support election administration
26 and voter registration through the Help America Vote Act. [Kanefield 34]

1 **200.** The Secretary of State's office does in-person training of county
2 employees regarding implementing the proof of citizenship requirement under
3 Proposition 200. [Kanefield 34]

4 **201.** The Secretary of State's office does election officer certification
5 training during the summers of the odd-numbered years that trains county election
6 officials on the laws and the procedures regarding elections. [Kanefield 35]

7 **202.** The election officer certification training includes approximately
8 thirty-five hours of training and the last two trainings -- the training in 2005 and the
9 training in 2007 -- have included a component relating to the voting provisions of
10 Proposition 200. [Kanefield 35]

11 **203.** The election officer certification training on proof of citizenship and
12 voter identification requirements at the polls both last somewhere between thirty minutes
13 to an hour. [Kanefield 35]

14 **204.** Every county has someone on staff, including the fifteen county
15 election directors, who have been certified by the Secretary of State's office training
16 program. [Kanefield 36]

17 **205.** A question related to verifying the citizenship of an applicant through
18 the SAVE Program would be a question that the Counties would have to work out
19 themselves with the federal authorities rather than asking the Secretary of State's office
20 for guidance. [Kanefield 38]

21 **206.** The Secretary of State's office requires the Counties to use the SAVE
22 Program to provide a mechanism for verifying the citizenship status of individuals who
23 are naturalized. [Kanefield 38-39]

24 **207.** The mechanics of how the SAVE Program works are left up to the
25 Counties to work out with the federal immigration authorities. [Kanefield 39]

26 **208.** Proposition 200 does not mention Type F licenses. [Kanefield. 39]

1 **209.** Due to questions concerning the ability to verify citizenship with a
2 driver's license around the time Proposition 200 was enacted, Secretary of State Jan
3 Brewer asked the Attorney General for an opinion on the matter. [Kanefield 39]

4 **210.** The Attorney General determined that because of the manner in
5 which the statute was drafted a driver's license issued after October 1996 is satisfactory
6 evidence of United States citizenship. [Kanefield 39]

7 **211.** The Secretary of State believes the DMV determines whether or not a
8 person is authorized to be in the country legally. [Kanefield 40]

9 **212.** Mr. Kanefield, as a representative of the Secretary of State, cannot
10 say specifically whether the DMV is verifying an individuals U.S. citizenship versus
11 verifying his authorized presence. [Kanefield 42]

12 **213.** Mr. Kanefield, as a representative of the Secretary of State, does not
13 know whether Type F licenses were in existence at the time of the passage of Proposition
14 200 in 2004. [Kanefield 43]

15 **214.** The Counties are required to include in the polling place signature
16 rosters with each voters residential address as well as the voters post office box address if
17 that has been provided to the County Recorder. [Kanefield 43]

18 **215.** Jan Brewer made a request on January 12, 2005 to Stephen Fickett,
19 District Director for the Phoenix District of USCIS to help implement A.R.S. § 16-
20 166(F)(4). She requested instituting a procedure that would involve the county records
21 transmitting the number of the certificate of naturalization provided by registrants.
22 [Exhibit 58].

23 **216.** Jan Brewer made a request on July 6, 2007 12, to Arizona State
24 Senator Victor Soltero to review proposed changes to the Arizona Voter Registration
25 Form. [Exhibit 59].

26

1 **217.** MALDEF wrote a letter to Jan Brewer on April 17, 2006, sent
2 Federal Express, informing her of MALDEF's intent to bring a lawsuit under the
3 National Voter Registration Act of 1993 for instituting policies instructing Arizona
4 county recorders not to accept the Federal Mail Voter Registration Form without
5 accompanying, documentary proof of Citizenship. [Exhibit 60].

6 **218.** The VRAZ II County Advisory Committee instituted policies for
7 how to handle situations where the VRAZ-I system reports back that a driver's license
8 number that is a type "F" or "N". If the individual was a first time registrant the Counties
9 are instructed to see if other citizenship documents were provided with the registration
10 application, and if not, until VRAZ-II is implemented the county is to cancel or delete the
11 voter registration record in the voter registration system and send correspondence asking
12 for proper proof of citizenship. The County advisory committee felt that the process may
13 be modified once VRAZ-II is implemented. [Exhibits 61 & 62].

14 **219.** The VRAZ II County Advisory Committee recommended physically
15 storing the proof of citizenship documents submitted with registration applications.
16 [Exhibit 63].

17 **220.** The VRAZ II County Advisory Committee recommended accepting
18 proof of citizenship even if the name on the voter registration is different from that on the
19 proof of citizenship as long as the registrant also provides documentation of the name
20 change, or if there is sufficient other matching information. [Exhibit 64].

21 **221.** The VRAZ II County Advisory Committee established standard
22 values and codes for common election and registration actions [Exhibit 65].

23 **222.** The Arizona Motor Vehicle Division established guidelines for the
24 proper completion of the Driver License/ Identification Card and the proper methods for
25 reviewing the applications, supporting documentation, and forms. [Exhibit 66].

26

1 **223.** The Arizona Motor Vehicle Division established guidelines for the
2 acceptable forms of documentation used to establish a customer's identity and/or
3 authorized presence when issuing a driver's license and identification card license.
4 [Exhibit 67]

5 **224.** An electronic file was created to track the type and severity of 2006
6 General Election Complaints. [Exhibit 68]

7 **225.** The MVD issues limited licenses to Permanent Resident Card
8 holders. [Exhibit 69].

9 **226.** U.S. Citizen and Immigration Services provides a web-accessible list
10 of Immigration Forms and descriptions of those forms on its website [Exhibit 70].

11 **227.** Proposition 200 requires the county recorder to retain documents that
12 were provided as evidence of citizenship. [Exhibit 71]

13 **228.** Proposition 200 requires the county recorded to indicate the
14 satisfactory proof of citizenship in the voter file. [Exhibit 71]

15 **229.** Per the VRAZ II County Advisory Committee, two years from the
16 date that the voter's proof of citizenship information is received, the voter's documents
17 may be destroyed. [Exhibit 71]

18 **230.** Per the VRAZ II County Advisory Committee, there were two
19 options submitted for the two year storage of such evidentiary documents. Option 1:
20 Electronic storage of data, Option 2: Storing documents in their paper form. The
21 committee recommended that the documents be stored in their paper form per the
22 infrequency of need to access the images and the cost to store the information
23 electronically. [Exhibit 71]

24 **231.** Per the VRAZ II County Advisory Committee, if a registrant
25 provides the last 4 digits of their social security number, VRAZ looks for a match with
26 MVD. [Exhibit 72]

1 **232.** Per the VRAZ II County Advisory Committee, all new driver license
2 applicants provide their full social security number to MVD, MVD then verifies the SSN
3 with SSA. [Exhibit 72]

4 **233.** Per the VRAZ II County Advisory Committee, for certain registrants
5 whose SSN's are either 1) not verified or 2) do not exist in MVD's database, their
6 information, including: name, DOB, and last 4 digits of SSN are forwarded to SSA to aid
7 in finding a match. [Exhibit 72]

8 **234.** The VRAZ II County Advisory Committee created a table describing
9 when Counties should send voter information to SSA for validation. [Exhibit 72]

10 **235.** The Complete Systems Specifications for VRAZ II details and
11 describes the system hardware that comprises VRAZ II. These specifications were
12 approved by Craig Stender (AZ HAVA Project Manager) and Scott Whitfield (State
13 Project Manager). [Exhibit 73]

14 **236.** The System Security Plan given to the Arizona HAVA VRAZ II
15 Project Manager, Bhaskar Meka, was approved by Craig Stender (AZ HAVA Project
16 Manager) and Scott Whitfield (State Project Manager). This plan describes security
17 controls and operational controls for the VRAZ II system. [Exhibit 74]

18 **237.** Based on the recommendations of the VRAZ II County Advisory
19 Committee, if an applicant registers to vote in person, in the presence of voter registration
20 personnel, the county recorder need not retain applicant's proof of citizenship documents.
21 [Exhibit 75]

22 **238.** Based on the recommendations of the VRAZ II County Advisory
23 Committee, since there is a delay between when a naturalized citizen takes the citizenship
24 oath and when their citizenship number is placed into the SAVE system, the committee
25 recommends that Counties should send the registrant correspondence indicating that
26 further citizenship proof is needed when the alien registration number is not found in the

1 voter registration system. The committee advises that the applicant may present their
2 naturalization documents to the recorder. [Exhibit 76]

3 **239.** Based on the recommendations of the VRAZ II County Advisory
4 Committee, if a naturalized citizen was naturalized within the last two weeks before an
5 election, they should contact the county recorder immediately. [Exhibit 76]

6 **240.** Based on the recommendations of the VRAZ II County Advisory
7 Committee, other Counties should accept in-person voter registration forms which are
8 filled out at swearing in ceremonies. These forms are to be accepted as long as the
9 registrant's number, initials on the form and date are verified by county personnel.
10 [Exhibit 77]

11 **241.** The VRAZ II County Advisory Committee created a table of
12 recommendations for when to update or "pass back" information that is not contained in
13 the voter registration record. [Exhibit 78]

14 **242.** A Business Requirements Document was prepared that outlines the
15 various gaps identified in the current modules and the PowerProfile SE. It was produced
16 for the HAVA VRAZ II Project Manager, Bhaskar Meka, and approved by Craig Stender
17 (AZ HAVA Project Manager) and Scott Whitfield (State Project Manager). [Exhibit 79]

18 **243.** Email distributed by Craig Stender indicates that MVD is incurring
19 problems, therefore recipients of email did not receive an EZ Voter Report that day;
20 rather Stender indicates that they should receive report on Monday. [Exhibit 80]

21 **244.** Email response by Patty Hansen (Coconino County Elections
22 Administrator) to Craig Stender informs Craig that workers incorrectly added VR RAZ
23 tables to the source of registration tables under NVRA source of registration values.
24 [Exhibit 81]

25 **245.** Pima County's Principal System's Analyst, Kevilee Watterson emails
26 to clarify issue related to a voter who was canceled when she ceased to vote in Pima

1 County, then became an active voter in Maricopa County, and later returned to Pima
2 County. Watterson indicates that she believes all she would have to do is set up the
3 voter's Pima status as active and send the record to the state as an update. [Exhibit 82]

4 **246.** Email from Melissa Winchester (Product Designer for Election
5 System's and Software, Inc.) to Craig Stender attempts to clarify what kind of notice
6 should be sent to registrants who are made "active" either due to 1) no match or 2) voter
7 did not provide a DLN. Winchester also attempts to clarify the timing of the notice.
8 [Exhibit 83]

9 **247.** The Functional Specification on Automatic Updates to Voters on
10 Hard Matches issued by Election Systems and Software details how the system can be set
11 up so an automatic change can be done, updating the information without user
12 intervention for matches that are made against the Motor Vehicle Department, Felons,
13 and Death Agencies. Additionally, the system can be set up to match criteria that will not
14 result in an automatic update (soft matches), allowing the Counties to view these matches
15 and to make a determination themselves. [Exhibit 84]

16 **248.** Codes for Registrant Status and Reason generated by Counties. The
17 only valid registrant statuses with corresponding codes are active, inactive, removable,
18 not eligible, suspense, and not registered. [Exhibit 85]

19 **249.** Codes for Registrant Status and Reason with corresponding
20 Standards. [Exhibits 86 & 87]

21 **250.** Codes for Registrant Status and Reason generated by Counties. The
22 only valid registrant statuses with corresponding codes are active, inactive, removable,
23 not eligible, suspense, and not registered. [Exhibit 88]

24 **251.** Letter by Jan Brewer, Arizona Secretary of State, to Chapter
25 Presidents, to notify them of the new changes to election processes in Arizona. Brewer
26 noted the new identification requirements, the new accessible voting machines for

1 persons with disabilities, and the new methods for registration that are available. [Exhibit
2 89]

3 **252.** The Functional Specification on the Arizona MVD/SSA Processing
4 issued by Elections Systems and Software details how PowerProfile/Agency Central will
5 interface with MVD to validate information on driver's license numbers and the last four
6 digits of Social Security Numbers. [Exhibit 90]

7 **253.** Instructions on how to use PowerProfile to create new registrants for
8 VRAZ II Testing Plan – Phase II. [Exhibit 91]

9 **254.** Arizona's Motor Vehicle Division's Identification Requirements
10 outlines what qualifies as primary and secondary documents, the number of these
11 documents that the applicants needs to present and other specifications deemed necessary
12 in order to complete the customer's application. [Exhibit 92]

13 **255.** Arizona's Motor Vehicle Division's General Information on Identity
14 Eligibility outlines that all applicants must prove identity when purchasing a renewal or
15 duplicate credential by presenting the appropriate requested documentation. [Exhibit 93]

16 **256.** Arizona's Motor Vehicle Division's General Information on Identity
17 Eligibility notes that foreigners with a Type F credential must be processed by the foreign
18 document expert in the Division's office. [Exhibit 94]

19 **257.** Arizona's Motor Vehicle Division's General Information on
20 Authorized Presence Eligibility outlines that in order to prove authorized presence in the
21 United States under federal law requires the customer to present qualified proof of
22 authorized presence when applying for an original Arizona license, ID, or permit, a
23 renewal of a limited Arizona License, the renewal of an extended Arizona or the
24 reinstatement of any license. [Exhibit 93]

25 **258.** Arizona's Motor Vehicle Division's policy on Driver License and
26 Identification Card Application establishes guidelines for the proper completion of the

1 application, including the review of the application, the supporting documentation, and
2 the forms. [Exhibit 66]

3 **259.** The Functional Specification for Arizona MVD/SSA Processing
4 details the requirements outlined in the Functional Requirements for MVD Submission to
5 SSA will only look at registrants that cannot be validated with the MVD to be required to
6 be submitted to the SSA for verification. Since MVD is being provided the drivers' data
7 via a file, the registrants that are required to go through SSA will be submitted through a
8 different export file. [Exhibit 95]

9 **260.** The HAVA Exception/Duplicate Correspondence and Voter Record
10 Status outline what is categorized as a soft match or a hard match. [Exhibit 96]

11 **261.** The Functional Specification to "Add 'Citizenship Verified' Indicator
12 to Registrant Detail Window" describes how a checkbox will be added to the Registrant
13 Detail and Scanned Image Entry windows so the user will be able to indicate whether or
14 not citizenship has been verified during the add process. [Exhibits 97 & 98]

15 **262.** The Functional Specification to "Arizona Recorder Certificate"
16 details Arizona's requirement of a Recorder's Certificate, a letter printed for a registrant
17 to provide proof of registration and includes the ballot style for a selected election.
18 [Exhibit 99]

19 **263.** The VRAZ-II Project Web Services Design Document for the
20 Maricopa and Pima County Interface defines the required web service interface to
21 support communication of the Counties to the VRAZ-II Voter View component. The
22 document outlines the architecture, protocols, classes, and methods for the voter view
23 process as well as providing supporting XML documentation to assist in the definition of
24 supported data elements. [100]

25 **264.** The Secretary of State's office prepared PowerPoint slides of for its
26 Project Kickoff meeting on November 30, 2005. [Exhibit 101]

1 **265.** Arizona law specifies the information that is to appear on the state’s
2 voter registration forms. [Exhibit 102]

3 **266.** Arizona law establishes procedures for verification of registration.
4 [Exhibit 103]

5 **267.** Certificates of Naturalization Issued by the United States contain two
6 numbers, the Certificate of Naturalization number and the I.N.S. Registration number or
7 “A” number. [Exhibit 104]

8 **268.** The Arizona Secretary of State produced a list of important election
9 related dates in 2006. [Exhibit 105]

10 **269.** The Arizona MVD developed a spreadsheet that details what type of
11 license and when the expiration dates depending on the authorized presence document.
12 [Exhibit 106]

13 **270.** The Arizona MVD issues type F licenses to individuals establishing
14 lawful presence through presentation of an I-551 resident alien card. [Exhibit 106]

15 **271.** After the implementation of Proposition 200, Pima County requires
16 citizenship verification by the INS for voters establishing citizenship based on a
17 Naturalization Certificate number prior to processing the registration form. [Exhibit 107]

18 **272.** In Pima County, If a registrant wishes to establish citizenship based
19 on a naturalization certificate, rather than just the certificate number, no confirmation
20 through the INS is required. [Exhibit 107]

21 **273.** After the implementation of Proposition 200, if a voter wishes to
22 establish citizenship based on a driver’s license number or non-operator’s identification
23 card, the voter must provide a driver’s license number or non-operator’s identification
24 card issued after October 1, 1996. [Exhibit 107]

25
26

1 **274.** In August 2006, the Arizona Department of Motor Vehicles reported
2 that approximately 796,040 people in Arizona had state identification cards or driver’s
3 licenses issued before October 1996. [Exhibit 108]

4 **275.** Pima County was aware that the Motor Vehicle Division (MVD)
5 does not verify citizenship for driver’s license applicants or identification card applicants
6 until recently. In spite of this conflict in the law, Proposition 200 mandates that such
7 items be allowed as proof of citizenship. [Exhibit 107]

8 **276.** Pima County voter registration instructions state that federal law
9 prohibits making a photocopy of a Naturalization Certificate. [Exhibit 107]

10 **277.** Federal law criminalizes the copying of a naturalization certificate
11 “without lawful authority.” 18 U.S.C. § 1426 (h) provides:

12 Whoever, without lawful authority, prints, photographs, makes
13 or executes any print or impression in the likeness of a
14 certificate of arrival, declaration of intention to become a
15 citizen, or certificate of naturalization or citizenship, or any
16 part thereof - Shall be fined under this title or imprisoned not
17 more than 25 years (if the offense was committed to facilitate
18 an act of international terrorism (as defined in section 2331 of
19 this title)), 20 years (if the offense was committed to facilitate
20 a drug trafficking crime (as defined in section 929(a) of this
21 title)), 10 years (in the case of the first or second such offense,
22 if the offense was not committed to facilitate such an act of
23 international terrorism or a drug trafficking crime), or 15 years
24 (in the case of any other offense), or both.

19 **278.** According to the Center for American Progress, there are 13 million
20 U.S. citizens who lack documentary proof of citizenship. [Exhibit 108]

21 **279.** According to the Center for American Progress, there were 38,000
22 voter registration applications thrown out since the implementation of Arizona’s proof of
23 citizenship requirement. [Exhibit 109]

24 **280.** According to the Center for American Progress, over 70% of the
25 applications that were thrown out since the implementation of Arizona’s proof of
26

1 citizenship requirement were from applicants who swore under oath that they were
2 citizens. [Exhibit 109]

3 **281.** The VRAZ-II County Advisory Committee Recommends the
4 following steps when receiving information on the VRAZ report that the driver license
5 number provided is not sufficient proof of citizenship: Step #1: Verify that the DLN was
6 entered correctly, if it was, go to Step #2, if not, correct the DLN, another VRAZ report
7 will be issued based on the corrected information. Step #2: If registrant is changing
8 information on an existing voter registration in the current database, no citizenship proof
9 is needed. [Exhibit 62].

10 **282.** Arizona law specifies what evidence is satisfactory proof of
11 citizenship for purposes of satisfying the registration requirements of Proposition 200.
12 (Pl.'s Trial Ex. 130) Prior to implementation of VRAZ-I, Arizona did not have a
13 computerized system to check voter registrations against databases such as the Motor
14 Vehicles Department database. [Exhibit 11]

15 **283.** The Arizona Secretary of State has not yet fully implemented VRAZ-
16 II, an enhanced version of VRAZ-I. [Exhibit 18]

17 **284.** In the current VRAZ-I system, each night around 7 p.m. each county
18 sends a file to the Secretary of State's office containing all voter registration records that
19 have had any activity. These voter registration records are combined in a state file that
20 are sent by the VRAZ system at midnight to the Motor Vehicle Division for matching.
21 The voter registration records are sent by the VRAZ system over the secured state
22 network to the MVD database. [Exhibits 16, 11, 18]

23 **285.** After the voter registration records are returned to VRAZ by the
24 Motor Vehicle Division's computer, the VRAZ system compares these records to the
25 State's court records database, which includes felon records. [Exhibit 110]

26

1 **286.** Following the court records comparison, the VRAZ system compares
2 the voter registration records to death records and duplicates in the voter rolls.
3 [Exhibit 16]

4 **287.** VRAZ then puts all the information from the database comparisons
5 into a report specific to each county and posts those reports for the Counties to obtain off
6 a secure website. [Exhibit 11]

7 **288.** The VRAZ system does not make changes in voter registration
8 records. VRAZ posts the information that is has received from the database matching
9 process and puts that information into a report for the Counties to work with. [Exhibit
10 11]

11 **289.** When a voter registrant completes a voter registration application
12 through the EZ Voter system, that voter registration application is forwarded by the
13 Secretary of State to the appropriate county. The county then processes that voter
14 registration application and uploads it to the VRAZ system for database matching.
15 [Exhibit 11]

16 **290.** When the VRAZ system matches voter registration records against
17 the Motor Vehicles database, the VRAZ system attempts to match four pieces of
18 information: driver's license, name, date of birth, and last four digits of the social
19 security number. [Exhibits 111, 11, 72]

20 **291.** The MVD computer has a program that receives the voter registration
21 records from VRAZ and starts the matching process. The MVD computer takes the first
22 voter registration record and then searches and tries to find it in the driver's license
23 database. If it finds it, then it reports out to VRAZ the results, including name matched,
24 and date of birth matched. If the voter registration record did not have a social security
25 number to match, the MVD computer will leave that blank, and go on to try to match the
26 driver's license number, if it was provided by VRAZ. [Exhibit 111]

1 **292.** When the MVD computer matches the name, date of birth and
2 driver's license number to a voter registration record, the MVD computer also looks at
3 the issue date of the license and the type of license and reports that information to the
4 VRAZ system for use by the Counties. [Exhibit 111]

5 **293.** The VRAZ system reports to Counties whether a driver's license (or
6 state identification card) was issued before or after October 1, 1996. This information is
7 reported as a return code in the report made available by the VRAZ system to the
8 Counties. [Exhibits 112, 62]

9 **294.** The VRAZ system reports to Counties if the type of license is a Type
10 F or Type N. This information is reported as a return code in the report made available
11 by the VRAZ system to the Counties. [Exhibits 14, 112, 62]

12 **295.** The Secretary of State created the list of Return Codes used by the
13 VRAZ system to report information back to the Counties. [Exhibit 112]

14 **296.** Return codes are grouped into categories in the VRAZ report sent to
15 Counties. The first category of return codes indicate that the information should be
16 looked at and some action should be taken by the county. [Exhibit 11]

17 **297.** The return codes in the first category are titled by the SOS as
18 "severe." [Exhibit 11]

19 **298.** Return codes indicating that no action need by taken by county
20 officials are grouped on the VRAZ report in a category titled "informational purposes, no
21 action needed." [Exhibit 11]

22 **299.** When a voter registration applicant logs onto the Internet to register
23 to vote using EZvoter, the system will not allow the person to progress in the voter
24 registration if they he or she has a driver's license dated before October 1, 1996. The
25 applicant is then instructed to register outside the electronic process. [Exhibit 13]

26

1 **300.** EZvoter also has a process to stop a voter registration if the person
2 who's applying to register to vote holds a Type F or N driver's license. The applicant is
3 then instructed to register outside the electronic process. [Exhibit 15] Maricopa County
4 Elections Department issued a notice of new voter registration requirements listing: 1) an
5 Arizona driver's license number or non-operating identification license number, 2) a
6 driver's license or non-operating identification license from another state that identifies
7 United States Citizenship, 3) a legible photocopy of a birth certificate with the name of
8 the applicant that verifies United States citizenship, 4) a legible photocopy of the pertinent
9 pages of the United States Passport, 5) a United States naturalization certificate number
10 or the presentation of a legible photocopy of the certificate or 6) a Bureau of Indian
11 Affairs Card Number, Tribal Treaty Card Number or Tribal Enrollment Number as
12 satisfactory proof of citizenship under Proposition 200. [Exhibit 114]

13 **301.** Pima County, pursuant to rules decided upon by VRAZ County
14 Advisory Committee, will add previously registered voters who cancelled their
15 registration but subsequently returned to the County, as new voters. [Exhibit 115]

16 **302.** Pima County, pursuant to rules decided upon by VRAZ County
17 Advisory Committee, holds new voter registration records in suspense until citizenship is
18 either proven by using the Motor Vehicles Department check, or by having a user in the
19 County indicate to the system that citizenship was proven by the other qualifying means
20 (birth certificate, passport, etc.). [Exhibit 115]

21 **303.** VRAZ states that all existing registered voters are grandfathered in
22 and do not need to provide proof of citizenship. Santa Cruz County instructed Clerks to
23 clear out invalid driver license numbers from a provided list and run the remaining entries
24 of name and date of birth of registrants through Arizona's Motor Vehicles Department
25 registry using the VRAZ System. [Exhibit 111]

26

1 **304.** Proposition 200 will have a great affect on County Recorders, the
2 Secretary of the State, and Election Officials. [Exhibit 113]

3 **305.** Arizona works with the Social Security Administration to validate the
4 last four digits of the social security number of a registrant. Most voter registration
5 records will be checked against MVD records, if no MVD record exists or it does not
6 contain a social security number then the registration will be checked by the Social
7 Security Administration. [Exhibit 116]

8 **306.** The VRAZ committee instructed all Counties to download voter
9 registration forms from the MVD on a daily basis, and to cease manually notifying other
10 Counties when a voter reports a previous Arizona address because VRAZ daily reports
11 should supply this information automatically. However, paper notification would need to
12 continue for prior out of state addresses. [Exhibit 117]

13 **307.** VRAZ fixes and enhancements were issued following the change in
14 voter registration forms and to clarify the record matching process and reports.
15 [Exhibit 118]

16 **308.** An Arizona Users Manual was issued to instruct Counties on how to
17 use Power Profile as implemented by the Arizona Secretary of State Office and 13
18 Arizona Counties. [Exhibit 33]

19 **309.** The VRAZ-II County Advisory Committee issued recommendations
20 for uniform correspondence to inform voters of the need to update the signature on their
21 voter registration by filling out a new voter registration form. [Exhibit 119]

22 **310.** The Pinal County Recorder's office was disappointed that the VRAZ
23 system would force them to run application across their internet pipe, even though they
24 had discussed up front that this is against their policy. [Exhibit 120]

25 **311.** The Maricopa county manager of Voter Registration reported on
26 October 25, 2005, that rejections went down to 35% from 40%. [Exhibit 121]

1 **312.** The VRAZ-II RFP states that the population of Maricopa County and
2 Pima County make up 75% of the population of the entire state, but they will continue
3 using their custom designed systems rather than using the statewide VRAZ-II system.
4 The remaining 13 Counties will convert their local system to a common version of a
5 common voter registration system. Maricopa and Pima Counties will need to integrate
6 their systems with the statewide system. [Exhibit 122]

7 **313.** An EZ Voter for VRAZ-II update states that if an EZ Voter online
8 voter registration is submitted but the registrant does not have a digitized signature on file
9 with the MVD, the registrant will be mailed a letter informing them of the problem and
10 instructing them to fill out a paper voter registration form. [Exhibit 123]

11 **314.** A memorandum of understanding was drafted between the chief state
12 election officers of Arizona, Arkansas, Colorado, Kansas, New Mexico Oklahoma and
13 Texas, agreeing to share voter registration data between states to improve the accuracy of
14 each State's voter registration list. [Exhibit 124]

15 **315.** At a VRAZ-II pre-proposal conference, the question was raised of
16 how much work it would take to integrate the VRAZ-II system with the Maricopa and
17 Pima county systems, a difficult question to answer prior to getting further into the
18 project. [Exhibit 125]

19 **316.** A voter was unable to register to vote online due to being told that
20 her that no record was found under her driver license or social security number, even
21 though she was able to pay her registration fees on the service Arizona site. Her
22 information had not been changed in 7 years, and she believed that her registration was
23 rejected in error. [Exhibit 9]

24 **317.** The Arizona online voter registration system only allows three tries
25 to register to vote online before blocking the registrant from making further attempts.
26 [Exhibits 9, 126]

1 **318.** An Arizona voter was unable to register after three tries, so she
2 contacted the Election Officer Manager because she wanted to vote in the upcoming
3 primary. [Exhibit 9]

4 **319.** An Arizona voter who tried to register both in person and online was
5 unable to register and told that no record was found. She believes that her record and
6 registration disappeared because her last name is Lopez, and this has made her not want
7 to exercise her voting rights. [Exhibit 127]

8 **320.** An Arizona voter accidentally registered to vote after she was already
9 registered, because the name on her driver license had changed, and the online system
10 would only allow her to enter the information that was found on her current driver
11 license. She contacted the Election Office to inform them that she was now registered
12 under two names. [Exhibit 128]

13 **321.** Some Arizona voters emailed the Election Office on January 7, 2008
14 to inform the office that the system was not working. The voters were very irate and felt
15 that their votes and participation in the election process were not valued. [Exhibits 129,
16 130]

17 **322.** The online voter system at servicearizona.com did not work during
18 the day on January 7, 2008, the last date to register to vote in the February, 2008
19 presidential preference elections. The Election Office sent out emails at night to voters
20 who had emailed complaining that the system was not working, stating that the system
21 was working again, and the deadline to register was midnight of that day. [Exhibit 129]

22 **323.** An Arizona voter who wished to register with a party to be able to
23 vote in the February 5, 2008 presidential preference election was unable to do so during
24 the day when the online system was down. [Exhibit 129]

25 **324.** The State of Arizona Official Canvass of the 2008 Presidential
26 Preference Election reported 51.28% turnout. [Exhibit 131]

1 **325.** Two Arizona voters who had filled out a voter registration form at an
2 Arizona MVD in November 2005 were denied the right to vote because the form they
3 had been given to fill out was an obsolete form that had not requested proof of
4 citizenship. They had presented U.S. passports in order to obtain Arizona driver's
5 licenses at that same time when they filled their voter registration forms. A letter was
6 mailed to them once to inform them of the problem, but was returned to as undeliverable
7 because they were out of town. They were not otherwise notified of the problem until
8 they attempted to vote on November 1, 2006 and were denied. [Exhibit 132]

9 **326.** An Arizona overseas military voter tried to register to vote online and
10 was unable to do so do to mismatching address information. He was instructed to visit the
11 online site for military voters to try and remedy the problem. [Exhibit 126]

12 **327.** An Arizona voter emailed the Secretary of State's Office to report
13 that she was unable to complete a name change online to update her records now that she
14 has a different last name on her driver license. She was not able to complete the required
15 verification with the Problem Driver Pointer System. [Exhibit 133]

16 **328.** An Arizona voter who wished to update her voter registration record
17 online because of name change encountered difficulty in doing so and needed to email
18 the Secretary of State office to request assistance. [Exhibit 10]

19 **329.** The secretary of the Democratic Association of Havasu emailed the
20 Secretary of State Office to report numerous complaints of Arizona voters who believed
21 they were registered to vote because they had checked the box on their driver license
22 application stating that they would like to register to vote. They were not given the actual
23 voter registration form by the MVD, and did not know that this was required in order to
24 actually register to voter, until arriving at the polls and discovering they were not
25 registered. [Exhibit 134]

26

1 **330.** The MVD told the Election Department in Mojave County that they
2 do not really train their clerks to hand out voter registration forms because their job is to
3 give driver licenses, not register people to vote. [Exhibit 134]

4 **331.** At the start of the implementation of the Power Profile Voter
5 Registration system, Counties were informed that Team IBM would offer an online
6 introduction to the system. [Exhibit 135]

7 **332.** There was confusion in Pima County about what to do when a
8 previously registered voter moves back to the county and wishes to register again. The
9 Pima County Recorder was unsure if such a voter should be reactivated in the system or
10 required to re-register. [Exhibit 136]

11 **333.** If a registrant changes their name or address with the MVD, this
12 record will be passed to VRAZ to be updated and to notify the proper county of the
13 change. There are questions on how to handle this situation if addresses are in two
14 different Counties. [Exhibit 137]

15 **334.** A flow chart was created showing the flow of information between
16 the Secretary of State, MVD and Social Security Administration when matching
17 registrant records. [Exhibit 138]

18 **335.** The Secretary of State created a correspondence to be sent to County
19 Recorders offices along with voter registrations that were collected a naturalization
20 ceremonies, stating that staff members were present at the ceremony and examined the
21 Naturalization Certificates for each of the registrants. [Exhibit 139]

22 **336.** The State of Arizona requested \$38,512 for HHS grant funding, and
23 Arizona Counties requested \$171,174 for HHS grant funding. [Exhibit 140]

24 **337.** Yavapai County reported a large number of voters were given a
25 status of NR, instead of Removable. [Exhibit 141]

26

1 **338.** The Secretary of State office will need a monthly list of all people
2 turning 18 years old. VRAZ will need to be queried for this information. [Exhibit 142]

3 **339.** The EZ Voter Description and Process Flow states that almost 50%
4 of voter registrations in Arizona are now sent electronically from MVD to the Secretary
5 of State. [Exhibit 143]

6 **340.** Problems with were encountered in May 2007 with the EZ voter
7 system that resulted in people not being registered and needing to be sent letters
8 requesting that fill out a paper registration. [Exhibit 144]

9 **341.** Multiple versions of the Arizona User Manual were sent to Counties
10 for their review and comments. [Exhibit 145]

11 **342.** Discrepancies in numbers were found in Yavapai County when
12 comparing the active, inactive, all, other and total registered voter numbers between the
13 Crystal system report and the Power Profile system report. [Exhibit 146]

14 **343.** Draft Release Notes for Power Profile Release 9.0 includes system
15 enhancements and defect fixes from the previous versions. [Exhibit 147]

16 **344.** The State of Arizona drafted correspondence for a Notice of Denied
17 Voter Registration, listing acceptable proof of citizenship that should be photocopied and
18 mailed along with a new voter registration form. [Exhibit 148]

19 **345.** The State of Arizona drafted correspondence for a Final Notice to
20 registrants to be sent when the Postal Service returns voter related mail to the office with
21 a forwarding address. This correspondence asks the registrant to provide their signature
22 so that their registration can be canceled in the county where they no longer reside.
23 [Exhibit 149]

24 **346.** State Election Director Joseph Kanefield emailed County Recorder
25 and Election Administrators regarding implementation of Proposition 200 citizenship
26 requirements and polling place procedures. [Exhibit 150]

1 **347.** Coconino County raised the issue that if a voter had a license issued
2 before October 1, 1996, but had changed their address after that date online rather than in
3 person, they would not have a new license dated after October 1, 1996 (whereas they
4 would if they had gone in person and requested a new license with the address change).
5 Thus, people who changed their license address online would have to present proof of
6 citizenship in order to vote, whereas those who had changed their address in person at the
7 MVD and gotten a new license with that address would not have to. It was then pointed
8 out that people do have the option online of purchasing a new driver license that reflects
9 their address change, and that this would help them avoid problems when voting.
10 [Exhibit 150]

11 **348.** The State of Arizona drafted correspondence for a Final Notice to
12 registrants to be sent when the Postal Service returns voter related mail to the office as
13 undeliverable. This correspondence instructs registrants to fill out a new registration form
14 with their current address within 35 days or risk being removed from the voter rolls.
15 [Exhibits 151, 152]

16 **349.** The Motor Vehicle Department issued a document to provide
17 guidance for MVD workers regarding establishing a customer's name and date of birth
18 for obtaining a driver license. This lists acceptable documents for establishing name and
19 date of birth and proving a legal name change. This document noted the Policy change
20 removing the requirement that Type F customers must first change their name with the
21 United States Citizenship Information Service. [Exhibit 153]

22 **350.** A document titled "Changes to Voter Registration and Election
23 Process Due to Proposition 200" was issued noting the new forms that would be needed,
24 the new processes that would have to take place in the EZ voter system, the Secretary of
25 State office, and polling places, as well as the dates for a high level implementation plan.
26 Questions remaining were what changes needed to be made to the existing Procedures

1 Manual and what would happen If a new voter registration form was not ready in time for
2 the March and May elections. [Exhibit 154]

3 **351.** Bill number SB 1219 was introduced, which would prohibit anyone
4 but a government official from photocopying proof of citizenship documents.
5 Government officials acknowledged that this would impact voting drives, but believed it
6 necessary to prevent identity theft. [Exhibit 155]

7 **352.** Drafts of three issue papers from the VRAZ-II County Advisory
8 Committee regarding Social Security number checks, citizenship documents, and VRAZ
9 match notification, were placed on the agenda for discussion for the Committee February
10 10, 2005 meeting. [Exhibit 156]

11 **353.** Proposed changes to the Arizona Voter Registration Form due to
12 Proposition 200 included a paragraph to instruct the registrant on new proof of
13 citizenship requirements, and changed the formatting to simplify the form as much as
14 possible while properly instructing the registrant how to complete a voter registration
15 form. [Exhibit 157]

16 **354.** The USCIS Class Matrix, revised 5/24/07 lists customer immigration
17 characteristics and documents required for all INS visa classes. [Exhibit 158]

18 **355.** The Customer Characteristics Chart describes various customer
19 characteristics and the documents required to establish these characteristics.
20 Characteristics listed include immigration status, deceased, peace officer, school bus
21 driver, military personnel, Katrina Evacuee, Racketeering Lien, etc. [Exhibit 159]

22 **E. The Elections Procedures Manual Establishes a Procedure for**
23 **Processing Proof of Citizenship**

24 **356.** Arizona election procedure provides that satisfactory evidence of
25 citizenship includes the applicant's driver's license number or non-operating
26 identification license issued after October 1, 1996 by the department of transportation or
the equivalent government agency of another state within the United States, if the agency

1 indicates on the applicant's license that the person has provided satisfactory proof of
2 United States citizenship. [Exhibit 160 at 43]

3 **357.** Arizona election procedures and the Arizona Constitution provides
4 that every resident of the state of Arizona is qualified to register to vote if the person is a
5 citizen of the United States, will 18 years of age on or before the date of the next regular
6 general election following his or her registration, will have been a resident of Arizona 29
7 days next preceding the next election, is able to write his/her name or mark unless
8 prevented by disability, has not been convicted of treason or a felony, unless restored to
9 civil rights, and has not been adjudicated an incapacitated person. [Exhibit 160 at 42]

10 **358.** Arizona election procedure provides that satisfactory evidence of
11 citizenship includes a copy of a birth certificate with supporting legal documentation if
12 the name on the birth certificate is not the same as the registrant's current name. [Exhibit
13 160 at 43]

14 **359.** Arizona election procedure requires that the Counties shall also
15 accept a United States birth certificate as proof of citizenship where the name on the birth
16 certificate is different from the voter registration if the following five fields match on
17 both the voter registration form and the birth certificate: First Name, Middle Name,
18 Place of Birth, Date of Birth, and Parents' Name. [Exhibit 160 at 43]

19 **360.** Arizona election procedure requires that in the event a United States
20 citizen is born abroad in a non-military installation, the applicant should have registered
21 with the Department of State and obtained a "Certificate of Birth Abroad," which counts
22 as a birth certificate. [Exhibit 160 at 43]

23 **361.** Arizona election procedure allows pertinent pages of a United States
24 passport identifying the registrant to satisfy proof of citizenship requirements.
25 [Exhibit 160 at 43]

26

1 **362.** The 2007 Secretary of State Procedure Manual continues to list the
2 number of the certificate of naturalization as satisfactory evidence of citizenship.
3 [Exhibit 160 at 43]

4 **363.** Arizona election procedure allows the registrant's Bureau of Indian
5 Affairs Card Number, Tribal Treaty Card Number, Tribal Enrollment Number, or Census
6 Number as satisfactory evidence of citizenship. [Exhibit 160 at 43]

7 **364.** Arizona election procedure does not allow a person to vote at an
8 election in a city or town who has not been a qualified elector in the city or town for 29
9 days before the election. [Exhibit 160 at 44]

10 **365.** Arizona election procedure requires that a new completed voter
11 registration form comes in to the Recorder. [Exhibit 160 at 43]

12 **366.** Arizona election procedure requires the voter registration form must
13 be accompanied by proof of citizenship. If the form is not accompanied by proper proof
14 of citizenship, the voter registration form is not valid and either will not be entered into
15 the system or if it was entered into the system, the record shall be canceled. If the
16 registrant subsequently provides proof of citizenship, it must be accompanied by a new
17 voter registration form and a new registration date. [Exhibit 160 at 44]

18 **367.** Arizona election procedure requires if the voter registration form
19 includes the following information: name, residence address, date of birth, signature and
20 citizenship-it is entered and sent to the Secretary of State. [Exhibit 160 at 44]

21 **368.** Arizona election procedure requires if the voter registration form
22 does not contain the driver license number, non-operating identification license number
23 or the last four digits of the social security number, it is still sent to the Secretary of State.
24 [Exhibit 160 at 44]

25 **369.** Arizona election procedure requires if the voter registration form
26 does not have name, residence address, date of birth, signature and citizenship, the

1 information is put in a pending file until the data is acquired and the registration cannot
2 be considered received until the missing information is completed. [Exhibit 160 at 45]

3 **370.** Arizona election procedure requires the Secretary of State to
4 coordinate with the Arizona Motor Vehicle Division to check the voter file against the
5 driver license number or non-operating identification license number and the last four
6 digits of the social security number. [Exhibit 160 at 45]

7 **371.** Arizona election procedure requires the Secretary of State to add to
8 the official registration file the driver license number or nonoperating identification
9 license number, and the last four digits of the social security number, if there is sufficient
10 matching information. [Exhibit 160 at 45]

11 **372.** Arizona election procedure requires for any new voter registration
12 that does not contain the driver license number or nonoperating identification license
13 number or the last four digits of the social security number, the Secretary of State will
14 add the data, if there is sufficient matching information. A registration is considered new
15 if the voter does not have a unique identifying number previously assigned by the
16 Secretary of State. [Exhibit 160 at 45]

17 **373.** Arizona election procedure requires if the registrant is registered in
18 Arizona and now is registering in a new county, the registrant is required to provide proof
19 of citizenship. [Exhibit 160 at 45]

20 **374.** Arizona election procedure requires the Secretary of State to return
21 the file to the Recorder with a unique identifying number assigned to each registrant.
22 Additionally, Counties may maintain their own voter identification numbers. The
23 Counties will determine what number to use as the voter registration identification
24 number that is printed on the citizen's voter registration card. [Exhibit 160 at 45]

25 **375.** Arizona election procedure requires if a registrant submits a voter
26 registration application in which the Arizona driver license number does not match the

1 records at the Motor Vehicle Division (MVD) and the driver license number is being
2 used for proof of citizenship purposes, the county shall cancel the voter registration. The
3 registration effective date will be the date the new voter registration form is signed, not
4 the date of the form that had the incorrect driver license number. [Exhibit 160 at 46]

5 **376.** Arizona election procedure requires if a registrant submits a voter
6 registration application where the name, last four digits of social security number and/or
7 the date of birth does not match the Motor Vehicle Division or the Social Security
8 Administration, the Recorder shall send a letter to the registrant to confirm which
9 information is correct. The registration effective date will be the date the original voter
10 registration form was signed. [Exhibit 160 at 46]

11 **377.** Arizona election procedure requires if the registrant does not provide
12 the driver license number, non-operating identification license number or the last four
13 digits of his/her social security number, by signing the form, the voter is affirming that
14 he/she does not have a driver license number, non-operating identification license number
15 or social security number. [Exhibit 160]

16 **378.** Arizona election procedure requires if the citizenship question is not
17 answered on the voter registration form, even if accompanied by acceptable proof of
18 citizenship the registration shall not be completed until the citizenship question is
19 answered “yes.” [Exhibit 160 at 46]

20 **379.** Arizona election procedure requires the Recorder shall maintain
21 copies of citizenship proof provided by the voter batched by month and year. After two
22 years, the County Recorder may destroy all documents that were submitted as evidence
23 of citizenship. [Exhibit 160 at 47]

24 **380.** Arizona election procedure requires if only the alien registration
25 number from the naturalization documents is provided for citizenship purposes, the
26

1 number shall be verified with the United States Citizenship and Immigration Services
2 before the registrant may be added to the registration rolls. [Exhibit 160 at 47]

3 **381.** Arizona election procedure requires each County Recorder to
4 establish an account with the United States Citizenship and Immigration Services to
5 utilize the Systematic Alien Verification for Entitlements (SAVE) program. [Exhibit
6 160 at 47]

7 **382.** Arizona election procedure provides that the alien registration
8 number is the only number from a registrant's naturalization documents that can be
9 validated against the SAVE system. [Exhibit 160 at 47]

10 **383.** Arizona election procedure provides that it takes approximately two
11 weeks from the time after a new citizen takes his or her oath at the citizenship ceremony
12 before that citizen's alien registration number is placed in the SAVE database. If the
13 registration is received within 14 days of the voter registration deadline, the County
14 Recorder shall notify the registrant that further citizenship proof may be necessary in
15 order to assure that the voter is registered on time. [Exhibit 160 at 47]

16 **384.** Arizona election procedure requires that the correspondence to notify
17 the registrant that further citizenship proof may be necessary shall indicate that the
18 registrant may present his or her naturalization papers to the Recorder to satisfy the proof
19 of citizenship requirement. [Exhibit 160 at 47]

20 **385.** Arizona election procedure provides that if the County Recorder
21 obtains the alien registration number from the registrant, the Recorder may enter the alien
22 registration number on the form and validate the number through the SAVE system.
23 [Exhibit 160 at 47]

24 **386.** Arizona election procedure requires that if after 120 days, the
25 registrant has not provided a valid alien registration number, the County Recorder shall
26

1 send the registrant correspondence stating that the registration form has been rejected and
2 the reason why along with a new voter registration form. [Exhibit 160 at 47]

3 **387.** Arizona election procedure provides that if the driver license number
4 entered on the voter registration form was issued on or before October 1, 1996, or the
5 driver license type is “F” (foreign or out of country] or “N” (commercial foreign or out of
6 country] that the recorder shall ensure the driver license number was entered correctly.
7 [Exhibit 160 at 47]

8 **388.** Arizona election procedure provides that if the Recorder determines
9 the driver’s license was not entered correctly on a type F or N driver license, the
10 Recorder shall correct the driver license number on the county system and the new driver
11 license number match will be reported on the statewide voter registration database
12 (VRAZ) the next day. [Exhibit 160 at 48]

13 **389.** Arizona election procedure provides if the Recorder determines the
14 driver license number was entered correctly on a type F or N driver license, the recorder
15 shall check the current database to determine if the registrant is currently registered to
16 vote in that county. If the voter is registered to vote in that county and is only updating
17 the voter registration information, no citizenship proof is required. [Exhibit 160 at 48]

18 **390.** Arizona election procedure if the Recorder determines the driver
19 license number was entered correctly on a type F or N driver license and that the voter is
20 a first time registrant or is reregistering in a different county, the recorder shall check to
21 see if other citizenship documents were provided with the voter registration application.
22 If no satisfactory proof of citizenship is provided, the voter registration record should be
23 cancelled and the voter should be contacted within ten business days of receipt of the
24 registration form with a request to provide proper proof of citizenship. [Exhibit 160 at
25 48]

26

1 **391.** Arizona election procedure provides that a legible photocopy of
2 pertinent pages of the registrant's United States passport is considered proof of
3 citizenship. The pertinent pages of a United States passport are considered the pages that
4 contain the passport number, name, nationality, date of birth, gender, place of birth, and
5 signature. [Exhibit 160 at 48]

6 **392.** Arizona election procedure provides if a registrant submits tribal
7 documentation or a tribal number on his/her form, it will be presumed valid as proof of
8 citizenship for voter registration purposes. [Exhibit 160 at 48]

9 **393.** Arizona election procedure provides that the registrant may present to
10 the Recorder the registrant's United States naturalization documents or other documents
11 of proof that are established pursuant to the Immigration Reform and Control Act of 1986
12 as acceptable proof of citizenship. [Exhibit 160 at 48]

13 **394.** Arizona election procedure provides the registrant may present or
14 send the Recorder a legible photocopy of the applicant's birth certificate that verifies
15 citizenship as acceptable proof of citizenship. [Exhibit 160 at 48]

16 **395.** Arizona election procedure provides that if a registration is conducted
17 in person at the County Recorder's office, the County Recorder personnel shall indicate
18 on the voter registration form (1) that the person provided proof of citizenship, (2) the
19 type of citizenship proof provided, and (3) the name and initials of the employee who
20 made the verification. [Exhibit 160 at 48]

21 **396.** Arizona election procedure requires that County Recorder personnel
22 who attend naturalization ceremonies and assist new citizens in registering to vote must
23 verify the alien registration number, write their name and initials on the voter registration
24 form, and date the form. [Exhibit 160 at 48]

25 **397.** Arizona election procedure requires that voters registered at a
26 naturalization ceremony from outside the county must have their voter registrations

1 bundled by county and sent them to the County Recorder with an official cover letter
2 stating that all alien registration numbers were verified by County Recorder personnel.
3 [Exhibit 160 at 48, 49]

4 **398.** Arizona election procedure provides the voter registration change
5 effective date shall be used to indicate the voter has submitted a new voter registration
6 form changing their name, address, party preference or other information on their existing
7 voter registration record. This date shall be used to determine election eligibility.
8 [Exhibit 160 at 49]

9 **399.** Arizona election procedure requires that the County Recorder issue a
10 voter identification card to a registrant that should include the following information:

11 Voter Identification Card
12 county name
13 County Recorder name
14 voter ID number
15 party preference
16 date of voter registration
17 voter full name
18 voter full residence address
19 voter precinct/district information (congressional and legislative)
20 County Recorder contact information
how to find polling place instructions
information stating this is the voter's new card and to discard any old cards
notification that the voter's name appears in the general register
information on use of card (bring to polling location)
where to call if information on card is incorrect
information on the identification at the polls requirement
information on how to request an early ballot
reasons a person needs to re-register [Exhibit 160 at 49]

21 **400.** Arizona election procedure requires the Secretary of State to
22 administer a statewide database of voter registration information that contains the name
23 and registration information of every registered voter in this state. [Exhibit 160 at 50]

24 **401.** Arizona election procedure requires that the Arizona statewide
25 database include an identifier that is unique to each individual voter. [Exhibit 160 at 50]

26

1 **402.** Arizona election procedure requires that all new additions to the
2 voter registration database be matched against the Arizona Motor Vehicle Division
3 (MVD] database. Any changes to a voter’s identity information in a voter registration
4 system (driver license number, last four digits of social security number, name or date of
5 birth] shall also be compared to the Motor Vehicle Division database. [Exhibit 160 at 50]

6 **403.** Arizona election procedure provides in addition to name and date of
7 birth, the driver license number or the last four digits of the registrant’s social security
8 number shall be compared against the Motor Vehicle Division database. [Exhibit 160 at
9 50]

10 **404.** Arizona election procedure provides that the statewide voter
11 registration system shall notify the Counties of the results of the MVD matching. The
12 Counties shall process any discrepancies or updates obtained from the MVD match in
13 order to update the statewide voter registration database. If the county has reason to
14 believe that the MVD information is incorrect, the county shall forward the information
15 to the Secretary of State to resolve. [Exhibit 160 at 50]

16 **405.** Arizona election procedure that all new additions to the voter
17 registration database or records of a voter who has moved from one county to another
18 shall be compared with all records in other Counties to determine if a duplicate record
19 exists. The statewide voter registration system shall notify the Counties of the results of
20 the duplicate matching. [Exhibit 160 at 50, 51]

21 **406.** Arizona election procedure provides that in the event that a duplicate
22 does exist, the prior county will be responsible for resolving the duplicate and then
23 update any duplicate records found in order to update the statewide voter registration
24 database. [Exhibit 160 at 51]

25 **407.** Arizona election procedure provides that any duplication between
26 Counties is automatically resolved when the driver license number, the last four digits of

1 the registrant's social security number, name, and date of birth all match. [Exhibit 160 at
2 51]

3 **408.** Arizona election procedure provides that if the name, date of birth,
4 and the Driver's License Number match but no Social Security Number is provided on
5 the form the duplication is automatically resolved. [Exhibit 160 at 51]

6 **409.** Arizona election procedure provides if the name, date of birth, and
7 Social Security Number match but no Driver's License Number is provided on the form,
8 the duplication is automatically resolved. [Exhibit 160 at 51]

9 **410.** Arizona election procedure provides that for any duplication not
10 automatically resolved, the County Recorder from the prior county shall inspect the
11 registration information and determine how to resolve the duplications. [Exhibit 160 at
12 51]

13 **411.** Arizona election procedure provides that a voter registration record
14 has five possible statuses: active, inactive, canceled, pending, and rejected. [Exhibit 160
15 at 52]

16 **412.** Arizona election procedure provides that the "Active" status will be
17 assigned to voter registration records meeting all minimum standards for a qualified
18 voter. [Exhibit 160 at 52]

19 **413.** Arizona election procedure provides that the "Inactive" status will be
20 assigned to voter registration records meeting the standards of the NVRA for having an
21 inactive address. [Exhibit 160 at 53]

22 **414.** Arizona election procedure provides that a canceled voter registration
23 status is for a voter registration record that once was active within the county and the
24 person is no longer registered in the county. The "Canceled" status is reserved for voter
25 registrations that no longer meet the minimum qualifications for registration and all
26 procedures for notification and challenges have been exhausted. [Exhibit 160 at 53]

1 **415.** Arizona election procedure provides that the “Pending” status will be
2 assigned to a voter registration in the case that an incomplete application was received or
3 further information is required to complete the processing of the application. [Exhibit
4 160 at 53]

5 **416.** Arizona election procedure provides that if a voter registration
6 request is missing key information other than proof of citizenship, the voter registration
7 record shall be placed in a “pending” status and the registrant shall be allowed no less
8 than 35 and no more than 90 days as set by the County Recorder to respond to the request
9 for information before deleting the record. The person may be deemed to have been
10 registered on the date the registration was first received. [Exhibit 160 at 53, 54]

11 **417.** Arizona election procedure provides that if the “Rejected” status will
12 be assigned for voter registrations that have not satisfied the minimum requirements for a
13 valid voter registration application. A voter registration record can be rejected prior to
14 ever becoming a full active voter registration record. [Exhibit 160 at 54]

15 **418.** Arizona election procedure provides that if a voter registration
16 request is missing citizenship proof, the voter registration record shall be placed in a
17 “rejected” status and the registrant shall be allowed no less than 35 and no more than 90
18 days as set by the County Recorder to respond to the request for information before
19 deleting the record. For citizenship proof cases, the registrant shall be provided a blank
20 voter registration form and the registration date entered on the completed form shall be
21 the official date of registration. [Exhibit 160 at 54]

22 **419.** Arizona election procedure requires a County Recorder to authorize
23 persons to accept registration forms, distribute mail-in registration forms and designate
24 places for receipt of registration forms. [Exhibit 160 at 54]

25 **420.** Arizona election procedure requires public assistance agencies and
26 disabilities agencies to return or mail completed voter registrations to the County

1 Recorder of the county in which the registrant resides within five days after receipt of
2 those registrations. [Exhibit 160 at 54]

3 **421.** Arizona election procedure provides that registrations that are
4 generated through the Arizona state EZ voter system will be transmitted by the Secretary
5 of State, no later than five days after they have been received, to the appropriate County
6 Recorder for processing. These include registrations done through the EZ Voter Internet
7 service or voter registrations processed in a Motor Vehicle Division office and
8 electronically transmitted to the Secretary of State. [Exhibit 160 at 55]

9 **422.** Arizona election procedure provides in the case of voter registrations
10 received by mail, a voter registration is valid for an election if the voter registration form
11 is postmarked 29 days or more before an election and received by the County Recorder
12 by 7:00 p.m. on the day of the election or the voter registration form is dated 29 days or
13 more before an election and received by the County Recorder within five days after the
14 last day to register to vote in that election. [Exhibit 160 at 55]

15 **423.** Arizona election procedure provides any new voter registration must
16 have the name, residence address or location of residence, date of birth, signature, or if
17 the registrant is unable to sign, a statement that the form was completed according to the
18 registrant's direction, an answer of "yes" to the question "Are you a citizen of the United
19 States of America?", and proof of United States citizenship. [Exhibit 160 at 56]

20 **424.** Arizona election procedure provides that in each county in which an
21 electronic data processing system or program is used for voter registration, the County
22 Recorder shall file a detailed and complete explanation of the system or program and any
23 subsequent revisions with the Secretary of State. [Exhibit 160 at 60]

24 **425.** Arizona election procedure provides that the county must include the
25 last name, first name in the voter registration file date of birth, birthplace, driver license
26 number, last four digits of the social security number, party, mailing address, mailing

1 city, mailing state, mailing zip, residence address, residence city, residence state,
2 residence county residence zip, precinct, county assigned voter identification, date of
3 registration, registration status (active / inactive / cancelled), (restored), NVRA source
4 (required), last modified date, restriction status and record status (A=add, C=change, and
5 O=delete). [Exhibit 160 at 61-62]

6 **426.** Arizona election procedure provides that by the 10th day before the
7 primary or general election, the County Recorder shall prepare from the original
8 registration forms at least four printed or typed lists of all qualified electors in each
9 precinct in the county. The Counties shall run a full file right before printing off signature
10 rosters and precinct registers to ensure that the information at the statewide level and
11 what is printed on the signature rosters is synchronized. [Exhibit 160 at 62]

12 **427.** Arizona election procedure requires that the County Recorder shall
13 also check the Systematic Alien Verification for Entitlements (SAVE] program database
14 administered by the United States Citizenship and Immigration Services at least two
15 weeks before the election for any registrant who submitted a certificate of naturalization
16 and input the verified registrants prior to printing the rosters. [Exhibit 160 at 62]

17 **428.** Arizona election procedure requires that the signature roster contain
18 the register number, name of elector, birth year, residence address of elector, mailing
19 address of elector if different than residence address, registration date, ballot type/style,
20 signature block, voter ID number, barcode, party preference, census number (optional),
21 party ballot voted (optional), indicator if voter requested early ballot, inspector certificate,
22 standardized oath statement that poll workers obtained valid proof of identification from
23 every elector or if identification was not presented, that the provisional ballot envelope
24 was marked appropriately. [Exhibit 160 at 63]

25
26

1 **429.** Arizona election procedure requires that additional pages for inactive
2 voters and voters who voted a provisional ballot be included, either attached to the back
3 of the signature roster or in a separate roster. [Exhibit 160 at 63]

4 **430.** Arizona election procedure provides that in order to make a complete
5 and correct request for an early ballot, the elector must provide: date of birth and state or
6 country of birth or other information that if compared to the voter registration
7 information on file would confirm the identity of the elector. [Exhibit 160 at 66]

8 **431.** Arizona election procedure requires that the County Recorder or
9 officer in charge of elections compare the signatures on the affidavit on every early ballot
10 affidavit envelope with every elector’s signature on the registration form. [Exhibit 160 at
11 74]

12 **432.** Arizona election procedure provides that if the County Recorder is
13 satisfied that the signatures were made by the same person, the County Recorder or
14 officer in charge of elections shall place a distinguishing mark on the unopened affidavit
15 envelope to indicate that the signature is sufficient, hold the early ballot in the unopened
16 affidavit envelope, and deliver them to the early ballot board. [Exhibit 160 at 74]

17 **433.** Arizona election procedure provides that if the County Recorder is
18 not satisfied that the signatures were made by the same person, the County Recorder or
19 officer in charge of elections shall place a distinguishing mark on the unopened affidavit
20 envelope to indicate that the signatures are insufficient, separate these envelopes from the
21 “sufficient” ballot envelopes, and hold them separately from the “sufficient” ballots, hold
22 these ballot envelopes until delivered to the early ballot board. [Exhibit 160 at 74]

23 **434.** Arizona election procedure provides that the proof of citizenship
24 requirement for voter registration applies to UOCAVA voters. [Exhibit 160 at 81]

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1 **435.** Arizona election procedure requires that every qualified elector is
2 required to show proof of identity at the polling place before receiving a ballot. [Exhibit
3 160 at 127]

4 **436.** Arizona election procedure requires that the elector announce his/her
5 name and place of residence to the election official and present one form of identification
6 that bears the name, address, and photograph of the elector or two different forms of
7 identification that bear the name and address of the elector. [Exhibit 160 at 127]

8 **437.** Arizona election procedure provides that an elector who does not
9 provide one form of identification that bears the name, address, and photograph of the
10 elector or two different forms of identification that bear the name and address of the
11 elector shall not be issued a regular ballot, but shall receive a conditional provisional
12 ballot. [Exhibit 160 at 127-28]

13 **438.** Arizona election procedure provides that if the elector identifies
14 himself or herself as a Native American, the elector shall be processed under a procedure
15 titled “Identification Requirements for Native American Electors,” all others shall be
16 processed under the procedure for Conditional Provisional Ballots. [Exhibit 160 at 128]

17 **439.** Arizona election procedure provides that acceptable forms of
18 identification with a photograph that include the name and address of the elector include
19 a valid Arizona driver license, a valid Arizona nonoperating identification license, a tribal
20 enrollment card or other form of tribal identification, or a valid United States federal,
21 state, or local government issued identification. [Exhibit 160 at 128]

22 **440.** Arizona election procedure provides that identification is deemed
23 valid unless it can be determined on its face that it has expired. [Exhibit 160 at 128]

24 **441.** Arizona election procedure provides that two forms of acceptable
25 forms of identification without a photograph that bear the name and address of the
26 Elector include a utility bill of the elector that is dated within 90 days of the date of the

1 election, a bank or credit union statement that is dated within 90 days of the date of the
2 election, a valid Arizona Vehicle Registration, an Indian census card, a property tax
3 statement of the elector's residence, a Tribal enrollment card or other form of tribal
4 identification, a Vehicle insurance card, a Recorder's Certificate, or a valid United States
5 federal, state, or local government issued identification, including a voter registration
6 card issued by the County Recorder. [Exhibit 160 at 128]

7 **442.** Arizona election procedure provides that a utility bill is limited to
8 electric, gas, water, solid waste, sewer, telephone, cellular phone, or cable television.
9 [Exhibit 160 at 128]

10 **443.** Arizona election procedure provides that if the elector has provided
11 the acceptable form of identification(s), the poll worker shall compare the information on
12 the identification(s) with the information the elector announced. If the name on the
13 identification(s) reasonably appears to be the same as the announced name, the poll
14 worker shall compare the identification to the signature roster, inactive voter list, or add-
15 on list. If the name on the identification(s) does not reasonably appear to be the same as
16 the announced name, the elector shall be provided a conditional provisional ballot.
17 [Exhibit 160 at 129]

18 **444.** Arizona election procedure requires that the poll worker compare the
19 information on the identification(s) provided by the elector with the information on the
20 signature roster, inactive voter list, or add-on list. [Exhibit 160 at 129]

21 **445.** Arizona election procedure provides that if the elector presents one
22 form of identification that bears the name, address, and photograph of the elector and the
23 name and address on the identification and the signature roster, inactive voter list or add-
24 on list reasonably appear to be the same and the photo reasonably appears to be the
25 elector, then the elector shall be issued a regular ballot. [Exhibit 160 at 129]

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1 **446.** Arizona election procedure provides that if the name and address on
2 the identification do not reasonably appear to be the same as the name and address on the
3 signature roster or the photo does not reasonably appear to be the elector, then the elector
4 shall not be issued a regular ballot, but shall be issued a provisional ballot. [Exhibit 160
5 at 129]

6 **447.** Arizona election procedure provides that if the elector presents two
7 forms of identification that bear the name and address of the elector without a photograph
8 of the elector, the poll worker shall compare the name and address on the two pieces of
9 identification with the name and address on the signature roster. If both pieces of
10 identification reasonably appear to be the same as the name and address on the signature
11 roster, inactive voter list or add-on list the elector shall be issued a regular ballot. If the
12 name or address on either piece of provided identification does not reasonably appear to
13 be the same as the name and address on the signature roster then the elector shall not be
14 issued a regular ballot, but shall be issued a provisional ballot. [Exhibit 160 at 129]

15 **448.** Arizona election procedure provides that if the elector presents only
16 one form of identification that bears the name and address of the elector without a
17 photograph of the elector, the elector shall be issued a conditional provisional ballot.
18 [Exhibit 160 at 129]

19 **449.** Arizona election procedure provides that if the elector has moved
20 within the precinct and, therefore, his or her name is on the register but the address on the
21 identification(s) are not the same as the signature roster, the elector shall be issued a
22 provisional ballot. [Exhibit 160 at 130]

23 **450.** Arizona election procedure provides that if a person's name is on the
24 inactive voter list, the person shall orally affirm that the voter resides at the address listed
25 on the inactive voter list. The voter's signature shall be entered on the inactive voter
26 signature roster page at the end of the signature roster. [Exhibit 160 at 130]

1 **451.** Arizona election procedure provides that if a poll worker is unable to
2 locate the elector's name on the signature roster, inactive voter list, or add-on list after the
3 elector presents one form of identification that bears the name, address, and photograph
4 of the elector or two different forms of identification that bear the name and address of
5 the elector, the elector shall be permitted to vote a provisional ballot not a regular ballot
6 after the election official has: verified the voter's address on the precinct map to make
7 sure it is within the precinct, and determined if the voter has recently moved within the
8 county. [Exhibit 160 at 130]

9 **452.** Arizona election procedure provides that if the elector presents a
10 Recorder's certificate to the poll worker, the poll worker shall treat the Recorder's
11 certificate in the same manner as if the information on the Recorder's certificate appeared
12 in the signature roster and compare the identification to the Recorder's certificate.
13 [Exhibit 160 at 130]

14 **453.** Arizona election procedure provides that if the elector presents one
15 form of identification that bears the name, address, and photograph of the elector and the
16 name and address on the identification and the Recorder's certificate reasonably appear to
17 be the same and the photo reasonably appears to be the elector, then the elector shall be
18 issued a regular ballot. [Exhibit 160 at 130, 131]

19 **454.** Arizona election procedure provides that if the name or address on
20 the identification do not reasonably appear to be the same as the name or address on the
21 Recorder's certificate or the photo does not reasonably appear to be the elector, then the
22 elector shall not be issued a regular ballot, but shall be issued a provisional ballot.
23 [Exhibit 160 at 131]

24 **455.** Arizona election procedure provides that if the elector presents two
25 forms of identification, one of which is the Recorder's certificate, that bear the name and
26 address of the elector without a photograph of the elector, the poll worker shall compare

1 the name and address on the two pieces of identification with the name and address on
2 the Recorder's certificate. If both pieces of identification reasonably appear to be the
3 same as the name and address on the Recorder's certificate the elector shall be issued a
4 regular ballot. [Exhibit 160 at 131]

5 **456.** Arizona election procedure provides that if the name or address on
6 either piece of provided identification do not reasonably appear to be the same as the
7 name and address on the Recorder's certificate then the elector shall not be issued a
8 regular ballot, but shall be issued a provisional ballot. [Exhibit 160 at 131]

9 **457.** Arizona election procedure provides that if the elector has presented
10 sufficient identification to receive a regular ballot, the poll worker shall add the elector's
11 name to the next consecutive sequence number at the end of the signature roster. The
12 poll worker shall then have the elector sign the signature roster and give the elector a
13 ballot. [Exhibit 160 at 131]

14 **458.** Arizona election procedure provides that if the elector has moved
15 within the precinct and his or her name is on the Recorder's certificate but the address on
16 the identification(s) is not the same as the Recorder's certificate, the elector shall be
17 issued a provisional ballot. [Exhibit 160 at 131]

18 **459.** Arizona election procedure provides that if the elector presents only
19 the Recorder's certificate as one form of identification that bears the name and address of
20 the elector without a photograph of the elector, the elector shall be issued a conditional
21 provisional ballot. [Exhibit 160 at 131]

22 **460.** Arizona election procedure provides that for voters whose only form
23 of identification shows a post office box or directions to their residence location, poll
24 workers must ask the voter to describe his/her residence location, to show where the
25 residence is located on the precinct map. [Exhibit 160 at 132]

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1 **461.** Arizona election procedure provides that if the voter indicates that he
2 or she has moved within the county and the voter presents one form of identification that
3 bears the name, address, and photograph of the elector or two different forms of
4 identification that bear the name and address of the elector, the voter shall be permitted to
5 vote a provisional ballot. [Exhibit 160 at 132]

6 **462.** Arizona election procedure provides that a voter who moves from the
7 address at which he/she is registered to another address within the same county and who
8 fails to notify the County Recorder of the change of address before the date of an election
9 shall be permitted to correct the voter registration records at the appropriate polling place
10 for the voter's new address and be permitted to vote a provisional ballot. [Exhibit 160 at
11 132]

12 **463.** Arizona election procedure provides that in areas of the state where
13 residence street addresses are not assigned, the voter shall orally provide information of
14 residence location within the voting precinct. [Exhibit 160 at 132]

15 **464.** Arizona election procedure provides that if the voter is in possession
16 of the early ballot at the polling place: a person who is dropping off any early ballot at a
17 precinct voting location is not required to show identification. [Exhibit 160 at 133]

18 **465.** Arizona election procedure provides that voters who drop off voted
19 early ballots do not need to vote a provisional ballot. [Exhibit 160 at 133]

20 **466.** Arizona election procedure provides that if the voter has the early
21 ballot in his or her possession but insists on voting a provisional ballot issued at the
22 polling place, the voter may vote after providing acceptable identification. [Exhibit 160
23 at 133]

24 **467.** Arizona election procedure provides that if the voter has changed
25 his/her name and address, indicate the voter's new name and former name on the
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1 provisional ballot form. The provisional ballot form will be used by the Recorder to
2 change the voter's name and address on the registration rolls. [Exhibit 160 at 134]

3 **468.** Arizona election procedure provides that any qualified elector of the
4 county, including poll workers, may orally challenge a voter stating the voter is not
5 qualified. [Exhibit 160 at 134]

6 **469.** Arizona election procedure provides that the official signature rosters
7 for use at the polling places shall include the elector's residence address and the mailing
8 address, if different from the residence address, from the elector's registration form.
9 [Exhibit 160 at 134-135]

10 **470.** Arizona election procedure provides that identification that bears the
11 mailing address of the elector is sufficient identification if the name and address
12 reasonably appear to be the same as the elector's name and address contained in the
13 signature roster or Recorder's certificate. [Exhibit 160 at 135]

14 **471.** Arizona election procedure provides that an elector who identifies
15 himself or herself as a member of a federally recognized Native American tribe and who
16 does not provide one form of identification that bears the name, address, and photograph
17 of the elector or two different forms of identification that bear the name and address of
18 the elector shall be issued a provisional ballot upon presenting one form of tribal
19 identification that bears the name of the elector. [Exhibit 160 at 135]

20 **472.** Arizona election procedure provides that an elector who does not
21 provide one form of identification that bears the name, address, and photograph of the
22 elector or two different forms of identification that bear the name and address of the
23 elector or does not present one form of tribal identification that bears the name of the
24 elector shall be issued a conditional provisional ballot. [Exhibit 160 at 135]

25 **473.** Arizona election procedure provides that if an elector does not
26 provide the required identification, the elector shall be issued a conditional provisional

1 ballot. The conditional provisional ballot shall be placed in a provisional ballot envelope.
2 The provisional ballot envelope shall indicate that the elector did not provide
3 identification. [Exhibit 160 at 135]

4 **474.** Arizona election procedure provides that the poll worker shall notify
5 the elector that he or she must provide identification to the County Recorder or to an
6 official deemed acceptable by the County Recorder. [Exhibit 160 at 135]

7 **475.** Arizona election procedure requires that the proof of identification
8 must be received by the County Recorder's office by 5:00 p.m. on the fifth business day
9 after a general election that includes an election for a federal office or 5:00 p.m. on the
10 third business day after any other election for the provisional ballot to be processed and
11 counted. [Exhibit 160 at 135]

12 **476.** Arizona election procedure requires that the oath statement on the
13 signature roster include a statement that the poll worker obtained valid proof of
14 identification from every elector or if identification was not presented, the provisional
15 ballot envelope was marked appropriately to indicate that the conditional provisional
16 ballot was voted due to no identification presented. [Exhibit 160 at 135]

17 **477.** Arizona election procedure only requires notice outside of the polls
18 of the identification at the polls requirement and a list of acceptable forms of
19 identification be included with the sample ballots mailed to each household with a
20 registered voter or any other notice sent to electors regarding polling place locations and
21 a similar notice shall appear in the Secretary of State publicity pamphlet. [Exhibit 160 at
22 136]

23 **478.** Arizona election procedure provides that there are seven reasons a
24 voter may vote a provisional ballot: 1. voter has not provided sufficient identification at
25 the polling location, 2. voter's name does not appear on the signature roster or inactive
26 list, and the voter has not moved 3. voter has moved within the precinct, 4. voter has

1 moved to a new precinct within the county, 5. voter has been issued an early ballot, 6.
2 voter has changed name, or 7. voter is challenged at the polling place. [Exhibit 160 at
3 136].

4 **479.** Arizona election procedure provides that the time of voting a
5 provisional ballot, the voter shall sign an affirmation on the provisional ballot envelope
6 stating that the information on the provisional ballot envelope is correct, that he/she
7 resides in the precinct, that he/she is eligible to vote in this election and that he/she has
8 not previously voted in this election. [Exhibit 160 at 136]

9 **480.** Arizona election procedure provides that the time he/she votes, the
10 voter shall be given a provisional voter receipt by one of the election officials with
11 information on how to contact his/her County Recorder to verify the status of his/her
12 provisional ballot. [Exhibit 160 at 136]

13 **481.** Arizona election procedure requires that the voter and the election
14 official sign the provisional ballot form. [Exhibit 160 at 137]

15 **482.** Arizona election procedure requires that the election official attach
16 the provisional ballot form to the envelope provided and give the envelope to the voter.
17 [Exhibit 160 at 137]

18 **483.** Arizona election procedure requires that the election official verify
19 that the voter's affirmation statement of eligibility to vote in that jurisdiction is on the
20 envelope. [Exhibit 160 at 137]

21 **484.** Arizona election procedure requires that the voter return the
22 provisional ballot envelope to the appropriate election official. [Exhibit 160 at 137]

23 **485.** Arizona election procedure provides that on the provisional ballots
24 page at the back of the signature roster or a separate provisional roster, the signature
25 roster clerk enters the voter's name and other identifying data as shown on the signature
26 roster. [Exhibit 160 at 137]

1 **486.** Arizona election procedure provides that voters completing a
2 provisional ballot are assigned register numbers beginning with V-1 and continuing V-2,
3 etc. [Exhibit 160 at 137]

4 **487.** Arizona election procedure requires that the voter sign the signature
5 block corresponding to the voter's name on the signature roster. [Exhibit 160 at 137]

6 **488.** Arizona election procedure requires that the poll list clerk fill out the
7 poll list. [Exhibit 160 at 137]

8 **489.** Arizona election procedure requires that the election official give the
9 provisional ballot envelope and ballot to the voter and direct the voter to a designated
10 voting booth. [Exhibit 160 at 137]

11 **490.** Arizona election procedure provides that after voting, the voter
12 returns the ballot to the election official at the ballot box along with the provisional ballot
13 envelope. [Exhibit 160 at 137]

14 **491.** Arizona election procedure provides that the voter place the voted
15 ballot in the provisional ballot envelope and may seal the envelope. [Exhibit 160 at 137]

16 **492.** Arizona election procedure requires that the election official ensure
17 the voted ballot is sealed in the provisional ballot envelope. [Exhibit 160 at 137]

18 **493.** Arizona election procedure requires that the election official make
19 sure that all of the information on the provisional ballot envelope has been filled out
20 including signatures of board workers. [Exhibit 160 at 137]

21 **494.** Arizona election procedure requires that the voter is given a
22 provisional voter receipt with information on how to verify the status of the voter's
23 provisional ballot. [Exhibit 160 at 137]

24 **495.** Arizona election procedure requires that the voter or election official
25 deposit the sealed provisional ballot envelope in the ballot box. [Exhibit 160 at 137]

26 **F. The Arizona Voter Registration Processing Instructions Establish a
Procedure for Processing Proof of Citizenship**

1 **496.** Pursuant to Proposition 200, the Arizona Voter Registration
2 Processing instructions identify the five required elements of the voter registration form:
3 name, residence address, date of birth, signature and citizenship. If the voter registration
4 form was missing any element, it was to be put in a pending file until the data was
5 acquired. [Exhibit 161]

6 **497.** Pursuant to Proposition 200, the Arizona Voter Registration
7 Processing instructions mandated that each County Recorder establish an account with
8 the United States Citizenship and Immigration Services to utilize the Systematic Alien
9 Verification for Entitlements (SAVE) program. [Exhibit 161]

10 **498.** The Arizona Voter Registration Processing instructions state that the
11 alien registration number is the only number from a registrants' naturalization certificate
12 that can be verified by the SAVE program. [Exhibit 161]

13 **499.** Pursuant to Proposition 200, if the registrant lists a driver license
14 number issued on or before October 1, 1996 on the voter registration, the Recorder must
15 check the number to ensure it is correct, and must correct and report the new numbers in
16 the statewide voter registration database (VRAZ). [Exhibit 161]

17 **500.** The Pima County Recorder wanted know why the Attorney General
18 did not issue a legal opinion regarding provisional ballots. [Exhibit 162]

19 **501.** Pursuant to Proposition 200, the county recorders must reject any
20 registration received without proof of citizenship. [Exhibit 163]

21 **502.** Maricopa County Elections Director Karen Osborne testified before
22 the Committee on House Administration that among the documents that a voter registrant
23 can use to prove their citizenship - an Arizona driver's license or Arizona non-operator
24 identification issued after October 1996, U.S. Passport, U.S. Birth Certificate, Tribal
25 Identification or Naturalization Certificate - only the Naturalization Certificate must be
26 confirmed prior to processing the voter registration. [Exhibit 164]

1 **G. State Officials Are Aware That Possessing a Driver's License Is Not**
2 **Proof of Citizenship, But They Accept Them Anyway**

3 **503.** An Arizona MVD office Memo dated July 26, 2005 states that
4 individuals whose United States Citizenship and Immigration Service H1, H2, H2A,
5 H2B, or H3 status has expired is still eligible for a 240-day, type F license, if the
6 individual presents proof that they timely filed an application to extend their authorized
7 stay. [Exhibit 165]

8 **504.** The Authorized Presence Informational Packet is used by Employees
9 of the Arizona Motor Vehicle Division for purposes of establishing the policy and
10 procedures for determining which applicants must provide proof of authorized presence,
11 what documents may be accepted as proof of authorized presence, what type of licenses
12 may be issued, and when the license should expire. [Exhibit 69]

13 **505.** A training manual was developed to instruct MVD employees how to
14 administer the authorized presence and identification requirements. [Exhibit 166]

15 **506.** The Secretary of State's office has interpreted A.R.S. § 16-666 to
16 permit out-of-state driver's licenses as proof of citizenship only if they indicate on their
17 face that the driver is a citizen, but knows of no state that marks licenses in such a way.
18 [Exhibit 507 (Hansen 19:3-20:24 (discussing Coconino Dep. Ex. 9))]

19 **507.** At this time, there are no out-of-state driver's licenses that indicate
20 on their face that the driver is a citizen. [Exhibit 512 (Osborne vol. 1 24:15-22)]

21 **508.** Secretary of State Brewer asked Attorney General Goddard for an
22 opinion as to whether a driver license number issued after October 1, 1996 would serve
23 as proof of citizenship. [Exhibit 166]

24 **509.** The EZ Voter software interfaces with the MVD records to add new
25 and updated voter registrations received by the MVD to the Power Profile EE (PPEE)
26 records. Only registrations deemed valid will be added to PPEE records. [Exhibit 160]

1 **510.** New Arizona voter registrations or updates of date of birth, social
2 security number or driver license number records must be checked against county data
3 when added. [Exhibit 167]

4 **511.** After a record is added, the information in the record must be
5 checked against MVD and duplicate matches. Hard matches will be corrected
6 automatically by the system, soft matches will be corrected manually. No Agency or
7 duplicate checking will happen in “real time,” thus no worker adding or updating a
8 registrant’s records will need to determine if a registrant is a MVD match. [Exhibit 167]

9 **512.** If proof of citizenship is submitted at the time of registration and the
10 “citizenship verified” box is checked, the registrant’s record will be listed as “active.” If
11 no proof of citizenship is submitted with the registration, the record is listed as in
12 “suspense,” while being matched to MVD records. [Exhibit 167]

13 **513.** A revised “Register to Vote” insert to be featured in a Press Kit stated
14 that registrants need an AZ driver license or non operating card issued after October 1,
15 1996 in order to register online at servicearizona.com. [Exhibit 168]

16 **514.** The “Register to Vote” insert informed registrants that they would
17 need to provide an acceptable form of proof of citizenship, but did not state what forms
18 were acceptable. [Exhibit 168]

19 **515.** Arizona Attorney General Terry Goddard issued an opinion,
20 requested by the Secretary of State, confirming that under A.R.S § 16-166(F)(1), as
21 amended by Proposition 200, a Arizona driver or nonoperating license identification
22 issued after October 1, 1996 is satisfactory evidence of United States citizenship for the
23 purposes of registering to vote, even though noncitizens whose presence in the U.S. is
24 authorized, are eligible for Arizona driver or nonoperating licenses and Arizona driver
25 and nonoperating licenses do not indicate citizenship on their face. [Exhibit 169]

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1 **516.** The Arizona Attorney General Terry Goddard clarified for the
2 Secretary of State that A.R.S § 16-166(F)(1), as amended by Proposition 200, permits the
3 use of a driver license number issued by the equivalent government agency of another
4 state as proof of citizenship for the purposes of registering to vote, if the agency indicated
5 on the license that the person has provided satisfactory proof of citizenship. [Exhibit
6 169]

7 **517.** The Arizona Attorney General Terry Goddard informed the Secretary
8 of State that while relying on Arizona driver licenses issued after October 1, 1996, as
9 identification does not screen all non-citizens from registering to vote, it does accomplish
10 the statutory purpose of Proposition 200, as stated in the Proposition’s Findings and
11 Declarations, to discourage illegal immigration and prevent undocumented immigrants
12 from receiving benefits for which they are not eligible. [Exhibit 169]

13 **H. The State Failed to Communicate with Spanish Speakers.**

14 **518.** The State of Arizona prepared a Registration Update Needed
15 correspondence to send to Arizona voters along with a new voter registration form. The
16 correspondence mandated registered voters to fill out the new voter registration form
17 immediately in order to verify their signature. This letter was sent in English, with an
18 instruction in Spanish to call the Recorder’s office if they need a copy of the letter in
19 Spanish. [Exhibit 170]

20 **519.** The State of Arizona prepared a MVDD Non Match Notice to send to
21 registrant’s whose information on their voter registration form did not match the
22 information on file with the AZ MVD. The notice instructed registrants to either fill out
23 the enclosed voter registration form or call the County Recorder’s office to correct the
24 information. This letter was sent in English, with an instruction in Spanish to call the
25 Recorder’s office if they need a copy of the letter in Spanish. [Exhibit 8]

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1 **520.** The State of Arizona prepared a Cancellation of Voter Registration
2 due to Duplicate Resolution letter informing registered voters that they have a more
3 recent voter registration in one county, and therefore their older registration in a different
4 county had been cancelled. This letter was sent in English, with an instruction in Spanish
5 to call the Recorder's office if they need a copy of the letter in Spanish. [Exhibit 171]

6 **521.** The Secretary of State's office and ESS Vote office, when preparing
7 correspondence to be sent to voters, were aware that Arizona requires preclearance and is
8 required by federal law to do all correspondence in English and Spanish. [172]

9 **522.** The Secretary of State's office felt that it satisfied its federal
10 requirements for sending correspondence in English and Spanish, through the inclusion
11 of a line in Spanish telling voters that that they could call the Registrar of Voters if they
12 needed the document in Spanish. [Exhibit 172]

13 **523.** The VRAZ-II County Advisory Committee wanted to make sure that
14 each county uses similar language in correspondence with registrants. [Exhibit 17]

15 **524.** The Counties decided that they will send correspondence and a blank
16 voter registration form if a registrant submits a voter registration application and did not
17 furnish proof of citizenship. [Exhibit 173]

18 **525.** The VRAZ-II County Advisory Committee issued recommended
19 language for the letter that Counties send as notice that citizenship documentation is
20 needed for registration. [Exhibit 173]

21 **526.** Counties are required to submit their version of the letter notifying
22 voters of the need to provide documentation of citizenship to the Department of Justice
23 for preclearance and translate the letter into Spanish. [Exhibit 173]

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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 **527.** 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 **528.** 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 **529.** 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 **530.** 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 **531.** 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 **532.** 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 **533.** 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)]

534. 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

535. 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)]

536. 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)]

537. 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)]

538. 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]

539. 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; Yavapi 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 **540.** 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 **541.** 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 **542.** 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 **543.** 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 **544.** 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 **545.** 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 **546.** 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 **547.** 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 **548.** 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 **549.** 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 **550.** 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]

26

1 **551.** 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 **552.** 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 **553.** 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 **554.** 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 **555.** 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 **556.** 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 **557.** 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 **558.** 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 **559.** 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 **560.** 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 **561.** 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 **562.** 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 **563.** 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 **564.** 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 **565.** 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 **566.** 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 **567.** 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 **568.** Tribal enrollment numbers do not indicate the tribe to which they
22 apply. [Exhibit 510 (Johnson 21:9-13)]

23 **569.** 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 **570.** 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 **571.** 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 **572.** 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 **573.** 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 **574.** 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 **575.** 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 **576.** 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 **577.** 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 **578.** 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 **579.** 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 **580.** 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 **581.** 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 **582.** 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 **583.** 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 **584.** 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 **585.** The SAVE Program, unlike the E-Verify Program, cannot verify
5 U.S.-born citizens. [Exhibit 516 (Ratliff 20:10-12)]

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

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

10 **588.** 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 **589.** Relatively few verifications in the SAVE Program are conducted to
17 determine U.S. citizenship. [Exhibit 516 (Ratliff 23:18-21)]

18 **590.** 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 **591.** 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 **592.** The SAVE Program does not allow someone to see or access
24 information about the

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

1 **594.** 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 **595.** 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 **596.** 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 **597.** The MOU serves to protect from the misuse or improper sharing of
10 private information. [Exhibit 516 (Ratliff 37:4-7)]

11 **598.** 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 **599.** 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 **600.** 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 **601.** 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 **602.** 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 **603.** 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 **604.** 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 **605.** Maricopa County was the first county to enter into an MOU on
11 March 15, 2005. [Exhibit 516 (Ratliff 72:12-16)]

12 **606.** 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 **607.** 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 **608.** 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 **609.** The naturalization certificate states that it is a violation of law to
25 photocopy or duplicate the certificate. [Exhibit 516 (Ratliff 81:16-19)]

26

1 **610.** 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 **611.** 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 **612.** There is no legal requirement for a naturalized citizen to carry
7 documentary proof of naturalization. [Exhibit 516 (Ratliff 87:10-15)]

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

10 **614.** 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 **615.** 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 **616.** Individuals must relinquish their green card when they naturalize.
18 [Exhibit 515 (Quinn 40:9-15)]

19 **617.** 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 **618.** Files housed at the National Archives remain for seventy five years
23 and subsequently get destroyed. [Exhibit 515 (Quinn 45:21-46:7)]

24 **619.** 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 **620.** Some places take as long as six months to issue a replacement of a
2 naturalization certificate. [Exhibit 515 (Quinn 47:4-11)]

3 **621.** 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 **622.** Some “A files” cannot be retrieved from their archives because
7 USCIS cannot find them. [Exhibit 515 (Quinn 50:4-7)]

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

10 **624.** 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 **625.** Older certificates of naturalization do not have an A-number on the
14 face of the certificate. [Exhibit 515 (Quinn 56:11-15)]

15 **626.** 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 **627.** 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 **628.** 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 **629.** The A number and the Certificate of Naturalization number are
24 separate and distinct numbers. [Exhibit 515 (Quinn 74:3-6)]

25
26

1 **630.** 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 **631.** 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 **632.** 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 **633.** 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 **634.** 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 **635.** 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 **636.** 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 **637.** 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 **638.** 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 **639.** 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 **640.** 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 **641.** The Counties believed that the Secretary of State’s polling place plan
25 would disenfranchise numerous voters. [Exhibit 249]

26

1 **642.** 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 **643.** 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 **644.** 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 **645.** 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 **646.** 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 **647.** 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 **648.** 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 **649.** 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 **650.** 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 **651.** 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 **652.** After placing his completed ballot in the Provisional Ballot Envelope,
17 the voter places the envelope in the “Emergency Storage Bin.” [Exhibit 269]

18 **653.** 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 **654.** 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]

26

1 **655.** 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 **656.** 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 **657.** 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 **658.** 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 **659.** 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 **660.** 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 **661.** 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 **662.** 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 **663.** 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 **664.** 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 **665.** 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 **666.** Some Counties' websites include information about voting without
24 listing the proof of citizenship requirements. [Exhibit 286]

25
26

1 **667.** 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 **668.** 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 **669.** 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 **670.** 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 **671.** 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)]

25
26

1 **672.** 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 **673.** 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 **674.** 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 **675.** 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 **676.** The Counties do not accept passports or military identification cards
22 for identification at the polls. [Exhibit 285 at p. 4 & Exhibit 294]

23 **677.** 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 **678.** 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 **679.** 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 **680.** 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 **681.** 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 **682.** 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 **683.** 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 **684.** 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 **685.** 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 **686.** 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 **687.** 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 **688.** 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 **689.** 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 **690.** 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 **691.** 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 **692.** 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 **693.** 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 **694.** 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 **695.** 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 **696.** 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 **697.** 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 **698.** 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 **699.** 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 **700.** 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 **701.** 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 **702.** 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 **703.** 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 **704.** 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 **705.** Some county officials voiced an awareness that Hispanics may be
17 less likely to cure a conditional provisional ballot. [Exhibit 319]

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

20 **707.** 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 **708.** 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 **709.** The Arizona Attorney General based his February 4, 2005 Opinion
4 on a literal interpretation of Proposition 200. [Exhibit 169]

5 **710.** 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 **711.** 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 **VIII. IMPACT OF PROPOSITION 200 ON THE AGGREGATE OF** 18 **REGISTRANTS AND VOTERS**

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

20 **712.** 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 **713.** 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)]

26

1 **714.** 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 **715.** 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 **716.** 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 **717.** 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 **718.** 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 **719.** 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 **720.** 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 **721.** 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 **722.**

12 **723.** 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 **724.** 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 **725.** 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 **726.** 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]

25
26

1 **727.** 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 **728.** 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 **729.** 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 **730.** 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 **731.** 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 **732.** 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 **733.** 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 **734.** 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)]

1 **735.**

2 **D. Thousands of Conditional Provisional Ballots Were Never Counted**

3 **736.** The voter identification requirements of Proposition 200 resulted in
4 thousands of uncounted conditional provisional ballots throughout Arizona. [Exhibits
5 333 & 334]

6 **737.**

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

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

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

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

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

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

1 **744.** 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 **745.** 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 **746.** 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 **747.** 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 **748.** 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 **749.** 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 **750.** People in each county left their polling place without casting a ballot
23 with a total of 2422. [Exhibit 338]

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

26

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

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

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

7 **755.** 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 **756.** Greenlee County NVRA Statistic Report for the period of 7/1/06 –
10 7/3/07 with a total of 405. [Exhibit 345]

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

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

15 **759.** 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 **760.** 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 **761.** 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 **762.** 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 **763.** Ballots not counted for reasons other than lack of citizenship proof
7 show more ballots not being counted for address problems [Exhibit 377]

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

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

12 **766.** 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 **767.** 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 **768.** 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 **769.** 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 **770.** 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 **771.** Voters over 65 who did not have sufficient ID predominately did not
2 return – 82%. [Exhibit 385].

3 **772.** 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 **773.** On May 17, 2006 there was a total of 108 Conditional Ballots.
7 [Exhibit 388].

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

10 **775.** 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 **776.** The number of total unresolved conditional ballots increased from
14 55% to 65% in Maricopa County. [Exhibit 392].

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

17 **778.** 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 **779.** In April 28, 2005 in Coconino County, there were a total of 131
20 rejected Voter Registration Forms. [Exhibit 396].

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

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

25 **782.** 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 **783.** In November 2002, the U.S Census Bureau reported that Arizona had
4 a 50.8 percent voter registration. [Exhibit 400].

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

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

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

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

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

15 **789.** 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 **790.** In November 1986, the U.S Census Bureau reported that the Arizona
18 had a 57.3 percent voter registration. [Exhibit 407].

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

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

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

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

1 **795.** 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 **796.** There was 739 Conditional Provisional ballots not counted and 158
5 Counted Conditional Provisional ballots. [Exhibit 413].

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

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

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

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

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

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

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

20 **804.** 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
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1 **805.** 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 **806.** 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 **807.** 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
REGISTRANTS AND VOTERS**

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

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

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

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

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

1 **812.** 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 **813.** 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 **814.** 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 **815.** 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 **816.** 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 **817.** 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 **818.** 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 **819.** 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 **820.** 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 **821.** 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 **822.** 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 **823.** 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 **824.** 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 **825.** 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 **826.** 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 **827.** 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 **828.** 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 **829.** 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 **830.** 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 **831.** 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 **832.** 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 **833.** 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 **834.** She does not have a U.S. passport. [Exhibit 550 (A. Smith, ¶5)]

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

11 **836.** 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 **837.** 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 **838.** 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 **839.** 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 **840.** 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)]

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1 **841.** 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 **842.** 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 **843.** 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 **844.** 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 **845.** 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 **846.** She wants to vote. [Exhibit 550 (A. Smith, ¶11)]

15 **847.** 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 **848.** 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 **849.** 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 **850.** Ms. Belle-Oudry current physical address is 8922 East Calle Pasto,
23 Tucson, Arizona 85715. [Exhibit 525 (Belle-Oudry at ¶ 2)].

24 **851.** 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 **852.** 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 **853.** Ms. Belle-Oudry waited in line approximately 5 minutes. [Exhibit
5 525 (Belle-Oudry ¶ 2)].

6 **854.** 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 **855.** 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 **856.** Ms. Belle-Oudry was not told what was wrong with her
16 identification. [Exhibit 525 (Belle-Oudry ¶ 2)].

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

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

21 **859.** 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 **860.** 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 **861.** 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 **862.** She is a registered Democrat and was eligible to vote in the
7 Presidential Preference Election held that day. [Fetchall, ¶3]

8 **863.** 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 **864.** 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 **865.** 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 **866.** The poll worker asked her to present two forms of identification.
20 [Fetchall, ¶7]

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

23 **868.** 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]

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1 **869.** 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 **870.** 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 **871.** 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 **872.** 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 **873.** 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 **874.** The person in charge of the conditional provisional ballots told her
13 the piece of mail she brought was not acceptable. [Fetchall, ¶10]

14 **875.** 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 **876.** At that point, she gave up and chose not to cast her vote in the
17 Presidential Preference Election. [Fetchall, ¶10]

18 **877.** 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 **878.** She does not have any utility bills because all the utilities are under
22 her roommate's name. [Fetchall, ¶11]

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

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1 **880.** 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 **881.** The new voting rules are very inconvenient and do not make sense.
5 [Fetchall, ¶14]

6 **882.** 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 **883.** 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 **884.** 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 **885.** In December 2007, he went to the post office and got a voter
20 registration form. [Exhibit 531A (Fulton, ¶3)]

21 **886.** 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 **887.** 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 **888.** 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 **889.** On February 5, 2008, he attempted to vote at the nearest polling
5 place. [Exhibit 531A (Fulton, ¶5)]

6 **890.** 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 **891.** 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 **892.** 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 **893.** 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 **894.** 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 **895.** 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 **896.** 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 **897.** 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 **898.** 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 **899.** 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 **900.** 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 **901.** 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 **902.** 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 **903.** On September 8, 2006, she applied to register to vote. [Exhibit 543
24 (Natale, ¶4)]

1 **904.** 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 **905.** 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 **906.** She followed the directions carefully on the voter registration
8 application. [Exhibit 543 (Natale, ¶6)]

9 **907.** 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 **908.** The letter stated that her registration was being rejected because she
12 had not included proper proof of citizenship. [Exhibit 543 (Natale, ¶7)]

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

15 **910.** 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 **911.** 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 **912.** She did not attempt to register again. [Exhibit 543 (Natale, ¶9)]

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

23 **914.** 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)]
25
26

1 **915.** 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 **916.** 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 **917.** Her driver’s license was issued to her after October 1, 1996. [Exhibit
8 543 (Natale, ¶11)]

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

11 **919.** 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 **920.** 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 **921.** In December 2007, her husband went to the post office and got voter
21 registration forms. [Exhibit 531 (Fulton, ¶3)]

22 **922.** 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)]

25
26

1 **923.** 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 **924.** 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 **925.** On February 5, 2008, she attempted to vote at the nearest polling
8 place. [Exhibit 531 (D. Fulton, ¶5)]

9 **926.** 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 **927.** 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 **928.** 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 **929.** 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 **930.** 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 **931.** 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)]

26

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

3 **933.** 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 **934.** 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 **935.** 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 **936.** 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 **937.** 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 **938.** Rasheedah Adelih Hameed is over the age of 18 and resides at 1820
20 Ezmilian 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 **939.** 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 **940.** 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 **941.** 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 **942.** She followed the directions carefully on the voter registration
12 application. [Exhibit 535 (Hameed, ¶5)]

13 **943.** 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 **944.** 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 **945.** 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 **946.** 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)]

26

1 **947.** 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 **948.** 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 **949.** 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 **950.** 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 **951.** This third attempt to register was likewise rejected. [Exhibit 535
11 (Hameed, ¶11)]

12 **952.** 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 **953.** Each voter registration form she has submitted has been rejected.
16 [Exhibit 535 (Hameed, ¶11)]

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

19 **955.** 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 **956.** Her driver's license was issued to her before October 1, 1996.
23 [Exhibit 535 (Hameed, ¶13)]

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

26

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

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

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

6 **961.** 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 **962.** 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 **963.** On June 19, 2006, he applied to register to vote. [Exhibit 540
17 (Mannan ¶4)]

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

20 **965.** 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 **966.** 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 **967.** 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 **968.** He followed the directions carefully on the voter registration
5 application. [Exhibit 540 (Mannan ¶6)]

6 **969.** 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 **970.** 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 **971.** 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 **972.** He sent in an official, certified pink copy of his naturalization
18 certificate from the United States Immigration Office. [Exhibit 540 (Mannan ¶7)]

19 **973.** 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 **974.** He was told he could not vote since he had not picked the Democratic
23 Party. [Exhibit 540 (Mannan, ¶7)]

24 **975.** 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 **976.** 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 **977.** His wife also had to sign an affidavit declaring herself as a Democrat,
4 but her vote was counted. [Exhibit 540 (Mannan, ¶7)]

5 **978.** 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 **979.** His driver's license was issued before October 1, 1996. It was issued
8 on September 18, 2006. [Exhibit 540 (Mannan, ¶8)]

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

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

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

15 **983.** 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 **984.** 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 **985.** His vote still does not count even though he has the legal right to
22 vote. [Exhibit 540 (Mannan, ¶9)]

23 **986.** 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 **987.** He is a working class citizen and has no criminal history -- not even a
2 parking ticket. [Exhibit 540 (Mannan, ¶9)]

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

5 **989.** 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 **990.** He is not being treated as an equal United States citizen. [Exhibit
8 540 (Mannan, ¶9)]

9 **991.** 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 **992.** 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 **993.** 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 **994.** 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 **995.** 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 **996.** 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 **997.** 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 **998.** 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 **999.** 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 **1000.** 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 **1001.** 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 **1002.** 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 **1003.** 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 **1004.** 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 **1005.** 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 **1006.** 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 **1007.** 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 **1008.** 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 **1009.** Georgia Morrison-Flores is 54 years old. [Exhibit 542 (Declaration
24 of Georgia Morrison-Flores ("Morrison-Flores Decl. at") at 2)]
25
26

1 **1010.** 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 **1011.** 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 **1012.** 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 **1013.** 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 **1014.** 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 **1015.** 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)].

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1 **1016.** 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 **1017.** 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 **1018.** 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 **1019.** 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 **1020.** 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 **1021.** 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 **1022.** 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 **1023.** 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 **1024.** 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 **1025.** 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 **1026.** 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 **1027.** 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 **1028.** 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 **1029.** 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 **1030.** Maria Magdalena Gonzalez is 55 years old. [Exhibit 532
4 (Declaration of Maria Magdalena Gonzalez, (“Maria Magdalena Gonzalez Decl. at”)
5 1)]

6 **1031.** 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 **1032.** 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 **1033.** 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 **1034.** 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 **1035.** 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 **1036.** 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 **1037.** 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 **1038.** 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 **1039.** 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 **1040.** 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 **1041.** 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 **1042.** 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 **1043.** 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 **1044.** Jesus Maria Gonzalez is 58 years old. [Exhibit 532A (Declaration of
6 Jesus Maria Gonzalez (“Jesus M. Gonzalez Decl. at”) at1]

7 **1045.** 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 **1046.** 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 **1047.** 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 **1048.** 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 **1049.** 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 **1050.** 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 **1051.** 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 **1052.** 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 **1053.** 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 **1054.** 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 **1055.** 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 **1056.** 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 **1057.** 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 **1058.** 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 **1059.** 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 **1060.** 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 **1061.** 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 **1062.** 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 **1063.** 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 **1064.** 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 **1065.** 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 **1066.** 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 **1067.** 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 **1068.** 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 **1069.** 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 **1070.** 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 **1071.** 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 **1072.** 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 **1073.** 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 **1074.** 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 **1075.** 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 **1076.** 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 **1077.** 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 **1078.** 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 **1079.** 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 **1080.** Debra Sue Lopez is 45 years. [Exhibit 539 (Declaration of Debra
9 Sue Lopez ("Lopez Decl. at") and Exhibit 461)]

10 **1081.** 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 **1082.** 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 **1083.** 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 **1084.** 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 **1085.** 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 **1086.** 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 **1087.** 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 **1088.** 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 **1089.** 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 **1090.** 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 **1091.** 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 **1092.** 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 **1093.** 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 **1094.** 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 **1095.** As a result of Proposition 200, ACORN's voter registration activities
8 in Arizona have suffered drastically. [Exhibit 547 (Sandschafer Decl. at 1)].

9 **1096.** 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 **1097.** 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 **1098. 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 **1099.** Arizona ACORN has been prevented from effectively realizing some
26 of our goals as an organization -- creating an impetus for change through civic

1 involvement and empowering the communities we serve through their vote. [Exhibit 547
2 (Sandschafer Decl. at 2)].

3 **1100.** Michael Slater is employed as the Deputy Director for Project Vote.
4 [Exhibit 549 (Declaration of Michael Slater (“Slater Decl. at”) at 1)]

5 **1101.** Project Vote is a nonpartisan, nonprofit organization incorporated in
6 Louisiana with an office in Phoenix. Project Vote in Arizona has helped increase voter
7 registration by registering voters in the community and collaborating with other Arizona-
8 based community groups since 1982. Project Vote also provides professional training,
9 management, evaluation, and technical services for voter engagement and voter
10 participation activities in low and moderate-income communities in Arizona. [Exhibit
11 549 (Slater Decl. at 1)]

12 **1102.** As a result of Proposition 200, Project Vote has been forced to
13 drastically cut-back on its voter registration activities in Arizona and has had to divert
14 substantial resources in order to comply with the new registration and voting
15 requirements. [Exhibit 549 (Slater Decl. at 1)]

16 **1103.** Project Vote has had to spend valuable time and resources educating
17 the community about the requirements of Proposition 200. In specific, they have spent
18 over \$6000.00 on travel, project costs, and reimbursements. [Exhibit 549 (Slater Decl. at
19 1)]

20 **D. Chicanos Por La Causa**

21 **1104.** Sal Martinez is the Director of Human Resources for Chicanos Por
22 La Causa (“CPLC”). [Exhibit 541 (Declaration of Sal Martinez (“Martinez Decl. at”) ¶
23 1)]

24 **1105.** CPLC is a statewide community development corporation in Arizona
25 committed to building stronger, healthier communities as a leading advocate, coalition
26 builder, and direct service provider. CPLC promotes positive change and self-sufficiency

1 to enhance the quality of life for the benefit of those it serves. [Exhibit 541 (Martinez
2 Decl. at ¶ 2)]

3 **1106.** CPLC provides direct services in the areas of economic development,
4 education, housing, and other areas. In order to fulfill its organizational goals, CPLC
5 encourages its daily clientele to become involved in civic life. As a result, CPLC
6 attempts to register its daily clientele at its different direct service sites. In addition,
7 CPLC conducts voter registration out in the community. [Exhibit 541 (Martinez Decl. at
8 ¶ 3)]

9 **1107.** CPLC has also expended funds, time and human resources to provide
10 the community with accurate information regarding the new voter and voter registration
11 requirements imposed by Proposition 200. CPLC initiated a state-wide campaign to
12 register new voters and counteract the new voter registration requirements of Proposition
13 200. [Exhibit 541 (Martinez Decl. at ¶ 4)]

14 **1108.** In that effort CPLC committed staff to create a Voter Registration
15 Project with emphasis on first time voters and those new to Maricopa County. [Exhibit
16 541 (Martinez Decl. at ¶ 4)]

17 **1109.** CPLC has a staff person who is solely dedicated to voter education
18 and voter registration efforts. Through the program called “La Causa Advocacy” the staff
19 person trains their staff to register clientele, coordinates voter registration efforts in the
20 community, and is charged with reviewing and submitting all the voter registration
21 applications obtained through our agency. [Exhibit 541 (Martinez Decl. at ¶ 5)]

22 **1110.** Because of Proposition 200, CPLC’s voter registration efforts have
23 suffered. [Exhibit 541 (Martinez Decl. at ¶ 6)]

24 **1111.** Latinos who attempt to register to vote in community-based
25 registration campaigns are unlikely to have proof of citizenship with them. [Exhibit 541
26 (Martinez Decl. at ¶ 7)]

1 **1112.** CPLC has found that Latinos often feel dejected and apathetic
2 because they truly want to register but do not possess the proper documents required by
3 Proposition 200. [Exhibit 541 (Martinez Decl. at ¶ 8)]

4 **1113.** Because Proposition 200 has effectively obstructed an individual’s
5 right to vote and participate in civic engagement, CPLC’s mission cannot fully be
6 accomplished. [Exhibit 541 (Martinez Decl. at ¶ 9)]

7 **E. Valle Del Sol**

8 **1114.** Luz Sarmina is the President & CEO of Valle del Sol. [Exhibit 548
9 (Declaration of Luz Sarmina (“Sarmina Decl. at”), May 30, 2008 at 2)].

10 **1115.** Luz Sarmina has served as President & CEO of Valle del Sol since
11 August 1, 1995. During Ms. Sarmina’s employment with Valle del Sol, she was
12 responsible for supervising the Vice President of Philanthropic and Community
13 Relations, who had oversight on the voter registration, education and voter turnout efforts
14 of Valle del Sol in conjunction with Democracia USA. [Exhibit 548 (Sarmina Decl. at
15 2)].

16 **1116.** Plaintiff Valle del Sol is a non-profit and community based
17 organization that also operates as a non-partisan organization committed to the delivery
18 of behavioral health, social services and leadership development. Voter registration, voter
19 education and voter participation activities are activities that operate under the Center for
20 Culture & Understanding to promote civic engagement. Since its founding in 1970, Valle
21 del Sol has conducted several voter registration campaigns in Arizona. Valle del Sol has
22 conducted its voter registration activities at community-based sites such as school
23 campuses, leadership institutes, all agency meetings, targeted neighborhoods, malls and
24 fairs. Valle del Sol stated that because the effects of Proposition 200 has limited the
25 number of persons that Valle del Sol can register to vote and impaired the ability of Valle
26

1 del Sol to conduct voter registration and turnout efforts, they have been injured by
2 Proposition 200. [Exhibit 548 (Sarmina Decl. at 2) and Exhibits 469-471]

3 **1117.** Valle del Sol is one of Arizona's largest non-profit organizations
4 focused on services to both the Latino community and community-at-large and has
5 registered voters through the years. [Exhibit 548 (Sarmina Decl. at 3) and Exhibit 469]

6 **1118.** Valle del Sol has conducted non-partisan voter registration and voter
7 mobilization campaigns in a similar fashion across Maricopa County. [Exhibit 548
8 (Sarmina Decl. at 3) and Exhibits 470-471]

9 **1119.** One of the ways in which Valle del Sol conducted voter registration
10 and mobilization campaigns is selecting a local community or neighborhood and meeting
11 with leaders and neighbors and asking them to join our efforts in educating their fellow
12 neighbors. From this group of neighbors and volunteers, Valle del Sol organized precinct
13 walks to provide voter information and registration. Depending on the calendar,
14 volunteers may have also provided early ballot request forms. [Exhibit 548 (Sarmina
15 Decl. at 3) and Exhibits 470-477]

16 **1120.** When Valle del Sol did voter registration drives, Valle del Sol
17 gathered volunteers for precinct walks and provided them a script, walking list, and voter
18 registration forms. Volunteers were additionally provided early ballot forms to make the
19 door-to-door encounter easier for individuals already registered to vote. [Exhibit 548
20 (Sarmina Decl. at 3) and Exhibits 470-472, 474, 477]

21 **1121.** Valle del Sol's campaigns have relied on voter registration forms
22 promulgated by the Maricopa County Recorder's Office as well as the early ballot forms
23 and federal mail voter registration application. [Exhibit 548 (Sarmina Decl. at 3)].

24 **1122.** Valle del Sol stated that in order to counteract the effects of
25 Proposition 200 they had to expend staff hours on meetings, trainings, strategy sessions,
26 and on the ground outreach to the community. Approximate resources depleted on voter

1 education and registration efforts are displayed in the following increases in time and
2 salaries, President and CEO, 24 hours at \$1,800, Vice President of Philanthropic &
3 Community Relations 64 hours at \$1,400, Vice President of Corporate
4 Relations/Leadership at 64 hours at \$1,400, Manger for Leadership Programs 64 hours at
5 \$1,152, Community Power Manager 64 hours at \$1,280, and Volunteer Program
6 Coordinator 64 hours at \$648. In addition, resources were also spent on supplies such as
7 \$100 on flyers, \$150 on printing, and \$45 dollars on postage. Indirect costs total at
8 \$3,072, thus bringing the total cost at \$11,047. [Exhibit 548 (Sarmina Decl. at 3) and
9 Exhibits 472, 474, 477-491]

10 **1123.** As a non-profit organization, Valle del Sol, received the assistance of
11 Democracia USA, a national non-profit, non-partisan, organization dedicated to voter
12 registration and education. Democracia USA provided Valle del Sol a Fellow to assist
13 and aid in the area of education and voter registration. With this partnership, Valle del
14 Sol provided space and resources to implement and execute voter education and
15 registration projects. Because Valle del Sol's budget reflects its core services of
16 behavioral health, social services and leadership development, the cost of overhead,
17 occupancy and staff supervision are the only costs the agency incurred. If Valle del Sol
18 determined to expend greater resources on voter registration campaigns, it would affect
19 their ability to conduct our core services in meeting the needs of our consumers. [Exhibit
20 548 (Sarmina Decl. at 4)]

21 **1124.** Valle del Sol stated that Proposition 200's proof of citizenship
22 requirements for voter registration has severely impaired their ability to register voters.
23 Valle del Sol also stated that some individuals, who may be elderly or from minority
24 populations, do not readily carry documents required by Proposition 200 to register to
25 vote on site. [Exhibit 548 (Sarmina Decl. at 4)].

26

1 **1125.** Valle del Sol has also stated Voter registration drives conducted were
2 made more challenging and difficult to successfully register voters for elections. [Exhibit
3 548 (Sarmina Decl. at 4)].

4 **1126.** Because it is more cost effective, Valle del Sol conducted voter
5 registration, in neighborhoods, agency public areas, leadership institutes, and other places
6 where people congregate. It is less cost-effective for Valle del Sol to conduct voter
7 registration in a door to door campaign. Valle del Sol stated that Proposition 200's proof
8 of citizenship requirements will greatly hinder their voter registration efforts by requiring
9 all canvassers to bring along photocopy machines or scanners and printers to places
10 where voters gather, or to bring such a machine door to door in a neighborhood. Valle
11 del Sol does not have the resources to equip canvassers with portable photocopy
12 machines or scanners and printers in order to conduct voter registration campaigns in
13 Arizona. [Exhibit 548 (Sarmina Decl. at 4)].

14 **1127.** In addition, in a time of heightened fear of identity theft, Valle del
15 Sol stated that even if it were able to equip canvassers with photocopy equipment, few
16 voter registration applicants would be willing to allow a canvasser to copy their
17 citizenship documents, such as birth certificates or passports. [Exhibit 548 (Sarmina
18 Decl. at 2)].

19 **1128.** Valle del Sol has stated that because of Proposition 200's proof of
20 citizenship requirements, the only realistic alternative for Valle del Sol is to discontinue
21 its voter registration activities. [Exhibit 548 (Sarmina Decl. at 4)].

22 **F. Arizona Hispanic Community Forum**

23 **1129.** Hector Yturralde is the President of the Arizona Hispanic
24 Community Forum (AHCF). He has served as President for the last three years, and been
25 a member of the organization for the last 13 years. [Exhibit 554B (Declaration of Hector
26 Yturralde ("Yturralde Decl. at") at 2)].

1 **1130.** The AHCF is an advocacy organization that collaborates with other
2 organizations on civil and human rights issues in Arizona. AHCF's mission is to
3 empower Hispanic communities. AHCF works towards active participation with policy-
4 making bodies at all levels of the public and private sectors; they educate, promote and
5 preserve Hispanic history, language, cultures, customs, and contributions; and they work
6 to increase opportunities and improve the quality of life for Hispanics. [Exhibit 554B
7 (Yturralde Decl. at 2)].

8 **1131.** AHCF conducts voter registration drives to fulfill their organizational
9 goals. [Exhibit 554B (Yturralde Decl. at 2)].

10 **1132.** AHCF has regularly conducted voter registration drives since the
11 formation of their organization. AHCF has stated that as estimate their organization has
12 held a registration drive at least five times a year, and during a busy election year as
13 many as ten. [Exhibit 554B (Yturralde Decl. at 2)].

14 **1133.** AHCF conducts voter registration at community events, concerts,
15 Latino oriented events, and naturalization ceremonies. AHCF was scheduled to have a
16 voter registration drive at the July 4, 2008 naturalization ceremony in their community.
17 [Exhibit 554B (Yturralde Decl. at 2)].

18 **1134.** AHCF has stated that their voter registration efforts have greatly
19 suffered because of Proposition 200. Before Proposition 200, AHCF was able to register
20 and submit a number of voter registration applications. Once Proposition 200 took effect,
21 the number of applications submitted by AHCF decreased. AHFC stated that this is
22 because many hopeful voters did not carry the proper identification or documents
23 necessary to successfully complete the voter registration application. [Exhibit 554B
24 (Yturralde Decl. at 2-3)].

25 **1135.** AHCF has stated that it was frustrating for their organization because
26 it became very difficult to register voters. AHCF also stated that they witnessed

1 disillusionment and disappointment by individuals who wanted to register but did not
2 have the proper documents. AHCF stated that they encouraged applicants to submit their
3 information later, but they never knew if it was accomplished. [Exhibit 554B (Yturralde
4 Decl. at 3)].

5 **1136.** AHCF is a small community- based organization that relies on
6 community donations and community volunteers. AHCF'S resources are very limited.
7 Voter registration drives by AHCF only function because of their volunteer support. At
8 some events, AHCF needs as many as seven or eight people. AHCF stated that because
9 of the new requirements imposed on registrants, it is difficult to recruit volunteers
10 because they recognize the difficulty in successfully registering voters. [Exhibit 554B
11 (Yturralde Decl. at 3)].

12 **1137.** AHCF stated that the mission of their organization has been affected
13 because of the new voter registration requirements imposed by Proposition 200. AHCF
14 also stated that their mission of empowering Hispanic communities, working towards
15 active participation with policy-making bodies, and increasing opportunities for
16 Hispanics cannot be accomplished if they cannot continue to successfully register voters.
17 [Exhibit 554B (Yturralde Decl. at 3)].

18 **G. Friendly House**

19 **1138.** Luis Ibarra is employed as the Chief Executive Officer of Friendly
20 House, a plaintiff in this case. [Exhibit 537 (Declaration of Luis Ibarra ("Ibarra Decl. at")
21 at 2)].

22 **1139.** Luis Ibarra has served as the Chief Executive Officer of Friendly
23 House since 1992. During his employment with Friendly House, he has been responsible
24 for supervising the voter registration and voter education efforts of Friendly House.
25 [Exhibit 537 (Ibarra Decl. at 2))]

26

1 **1140.** Friendly House is Arizona’s oldest non-profit organization which
2 focuses on political participation and has registered tens of thousands of voters since its
3 founding. [Exhibit 537 (Ibarra Decl. at 2)].

4 **1141.** Plaintiff Friendly House is a non-profit and non-partisan organization
5 committed to fostering excellence in the community through comprehensive family and
6 human services, educational programs such as adult literacy and English classes,
7 naturalization classes, immigration law workshops, workforce development, home
8 ownership programs, home health care for the elderly and disabled, and voter
9 registration, voter education and civic engagement activities. Since its founding in 1920,
10 Friendly House has incorporated voter registration and political participation efforts into
11 its operations. [Exhibit 537 (Ibarra Decl. at 2)]

12 **1142.** Friendly House conducts its voter registration and voter mobilization
13 primarily in Phoenix, Arizona. [Exhibit 537 (Ibarra Decl. at 2)]

14 **1143.** Friendly House stated that Proposition 200’s proof of citizenship
15 requirements for voter registration has severely impaired their ability to register voters.
16 [Exhibit 537 (Ibarra Decl. at 3)]

17 **1144.** Friendly House stated as a result of Proposition 200 they were forced
18 to explain the voter registration and voter identification requirements to its clients as well
19 as the students in their citizenship and civics classes. These efforts required additional
20 staff and take time away from the delivery of direct services, which can limit the number
21 of individuals served during the course of a day. They also stated that it detracted from
22 class instruction and displaced other information in the lesson plan. Friendly House has
23 also stated that they are injured by Proposition 200 because it has limited the number of
24 persons that they can register to vote and forced them to curtail or forgo some of its
25 activities. [Exhibit 537 (Ibarra Decl. at 3)]

26

1 **1145.** As a non-profit organization, Friendly House raises money from
2 private donors. Friendly House resources are very limited. Friendly House stated that if
3 they are required to expend greater resources on one voter campaign, it impairs their
4 ability to conduct additional voter campaigns and fulfill their mission of improving the
5 participation of Latino and other minority communities across the United States in the
6 democratic process. [Exhibit 537 (Ibarra Decl. at 3)]

7 **H. Common Cause**

8 **1146.** Common Cause engages in voter education efforts as part of its
9 organizational mission. Common Cause stated in an interrogatory that as a result of the
10 voter identification requirements of Proposition 200, they will be forced to divert
11 resources to educate the community about these requirements and will be thwarted from
12 fully realizing its organizational goals. [Interrogatory of Common Cause (“CC”), Nov. 8,
13 2007 at 3 and Exhibit 492].

14 **1147.** Common Cause is a nonprofit, nonpartisan organization established
15 in 1970. Common Cause’s commitment to honest, open and accountable government,
16 and to encouraging citizen participation in democracy are the foundation for the
17 organization’s program agenda, which includes Money and Politics, Voting and
18 Elections, Media and Democracy, and Ethics and Transparency in Government.
19 Common Cause has a respected tradition as an effective citizens’ lobby working to
20 ensure honest, open, accountable and effective government. [CC at 4-5 and Exhibit 492].

21 **I. Agnes Laughter**

22 **1148.** Agnes Laughter is an enrolled member of the Navajo Nation. She is a
23 natural-born citizen of the United States of America. Ms. Laughter is 74 years old and is
24 registered to vote in Arizona. [Exhibit 538 (Declaration of Agnes Laughter (“Laughter
25 Decl. at”), May 08, 2006 at 1)]

26

1 **1149.** Agnes Laughter is a resident of the Navajo Nation. She lives seven
2 miles northeast of the Chilchinbeto Chapter, located in Navajo County on the Navajo
3 Nation Reservation. Ms. Laughter has lived in Chilchinbeto since 1932. [Exhibit 538
4 (Laughter Decl. at 1)]

5 **1150.** Ms. Laughter has voted in county, state, and federal election and
6 intends to continue voting in county, state, and federal elections. [Exhibit 538 (Laughter
7 Decl. at 1)].

8 **1151.** Ms. Laughter does speak Navajo and does not read or write English.

9 **1152.** Ms. Laughter does not possess any form of identification containing
10 her name, address and photograph. [Exhibit 538 (Laughter Decl. at 1)].

11 **1153.** Ms Laughter does not have an Arizona's driver's license or an
12 Arizona non-operators identification card. [Exhibit 538 (Laughter Decl. at 1)].

13 **1154.** Ms. Laughter does not have two forms of identification containing
14 her name and current address that she will use on election day. [Exhibit 538 (Laughter
15 Decl. at 1)].

16 **1155.** Agnes Laughter misplaced her voter registration card. [Exhibit 538
17 (Laughter Decl. at 1)].

18 **1156.** Agnes Laughter lives on the Navajo Reservation and as a result she
19 does not have a property tax statement. [Exhibit 538 (Laughter Decl. at 1)].

20 **1157.** Agnes Laughter does not have any utilities in her name. [Exhibit 538
21 (Laughter Decl. at 1)].

22 **1158.** Agnes Laughter does not have transportation, a vehicle registered in
23 the State of Arizona, or a vehicle insurance card. [Exhibit 538 (Laughter Decl. at 1)].

24 **1159.** Agnes Laughter does not have a tribal identification card with her
25 name and address. [Exhibit 538 (Laughter Decl. at 1)].

26

1 **1160.** Agnes Laughter does have a bank account in her name but refuses to
2 use her personal banking information in order to vote. [Exhibit 538 (Laughter Decl. at
3 1)]

4 **1161.** The nearest Department of Motor Vehicles location from her home is
5 in Chinle, Arizona, which is approximately 50 miles from Chilchinbeto. [Exhibit 538
6 (Laughter Decl. at 1)].

7 **1162.** Agnes Laughter feels that she has certain circumstances that make
8 her obtaining identification for the purpose of voting burdensome and impractical. The
9 only utility her household receives is the water bill. This water bill is issued in her
10 husband's name. [Exhibit 538 (Laughter Decl. at 1)].

11 **1163.** Ms. Laughter was born at home and does not have a birth certificate.
12 Her lack of birth certificate has given Agnes Laughter problems in the past obtaining an
13 Arizona identification card. [Exhibit 538 (Laughter Decl. at 2)].

14 **1164.** Agnes Laughter's only reason for obtaining an Arizona non-operators
15 identification card would be to have an identification card for voting purposes. [Exhibit
16 538 (Laughter Decl. at 2)].

17 **1165.** Agnes Laughter would have to expend funds to travel to the
18 Department of Motor Vehicles in order to obtain an Arizona non-operators identification
19 card. [Exhibit 538 (Laughter Decl. at 2)].

20 **1166.** Agnes Laughter objects to pay a fee for the right to vote. [Exhibit
21 538 (Laughter Decl. at 2)].

22 **1167.** Agnes Laughter believes that the new Arizona voter identification
23 requirements unduly burden her right to participate in county, state, and federal elections.
24 [Exhibit 538 (Laughter Decl. at 2)].

25 **1168.** Agnes Laughter intends on voting in the next scheduled election and
26 is concerned that the election officials will not allow her to vote because she does not

1 have and cannot obtain without substantial inconvenience and expenses the forms an
2 identification which may now be required by Arizona law. [Exhibit 538 (Laughter Decl.
3 at 2)].

4 **1169.** If Agnes Laughter fails to bring proper identification to the polls, she
5 feels that it is improbable that she will return to her designated location with proper
6 identification because she does not have transportation. [Exhibit 538 (Laughter Decl. at
7 2)]

8
9 **XI. PROPOSITION 200 AFFECTS INDIVIDUALS IN THE CONTEXT OF
10 RACIALLY POLARIZED VOTING AND RAPIDLY GROWING LATINO
11 POPULATION IN THE STATE**

11 **A. Racially Polarized Voting – Engstrom and Espino**

12 **1170.** Based on the 2006 population estimates provided by the Bureau of
13 the Census, 29.2 percent of Arizona’s population is Latino, 84.3 percent is non-Latino
14 and White and 5.9 percent is Native American. [Exhibit 555 (Expert Report of Dr.
15 Richard L. Engstrom at 3, January 4, 2008 (“Engstrom Report”))]

16 **1171.** The demographic data used by Dr. Richard L. Engstrom are based on
17 the 2000 Census of Population. [Exhibit 556 (Expert Report of Dr. Richard L. Engstrom
18 at 5, March 28, 2008 (“Second Engstrom Report”))]

19 **1172.** Using three different methodologies, Ecological Regression analysis
20 (ER), Homogeneous precinct analysis (also known as extreme case analysis) (HP), and
21 Ecological Inference Analysis (EI), Dr. Engstrom analyzed the extent to which the
22 candidate preferences of Latino and other voters in Arizona have differed in recent
23 statewide, congressional, and state senate elections in which the voters have been
24 presented with a choice between or among Latino and non-Latino candidates. [Exhibit
25 555 & 556 (Engstrom Report at 3; Second Engstrom Report at 5)]

26 **1173.** Dr. Engstrom reported estimates using HP, ER, and EI, rather than
just one method, because none of the procedures is guaranteed to produce estimates

1 closer to the “true values” of the respective group support levels all of the time. [Exhibit
2 557 (Response of Dr. Richard L. Engstrom to Rebuttal Report of Jeffrey S. Zax at 4, May
3 23, 2008 (“Engstrom Response”))]

4 **1174.** According to Dr. Engstrom, ER analysis and HP analysis are
5 methodologies that were approved for the purpose of analyzing the extent to which the
6 candidate preferences of the Latino voters differed from those of the non-Latino
7 (predominantly white) voters in elections by the United States Supreme Court in
8 *Thornburg v. Gingles*, 478 U.S. 30, 52-53 (1986). [Exhibit 556 (Second Engstrom
9 Report at 4)]

10 **1175.** According to Dr. Engstrom, the Supreme Court in *Gingles* noted that
11 the district court in that case had identified ER and HP as “standard in the literature for
12 the analysis of racially polarized voting” and relied on the estimates derived from these
13 procedures to conclude that voting in the North Carolina multi-member legislative
14 districts at issue had been racially polarized. [Exhibit 557 (Engstrom Response at 2)]

15 **1176.** According to Dr. Engstrom, ER is the statistical procedure that relies
16 on all of the precincts in which votes were cast in a particular election. [Exhibit 555 &
17 556 (Engstrom Report at 4; Second Engstrom Report at 4)]

18 **1177.** According to Dr. Engstrom, ER analysis is a method that has been
19 relied upon by other expert witnesses in assessing the extent to which voting has been
20 racially polarized in Arizona in their election analyses and reports for cases concerning
21 the statewide redistricting plans adopted in Arizona following the 2000 census. [Exhibit
22 555 (Engstrom Report at 4)]

23 **1178.** According to Dr. Engstrom, the Supreme Court in *Gingles* did not
24 state that comparable findings of racially polarized voting evidence would be necessary
25 in future similar cases. [Exhibit 558 (Dr. Richard L. Engstrom 2, March 7, 2008
26 (“Engstrom Rebuttal Report”))]

1 **1179.** According to Dr. Engstrom, the Supreme Court in *Gingles* adopted
2 the following definition of “racially polarized voting”: “‘a consistent relationship
3 between [the] race of the voter and the way in which the voter votes,’ ... or to put it
4 differently, where ‘black voters and white voters vote differently.’” The Supreme Court
5 also provided a summary statement concerning the definition: “the legal concept of
6 racially polarized voting, as it relates to claims of vote dilution, refers only to the
7 existence of a correlation between the race of voters and the selection of certain
8 candidates,” citing *Gingles* at 2778. [Exhibit 558 (Engstrom Rebuttal Report 2)]

9 **1180.** According to Dr. Engstrom, the Supreme Court in *Gingles* did not
10 establish a threshold for racially polarized voting. [Exhibit 558 (Engstrom Rebuttal
11 Report 2-3)]

12 **1181.** According to Dr. Engstrom, even if the Supreme Court in *Gingles* *did*
13 establish a threshold for racially polarized voting, the results of his analysis would still be
14 similar. [Exhibit 558 (Engstrom Rebuttal Report 3)]

15 **1182.** According to Dr. Engstrom, ER analysis has been the basis for
16 findings of racially polarized voting in numerous cases since *Gingles*. [Exhibit 558
17 (Engstrom Rebuttal Report 3)]

18 **1183.** According to Dr. Engstrom, ER analysis has been widely employed
19 by expert witnesses testifying about racially polarized voting in the past and present.
20 [Exhibit 558 (Engstrom Rebuttal Report 4)]

21 **1184.** According to Dr. Engstrom, ER analysis, as used in *Gingles*, refers to
22 “double regression.” [Exhibit 557 (Engstrom Response 2)]

23 **1185.** According to Dr. Engstrom, regression is a standard methodology
24 used for numerous purposes by social scientists. [Exhibit 557 (Engstrom Response 2)]

25 **1186.** According to Dr. Engstrom, double regression, which employs data
26 for all of the precincts, combines the results of two regressions, one of which regresses

1 the candidate support measure for a Latino candidate or group of Latino candidates onto
2 the measure of the minority presence in the precincts, and the other of which regresses
3 the support levels for the non-Latino candidate or candidates on the minority presence in
4 the precinct. The first regression provides estimates of both the percentage of the non-
5 Latino VAP and the percentage of the Latino VAP that voted for the Latino candidate or
6 candidates. The other regression provides estimates of the percentage of the non-Latino
7 VAP and Latino VAP voting for the other candidate or candidates. [Exhibit 557
8 (Engstrom Response 2-3)]

9 **1187.** According to Dr. Engstrom, by combining the estimates from each
10 regression, one can derive the estimated percentage of Latinos voting in the election that
11 voted for the Latino candidate or candidates, or the other candidate or candidates, and the
12 percentage of non-Latinos voting in the election that did likewise. [Exhibit 557
13 (Engstrom Response 3)]

14 **1188.** The reason Dr. Engstrom employed the double regression procedure
15 rather than a single regression, in which the percentage of the votes received by a
16 candidate or group of candidates is regressed onto the percentage Latino within the
17 precincts, was to take into account the possibility that the two groups participated in the
18 election at different rates. [Exhibit 557 (Engstrom Response 3)]

19 **1189.** According to Dr. Engstrom, HP analysis reports the percentage of the
20 voters supporting a candidate or set of candidates within the precincts in which a
21 particular group constitutes over ninety percent of the voting age population. [Exhibit
22 556 (Second Engstrom Report 4)]

23 **1190.** According to Dr. Engstrom, HP analysis is a straightforward
24 procedure in which precincts identified as being “homogeneous,” meaning predominantly
25 composed of voters from one group or another, are the only precincts examined. [Exhibit
26 557 (Engstrom Response 2)]

1 **1191.** Dr. Engstrom defines “homogeneous” as greater than ninety percent
2 of the indicator on which the measure is based. [Exhibit 557 (Engstrom Response 2)]

3 **1192.** In Dr. Engstrom’s analyses, “homogenous” is the voting age
4 population (hereinafter VAP) of the precincts. [Exhibit 557 (Engstrom Response 2)]

5 **1193.** In Dr. Engstrom’s analyses, the votes cast for the various candidates
6 are expressed as a percentage of the total votes cast within these precincts for that
7 candidate or set of candidates. [Exhibit 557 (Engstrom Response 2)]

8 **1194.** According to Dr. Engstrom, EI analysis is an estimation procedure
9 that also takes into account all of the precincts in which votes are cast. [Exhibit 555
10 (Second Engstrom Report 4)]

11 **1195.** EI analysis was developed subsequent to *Gingles* by Gary King.
12 [Exhibit 556 (Second Engstrom Report 4)]

13 **1196.** According to Dr. Engstrom, the EI procedure does on occasion fail to
14 provide estimates. [Addendum to Report of Dr. Richard L. Engstrom 2, March 21, 2008
15 (“Addendum to Engstrom Report”)]

16 **1197.** According to Dr. Engstrom, EI analysis, like ER, uses data for all
17 precincts when deriving estimates. [Exhibit 557 (Engstrom Response 3)]

18 **1198.** According to Dr. Engstrom, the Supreme Court, has not reviewed a
19 case in which the evidence on the extent to which voting has been racially polarized, if at
20 all, is based *only* on EI estimates. [Exhibit 557 (Engstrom Response 4)]

21 **1199.** According to Dr. Engstrom, it has been common for expert witnesses
22 to report EI estimates for a number of years, not exclusively, but rather along with those
23 derived through ER and HP. [Exhibit 557 (Engstrom Response 4)]

24 **1200.** Since *Gingles*, courts have relied on HP and ER, while, more
25 recently, King’s EI method has been used increasingly in conjunction with the other two
26 as an additional means for determining the existence of racial bloc voting.

1 **1201.** Dr. Engstrom’s analyses included the following elections: the 2002
2 Democratic primary for Governor; the 2002 Democratic primary for U.S. District 7; the
3 2002 Democratic primary for State Senate District 13; the 2002 Democratic primary for
4 State Senate District 14; the 2004 general election for U.S House District 2; the 2004
5 general election for U.S. House District 4; the 2004 general election for U.S. House
6 District 7; the 2006 general election for Secretary of State; the 2006 general election for
7 U.S. House District 4; and the 2006 general election for U.S. House District 7. [Exhibits
8 555 & 556 (Engstrom Report 4; Second Engstrom Report 4)]

9 **1202.** Dr. Engstrom’s analysis relies only on precincts for which there is
10 both election and demographic data, which include almost all of the votes cast in these
11 elections. [Exhibit 555 (Engstrom Report 4)]

12 **1203.** Dr. Engstrom chose the elections for his analyses based on the size of
13 the election unit involved. They include a statewide election, the portion of a statewide
14 election held with in the state’s largest county, Maricopa, or elections to single person
15 offices in what constitute the largest election districts in the state, U.S. House districts
16 and state senate districts. [Exhibit 556 (Second Engstrom Report 5)]

17 **1204.** According to Dr. Engstrom, all of the data files he used in his
18 analyses match the votes cast within precincts in these elections with the demographic
19 data for the precincts. Changes in precinct configurations over time have been
20 incorporated into this matching so that votes cast are matched to the demographics for the
21 precincts in place at the time of the election. [Exhibit 556 (Second Engstrom Report 5)]

22 **1205.** According to Dr. Engstrom, there are some precincts within which,
23 according to the census data, no one of voting age resides, yet votes are cast within them.
24 [Exhibit 556 (Second Engstrom Report 5)]

25 **1206.** According to Dr. Engstrom, there are also some precincts in which
26 the census reports at least some people of voting age residing, yet the number of votes

1 cast exceeds the reported voting age population. This later phenomenon occurs more
2 often as the elections are held further from the time of the census. [Exhibit 556 (Second
3 Engstrom Report 5-6)]

4 **1207.** Dr. Engstrom's analyses rely on precincts for which there is both
5 election and demographic data, and in which the number of votes did not exceed the
6 voting age population. These precincts account for almost all of the votes cast in these
7 elections. [Exhibit 556 (Second Engstrom Report 6)]

8 **1208.** Dr. Engstrom's analyses indicate that Latino voters have been
9 cohesive in their support for Latino candidates. They have had a preference for Latino
10 candidates whether they were incumbents or not. [Exhibits 555 & 556 (Engstrom Report
11 5; Second Engstrom Report 6)]

12 **1209.** Dr. Engstrom's analyses indicate that Non-Latinos did not provide
13 any non-incumbent Latino candidate with a majority of their votes in any instance.
14 [Exhibit 556 (Second Engstrom Report 6)]

15 **1210.** Using ER, Dr. Engstrom found that in the 2002 Democratic Primary
16 Election for Governor, Alfredo Gutierrez received an estimated 67.6 percent of the votes
17 cast by Latinos, and 12.1 by non-Latinos. [Exhibit 556 (Second Engstrom Report 8)]

18 **1211.** Using HP, Dr. Engstrom was unable to produce estimates for the
19 percent of votes cast for Alfredo Gutierrez by Latinos in the Democratic Primary Election
20 for Governor. Alfredo Gutierrez received 14.8 percent of the votes cast by non-Latinos.
21 [*Id.* at 8]

22 **1212.** Using EI, Dr. Engstrom found that in the 2002 Democratic Primary
23 Election for Governor, Alfredo Gutierrez received an estimated 62.4 percent of the votes
24 cast by Latinos, and 13.9 by non-Latinos. [*Id.* at 8]

1 **1213.** Using ER, Dr. Engstrom found that in the 2002 Democratic Primary
2 Election for U.S. House District 7, all Latino candidates received an estimated 82.5
3 percent of the votes cast by Latinos, and 43.7 by non-Latinos. [*Id.* at 8]

4 **1214.** Using ER, Dr. Engstrom found that in the 2002 Democratic Primary
5 Election for U.S. House District 7, Raul Grijalva received an estimated 54.2 percent of
6 the votes cast by Latinos, and 25.8 by non-Latinos. [*Id.*]

7 **1215.** Using HP, Dr. Engstrom found that in the 2002 Democratic Primary
8 Election for U.S. House District 7, all Latino candidates received an estimated 75.3
9 percent of the votes cast by Latinos, and 46.6 by non-Latinos. [*Id.*]

10 **1216.** Using HP, Dr. Engstrom found that in the 2002 Democratic Primary
11 Election for U.S. House District 7, Raul Grijalva received an estimated 43.2 percent of
12 the votes cast by Latinos, and 27.8 by non-Latinos. [*Id.*]

13 **1217.** Using EI, Dr. Engstrom found that in the 2002 Democratic Primary
14 Election for U.S. House District 7, all Latino candidates received an estimated 75.7
15 percent of the votes cast by Latinos, and 50.3 by non-Latinos. [*Id.*]

16 **1218.** Using EI, Dr. Engstrom found that in the 2002 Democratic Primary
17 Election for U.S. House District 7, Raul Grijalva received an estimated 48.9 percent of
18 the votes cast by Latinos, and 30.8 by non-Latinos. [*Id.*]

19 **1219.** Using ER, Dr. Engstrom found that in the 2002 Democratic Primary
20 Election for State Senate District 13, Richard Miranda received an estimated 92.0 percent
21 of the votes cast by Latinos, and -37.1 by non-Latinos. [*Id.*]

22 **1220.** Using HP and EI, Dr. Engstrom was unable to produce estimates for
23 the percent of votes cast for Richard Miranda by Latinos or non-Latinos in the 2002
24 Democratic Primary Election for State Senate District 13. [*Id.*]

25

26

1 **1221.** Using ER, Dr. Engstrom found that in the 2002 Democratic Primary
2 Election for State Senate District 14, Earl Wilcox received an estimated 120.0 percent of
3 the votes cast by Latinos, and 26.7 by non-Latinos. [*Id.*]

4 **1222.** Using HP, Dr. Engstrom was unable to produce estimates for the
5 percent of votes cast for Earl Wilcox by Latinos or non-Latinos in the 2002 Democratic
6 Primary Election for State Senate District 14. [*Id.*]

7 **1223.** Using EI, Dr. Engstrom found that in the 2002 Democratic Primary
8 Election for State Senate District 14, Earl Wilcox received an estimated 83.5 percent of
9 the votes cast by Latinos, and 32.2 by non-Latinos. [*Id.*]

10 **1224.** Using ER, Dr. Engstrom was unable to produce estimates for the
11 percent of votes cast for Randy Camacho by Latinos in the 2004 General Election for U.S
12 House District 2. Randy Camacho received 36.2 percent of the votes cast by non-
13 Latinos. [*Id.* at 9]

14 **1225.** Using HP, Dr. Engstrom was unable to produce estimates for the
15 percent of votes cast for Randy Camacho by Latinos in the 2004 General Election for U.S
16 House District 2. Randy Camacho received 36.8 percent of the votes cast by non-
17 Latinos. [*Id.*]

18 **1226.** Using EI, Dr. Engstrom found that in the 2004 General Election for
19 U.S House District 2, Randy Camacho received an estimated 84.6 percent of the votes
20 cast by Latinos, and 36.8 by non-Latinos. [*Id.*]

21 **1227.** Using ER, Dr. Engstrom found that in the 2004 General Election for
22 U.S. House District 4, Ed Pastor received an estimated 146.2 percent of the votes cast by
23 Latinos, and 61.2 by non-Latinos. [*Id.*]

24 **1228.** Using HP, Dr. Engstrom was unable to produce estimates for the
25 percent of votes cast for Ed Pastor by Latinos in the 2004 General Election for U.S.
26 House District 4. Ed Pastor received 61.4 percent of the votes cast by non-Latinos. [*Id.*]

1 **1229.** Using EI, Dr. Engstrom found that in the 2004 General Election for
2 U.S. House District 4, Ed Pastor received an estimated 98.5 percent of the votes cast by
3 Latinos, and 62.8 by non-Latinos. [*Id.*]

4 **1230.** Using ER, Dr. Engstrom found that in the 2004 General Election for
5 U.S. House District 7, Raul Grijalva received an estimated 87.9 percent of the votes cast
6 by Latinos, and 48.4 by non-Latinos. [*Id.*]

7 **1231.** Using HP, Dr. Engstrom found that in the 2004 General Election for
8 U.S. House District 7, Raul Grijalva received an estimated 88.9 percent of the votes cast
9 by Latinos, and 56.4 by non-Latinos. [*Id.*]

10 **1232.** Using EI, Dr. Engstrom found that in the 2004 General Election for
11 U.S. House District 7, Raul Grijalva received an estimated 85.4 percent of the votes cast
12 by Latinos, and 49.4 by non-Latinos. [*Id.*]

13 **1233.** Using ER, Dr. Engstrom found that in the 2006 General Election for
14 Secretary of State, Israel Torres received an estimated 74.6 percent of the votes cast by
15 Latinos, and 37.5 by non-Latinos. [*Id.*]

16 **1234.** Using HP, Dr. Engstrom found that in the 2006 General Election for
17 Secretary of State, Israel Torres received an estimated 85.9 percent of the votes cast by
18 Latinos, and 37.8 by non-Latinos. [*Id.*]

19 **1235.** Using EI, Dr. Engstrom was unable to produce estimates for the
20 percent of votes cast for Israel Torres by Latinos or non-Latinos in the 2006 general
21 election for Secretary of State. [*Id.*]

22 **1236.** Using ER, Dr. Engstrom found that in the 2006 General Election for
23 U.S. House District 4, Ed Pastor received an estimated 73.9 percent of the votes cast by
24 Latinos, and 72.1 by non-Latinos. [*Id.*]

25

26

1 **1237.** Using HP, Dr. Engstrom was unable to produce estimates for the
2 percent of votes cast for Ed Pastor by Latinos in the 2006 General Election for U.S.
3 House District 4. Ed Pastor received 72.0 percent of the votes cast by non-Latinos. [*Id.*]

4 **1238.** Using EI, Dr. Engstrom found that in the 2006 General Election for
5 U.S. House District 4, Ed Pastor received an estimated 74.1 percent of the votes cast by
6 Latinos, and 71.9 by non-Latinos. [*Id.*]

7 **1239.** Dr. Engstrom concluded that Ed Pastor, who serves a majority-Latino
8 district, was the clear choice of non-Latino voters in his district in the 2004 and 2006
9 General Elections. [*Id.*]

10 **1240.** Using ER, Dr. Engstrom found that in the 2006 General Election for
11 U.S. House District 7, Raul Grijalva received an estimated 85.5 percent of the votes cast
12 by Latinos, and 50.3 by non-Latinos. [*Id.*]

13 **1241.** When Dr. Engstrom included non-Latino whites and non-Latino
14 Native Americans separately in his analysis, Raul Grijalva's estimated support levels are
15 80.4 percent among Latinos, 96.1 percent among Native Americans, and 46.0 percent
16 among non-Hispanic whites. The estimated rate of turnout for the remaining voters is
17 negative. [Exhibit 559 (Addendum to Engstrom Report at 1)]

18 **1242.** Using HP, Dr. Engstrom found that in the 2006 General Election for
19 U.S. House District 7, Raul Grijalva received an estimated 86.6 percent of the votes cast
20 by Latinos, and 54.5 by non-Latinos. [Exhibit 556 (Second Engstrom Report 9)]

21 **1243.** Using EI, Dr. Engstrom found that in the 2006 General Election for
22 U.S. House District 7, Raul Grijalva received an estimated 84.4 percent of the votes cast
23 by Latinos, and 51.3 by non-Latinos. [*Id.*]

24 **1244.** Although Dr. Engstrom originally concluded that Raul Grijalva
25 received close to or a little over majority support from the non-Latino voters in his
26 district in 2006, he is now convinced that Mr. Grijalva actually did not receive a majority

1 of the votes from the non-Latino voters. This is based on data made available to him
2 recently that matches the voting data to a better measure of the Hispanic and non-
3 Hispanic electorate in the precincts. A Spanish surname analysis has been applied to
4 these data, providing estimates of the Latino and non-Latino registered voters with them.
5 These data are based on the state's voter registration data as of September 11, 2007.
6 According to Dr. Engstrom, these data provide a superior measure of the precinct
7 electorates that do the voting age population (VAP) data from the 2000 Census, which
8 reports who lived in the precinct on April 1, 2000, six years before the election. [Exhibit
9 556 & 557 (Second Engstrom Report 6; Engstrom Response 6)]

10 **1245.** Through EI using these voter registration data, Mr. Grijalva is
11 estimated to have received 99.3 percent of the votes cast by Latinos and 48.28 percent of
12 those cast by non-Latinos. [Exhibit 557 (Engstrom Response 10)]

13 **1246.** The ER analysis with these data estimates that Mr. Grijalva received
14 102.3 percent of the votes cast by Latino voters, and 46.7 of those cast by non-Latino
15 voters. [*Id.*]

16 **1247.** The estimates of the vote for Mr. Pastor in the 2006 District 4
17 election, based on these voter registration data, are 92.6 percent of the Latino vote and
18 68.7 percent of the non-Latino vote based on EI, and 114.4 percent of the Latino vote and
19 65.7 percent of the non-Latino vote based on ER. [*Id.*]

20 **1248.** In the two precincts with more than 80 percent in Latino voter
21 registration, Mr. Pastor received 93.9 percent, while in the non-Latino homogeneous
22 precincts his vote was 70.1 percent. [*Id.*]

23 **1249.** Using the voter registration data, EI continued to fail to produce
24 estimates for the 2006 Secretary of State election. [*Id.*]

25 **1250.** According to Dr. Engstrom, using the voter registration data, the ER
26 estimate, of the Latino support for Mr. Torres in that election is far from within the

1 bounds of reality, 250.7 percent, while the estimate for his non-Latino support is 33.5
2 percent. [*Id.*]

3 **1251.** The support for Mr. Torres in the non-Latino homogeneous precincts
4 is 35.5 percent. [*Id.*]

5 **1252.** There were no precincts in which Latinos constituted more than 90
6 percent of the registered voters, but in the three precincts in which Latinos constituted
7 more than 85 percent, the support for Mr. Torres was 88.9 percent, and in the five
8 precincts in which Latinos constituted more than 80 percent, Mr. Torres' vote was 87.6
9 percent. [*Id.*]

10 **1253.** The data files using voter registration data for these elections contain
11 complete coverage of the vote in every election. [*Id.*]

12 **1254.** The State of Arizona Official Canvass of the 2006 General Election
13 reported 60.47% turnout. [Exhibit 493]

14 **1255.** Dr. Engstrom provides additional analyses of group divisions in
15 candidate preferences in five more Counties in the 2002 Democratic gubernatorial
16 Primary Election, in addition to estimates of the voter turnout within the groups in all of
17 the following elections: the 2002 Democratic Primary Election for Governor; the 2002
18 Democratic Primary Election for U.S. District 7; the 2002 Democratic Primary Election
19 for State Senate District 13; the 2002 Democratic Primary Election for State Senate
20 District 14; the 2004 General Election for U.S House District 2; the 2004 General
21 Election for U.S. House District 4; the 2004 General Election for U.S. House Dist. 7; the
22 2006 General Election for Secretary of State; the 2006 General Election for U.S. House
23 District 4; and the 2006 General Election for U.S. House District 7. [Exhibit 560
24 (Supplemental Report of Dr. Richard L. Engstrom 1, April 2, 2008 (“Engstrom Supp.
25 Report”))]

26

1 **1256.** Dr. Engstrom’s results indicate that Latino voters had a preference
2 for the Latino candidate in four of the five Counties that were analyzed. [Exhibit 560
3 (Engstrom Supp. Report 2)]

4 **1257.** According to Dr. Engstrom, in Pima County and Yuma County all
5 estimates show the Latino candidate to be the choice of a majority of Latino voters. [*Id.*]

6 **1258.** According to Dr. Engstrom, in LaPaz County the Latino candidate
7 wins a majority of the Latino votes according to the ER analysis and a plurality according
8 to the EI analysis. [*Id.*]

9 **1259.** According to Dr. Engstrom, in Pinal County both available estimates
10 identify the Latino candidate as a plurality choice. [*Id.*]

11 **1260.** According to Dr. Engstrom, in Santa Cruz County, Governor Janet
12 Napolitano was the preferred candidate of the Latino voters. [*Id.*]

13 **1261.** According to Dr. Engstrom, non-Hispanic support for the Hispanic
14 candidate was very low in all five Counties, regardless of the estimation method
15 employed. [*Id.*]

16 **1262.** Dr. Engstrom concluded that given these differences in candidate
17 support, any voter registration or voting requirement that has a disproportionately
18 negative impact on Latino voting would impede that group’s ability to elect
19 representatives of its choice. [*Id.*]

20 **1263.** According to Dr. Engstrom, voter turnout was very low in the 2002
21 Democratic Primary Elections for the VAP of Latinos and non-Latinos that voted in the
22 election at issue. [*Id.*]

23 **1264.** According to Dr. Engstrom, there is not a clear tendency for the VAP
24 of Latinos that voted in the elections at issue to turnout at a higher rate than the VAP of
25 non-Latinos that voted in the elections at issue. [*Id.*]

26

1 **1265.** According to the results of Dr. Engstrom’s analyses, voting has been
2 racially polarized in Arizona elections. [Engstrom Report 6; Second Engstrom Report 6]
3 Dr. Rodolfo Espino examined voter registration data across the fifteen Counties of
4 Arizona and assessed effects on Arizona’s Hispanic population since the implementation
5 of Proposition 200. [Exhibit 561 (Expert Report of Dr. Rodolfo Espino, III 1, January 7,
6 2008 (“Espino Report”))]

7 **1266.** To conduct his analyses, Dr. Espino used a statewide voter database
8 for Arizona that was merged with a Hispanic surname database in order to code
9 individual voter’s as Hispanic. [Exhibit 561 (Espino Report 2)]

10 **1267.** Utilizing this data, Dr. Espino examined the percentage of voters
11 with Hispanic surnames who were registered from the start of the implementation of
12 Proposition 200 (January 1, 2005) to the end of July 2007 – 941 days. [*Id.*]

13 **1268.** He compared this figure to the percentage of voters with Hispanic
14 surnames who were registered to vote in the 941 days preceding the implementation of
15 Proposition 200 - June 04, 2002 to December 31, 2004. [*Id.*]

16 **1269.** Dr. Espino plotted the percentage of Hispanic voters registered across
17 this 62 month time period on a number of time series charts. [*Id.*]

18 **1270.** According to Dr. Espino, normally there are cyclical ups and downs
19 to the total number of voters registered in a jurisdiction - usually an upswing in the early
20 part of an election year and then a down surge following the election date. [*Id.*]

21 **1271.** According to Dr. Espino, if all individuals, irrespective of race, are
22 being registered at the same proportion, the data should fall in a constant line across in
23 time. [*Id.*]

24 **1272.** Dr. Espino noted, however, that data was not constant across time in
25 his analyses. [*Id.*]

26

1 **1273.** For example, in the late spring and summer of 2004, a modest
2 increase in the Hispanic registration rate can be seen - an increase of about 4 percent
3 heading into the 2004 general election. This increase was followed by a rapid decline
4 following the 2004 general election cycle and into the first half of 2005. According to
5 Dr. Espino, this should not occur if Hispanics were continuing to be registered at the
6 same proportion as other voters. [*Id.*]

7 **1274.** Furthermore, the lack of a significant recovery of this registration rate
8 in the ensuing two years demonstrates that Hispanics were continuing to experience
9 registration lower than their share of the total state population and at rates even lower
10 than the previous mid-term general election cycle in 2002. [Exhibit 561 at 2-3]

11 **1275.** Dr. Espino observed an unexpected bump in the Hispanic registration
12 rate in the late spring and early summer of 2007. This spike was unanticipated because
13 2007 was not a general election year. [*Id.*]

14 **1276.** According to Dr. Espino, this spike of registration rates for Hispanics
15 beyond 18 percent for several months pulls the rate of Hispanic registration for the 31
16 months following January 2005 to levels nearly equivalent to the 31 months preceding
17 January 2005. [*Id.*]

18 **1277.** To provide further substantive interpretation the voter registration
19 data Dr. Espino plotted, he provided fitted line values as a function of the slope
20 coefficients and time in weeks for Hispanics and non-Hispanics for the period preceding
21 Proposition 200 and the period following Proposition 200. [Exhibit 562 (Reply of Dr.
22 Rodolfo Espino, III 4, May 22, 2008 (“Espino Reply”))]

23 **1278.** Dr. Espino did so for each of Arizona’s 15 Counties. [Exhibit 562 at
24 4]

25 **1279.** Dr. Espino notes that any positive values of coefficients for Hispanics
26 or non-Hispanics indicate an increase in the value of the coefficients - in other words, an

1 increase in the rate of that demographic group becoming registered to vote. Conversely,
2 any negative values in the percent change of the coefficients between the two time
3 periods indicate a decline in the rate of that demographic group becoming registered to
4 vote. [*Id.*]

5 **1280.** According to Dr. Espino, making the very conservative assumption
6 that there are no population changes between Hispanics and non-Hispanics across this
7 time period, one would expect that there would be no percent change in the weekly
8 registration rate if Proposition 200 had no differing impact between demographic groups.
9 [*Id.*]

10 **1281.** That was not the result here, however, as Dr. Espino observes
11 variation in the changes across Arizona's Counties. [Exhibit 562 at 5]

12 **1282.** According to Dr. Espino, the reason there is added value in such a
13 county by county analysis is because Arizona's Hispanic population is not uniformly
14 distributed across Arizona's 15 Counties. [*Id.*]

15 **1283.** Two of Arizona's Counties with high populations of Hispanic
16 citizens are Pima and Yuma Counties. [Exhibit 562 at 6]

17 **1284.** Therefore, according to Dr. Espino, the drop in the registration rate of
18 Hispanics following Proposition 200 in some of Arizona's most heavily Hispanic
19 Counties suggests that the effects of Proposition 200 are detrimental to a large number of
20 Hispanic citizens in Arizona. [*Id.*]

21 **1285.** Because Arizona consists of 15 Counties with tremendous variability
22 in population size, Dr. Espino attempted to parse out the registration rates of Hispanics
23 for each of these 15 Counties in the time period under consideration. [Exhibit 562 at 2-3]

24 **1286.** According to Dr. Espino, the registration rates of Hispanics for
25 Maricopa County most closely resemble the overall state trend. [*Id.*]

26

1 **1287.** Maricopa County is Arizona’s largest county, and Dr. Espino notes
2 that it is therefore not unusual that Maricopa County drives the overall state average.
3 [Exhibit 562 at 4]

4 **1288.** According to Dr. Espino, his observation of the Hispanic voter
5 registration is justified because it is informed by an understanding of the history of voter
6 disenfranchisement in Arizona and also by the fact that ocular assessments are common
7 place in many scientific fields, particularly when it relates to communicating results to a
8 wider audience. [Exhibit 563 (Second Rebuttal of Dr. Rodolfo Espino, III 6, March 9,
9 2008 (“Second Espino Rebuttal”))]

10 **1289.** According to Dr. Espino, when performing ocular assessments of
11 time-series data, it is imperative to keep in mind what is being looked at, in this case, the
12 rate of Hispanic voter registration in the state of Arizona. [Exhibit 563 at 1]

13 **1290.** According to Dr. Espino, an understanding of the voter registration
14 data under consideration should inform a knowledgeable scientist what might be
15 expected, particularly in the State of Arizona. [*Id.*]

16 **1291.** According to Dr. Espino, the State of Arizona is covered by many
17 sections of the Voting Rights Act, which was renewed by Congress in 2006. Arizona is
18 under coverage because of its past history in disenfranchising minority populations. [*Id.*]

19 **1292.** According to Dr. Espino, with an understanding of this history in
20 mind, it can be seen that the effect of Proposition 200 continues this legacy of presenting
21 significant barriers to the ability of Arizona’s Hispanic population to register to vote.
22 [*Id.*]

23 **1293.** According to Dr. Espino, myriad scholarship provides well-
24 documented effects of such electoral laws and on the continuing effect it has on minority
25 populations today. [*Id.*]

26

1 **1294.** According to Dr. Espino, generally rules inhibit participation when
2 they place undue costs on individuals, but these rules affect those with lower levels of
3 education disproportionately. [Exhibit 564 (Espino Reply 1)]

4 **1295.** According to Dr. Espino, the factors that affect minorities, and
5 minority participation, result from, at times, seemingly innocuous provisions such as the
6 type of voting equipment used. [Exhibit 564 at 2]

7 **1296.** According to Dr. Espino, one study showed that Blacks cast invalid
8 ballots at higher rates than Whites, when punch cards are used, leading the authors to
9 recommend Direct Recording Electronic machines (DREs). [*Id.*]

10 **1297.** The factors contributing to this phenomenon are not only lower
11 levels of education, but also less experience with voting devices, as well as less
12 willingness on the part of minorities to seek assistance at the polls where there is racial
13 intimidation or a history of disenfranchisement. [*Id.*]

14 **1298.** Another study analyzed the use of Internet Voting for the Democratic
15 Party's primary election in Arizona on March 11, 2000. [*Id.*]

16 **1299.** The author concluded that it was the economically well off who
17 benefited from this method, and there was modest evidence that nonwhite populations
18 were disadvantaged. [*Id.*]

19 **1300.** According to Dr. Espino, another seemingly innocuous provision is
20 the nonpartisan ballot, which one study showed "disadvantage the poor, the working
21 classes, liberal voters and Democrats." [*Id.*]

22 **1301.** Another study showed that election-day registration (EDR), adopted
23 by many states between 1990 and 1994, helps to improve turnout among young persons,
24 and recent movers. [*Id.*]

25
26

1 **1302.** Another study proposed the idea that electoral laws be assessed not
2 only with regard to pre-existing guidelines, but also with regard to their outcomes, or
3 impact on minority populations. [*Id.*]

4 **1303.** According to Dr. Espino, this was in the context of gerrymandering,
5 of course, but it resonates in the context of Proposition 200, because all rules and
6 institutions that translate preferences into electoral outcomes affect representation,
7 especially that of racial and ethnic groups. [*Id.*]

8 **1304.** Another study noted that the practice of purging inactive voters, and
9 mail-in balloting, both of which impact access, were negative and significant as
10 predictors of voting by naturalized Latin American immigrants. [*Id.*]

11 **1305.** According to Dr. Espino, de jure attempts to curtail voting by Blacks
12 in the form of literacy tests, and poll taxes, as well as by the less well known methods of
13 white primaries and “good moral character” clauses are well documented, but just as
14 important was the “uneven application” of them, including the refusal to accept poll tax
15 payments from Blacks, and, potentially more directly related to the present, the
16 registration of whites in spite of not having met requirements. [*Id.*]

17 **1306.** Another study cited by Dr. Espino analyzed exit polls conducted in
18 California, New Mexico and Washington during the 2006 election. [Exhibit 564 at 3]

19 **1307.** The authors find that being an ethnic minority in these states (e.g.
20 Latino, Asian or Black) was negatively and significantly related to being unable to
21 provide identification above and beyond a driver’s license, controlling for the
22 independent impact of income, education, sex, time spent in the U.S. and being foreign-
23 born, among others. For the foreign-born, even a Driver’s License was difficult to
24 provide. [*Id.*]

25
26

1 **1308.** According to Dr. Espino, nearly every scientific discipline relies on
2 ocular assessments for data collection and estimation. [Exhibit 565 (Rebuttal of Dr.
3 Rodolfo Espino 4, March 7, 2008 (“Espino Rebuttal”))]

4 **1309.** According to Dr. Espino, nearly every scientific discipline relies on
5 such ocular assessments for data collection and estimation. [Exhibit 565 at 1]

6 **1310.** According to Dr. Espino, the basis for ocular assessments is premised
7 on scientists’ ability to effectively communicate conclusions to a wider audience. [*Id.*]

8 **1311.** According to Dr. Espino, the visual presentation of data serves as an
9 effective and transparent way of communicating findings of patterns in data to a wide
10 array of audiences that can be easily understood, and more importantly, provide an
11 effective way of observing differences in data, particularly differences in data over time
12 that would otherwise be hidden with simple summary measures, such as the mean, or
13 with sophisticated, quantitative regression models. [*Id.*]

14 **1312.** According to Dr. Espino, the drop in the rate of voter registration for
15 Hispanics in Arizona following the implementation of Proposition 200 would be even
16 more pronounced if Maricopa County was excluded from the statewide analysis.

17 **1313.** Dr. Espino plotted the registration rates of Hispanics for each of
18 Arizona’s 15 Counties, then rescale all the vertical axes to take on the range of the county
19 with the most variability across time (Greenlee County) to improve comparability.
20 [Exhibit 561 at 5]

21 **1314.** Dr. Espino identified Greenlee and Yuma Counties as being Counties
22 with particularly dramatic shifts in the rate of Hispanics being registered before and after
23 the implementation of Proposition 200’s identification requirements. [*Id.*]

24 **1315.** According to Dr. Espino, Greenlee County experienced over a 7
25 percent drop in the percent of Hispanics being registered after January 1, 2005. [Exhibit
26 561 at 6]

1 **1316.** In the 31 months preceding the implementation of Proposition 200's
2 identification requirements, 25.76 percent of the voters registered in Greenlee County
3 were of Hispanic origin. In the ensuing 31 months, this figure dropped to 18.58 percent.
4 [*Id.*]

5 **1317.** Dr. Espino noted that in Yuma County, the registration of Hispanics
6 dropped by over 5 percent after January 1, 2005. [*Id.*]

7 **1318.** Specifically, 37.18 percent of the voters registered in Yuma County
8 prior to January 1, 2005 were of Hispanic descent. After the implementation of
9 Proposition 200's requirements, this figure dropped to 31.67 percent. [*Id.*]

10 **1319.** Dr. Espino concluded that if Proposition 200's registration
11 requirements had neutral effects on the proportion of Hispanics attempting to register to
12 vote over time than we should not expect to see dramatic shifts in the percentage of
13 Hispanics registering to vote over time. [*Id.*]

14 **1320.** Moreover, since Hispanics are registered to vote at rates below the
15 general population, Dr. Espino concluded that dramatic downward shifts in a growing
16 electorate, such as Hispanics should not be expected. [*Id.*]

17 **1321.** In his analyses, Dr. Espino also provided cross tabulations of the
18 number of individuals with Hispanic surnames registered before and after the
19 implementation of Proposition 200. [Exhibit 565 at 5]

20 **1322.** Looking at the whole state of Arizona, Dr. Espino observed an
21 overall drop in the average number of individuals with Hispanic surnames becoming
22 registered to vote. [*Id.*]

23 **1323.** Specifically, before the implementation of Proposition 200, there
24 was an average of approximately 60 individuals with Hispanic surnames becoming
25 registered to vote each week. Following the implementation of Proposition 200, there has
26 been an average of approximately 42 individuals with Hispanic surnames becoming

1 registered to vote each week. This amounts to approximately 18 less individuals with
2 Hispanic surnames being registered in Arizona each week since the implementation of
3 Proposition 200. [*Id.*]

4 **1324.** According to Dr. Espino, this difference between the two time
5 periods is statistically significant. [*Id.*]

6 **1325.** Dr. Espino also considered whether individuals with non-Hispanic
7 surnames have also seen a marked decline in registration rates since the implementation
8 of Proposition 200. [Exhibit 565 at 6]

9 **1326.** Dr. Espino performed the same difference-in-means tests for
10 individuals not identified with Hispanic surnames in order to observe whether there has
11 been an equivalent decline in the registration figures for other individuals, which if true,
12 would preclude any claim that the registration requirements imposed by Proposition 200
13 are unduly burdening Hispanic individuals relative to all other individuals. [*Id.*]

14 **1327.** Dr. Espino's analysis revealed that non-Hispanic surnamed
15 individuals were registered at a rate 30 percent less than before Proposition 200 went into
16 effect. By contrast, Hispanic surnamed individuals were registered at a rate 43 percent
17 less than before the implementation of Proposition 200. [Exhibit 563 at 6, March 9,
18 2008]

19 **1328.** Therefore, following the implementation of Proposition 200,
20 Hispanics experienced a greater percentage drop than non-Hispanics. [Exhibit 565 at 6]

21 **1329.** Dr. Espino also examined variability across Counties in order to
22 identify differences across Arizona's fifteen Counties. [Exhibit 565 at 7]

23 **1330.** In his basic statistical test, Dr. Espino observed that in 10 of
24 Arizona's 15 Counties, there was a statistically significant lower registration rate for
25 Hispanics following the implementation of Proposition 200. [*Id.*]

26

1 **1331.** In 7 of these 10 Counties, the percentage decline in the average
2 number of Hispanics registered per week was greater than the percentage decline for non-
3 Hispanic surnamed individuals. [Exhibit 565 at 7]

4 **1332.** Dr. Espino also used regression models to consider whether
5 registration rates between Hispanics and non-Hispanics experienced different rates of
6 change following the implementation of Proposition 200. [Exhibit 565 at 13]

7 **1333.** To do so, he examined the percent of individuals with Hispanic
8 surnames registered to vote each week. [Exhibit 565 at 7]

9 **1334.** This variable served as the dependent variable of interest, and he
10 regressed it on two independent variables: Time (measured in weeks) for the time period
11 preceding implementation of Proposition 200 and Time (measured in weeks) for the time
12 period following implementation of Proposition 200. [Exhibit 563 at 12]

13 **1335.** Using this regression, Dr. Espino first looked at the overall statewide
14 change in Hispanic voter registration rates. [*Id.*]

15 **1336.** To do so, he combined the weekly average Hispanic voter
16 registration rates for all of Arizona's fifteen Counties producing an overall sample size of
17 268 representing the 134 weeks preceding Proposition 200 and the 134 weeks following
18 Proposition 200. [*Id.*]

19 **1337.** According to the results of his regression estimation on these data,
20 Dr. Espino concluded that the rate of Hispanic voter registration has declined in the
21 period following the implementation of Proposition 200. [*Id.*]

22 **1338.** Dr. Espino verified that this claim is statistically significant with a 95
23 percent level of confidence. [*Id.*]

24 **1339.** Dr. Espino used the same regression estimation to determine whether
25 non-Hispanic surnamed individuals experienced a similar drop in the percent of
26 individuals being registered following the implementation of Proposition 200, this time

1 using the percent of non-Hispanic surnamed individuals as the dependent variable.
2 [Exhibit 563 at 13]

3 **1340.** Based on his analysis, Dr. Espino concluded that non-Hispanic
4 surnamed individuals also experienced a decline in the rate at which they were registering
5 to vote, but because the percent change in the coefficients for Hispanic surnamed
6 individuals is greater than the percent change in the coefficients for non-Hispanic
7 surnamed individuals. [*Id.*]

8 **1341.** Specifically, the OLS models show that the percent of Hispanic
9 individuals registered to vote each week in Arizona declined 6.29 percent following the
10 implementation of Proposition 200, while the corresponding decline for non-Hispanic
11 surnamed individuals declined just 5.36 percent. [*Id.*]

12 **1342.** According to Dr. Espino, while a difference of 0.93 percent between
13 Hispanic and non-Hispanic surnamed individuals may seem small on its face, this is a
14 difference in the rate of individuals registering to vote each week in Arizona. Over time
15 and given the increasing size of Arizona's Hispanic population, this can amount to
16 differences in thousands of voters each year. [*Id.*]

17 **1343.** Dr. Espino also considered the influence of Maricopa County in his
18 analyses. [Exhibit 563 at 14]

19 **1344.** Maricopa is the most populated county in Arizona, and according to
20 the 2000 United States Census is the fourth most populous county in the entire United
21 States. [*Id.*]

22 **1345.** 59.16 percent of all individuals registered to vote were registered to
23 vote in Maricopa County. [*Id.*]

24 **1346.** According to Dr. Espino, although Proposition 200 is a statewide
25 law, it is administered by 15 different county recorders who are responsible for
26

1 administering not just statewide elections but also local city council elections. [Exhibit
2 564 at 6]

3 **1347.** According to Dr. Espino, allowing the behavior of a single, large
4 county (i.e., Maricopa County) to dominate the overall statewide analysis would preclude
5 the observation of the effects in Arizona's 14 other Counties [*Id.*]

6 **1348.** Dr. Espino asserts that it would, therefore, be misleading to make
7 conclusions about the condition of voter registration rates for the entire state of Arizona
8 based on the singular behavior of voter registration rates within one county. [Exhibit 563
9 at 14]

10 **1349.** Dr. Espino therefore re-estimated his models excluding the
11 registration figures from Maricopa County. [*Id.*]

12 **1350.** Dr. Espino's results demonstrate even more forcefully the drop off in
13 the rate of Hispanic voter registration following Proposition 200. [*Id.*]

14 **1351.** Specifically, he found that the percent of Hispanic individuals
15 registered to vote each week in Arizona declined 10.06 percent following the
16 implementation of Proposition 200, while the corresponding decline for non-Hispanic
17 surnamed individuals declined just 4.17 percent. [*Id.*]

18 **1352.** Dr. Espino also considered the question of whether the periods
19 immediately preceding and following the implementation of Proposition 200 are not
20 comparable because these include a presidential cycle. [Exhibit 563 at 16]

21 **1353.** According to Dr. Espino, when considering differences in voter
22 registration between demographic groups, there is no theoretical basis in the extant
23 literature on voting behavior to exclude presidential election cycles. [Exhibit 563 at 18]

24 **1354.** According to Dr. Espino, cutting data in particular ways without
25 strong theoretical justification runs the risk of introducing bias in our ability to estimate
26 the effects of Proposition 200 on the change in voter registration rates. [*Id.*]

1 **1355.** Therefore, Dr. Espino refrained from arbitrarily removing data from
2 his analyses. [*Id.*]

3 **B. The Demographic Landscape of Arizona**

4 **1356.** The U.S. Census Bureau estimates that in 2005 the population of
5 Arizona was 5,939,292. [Exhibit 494]

6 **1357.** The U.S. Census Bureau's Poverty Threshold measure for Arizona
7 estimated that in 2004 there were over 13,000 two-person households with one related
8 child that were living in poverty. The report continues to detail the poverty threshold by
9 household size and number of related children for Arizona. [Exhibit 495]

10 **1358.** According to Dr. Jorge Chapa, Arizona's population grew very
11 rapidly since the year 2000. [Exhibit 566 (Expert Report of Dr. Jorge Chapa 1, January
12 4, 2008 ("Chapa Report"))]

13 **1359.** Between 2000 and 2006, Arizona's population increased by more
14 than one million people, or by twenty percent. [Exhibit 566 at 1]

15 **1360.** About half of the total increase was due to the even more rapid
16 growth of Arizona's Hispanic population. [*Id.*]

17 **1361.** In 2006, about three out of every ten Arizona residents was Hispanic.
18 [*Id.*]

19 **1362.** According to Dr. Chapa, Mexican-Origin Hispanics are by far the
20 largest group and comprise almost ninety percent of all Hispanics in Arizona. [*Id.*]

21 **1363.** Migrants are a large part of Arizona's population. [*Id.*]

22 **1364.** In 2006, a substantial majority of Arizona's residents in 2006 were
23 born in other states than were born in Arizona. [*Id.*]

24 **1365.** In 2006, 15.1 % of Arizona's population were foreign-born and
25 10.6% were not. [*Id.*]

26

1 **1366.** In 2006, Mexico was, by far, the leading country of origin for
2 Arizona's foreign-born population. [*Id.*]

3 **1367.** In 2006 about ninety percent of Arizona's Hispanic population under
4 age eighteen were U.S. citizens. [*Id.*]

5 **1368.** In 2006, sixty percent of Arizona Hispanics aged eighteen and older
6 were U.S. citizens. [*Id.*]

7 **1369.** In 2006, almost all of the non-Hispanics in Arizona were U.S.
8 citizens. [*Id.*]

9 **1370.** In 2006, one of every four voting-age citizens in Arizona was
10 Hispanic. [*Id.*]

11 **1371.** In 2006, about one-half of all naturalized voting-age citizens in
12 Arizona were Hispanic. [*Id.*]

13 **1372.** In 2006, seventy percent of Arizona's voting-age Hispanic population
14 were citizens compared to approximately ninety percent of the voting-age non-Hispanics.
15 [Exhibit 566 at 1-2]

16 **1373.** According to Dr. Chapa, between 2000 and 2006 there was a strong,
17 steady increase in the Hispanic citizen voting-age population (CVAP). [Exhibit 566 at 2]

18 **1374.** Hispanics are becoming naturalized citizens at an accelerating rate.
19 [*Id.*]

20 **1375.** From 2004 to 2005 ,the number of naturalizations for Hispanics
21 increased by 8.3% in contrast to the number of naturalizations for immigrants from non-
22 Hispanic countries, which increased by only 1.4%. [*Id.*]

23 **1376.** Arizona Hispanics, including foreign-born Hispanics, have lower
24 levels of education when compared to non-Hispanics. [*Id.*]

25 **1377.** According to Dr. Chapa, immigrants typically have low levels of
26 education and earnings, and recent immigrants are part of the explanation for the high

1 proportion of Hispanics concentrated in the lower educational levels and relatively few in
2 the higher education categories. [*Id.*]

3 **1378.** Lower levels of income and education correspond to lower levels of
4 automobile access among Hispanics. [*Id.*]

5 **1379.** In Arizona, educational disparities persist among third generation
6 Arizona Hispanics, or the U.S.-born children of U.S.-born parents. [*Id.*]

7 **1380.** In Arizona, the U.S.-born Hispanic children of U.S.-born parents
8 have achieved educational levels that are substantially different and lower than those of
9 third and third-plus generation white non-Hispanics. [*Id.*]

10 **1381.** Third-generation Hispanics in Arizona have far lower earnings than
11 white non-Hispanics in Arizona. [*Id.*]

12 **1382.** According to Dr. Chapa, data from the 2000 Census show that a
13 substantially larger proportion of Arizona Hispanics carpool and use public transportation
14 to travel to work than do white non-Hispanics. [Exhibit 566 at 3]

15 **1383.** Differences between the earnings of Hispanics and white non-
16 Hispanics are related to group differences in educational attainment. [*Id.*]

17 **1384.** Hispanics have not achieved parity with Anglos in terms of the
18 commonly used measures of assimilation--that is, educational and economic levels. [*Id.*]

19 **1385.** Hispanic U.S. citizens lag far behind the white non- Hispanic citizens
20 in voter registration and voting. [*Id.*]

21 **1386.** U.S.-born Hispanics in Arizona have not yet overcome the
22 consequences of past discrimination in education, employment and civic participation.
23 [*Id.*]

24 **1387.** According to Dr. Chapa, the income and education disparities that
25 persist among third generation Hispanics are due to discrimination in employment,
26

1 educational opportunities, housing, the use of public facilities, civic participation, and
2 voting. [Exhibit 567 (Rebuttal of Dr. Jorge Chapa 1, March 6, 2008 (“Chapa Rebuttal”))]

3 **1388.** In almost every year between 2000 and 2006, the Hispanic citizen
4 voting age population (CVAP) grew at a substantially faster rate than the non-Hispanic
5 CVAP. [Exhibit 568 (Rebuttal of Dr. Jorge Chapa 1, May 22,2008 (“Second Chapa
6 Rebuttal”))]

7 **1389.** According to Dr. Chapa, current statistics involving Arizona’s
8 Hispanic population indicate that Hispanic CVAP has and will continue to grow at a
9 faster rate than the white non-Hispanic CVAP. [Exhibit 568 at 2]

10 **XII. HISTORICAL AND CURRENT RACE DISCRIMINATION AGAINST** 11 **LATINOS IN ARIZONA**

12 **A. Arizona Has a Long History of Racial Discrimination**

13 **1390.** Since 1982, Arizona has had eighteen Section 5 objections – over
14 eighty percent of all Section 5 objections since Arizona or its political subdivisions were
15 first covered in 1965. [Exhibit 579 at54]

16 **1391.** Four of these post-1982 objections have been for statewide
17 redistricting plans, including one in the 1980s, two in the 1990s and one as recently as
18 2002. [Exhibit 579 at 54]

19 **1392.** These post-1982 objections have affected seven of Arizona’s 15
20 Counties, with DOJ finding that these voting changes had the purpose or effect of
21 discriminating against the State’s Latino or American Indian voters. [Exhibit 579 at 54]

22 **B. Lay testimony from Elected Officials**

23 **1393.** Alfredo Gutierrez is president and co-founder of Tequida and
24 Gutierrez LLC. [Exhibit 533 (Declaration of Alfredo Gutierrez (“Gutierrez”), at 2)]

25 **1394.** Alfredo Gutierrez has an extensive history of campaign work and
26 political activity in Arizona. He is the president and co-founder of Jamieson and

1 Gutierrez Inc, a political and public affairs consulting company in Arizona He also served
2 in the Arizona Legislature for 14 years and worked in numerous political campaigns
3 since 1970. [Exhibit 533 (Gutierrez at 2-3)]

4 **1395.** Alfredo Gutierrez was a member of the State Senate, where he was
5 both the majority and minority leader. [Exhibit 533 (Gutierrez at 2)]

6 **1396.** Alfredo Gutierrez has served on numerous boards and has an
7 extensive history of community service including Chairman of the Procurement Board
8 for Arizona Works and serving on the Policy Committee of the Violence Prevention
9 Initiative program. [Exhibit 533 (Gutierrez at 2)]

10 **1397.** In 2002, Alfredo Gutierrez declared his candidacy for Arizona
11 Governor and ran unsuccessfully in the Democratic primary. [Exhibit 533 (Gutierrez at
12 3)]

13 **1398.** Elizabeth Archuleta serves as the District 2 representative on the
14 Coconino County Board of Supervisors. [Exhibit 524 (Declaration of Elizabeth
15 Archuleta (“Archuleta”), at 3)]

16 **1399.** Elizabeth Archuleta began her career in public service in 1997 and
17 was the first Hispanic female elected to office in the history of Coconino County.
18 [Exhibit 524 (Archuleta at 2)]

19 **1400.** Over the past 25 years, Archuleta has worked extensively in political
20 campaigns and has served on numerous boards and civic organizations. She has
21 received many awards recognizing her commitment to the city of Flagstaff and the Latino
22 community. [Exhibit 524 (Archuleta-2-3)]

23 **1401.** The Hispanic Mother-Daughter Program, a higher education outreach
24 program, was founded by Archuleta. Further, she funds and supports two summer teen
25 work programs. [Exhibit 524 (Archuleta at 2)]

26

1 **1402.** Prior to her service on the Coconino County Board of Supervisors,
2 Archuleta spent 19 years working in higher education with a focus on multicultural
3 community relations at Northern Arizona University. [Exhibit 524 (Archuleta at 3)]

4 **1403.** Pete Rios has been a legislator for 24 years and is currently serving
5 his second term in the Arizona House of Representatives. Currently, Mr. Rios is a
6 member of the Appropriations, Higher Education, and Sub-Appropriations:
7 Transportation and Criminal Justice standing committees. [Exhibit 545 (Declaration of
8 Pete Rios (“Rios”), 2008 at 2)]

9 **1404.** Pete Rios is a native of Arizona and grew up in the state’s rich copper
10 mining area of Hayden-Winkelman. [Exhibit 545 (Rios at 2)]

11 **1405.** Pete Rios was first elected to the Arizona State Senate in 1982 and
12 has held the positions of Democratic Whip and Democratic Assistant Leader. In 1991, he
13 was elected President of the Arizona State Senate for the 40th Legislature as the first
14 Latino Senate President in the history of the state. [Exhibit 545 (Rios at 2)]

15 **1406.** In 1994, Pete Rios was the Democratic nominee for Secretary of
16 State, but lost in the general election. [Exhibit 545 (Rios at 3)]

17 **1407.** There is clear history of discrimination against Latinos in Arizona
18 and a history of suppressing Latino and other racial minority’s ability to exercise their
19 right to vote and engage in the political process and its effects are still felt today.
20 [Exhibit 524 (Archuleta at 3); Exhibit 533 (Gutierrez at 3); Exhibit 545 (Rios at 3)]

21 **1408.** Outside of the voting context, there is a long history of discrimination
22 in Arizona especially in the area of education that is still felt today. [Exhibit 533
23 (Gutierrez at 5)] Even after most of the nation had integrated, children in Flagstaff
24 remained segregated into separate schools. [Exhibit 524 (Archuleta at 3)] The
25 designated school for Latinos was South Beaver, the designated school for African
26 Americans was Dunbar School, and the Anglos had their own school. [Exhibit 524

1 (Archuleta at 3)] During this time, Mexican Americans attending school were strictly
2 prohibited from speaking Spanish. [Exhibit 545 (Rios at 3)]

3 **1409.** Flagstaff was historically segregated into Latino and African
4 American neighborhoods that were separated from Anglo neighborhoods. [Exhibit 524
5 (Archuleta at 3)]

6 **1410.** Latinos in Flagstaff were only allowed to sit in the balcony of the
7 movie theatre and were not allowed to sit on the main floor with the Anglos. [Exhibit
8 524 (Archuleta at 3); Exhibit 545 (Rios at 3)]

9 **1411.** Mexican Americans were not allowed to swim in the public pool on
10 the Anglo side of town except for once a week; the day before the pool was to be drained.
11 [Exhibit 545 (Rios at 3)]

12 **1412.** The historical impact of de jure segregation is still apparent today by
13 de facto segregation. [Exhibit 545 (Rios at 3)] There is a clear division between Latino
14 and minority neighborhoods and predominantly Anglo neighborhoods. [Exhibit 524
15 (Archuleta at 3)]

16 **1413.** Pete Rios remembers employment discrimination against his dad,
17 who worked at the copper mines and was paid a lower wage because he was Mexican.
18 [Exhibit 545 (Rios at 3)]

19 **1414.** Predominantly low wage service industries surround traditional
20 Latino and minority neighborhoods and little effort is made to economically revitalize the
21 area. [Exhibit 524 (Archuleta at 3)] The area is marked with vacant buildings and a
22 stigma perpetuated by realtors of being a poor location in which to live or invest.
23 [Exhibit 524 (Archuleta at 3)]

24 **1415.** The most intimidating election practice has been Proposition 200
25 itself. [Exhibit 524 (Archuleta at 4)] Proposition 200 has proven to be an intimidating
26 law preventing minorities from voting. [Exhibit 524 (Archuleta at 4)] Latinos and

1 Native American citizens not born in hospitals with no birth certificate and lacking other
2 forms of identification have been precluded from voting. [Exhibit 524 (Archuleta at 4);
3 Exhibit 545 (Rios at 5)]

4 **1416.** There is credible evidence to support the assertion that Latinos are
5 less likely to pay for a replacement license when they move to comply with Proposition
6 200 identification requirements. [Exhibit 545 (Rios at 5-6)]

7 **1417.** Latinos are also less likely to cure a conditional provisional ballot
8 because the economic costs involved make it not financially feasible for many Latinos.
9 [Exhibit 545 (Rios at 6)]

10 **1418.** Latinos are less likely to register a second time if they are rejected for
11 lack of proof for citizenship. [Exhibit 545 (Rios at 6)] Many Latino citizens are suspect
12 of government bureaucracies and are afraid to attempt a second registration. [Exhibit 545
13 (Rios at 6)]

14 **1419.** Some Latino elected officials believe that the intent of Proposition
15 200 is to reduce the Latino turnout. [Exhibit 545 (Rios at 7)]

16 **1420.** Registered Latino voters feel intimidated at the polls and often leave
17 before casting their votes. [Exhibit 524 (Archuleta at 4); Exhibit 533 (Gutierrez at 3);
18 Exhibit 545 (Rios at 3)] Latinos are alienated from the voting process because of the
19 identification requirements imposed at the polls that cause poll workers to question
20 identification cards that do not match voter roll addresses. [Exhibit 524 (Archuleta at 4);
21 Exhibit 545 (Rios at 3)].

22 **1421.** There were threats of the literacy tests in Arizona hanging over the
23 heads of Latino voters and specific efforts by certain GOP operatives to target certain
24 communities and precincts and engage in a systematic effort to intimidate and
25 disenfranchise Latino and African American voters through the 1970s, even until the
26 1980s. [Exhibit 533 (Gutierrez at 3)] Voters were threatened in the polling place that

1 they would have to read the Constitution, or if they could not read they could not vote,
2 which caused Latinos to choose not to vote. [Exhibit 533 (Gutierrez at 3); Exhibit 545
3 (Rios at 5)]

4 **1422.** It was once commonplace to fail to provide bilingual assistance to
5 voters and today there are many instances in which poll workers refuse to assist Spanish
6 speaking voters. [Exhibit 533 (Gutierrez at 3-4)] Recent efforts to encourage older, non-
7 English speaking Latino voters to participate have centered on absentee voting because
8 voting by mail which is less intimidating than voting in person. [Exhibit 545 (Rios at 3-
9 4)]

10 **1423.** In some communities the history of disenfranchisement has been
11 prevalent enough that there were no Latino election officials and it remains very difficult
12 to get Spanish speakers to participate as poll workers to this day. [Exhibit 524 (Archuleta
13 at 3); Exhibit 533 (Gutierrez at 4)]

14 **1424.** In the voting context, there are areas of Coconino County, the City of
15 Flagstaff, and the state that exhibit racially polarized voting, utilize racial appeals, and
16 other methods that hinder the ability of Latinos to exercise their voting rights. [Exhibit
17 524 (Archuleta at 3); Exhibit 533 (Gutierrez at 4); Exhibit 545 (Rios at 4)] Statewide it
18 would be extremely difficult for a Latino to be elected with the current demographics and
19 the extent of racially polarized voting. [Exhibit 524 (Archuleta at 3); Gutierrez at 4;
20 Exhibit 545 (Rios at 4)]

21 **1425.** Anglo voters support Anglo candidates and if a Latino attempted to
22 run for office in a predominantly Anglo district, it would be extremely difficult for a
23 minority candidate to garner the Anglo vote. [Exhibit 524 (Archuleta at 3); Exhibit 533
24 (Gutierrez at 4); Exhibit 545 (Rios at 4)]

25 **1426.** As the Latino population grows in Arizona, it is unquestionable that
26 there has been a backlash against Hispanic candidates. [Exhibit 533 (Gutierrez at 4)]

1 **1427.** Historically, slating has been a practice used to exclude minority
2 candidates in Arizona. [Exhibit 533 (Gutierrez at 5)] Presently, there are Hispanic slates,
3 but only in minority communities. [Exhibit 533 (Gutierrez at 5)]

4 **1428.** Racial appeals are prevalent throughout Arizona, especially in the
5 context of immigration. [Exhibit 524 (Archuleta at 3); Exhibit 533 (Gutierrez at 5);
6 Exhibit 545 (Rios at 4)] It was clear statewide that messages that led to the passage of
7 Proposition 200 were aimed at Latinos. [Exhibit 524 (Archuleta at 3)] The materials and
8 messages proposed by the proponents of Proposition 200 created a negative perception of
9 Latinos and a polarization between recent immigrants and U.S. born citizens, especially
10 Anglos. [Exhibit 524 (Archuleta at 3)]

11 **1429.** In the 1970's and 1980's, volunteers campaigning for a minority
12 candidate received hostile reactions from residents of Anglo neighborhoods. [Exhibit
13 533 (Gutierrez at 5)] This is still largely true today. [Exhibit 533 (Gutierrez at 5)]

14 **1430.** Latino Elected officials believe the State Legislature has been
15 unresponsive to the needs of the Latino community. [Exhibit 533 (Gutierrez at 6);
16 Exhibit 545 (Rios at 5)] The Legislature has refused to fund English Language Learners
17 and as a result there is an increasing trend by schools to segregate English Language
18 Learners, mostly Latinos, from Anglo students. [Exhibit 533 (Gutierrez at 6)]

19 **1431.**

20 **1432.**

21 **1433.** Proponents of Proposition 200 have ties to white supremacists and
22 have expressed racial animus. [Exhibit 501]

23 **C. Newspaper Accounts of Voter Suppression in Arizona**

24 **1434.** Republican challengers went to polling places, particularly in
25 minority-dominated precincts, in Maricopa and Pima Counties in the 1956 election to
26 challenge voters on their ability to read and interpret parts of the Constitution. [Exhibit

1 501 (Gene McLain, "Fight Erupts at South Side Precinct," *Arizona Republic*, Nov. 7,
2 1962, p. 1, 11)]

3 **1435.** In the November 4, 1958 election, Republican challengers were sent
4 to 90% of the polling places in Maricopa County. Prior to the election, the Republican
5 Party sent campaign material to 18,000 registered Democrats at their addresses of
6 registration. Those for whom the material was returned were added to "challenge lists,"
7 which the challengers took with them to the polls. Voters were also challenged on their
8 ability to read the preamble to the Constitution. [Exhibit 501 ("Some GOP Vote
9 Challengers Face Criminal Charges for Holding Posts," *Arizona Republic*, Nov. 5, 1958,
10 p. 4)]

11 **1436.** This practice of challenging minority voters continued in the 1962
12 election, and even caused at least one fight between a Republican challenger and a
13 Democratic party representative. [Exhibit 501 (Gene McLain, "Fight Erupts at South
14 Side Precinct," *Arizona Republic*, Nov. 7, 1962, p. 1, 11)]

15 **1437.** Republican vote challengers employed a program called "Operation
16 Eagle Eye" in Arizona in the 1964 general election. This program was a coordinated
17 effort to challenge votes of those on the challenge lists, as well as minority voters, by
18 asking them to read portions of the Constitution or by asking them personal questions.
19 Several witnesses identified Chief Justice Rehnquist as a participant in Operation Eagle
20 Eye, and stated that he used harassment and intimidation to discourage minority voters
21 from exercising their right to vote. [Exhibit 501 (Fred P. Graham, "2 Negroes from
22 Phoenix, Ariz. Say Rehnquist Harassed Blacks at Polls in 1964," *The New York Times*,
23 Nov 16., 1971, p. 32; Fred. P. Graham, "Rehnquist Role in Election Confirmed," *The*
24 *New York Times*, Nov. 13, 1971, p. 37; "Excerpts from Questioning of Rehnquist in the
25 Senate Judiciary Committee," *The New York Times*, July 31, 1986, A14)]

26

1 **D. There Is No Evidence of Voter Fraud in Arizona**

2 **1438.** County election officials believe that signature verification is
3 sufficient to prevent fraud. [Exhibit 517 (Rodriguez vol. 1 75:17-20); Exhibit 518
4 (Rodriguez vol. 2 151:20-152:1; Exhibit 508 (Hoyos 43:14-21); Exhibit 514 (Pew 19:5-
5 7); Exhibit 507 (Hansen 71:21-24); Exhibit 504 (Dastrup 28:23-29:1); Exhibit 509
6 (Justman 35:10-23)]

7 **1439.** There have been no cases of voter impersonation fraud in Pinal
8 County in the last twenty-five years. [Exhibit 508 (Hoyos 40:3-9)]

9 **1440.** No non-citizens have registered to vote in Apache, Coconino or
10 Navajo Counties since January 1, 1996. [Exhibit 510 (Johnson 11:10-20); Exhibit 507
11 (Hansen 86:16-21); Exhibit 509 (Justman 11:15-19)]

12 **1441.** County election officials acknowledge that not many of the
13 registrations rejected for lack of proof of citizenship were for individuals born outside the
14 United States. [Exhibit 512 (Osborne vol. 1 22:11-24)]

15 **1442.** Yavapai County has not had an instance of voter fraud in the ten
16 years that County Recorder Ana Wayman-Trujillo has worked for Yavapai County.
17 [Exhibit 521 (Wayman-Trujillo 29)]

18 **1443.** The Counties have had no experience with voter impersonation fraud
19 at the polls. [Exhibit 508 (Hoyos 40)]

20 **XIII. PROPOSITION 200 IS NOT NARROWLY TAILORED TO ACHIEVE ITS**
21 **ENDS**

22 **1444.** The Driver's License Is the Most Widely Used Proof of Citizenship
23 But Does Not Prove Citizenship

24 **1445.** The Arizona Motor Vehicles Division refers to anyone who has
25 business relating to motor vehicles or driving as a customer. [Exhibit 506 (Cindy Gage,
26 January 10, 2008, "Gage" 12:2-6)]

1 **1446.** The Arizona Motor Vehicles Division utilizes a database regarding
2 information on customers. [Exhibit 506 (Gage 11: 6-16)]

3 **1447.** The Motor Vehicles Division assigns each customer conducting
4 business a customer record that is a sequential number. [Exhibit 506 (Gage 12:21-13-3;
5 31: 8-11)]

6 **1448.** After an individual is assigned a record, that record is used for all
7 future transactions with the same customer. [Exhibit 506 (Gage 14:19-25)]

8 **1449.** Contents of a customer base record include the driver’s full name,
9 date of birth, physical description, any restrictions, endorsements, and relevant addresses,
10 voter information and party affiliation. [Exhibit 506 (Gage 15:4-7; 16:2-5; 27:20-23)]

11 **1450.** In addition to the base record, a customer record includes “child
12 segments.” [Exhibit 506 (Gage 16: 12-21)]

13 **1451.** These “child segments” include the prior license segment; a
14 conviction segment; a comment segment, a warrant statement, a driver improvement
15 segment, a traffic survival school segment, a financial responsibility segment, a traffic
16 complaint segment, a permit segment, a commercial driver accident segment, an also
17 known as segment, a nonresident violator suspension segment, a dishonored check
18 segments, a medical review segment, a commercial driver medical segment, and a
19 customer characteristic segment. [Exhibit 506 (Gage 17:2-10)]

20 **1452.** Information related to the type of license a customer would have is
21 contained in the base record. [Exhibit 506 (Gage 17:11-17)]

22 **1453.** All information related to whether a customer had a type F license
23 would be contained in the base record. [Exhibit 506 (Gage 17:18 – 18:6)]

24 **1454.** The information about the F license includes information about
25 whether the license is an original or a duplicate. [Exhibit 506 (Gage 57: 22-58:10)]
26

1 **1455.** The Motor Vehicles Division database interacts with the Social
2 Security Administration to verify Social Security numbers and the Arizona Secretary of
3 State for voter records. [Exhibit 506 (Gage 19:2-4)]

4 **1456.** When a customer comes in for an original license the Motor Vehicles
5 Division will input the customer's name, the date of birth, the Social Security number.
6 The information then goes to the Social Security Administration and verifies that name
7 and date of birth and everything matches, then the Motor Vehicles Division will issue the
8 license. [Exhibit 506 (Gage 22: 14-18)]

9 **1457.** If a new base record is created that indicates that the person
10 registered to vote through the Motor Vehicles Division, that information and an
11 electronic signature is sent as part of a nightly file that goes to the Secretary of State's
12 office. [Exhibit 506 (Gage 27:17-28:5)]

13 **1458.** The Department of Homeland Security nor any of the federal
14 immigration agencies can update the customer record in the Motor Vehicles Division
15 database. [Exhibit 506 (Gage 54: 22-25)]

16 **1459.** Arizona began issuing extended licenses in 1993. [Exhibit 506
17 (Gage 62: 2-5)]

18 **1460.** Arizona was not issuing type F licenses in 1995. [Exhibit 506 (Gage
19 63:1-3)]

20 **1461.** There is nothing on the face of an Arizona driver license that
21 indicates that it is a type F license. [Exhibit 506 (Gage 90: 7-11)]

22 **1462.** Motor Vehicles Division customer records do not contain any
23 information as to whether a customer is a U.S. Citizen. [Exhibit 506 (Gage 86:25-87:4;
24 82:14- 86:24)]

25
26

1 **1463.** The Motor Vehicles Division has no procedures to update the
2 customer database to reflect that someone became a naturalized citizen. [Exhibit 506
3 (Gage 90:12-15)]

4 **1464.** At some point immigration related information is purged from the
5 system. [Exhibit 506 (Gage 94:7-13)]

6 **B. County Officials Agree That Subjecting Conditional Provisional Ballots
7 to Signature Verification Is Not a Burden to Them**

8 **1465.** The Counties use a signature verification process to verify
9 provisional ballots, which county election officials consider to be adequate to prevent
10 voter fraud. [Exhibit 508 (Hoyos 44); Exhibit 514 (Pew 18-19); Exhibit 521 (Wayman-
11 Trujillo 110, 113)]

12 **1466.** County election officials do not believe that it would be a significant
13 burden to treat conditional provisional ballots like provisional ballots and verify a voter's
14 signature by comparing it with the voter's signature on the voter rolls. [Exhibit 508
15 (Hoyos 49); Exhibit 521 (Wayman-Trujillo 125)]

16 **1467.** Some Counties suggested that signature verification be used as
17 another form of identification, but the Secretary of State rejected this suggestion.
18 [Exhibits 328, 496-498]

19 **1468.** In addition to the voter roll data, Dr. Lanier used scanned copies of
20 rejected voter registration forms for his analyses.

21 **1469.** These forms were provided in a format that is not useable for
22 statistical analysis. Therefore, a professional data entry firm was contracted to enter these
23 handwritten registration forms into a useable electronic dataset. Given the timing of the
24 production of these forms by defendants, it was impossible to complete the task of
25 manually entering the data prior to the due date for this report. The rejected voter
26

1 registration forms data project is due to be completed in late January, after which point I
2 plan to supplement this report with further analysis of the rejected voter forms.

3 **1470.** Dr. Louis R. Lanier conducted a statistical study to determine: (a) if
4 the implementation of Proposition 200 (Prop 200) in January 2005 had any effect on the
5 monthly flow of Hispanic and non-Hispanic voter registrations in the State; (b) if Prop
6 200 had any differential effect on Hispanic registrants versus non-Hispanic registrants;
7 and (c) if Arizona voter registrations have completely recovered from any effect Prop 200
8 may have had on the flow of voter registrations since its implementation. [Expert Report
9 of Dr. Louis R. Lanier 2, January 4, 2008 (“Lanier Report”)]

10 **1471.** Based on his study, Dr. Lanier concluded that the implementation of
11 Prop 200 in January 2005 is correlated with a fall in both Hispanic and non-Hispanic
12 voter registrations. [Lanier Report 3]

13 **1472.** Based on his study, Dr. Lanier concluded that the fall in Hispanic
14 voter registrations was more severe than the fall in non-Hispanic voter registrations.
15 [Lanier Report 3]

16 **1473.** Based on his study, Dr. Lanier concluded that neither Hispanic nor
17 non-Hispanic voter registrations have recovered to levels that would have been predicted,
18 given pre-Prop 200 trends. [Lanier Report 3]

19 **1474.** Based on his study, Dr. Lanier concluded that Hispanic voter
20 registrations remain further below predicted levels than non-Hispanic voter registrations
21 in the time since Prop 200 was implemented. [Lanier Report 3]

22 **1475.** For the purposes of his report, Dr. Lanier assumed that relative trends
23 in Hispanic and non-Hispanic voting-age populations were the same after the
24 implementation of Prop 200 as they were immediately prior to its implementation.
25 [Lanier Report 3]

26

1 **1476.** Dr. Lanier used two datasets from January 1, 2000 to June 30, 2007
2 in his analyses. [Lanier Report 3]

3 **1477.** The first data set Dr. Lanier used is the Arizona voter rolls electronic
4 dataset, which contains records of voter registrations for a time period ending in August
5 2007. [Lanier Report 3]

6 **1478.** The second is an electronic Excel file used by the Census Bureau
7 containing Hispanic surnames, classified by their likelihoods of representing an Hispanic
8 individual. This surname file was merged with the voter rolls dataset by surname.
9 [Lanier Report 3]

10 **1479.** Dr. Lanier considered an individual registrant to be Hispanic if
11 his/her surname is classified as “Heavily Hispanic” or “Generally Hispanic”—the two
12 classifications having the highest likelihood of representing an Hispanic individual.
13 [Lanier Report 3]

14 **1480.** Dr. Lanier used statistical regression models to provide the answers
15 to the following questions of interest: (a) whether Prop 200 affected the amount of voter
16 registrations in the State of Arizona, and, if so, was the effect the same for Hispanics and
17 non-Hispanics, and (b) whether voter registrations recovered to levels that would have
18 been predicted, given pre-Prop 200 trends. [Lanier Report 4]

19 **1481.** According to Dr. Lanier, for the purposes of the regression analyses,
20 the voter roll dataset was converted to a panel of monthly observations, by county, where
21 each observation contains the total number of registrations in the given county in the
22 given month. Therefore, each observation in each regression is a county-month, and the
23 variable being explained (the dependent variable) is the number of registrations. Since
24 there are 15 Counties in Arizona, and the analyses cover 90 months (January 2000 to
25 June 2007), approximately 1,350 (15x90) observations are in each regression. [Lanier
26 Report 4]

1 **1482.** Dr. Lanier used a statistical regression model to isolate the effect of
2 Prop 200 from other cyclical and county-level factors. [Lanier Report 5]

3 **1483.** According to Dr. Lanier, by including a Prop 200 variable, as well as
4 other explanatory factors in the model, the regression measures any correlation between
5 the implementation of Prop 200 and voter registrations, after accounting for the effects of
6 the other explanatory factors, known as control variables. [Lanier Report 5]

7 **1484.** The control variables employed by Dr. Lanier are:

- 8 • a set month binary (dummy) variables to account for monthly variation in
9 registrations associated with the times of the year in which elections take
10 place;
- 11 • a set of even-year dummy variables to account for the effects of bi-annual
12 elections;
- 13 • a set of presidential election year dummy variables to account for the effect
14 of presidential election years;
- 15 • a set of county dummy variables to account for county-specific variation in
16 voter registrations;
- 17 • and a time trend to account for the general trend in voter registrations,
18 adjusted for the cyclical and county-level effects above. [Lanier Report 5]

19 **1485.** Dr. Lanier performed this regression for Hispanic registrations, non-
20 Hispanic registrations, and all registrations. [Lanier Report 5]

21 **1486.** In all cases, Dr. Lanier found a statistically significant negative effect
22 on registrations associated with the implementation of Prop 200. [Lanier Report 5]

23 **1487.** Specifically, Hispanic registrations were 80.1 percent lower, on
24 average, over the post-Prop 200 time period, while non-Hispanic registrations averaged
25 61.6 percent lower. [Lanier Report 5]

26 **1488.** According to Dr. Lanier, the 18.5 percent difference between the
Hispanic and non-Hispanic experiences is statistically significant at 5.1 standard
deviations. [Lanier Report 5-6]

1 **1489.** According to Dr. Lanier the number of “standard deviations”
2 indicates the statistical significance of the results of the analysis. Standard deviations of
3 approximately 2 or greater are considered statistically significant, representing a five
4 percent level of probability (1 in 20) that the tested result occurred by chance. [Lanier
5 Report 6]

6 **1490.** Courts have also adopted the two standard deviations rule for
7 determining if a result is statistically significant. [Lanier Report 6]

8 **1491.** According to the regression performed by Dr. Lanier, the effect of
9 Prop 200 was to lower Hispanic registrations by approximately 164 out of an average of
10 205 Hispanic registrations (80.1%) in the average county in an average month. Non-
11 Hispanic registrations were lowered by approximately 773 out of 1,255 non-Hispanic
12 registrations (61.6%) in the average county in an average month. [Lanier Report 5]

13 **1492.** Dr. Lanier uses a second statistical regression model to predict what
14 voter registrations would have been in the absence of Prop 200, based on trends just prior
15 to Prop 200’s implementation. [Lanier Report 6]

16 **1493.** The only difference between this regression and the one described
17 directly above is that this one was performed only on the pre-Prop 200 time period,
18 January 1, 2000 to December 31, 2004. Therefore, a Prop 200 effect is not being
19 measured. Instead, the estimates from this second regression are used to predict what
20 monthly registration totals would have been in Arizona during the post-Prop 200 time
21 period, January 1, 2005 to June 30, 2007. [Lanier Report 6]

22 **1494.** This analysis is performed by Dr. Lanier for Hispanics and non-
23 Hispanics. [Lanier Report 6]

24 **1495.** The results of Dr. Lanier’s analysis show that, from January 2005 to
25 June 2007, 99,281 Hispanic voters registered statewide, while 162,900 Hispanic
26 registrations would have been predicted during this time period, based on trends prior to

1 Prop 200. Hispanic registrations in the post-Prop 200 time period were approximately 61
2 percent (99,281 / 162,900) of what would have been predicted in the absence of Prop
3 200. [Lanier Report 6]

4 **1496.** The results of Dr. Lanier's analysis show that, from January 2005 to
5 June 2007, actual non-Hispanic registrations numbered 615,815, while the predicted
6 number of non-Hispanic registrations would have been 918,585. Post-Prop 200 non-
7 Hispanic registrations were 67 percent (615,815 / 918,585) of the predicted level in the
8 absence of Prop 200. [Lanier Report 6]

9 **1497.** According to Dr. Lanier, the fact that Hispanic registrations were six
10 percent lower (67% - 61%) relative to trend than non-Hispanic registrations is further
11 evidence that Hispanics were disproportionately affected by Prop 200. [Lanier Report 7]

12 **1498.** This six percent difference is statistically significant at 47.9 standard
13 deviations. [Lanier Report 7]

14 **1499.** Dr. Lanier also performed this analysis for the time period ending
15 April 2007. As large-scale efforts were made by a private organization beginning in May
16 2007 to register Hispanic voters, resulting in an spike in Hispanic registrations from May
17 to July 2007, according to Dr. Lanier it makes sense to treat that time period as an
18 "outlier," ending the analysis in April 2007. [Lanier Report 7]

19 **1500.** According to the results of Dr. Lanier's analysis, the difference
20 between Hispanics and non-Hispanics is exacerbated by the exclusion of May and June
21 2007. [Lanier Report 7]

22 **1501.** Specifically, Hispanic post-Prop 200 registrations were 57.6 percent
23 of what would have been predicted, while non-Hispanic post-Prop 200 registrations were
24 66.1 percent of predicted. [Lanier Report 7]

25 **1502.** This 8.5 percent difference between Hispanics and non-Hispanics is
26 statistically significant at 64.1 standard deviations. [Lanier Report 7]

1 **1503.** When analyzing the differences between actual and predicted
2 registrations in the post-Prop 200 time period for Hispanic and non-Hispanic registrants,
3 respectively, Dr. Lanier found that actual registrations after January 2005 are consistently
4 below predicted values. [Lanier Report 7]

5 **1504.** According to Dr.Lanier, in the case of Hispanics, the monthly flow of
6 registrations slightly surpassed the predicted flow in the May 2007 to June 2007 time
7 period. This spike in registrations is coincident with the large-scale private efforts
8 mentioned earlier. [Lanier Report 8]

9 **1505.** According to Dr. Lanier, this situation does not represent a full
10 recovery and appears to have been temporary. [Lanier Report 8]

11 **1506.** As of August 2007, monthly Hispanic registrations were back down
12 to less than half of the predicted value (3,625 actual, versus 8,625 predicted) . [Lanier
13 Report 8]

14 **1507.** In addition to the voter roll data, Dr. Lanier performed analyses on
15 data based o scanned copies of rejected voter registration forms for fourteen of the fifteen
16 Arizona Counties. [Lanier Report 4]

17 **1508.** Arizona Counties produced only voter registration forms that were
18 rejected due to the provisions of Prop 200. [Fourth Supplemental Report of Dr. Louis R.
19 Lanier 3, May 9, 2008 (“Lanier Fourth Supplemental Report”)]

20 **1509.** Santa Cruz County did not produce rejected voter forms. [Lanier
21 Fourth Supplemental Report 3]

22 **1510.** The rejected voter forms submitted by Yuma County were
23 incomplete, and therefore Dr. Lanier’s analyses only partially reflects the situation in
24 Yuma County, with the earliest rejected ballot dated February 2007. [First Supplemental
25 Report of Dr. Louis R. Lanier 2, March 21, 2008 (“Lanier First Supplemental Report”)]

26

1 **1511.** The total number of rejected forms from the fourteen Counties
2 (excluding Santa Cruz) as of the fall 2007 (the end of the data produced by defendants)
3 was 38,359. [Lanier Fourth Supplemental Report 2-3]

4 **1512.** Of these, 6,809 were dropped for the purposes of analysis because of:
5 duplicate forms, blank names, missing information or a “No” in the U.S. citizenship field,
6 or a registration date prior to January 1, 2005. [Lanier Fourth Supplemental Report 3]

7 **1513.** Therefore, the total number of rejected voters in Dr. Lanier’s
8 analyses is 31,550. [Lanier Fourth Supplemental Report 3]

9 **1514.** Approximately 79 percent of the rejections occurred after June 1,
10 2005. [Lanier Fourth Supplemental Report 3]

11 **1515.** Dr. Lanier’s analyzed the counts of registrants rejected for lack of
12 proof of citizenship in the time since Prop 200 became effective on January 1, 2005.
13 [Lanier Fourth Supplemental Report 3]

14 **1516.** According to Dr. Lanier, all fourteen Counties for which data are
15 available recorded rejections due to the provisions of Prop 200. [Lanier Fourth
16 Supplemental Report 3]

17 **1517.** According to the results of Dr. Lanier’s analyses, the large majority
18 of rejections were of non-Hispanic registration applicants. [Lanier Fourth Supplemental
19 Report 3]

20 **1518.** According to the results of Dr. Lanier’s analyses, among rejected
21 applicants, Hispanics were less likely than non-Hispanics to achieve success in a
22 subsequent attempt to register. [Lanier Fourth Supplemental Report 3]

23 **1519.** In total, Hispanics represented 19.8 percent of rejected applicants
24 who were ultimately unsuccessful, while they represented a lower 11.0 percent of those
25 who were subsequently able to register after initial rejection. [Lanier Fourth
26 Supplemental Report 3]

1 **1520.** According to the results of Dr. Lanier’s analyses, in the cases of
2 Hispanics and non-Hispanics among rejected registration applicants who reported a place
3 of birth inside the United States, a large majority of the rejected applicants in both groups
4 —86.6 percent of Hispanics and 92.9 percent of non-Hispanics—were reportedly U.S.-
5 born. [Lanier Fourth Supplemental Report 3]

6 **1521.** In order to approximate the number of voter registrants who would
7 have successfully registered to vote in Arizona after January 1, 2005 in the absence of
8 Prop 200, Dr. Lanier combined the rejected voter data with voters from the Arizona voter
9 roll data who registered after January 1, 2005. [Lanier Fourth Supplemental Report 3-4]

10 **1522.** According to Dr. Lanier, the combination of these two datasets
11 creates a universe of individuals who, in the absence of Prop 200, would have been
12 allowed to register. [Lanier Fourth Supplemental Report 4]

13 **1523.** Dr. Lanier used the combination of these datasets to analyze: the
14 numbers of individuals who registered, or attempted to register and were denied due to
15 Prop 200, after January 1, 2005, by county; the percent Hispanic, by county, among all
16 registration applicants after January 1, 2005; among all rejected applicants, regardless of
17 the ultimate registration outcome; among those applicants who successfully registered
18 after January 1, 2005; and among those who were ultimately rejected due to Prop 200.
19 [Lanier Fourth Supplemental Report 4]

20 **1524.** Based on his analyses, Dr. Lanier concluded that statewide, Hispanic
21 representation among rejected applicants was 2.8 percent higher than Hispanic
22 representation among all registration applicants, indicating that Hispanics were
23 disproportionately rejected relative to their representation among all applicants. [Lanier
24 Fourth Supplemental Report 4]

25 **1525.** Based on his analyses, Dr. Lanier concluded that the percent
26 Hispanic among those who were rejected and ultimately unsuccessful at registering was

1 6.1 points higher than the percent Hispanic among all successful registrants, indicating
2 that Hispanics were disproportionately unsuccessful at registering relative to their
3 representation among successful registrants. [Lanier Fourth Supplemental Report 4]

4 **1526.** Dr. Lanier used two sets of comparisons to demographic and socio-
5 economic Census 2000 data, one which addresses the registration applicants with rejected
6 registration forms, and a second looks at voters who cast uncounted conditional
7 provisional ballots. Like the rejected voter forms, these uncounted ballots represent a
8 group of potential voters who were affected by Prop 200. [Lanier Fourth Supplemental
9 Report 4-5]

10 **1527.** All fifteen Arizona Counties produced uncounted ballot envelopes,
11 and 11.0 percent of these uncounted ballot envelopes were from Hispanic individuals.
12 [Lanier Fourth Supplemental Report 4-5]

13 **1528.** Hispanic representation among voters registered in Arizona as of
14 September 2007 is 12.3 percent. [Lanier Fourth Supplemental Report 4]

15 **1529.** From his analyses, Dr. Lanier concluded that Hispanic rejected
16 registration applicants and uncounted conditional provisional ballots come from areas of
17 Arizona where the population is less likely to speak English well, possesses less
18 schooling, and earns a lower household income than the averages for the state. [Lanier
19 Fourth Supplemental Report 5]

20 **1530.** Based on the statistics presented in Dr. Lanier's report, he concluded
21 that Prop 200 led to 38,359 rejected registrations in the fourteen Counties for which data
22 are available, the large majority of which are non-Hispanic. [Lanier Fourth Supplemental
23 Report 6]

24 **1531.** Based on the statistics presented in Dr. Lanier's report, he concluded
25 that of those registration applicants who were rejected due to Prop 200, Hispanics were
26

1 less likely than non-Hispanics to successfully register after the rejection. [Lanier Fourth
2 Supplemental Report 6]

3 **1532.** Based on the statistics presented in Dr. Lanier's report, he concluded
4 that a large majority of both Hispanic (86.6%) and non-Hispanic (92.9%) registration
5 applicants who were rejected due to Prop 200 reported being born in the U.S. [Lanier
6 Fourth Supplemental Report 6]

7 **1533.** Based on the statistics presented in Dr. Lanier's report, he concluded
8 that Hispanics were more likely to have their registration applications rejected relative to
9 their representation among all registration applicants. [Lanier Fourth Supplemental
10 Report 6]

11 **1534.** Based on the statistics presented in Dr. Lanier's report, he concluded
12 that Hispanics were more likely to be ultimately unsuccessful in their attempts to register
13 relative to their representation among successful registrants. [Lanier Fourth
14 Supplemental Report 6]

15 **1535.** Based on the statistics presented in Dr. Lanier's report, he concluded
16 that Hispanic rejected registration applicants and uncounted conditional provisional
17 ballots come from areas of Arizona where the population is: less likely to speak English
18 well; less educated; poorer; and more highly Hispanic in makeup. [Lanier Fourth
19 Supplemental Report 6]

20 **1536.** Based on the statistics presented in Dr. Lanier's report, he concluded
21 that Hispanic rejected registration applicants are from areas that are more likely to use
22 public transportation and more urban than statewide averages, while Hispanic uncounted
23 conditional provisional ballots are from areas that are less likely to use public
24 transportation and more rural than statewide averages. [Lanier Fourth Supplemental
25 Report 6]

26

1 **1537.** The Maricopa County Elections Director testified in her deposition
2 that she recalled only two people who said they had been told they were eligible to vote
3 as non-citizens. [Exhibit 513 (Osborne Vol. 2 15:13-16:10); Exhibit 512 (Osborne Vol. 1
4 18:23-19:25)]

5 **1538.** The Maricopa County Elections Director testified in her deposition
6 that some U.S. citizens claim to be non-citizens in order to avoid jury service. [Exhibit
7 513 (Osborne Vol. 2 91:4-9)]

8 **1539.** The Maricopa County elections Director testified in her deposition
9 that many of these applications were rejected because they had bad addresses and “There
10 is everything that could make a form unacceptable on there.” [Exhibit 513 (Osborne Vol.
11 2 11:9-14)]

12 **1540.** Not all naturalization certificates have an alien registration number
13 on them. [Herta Weber exhibit]

14 **1541.** Counsel for Maricopa County also wrote in 2007 that the registration
15 applications in this drive were rejected “for a range of problems – illegible, incomplete,
16 bad address and no proof of citizenship.” [Exhibit #]

17 **1542.** According to Dr. F. Arturo Rosales, the history of Mexican origin
18 people in the State of Arizona has been characterized by racial and ethnic repression.
19 [Expert Report of Dr. F. Arturo Rosales 1, March 7, 2008 (“Rosales Report”)]

20 **1543.** Approximately 1,600,000 Hispanics live in the state of Arizona out
21 of a total population of six million-over 90 percent of this Hispanic grouping is of
22 Mexican descent. [Rosales Report 3]

23 **1544.** The dramatic increase in the Hispanic population reflects the overall
24 growth trend of the state. [Rosales Report 3]

25 **1545.** Arizona was part of the vast area ceded to the United States by
26 Mexico after that nation lost the Mexican American War. [Rosales Report 3]

1 **1546.** The Treaty of Guadalupe Hidalgo, signed at the end of the war,
2 granted Mexicans who remained in United States territory the constitutional rights of
3 citizens and ostensibly protected their property, culture and religion, and gave them the
4 right to vote. [Rosales Report 3-4]

5 **1547.** The territorial acquisition delineated in the Treaty of Guadalupe
6 Hidalgo did not include the area that is now southern Arizona and southwestern New
7 Mexico, a region extending from present-day Yuma along the Gila River to the Mesilla
8 Valley, where Las Cruces, New Mexico is situated. [Rosales Report 4]

9 **1548.** General Antonio Lopez de Santa Anna sold this region to the United
10 States during his return to power in 1853. The Gadsden Treaty perimeters gave Mexicans
11 in the purchased territory the same rights provided by Treaty of Guadalupe Hidalgo. The
12 majority of Mexicans lived in the section of the agreement which pertains geographically
13 to Arizona in region in the valleys carved out by the Santa Cruz and the San Pedro
14 Rivers. [Rosales Report 4]

15 **1549.** While the Treaty of Guadalupe Hidalgo granted constitutional rights
16 to Mexicans who remained in the new political jurisdiction of the United States, most of
17 the guarantees were not upheld. [Rosales Report 4]

18 **1550.** As a result, the economic and political fortunes of Southwest
19 Mexicans declined considerably during their experience with United States rule.
20 [Rosales Report 4]

21 **1551.** Provisions in the Treaty of Guadalupe Hidalgo regarding land
22 holdings safeguarded Hispanic properties, but Southwest land values rose as the Anglo
23 population increased and as the area became more economically developed. As a result,
24 developers and Anglo farmers coveted Mexican property and intense land competition
25 followed. [Rosales Report 4]

26

1 **1552.** Thus, the divestment of property from Mexicans assumed wholesale
2 proportions throughout the 19th century. [Rosales Report 4]

3 **1553.** Even though all Mexican properties in the Gadsden Purchase were
4 purportedly protected by the same promises made regarding the protection of Mexican
5 properties in the Treaty of Guadalupe Hidalgo, the Gadsden Treaty made it more difficult
6 to confirm titles by stipulating that titles would be valid only if confirming evidence was
7 found in Mexican archives. [Rosales Report 4]

8 **1554.** By 1878, land speculators and squatters were defrauding Mexican
9 landowners of their property in clear violation of land protection clauses of the Treaty of
10 Guadalupe Hidalgo and the Gadsden Purchase Treaty. [Rosales Report 5]

11 **1555.** Between 1854 and 1878, Mexicans in Arizona lost thousands of acres
12 because titles which had been granted during the eras of Spanish or Mexican rule were
13 not honored. [Rosales Report 5]

14 **1556.** During the depression caused by the Panic of 1873 many Mexican
15 farmers in the Phoenix area lost their land after they were forced to flee when a banking
16 crisis resulted in riots throughout the country and a rash of Mexican lynchings took place.
17 [Rosales Report 5]

18 **1557.** Between 1870 and 1900 the number of Mexican farmers in Maricopa
19 County declined from seventy-nine to about thirty, even though the Mexican population
20 increased twelve-fold during that time. [Rosales Report 6]

21 **1558.** Another example of Mexican land loss was the take-over of large
22 tracts of irrigated properties in west Tempe by W. Wormser in the 1890s. Wormser, a
23 merchant, obtained a 7,000 acre farm south of the Salt River by foreclosing on a number
24 of Mexican farmers after they could not pay for seed, tools, and other supplies that were
25 advanced at an earlier date. According to Douglas Kupel, the City of Phoenix water
26

1 historian, Wormser purposely foreclosed so that he could seize the title to Mexican lands.
2 [Rosales Report 6]

3 **1559.** The federal government was also involved in the usurpation of
4 Mexicans' land. [Rosales Report 5]

5 **1560.** For example, in 1869, as the federal government prepared to expand
6 the Gila Indian Reservation, it surveyed the properties of homesteaders so they could be
7 compensated if their claims to the land were valid. Twenty farmers and speculators were
8 affected, seventeen of whom were Mexicans. The federal report described many of the
9 Mexicans as interlopers whose bids were not legitimate. The surveyors portrayed the
10 Anglos and Europeans, however, as more deserving. As a result most of the Mexican
11 claimants were disqualified from compensation. [Rosales Report 5]

12 **1561.** Mexicans also experienced a dilution of political and economic
13 power in Arizona as more Anglos moved into an industrializing Arizona. [Rosales
14 Report 6]

15 **1562.** Tucson became the territorial capital after Arizona separated from
16 New Mexico in 1863. According to Dr. Rosales, Anglos moved the capital to Prescott
17 because of the political power held by Mexicans in southern Arizona. [Rosales Report 6]

18 **1563.** Arizona legislators adopted constitutional codes that restricted
19 citizenship and electoral eligibility requirements, allowing only white males and white
20 Mexican males, a vast minority, to vote. This measure disqualified American Indians,
21 mestizos, and Mexican Indians from the electoral process. [Rosales Report 6]

22 **1564.** In 1877, legislators passed additional laws in which non whites were
23 disqualified from voting on the basis of race, and from serving as justices of the peace
24 and from practicing law. [Rosales Report 6-7]

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26

1 **1565.** Beginning in the 1880s, irrigation projects financed through the
2 Newlands Reclamation Act of 1903 expanded the acreage which could be cultivated.
3 These innovations stimulated the immigration of Mexican laborers. [Rosales Report 7]

4 **1566.** At the same time, modernization brought in a new influx of Anglos.
5 As a consequence of this demographic change, the antipathy Anglo Americans felt
6 toward Mexicans was exacerbated, increasing the incidence of discrimination and the
7 resistance to provide Mexicans with political influence and opportunity. [Rosales Report
8 7]

9 **1567.** In the first Legislative Assembly of Arizona after Arizona became an
10 independent territory from New Mexico, two out of nine council members were Mexican
11 Americans. By 1885, only one Mexican had been elected to the State Legislature.
12 [Rosales Report 7]

13 **1568.** In the early 20th century the U.S. Congress considered accepting a
14 bid in which both Arizona and New Mexico would enter the Union as one state. Arizona
15 politicians resisted the overture primarily because of the extensive Hispanic influence in
16 New Mexico. One congressman who opposed joint statehood with New Mexico stated:
17 “Can Arizona as a single state control it better by itself, or shall we join the Mexican
18 greasers [of New Mexico] to Arizona and let them control it?” [Rosales Report 8]

19 **1569.** According to Dr. Rosales, a form of anti-Hispanic sentiment formed
20 in the territory during this period as rumors spread that English would not be permitted in
21 schools or court. [Rosales Report 8]

22 **1570.** According to Dr. Rosales, after Arizona attained statehood in 1912,
23 Anglos waged an anti-immigrant campaign characterized by increasingly racist rhetoric
24 and a series of proposals restricting Mexican immigrants’ political rights and the right to
25 work in Arizona. [Rosales Report 9]

26

1 **1571.** In 1912, the new Arizona constitution restricted non-citizens from
2 working on public projects. [Rosales Report 9]

3 **1572.** In 1914, the legislature enacted the “eighty per-cent law” which
4 stated that eighty percent of the employees in businesses that had five or more employees
5 had to be “native-born citizens of the United States.” [Rosales Report 9]

6 **1573.** After a U.S. District Court declared the “eighty per-cent law”
7 unconstitutional, the Arizona legislature passed the Claypool-Kinney bill, which
8 prohibited the employment of non-English speakers in the state’s mining industry. Dr.
9 Rosales stated that this was a deliberate attempt to circumvent the court decision which
10 declared the “eighty per-cent law” unlawful. [Rosales Report 9]

11 **1574.** During the same time period, a coalition of craft unions, small
12 farmers and merchants, led by Arizona Governor George Hunt, launched legislative
13 proposals that restricted Mexican Americans’ access to the ballot and the right to work in
14 Arizona. [Rosales Report 9]

15 **1575.** In 1909, Arizona voters passed a literacy law that explicitly targeted
16 Mexicans and disqualified non-English speakers from voting in state elections. [Rosales
17 Report 9]

18 **1576.** To address obstacles to full participation in the political process,
19 Mexican Americans in Arizona began forming community organizations, such as the
20 Latin American Clubs of Arizona, Inc. [Rosales Report 10]

21 **1577.** Anglos in Arizona, however, tried to block the efforts of such groups.
22 [Rosales Report 10]

23 **1578.** One example took place in South Tucson in the mid 1930’s. The
24 majority of South Tucson residents were Mexican or Mexican American, yet local
25 property-holders and entrepreneurs were mainly nonMexicans. The latter group led a
26 successful campaign to incorporate South Tucson as an independent municipality to

1 avoid annexation by the City of Tucson. Once South Tucson was incorporated, the Pima
2 County Board of Supervisors appointed five white property-holders to serve as the new
3 town's city council. [Rosales Report 10]

4 **1579.** In response, Mexican residents, with help from the Latin American
5 Club, organized a voter registration campaign with the goal of electing a majority
6 Mexican American city council in South Tucson's first election. Despite these efforts,
7 only one Mexican American was elected to the council. Dr. Rosales contends that the
8 literacy requirement coupled with a local property ownership requirement, excluded
9 many Mexican Americans from voting in the election. [Rosales Report 10]

10 **1580.** Voting restrictions against Mexican Americans in Arizona continued
11 throughout the 20th century. [Rosales Report 10]

12 **1581.** As late as 1966, literacy requirements and a sixth grade education
13 were preconditions to voter registration in Arizona, and such laws remained on the books
14 until 1972. [Rosales Report 10]

15 **1582.** In 1966, elaborate residency requirements for voter registration- such
16 as having to live one year in the state, six months in the same city, and thirty days in the
17 same precinct and county - confused many potential voters, including Mexican
18 Americans. [Rosales Report 10]

19 **1583.** In addition, potential voters were required to register at the county
20 recorder's office, which was only open during business hours, limiting access for many
21 working people. [Rosales Report 10]

22 **1584.** Many Arizona voters were prevented from casting ballots to vote
23 because they were purged from the rolls. When a voter failed to cast a ballot in a primary
24 and a general election, or if the voter did not vote in two consecutive elections, the state
25 purged their votes and did not subsequently inform the voter of the purge or of the need
26 to re-register. [Rosales Report 10]

1 **1585.** According to Dr. Rosales, the practice of purging had a
2 disproportionate effect on Hispanics and Native Americans voters. [Rosales Report 11]

3 **1586.** In 1964 for example, a national project called Operation “Eagle Eye,”
4 was designed in order to challenge the legality of a voter’s registration at the polling site.
5 [Rosales Report 11]

6 **1587.** Under Operation “Eagle Eye,” Arizona officials would mail letters to
7 all registered voters in South Phoenix, an area which was predominantly Hispanic and
8 African American, using the addresses from voter registration records. Returned letters
9 were then taken to the corresponding polling place on the date of the election. As voters
10 stood in line waiting to vote they were challenged on the grounds that they did not live at
11 the address listed in the voter rolls. [Rosales Report 11-12]

12 **1588.** Anglos would also approach Mexican Americans waiting in line to
13 vote, challenging them to read the U.S. Constitution or literacy cards. [Rosales Report
14 12]

15 **1589.** The U.S. Commission on Civil Rights noted that in November 1974,
16 south Phoenix polling sites had few, if any, bilingual workers and only one bilingual
17 election for eight heavily Mexican American precincts. [Rosales Report 12]

18 **1590.** The Commission noted that the inability of non-bilingual poll
19 workers to understand Spanish or find Spanish surnames was common in Mexican
20 American precincts and prohibited Mexican Americans from voting. [Rosales Report 12-
21 13]

22 **1591.** According to Dr. Rosales, Arizona voting practices affecting
23 Mexican Americans were not limited to registration and the polling place. [Rosales
24 Report 13]

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1 **1592.** For example, Dr. Rosales states that in the 1960's the State
2 Legislature's reapportionment of districts diluted the Mexican American vote. [Rosales
3 Report 13]

4 **1593.** Mexicans also faced racial discrimination in the Arizona justice
5 system during the 19th century. [Rosales Report 13]

6 **1594.** During the 19th century, few Mexicans served on juries, yet they
7 were disproportionately sentenced to jail and given longer sentences than their Anglo
8 counterparts. [Rosales Report 14]

9 **1595.** During the 19th century, Mexicans were hung by Anglo lynch mobs
10 without the benefit of a trial or representation. [Rosales Report 14]

11 **1596.** In 1872, Phoenix Sheriff T.C. Warden led local residents in
12 indiscriminately running Mexicans out of the city. [Rosales Report 14]

13 **1597.** According to Dr. Rosales, it was common in Arizona for Anglos not
14 to be subjected to charges of negligence in spite of supporting evidence. [Rosales Report
15 17]

16 **1598.** For example, in 1919 in Phoenix, a local man ran over a Mexican
17 pedestrian with his automobile, killing him. Witnesses stated that the driver was
18 speeding and did not slow down as the pedestrian crossed the road He was not cited by
19 Phoenix police. . [Rosales Report 17]

20 **1599.** According to Dr. Rosales, the discrimination against Latinos in the
21 Arizona judicial system has continued in recent years. [Rosales Report 17]

22 **1600.** In the late 1970's for example, two brothers and their father, all
23 members of a wealthy Anglo family, were accused of robbing and torturing three
24 Mexican farm workers who had entered the United States illegally. The three men
25 allegedly stripped and tortured the Mexicans with hot poker, burning cigarettes, knives,
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1 and a shotgun filled with bird seed. An all-Anglo jury acquitted the defendants. [Rosales
2 Report 17]

3 **1601.** According to Dr. Rosales, similar cases have occurred along the
4 border in Arizona. [Rosales Report 17]

5 **1602.** In 1900, the Arizona states legislature banned the celebration of the
6 Mexican Holiday of “Dia de San Juan.” [Rosales Report 15]

7 **1603.** In 1920, the Mexican consul issued a study which stated that between
8 1910 and 1920 at least twelve Mexicans were killed in arrest attempts, noting that most of
9 those police homicides could have been averted. [Rosales Report 15]

10 **1604.** According to Dr. Rosales, in the early 19th century capital
11 punishment was disproportionately applied to Mexicans. [Rosales Report 15]

12 **1605.** According to Dr. Rosales, police often employed questionable and
13 coercive interrogation tactics with Mexican detainees in the early 20th century. [Rosales
14 Report 16]

15 **1606.** One example occurred in Greaterville, Arizona, in 1915. Pima
16 County deputies visited the Leon family home to interrogate three brothers--Jose Maria,
17 Francisco, and Hilario--whom they suspected had murdered a local woman. The brothers
18 denied the accusations so the deputies attempted to coerce a confession by hanging them.
19 one brother died immediately, and the other two were left in the desert for twenty-one
20 hours. [Rosales Report 16]

21 **1607.** Dr. Rosales also contends that Mexicans were often the victims of
22 civilian mob violence in the early 20th century. [Rosales Report 16]

23 **1608.** In May of 1912, for example, when Anglo miners invaded a Cinco de
24 Mayo festival about 40 miles from Tucson. They attacked the Mexican workers and
25 destroyed the Mexican flags on display for the holiday. [Rosales Report 16-17]

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1 **1609.** In 1912, a group of Anglos in Phoenix, Arizona Anglos invaded
2 another Cinco de Mayo celebration, which sparked a riot in which both ethnic groups
3 suffered injuries. [Rosales Report 17]

4 **1610.** On July 4, 1913, Anglos tore down Mexican flags at the consulate
5 offices in Tucson and Douglas, Arizona. [Rosales Report 17]

6 **1611.** A Mexican government study of American civilian attacks on
7 Mexicans during the 1910s showed that out of 150 reported incidents documented by the
8 Consul, 36 took place in Arizona. [Rosales Report 17]

9 **1612.** In the 19th century and part of the 20th century, the racial segregation
10 of Mexicans in schools, public facilities, and housing was prevalent in Arizona. [Rosales
11 Report 18]

12 **1613.** In 1930, Phoenix had acquired the largest contiguous Mexican
13 neighborhood, where 8,000 Mexicans resided, in all of Arizona. [Rosales Report 19]

14 **1614.** According to a study by the Phoenix Housing Authority, as late as
15 1941 most Mexicans in south Phoenix were living in dire poverty. [Rosales Report 20]

16 **1615.** In 1941, the average income of Mexican families in Phoenix was
17 \$589 a year. [Rosales Report 20]

18 **1616.** According to a study by the Phoenix Housing Authority, 70 percent
19 of the Mexican homes in Phoenix were uninhabitable and lacked inside plumbing,
20 electricity, and adequate doors or windows. [Rosales Report 20]

21 **1617.** After World War II, Phoenix segregated Mexican American veterans
22 in separate housing units located on a former city dump. [Rosales Report 21]

23 **1618.** During the 1930s, Mexican Americans were segregated in federal
24 programs such as the Civilian Conservation Corps (CCC). [Rosales Report 21]

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1 **1619.** According to Dr. Rosales, the school segregation of Mexican
2 Americans in Arizona was particularly pervasive in Arizona mining towns during the first
3 decade of the 20th century. [Rosales Report 22]

4 **1620.** In the mining community of Clifton-Morenci, for example, students
5 attended four elementary schools segregated both internally and between schools.
6 [Rosales Report 22]

7 **1621.** Even when low attendance dictated that two Clifton-Morenci schools
8 merge to economize, the district continued to spend extra money to segregate the
9 Mexican and Anglo students. [Rosales Report 22]

10 **1622.** Similarly, in another mining community, Ray-Sonora, Mexican and
11 Anglo children attended separate schools even though their parents worked for the same
12 mining company. [Rosales Report 22]

13 **1623.** According to a 1916 U.S. Bureau of Education report that surveyed
14 427 rural school districts in Arizona, virtually all of schools in Arizona urban and rural
15 areas segregated Mexican children at some level. [Rosales Report 22]

16 **1624.** The 1916 Bureau study recommended that Arizona continue to
17 segregate Mexican school children. [Rosales Report 22]

18 **1625.** Dr. Rosales contends that Mexican parents who did not want their
19 children to attend segregated schools were faced with strictly enforced truancy laws,
20 which included penalties of fines and jail time. [Rosales Report 23]

21 **1626.** According to Dr. Rosales, even after Mexican parents began to
22 challenge school segregation successfully in court, most school districts failed to comply
23 with integration rulings, and the state neglected to enforce them. [Rosales Report 24]

24 **1627.** According to Dr. Rosales, language and pedagogical issues are still a
25 source of concern in the Mexican American community. [Rosales Report 23-24]

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1 **1628.** Until 1972, special educators in Guadalupe, Arizona administered IQ
2 tests written solely in English to Yaqui Indian and Mexican American children who
3 spoke little or no English. [Rosales Report 23-24]

4 **1629.** After the passage of the Equal Educational Opportunity Act in 1974,
5 Arizona established laws for English Language Learner (ELL) programs almost
6 immediately, but it was not until 1986 that the Arizona State Legislature established ELL
7 teacher qualifications and reporting requirements for school districts and required school
8 districts to provide special instruction for ELLs, and established . [Rosales Report 23-24]

9 **1630.** According to Dr. Rosales, the increasing number of ELLs coupled
10 with increased student accountability and lack of adequate state funding made it difficult
11 for Arizona school districts to comply with the state requirements. [Rosales Report 25]

12 **1631.** In January 2000, a federal judge held that Arizona was in violation of
13 the federal Equal Opportunity Act because its funding for ELL programs was arbitrary
14 and capricious. [Rosales Report 25]

15 **1632.** The state has not yet complied with the court's mandate to provide
16 adequate funding for ELL students. [Rosales Report 26]

17 **1633.** According to Dr. Rosales, before the Second World War, mainstream
18 unions did not accept many Mexican American workers. [Rosales Report 26]

19 **1634.** In the early 1900s Mexicans were recruited to come to Arizona to
20 work in agriculture after the development of the railroad, the Newlands Reclamation Act
21 of 1902 and the completion of the Roosevelt Dam in 1912 created an economic boom to
22 the agricultural output of the Valley. [Rosales Report 27]

23 **1635.** According to Dr. Rosales, while employers and legislators fought
24 strenuously for Mexican immigration, they felt that Mexicans should only be tolerated for
25 their physical labor in peripheral agricultural and mining camps and not afforded the
26 rights of citizens. [Rosales Report 27-28]

1 **1636.** According to Dr. Rosales, Mexican agricultural workers were often
2 the victims of workplace abuse, and their employers were not penalized. [Rosales Report
3 27-28]

4 **1637.** According to Dr. Rosales, in the early 1900s, Mexican Americans in
5 Arizona were also frequently subjected to wage discrimination, often being paid
6 substantially less than their Anglo counterparts. [Rosales Report 29]

7 **1638.** According to Dr. Rosales, there was a clear, multi-tiered, racialized
8 class structure in Arizona's mines in the early 1900s. [Rosales Report 29]

9 **1639.** In the Clifton Morenci-Metcalf mining district of southeastern
10 Arizona, ninety-four percent of native-born workers who were identified as "white"
11 earned three and a half dollars per hour or more in 1909. Immigrant groups identified by
12 the Immigration Service as "white" -primarily from North America and Northern Europe
13 earned comparable amounts. [Rosales Report 29]

14 **1640.** By contrast, ninety-three percent of Mexican mine workers earned
15 between one and a half and two and a half dollars, with less than one per cent earning
16 more than three and half dollars. [Rosales Report 29]

17 **1641.** According to Dr. Rosales, Mexican mine workers were
18 disproportionately subject to diseases such as consumption, or "black lung," that resulted
19 from substandard working conditions. [Rosales Report 29-30]

20 **1642.** When Mexican mine workers went on strike in 1903 to protest their
21 working conditions, the local police, the Arizona militia, and the Arizona Rangers
22 worked to repress them. Similar incidents occurred in Globe-Miami and Bisbee.
23 [Rosales Report 30].

24 **1643.** According to Dr. Rosales, in 1914 employers and local officials
25 conducted harassment campaigns to intimidate Mexican mine workers who attempted to
26 organize. [Rosales Report 30].

1 **1644.** According to Dr. Rosales, other forms of job discrimination were
2 also common in Arizona throughout the Depression and into the war years. [Rosales
3 Report 31].

4 **1645.** For example, in 1941 the constitution of the Brotherhood of
5 Locomotive Firemen and Enginemen in Tucson explicitly barred the promotion of non-
6 whites to positions such as firemen and brakemen. [Rosales Report 31].

7 **1646.** Employers with Tucson's Southern Pacific Railway office, telephone
8 companies, and cab dispatchers generally would not hire Mexicans at all. [Rosales
9 Report 30].

10 **1647.** Dr. Rosales contends that employment discrimination has continued
11 to affect Arizona Mexican Americans in recent years. [Rosales Report 31].

12 **1648.** For example, in 1997, a former Scottsdale police officer successfully
13 sued the city, claiming he was fired for exposing racism in the department. [Rosales
14 Report 31].

15 **1649.** In Tempe, a 35-year Mexica city employee joined a dozen current
16 and former city employees in filing a successful federal lawsuit in which they alleged
17 systematic racial discrimination in Tempe's Public Works Department. [Rosales Report
18 31].

19 **1650.** Dr. Rosales concluded that that Mexican Americans in Arizona have
20 experienced a history of discrimination in voting and registration, in addition to other
21 areas such as property rights, employment and education. [Rosales Report 32].

22 Dr. Rosales concluded that the discrimination of Mexican Americans in Arizona
23 has hindered and continues to hinder the ability of Mexican Americans to fully participate
24 in the political process in the state. [Rosales Report 32].

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1 Dated: June 14, 2008

**MEXICAN AMERICAN LEGAL
DEFENSE AND EDUCATIONAL
FUND**

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CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2008, I electronically transmitted the attached documents to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to CM/ECF registrants.

I hereby certify that on June 14, 2008, I served the attached document via mail on Judge Roslyn O. Silver, United States District Court of Arizona, 401 West Washington Street, Phoenix, Arizona 85003-2118.

s/ Diego Bernal

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