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13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF ARIZONA**

15 MARIA M. GONZALEZ, et al.,

16 Plaintiffs,

17 v.

18 STATE OF ARIZONA; et al.

19 Defendants.
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No. CV 06-1268-PHX-ROS (LEAD)
CV 06-1362-PHX-ROS
CV 06-1575-PHX-ROS

(Consolidated)

**RULE 56(f) DECLARATION OF
PATRICIA FERGUSON-BOHNEE**

23 Patricia Ferguson-Bohnee, being duly sworn, says:

24 1. I am an attorney in the law firm Sacks Tierney PA, and I am counsel for the
25 Plaintiffs Navajo Nation and Agnes Laughter in connection with this matter.

26 2. I am submitting this Declaration pursuant to Ariz. R. Civ. P. 56(f) for the
27 purpose of advising the Court of the reasons why Plaintiffs Navajo Nation and Agnes
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1 Laughter ("Navajo Plaintiffs") cannot, at this stage of the litigation, secure affidavits or
2 other evidence essential to oppose the Motion for Summary Judgment filed by the State.

3 3. The Navajo Plaintiffs are awaiting the Discovery Responses from
4 propounded by the ITCA Plaintiffs' on Coconino County, Apache County and Navajo
5 County regarding the number of voters who do not have adequate forms of identification to
6 cast a regular ballot at a polling place on Election Day. Of specific interest to the Navajo
7 Plaintiffs are the following responses from Coconino, Apache, and Navajo Counties:

8 a. For each election from September 2005 to present, the number and
9 identity of each registered voter who was not permitted to cast a regular ballot at a polling
10 place due to failure to provide identification as required by A.R.S. § 16-579;

11 b. For each election from September 2005 to present, the number and
12 identity of each registered voter who cast a conditional provisional ballot due to failure to
13 provide identification required by A.R.S. § 16-579;

14 c. For each election from September 2005 to present, the number and
15 identity of each registered voter who cast a conditional provisional ballot and subsequently
16 provided satisfactory identification to the county recorder's office; and

17 d. For each election from September 2005 to present, the number and
18 identity of each registered voter who cast a conditional provisional ballot that was not
19 counted due to failure to provide identification required by A.R.S. § 16-579.

20 4. When the Counties have identified the requested information, the Navajo
21 Plaintiffs' intend to engage in a fact investigation regarding reasons for not returning to
22 perfect a conditional provisional ballot or why a voter did not return with identification.

23 5. The Navajo Plaintiffs have obtained affidavits regarding early voting
24 locations during the 2006 General Election in Apache and Navajo Counties, attached as
25 Tabs 12 and 13 to the Navajo Plaintiffs' Uncontroverted Statement of Facts, but the Navajo
26 Plaintiffs need to obtain an affidavit regarding early voting locations in Coconino County.

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I declare under penalty of perjury under the laws of the United States and the State of Arizona that the foregoing is true and correct.

DATED this 12th day of July, 2007.

s/ Patricia Ferguson-Bohnee
Patricia Ferguson-Bohnee

CERTIFICATE OF SERVICE

I hereby certify that on July 12, 2007, a complete, duplicate copy of this document was forwarded directly to Judge Roslyn O. Silver by First Class Mail, at the following addresses:

Hon. Roslyn O. Silver
United States District Court, Suite 624
401 W. Washington Street, SPC 59
Phoenix, Arizona 85003

s/ Judith M. Dworkin

I hereby certify that on July 12, 2007, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants, if any:

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s/ Judith M. Dworkin