

*MARIA M. GONZALEZ, et al., vs. STATE OF ARIZONA, et al.*  
No. CV-6-01268-PHX-ROS (Lead)  
No. CV06-01362-PCT-JAT (Cons)

Exhibit List for

**ITCA PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

**Statutes:**

Exhibit 1. A.R.S. § 16-152 (2004)

Exhibit 2. A.R.S. § 16-579 (2004)

**Secretary of State's Implementing Procedures:**

Exhibit 3. Procedure for Proof of Identification at the Polls

**Interrogatories:**

Exhibit 4. Secretary of State Responses to ITCA's Plaintiffs' Interrogatories

Exhibit 5. Coconino County Response to ITCA's Plaintiffs' Interrogatories

Exhibit 6. Mohave County Response to ITCA's Plaintiffs' Interrogatories

Exhibit 7. Pinal County Response to ITCA's Plaintiffs' Interrogatories

Exhibit 8. Pima County Response to ITCA's Plaintiffs' Interrogatories and  
Ex. A thereto

Exhibit 9. Yavapai County Response to ITCA's Plaintiffs' Interrogatories

Exhibit 10. Graham County Response to ITCA's Plaintiffs' Interrogatories

Exhibit 11. Apache County Response to ITCA's Plaintiffs' Interrogatories

Exhibit 12. Greenlee County Response to ITCA's Plaintiffs' Interrogatories

Exhibit 13. La Paz County Response to ITCA's Plaintiffs' Interrogatories

Exhibit 14. Navajo County Response to ITCA's Plaintiffs' Interrogatories

Exhibit 15. Maricopa County Response to ITCA's Plaintiffs' Interrogatories

Exhibit 16. Yuma County Response to ITCA's Plaintiffs' Interrogatories

Exhibit 17. Gila County Response to ITCA's Plaintiffs' Interrogatories

**Emails/Letter Clarifying Interrogatories:**

- Exhibit 18. Email from Brad R. Nelson, Elections Director of Pima County to Gonzalez Plaintiffs
- Exhibit 19. Email from Donna J. Hale, Interim County Administrator for La Paz County Board of Supervisors
- Exhibit 20. 8/2/06 Letter from Derek Rapier, Greenlee County Attorney

**Expert Report:**

- Exhibit 21. Expert Report of R. Anthony Sissons, AICP

**Deposition Transcript Excerpts and Deposition Exhibits:**

- Exhibit 22. Deposition of Joseph Kanefield
- Exhibit 23. Deposition of Kelly Dastrup (transcript not in final form; ICTA Plaintiffs will promptly supplement with final deposition transcript when available)
- Exhibit 24. Deposition of Patty Hansen (transcript not in final form; ICTA Plaintiffs will promptly supplement with final deposition transcript when available)
- Exhibit 25. Deposition of Lenora Johnson (transcript not in final form; ICTA Plaintiffs will promptly supplement with final deposition transcript when available)
- Exhibit 26. Deposition of Laurette Justman (transcript not in final form; ICTA Plaintiffs will promptly supplement with final deposition transcript when available)
- Exhibit 27. Deposition of Karen Osborne (transcript not in final form; ICTA Plaintiffs will promptly supplement with final deposition transcript when available)
- Exhibit 28. Deposition of Penny Pew (transcript not in final form; ICTA Plaintiffs will promptly supplement with final deposition transcript when available)
- Exhibit 29. Deposition of F. Ann Rodriguez
- Exhibit 30. Exhibit 3 to Osborne deposition
- Exhibit 31. Exhibit 4 to Osborne deposition

**Declarations:**

- Exhibit 32. Declaration of Kristin Bateman
- Exhibit 33. Declaration of Nicholas Fisher
- Exhibit 34. Declaration of Tara Hernandez

Exhibit 35. Declaration of Eva Steele

Exhibit 36. Declaration of Kenneth Totten

**Web Pages:**

Exhibit 37. <https://servicearizona.ihost.com/dupinfo.html>

Exhibit 38. <http://quickfacts.census.gov/qfd/states/04/04005.html>

Exhibit 39. <http://www.azdot.gov/mvd/officehourssql/ofclink.asp>

Exhibit 40. <http://www.azdot.gov/mvd/faqs/scripts/faqs.asp?section=dl>

Exhibit 41. <http://mvd.azdot.gov/mvd/formsandpub/mvd.asp?txtNumber=96-0155>

Exhibit 42. [http://www.azdhs.gov/vitalrcd/apply\\_birth\\_in\\_person.htm](http://www.azdhs.gov/vitalrcd/apply_birth_in_person.htm)

Exhibit 43. [http://travel.state.gov/passport/get/fees/fees\\_837.html?css=print](http://travel.state.gov/passport/get/fees/fees_837.html?css=print)

Exhibit 44. [http://www.vitalchek.com/provider\\_overview.asp?provider\\_id=10154&Georgia\\_Birth\\_Certificate](http://www.vitalchek.com/provider_overview.asp?provider_id=10154&Georgia_Birth_Certificate)

Exhibit 45. [http://www.azdhs.gov/vitalrcd/delayed\\_birth.htm](http://www.azdhs.gov/vitalrcd/delayed_birth.htm)

Exhibit 46. [http://www.azsos.gov/business\\_services/notary/](http://www.azsos.gov/business_services/notary/)

Exhibit 47. <http://www.uscis.gov/graphics/formsfee/forms/index.htm>;  
<https://www.swgas.com/ServiceRequests/index.jsp>;  
[https://www.aps.com/aps\\_services/residential/turnon/default.html](https://www.aps.com/aps_services/residential/turnon/default.html);  
<http://www.srpnet.com/service/home/deposits.aspx>;  
[http://www.aps.com/aps\\_services/residential/creditpolicy/ResCreditPolicy\\_1.html](http://www.aps.com/aps_services/residential/creditpolicy/ResCreditPolicy_1.html)

Exhibit 48. [http://www.chase.com/ccp/index.jsp?pg\\_name=ccpmapp/individuals/checking/page/chase\\_free\\_checking;](http://www.chase.com/ccp/index.jsp?pg_name=ccpmapp/individuals/checking/page/chase_free_checking;)  
[http://www.bankofamerica.com/deposits/checksave/index.cfm?template=check\\_myaccess;](http://www.bankofamerica.com/deposits/checksave/index.cfm?template=check_myaccess;)  
<https://www.wellsfargo.com/wf/checking/free>  
[http://www.azfcu.org/cksav/ck\\_superior.html](http://www.azfcu.org/cksav/ck_superior.html)

Exhibit 49. <http://quickfacts.census.gov/qfd/states/04000.html>

Exhibit 50. <http://www.census.gov/hhes/poverty/threshld/thresh04.html>

**Miscellaneous**

Exhibit 51. 2004 Publicity Pamphlet

Exhibit 52. Letter dated 7/27/06 from William A. Richards to ITCA Plaintiffs

Exhibit 53. Minute Entry, Oct. 21, 2005 in No. CR2005-011818

**Exhibit 54. Minute Entry, Jan. 13, 2006 in No. CR2005-011820**

**Exhibit 55. Order Granting Motion for Preliminary Injunction in Case No. C06-0726RSM**

**Exhibit 56. Chart of Election officials' Answers to Polling ID Questions**

**Exhibit 57. SEC000060 Thursday, March 28, 2002 Arizona Republic Article**

**Exhibit 58. Affidavit of John Lewis**

# EXHIBIT 1



## A.R.S. § 16-152

Arizona Revised Statutes Annotated Currentness  
Title 16. Elections and Electors (Refs & Annos)  
Chapter 1. Qualification and Registration of Electors (Refs & Annos)  
Article 4. Forms (Refs & Annos)

Current through End of the Forty-Sixth Legislature, Second Regular and Second

Special Sessions (2004)

→§ 16-152. Registration form

A. The form used for the registration of electors shall contain:

1. The date the registrant signed the form.
2. The registrant's given name, middle name, if any, and surname.
3. The complete address of the registrant's actual place of residence, including street name and number, apartment or space number, city or town and zip code, or such description of the location of the residence that it can be readily ascertained or identified.
4. The registrant's complete mailing address, if different from the residence address, including post office address, city or town, zip code or other designation used by the registrant for receiving mail.
5. The registrant's party preference.
6. The registrant's telephone number, unless unlisted.
7. The registrant's state or country of birth.
8. The registrant's date of birth.
9. The registrant's occupation.
10. The registrant's Indian census number (optional to registrant).
11. The registrant's father's name or mother's maiden name.
12. One of the following identifiers for each registrant:
  - (a) The Arizona driver license number of the registrant or nonoperating identification license number of the registrant that is issued pursuant to § 28-3165, if the license is current and valid.
  - (b) If the registrant does not have a current and valid Arizona driver license or nonoperating identification license,

© 2006 Thomson/West. No Claim to Orig. U.S. Govt. Works.

**A.R.S. § 16-152**

the last four digits of the registrant's social security number.

(c) If the registrant does not have a current and valid Arizona driver license or nonoperating identification license or a social security number and the registrant attests to that, a unique identifying number consisting of the registrant's unique identification number to be assigned by the secretary of state in the statewide electronic voter registration database.

13. A statement as to whether or not the registrant is currently registered in another state, county or precinct, and if so, the name, address, county and state of previous registration.

14. The question to the registrant "Are you a citizen of the United States of America?", appropriate boxes for the registrant to check "yes" or "no" and the statement "if you checked 'no' in response to this question, do not complete this form".

15. The question to the registrant "Will you be eighteen years of age on or before election day?", appropriate boxes for the registrant to check "yes" or "no" and the statement "if you checked 'no' in response to this question, do not complete this form".

16. A statement that the registrant has not been convicted of treason or a felony, or if so, that the registrant's civil rights have been restored.

17. A statement that the registrant is a resident of this state and of the county in which the registrant is registering.

18. A statement that executing a false registration is a class 6 felony.

19. The signature of the registrant.

20. If the registrant is unable to sign the form, a statement that the affidavit was completed according to the registrant's direction.

21. A statement that if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes.

22. A statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.

**B.** A duplicate voter receipt shall be provided with the form that provides space for the name, street address and city of residence of the applicant, party preference and the date of signing. The voter receipt is evidence of valid registration for the purpose of casting a provisional ballot as prescribed in § 16-584, subsection B.

**C.** The state voter registration form shall be printed in a form prescribed by the secretary of state.

**D.** The county recorder may establish procedures to verify whether a registrant has successfully petitioned the court for an injunction against harassment pursuant to § 12-1809 or an order of protection pursuant to § 12-1810 or 13-3602 and, if verified, to protect the registrant's residence address, telephone number or voting precinct number, if appropriate, from public disclosure.

**CREDIT(S)**

Added by Laws 1979, Ch. 209, § 3, eff. Jan. 1, 1980. Amended by Laws 1984, Ch. 214, § 3; Laws 1990, Ch. 321, § 1, eff. Nov. 19, 1990; Laws 1991, Ch. 310, § 13, eff. Jan. 1, 1992; Laws 1991, 3rd S.S., Ch. 4, § 1; Laws 1994,

© 2006 Thomson/West. No Claim to Orig. U.S. Govt. Works.

**A.R.S. § 16-152**

Ch. 378, § 10, eff. Jan. 1, 1995; Laws 1995, Ch. 95, § 1; Laws 2003, Ch. 260, § 5, eff. Dec. 1, 2003; Laws 2004, Ch. 184, § 2.

## &lt;&lt;ARTICLE 4. FORMS&gt;&gt;

<For disposition of the subject matter or derivation of sections repealed, added, or transferred and renumbered by Laws 1979, Ch. 209, §§ 2 to 5, effective January 1, 1980, see Disposition and Derivation Tables preceding Chapter 1.>

**HISTORICAL AND STATUTORY NOTES****Source:**

Laws 1933, Ch. 62, § 5.  
Laws 1947, Ch. 117, § 1.  
Code 1939, Supp.1953, § 55-205.  
Laws 1953, Ch. 98, § 4.  
A.R.S. former § 16-143.

Laws 1972, Ch. 146, § 24.  
Laws 1972, Ch. 218, § 7.  
Laws 1973, Ch. 183, § 17.  
Laws 1974, Ch. 134, § 7.

For conditional enactment and effective date provisions and purpose of Laws 1979, Ch. 209 and for information as to compliance with the conditional enactment provision, see Historical and Statutory Notes preceding Chapter 1 and following § 16-101.

Amendment of this section by Laws 1990, Ch. 321, which was to become effective May 31, 1991, is now effective November 19, 1990.

For effective date of twenty-nine day voter registration, amending Laws 1990, Ch. 321 effective date, see Historical and Statutory Notes following § 16-101.

For severability provision of Laws 1991, Ch. 310, see Historical and Statutory Notes following § 16-111.

The 1991 amendment of this section by 3rd S.S., Ch. 4 explicitly amended the 1991 amendment of this section by Ch. 310.

**Reviser's Notes:**

**2003 Note.** Pursuant to authority of § 41-1304.02, in subsection A, paragraphs 14 and 15 single quotation marks enclosing the second "no" were substituted for double quotation marks to correct a manifest clerical error.

**CROSS REFERENCES**

Change of residence, see §§ 16-125, 16-135.

Persons required to register electors, see § 16-131.

Qualification of electors, see Const. Art. 7, § 2; § 16-101.

© 2006 Thomson/West. No Claim to Orig. U.S. Govt. Works.

**A.R.S. § 16-152**

Registration and records prerequisite to voting, see § 16-122.

Registration laws authorized, see Const. Art. 7, § 12.

**ADMINISTRATIVE CODE REFERENCES**

Electronic voter registration, see A.A.C. R2-12-601.

**LAW REVIEW AND JOURNAL COMMENTARIES**

Name change, minors. 18 Ariz.L.Rev. 725 (1976).

Voting, residency requirements. David Cocanower and David Rich, 12 Ariz.L.Rev. 477 (1970).

**NOTES OF DECISIONS****Ability to read 3****Qualified electors 1****Qualified electors - Verification of signatures 2****1. Qualified electors**

The intent of § 16-112 is to permit persons to register to vote at the same time and place as they apply for driver's licenses; to become a qualified elector, a person must satisfy the qualifications for registration in § 16-101 and complete an affidavit of registration as provided in this section. Op.Atty.Gen. No. 183-026.

Qualified elector entitled to sign recall petition is one who has complied with voter registration law and is qualified to vote, and requirements that petitioner be a registered voter at time he affixed his name to petition and that genuineness of signature be verified by comparison with affidavit of registration are reasonable antecedents to validating signatures on petition. Op.Atty.Gen. No. 73-15.

**2. Verification of signatures**

Nominating petitions which were verified as circulated by persons other than those who actually circulated the petitions and obtained the signatures, were void, and the signatures on such petitions could not be considered in determining the sufficiency of the number of signatures to qualify candidate for placement on the ballot; disapproving *Whitman v. Moore*, 59 Ariz. 211, 125 P.2d 445. *Brousseau v. Fitzgerald* (1984) 138 Ariz. 453, 675 P.2d 713. Elections ¶ 158

**3. Ability to read**

Formerly, affidavits of registration used to register voters could include statement that registrant was able to read the federal Constitution in the English language or that the registrant was unable to do so "because of: \_\_\_\_\_." Op.Atty.Gen. No. 65-20-L.

**A. R. S. § 16-152, AZ ST § 16-152**

Current through End of the Forty-Sixth Legislature, Second Regular and Second Special Sessions (2004)

Copyright © 2004 by West, a Thomson business. All rights reserved.

© 2006 Thomson/West. No Claim to Orig. U.S. Govt. Works.

A.R.S. § 16-152

END OF DOCUMENT

© 2006 Thomson/West. No Claim to Orig. U.S. Govt. Works.

# EXHIBIT 2



## A.R.S. § 16-579

Arizona Revised Statutes Annotated Currentness  
Title 16. Elections and Electors (Refs & Annos)  
Chapter 4. Conduct of Elections (Refs & Annos)  
Article 9. Polling Place Procedures (Refs & Annos)

Current through End of the Forty-Sixth Legislature, Second Regular and Second

Special Sessions (2004)

→§ 16-579. Procedure for obtaining ballot by elector

A. Every qualified elector, before receiving a ballot, shall announce the elector's name and place of residence in a clear, audible tone of voice to the election official in charge of the signature roster or present the elector's name and residence in writing. If the name is found upon the precinct register by the election officer having charge thereof, or the qualified elector presents a certificate from the county recorder showing that he is entitled by law to vote in the precinct, the election official in charge of the signature roster shall repeat the name and the qualified elector shall be allowed within the voting area.

B. If a statewide voter registration database is not yet operational, for any person who has registered to vote by mail for the first time in this state after January 1, 2003 or who is reregistering by mail after January 1, 2003 after moving from one county to another county in this state, the person shall comply with the following in order to be issued a ballot:

1. The person shall present either one of the following:

(a) A current form of identification that bears a photograph of the person and the name of the person.

(b) A current utility bill, bank statement, paycheck, government issued check or other government document that shows the name and registration address of the person.

2. If the person does not present a document that complies with paragraph 1, the person is only eligible to vote a provisional ballot as prescribed by § 16-584.

3. This subsection does not apply and a person may be issued a ballot if the person is listed as having presented a document that complies with paragraph 1 at the time the person registered to vote or if a statewide voter registration database is operational.

C. Any qualified elector who is listed as having applied for an early ballot but who states that he has not voted and will not vote an early ballot for this election or surrenders the early ballot to the precinct inspector on election day shall be allowed to vote pursuant to the procedure set forth in § 16- 584.

D. Each qualified elector's name shall be numbered consecutively by the clerks, with the number upon the stub of the ballot delivered to the elector, and in the order of applications for ballots. The election judge having charge of the ballots shall also write the elector's initials upon the stub and the number of the qualified elector as it appears

© 2006 Thomson/West. No Claim to Orig. U.S. Govt. Works.

**A.R.S. § 16-579**

upon the precinct register. The judge shall give the qualified elector only one ballot, and the elector's name shall be immediately checked on the precinct register.

**E.** Each qualified elector shall sign the elector's name in the signature roster prior to receiving a ballot, but an inspector or judge may sign the roster for an elector who is unable to sign because of physical disability, and in that event the name of the elector shall be written with red ink, and no attestation or other proof shall be necessary. The provisions of this subsection relating to signing the signature roster shall not apply to electors casting a ballot using early voting procedures.

**F.** A person offering to vote at a special district election for which no special district register has been supplied shall sign an affidavit stating his address and that he resides within the district boundaries or proposed district boundaries and swearing that he is a qualified elector and has not already voted at the election being held.

**CREDIT(S)**

Added by Laws 1979, Ch. 209, § 3, eff. Jan. 1, 1980. Amended by Laws 1986, Ch. 320, § 25; Laws 1993, Ch. 98, § 53, eff. Jan. 1, 1994; Laws 1999, Ch. 32, § 9; Laws 2003, Ch. 260, § 18, eff. Dec. 1, 2003.

**HISTORICAL AND STATUTORY NOTES****Source:**

Civ.Code 1901, § 2338.  
 Civ.Code 1913, § 2954.  
 Rev.Code 1928, § 1210.  
 Laws 1933, Ch. 62, § 13.  
 Laws 1952, Ch. 123, §§ 4, 16.  
 Code 1939, Supp.1952, §§ 55-213, 55-506.  
 A.R.S. former § 16-894.

For conditional enactment and effective date provisions and purpose of Laws 1979, Ch. 209 and for information as to compliance with the conditional enactment provision, see Historical and Statutory Notes preceding Chapter 1 and following § 16-101.

**CROSS REFERENCES**

Precinct registers, see §§ 16-168, 16-169.  
 Qualifications of voters, see Const. Art. 7, § 2; § 16-101.  
 Qualified elector defined, registration required, see §§ 16-121, 16-122.  
 School district elections, registers, see § 15-401.  
 Signature roster, see § 16-169.

**LIBRARY REFERENCES**

Elections ↪218.  
 Westlaw Topic No. 144.  
 C.J.S. Elections § 204.

© 2006 Thomson/West. No Claim to Orig. U.S. Govt. Works.

A.R.S. § 16-579

A. R. S. § 16-579, AZ ST § 16-579

Current through End of the Forty-Sixth Legislature, Second Regular and Second Special Sessions (2004)

Copyright © 2004 by West, a Thomson business. All rights reserved.

END OF DOCUMENT

© 2006 Thomson/West. No Claim to Orig. U.S. Govt. Works.

# EXHIBIT 3

## **PROCEDURE FOR PROOF OF IDENTIFICATION AT THE POLLS**

Every qualified elector is required to show proof of identity at the polling place before receiving a ballot. The elector shall announce his/her name and place of residence to the election official and present one form of identification that bears the name, address, and photograph of the elector or two different forms of identification that bear the name and address of the elector.

[A.R.S. § 16-579(A)]

An elector who does not provide one form of identification that bears the name, address, and photograph of the elector or two different forms of identification that bear the name and address of the elector shall not be issued a regular ballot, but shall receive a provisional ballot. If the elector identifies himself or herself as a Native American, the elector shall be processed under the section of this procedure titled "Identification Requirements for Native American Electors", all others shall be processed under the section of this procedure titled "Provisional Ballot for No Identification".

Acceptable proof of identification includes but is not limited to the sources listed below. Other forms of identification not on this list must be deemed acceptable by the county election official in charge of elections and must establish the identity of the elector in accordance with the requirements of A.R.S. § 16-579(A).

### **Acceptable forms of identification with photograph, name, and address of the elector**

- Valid Arizona driver license
- Valid Arizona nonoperating identification license
- Tribal enrollment card or other form of tribal identification
- Valid United States federal, state, or local government issued identification

An identification is "valid" unless it can be determined on its face that it has expired.

### **Acceptable forms of identification without a photograph that bear the name and address of the elector (two required)**

- Utility bill of the elector that is dated within ninety days of the date of the election. A utility bill may be for electric, gas, water, solid waste, sewer, telephone, cellular phone, or cable television
- Bank or credit union statement that is dated within ninety days of the date of the election
- Valid Arizona Vehicle Registration
- Indian census card
- Property tax statement of the elector's residence
- Tribal enrollment card or other form of tribal identification
- Vehicle insurance card
- Recorder's Certificate
- Valid United States federal, state, or local government issued identification, including a voter registration card issued by the county recorder

An identification is "valid" unless it can be determined on its face that it has expired.

### **Compare Identification to Announced Name**

If the elector has provided the acceptable form of identification(s), the poll worker shall compare the information on the identification(s) with the information the elector announced. If the name on the identification(s) reasonably appears to be the same as the announced name, the poll worker shall compare the identification to the signature roster. If the name on the identification(s) does not reasonably appear to be the same as the announced name, the elector shall be provided a provisional ballot to be processed under the section of this procedure titled "Provisional Ballot for No Identification". The poll worker shall provide the elector with instructions on how and where the elector can provide proof of identification in the timeframes specified in this procedure.

### **Compare Identification to Signature Roster**

The poll worker shall compare the information on the identification(s) provided by the elector with the information on the signature roster.

### **Polling Place Process for Elector Whose Name Appears on the Signature Roster**

If the elector presents one form of identification that bears the name, address, and photograph of the elector and the name and address on the identification and the signature roster reasonably appear to be the same and the photo reasonably appears to be the elector, then the elector shall be issued a regular ballot. If the name and address on the identification do not reasonably appear to be the same as the name and address on the signature roster or the photo does not reasonably appear to be the elector, then the elector shall not be issued a regular ballot, but shall be issued a provisional ballot that will be verified in accordance with the section of the Procedures Manual entitled "Verification of Provisional Ballots".

If the elector presents two forms of identification that bear the name and address of the elector without a photograph of the elector, the poll worker shall compare the name and address on the two pieces of identification with the name and address on the signature roster. If both pieces of identification reasonably appear to be the same as the name and address on the signature roster the elector shall be issued a regular ballot. If the name or address on either piece of provided identification does not reasonably appear to be the same as the name and address on the signature roster then the elector shall not be issued a regular ballot, but shall be issued a provisional ballot that will be verified in accordance with the section of the Procedures Manual entitled "Verification of Provisional Ballots".

If the elector presents only one form of identification that bears the name and address of the elector without a photograph of the elector, the elector shall be issued a provisional ballot to be processed under the section of this procedure titled "Provisional Ballot for No Identification".

If the elector has moved within the precinct and, therefore, his or her name is on the register but the address on the identification(s) are not the same as the signature roster, the elector

shall be issued a provisional ballot that will be verified in accordance with the section of the Procedures Manual entitled "Verification of Provisional Ballots". [A.R.S. § 16-135].

**Polling Place Process for Elector Whose Name Does Not Appear on the Signature Roster**

If the poll worker is unable to locate the elector's name on the signature roster after the elector presents one form of identification that bears the name, address, and photograph of the elector or two different forms of identification that bear the name and address of the elector, the elector shall be permitted to vote a provisional ballot that will be verified in accordance with the section of the Procedures Manual entitled "Verification of Provisional Ballots". [A.R.S. §§ 16-135(B), -137, and 584(C)].

**Polling Place Process for Elector Who Presents a Recorder's Certificate**

If the elector presents a recorder's certificate to the poll worker, the poll worker shall treat the recorder's certificate in the same manner as if the information on the recorder's certificate appeared in the signature roster and compare the identification to the recorder's certificate.

If the elector presents one form of identification that bears the name, address, and photograph of the elector and the name and address on the identification and the recorder's certificate reasonably appear to be the same and the photo reasonably appears to be the elector, then the elector shall be issued a regular ballot.

If the name or address on the identification do not reasonably appear to be the same as the name or address on the recorder's certificate or the photo does not reasonably appear to be the elector, then the elector shall not be issued a regular ballot, but shall be issued a provisional ballot that will be verified in accordance with the section of the Procedures Manual entitled "Verification of Provisional Ballots".

If the elector presents two forms of identification that bear the name and address of the elector without a photograph of the elector, the poll worker shall compare the name and address on the two pieces of identification with the name and address on the recorder's certificate. If both pieces of identification reasonably appear to be the same as the name and address on the recorder's certificate the elector shall be issued a regular ballot. If the name or address on either piece of provided identification do not reasonably appear to be the same as the name and address on the recorder's certificate then the elector shall not be issued a regular ballot, but shall be issued a provisional ballot that will be verified in accordance with the section of the Procedures Manual entitled "Verification of Provisional Ballots".

If the elector has presented sufficient identification to receive a regular ballot, the poll worker shall add the elector's name to the next consecutive sequence number at the end of the signature roster. The pollworker shall then have the elector sign the signature roster and give the elector a ballot.

If the elector has moved within the precinct and, therefore, his or her name is on the recorder's certificate but the address on the identification(s) is not the same as the recorder's certificate, the elector shall be issued a provisional ballot that will be verified in accordance with the section of the Procedures Manual entitled "Verification of Provisional Ballots". [A.R.S. § 16-135].

If the elector presents only one form of identification that bears the name and address of the elector without a photograph of the elector, the elector shall be issued a provisional ballot to be processed under the section of this procedure titled "Provisional Ballot for No Identification".

### **Returning Elector's Identification Sources**

All identification sources shall be returned to the elector. In no circumstances shall the identification sources be kept by the poll worker.

### **Addresses on the Signature Roster**

The official signature rosters for use at the polling places shall include the elector's residence address and the mailing address, if different from the residence address, from the elector's registration form as prescribed by A.R.S. § 16-152(A). Identification as set forth in this procedure that bears the mailing address of the elector is sufficient identification if the name and address reasonably appear to be the same as the elector's name and address contained in the signature roster or recorder's certificate.

### **Identification Requirement for Native American Electors**

An elector who identifies himself or herself as a member of a federally recognized Native American tribe and who does not provide one form of identification that bears the name, address, and photograph of the elector or two different forms of identification that bear the name and address of the elector shall be issued a provisional ballot upon presenting one form of tribal identification that bears the name of the elector. The provisional ballot shall be verified in accordance with the section of the Procedures Manual entitled "Verification of Provisional Ballots".

The elector who does not provide one form of identification that bears the name, address, and photograph of the elector or two different forms of identification that bear the name and address of the elector or does not present one form of tribal identification that bears the name of the elector shall be issued a provisional ballot that will be processed under the section of this procedure titled "Provisional Ballot for No Identification".

### **Provisional Ballot for No Identification**

If the elector does not provide identification as required by A.R.S. § 16-579(A), the elector shall be issued a provisional ballot. The provisional ballot envelope shall indicate that the elector did not provide identification. The poll worker shall notify the elector that he or she must provide identification as required by A.R.S. § 16-579(A) to the county recorder or to an official deemed acceptable by the county recorder. The poll worker shall provide

the elector with instructions on how and where the elector can provide proof of identification. The proof of identification must be received by the county recorder's office by 5:00 p.m. on the fifth business day after a general election that includes an election for a federal office or 5:00 p.m. on the third business day after any other election for the provisional ballot to be processed and counted.

**Indication that proof of identity was provided**

The oath statement on the signature roster shall include a statement that the poll worker obtained valid proof of identification from every elector or if identification was not presented, the provisional ballot envelope was marked appropriately to indicate that the provisional ballot was voted due to no identification presented.

The oath statement may be included on the official ballot report and certificate of performance if the county so chooses.

**Polling Place**

A list of acceptable identification shall be posted in a conspicuous place and made available to the electors at each polling location.

**Notice of Identification Requirement**

Notice of the identification at the polls requirement and a list of acceptable forms of identification shall be included with the sample ballots mailed to each household with a registered voter or any other notice sent to electors regarding polling place locations. In addition, a similar notice shall appear in the Secretary of State's Publicity Pamphlet.

**Early Ballot Drop Off**

An elector who is dropping off his or her early ballot at a precinct voting location is not required to show identification.

# EXHIBIT 4

*Hand Delivered*

JUL 24 2006

1 TERRY GODDARD  
 Attorney General  
 2 Firm Bar No. 14000  
 3 Mary O'Grady, No. 011434  
 Solicitor General  
 4 William Richards, No. 013381  
 Special Counsel  
 5 Peter A. Silverman, No. 020679  
 Assistant Attorney General  
 6 1275 West Washington Street  
 7 Phoenix, Arizona 85007-1298  
 Tel: (602) 542-8305  
 8 Fax: (602) 542-8308  
 9 Attorneys for the Arizona Secretary of State

10 **IN THE UNITED STATES DISTRICT COURT**  
 11 **DISTRICT OF ARIZONA**

12 Maria M. Gonzalez, et al.,  
 13 Plaintiffs,

14 v.

15 State of Arizona, et al.,  
 16 Defendants.  
 17

No. CV06-1268 PHX ROS (Lead)  
 No. CV06-1362 PCT JAT (Cons)

**SECRETARY OF STATE'S  
 RESPONSE TO FIRST SET OF  
 INTERROGATORIES FROM INTER  
 TRIBAL COUNCIL OF ARIZONA,  
 INC., ET AL.**

(Assigned to the Honorable Roslyn O.  
 Silver)

19 The Navajo Nation, a federally recognized  
 20 Indian Tribe, and Agnes Laughter,

21 Plaintiffs,

22 v.

23 Jan Brewer, individually and in her official  
 24 capacity as Secretary of State of the State of  
 25 Arizona, et al.,

26 Defendants.

27 Pursuant to Fed. R. Civ. P. 33, the Arizona Secretary of State (the "Secretary")  
 28 hereby responds to the First Set of Interrogatories from Plaintiffs Inter Tribal Council

1 of Arizona, Inc., et al. These responses are provided to Plaintiffs on an expedited  
2 basis. The Secretary reserves the right to amend or supplement these responses as  
3 permitted by the Court and the Federal Rules.

#### 4 INTERROGATORIES

5 **1. Identify each incident since January 1, 1996, in which a non-United**  
6 **States citizen was alleged to have registered to vote in Arizona, and provide: (a)**  
7 **the name, last known address and telephone number of the non-citizen and**  
8 **whether the individual was lawfully in the United States at the time he or she was**  
9 **registered to vote; (b) the date on and county in which the individual registered to**  
10 **vote; and (c) whether criminal charges were filed against the individual and, if so,**  
11 **the case caption, court, docket number and disposition.**

12 The Secretary objects to this request to the extent that it is overbroad, vague and  
13 ambiguous, or to the extent that it may ask for information that is irrelevant, protected by  
14 the attorney client privilege, the work product doctrine, or other evidentiary or  
15 procedural protections. In addition, information requested by this interrogatory includes  
16 material that is public record to which Plaintiffs have equal access.

17 The Secretary also notes that the counties of Arizona are assigned by statute the  
18 responsibility of registering voters. Moreover, the Secretary of State's office is not  
19 charged with authority to prosecute such incidents, and is not the recipient of such  
20 information in the normal course of its business.

21 Without waiving any objections, the Secretary previously disclosed documents to  
22 Plaintiffs referring to incidents which may be responsive to Plaintiffs' request. These  
23 include the Publicity Pamphlet for the 2004 general election, and reports that a candidate  
24 for the El Mirage City Council was not a U.S. citizen when she voted in two elections.  
25 The Secretary also is informed that the Maricopa County Recorder's office referred 159  
26 matters to the Maricopa County Attorney where there was evidence that non-citizens  
27 registered to vote, and that the County Attorney brought charges against 10 individuals.  
28

1           **2. Identify each incident since January 1, 1996, in which a non-United**  
2 **States citizen was alleged to have voted at a polling place in Arizona, and provide:**  
3 **(a) the name, last known address and telephone number of the non-citizen and**  
4 **whether the individual was lawfully in the United States at the time he or she cast**  
5 **a ballot at a polling place; (b) the date on and county in which the incident**  
6 **occurred; and (c) whether criminal charges were filed against the individual and,**  
7 **if so, the case caption, court, docket number and disposition.**

8           The Secretary objects to this request to the extent that it is overbroad, vague and  
9 ambiguous, or to the extent that it may ask for information that is irrelevant, protected by  
10 the attorney client privilege, the work product doctrine, or other evidentiary or  
11 procedural protections. In addition, information requested by this interrogatory includes  
12 material that is public record to which Plaintiffs have equal access.

13           The Secretary also notes that the counties of Arizona are assigned by statute the  
14 responsibility of administering elections at the polls. Moreover, the Secretary of State's  
15 office is not charged with authority to prosecute such incidents, and is not the recipient  
16 of such information in the normal course of its business.

17           Without waiving any objections, the Secretary previously disclosed documents to  
18 Plaintiffs referring to incidents which may be responsive to Plaintiffs' request. These  
19 include the Publicity Pamphlet for the 2004 general election, and reports that a candidate  
20 for the El Mirage City Council was not a U.S. citizen when she voted in two elections.  
21  
22  
23  
24  
25  
26  
27  
28

1           **3. Identify each incident since January 1, 1996, in which a non-United**  
2 **States citizen was alleged to have voted in Arizona by early ballot pursuant to**  
3 **A.R.S. § 16-542(A), and provide: (a) the name, last known address and telephone**  
4 **number of the non-citizen and whether the individual was lawfully in the United**  
5 **States at the time he or she voted an early ballot; (b) the date on which and county**  
6 **in which the incident occurred; and (c) whether criminal charges were filed**  
7 **against the individual and, if so, the case caption, court, docket number and**  
8 **disposition.**

9           The Secretary objects to this request to the extent that it is overbroad, vague and  
10 ambiguous, or to the extent that it may ask for information that is irrelevant, protected by  
11 the attorney client privilege, the work product doctrine, or other evidentiary or  
12 procedural protections. In addition, information requested by this interrogatory includes  
13 material that is public record to which Plaintiffs have equal access.

14           The Secretary also notes that the counties of Arizona are assigned by statute the  
15 responsibility of receiving early ballots cast pursuant to A.R.S. § 16-542(A). Moreover,  
16 the Secretary of State's office is not charged with authority to prosecute such incidents,  
17 and is not the recipient of such information in the normal course of its business.

18           Without waiving any objections, the Secretary previously disclosed documents to  
19 Plaintiffs referring to incidents which may be responsive to Plaintiffs' request. These  
20 include the Publicity Pamphlet for the 2004 general election, and reports that a candidate  
21 for the El Mirage City Council was not a U.S. citizen when she voted in two elections.  
22  
23  
24  
25  
26  
27  
28

1           **4. Identify each incident since January 1, 1996, in which it was alleged**  
2 **that an individual impersonated a registered voter at a polling place in Arizona**  
3 **and provide: (a) the name, last known address and telephone number of the**  
4 **individual alleged to have impersonated a registered voter and whether the**  
5 **individual was lawfully in the United States at the time of the incident; (b) the**  
6 **precinct location, county and date of the incident and (c) whether criminal**  
7 **charges were filed against the individual and, if so, the case caption, court, docket**  
8 **number and disposition.**

9           The Secretary objects to this request to the extent that it is overbroad, vague and  
10 ambiguous, or to the extent that it may ask for information that is irrelevant, protected by  
11 the attorney client privilege, the work product doctrine, or other evidentiary or  
12 procedural protections. In addition, information requested by this interrogatory includes  
13 material that is public record to which Plaintiffs have equal access.

14           The Secretary also notes that the counties of Arizona are assigned by statute the  
15 responsibility of registering voters and administering elections at the polls. Moreover,  
16 the Secretary of State's office is not charged with authority to prosecute such incidents,  
17 and is not the recipient of such information in the normal course of its business.

18           Without waiving any objections, the Secretary previously disclosed documents to  
19 Plaintiffs referring to incidents which may be responsive to Plaintiffs' request. These  
20 include the Publicity Pamphlet for the 2004 general election, and reports that a candidate  
21 for the El Mirage City Council was not a U.S. citizen when she voted in two elections.  
22  
23  
24  
25  
26  
27  
28

1           **5. Identify all reports, studies or memoranda conducted by or for, or**  
2 **otherwise in the possession of, the Office of the Secretary of State that discuss or**  
3 **relate to the voting-related provisions of the Arizona Taxpayer and Citizen**  
4 **Protection Act (“ACTPA” or “the Act”), amending A.R.S. §§ 16-152, 16-166 and**  
5 **16-579, or the effect, impact or consequences of such provisions (including but not**  
6 **limited to any analysis of the number of Arizonans who lack a driver’s license or**  
7 **other forms of identification required by the Act).**

8           The Secretary objects to this request to the extent that it is overbroad, vague and  
9 ambiguous, or to the extent that it may ask for information that is irrelevant, protected by  
10 the attorney client privilege, the work product doctrine, or other evidentiary or  
11 procedural protections. In addition, information requested by this interrogatory includes  
12 material that is public record to which Plaintiffs have equal access.

13           Without waiving any objections, the Secretary has not conducted reports  
14 referenced by Plaintiffs. Maricopa County produced information after elections in  
15 March 2006 which may be responsive to Plaintiffs’ request. Maricopa County did not  
16 prepare the documents at the request of or for the Secretary of State. The Secretary has  
17 disclosed these documents to Plaintiffs.

18           The State also previously disclosed to Plaintiffs communications from Arizona  
19 counties that may be responsive to Plaintiffs’ request. The Secretary notes, moreover,  
20 that the primary election scheduled for September 12, 2006 will be the first statewide  
21 election under Proposition 200.  
22  
23  
24  
25  
26  
27  
28

1           **6. Provide the total number of voter registration forms in Arizona that**  
2 **have been submitted since the date of implementation of the amendment to A.R.S.**  
3 **§ 16-152 set forth in the ATCPA (requiring that voter registration forms contain**  
4 **proof of United States citizenship), and of that total number provide the number**  
5 **that were (i) accepted (i.e., the applicant was registered), (ii) rejected due to the**  
6 **application form's failure to contain satisfactory proof of citizenship as required**  
7 **by Proposition 200, and (iii) rejected for reasons other than the application form's**  
8 **failure to contain proof of citizenship. If a breakdown of this information is**  
9 **available by county, month, and age, race and ethnicity of the applicant, please**  
10 **provide that information.**

11           The Secretary objects to this request to the extent that it is overbroad, vague and  
12 ambiguous, or to the extent that it may ask for information that is irrelevant, protected by  
13 the attorney client privilege, the work product doctrine, or other evidentiary or  
14 procedural protections. The Secretary also objects to Plaintiffs' characterization of the  
15 legal requirements of Proposition 200. In addition, information requested by this  
16 interrogatory includes material that is public record to which Plaintiffs have equal  
17 access.

18           The Secretary notes, moreover, that the counties of Arizona are charged with the  
19 responsibility of registering voters. Without waiving any objections, the Secretary  
20 believes that Maricopa County provided data regarding voter registration forms  
21 submitted since Proposition 200 in papers filed in response to the request by the  
22 Gonzalez Plaintiffs for a temporary restraining order.  
23  
24  
25  
26  
27  
28

1           7.     **State the total number of voters who were registered in Arizona on the**  
2 **effective date of the amendment to A.R.S. § 16-166 and who, pursuant to A.R.S. §**  
3 **166(G) were deemed to have provided satisfactory evidence of citizenship and not**  
4 **required to resubmit evidence of citizenship unless changing voter registration**  
5 **from one county to another.**

6           The Secretary objects to this request to the extent that it is overbroad, vague and  
7 ambiguous, or to the extent that it may ask for information that is irrelevant, protected by  
8 the attorney client privilege, the work product doctrine, or other evidentiary or  
9 procedural protections. In addition, information requested by this interrogatory includes  
10 material that is public record to which Plaintiffs have equal access.

11           Without waiving any objections, the Secretary notes that the voters of Arizona  
12 passed Proposition 200 in the general election on November 2, 2004. The Department of  
13 Justice precleared Proposition 200 in a letter dated January 24, 2005. Records of the  
14 Secretary indicate that there were 2,643,331 registered voters in Arizona on the date of  
15 the 2004 general election. Records of the Secretary also indicate that there were  
16 2,706,223 registered voters in Arizona as of January 1, 2005.  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1           **8. Identify the number of currently registered voters in Arizona who lack**  
2 **an Arizona driver's license or non-operating license issued after October 1, 1996**  
3 **by the Arizona Department of Transportation.**

4           The Secretary objects to this request to the extent that it is overbroad, vague and  
5 ambiguous, or to the extent that it may ask for information that is irrelevant, protected by  
6 the attorney client privilege, the work product doctrine, or other evidentiary or  
7 procedural protections. In addition, information requested by this interrogatory includes  
8 material that is public record to which Plaintiffs have equal access.

9           Without waiving any objections, the Secretary's statewide voter registration  
10 database does not provide the total number of voters currently registered in Arizona who  
11 lack a driver's or non-operating identification license issued after October 1, 1996 by  
12 MVD. The Secretary has offered to provide Plaintiffs with the number of registered  
13 voters known to possess a driver's license or non-operating identification card, and is in  
14 consultations with counsel for Plaintiffs regarding options for providing Plaintiffs with  
15 information requested at the preliminary injunction stage. The Secretary notes that the  
16 statewide voter database is separate from databases maintained by MVD.

1           **9. Identify the individuals who participated in preparation of the**  
2 **document entitled, "Procedure for Proof of Identification at the Polls," dated**  
3 **September 6, 2005 (available on the Secretary of State's website), which lists the**  
4 **forms of identification to be deemed acceptable proof of identity at the polling**  
5 **place, and describe the role of each individual in the preparation of the document.**

6           The term "participated" is ambiguous. The Secretary objects to this request to the  
7 extent that it is overbroad, vague and ambiguous, or to the extent that it may ask for  
8 information that is irrelevant, protected by the attorney client privilege, the work product  
9 doctrine, or other evidentiary or procedural protections. In addition, information  
10 requested by this interrogatory includes material that is public record to which Plaintiffs  
11 have equal access.

12           Without waiving any objections, the following are individuals who, at the present  
13 time, are believed by the Secretary to have participated in the preparation of the  
14 Procedure referenced by Plaintiffs. The Secretary notes that she has previously disclosed  
15 documents to Plaintiffs which may identify additional individuals.

- 16           • Secretary of State Jan Brewer, Deputy Secretary of State Kevin Tyne, State  
17 Election Director Joe Kanefield, and Kris Waite and Craig Stender from the  
18 Secretary of State's office participated in discussions and in preparing the  
19 Procedure referenced by Plaintiffs.
- 20           • President Bennett, Representative Pearce, Speaker Weiers and Representative  
21 Gorman are members of the Arizona Legislature. They and members of their  
22 staff participated in discussions regarding the Procedure referenced by Plaintiffs.
- 23           • Mary O'Grady, Jessica Funkhouser, James Walsh and Peter Silverman are  
24 attorneys at the Arizona Attorney General's office. The Attorney General's office  
25 provides legal advice to the Secretary of State's office and, to the extent the  
26 interrogatory calls for information pertaining to that advice, such information is  
27 privileged.
- 28           • Terry Goddard is the Attorney General of Arizona. The Attorney General's office  
provides legal advice to the Secretary of State's office and, to the extent the  
interrogatory calls for information pertaining to that advice, such information is

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

privileged. The Attorney General participated in discussions regarding the Procedure, and approved the Procedure together with Governor Janet Napolitano pursuant to State law.

- The Secretary solicited and received input from election directors and recorders of the counties of Arizona. The Secretary previously disclosed documents reflecting those communications to Plaintiffs.
- The Secretary also solicited and received input from public interest groups and groups representing minority voters. The Secretary previously disclosed documents reflecting those communications to Plaintiffs.

The Members of the Arizona Legislature identified in this response may be contacted at the Legislature. The individuals from the Attorney General's office and the office of the Secretary of State may be contacted through undersigned counsel.

1           **10. For each election conducted in Arizona since the implementation of**  
2 **the voting-related provisions of the Arizona Taxpayer and Citizen Protection**  
3 **Act, please state the number of registered voters who (a) voted by mail; (b) cast**  
4 **a regular ballot at the polling place; (c) were not permitted to cast a regular**  
5 **ballot at a polling place due to the failure to provide identification required by**  
6 **A.R.S. § 16-579; (d) cast a provisional ballot due to the failure to provide**  
7 **identification required by A.R.S. § 16-579; (e) cast a provisional ballot and**  
8 **subsequently provided satisfactory proof of identification to the county**  
9 **recorder; and (f) cast a provisional ballot that was not counted due to failure to**  
10 **provide the identification required by A.R.S. § 16-579. In addition, please**  
11 **identify any analyses, reports, or studies conducted by or for, or in the**  
12 **possession of, the Secretary of State that address the above.**

9           The Secretary objects to this request to the extent that it is overbroad, vague and  
10 ambiguous, or to the extent that it may ask for information that is irrelevant, protected by  
11 the attorney client privilege, the work product doctrine, or other evidentiary or  
12 procedural protections. In addition, information requested by this interrogatory includes  
13 material that is public record to which Plaintiffs have equal access.

14           Without waiving any objections, the Secretary does not possess the data requested  
15 by Plaintiffs. The Secretary notes that the counties of Arizona are charged with  
16 responsibility for registering voters and administering elections at the polls. Maricopa  
17 County produced information pertaining to Proposition 200 following an election in  
18 March 2006, which the Secretary is disclosing to Plaintiffs in supplement to the  
19 Secretary's Response to the Inter Tribal Council's requests for production of documents.

20  
21  
22  
23  
24  
25  
26  
27  
28

1           **11. For each Arizona county, identify the forms of identification that have**  
2 **been deemed acceptable by the election officials of the county to establish the**  
3 **identity of electors in accordance with the requirements of A.R.S. § 16-579(A).**

4           The Secretary objects to this request to the extent that it is overbroad, vague and  
5 ambiguous, or to the extent that it may ask for information that is irrelevant, protected by  
6 the attorney client privilege, the work product doctrine, or other evidentiary or  
7 procedural protections. In addition, information requested by this interrogatory includes  
8 material that is public record to which Plaintiffs have equal access.

9           Without waiving any objections, the Secretary notes that she issued a Procedure  
10 for Proof of Identification at the polls following passage and preclearance of Proposition  
11 200. For additional information, the Secretary is not the appropriate party for Plaintiffs'  
12 request. The Secretary notes that the counties of Arizona are responsible for  
13 administering elections at the polls.

1           **12. Describe the policies and procedures followed by the Office of the**  
2 **Secretary of State since January 1, 1995 to comply with the requirements imposed**  
3 **by the National Voter Registration Act, 42 U.S.C. § 1973gg-4(b) to make the**  
4 **Federal Mail Voter Registration Application Form “available for distribution**  
5 **through governmental and private entities, with particular emphasis on making**  
6 **them available for organized voter registration programs.” If the Office has**  
7 **followed different policies and procedures during this period for making the**  
8 **Arizona Voter Registration form available to the public, please describe the**  
9 **policies and procedures followed with respect to the state registration form.**

10           The Secretary objects to this request to the extent that it is overbroad, vague and  
11 ambiguous, or to the extent that it may ask for information that is irrelevant, protected by  
12 the attorney client privilege, the work product doctrine, or other evidentiary or  
13 procedural protections. The information requested by this interrogatory also includes  
14 material that is public record to which Plaintiffs have equal access. In addition, the  
15 Secretary objects to the characterization by Plaintiffs as to the legal requirements of the  
16 NVRA, and states that the language of the statute speaks for itself.

17           Without waiving any objections, the Secretary of State’s office makes the Federal  
18 Form available to anyone who requests it. To the Secretary’s knowledge, no individuals  
19 or groups have requested copies of the Federal Form from the Secretary of State’s office  
20 since January 2004. The Federal Form also is available on the Election Assistance  
21 Commission’s website.

22           The Secretary of State’s office also supplies governmental and private entities  
23 copies of the Arizona voter registration form upon request. In addition to being able to  
24 register by mail and in-person, people in Arizona may register on-line. The EZ Voter  
25 program began in 2002, and is the primary method by which Arizonans register to vote.  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**13. Provide a breakdown of the number of voter registration forms submitted in the State of Arizona since the date of implementation of the amendment to A.R.S. § 16-152 (requiring that voter registration forms contain proof of United States citizenship), that were (a) Arizona Voter Registration Forms and (b) Federal Mail Voter Registration Forms.**

The Secretary objects to this request to the extent that it is overbroad, vague and ambiguous, or to the extent that it may ask for information that is irrelevant, protected by the attorney client privilege, the work product doctrine, or other evidentiary or procedural protections. The information requested by this interrogatory also includes material that is public record to which Plaintiffs have equal access. In addition, the Secretary objects to Plaintiffs' characterization of the legal requirements of Proposition 200.

The Secretary notes, moreover, that the counties of Arizona are charged with the responsibility of registering voters. Without waiving any objections, the Secretary is not in possession of the data requested by Plaintiffs.

1           **14. Provide the identity of individuals who submitted voter registration**  
2 **application forms in Arizona since the date of implementation of the amendment**  
3 **to A.R.S. § 160-152 whose applications were rejected due to the failure to provide**  
4 **satisfactory proof of citizenship as required by § 16-152.**

5           The Secretary objects to this request to the extent that it is overbroad, vague and  
6 ambiguous, or to the extent that it may ask for information that is irrelevant, protected by  
7 the attorney client privilege, the work product doctrine, or other evidentiary or  
8 procedural protections. The information requested by this interrogatory also includes  
9 material that is public record to which Plaintiffs have equal access. In addition, the  
10 Secretary objects to Plaintiffs' characterization of the legal requirements of Proposition  
11 200.

12           The Secretary notes, moreover, that the counties of Arizona are charged with the  
13 responsibility of registering voters. Without waiving any objections, the Secretary is not  
14 in possession of the information requested by Plaintiffs.

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1           **15. Provide the identity of voters who, since the implementation of the**  
2 **voting-related provisions of the Arizona Taxpayer and Citizen Protection Act, (a)**  
3 **were not permitted to cast a regular ballot at a polling place due to the failure to**  
4 **provide identification required by A.R.S. § 16-579; (b) cast a provisional ballot**  
5 **due to the failure to provide identification required by A.R.S. § 16-579; (c) cast a**  
6 **provisional ballot and subsequently provided satisfactory proof of identification**  
7 **to the county recorder; and (d) cast a provisional ballot that was not counted due**  
8 **to failure to provide identification required by A.R.S. § 16-579.**

9           The Secretary objects to this request to the extent that it is overbroad, vague and  
10 ambiguous, or to the extent that it may ask for information that is irrelevant, protected by  
11 the attorney client privilege, the work product doctrine, or other evidentiary or  
12 procedural protections. In addition, information requested by this interrogatory includes  
13 material that is public record to which Plaintiffs have equal access.

14           The Secretary notes, moreover, that the counties of Arizona are charged with the  
15 responsibility of administering elections at the polls. Without waiving any objections,  
16 the Secretary is not in possession of the data requested by Plaintiffs.  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**16. Identify each and every person whom you intend to call as a fact witness at the trial of this lawsuit or any other evidentiary hearing, including a hearing held pursuant to a motion for preliminary injunction, convened for the purpose of addressing the claims raised in plaintiffs' complaint.**

The Secretary objects to this request to the extent that it is overbroad, vague and ambiguous, or to the extent that it may ask for information that is irrelevant, protected by the attorney client privilege, the work product doctrine, or other evidentiary or procedural protections.

Without waiving any objections, the Secretary notes that the parties have agreed by stipulation approved by the Court that any witnesses to be called at an evidentiary hearing in connection with Plaintiffs' preliminary injunction motions will be disclosed by three days before the hearing. The Secretary is unable to disclose each and every person whom the Secretary may call at any trial on the merits, and will comply with any merits-based scheduling order issued by the Court.

1           **17. Identify each and every person whom you intend to call as an expert**  
2 **witness at the trial of this lawsuit or any other evidentiary hearing, including a**  
3 **hearing held pursuant to a motion for preliminary injunction, convened for the**  
4 **purpose of addressing the claims raised in plaintiffs' complaint. Identify the**  
5 **subject matter(s) as to which the expert(s) will be providing testimony or**  
6 **opinions.**

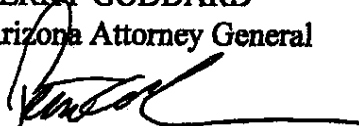
7           The Secretary objects to this request to the extent that it is overbroad, vague and  
8 ambiguous, or to the extent that it may ask for information that is irrelevant, protected by  
9 the attorney client privilege, the work product doctrine, or other evidentiary or  
10 procedural protections.

11           Without waiving any objections, the Secretary notes that the parties have agreed  
12 by stipulation approved by the Court as to a schedule for disclosing expert witnesses in  
13 connection with Plaintiffs' preliminary injunction motions. The Secretary is unable to  
14 disclose each and every person whom the Secretary may call at any trial on the merits,  
15 and will comply with any merits-based scheduling order issued by the Court.  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DATED this 24<sup>th</sup> day of July, 2006.

TERRY GODDARD  
Arizona Attorney General



---

Mary O'Grady, Solicitor General  
William Richards, Special Counsel  
Peter A. Silverman, Asst. Attorney General  
Attorneys for the Arizona Secretary of State

ORIGINAL of the foregoing hand-delivered  
this 24<sup>th</sup> day of July, 2006 to:

David J. Bodney  
Karen J. Hartman-Tellez  
STEPTOE & JOHNSON, LLP  
Collier Center  
201 East Washington, St., Suite 1600  
Phoenix, AZ 85004-2382

COPY of the foregoing hand-delivered  
this 24<sup>th</sup> day of July, 2006 to:

David B. Rosenbaum  
Thomas L. Hudson  
Sara S. Greene  
OSBORN MALEDON, P.A.  
2929 North Central Ave., 21<sup>st</sup> Floor  
Phoenix, AZ 85012-2793

By: 

477369

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

VERIFICATION

STATE OF ARIZONA     )  
                                          ) ss.  
County of Maricopa     )

Joseph Kanefield, being first duly sworn upon his oath, deposes and says:

That he is the State Election Director for the State of Arizona and, as such, is authorized to make this verification on behalf of the Secretary of State of the State of Arizona.

That he has read the Secretary of State's Response to First Set of Interrogatories from Inter Tribal Council of Arizona, Inc., et al., to which this Verification is attached, and that he knows the contents thereof to be true and correct to the best of his own knowledge or information, except as to those matters and things therein alleged upon information and belief, or provided with assistance of counsel, and as to those matters he believes them to be true.

DATED this 24<sup>th</sup> day of July, 2006.



SUBSCRIBED AND SWORN to before me this 24<sup>th</sup> day of July, 2006,  
by Nancy C. Read

Nancy C. Read  
Notary Public

My Commission Expires:  
July 4, 2007



# EXHIBIT 5

TERENCE C. HANCE  
COCONINO COUNTY ATTORNEY  
110 E. CHERRY AVENUE  
FLAGSTAFF, ARIZONA 86001-4627  
(928) 779-6518

1 TERENCE C. HANCE  
Coconino County Attorney  
2 Jean E. Wilcox  
Deputy County Attorney  
3 State Bar No. 014926  
110 East Cherry Avenue  
4 Flagstaff, AZ 86001  
Telephone (928) 779-6518  
5 Facsimile (928) 779-5618  
Email [jwilcox@coconino.az.gov](mailto:jwilcox@coconino.az.gov)  
6 Attorney for Coconino County Defendants Owens and Hansen

7 UNITED STATES DISTRICT COURT  
8 DISTRICT OF ARIZONA

9 Maria M. Gonzalez, et. al.,  
10 Plaintiffs,

11 vs.

12 State of Arizona; Jan Brewer, in her  
official capacity as Secretary of State  
13 of the state of Arizona, et. al.,

14 Defendants.

15 The Inter Tribal Council of Arizona, Inc.,  
et. al.,

16 Plaintiffs,

17 vs.

18 Jan Brewer, in her official capacity as  
Secretary of State of Arizona,

19 Defendant.

No. CV06-01268-PHX-ROS (Lead)  
No. CV06-01362-PCT-JAT (Cons)

COCONINO COUNTY DEFENDANTS'  
ANSWERS TO FIRST SET OF  
INTERROGATORIES FROM PLAINTIFFS  
INTER TRIBAL COUNCIL OF ARIZONA,  
ET. AL.

20 Pursuant to Fed. R. Civ. P. 33, Coconino County Defendants answer each of the  
interrogatories set forth below, in writing under oath.

21 **ANSWERS TO INTERROGATORIES**

22 1. Identify each incident since January 1, 1996, in which (a) a non-United  
23 States citizen was alleged to have registered to vote in your county; (b) a non-United  
24 States citizen was alleged to have voted at a polling place in your county; (c) a non-United  
25 States citizen was alleged to have voted in your county by early ballot pursuant to A.R.S.  
26 §16-542(A); and (d) an individual impersonated a registered voter at a polling place in your  
county. With respect to each such incident, please provide: (i) the name, last known  
address and telephone number of the individual and whether the individual was lawfully in  
the United States at the time of the incident; (ii) the date the individual was registered to  
vote and/or voted; and (iii) whether criminal charges were filed against the individual, and,  
if so, the case caption, court, docket number and disposition.

TERENCE C. HANCE  
COCONINO COUNTY ATTORNEY  
110 E. CHERRY AVENUE  
FLAGSTAFF, ARIZONA 86001-4627  
(928) 778-6518

1 **No such incidents have been reported in Coconino County.**

2 2. Identify all reports, studies or memoranda in the possession of your office  
3 that discuss or relate to the voting-related provisions of the Arizona Taxpayer and Citizen  
4 Protection Act ("ATCPA" or "the Act"), amending A.R.S. §§16-152, 16-166 and 16-579, or  
5 the effect, impact or consequences of such provisions (including but not limited to any  
6 analysis of the number of individuals who lack an Arizona driver's license or other forms of  
7 identification required by the Act).

8 **See Folder #3, Request for Production of Documents. Coconino County compiles**  
9 **monthly informational reports on voter registration. The reports included are current**  
10 **with respect to data already entered, but there may be more voter registration data**  
11 **from May 2006 to the present that has not been entered yet.**

12 3. Provide the total number of voter registration forms in your county that have  
13 been submitted since the date of implementation of the amendment to A.R.S. 16-152 set  
14 forth in the ATCPA (requiring that voter registration forms contain proof of United States  
15 citizenship), and of that total number provide the number that were (i) accepted (*i.e.*, the  
16 applicant was registered), (ii) rejected due to the application form's failure to contain  
17 satisfactory proof of citizenship as required by Proposition 200, and (iii) rejected for  
18 reasons other than the application form's failure to contain proof of citizenship. If a  
19 breakdown of this information is available by month, and age, race and ethnicity of  
20 applicant, please provide that information.

21 (i) **Voter registration forms submitted/received since January 24, 2005:**

New registrations:	5,763
Change in registration:	5,823
Duplicate registrations:	47
Total:	11,633

22 (ii) **Voter registration forms rejected due to lack of proof of citizenship:**

494

See also Attachment I 1 for copy of report.

23 (iii) **Voter registration forms rejected for reasons other than proof of citizenship:**

143

See also Attachment I 2 for copy of report.

Data is not kept by age, race, or ethnicity.

24 4. State the total number of voters who were registered in your county on the  
25 effective date of the amendment to A.R.S. §16-166 and who, pursuant to A.R.S. §16-  
26 166(G) were deemed to have provided satisfactory evidence of citizenship and not  
required to resubmit evidence of citizenship unless changing voter registration from one  
county to another.

**Total registered voters in Coconino County as of January 24, 2005:**

TERENCE C. HANCE  
COCONINO COUNTY ATTORNEY  
110 E. CHERRY AVENUE  
FLAGSTAFF, ARIZONA 86001-4627  
(928) 779-6518

72,390

5. For each election conducted in your county since the implementation of the voting-related provisions of the Arizona Taxpayer and Citizen Protection Act, please state the number of registered voters who a) voted by mail; (b) cast a regular ballot at a polling place; (c) were not permitted to cast a regular ballot at a polling place due to the failure to provide identification required by A.R.S. §16-579; (d) cast a provisional due to the failure to provide identification required by A.R.S. §16-579; (e) cast a provisional ballot and subsequently provided satisfactory proof of identification to the county recorder's office; and (f) cast a provisional ballot that was not counted due to failure to provide identification required by A.R.S. §16-579. In addition, please identify any analyses, reports or studies in your possession that address the above.

The following elections have occurred in Coconino County since implementation of ATCPA:

March 14, 2006: \*Fredonia-Mocassin School District  
\*Town of Fredonia  
City of Williams

\*Same ballot

May 16, 2006: City of Williams  
City of Flagstaff (mail ballot only)  
City of Sedona (mail ballot only)

These responses do not include data from the mail ballot only elections conducted by the City of Flagstaff and the City of Sedona.

(a)	Number who voted by mail (early):	<u>552</u>
(b)	Cast a regular ballot at polling place (polling):	<u>2,046</u>
(c)	Not permitted to vote a regular ballot (provisional):	<u>208</u>
(d)	Cast a provisional ballot due to failure to provide identification	<u>208</u>
(e)	Cast a conditional-provisional ballot	<u>13</u>
(f)	Conditional-provisional ballots not counted:	<u>1</u>

Please see Statement of Votes Cast for March 14, 2006 and May 16, 2006, in Attachment I 3

6. Identify the forms of identification that have been deemed acceptable by your county to establish the identity of electors in accordance with the requirements of A.R.S. §16-579(A).

TERENCE C. HANCE  
COCONINO COUNTY ATTORNEY  
110 E. CHERRY AVENUE  
FLAGSTAFF, ARIZONA 86001-4827  
(928) 779-6518

1 **See Attachment I 4**

2 7. Provide a breakdown of the number of voter registration applications  
3 submitted in your county since the date of implementation of the amendment to A.R.S. 16-  
4 152 (requiring that voter registration forms contain proof of United States citizenship), that  
5 were on (a) Arizona Voter Registration Forms, (b) Federal Mail Voter Registration Forms,  
6 and (c) other voter registration forms.

5 **Voter registration applications received by Coconino County**

6	(a) Arizona Voter Registration Forms:	
7	New registration:	<u>1,719</u>
8	Changes to existing registration:	<u>2,943</u>
9	(b) Federal Mail Voter Registration Forms:	<u>27</u>
10	(c) Other (MVD form)	
11	New registration:	<u>4,043</u>
12	Changes to existing registration:	<u>2,865</u>

11 **See report in Attachment I 5**

12 8. Provide the identity of individuals who submitted voter registration  
13 application forms in your county since the date of implementation of the amendment to  
14 A.R.S. §16-152 whose applications were rejected due to the failure to provide satisfactory  
15 proof of citizenship as required by §16-152.

15 **See Attachment I 6.**

16 9. Provide the identity of voters registered to vote in your county who, since the  
17 implementation of the voting-related provisions of the Arizona Taxpayer and Citizen  
18 Protection Act, (a) were not permitted to cast a regular ballot at a polling place due to the  
19 failure to provide identification required by A.R.S. §16-579; (b) cast a provisional ballot due  
20 to the failure to provide identification required by A.R.S. §16-579; (c) cast a provisional  
21 ballot and subsequently provided satisfactory proof of identification to the county  
22 recorder's office; and (d) cast a provisional ballot that was not counted due to failure to  
23 provide identification required by A.R.S. §16-579.

21 **See Attachment I 7.**

22 10. Identify each and every person whom you intend to call as a fact witness at  
23 the trial of this lawsuit or any other evidentiary hearing, including a hearing held pursuant  
24 to a motion for preliminary injunction, convened for the purpose of addressing the claims  
25 raised in plaintiff's complaint.

25 **We do not intend to call any fact witnesses.**

26 11. Identify each and every person whom you intend to call as an expert witness

TERENCE C. HANCE  
COCONINO COUNTY ATTORNEY  
110 E. CHERRY AVENUE  
FLAGSTAFF, ARIZONA 86001-4627  
(928) 778-6518

1 at the trial of this lawsuit or any other evidentiary hearing, including a hearing held  
2 pursuant to a motion for preliminary injunction, convened for the purpose of addressing the  
3 claims raised in plaintiff's complaint. Identify the subject matter(s) as to which the  
expert(s) will be providing testimony or opinions.

4 **We do not intend to call any witnesses.**

5 Dated this 26<sup>th</sup> day of July, 2006.

6 TERENCE C. HANCE  
7 COCONINO COUNTY ATTORNEY

8  
9 By Jean E. Wilcox  
10 JEAN E. WILCOX  
11 Deputy County Attorney  
12 Coconino County Attorney's Office  
13 110 E. Cherry Avenue  
14 Flagstaff, AZ 86001  
15 Attorney for Coconino County Defendants  
16 Candace Owens and Patty Hansen

17 VERIFICATION

18 I, Patty Hansen, Coconino County Elections Director, am one of the named  
19 Coconino County Defendants in this action. I have personal knowledge of the documents  
20 provided in response to Plaintiff's request. To the best of my knowledge and belief, the  
21 responses provided are correct and complete.

22 Patty Hansen  
23 Patty Hansen  
24 Coconino County Elections Director

25 SUBSCRIBED AND SWORN TO before me this 26<sup>th</sup> day of July,  
26 2006, by Patty Hansen.

Meredith Rankin  
Notary Public

My Commission Expires:

9/16/2009



TERENCE C. HANCE  
COCONINO COUNTY ATTORNEY  
110 E. CHERRY AVENUE  
FLAGSTAFF, ARIZONA 86001-4827  
(928) 779-8518

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**CERTIFICATE OF SERVICE**

I hereby certify that on the 26<sup>th</sup> day of July, 2006, I caused the above document with attachments to be sent vial first class mail to:

Daniel R. Ortega, Jr. ([Danny@rmgmoinjurylaw.com](mailto:Danny@rmgmoinjurylaw.com))  
Roush McCracken Guerrero Miller & Ortega  
650 N. 3<sup>rd</sup> Avenue  
Phoenix, Arizona 85003 (With attachments)

Nina Perales ([nperales@maldef.org](mailto:nperales@maldef.org))  
Mexican American Legal Defense and Education Fund  
110 Broadway, Ste. 300  
San Antonio, Texas 78205

*Attorneys for Plaintiffs MALDEF*

Peter Alex Silverman ([peter.silverman@azag.gov](mailto:peter.silverman@azag.gov))  
Office of the Attorney General  
1275 W. Washington Street  
Phoenix, Arizona 85007-2926 (With attachments)

*Attorney for Defendants State of Arizona, and Jan Brewer in her official capacity as the Secretary of State of the state of Arizona*

M. Colleen Connor ([connorc@mcao.maricopa.gov](mailto:connorc@mcao.maricopa.gov))  
MCAO Division of County Counsel  
222 N. Central Avenue, Ste. 1100  
Phoenix, Arizona 85003

Dennis I. Wilenchik ([diw@wb-law.com](mailto:diw@wb-law.com))  
Kathleen Rapp ([kathleenr@wb-law.com](mailto:kathleenr@wb-law.com))  
Wilenchik and Bartness, P.C.  
The Wilenchik & Bartness Building  
2810 North Third Street  
Phoenix, Arizona 85004 (With attachments)

*Attorneys for 14 County Defendants except Coconino County*

David J. Bodney ([dbodney@steptoe.com](mailto:dbodney@steptoe.com))  
Karen J. Hartman-Tellez ([khartman@steptoe.com](mailto:khartman@steptoe.com))  
STEPTOE & JOHNSON LLP  
Collier Center  
201 East Washington Street, Suite 1600  
Phoenix, Arizona 85004-2382 (With attachments)

**TERENCE C. HANCE**  
COCONINO COUNTY ATTORNEY  
110 E. CHERRY AVENUE  
FLAGSTAFF, ARIZONA 86001-4627  
(928) 779-6518

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

*Attorneys for Plaintiffs The Inter Tribal Council of Arizona, Inc.,  
et. al.*

David B. Rosenbaum ([drosenbaum@omlaw.com](mailto:drosenbaum@omlaw.com))  
Thomas L. Hudson ([thudson@omlaw.com](mailto:thudson@omlaw.com))  
Sara S. Greene ([sgreene@omlaw.com](mailto:sgreene@omlaw.com))  
OSBORN MALEDON, P.A.  
2929 North Central Avenue, 21<sup>st</sup> Floor  
Phoenix, Arizona 85012-2793

*Attorney for Plaintiffs The Inter Tribal Council of Arizona, Inc.,  
et. al.*