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14 Attorneys for Gonzalez Plaintiffs

16 IN THE UNITED STATES DISTRICT COURT
17 FOR THE DISTRICT OF ARIZONA

18 Maria M. Gonzalez, et al.,

19 Plaintiffs,

20 vs.

21 State of Arizona, et al,

22 Defendants.

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

) GONZALEZ PLAINTIFFS'
) SECOND REQUEST FOR
) PRODUCTION OF DOCUMENTS
) TO DEFENDANTS DEAN-LYTLLE
) AND HOYOS

) (Assigned to the
) Honorable Roslyn O. Silver
)
)
)

DOCKETED
FOR EARLIER TIME
BY _____

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M. Gonzalez
WILENCHIK & BARTNESS P.C.
ATTORNEYS
Email Version

1 To: Susan Hightower Marler, Yuma County Recorder
2 Patti Madrill, Yuma County Elections Director
3 c/o M. Colleen Connor, MCAO Division of County Counsel, 222 N.
4 Central Avenue, Suite 1100, Phoenix, AZ 85003.

5 Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Plaintiffs
6 request that, within thirty (30) days of service, the above-named Defendants produce the
7 documents requested in Section IV below in accordance with the Definitions and
8 Instructions set forth below. Further, the above-named Defendant are directed to
9 supplement these responses and production as provided by the same Rules. Unless
10 counsel for the parties makes another agreement, documents are to be produced at the
11 offices of the Mexican American Legal Defense and Educational Fund, Inc., 110
12 Broadway, Suite 300, San Antonio, Texas 78205.

14 I. DEFINITIONS

15 For purposes of these Requests for Production, the terms used herein shall have the
16 following meanings:

17
18 A. As used herein, the words "and" and "or" shall be construed either
19 conjunctively or disjunctively as required by the context to bring within the scope of
20 these requests any documents or information that might be deemed outside its scope by
21 another construction.
22

23 B. "Proposition 200" refers to the voting provisions of Arizona Taxpayer and
24 Citizen Protection Act that amended A.R.S. §§ 16-152, 16-166 and 16-579 in November
25 2004.
26
27
28

1 C. The term "relating to" shall have its usual meaning and shall also specifically
2 mean reflecting, concerning, referring to, describing, representing, evidencing or
3 constituting.
4

5 D. "Document" and "documents" are defined to be synonymous in meaning and
6 equal in scope to the usage of the terms in Federal Rule of Civil Procedure 34(a), in its
7 broadest sense, and shall mean and include all computerized memoranda, databases,
8 spreadsheets, e-mail, any documents of identification and other information as well as
9 written, printed, typed, recorded or graphic matter of every kind and description, both
10 originals and copies, and all attachments and appendices thereto, that are in the
11 possession, custody or control of the Defendants or in the possession, custody or control
12 of the attorney for the Defendants. A draft of a non-identical copy is a separate
13 document within the meaning of this term.
14

15 E. Without limiting the term "control," a document is deemed to be within
16 your control if you have ownership, possession or custody of the document, or the right
17 to secure the document or copy thereof from any persons or public or private entity
18 having physical control thereof.
19

20 F. "Person" shall mean any individual, association, agency, commission, or other
21 legal or governmental entity or association.
22

23 G. "Statement" means and includes any written or graphic statement signed or
24 otherwise adopted or approved by the users in making it, any stenographic, mechanical,
25 electrical or other recording or a written transcription which is a substantially verbatim
26 recital or an oral statement made by a person which is contemporaneously recorded.
27
28

1 H. "You" and "your" shall mean the Defendants, as well as all other persons
2 acting or purporting to act on behalf of the Defendants, including any attorney or other
3 representative.
4

5 I. The plural of any word used herein includes the singular, and the singular
6 includes the plural.

7 J. The masculine gender of any word used herein includes the feminine and the
8 neutral genders.
9

10 K. The past tense of any verb used herein includes the present tense, and the
11 present tense includes the past tense.
12

13 II. INSTRUCTIONS

14 1. Regarding documents called for by these requests as to which you claim a
15 privilege or which you contend are not subject to production, please provide at the time
16 for production a listing that describes each document and states with respect to each
17 such document:

- 18 a. the type of document (e.g., letter, memorandum, report, etc.);
- 19 b. the date;
- 20 c. the title;
- 21 d. the number of pages;
- 22 e. the author or addressor;
- 23 f. the names and address or addresses of any persons who have
24 received and/or who have obtained a copy of the document;
- 25 g. the subject matter of the document;
- 26
- 27
- 28

1 B. An evasive or incomplete production is to be treated as a failure to produce
2 the requested documents.
3

4 IV. REQUESTED ITEMS

5 Request for Production No. 1:

6 All documents related to the training of any individual on the implementation of
7 the voter identification and voter registration provisions of Proposition 200, including,
8 bit not limited to, materials from the Arizona Secretary of State Election Officer
9 Certification course, Secretary of State Recertification course, Arizona County
10 Recorder meetings, Arizona Association of Counties Annual Conferences, Election
11 Officials of Arizona meetings, City Clerk meetings, and the Secretary of State
12 Procedures Manual.
13
14

15 Request for Production No. 2:

16 All documents related to Proposition 200 and its actual, potential, or perceived
17 effects on the ability of members of any racial or ethnic group to register to vote and/or
18 vote at the polls.
19

20 Request for Production No. 3:

21 All documents related to advocacy for or against the voting provisions of
22 Proposition 200.
23

24 Request for Production No. 4:

25 All documents related to any explanation of or justification for the voting
26 provisions of Proposition 200.
27
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1
2 **Request for Production No. 5:**

3
4 All documents related to questions about the voting provisions of Proposition
5 200.

6 **Request for Production No. 6:**

7 All documents related to expressions of concern about the voting provisions of
8 Proposition 200.
9

10 **Request for Production No. 7:**

11 All documents related to comments by members of the public regarding the
12 voting provisions of Proposition 200, including, but not limited to, Defendants'
13 responses and Defendants' internal communications.
14

15 **Request for Production No. 8:**

16 All documents related to the rejection of voter registration applications by
17 overseas uniformed personnel (or their family members) or overseas U.S. citizens,
18 including but not limited to: rejected applications; information forwarded by the
19 Arizona Secretary of State to counties; and responses by counties to voter registration
20 applications by overseas military personnel (or their family members) or overseas U.S.
21 citizens.
22

23 **Request for Production No. 9:**

24 All documents related to successful voter registration applications by overseas
25 uniformed personnel (or their family members) or overseas U.S. citizens, including but
26 not limited to: applications that resulted in the successful registration of the applicant;
27
28

1 information forwarded by the Arizona Secretary of State to counties; and responses by
2 counties to voter registration applications by overseas military personnel (or their family
3 members) or overseas U.S. citizens.
4

5 **Request for Production No. 10:**

6 All documents related to the information contained in Tabs No. 1-3 (cited as
7 Counties App. Tab. 1-3) in the Index to Appendix to Applicant's Emergency Stay of the
8 Order of the Ninth Circuit filed in the U.S. Supreme Court, including but not limited to
9 updated versions of documents contained in Tabs 1-3.
10

11 **Request for Production No. 11:**

12 All documents related to the statement on page 10 of Applicant's Emergency
13 Stay of the Order of the Ninth Circuit (filed in the U.S. Supreme Court) that "To date in
14 Maricopa County alone, fifteen individuals have been convicted of voter fraud, and
15 there are over one hundred on-going criminal investigations into other instances of voter
16 fraud."
17

18 **Request for Production No. 12:**

19 Election returns, in total and by precinct, for the following elections:
20

21 2004 Primary Election (September 7, 2004) for:

22 U.S. Representative District 1;

23 U.S. Representative District 2;

24 U.S. Representative District 8;

25 State Senate District 23

26
27 2004 General Election (November 2, 2004)
28

- 1 Ballot Proposition 200;
- 2 U.S. Representative District 2;
- 3 U.S. Representative District 4;
- 4 U.S. Representative District 7;
- 5 U.S. Representative District 8;
- 6 State Senate District 10
- 7 State Senate District 17
- 8 State Senate District 29
- 9 2006 General Election (November 7, 2006)
- 10 U.S. Representative District 4;
- 11 U.S. Representative District 7;
- 12 State Senate District 23
- 13 State Senate District 24
- 14 State Senate District 26
- 15 Secretary of State
- 16 Ballot Proposition 100
- 17 Ballot Proposition 102
- 18 Ballot Proposition 103

Request for Production No. 13:

All uncounted provisional ballot envelopes from each election held within the County since January 2005.

1 **Request for Production No. 14:**

2 All documents related to Jesus Gonzalez, dob 11/08/49.

3
4 **Request for Production No. 15:**

5 All documents related to Maria Gonzalez dob 04/13/53.

6 **Request for Production No. 16:**

7 All documents related to Georgia Morrison Flores or Georgia Morrison.

8 Dated: October 16, 2007 .

9 Respectfully submitted,

10 MEXICAN AMERICAN LEGAL DEFENSE
11 AND EDUCATIONAL FUND

12 By: *Nina Perales*
13 Nina Perales

14 Attorneys for Plaintiffs
15 Gonzalez, et al.

16 CERTIFICATE OF SERVICE

17 I hereby certify that on the 15th day of October, 2007, I mailed copies of the
18 foregoing document to:

19 M. Colleen Connor
20 MCAO Division of County Counsel
21 222 N. Central Avenue, Ste. 1100
22 Phoenix, Arizona 85003
23 (602) 506-8567 (fax)

24 Dennis I. Wilenchik
25 Kathleen Rapp
26 Wilenchik and Bartness, P.C.
27 The Wilenchik & Bartness Building
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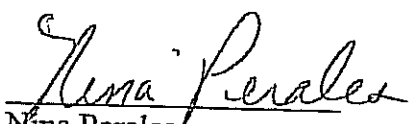
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Attorneys for Navajo Nations

By: 
Nina Perales

Counsel for Plaintiffs, Gonzalez, et al.