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22 of Arizona, Inc., et al.

23 UNITED STATES DISTRICT COURT
24 DISTRICT OF ARIZONA

25	Maria M. Gonzalez, et al.,)	
26)	No. CV06-01268-PHX-ROS (Lead)
27	Plaintiffs,)	CV06-01362-PHX-ROS (Cons)
28)	CV06-01575-PHX-ROS (Cons)
29	vs.)	
30)	JOINT STATUS REPORT
31	State of Arizona; Jan Brewer, in her)	
32	official capacity as Secretary of State of)	
33	the State of Arizona, et al.,)	
34)	
35	Defendants.)	

36 Pursuant to the Court's August 29, 2006 Order, the Parties hereby submit their
Joint Status Report.

Witnesses

The State will not call any witnesses. Apart from Ronald Anthony Sissons, the
State and Counties (with the exception of Coconino County) dispute that the remaining
witnesses Plaintiffs intend to call are needed to address contested issues of material fact.

1 The Counties, including Coconino County, will not call any witnesses.

2 Plaintiffs will call the following witnesses in the following order:

3 1. **Leonard Gorman**, Legislative Chief of Staff for the Navajo Nation, will
4 testify concerning the characteristics of the Nation and its people by briefly describing
5 its geography, government and demography. He will focus on the portion of the Navajo
6 electorate that will be affected most adversely by the voter identification requirement—
7 older people who live in remote areas, speak little or no English, don't have motor
8 vehicles, are remote from post office boxes, and regularly vote in state and federal
9 elections. He will describe how the voter identification requirement will impair the
10 right to vote of thousands of registered Navajo voters.

11 2. **Dr. Bonnie Saunders**, President of the League of Women Voters Arizona
12 (the "League"), will testify regarding the League's voter registration work, and how that
13 work has been prevented or impaired by the registration requirement imposed by
14 Proposition 200.

15 3. **Candace Owens**, the Coconino County Recorder, will testify regarding
16 how Coconino County has implemented Proposition 200 and the Secretary of State's
17 Procedure for Proof of ID at the Polls. She will also testify regarding how her office
18 would conduct upcoming elections if the Court enjoined Proposition 200, including the
19 lack of any hardship or confusion to voters, poll workers, or her office.

20 4. **F. Ann Rodriguez**, the Pima County Recorder, will testify regarding Pima
21 County's implementation of the proof of citizenship requirement of Proposition 200 as
22 well as the early voting process in Pima County, including the requirements imposed on
23 Pima County voter registration applicants to prove citizenship and associated fees.

24 5. **Ronald Anthony Sissons** will testify about the detailed data and
25 information that he has reviewed and analyzed that allows one to determine the
26 approximate number of Arizonans eligible to register to vote and to approximate
the numbers of persons adversely affected by Proposition 200's proof of citizenship
registration requirements and its polling place ID requirements. He will also describe

1 how both the proof of citizenship registration requirements and the polling place ID
2 requirements adversely impact racial, minority and socioeconomic groups, including the
3 fact that Anglos vote by early ballot at a much larger rate than non-Anglos, thus
4 avoiding the polling place identification requirements altogether. He will also express
5 his opinion, based on the data and information he reviewed, that it is reasonable to
6 conclude that at least 2% of Arizonans who are eligible but not yet registered to vote
7 lack ready access to the forms of proof for registration required under Proposition 200,
8 and that his conclusion is consistent with information provided by the counties regarding
9 rejected registrations to date.

10 6. **John Lewis**, Executive Director of the Inter Tribal Council of Arizona,
11 Inc., will testify about the economic and living conditions on Indian reservations in
12 Arizona, as well as those reservations' remoteness from urban centers and the difficulty
13 of traveling to such centers from many reservations. Mr. Lewis will also testify about
14 Native Americans' lack of access to documents or other proof to meet Proposition 200's
15 registration and voting ID requirements. Mr. Lewis's testimony will also address
16 cultural reasons that meeting Proposition 200's registration requirement and voting ID
17 requirements places a disproportionate and unconstitutional burden on Native
18 Americans.

18 Fact Questions

19 Plaintiffs believe that the following mixed questions of fact and law must be
20 determined by the Court:

- 21 1. The nature and magnitude of the burden on voting rights and/or disparate
22 impact, if any, of implementing Proposition 200's proof of citizenship to register
23 requirement ("registration requirement");
- 24 2. The nature and magnitude of the burden on voting rights and/or disparate
25 impact, if any, of implementing Proposition 200's identification requirement to vote in-
26 person at the polling place ("voting ID requirement");
3. The nature and magnitude of the respective harms, if any,

1 likely to occur if Proposition 200's registration requirement is enjoined or not enjoined;

2 4. The nature and magnitude of the respective harms, if any,
3 likely to occur if Proposition 200's voting ID requirement is enjoined or not enjoined;

4 5. The nature and magnitude of the public interest if Proposition 200's voting
5 ID requirement and/or registration requirement is enjoined or not enjoined; and

6 6. Whether and to what degree a threat of fraudulent voter registration exists
7 in Arizona.

8 7. Whether and to what degree a threat of imposter voting at the polls exists
9 in Arizona.

10 8. What are the costs to Arizona citizens in complying with Proposition
11 200's voting ID and registration requirements?

12 9. How narrowly drawn are Proposition 200's voting ID and registration
13 requirements to meet the State's expressed interests?

14 10. Whether and to what degree Proposition 200's registration requirements
15 and voting ID requirements disproportionately abridge the right to vote of Native
16 Americans living on reservations in Arizona.

17 11. Whether and to what degree a threat of imposter voting exists at polling
18 places within the Arizona portion of the Navajo Nation.

19 12. Whether any registered Navajo electors voting at polling places on the
20 Navajo Reservation will be prevented or impaired from voting due to the Proposition
21 200 voting ID requirements.

22 13. Whether the implementation of an order suspending the Proposition 200
23 voting ID requirements at polling places on the Navajo Reservation would create
24 problems for election officials.

25 14. Whether and to what degree harm will be incurred by the State of Arizona
26 if the Court enjoins the Proposition 200 voting ID requirements at polling places on the
Navajo Reservation.

1 Defendants, with the exception of Coconino County, contend that the issues have
2 been adequately framed for the preliminary injunction hearing by the briefing and that
3 the parties' dispute centers on the weight of the facts set forth in the record and the legal
4 conclusions to be drawn by the Court therefrom.

5 Proposed Schedule

6 The parties anticipate that the following witnesses will be called to testify during
7 the morning of August 30, 2006: Leonard Gorman, Bonnie Saunders, and Candace
8 Owens. The parties anticipate the following witnesses will be called to testify during
9 the afternoon of August 30, 2006: F. Ann Rodriguez, Ronald Anthony Sissons, and
10 John Lewis. Testimony will continue into August 31, 2006 only if witness testimony is
11 not completed at the end of the day on August 30, 2006.

12 Stipulations

13 As this is a preliminary injunction hearing, all parties agree that the court may
14 consider matters submitted with the briefs and pleadings even if not introduced at the
15 hearing and may consider evidence that would not be admissible in a final hearing on
16 the merits. These Stipulations relate only to the August 30-31, 2006 preliminary
17 injunction hearing, and the parties do not waive, and expressly reserve, their rights to
18 object to the admissibility of any party's exhibits for future proceedings in this case.

19 1. All exhibits marked by all parties may be admitted into evidence without
20 use of a sponsoring witness. Opposing parties reserve the right to object to exhibits,
21 except for foundation, authenticity and hearsay, and as described specifically in
22 paragraph 3, below.

23 2. All deposition designations, declarations and affidavits may be admitted,
24 subject to any objections made or preserved during the depositions and to the specific
25 objections noted below in paragraph 3. If a witness testifies, the parties agree that the
26 witness' declaration or affidavit will not be admitted.

3. Defendants reserve the following objections to plaintiffs' exhibits:

- 1 § Affidavit of Doris Clark: ¶ 12, hearsay;
- 2 § Declaration of Vincent Denetdeal: ¶ 20, speculative, irrelevant;
- 3 § Affidavit of Larry Goodman: ¶ 5 hearsay, speculative, ¶¶ 10-11,
hearsay;
- 4 § Affidavit of Leila Help-Tulley: ¶¶ 6-7, hearsay;
- 5 § Declaration of Dorothy Lee: ¶ 11, hearsay;
- 6 § Affidavit of Lydia Camarillo: ¶ 14, calls for a legal conclusion;
- 7 § Declaration of Kristin Bateman: ¶ 9, calls for a legal conclusion;
and
- 8 § Report of R. Anthony Sissons: foundation.

8 4. Subject to the Court’s preference, the parties agree to divide the time at the
9 hearing in the following manner:

10 a. Plaintiffs will have one hour between them for opening and closing
11 statements combined, to be split among themselves as they see fit. Defendants will have
12 one hour between them for opening and closing combined, to be split among themselves
13 as they see fit. The State and County Defendants, other than Coconino County, contend
14 that Coconino County has aligned itself with and should share the time allotted to
15 Plaintiffs for all three portions of the hearing; and

16 c. Examination of Witnesses: the remaining time will be divided evenly, half
17 for plaintiffs and half for defendants. Time used for cross-examination will count
18 against the cross-examining party’s total. The State and County Defendants, other than
19 Coconino County, contend that Coconino County has aligned itself with and should
20 share the time allotted to Plaintiffs for all three portions of the hearing.

21 RESPECTFULLY SUBMITTED this 29th day of August, 2006.

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21 I further certify that I caused a copy of the attached document to be hand-
22 delivered on the 29th day of August, 2006 to:

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s/ Patricia D. Palmer, Legal Secretary