

EXHIBIT 121

1 election officials I should say, are setting up what they 01:13:59
2 call provisional tables, so they can clearly identify, not 01:14:02
3 confuse the voter, what type of ballot they are voting. 01:14:06
4 The provisional ballot in our county is pink. A 01:14:09
5 conditional only for the ID is blue. 01:14:14
6 Q. Has the Coconino County recorder's office created 01:14:26
7 any new staff positions in response to Prop 200? 01:14:36
8 A. Yes, we have. In response to what we've heard, and 01:14:39
9 even the testimony today given by Mr. Gorman, it is clear 01:14:39
10 that we knew we have a problem checking ID, especially. 01:14:41
11 since Coconino County has an a large portion of the Navajo 01:14:44
12 reservation. We have come up and identified a new
13 position, which is called an election day technician. It 01:14:50
14 is formerly a troubleshooter. They will be our primary ID 01:14:52
15 checkers, and that will allow, because culturally, it is in 01:14:55
16 my belief offensive to ask a Native American, in my 01:14:58
17 experience of 27 years, for ID. And that -- even in small 01:15:01
18 communities, and I'll use Williams, Arizona, for example, 01:15:05
19 they did not feel comfortable, poll members or poll workers 01:15:09
20 on our inspection boards to ask for ID. 01:15:12
21 So that person who we are creating this new 01:15:16
22 position would come in, will be identified mostly as county 01:15:19
23 employees, and will go out to the various polling places 01:15:24
24 and be what we are calling primarily the ID checker. 01:15:28
25 Q. Okay. Forgive me if you already testified to this, 01:15:32

1 know, either -- and we would call everyone. 01:16:58

2 Q. Okay. Are there written materials that you would 01:17:02

3 utilize to inform these EDTs and inspectors that they would 01:17:05

4 be reverting back to pre-Proposition 200 procedures? 01:17:08

5 A. We would. And there are some ways -- we have what's 01:17:13

6 called a -- it's my opinion, or it's my experience, I 01:17:15

7 should say, that a number of counties are utilizing some of 01:17:19

8 the same procedures, because it just works well through the 01:17:22

9 whole state. So we have what's called inspector notebooks. 01:17:26

10 We would make sure we have our duty cards that are current. 01:17:29

11 We would pull out some of the ID notification portions of 01:17:33

12 it, procedures, replace it, tell them to go back to 01:17:37

13 pre-Proposition 200 procedures. And in all likelihood, 01:17:42

14 most of our inspectors, we only had two small elections. 01:17:47

15 Most of our election workers are used to provisional voting 01:17:53

16 and pre-Prop 200 instructions. 01:17:57

17 Q. Thank you. Would Coconino County have to print any 01:18:00

18 new ballots if Proposition 200 were enjoined? 01:18:04

19 A. Coconino County wouldn't have to print any new 01:18:09

20 ballots. 01:18:12

21 Q. In your experience as county recorder, if 01:18:12

22 Proposition 200 is enjoined, do you think there will be any 01:18:14

23 confusion or hardship to voters in your county? 01:18:17

24 A. In my experience, I would say there would be none. 01:18:20

25 If people come and show that, we would just likely tell 01:18:23

1 them that that was not needed. There has been a case 01:18:26
2 decided, and no longer their ID is needed. I can't believe 01:18:29
3 voters would be upset that that's the case. 01:18:36
4 Q. If Proposition 200 is enjoined, do you think your 01:18:38
5 poll workers or inspectors in your county would be confused 01:18:41
6 or suffer any hardship? 01:18:44
7 A. I don't believe that's the case. In fact, I asked 01:18:45
8 that question at poll worker training in the Grand Canyon, 01:18:47
9 and did not express what my views were one way or another, 01:18:50
10 and they said it could easily be done. These are seasoned 01:18:54
11 inspectors and actually talked among themselves about how 01:19:04
12 they would do that and felt comfortable we didn't have tell 01:19:07
13 the population, just the poll workers. 01:19:13
14 Q. Ms. Owens, if Proposition 200 is enjoined, are you 01:19:18
15 worried about an onset or increase in illegal immigrants
16 working? 01:19:27
17 A. In my 27 years of experience I have had, we have not 01:19:27
18 had any cases of that. And in fact, when people have 01:19:27
19 called, making allegations, I support them and tell them in 01:19:27
20 bringing those forth, because we will actually send those 01:19:29
21 up to the county attorneys, feel very strongly that we 01:19:31
22 would prosecute if that was the case. 01:19:34
23 Q. And you've never had any case to report to the 01:19:37
24 county attorney regarding illegal immigrants voting or 01:19:39
25 imposter voting at the polls? 01:19:42

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 Boxes, they may not get that, so it was just another way to 01:21:12
2 try to educate. 01:21:14

3 Q. But do you feel that the mailing -- that these 01:21:15
4 mailings will insure that every voter who comes to the 01:21:19
5 polls will have the ID necessary under Prop 200's polling 01:21:21
6 ID provisions? 01:21:29

7 A. I think it's very clear from Mr. Gorman's testimony. 01:21:30
8 Even when we've worked with the Nation, we've worked with 01:21:33
9 the Navajo elections portion of it, that it's very complex 01:21:35
10 and confusing because even in our best efforts to educate 01:21:38
11 what was from list 1 and who was list 2, and it's 01:21:47
12 confusing. I have been confused and my staff has been 01:21:52
13 confused. 01:21:55

14 Q. We talked earlier about active and inactive voters, 01:21:56
15 and I think you mentioned there were around 15,000 inactive 01:21:59
16 voters; is that correct? 01:22:04

17 A. That's correct. 01:22:05

18 Q. Do inactive voters have to comply with the Prop 200 01:22:05
19 if they show up at the polls? 01:22:14

20 A. Yes, they do. 01:22:17

21 MS. GREENE: Thank you. I have no more 01:22:18
22 questions. 01:22:20

23 THE COURT: And you are? 01:22:20

24 MR. BECERRA: Carlos Becerra. 01:22:22

25 CROSS-EXAMINATION