

STATE'S EXHIBIT

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

MARIA M. GONZALEZ, et al.,)	
)	
Plaintiffs,)	CV 06-1268 PHX-ROS
)	CV 06-1362 PHS-ROS
vs.)	CV 06-1575 PHX-ROS
)	
STATE OF ARIZONA, et al.,)	Phoenix, Arizona
)	August 30, 2006
Defendant.)	9:25 a.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS
(Preliminary Injunction Hearing - Day One)

BEFORE THE HONORABLE ROSLYN O. SILVER

Court Reporter: David M. Lee, CSR 9543, RMR, CRR
Sandra Day O'Connor U.S. Courthouse
401 W. Washington Street
Phoenix, Arizona 85003
(602) 322-7245

Proceedings taken by stenographic court reporter
Transcript prepared by computer-aided transcription

1 A. No, I have not. 01:19:45

2 Q. Ms. Owens, is Coconino County issuing election mail 01:19:46

3 to its registered voters that voters can use as non-photo 01:19:52

4 ID at the polling place? 01:19:58

5 A. Yes, we have. We wanted to make sure -- our best 01:19:59

6 faith efforts we always put forth. So what we are trying 01:20:03

7 to do is we have issued a new voter ID card, which actually 01:20:05

8 just went out in the last week, and actually this week, 01:20:09

9 probably, too. Instead, the law says, as a sample ballot, 01:20:11

10 we are sending sample ballots not just to household as 01:20:16

11 required in the statute, we are sending them to every 01:20:21

12 registered voter. Those two pieces of information fall 01:20:23

13 under list 2. 01:20:26

14 Q. Why did Coconino County choose to mail these two 01:20:29

15 pieces of election mail, and change the sample ballot 01:20:33

16 procedure to include the name and address of a particular 01:20:36

17 voter? 01:20:40

18 A. As I said, we put our best faith effort to follow 01:20:40

19 what the law says we needed to do. We knew that there 01:20:44

20 would be a number of our populace citizens that are 01:20:46

21 registered that did not have a driver's license or anything 01:20:50

22 else. So we are now trying to work with them to tell them 01:20:52

23 that we are going to send those two pieces of mail, knowing 01:20:56

24 full well that many citizens may not get those, because as 01:21:01

25 pointed out, their PO Boxes, they may not check their PO 01:21:08

1 A. Good afternoon. 01:24:45

2 Q. Part of your duties as the recorder include the 01:24:49

3 administration of early voting; isn't that correct? 01:24:52

4 A. That's correct. 01:24:54

5 Q. And early voting allows voters to vote through the 01:24:54

6 mail by receiving their ballot through the mail; isn't that 01:24:57

7 correct? 01:25:01

8 A. That's one of the ways. They can also vote in an 01:25:01

9 early voting location throughout the county. 01:25:03

10 Q. And how many early voting locations does your county 01:25:05

11 have? 01:25:10

12 A. We have seven. 01:25:10

13 Q. And how early does early voting begin at those early 01:25:11

14 voting sites? 01:25:18

15 A. Assuming there is no challenges or anything else 01:25:20

16 happens and the ballots are on time, per statute, 33 days 01:25:23

17 before the election. 01:25:26

18 Q. And can you describe the process that the voter goes 01:25:28

19 through when he or she shows up at your office to vote at 01:25:30

20 the early voting site? 01:25:34

21 A. Yes. If you're talking about if -- if you're 01:25:35

22 talking about the county elections office, that's one 01:25:39

23 thing. It may be somewhere else, like we have a branch in 01:25:43

24 Tuba City, so I'll use the county elections office. They 01:25:46

25 come in, they identify who they are. They sign in. 01:25:49

1 They're given a ballot to vote. They're shown, you know, 01:25:52
2 there is both sides, giving some instructions. They are 01:25:57
3 pointed over to the Votermatic to complete that ballot, to 01:26:00
4 seal it, to sign it, and return it to us. 01:26:03
5 Q. So in effect, it's almost identical to what the 01:26:08
6 voter goes through at the polling place? 01:26:14
7 A. Except there is no ID asked for. 01:26:16
8 Q. No identification? 01:26:19
9 A. No identification is asked for per statute. The 01:26:20
10 idea is it's an early ballot, because we check the 01:26:23
11 signature, so no ID is asked for. 01:26:26
12 Q. So to vote early at one of these voting sites, a 01:26:28
13 voter could show up, assuming there are no challenges, 33 01:26:33
14 days before the election -- 01:26:36
15 A. That's correct. 01:26:37
16 Q. Vote a ballot, and not have to produce 01:26:38
17 identification? 01:26:40
18 A. That's correct. Because the ballots are all turned 01:26:40
19 in back to us with their signatures on them, to compare to 01:26:42
20 the rolls before they are determined if that ballot counts 01:26:45
21 or doesn't count. 01:26:48
22 Q. And you're familiar with Section 203 of the Voting 01:26:49
23 Rights Act, aren't you? 01:26:57
24 A. Yes, I am. 01:26:58
25 Q. In what languages do your county -- what languages 01:26:59

1 are covered for you to provide language assistance? 01:27:02

2 A. Navajo and Hopi and Spanish. 01:27:05

3 Q. So language assistance will be available to voters 01:27:09

4 at these early voting sites? 01:27:12

5 A. There is Navajo assistance and Hopi assistance at 01:27:14

6 our Tuba City branch office, Tuba City location. If there 01:27:19

7 is someone -- sometimes it is available at our Flagstaff 01:27:25

8 location. If someone needed assistance, we would find 01:27:29

9 someone. 01:27:33

10 Q. And state law provides special procedures to insure 01:27:33

11 those who are ill or disabled have an opportunity to vote 01:27:45

12 on election day, doesn't it? 01:27:47

13 A. Yes, it does. 01:27:49

14 Q. And those are called special election boards? 01:27:51

15 A. Special election boards? That meaning that they are 01:27:53

16 special boards that can go out to their home and assist? 01:27:57

17 Yes, if someone calls in and asks for that assistance, yes, 01:28:01

18 we can do that, go to the hospital, yes. 01:28:04

19 Q. Okay. And does the voter need to produce 01:28:06

20 identification if voting through the special election 01:28:10

21 board? 01:28:14

22 A. It's a part of early voting, and no. 01:28:15

23 Q. Okay. When someone submits a voter registration 01:28:18

24 form and presents the certificate of naturalization to you 01:28:24

25 or someone in your office, is there any further 01:28:30