

# ATTACHMENT 6



IN THE UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

MARIA M. GONZALEZ, et al., )  
 )  
 Plaintiffs, )  
 )  
 -vs- ) No. CV06-01268  
 ) PHX-ROS (Lead)  
 STATE OF ARIZONA, etc., et al., ) No. CV06-01362  
 ) PCT-JT (Cons)  
 Defendants. )  
 )  
 \_\_\_\_\_ )  
 THE INTER TRIBAL COUNCIL OF )  
 ARIZONA, INC., et al., )  
 )  
 Plaintiffs, )  
 )  
 -vs- )  
 )  
 JAN BREWER, in her official )  
 capacity as Secretary of State )  
 of Arizona, )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

30(b)(6) DEPOSITION OF THE MARICOPA County Recorder  
BY AND THROUGH KAREN OSBORNE

Phoenix, Arizona  
July 31, 2006

Prepared for:

PETER ALEX SILVERMAN,  
Assistant Attorney General

(Copy)

Reported by:

PAUL GROSSMAN  
Arizona Certified  
Reporter #50028  
CA CSR #1487



1 Phoenix, Arizona

2 July 31, 2006

3 9:10 a.m.

4  
5  
6 (Deposition Exhibits Numbers 1 through 7,  
7 9, 11-13, 16 and 17 were then marked for  
8 identification.)  
9

10 KAREN OSBORNE,

11 called as a witness herein, having been first duly  
12 sworn, was examined and testified as follows:  
13

14 EXAMINATION

15 BY MS. HARTMAN-TELLEZ:

16 Q. Please state your full name for the record.

17 A. Karen Osborne.

18 Q. And you are represented by counsel today?

19 A. I am.

20 Q. My name is Karen Hartman-Tellez. Also here  
21 today on behalf of the Inter Tribal Council group of  
22 plaintiffs are Ben Blustein and Sara Greene. I believe  
23 Nina Perales representing the MALDEF and the Gonzales  
24 plaintiffs will be joining us telephonically at any  
25 moment.



1 you two first class pieces of mail and it has come back  
2 that you are no longer at this address and there's no  
3 forwarding, then we move you only after we receive that  
4 second piece of mail to an inactive status.

5           You can then at the back of the polling place  
6 book when you go in, the first part is -- has white on  
7 the pages much like your phone book has a dark part on  
8 the back. Those are inactive.

9           If you come in, your name is not on the first  
10 part, they look in inactive. If your name is on the  
11 inactive and you have your identification it's as good  
12 as though you were in the front part of the book.

13         Q.     But for people who are in the inactive  
14 section they don't receive --

15         A.     They don't vote a provisional.

16         Q.     They don't receive official election mailings  
17 from the Recorder's Office?

18         A.     That's correct.

19         Q.     So those people couldn't use that as  
20 non-photo ID because they are not getting them?

21         A.     That's correct.

22         Q.     Let's talk about election mail. You have  
23 listed as one of the forms of non-photo identification  
24 that's acceptable any official election material mailing  
25 bearing the voter's name and address, is that correct?



1           A.     Yes.

2           Q.     The County Recorder's Office is doing this  
3 because you recognize that voters may not possess any of  
4 the other forms of identification on the Secretary of  
5 State's list, right?

6           A.     Well, the official election mailing we  
7 consider as very critical because we do mail the voter  
8 registration card and we do send the sample ballot this  
9 year in the primary, and in this election it was a  
10 separate yellow card to every registered voter and it  
11 was an official card so that they had their voter  
12 registration and this card. That was their two forms.

13                   Now it's going to be their sample ballot. It  
14 will have a map on how to get to the polling place. It  
15 will have listed all the different things that you can  
16 take and it will be -- we are providing them the two  
17 pieces of information to go to the polls.

18                   Right now we're mailing the voter ID cards  
19 but eleven days out from the election we mail the sample  
20 ballot and it's intended that it's a little closer to  
21 the time. Fifty percent of our people don't vote at the  
22 polls, they vote by mail and that's exempt from this  
23 process.

24           Q.     So how many pieces of election, official  
25 election mail --



1 A. Uh-huh.

2 Q. -- that would be acceptable as ID will the  
3 county be mailing for the September primary?

4 A. The county will be mailing two pieces of  
5 acceptable ID to them.

6 We do also have on our election ballot, some  
7 of the cites like the city of Glendale, city of Peoria,  
8 the city of El Mirage, and they send different pieces,  
9 official pieces of mailing. So in those cases those  
10 people would have three pieces of mail.

11 Q. Do you know if the cities are sending them to  
12 the individual voter or to "registered voter at"?

13 A. They are sending them to the individual voter  
14 for the purpose of this "You can take this to the polls  
15 as another form of ID."

16 Q. Do you know if any other counties are doing  
17 that?

18 A. I don't.

19 Q. But Maricopa County is doing this to ensure  
20 that people will have the necessary identification to  
21 vote, correct?

22 A. Absolutely.

23 Q. And you recognize that some people may not  
24 have had the necessary identification to vote?

25 A. Yes.



# ATTACHMENT 7



Rodriguez, F. Ann  
Gonzalez v. State of Arizona

8/2/2006

United Court Reporters, Inc.  
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520-792-2600  
520-722-5180







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1 Whereupon,  
2 F. ANN RODRIGUEZ,  
3 having been first duly sworn,  
4 was examined and testified as follows:  
5  
6 EXAMINATION  
7 BY MS. PERALES:  
8 Q. Good morning.  
9 **A. Good morning.**  
10 Q. Please state your full name for the record.  
11 **A. My full name is F. Ann Rodriguez, and I'm a**  
12 **Pima County Recorder.**  
13 Q. And are you here with your attorney today?  
14 **A. Yes, I am here with legal counsel.**  
15 Q. My name is Nina Perales. I represent the  
16 Gonzalez plaintiffs in this case. And with me is  
17 Daniel Ortega, who is also representing the Gonzalez  
18 plaintiffs.  
19 We are also joined today by Mr. Blustein, who  
20 I believe will introduce himself to you later as well.  
21 He represents another set of plaintiffs.  
22 Q. Have you ever had your deposition taken  
23 before?  
24 **A. No.**  
25 Q. I would like to go over some ground rules with

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1 you just so that --  
2 MR. SILVERMAN: Nina, I'm so sorry to  
3 interrupt, but we can't hear. I can barely hear you  
4 and, unfortunately, I can't hear the responses.  
5 MS. CONNOR: I can't hear either.  
6 (Brief recess.)  
7 BY MS. PERALES:  
8 Q. Ms. Rodriguez, I will ask you to make your  
9 answers out loud to me because the court reporter will  
10 want to take down your answer. And it's very difficult,  
11 and when we get into our conversation, if you nod or  
12 shake your head, then the court reporter won't be able  
13 to take it down. So will you able to make responses out  
14 loud for me?  
15 **A. Yes.**  
16 Q. Thank you. And if you don't understand a  
17 question, please ask me to repeat it or rephrase it. I  
18 don't want you to try to answer a question that you find  
19 unclear. Okay?  
20 **A. Okay.**  
21 Q. In our conversation, I would like you to wait  
22 for me to finish my question before you begin your  
23 answer, and I will also wait to ask you the next  
24 question so that you can finish your answer. And in  
25 this way, we won't be tripping over each other for the

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1 transcript. Is that all right with you?  
2 **A. That's fine.**  
3 Q. Do you have any health reason today that would  
4 prevent you from giving full and complete answers?  
5 **A. No.**  
6 Q. And are you taking any medication that would  
7 prevent you from giving full or complete answers today?  
8 **A. No.**  
9 Q. Sometimes people take medicines that make them  
10 feel --  
11 **A. No. No.**  
12 Q. -- like they're not alert or things like that.  
13 **A. I have high blood pressure but that doesn't**  
14 **affect it.**  
15 Q. Okay. Thanks. And will it be okay with you  
16 if I use the term "Hispanic" and "Latino"  
17 interchangeably?  
18 **A. That's fine.**  
19 Q. Okay. And when I use the term  
20 "Proposition 200," will you understand that to be the  
21 law passed in November of 2004 that's otherwise known as  
22 the Arizona Taxpayer and Citizen Protection Act? Will  
23 you understand that to be "Prop 200"?  
24 **A. Yes. That's the one with the I.D.**  
25 **requirements for registering to vote and I.D. at the**

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1 **polling locations.**  
2 Q. Yes. Thank you.  
3 **A. Okay.**  
4 Q. And when I say "you," will you understand that  
5 to mean the Pima County Recorder's Office?  
6 **A. Yes, I will.**  
7 Q. Now, you mentioned you are here with your  
8 lawyer today. And are you aware that you have sworn an  
9 oath to tell the truth in this deposition?  
10 **A. Yes.**  
11 Q. Can you tell me what you did to prepare today  
12 for your deposition?  
13 **A. Well, we went to go and gather the data that**  
14 **you had asked for us to provide, and I believe it was**  
15 **the answers to interrogatories. I quickly reviewed all**  
16 **my letters that I either sent to D.O. -- Department of**  
17 **Justice or the Secretary of State. And then we ran a**  
18 **current report of what we track internally as far -- in**  
19 **our spreadsheets of either the Prop 200 rejects and the**  
20 **quantity of voter registrations we have compiled since**  
21 **the date of the time, the date of time that they**  
22 **requested, the start date, I guess.**  
23 Q. And when you refer to your spreadsheets, are  
24 those spreadsheets produced in any of the materials  
25 today?



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1 application?

2 **A. Do you mean have I done press releases?**

3 Q. Any kind of public education. Press releases,

4 website content, trainings, any -- any of the sort.

5 **A. What we have done through the Pima County**

6 **adult education program and the -- when we go do the --**

7 **when we attend the naturalization ceremonies, is I've**

8 **instructed staff. We have a copy of a -- forms that**

9 **have been supplied by us by citizens of their**

10 **naturalization documents, and we've actually shown them**

11 **which number they need to be looking for and which**

12 **number to correct. But we also noticed that sometimes**

13 **they have changed the style of their forms, too.**

14 **They're not always consistent. So we said, "Whatever**

15 **you do" -- and we stressed, even with our Pima Community**

16 **College Outreach volunteers, that they need to make sure**

17 **it's the letter "A." But, again, they'll come back.**

18 **And we've had some forms that they've put down**

19 **that scroll number instead of the "A number," and they**

20 **have crossed it out and put the correct number. As a**

21 **matter of fact, I've done two myself.**

22 Q. Mm-hmm. And what we're talking about right

23 now is the voter registration that's done with people

24 who are exiting the naturalization ceremonies. Is that

25 right?

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1 **A. That is correct.**

2 Q. Have you done any public education aimed at

3 those persons who are not coming out of the

4 naturalization ceremony at that moment but who might

5 find themselves at a later point in time registering to

6 vote?

7 **A. No, I haven't. I have no way of knowing who**

8 **these individuals are.**

9 Q. Okay. And just to clarify, you said a moment

10 ago you are aware that the style of the naturalization

11 certificate has changed over time. Is that right?

12 **A. The only reason we noticed that one is because**

13 **of a copy that was provided. Because all the styles**

14 **change somewhat.**

15 Q. Some of the older ones look different from the

16 new ones, right?

17 **A. Correct.**

18 MS. PERALES: I want to mark PIM 7, if I

19 might.

20 THE WITNESS: Can I take a break?

21 MS. PERALES: Absolutely. Let's go off the

22 record.

23 (Recessed from 11:37 a.m. to 11:46 a.m.)

24 (Exhibit No. PIM 7 marked.)

25 ///

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1 MS. PERALES: Peter, we had just finished

2 marking PIM 7. And the witness has the document.

3 BY MS. PERALES:

4 Q. And I'm going to ask: Ms. Rodriguez, can you

5 identify this document for me?

6 **A. This is a copy of what was printed off of my**

7 **web page. It's the locations for voter registration**

8 **forms.**

9 Q. And there are very many locations listed on

10 this document. And my question to you is whether you

11 make voter registration forms available at all of these

12 locations.

13 **A. Yes, we do.**

14 Q. Do these locations make available the federal

15 mail voter registration application?

16 **A. The only thing that we make available is the**

17 **voter registration form that we use for the entire**

18 **state.**

19 Q. That would be the Arizona voter registration

20 form that we have marked as PIM 5?

21 **A. I don't what the number is. 5, yes, it is.**

22 Q. So as far as you're concerned, these locations

23 do not hand out the federal mail voter registration

24 form; is that right?

25 **A. No, they -- no. Not to my knowledge, no.**

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1 Q. All right. Has the Secretary of State for

2 Arizona ever asked you or instructed you to distribute

3 or make available the federal mail voter registration

4 application?

5 **A. I don't recall ever a discussion about that**

6 **one. It was always the state form.**

7 Q. Do you send out any kind of official election

8 mail addressed to individual voters at their address?

9 **A. The only mail that I send to voters is**

10 **confirmation of a voter I.D., the card, which is -- it's**

11 **a card they can take, like a library card, you can take**

12 **with you. It's your name, your address, which precinct,**

13 **which political party, and which districts that you**

14 **particularly live in, the early ballots, any type of**

15 **letter regarding some of the letters I've just shown you**

16 **earlier, those kind of standard letters. I have some**

17 **other standard letters. And also our normal clean-up of**

18 **the voter registration files that go to individual**

19 **voters.**

20 Q. And you mail early ballots to those who have

21 requested them?

22 **A. Correct.**

23 Q. And those ballots are meant to be voted by

24 mail?

25 **A. Correct.**



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1 Q. Okay. The standard letters that you and I  
 2 have been looking at today are all letters to people who  
 3 are not on the rolls. Is that correct?  
 4 **A. Yes. Those are the ones that didn't make the**  
 5 **minimum requirements of Prop 200, which I also have a**  
 6 **couple more.**  
 7 Q. So besides the confirmation-of-voter card, is  
 8 there anything that you mail out, that looks official,  
 9 that a voter might then be able to take to the polling  
 10 place on election day and use to satisfy the voter I.D.,  
 11 one of the two non-photo forms?  
 12 **A. All the letters that I send out are pertaining**  
 13 **to voter registration clean-up of the rolls, whether**  
 14 **they moved within the county and we send a different**  
 15 **standard form letter to that voter saying that the**  
 16 **postal service has indicated you moved, and we give them**  
 17 **a new voter registration form. There is nothing else**  
 18 **that we send out.**  
 19 **We do provide the data for the division of**  
 20 **elections to send out sample ballots, polling location**  
 21 **information, and that sort of information. We do**  
 22 **provide the data of registered votes and they produce**  
 23 **their own type of mail for different purposes than what**  
 24 **I do.**  
 25 Q. Do you know whether this confirmation-of-voter

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1 card that you send out is accepted by your division of  
 2 elections as one of the non-photo I.D.'s for election  
 3 day?  
 4 **A. Yes, I'm aware of that.**  
 5 MR. SILVERMAN: I'm sorry. This is Peter.  
 6 I'm sorry to interrupt. Can you repeat that last  
 7 answer, please?  
 8 MS. PERALES: I'm going to ask the court  
 9 reporter to read it back.  
 10 THE COURT REPORTER: The answer was: "Yes,  
 11 I'm aware of that."  
 12 MR. SILVERMAN: Thank you. We're having --  
 13 I'm having a little bit of difficulty on the phone, so I  
 14 appreciate your help.  
 15 BY MS. PERALES:  
 16 Q. Can you describe, in your own words, the  
 17 impact on voter registration that Proposition 200 has  
 18 had in Pima County?  
 19 MS. RAPP: Objection. Form.  
 20 You can answer.  
 21 BY MS. PERALES:  
 22 Q. You may answer.  
 23 **A. When Prop 200 first went into effect in**  
 24 **January, we had not had the new forms that stipulate**  
 25 **what Prop 200 was about. I did do a -- I did go out**

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1 **within the community to any group that wanted us to do a**  
 2 **presentation. Either I did it myself or my chief**  
 3 **deputy, Chris Roads, did it. Political groups,**  
 4 **legislative districts, we went out and explained what**  
 5 **the requirements with Prop 200 would be, what the voters**  
 6 **needed to get.**  
 7 **I was a little concerned because when we**  
 8 **started in the old form, we had driver's license but it**  
 9 **was not one of those things that was critical to it. It**  
 10 **was just another checking point. And I know I did have**  
 11 **some complaints from some volunteers, special interest**  
 12 **groups out there, that people were reluctant to give**  
 13 **driver's license because of identical theft and**  
 14 **whatever. And I says, "Don't become argumentative with**  
 15 **the voters out there because our forms will clearly**  
 16 **state that this is now a requirement of the law." It's**  
 17 **not like you are trying to be nosy and trying to get**  
 18 **information that they don't want to give.**  
 19 **So until we got our new forms -- again, I**  
 20 **don't like to use the word "reject." It is in the**  
 21 **proposition; it is not in my letters, though -- they**  
 22 **didn't make the minimum requirements. I was somewhat**  
 23 **concerned because our numbers were high. But this took**  
 24 **effect right after a major election, so our registration**  
 25 **rolls, we went from 500 -- excuse me -- 415,000**

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1 **registered voters to almost 460-. We were very busy**  
 2 **that day -- or I should say the previous year. So there**  
 3 **was a lull right after a major election. What I did is**  
 4 **I instructed staff, when we received other new voter**  
 5 **registration form from your Exhibit 7, we mapped out the**  
 6 **county and staff went out and we had a letter going with**  
 7 **staff, and they were instructed to get every old voter**  
 8 **registration form, making the libraries go back and get**  
 9 **the stockpile, insisting that we took possession of all**  
 10 **the old forms and replace them with new forms. That**  
 11 **way, we could destroy them.**  
 12 **After that one, that task -- and this was**  
 13 **about April, May; that's when that took place -- we**  
 14 **noticed our non-compliance of Prop 200, our numbers**  
 15 **drastically reduced. I did several press releases. The**  
 16 **media has been very good on printing this. We're trying**  
 17 **to resurrect that one again to our new people that are**  
 18 **new to our community. So it has had an impact, but it's**  
 19 **not a -- if you will look at the July report numbers for**  
 20 **the month of July in 2006, we did -- we received**  
 21 **6,939 forms, but those that didn't make the minimum**  
 22 **requirements was 112.**  
 23 Q. Is it possible that now that the proof of  
 24 citizenship requirements are stated on the face of the  
 25 application, that there are some people who, upon



# ATTACHMENT 8



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DISTRICT OF ARIZONA

MARIA M. GONZALEZ, et al., )  
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Plaintiffs, )  
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-vs- ) No. CV06-01268  
) PHX-ROS (Lead)  
STATE OF ARIZONA, etc., et al., ) No. CV06-01362  
) PCT-JT (Cons)  
Defendants. )  
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THE INTER TRIBAL COUNCIL OF )  
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Plaintiffs, )  
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-vs- )  
)  
JAN BREWER, in her official )  
capacity as Secretary of State )  
of Arizona, )  
)  
Defendant. )  
-----

30 (b) (6) DEPOSITION OF THE NAVAJO COUNTY RECORDER  
BY AND THROUGH KELLY DASTRUP  
(Telephonically)

Flagstaff, Arizona  
August 1, 2006

Prepared for:

PETER A. SILVERSTEIN  
Assistant Attorney General

(Copy)

Reported by:

PAUL GROSSMAN  
Arizona Certified  
Reporter #50028  
CA CSR #1487



1 Flagstaff, Arizona

2 August 1, 2006

3 5:30 p.m.

4  
5  
6  
7 KELLY DASTRUP,

8 called as a witness herein, having been first duly  
9 sworn, was examined and testified as follows:

10  
11 EXAMINATION

12 BY MS. HARTMAN-TELLEZ:

13 Q. Ms. Dastrup, here with me in the room is  
14 Katie Rapp. Is she your counsel?

15 A. Yes.

16 Q. You are the Navajo County Elections Director;  
17 is that your title?

18 A. Yes, it is.

19 Q. And what are your duties as Elections  
20 Director?

21 A. I am in charge of all aspects of elections  
22 that are held within the county or jurisdictions who  
23 choose to enter into agreements with the county.

24 Q. Are there jurisdictions within Navajo County  
25 that do not enter into agreements with the county to



1 Q. Is this list the same as the Secretary of  
2 State's list?

3 A. No. Similar.

4 Q. What are the differences?

5 A. The addition of alternate forms of  
6 identification to include official election mailing.

7 Q. So you will accept official election mailings  
8 as a form of non-photo identification, is that correct?

9 A. If it's individually addressed to the voter.

10 Q. Are you or is your Election Services  
11 Department sending out such mailings?

12 A. Yes.

13 Q. Will those be sent to all voters?

14 A. Yes.

15 Q. Will they be sent to inactive voters?

16 A. I don't know. Good question.

17 Q. Can you find out?

18 A. Don't laugh.

19 Q. No, no, no. I'm sorry.

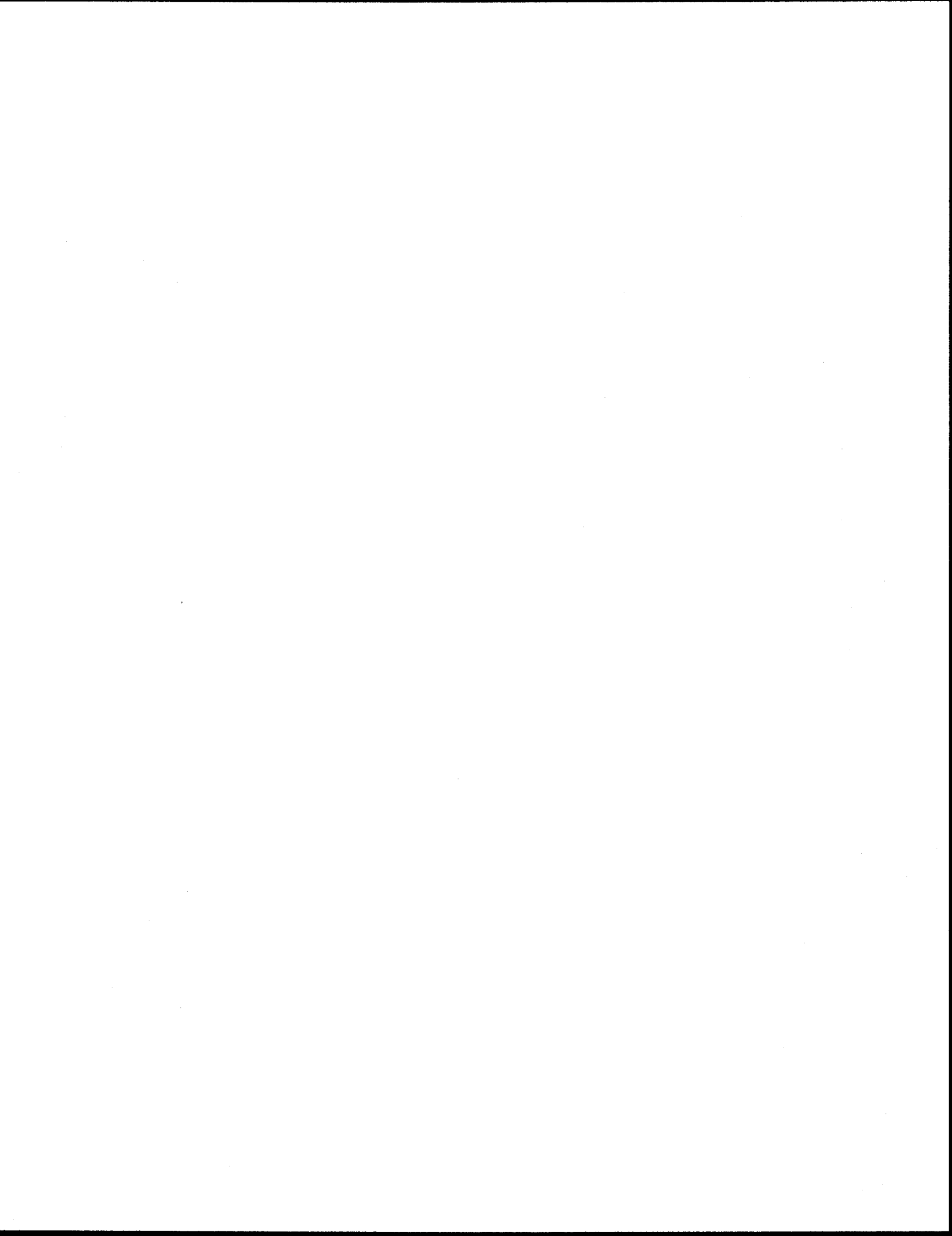
20 A. But I -- that's a good question.

21 Q. Can you find out the answer to that question

22 and --

23 A. Not at the moment.

24 Q. Well, no, I understand that. I know that  
25 you're on the road.



1           If you could find out the answer to that  
2 question and let your counsel know, I'd appreciate it.

3           A.     I would probably -- I will answer this way.  
4 I would follow standard protocol with any other official  
5 election mailing.

6           Q.     What is the standard protocol for other  
7 election mailing?

8           A.     Exactly.

9           MS. RAPP: Kelly, once you get back to the  
10 office later this week I'll give you -- go ahead and  
11 look up that answer and I'll give you a call and you can  
12 tell me what the answer is and I'll pass it on to Karen,  
13 okay?

14           THE WITNESS: Absolutely.

15           MS. HARTMAN-TELLEZ: Thank you.

16           Q.     How many mailings will be sent?

17           MS. RAPP: Objection to form.

18 BY MS. HARTMAN-TELLEZ:

19           Q.     You can still answer the question.

20           A.     Well, one of the moves Navajo County is  
21 making is doing it in the form of a sample ballot.

22           Q.     So you will be sending out sample ballots as  
23 official election material?

24           A.     To every voter rather than every voter  
25 containing -- every household containing a registered



1 voter.

2 Q. Those sample ballots will be addressed to --  
3 will have the voter's name and address?

4 A. Correct.

5 Q. Are you planning to send out any other  
6 official election material to individual voters?

7 A. Not at this time. We did in the spring  
8 election.

9 Q. Did you produce a copy of one of those  
10 letters in response to The Inter Tribal Council's  
11 request for production?

12 A. Yes, I did.

13 Q. And did that letter inform the voters that  
14 the letter itself could be used as non-photo  
15 identification?

16 A. Yes, it did.

17 Q. Will you be sending anything for the upcoming  
18 elections in September and November? Do you plan to  
19 send any mailings beside those sample ballots?

20 MS. RAPP: Objection to form. Go ahead,  
21 Kelly. You can answer.

22 THE WITNESS: No.

23 BY MS. HARTMAN-TELLEZ:

24 Q. But you will accept the sample ballot as  
25 proof of or as one form of non-photo identification?



1 A. Correct.

2 Q. I'm going to go through some of the items on  
3 the list of acceptable ID at the polls and ask you some  
4 questions about those.

5 One of the items that's listed as acceptable  
6 photo ID is a tribal enrollment card or other form of  
7 tribal ID, is that correct?

8 A. Correct.

9 Q. Do you accept photo identification from any  
10 tribe in the United States?

11 A. If it's been determined if it's federally  
12 recognized.

13 Q. How will you determine if a tribe is  
14 federally recognized?

15 A. I don't know that I would personally. It  
16 would be up to the poll worker. And I don't know that  
17 they would take a tribal issued identification and  
18 determine that it's not valid. I don't believe that's  
19 their position.

20 Q. So any tribal identification they would  
21 decide is valid?

22 A. That would be the presumption.

23 Q. But is there --

24 A. In most case scenarios in our counties it's  
25 going exclusive to the Native American tribes that are

