

EXHIBIT 19

Message

From: Connor Colleen [connorc@mcao.maricopa.gov]
Sent: Tuesday, August 01, 2006 9:08 AM
To: Greene, Sara; Peter Silverman
Cc: Hartman, Karen; Ben Blustein; Rosenbaum, David; Hudson, Thomas; Kathleen E. Rapp
Subject: RE: Request

Sara- La Paz County sent the following clarification:

If the mailer has the voters name and address, and says "Official Election Mail" on it, then it is an acceptable form of non-photo ID. In La Paz County, an example is the "envelope" that the perforated voter registration card is adhered to.

*Donna J. Hale
Interim County Administrator/Clerk of the Board
La Paz County Board of Supervisors*

EXHIBIT 20

Derek D. Rapier
Greenlee County Attorney
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Liliana Ortega
Chief Deputy County Attorney
email: lortega@co.greenlee.az.us

Greenlee County Attorney

August 2, 2006

REG'D OSBORN MALEDON RA.

AUG - 3 2006

Sara S. Green
OSBORN MALEDON
2929 No Central Ave
21st Floor
Phoenix, AZ 85012-2793

RE: Request for Clarification Interrogatory No. 6

Dear Ms. Greene:

In response to Plaintiff's first set of interrogatories, interrogatory No. 6, Greenlee County responded as follows:

Greenlee County has exclusively used the Arizona Secretary of State's Elections Procedure Manual for determining what forms of identification are acceptable for purposes of the statute and has limited acceptable forms of identification to those specifically listed in the Manual. Specifically, Greenlee County refers to page of 113 of the Manual attached hereto as Addendum 1. This procedure is also found on the Sec. of State's website at: http://www.azsos.gov/election/Prop_200/PROOF_OF_IDENTIFICATION_AT_POLLS_PROCEDURE.pdf

We meant what we said. Although the procedure manual does allow local officials some discretion in determining what forms of identification are acceptable, Greenlee County has chosen to limit acceptable forms of identification to those specifically listed in the manual. Greenlee County has thereby chosen not to exercise the discretion offered in the manual.

Sincerely,


DEREK D. RAPIER
Greenlee County Attorney

PO Box 1717 * 223 5th St. * Clifton, AZ 85533 * Phone (928) 865-4108 * Fax (928) 865-4665

EXHIBIT 21

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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Maria M. Gonzalez, et al.,
Plaintiffs,

vs.

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

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

**REPORT OF R. ANTHONY
SISSONS, GEO-DEMOGRAPHIC
EXPERT FOR THE INTER
TRIBAL COUNCIL OF
ARIZONA, INC., ET AL.
PLAINTIFFS**

1 INTRODUCTION

2 This report presents my findings on the research tasks for which I was engaged by the attorneys
3 for the Inter Tribal Council of Arizona, Inc., et al. plaintiffs. My assignment was to determine,
4 to the best of my ability as a professional geo-demographic analyst, the numbers of people
5 affected by various voting-related provisions of Proposition 200 on the November 2004 General
6 Election ballot (The Arizona Taxpayer and Citizen Protection Act).

7 My qualifications to do these kinds of analyses, my experiences as an expert witness, and my
8 experience as a redistricting consultant to local governments are all set out in Appendix A of this
9 report.

10 The materials and publications I reviewed in the course of this work are listed in Appendix B.

11 Some of the numbers presented in this report are actual counts from the 2000 U. S. Census of
12 Population and Housing and other governmental sources. Many numbers, though, are calculated
13 estimates based on the application of derived factors or multipliers. Some analysts round
14 estimates to the closest hundred or thousand, so as not to imply an unwarranted precision. I have
15 not, because when estimates are used in a later calculations, successive rounding 'dulls' the
16 resulting figures. However, the reader should view figures identified as estimates as very good
17 approximations, but not as exact values.

18 **Summary Findings**

19 PROOF OF CITIZENSHIP TO REGISTER: The calculations in this report will show that, of
20 the 1,427,000 voting-age citizens eligible to register today:

- 21 About 12.6 percent lack a driver license or non-operator identification card
- 22 About 70.1 percent do not have a U. S. Passport
- 23 About 94.8 percent cannot use a Naturalization Certificate
- 24 About 96.8 percent cannot use a Tribal identification document
- 25 An unknown percent do not have reasonable access to a birth certificate, but for purposes
26 of example, as discussed below, it is reasonable to use a figure of 25.0 percent.

27 When those proportions are applied in a compound, non-overlapping fashion, at a minimum over
28 2.0 percent of eligible potential registrants, or at least 28,540 persons would not be able to prove
29 citizenship using the documents specified in Proposition 200. The minimum figure of 2.0
30 percent represents a conservative calculation and likely underestimates the impact of Proposition
31 200 for many reasons described in more detail below, and because a compound, non-overlapping
32 calculation assumes that persons lacking one form of identification are equally likely as the
33 general population to possess other forms of identification.

34 POLLING PLACE IDENTIFICATION: This section of the report, starting on page 8, details the
35 likely proportions of already-registered voters who will not be able to use various forms of
36 identification specified in the Secretary of State's Polling Place Identification Procedures
37 document.

1 THE UNIVERSE OF POTENTIALLY AFFECTED PERSONS

2 Before determining the sizes of population groups who may or may not possess various kinds of
3 documents establishing citizenship or identity, it is important to determine the overall size of the
4 population that could be affected by the requirements of Proposition 200. The size of that
5 “universe” of Arizonans who are “eligible to be voters” is the figure we need as the “100%”, or
6 denominator, in any calculation or expression of what proportion of the population might be
7 affected.

8 Briefly, that universe is made up of persons who are aged 18 years or older, who are U. S.
9 citizens, and whose rights to vote have not been taken away. Since most available population
10 figures are from the 2000 Census, we also have to make an estimate of how many people are in
11 that universe today. Figure 1 shows magnitude of populations used in that calculation.

12 **Figure 1 – Calculation of Persons Currently in Arizona Eligible to be Voters**

13	Census 2000 total population (Census count)	5,130,632
14	Census 2000 voting-age population (Census count)	3,763,685
15	-- minus voting-age non-U. S. citizens (in 2000) (see note 1)	396,140
16	-- minus voting-age probationers, parolees and ex-felons (in 2000) (see note 2)	61,499
17	-- minus voting-age correctional facility inmates (in 2000) (Census count)	44,885
18	Equals estimate of persons eligible to be voters in 2000	3,261,161
19	Official state estimate of total population in 2005 (see note 3)	6,044,985
20	Estimate of persons eligible to be voters in 2005 (see note 4)	3,842,347

21 Notes:

- 22 1. The Census count of 462,239 all-age non-U. S. citizens in Arizona was multiplied by
23 0.857. Table FBP-1 United States, Census 2000 Special Tabulation STP-159, indicates
24 that 85.7 percent of the non-U. S. citizen population is aged 18 years or older.
- 25 2. The Census count of 3,763,685 voting-age persons was multiplied by 0.01634. Data
26 tables in The Sentencing Project, Human Rights Watch, 1998 allow derivation of the
statistic that 1.634 percent of the voting-age population of Arizona cannot vote because
of being on probation, or parole, or having a second felony conviction.
3. The most recent official state estimate of total population, from the Arizona Department
of Economic Security, is for July 2005.
4. The number of persons eligible to be voters in 2005 was estimated by applying the
percentage change in total population between 2000 and 2005, (a 17.82% increase) to the
estimate of persons eligible to be voters in 2000.

In July, 2005, according to the Secretary of State Registration Report, 2,669,387 persons were registered to vote in Arizona. That number constitutes about 69.47 percent of the persons then eligible to be voters. The number of persons unregistered but eligible is estimated to be 1,172,960. For the purpose of the analysis, these 1.1 million Arizonans (plus newcomers and movers changing counties) and are the focus of the “Proof of Citizenship” component of Proposition 200, and the 2.6 million already-registered persons are the focus of the “Polling Place ID” requirements.

1 PROOF OF CITIZENSHIP TO REGISTER TO VOTE

2 1. A significant number of citizens will be affected by the proof of citizenship requirement of
3 Proposition 200.

4 A. As discussed on the previous page, all of the 1,172,960 voting-age U. S. citizens who
5 are currently Arizona residents, who are eligible to be voters but are not yet registered, will have
6 to provide proof of citizenship.

7 B. Also required to provide documentary proof of citizenship are the citizens who move
8 from one Arizona county to another. Annually, about 52,100 voting-age citizens (about 140 per
9 day) move within the state, but to a different county. Those who were registered to vote at their
10 prior address will have to re-register, showing proof of citizenship. Because these 52,100
11 Arizona residents per year must re-register in their new county, they are in addition to the 1.1
12 million not-yet-registered Arizonans mentioned above. Figure 2 shows the development of the
13 estimate, which uses 2000 Census data on where people lived five years earlier.

14 **Figure 2 – Estimate of Voting-Age Citizens moving between Arizona Counties in One Year**

15	a	Persons moving from one Arizona county to another, 1995 to 2000 (U. S. Census Bureau, <i>County-to-County Migration Patterns, 2000.</i>)	213,070 move-ins
16	b	Growth in Arizona population between 1995 and 2000 (Arizona Department of Economic Security official state estimate for 1995 and U. S. Census 2000)	499,170 move-ins
17	c	County-to-county movers as percent of five-year total change (a as % of b)	42.6848%
18	d	Change in Arizona population between 2000 and 2005 (U. S. Census 2000 and Arizona Department of Economic Security official state estimate for 2005)	914,343 move-ins
19	e	Estimate of persons moving between counties between 2000 and 2005 (c x d)	390,286 move-ins
20	f	Estimate of one year's move-ins (e / 5)	78,057
21	g	Estimate of voting-age component of that population (Census 2000 Table DP-1, Arizona: Persons aged 18 and over are 73.4% of total population) (f x 0.734)	57,294
22	h	Estimate of U. S. citizen component of that voting-age population (Census 2000 Table DP-2, Arizona: Citizens are 91.0 percent of total population) (g x 0.91)	52,137

23 Figure 2's calculation assumes that the inter-county movement proportions between 2000 and
24 2005 were similar to those observed between 1995 and 2000. While Arizona's total population
25 growth rate was higher in the more-recent period (17.2 percent growth, compared to 15.7
26 percent), we have no data to support or refute a higher recent population growth rate among
households moving between counties.

C. All of the estimated annual 202,000 voting-age U. S. citizens (about 550 per day) who
move to Arizona from elsewhere in the U. S., and who wish to register to vote, will have to
provide documentary proof of citizenship to do so. Figure 3 (which uses the same steps as
Figure 2) shows the development of that estimate.

1 **Figure 3 – Estimate of Voting-Age Citizens moving to Arizona in One Year**

2	a	Persons moving to Arizona from another state between 1995 and 2000 (U. S. Census Bureau, <i>County-to-County Migration Patterns, 2000.</i>) (see note 1)	796,420 move-ins
3	b	Growth in Arizona population between 1995 and 2000 (Arizona Department of Economic Security official state estimate for 1995 and U. S. Census 2000)	499,170 move-ins
4	c	Movers from out of state, as percent of five-year total change (a as % of b)	159.55%
5	d	Change in Arizona population between 2000 and 2005 (U. S. Census 2000 and Arizona Department of Economic Security official state estimate for 2005)	914,343 move-ins
6	e	Estimate of persons moving to Arizona from another state between 2000 and 2005 (c x d)	1,458,834 move-ins
7	f	Estimate of one year's move-ins (e / 5)	291,767
8	g	Estimate of voting-age component of that population (Census 2000 Table DP-1, U. S.: Persons aged 18 and over are 74.3% of total population) (f x 0.743)	216,783
8	h	Estimate of U. S. citizen component of that voting-age population (Census 2000 Table DP-2, U. S.: Citizens are 93.4 percent of total population) (g x 0.934)	202,475

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10 Note 1. The number of persons moving to Arizona exceeds the change in total population (line b) because the latter figure is the net change after 480,232 persons moved out of Arizona during those five years.

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12 A July 2006 estimate of persons eligible, but not registered to vote, then, would be the sum of July 2005 Arizonans-not-registered, plus Arizonans who moved to a new county during the year, plus newcomers to Arizona during the year. That sum is 1,427,097 potential registrants or re-registrants. Note that all three estimates used are voting-age citizen populations.

14
15 2. Already affected by the proof of citizenship requirement are the 20,713 individuals whose voter registrations have been rejected by county recorders in eleven Arizona counties since January 25, 2005. (Based on numbers supplied in Interrogatory responses.) A tabulation of Coconino County's 505 rejected applications shows that 193, or 38.2 percent, were subsequently able to prove citizenship. Applying Coconino County's ratio to the rejected applications in the eleven counties, yields an estimate that about 12,801 individuals who have not successfully registered to vote after having their registration forms rejected for lack of evidence of citizenship. That figure represents about 2.0 percent of registration applications submitted since enactment of Proposition 200. However, the number of registration applications submitted includes those applications submitted to update an existing registration that would not require proof of citizenship. As such, the percentage of new registrations rejected is likely higher than 2.0 percent. Moreover, excluding those who submitted voter registration applications through the MVD Service Arizona website, in Maricopa County, the percentage of registrations rejected for failure to provide proof of citizenship is more than six times higher – 12.77 percent.

21
22 3. Many citizens lack required proofs of citizenship.

23 A. A Driver License or State ID Card. Some citizens who are not currently registered to vote lack driver licenses or non-operator identification cards to use as proof of citizenship.

1 A recent special tabulation performed by the staff of the Arizona Secretary of State, shows that
2 the voter registration database contains a driver license or non-operator ID card number for 87.4
percent of the registered voters.

3 B. A U. S. Passport. Passport ownership in the United States is hard to quantify. The
4 only official statistic on the website of the U. S. State Department is the number of passports
5 issued in each fiscal year. Assuming that every passport issued in the past ten years is still valid,
6 by the end of Fiscal Year 2005, about 72.8 million Americans would have them. The Census
Bureau's national population estimate for June 2005 is 296,410,404 persons. On that base, about
24.55 percent of the U. S. population would hold a U. S. Passport. Unfortunately, the State
Department source does not have figures for the population aged 18 or older.

7 Many Internet documents on the topic of U. S. passports refer to a study of U. S. and Canadian
8 households conducted as part of the April 2005 Travel Intentions Survey by the Conference
9 Board of Canada. That study did include a tabulation for persons aged 18 years or older. The
percentage of voting-age Americans holding a U. S. Passport is given as 34 percent. (41 percent
for 18-and-older Canadian passport ownership.)

10 If, on the basis of the first analysis, we assume that persons under-age-18 and persons 18-or-
11 older have passport proportions within a percentage point or two of each other (somewhat likely
12 given the family-vacation-travel-impetus for getting passports), and we apply a 25-percent
passport ownership factor to the 1.427 million eligible, but unregistered voters, we end up with
about 356,800 with passports. Using the Canadian finding, the figure is about 485,000 with
passports.

13 That means, of course, that somewhere between 942,000 and 1,070,000 persons will not be able
14 to use a U. S. Passport to prove citizenship. To keep things simple for subsequent calculations, I
15 will use the figure of 1.0 million as the estimate of persons eligible to register who lack
passports.

16 C. A U. S. Naturalization Certificate. According to the 2000 Census, there were 193,944
17 naturalized citizens living in Arizona, about 3.78 percent of the state's population. Since, with
18 few exceptions, naturalized citizens are aged 18 years or older (one has to be at least 18 to
apply), we can also express the naturalization count as a percentage of the voting-age population
– where it would be 5.15 percent.

19 Applying that voting-age proportion to the 1.427 million eligible-but-unregistered voters, we
20 come up with about 73,500 persons who could prove citizenship through naturalization (if they
have access to the document or to its identifying number – which not all certificates of
naturalization include), and 1.354 million who cannot.

21 D. A Birth Certificate. In our research, we have found no universally accepted estimates
22 of how many people were ever issued, or did purchase, a copy of their birth certificate. Birth
23 certificates are issued or obtained from a variety of jurisdictions and levels of government. Not
all jurisdictions require the parents of children born at home to register the birth. Some
24 jurisdictions issue a birth certificate to the parents as soon as the birth is registered, but other

1 jurisdictions simply add the birth details to a master register and only provide a certificate upon
2 request. Some parents keep their childrens' birth certificates well into their childrens' adulthood.
3 In adulthood, people are less likely to be asked to provide a birth certificate because, by then,
4 other forms of identification are more likely to be carried.

5 All-in-all, based on the foregoing factors, and the actual rejection rate of registration forms for
6 failure to provide any proof of citizenship, a reasonable estimate of the percentage of voting-age
7 Arizonans who lack reasonable access to a birth certificate is 25.0 percent.

8 E. A Tribal Identification Card. At the time of the 2000 Census, Arizona had 255,879
9 Native-American residents. About 63 percent live on the state's twenty populated Indian
10 Reservations – the Zuni Reservation had no residents at the time of the Census – and the
11 remaining tribal members live mainly in urban areas.

12 Applying the statewide 2000-to-2005 growth factor (a 17.2% increase) to tribal populations,
13 would mean that that Arizona now has about 300,000 Native American residents.

14 We do not know how many of the 1.427 million eligible-but-not-registered voters are Native
15 American, but we do know from 2004 General Election precinct canvass results that almost 90
16 percent of on-Reservation voting-age residents are already registered. (They are, perhaps, the
17 best-registered group in the state.) The proof of citizenship requirement of Proposition 200
18 would then seem to affect about 16,100 on-reservation tribal members, and about 30.5 percent of
19 off-reservation Native Americans, or about 28,900. The latter figure assumes that the ratio of
20 registered voters to eligible, but not registered, voters (in 2005) is approximately the same for
21 urban Native Americans as it is for the general population. At most 45,000 unregistered Native-
22 Americans may be able to use tribal identification documents to register, however some Native-
23 Americans may be members of tribes that do not issue such documents, or may not be eligible to
24 obtain them. The non-Native-American component of eligible-but-not-registered potential
25 voters, who clearly cannot use tribal identification, numbers about 1,382,000 persons.
26

1 POLLING PLACE IDENTIFICATION

2 Under the provisions of Proposition 200, a voter is required to show proof of identity at the
3 polling place before receiving a ballot. The voter must present one form of identification that
4 bears his or her name, address and photograph, or two different forms of identification that show
5 the name and address of the voter.

6 1. Not all voters cast their ballots at polling places. According to county Statement of Vote
7 documents (for all except Graham County, which used a different reporting format), in the 2004
8 General Election, over 41 percent of the votes were cast as "early" votes, or votes by mail.

9 An analysis I performed in November, 2005, showed that there was a marked difference in the
10 use of mail-in ballots between Anglo voters and racial and ethnic Minority voters in the 2004
11 General Election. In the 136 voting precincts in which Anglo voters make up more than 95
12 percent of the voting-age population, 169,056 total ballots were cast, with 88,913 of them, or
13 52.59%, being cast by mail. In the 102 voting precincts where Minority voters made up 95
14 percent or more of the voting-age population, 39,344 ballots were cast, with 5,960 of them, or
15 15.15%, being cast by mail.

16 The figures above appear to show that Anglo voters are almost three-and-a-half times more
17 likely than Minority voters to vote by mail.

18 In a re-examination of that Statement of Vote database in preparation of this report, I focused on
19 the 122 voting precincts, in nine counties, that serve Indian Reservations. Of the 45,912 ballots
20 cast, 5,615 of them, or 12.23% were cast by mail.

21 The voter identification provisions of Proposition 200 do not apply to any voter who uses a mail-
22 in ballot, even if the voter is dropping off the mail-in ballot at the polling place on Election Day.

23 2. Many voters lack acceptable identification documents.

24 A. Photo ID. The special tabulation performed on July 25, 2006 by the staff of the
25 Arizona Secretary of State shows that, of the 2,972,214 active registered voters in the Secretary
26 of State database, 2,597,619 of them, or 87.4 percent, have an identification number from an
Arizona driver license or Arizona non-operating identification card. Using the state's figures,
374,595 registered voters (12.6%) do not have a state-issued photo ID card.

The final type of photo ID listed on the Proof of Identification document is: Valid United States
federal, state, or local government issued identification. I have not been able to discover the
existence of such documents (other than those issued by the Motor Vehicle Division) that contain
the photograph, name and address of the holder. The State Elections Director, Mr. Joseph
Kanefield, in his July 25, 2006 deposition in connection with this case, acknowledged that he
could not think of an example of a document in this category.

1 B. Non-Photo ID. Nine categories of non-photo documents are listed as providing
2 acceptable identification, provided that two documents are submitted by the voter.

3 (i) A utility bill in the voter's name that is dated within ninety days of the
4 election.

5 Such a document is often not accessible to people whose utility costs are included in their
6 monthly apartment rent. Such rent arrangements are often associated with higher density
7 multifamily structures in central cities, where the building design makes it impractical to have
8 separate water and electric meters for each living unit. The 2000 Census reports a statewide total
9 of 1,534,966 persons living in rental housing units, and that of the total 606,706 rental units,
10 212,836, or 35.1%, are in structures containing 20 or more living units. That proportion of total
11 renters is about 540,000 persons, among which are an estimated 400,000 adults. Then, 400,000
12 adults with no utility bills, out of 1.545 million renters is about 26.0 percent. We do not know
13 the renter-to-owner ratio within the count of registered voters, but if it matched the ratio in the
14 total population (30.6% renter, 69.4% owner) then 26.0 percent of 30.6 percent of total
15 registration would be about 236,500 voters.

16 Voters who live in various kinds of group quarters (residential care facilities, dormitories,
17 nursing homes, military quarters) do not have access to utility bills. Persons living in those kinds
18 of facilities in 2000 totaled 59,689 voting-age persons, or about 1.58 percent of all voting-age
19 persons. We could expect about that proportion within all registered voters. If so, about 47,000
20 potential voters living in group-quarters settings would lack utility bills.

21 The third kind of voter who would not have access to a utility bill in his or her name would be
22 spouses in married-couple households living in an owner-occupied dwelling. Of the 1,692,036
23 owner-occupied housing units in Arizona in 2000, about 51.9 percent contained married-couple
24 households. Each of those households contains a spouse whose name is probably not on the
25 utility bills. That is 878,167 voting-age spouses, or 23.33 percent of the total 3.764 million
26 voting-age persons. Applying that proportion to total registration yields about 693,000 potential
voters without utility bills in their names.

 (ii) A bank or credit union statement that is dated within ninety days of the date
of the election.

 It is my understanding from deposition testimony that there are few banks serving Indian
Reservations.

 In 2002, the U. S. General Accounting Office (GAO) was asked by Congress to determine why
the rate of direct deposit of federal transfer payments to individuals was so low. With mail theft
a growing problem throughout the country, direct deposit of Social Security and other benefit
check was seen as a solution. The GAO report to Congress, "Electronic Transfers: Use by
Federal Payment Recipients Has Increased but Obstacles to Greater Participation Remain"
(GAO-02-913), contains many socio-economic glimpses of the "unbanked" population. That
term also applies to persons who lack credit union accounts. Here are unbanked proportions
among various groups:

	Percent <u>Unbanked</u>		Percent <u>Unbanked</u>	
1				
2	Married persons	18	Unmarried persons	41
3	Aged 18 to 35 years	39	Aged 65 or older	21
4	All adults	28	All households	20
5	Income less than \$15,000	51	Income \$45,000 or more	17
6	No high school diploma	53	Completed graduate school	8
7	Anglo population	21	Black population	52
8	Hispanic population	50	Other race population	34
9	Northeast region	23	Central region	25
10	Southeast region	34	Southwest region	36
11	West/Midwest region	26 (includes Arizona)		

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(iii) A valid Arizona vehicle registration; a vehicle insurance card.

As mentioned earlier, a special tabulation by the Secretary of State staff found that 374,595 registered voters lack either a driver license or a non-operator identification card. Statistics on the ADOT Motor Vehicle Division website indicate that, on average, 13.6 percent of cards issued are non-operator ID cards. Applying that proportion to the "un-carded" registrants, above, yields an estimate of 323,650 persons, many of whom, lacking a driver license, probably also lack vehicle registration documents and vehicle insurance cards.

About 140,000 Arizonans have disabilities which preclude their leaving their homes without assistance, and about 90,000 Arizonans have vision, hearing or mental disabilities (Census 2000 Summary File 3, Table PCT26). They, along with 14,000 residents of long-term care facilities (Census 2000 Summary File 1, Table QT-P12), are all likely not to have vehicles to register or insure. In sum, they constitute about 6.48 percent of the voting-age population. Applied to total registration, that proportion yields about 193,000 potential voters who lack vehicle-related documents.

The only substantiated estimate I was able to find of Arizona motorists lacking vehicle insurance came from Jim Frederikson, Executive Director of the Arizona Insurance Information Association. He has calculated that about 16 percent of drivers lack insurance. According to the February 9, 2006 Tucson Weekly article entitled "Cars Behind Bars", Mr. Frederikson arrived at that estimate by looking at the ratio of people injured in collisions who were paid by the other driver's liability insurance, compared with those who had to collect on their own uninsured-motorist coverage.

(iv) A property tax statement of the voter's residence.

According to the 2006 Abstract of the Property Tax Assessment Roll, published by the Arizona Department of Revenue, there are 1,692,036 owner-occupied taxable parcels statewide. In the case of married-couple owners, most of the time both names are listed on the property tax statement. However, from my experience with property ownership records on many other

1 projects, I estimate that, at any point in time, about twenty-five percent of all owner-occupied
2 parcels are in the name of a trust, an out-of-state owner, or a housing developer. Reducing the
3 above number by twenty-five percent yields about 1.27 million parcels in the names of the
4 owner-residents. With a Census-reported average of 2.69 persons per owner-occupied household
5 and a further Census statistic that 73.4 percent of the population is of voting age, we arrive at
6 about 2,505,000 persons aged 18 or older. Their proportion of the voting-age population is about
7 66.5 percent. Applying that proportion to total registration yields about 1.98 million potential
8 voters who could submit a property tax statement with a name and address that matched their
9 voter registration record, and about 1 million who could not.

10 Property taxes are not levied upon Indian Reservation properties (Arizona Constitution, Article
11 20, Section 5), so on-Reservation registered voters could not supply a property tax statement as a
12 form of identification.

13 (v) Tribal enrollment card or other form of tribal identification.

14 This form of identification applies only to Native Americans, who, at the time of the 2000
15 Census, made up 4.126 percent of voting-age Arizonans. That proportion, applied to current
16 registration of 2,972,214, yields an estimate of 122,600 Native Americans who could potentially
17 prove their identity with some form of tribal identification, assuming all Native-American people
18 in Arizona are members of tribes that issue tribal identification, and would be eligible to obtain
19 that identification.

20 (vi) Valid U. S. federal, state or local government issued identification, including
21 a voter registration card issued by the county recorder.

22 Registered voters receive a voter registration card in the mail a few days after registering to vote.
23 Since it has not been necessary, hitherto, to present that card at the polling place, many voters
24 may have misplaced their cards or even forgotten they were issued one. Judging from the
25 depositions of county recorders and election staffs in connection with this lawsuit, many counties
26 have recognized the problem and are stepping in to issue new voter registration cards.

1 IMPACT OF PROPOSITION 200 ON NATIVE AMERICANS.

2 Ofen, living conditions on Arizona's Indian Reservations differ from those off-Reservation. The
 3 following table shows data from the 2000 Census, Summary File 3, selected tables as noted
 4 below. The numbers in the reservation column are the summation of the Census tabulations for
 each of Arizona's twenty-one reservations (but only the Arizona portions of multi-state
 reservations).

	Selected statistics about Arizona's Indian Reservations		Selected statistics about Arizona's non- Reservation population	
	Number	Percent	Number	Percent
Total Households	47,354		1,853,973	
House heating fuel (Table H40)				
Natural gas utility	7,655	16.17%	705,213	38.04%
Bottled gas	9,568	20.21%	88,968	4.80%
Electricity	9,191	19.41%	1,023,904	55.23%
Wood	19,262	40.68%	20,580	1.11%
All other fuels	1,678	3.53%	15,308	0.82%
Telephone service available (H43)				
Yes	25,438	53.72%	1,805,568	97.39%
No	21,916	46.28%	48,405	2.61%
Vehicle available (H44)				
Yes	37,371	78.92%	1,723,377	92.96%
No	9,983	21.08%	130,596	7.04%
Total Dwelling Units	65,049		2,124,140	
Plumbing facilities (H47)				
Complete plumbing	41,987	64.55%	2,107,570	99.22%
Lacking some plumbing	23,062	35.45%	16,570	0.78%
Kitchen facilities (H50)				
Complete kitchens	43,593	67.02%	2,104,945	99.10%
Lacking complete kitchen	21,456	32.98%	19,195	0.90%

18 The economic conditions for Native-American residents are reflected and contrasted with those
 19 of Hispanic and Anglo populations in this table:

Census 2000, Summary File 3 Table Number	Indicator	Anglo	Hispanic	Native- American
P152	Median household income	\$42,463	\$31,673	\$24,514
P157	Per Capita income	\$23,088	\$10,629	\$8,828
P159	Percent below federal poverty	6.22%	11.18%	19.69%

1 House addressing and mail delivery are almost non-existent on most Reservations. According to
2 May 2006 monthly postal delivery statistics for the 48 U. S. Post Offices serving Arizona Indian
3 Reservations, (USPS Address Information System Products, IMAQ Media Services, Memphis,
4 TN, issued June 2006) mail was delivered to only 8,754 (16.9%) of the approximately 51,900
housing units on Reservations. The other 83 percent of on-Reservation households receive their
mail at 43,162 PO Boxes located in the 48 Post Offices.

5 Without conventional house numbering, the physical address portion of many Native-
6 American's voter registrations include descriptive travel directions, references to lot numbers in
7 tribal housing developments, and sometimes maps sketched on the registration form. Since a PO
8 Box is a permissible address for almost all other purposes, Reservation residents seldom need to
use the more geographically precise location they referenced when they registered to vote. Many
9 residents may not remember what geographic description they used when they registered.
10 Additionally, most other identity documents in their possession are likely to have their PO Box
11 address, and consequently not match their precise registration location.
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1 APPENDIX A

2 **R. Anthony Sissons, AICP**

3 **Experience providing expert opinion or testimony in judicial, legislative and executive
4 governmental settings since 1991.**

5 *Town of Gilbert v. Maricopa County, (CV2006-004754)*

6 Testified on population growth, measurements and projections behalf of defendant county, May
7 2, 2006. Deposition, May 1, 2006

8 West-MEC Joint Technical Education District Election Redistricting Process, Phoenix, Arizona
9 – served as the principal consultant managing the redistricting process. Prepared the consultant's
10 report on the public hearings, computer mapping, plan drawing and creation of exhibits for the
11 preclearance application. March 2006.

12 Mohave County Arizona Supervisor Districts – provided analysis, recommendations and
13 preparation of preclearance application materials for technical correction of plan. November
14 2005.

15 Pinal County Arizona Supervisor Districts – analysis of implications of possible change to the
16 number of districts, and methods for instituting staggered terms. December 2004.

17 Arizona Minority Coalition for Fair Redistricting – analyzed 2002 election results in
18 Congressional, legislative and Phoenix city council districts involving minority candidates.
19 April 2004.

20 Phoenix Union High School District – provided school district's legal counsel with redistricting
21 plan adjustments to accommodate recent changes to Maricopa County voting precincts. March,
22 April 2004.

23 City of Flagstaff, Arizona – prepared substitute legislative districts plans with eight and nine
24 competitive districts, for Flagstaff Mayor to present to the Arizona Independent Redistricting
25 Commission. January, February 2004

26 *Arizona Minority Coalition for Fair Redistricting, et al., v. Arizona Independent Redistricting
Commission, (CV2002-004380)* – data analysis consultant for plaintiffs Arizona Minority
Coalition for Fair Redistricting and City of Flagstaff.
Testimony, November 17th, 18th, 19th, and 20th, 2003.
Depositions, May 1st, 2nd, and 5th, 2003

Ricarte, Arvizu, et al., v. Arizona Independent Redistricting Commission, (CV2002-004882) –
data analysis consultant for plaintiffs.
Depositions, April 30, May 1, 2, 2003

1 *Crane School District v. State of Arizona*, (CV2001-016305) – reported on statistical analysis of
2 association between socio-economic and educational variables, at the request of attorney for the
3 plaintiff school districts. March 2003.

4 Gila County Arizona Provisional Community College District Plan – preparation of plan and
5 preclearance exhibits. December 2002.

6 *Navajo Nation v. Arizona Independent Redistricting Commission*, (CV 02-0799-PHX-ROS) –
7 testified as an expert on the City of Phoenix redistricting process.
8 Testimony, May 29, 2002.

9 City of Phoenix, Arizona, Council District Redistricting process – lead consultant for the
10 process; preparation of plans; analysis of plans submitted by others; preparation of materials for
11 hearings, website, resident redistricting kit; preparation of preclearance application documents.
12 June 2001 to February 2002.

13 Gila County Arizona Supervisorial Redistricting process – managed plan drawing and public
14 hearing process, and preparation of preclearance application materials, exhibits and electronic
15 submittal of plan files. May to September, 2001.

16 Graham County Arizona Supervisorial and Eastern Arizona College Election Districts
17 Redistricting process – managed plan drawing and public hearing process, preparation of
18 preclearance application materials. February to September, 2001.

19 Merced County California Supervisorial Districts – technical consultant for redistricting process.
20 February to November, 2001

21 Yuma County Arizona Supervisorial Districts – served as contract staff to Yuma County
22 Redistricting Advisory Commission. May to September, 2001.

23 Arizona Western College Board Election Districts – served as contract staff to Yuma County
24 Redistricting Advisory Commission. May to September, 2001.

25 Yuma County Arizona Supervisorial Districts – served as contract staff to Yuma County
26 Redistricting Advisory Commission in drawing new districts following the 1995 Special Census
of Yuma County. 1996.

Arizona Western College Board Election Districts – served as contract staff to Yuma County
Redistricting Advisory Commission in drawing new districts following the 1995 Special Census
of Yuma County. 1996.

Roosevelt v. Keegan (CV91-13087), Maricopa Superior Court – retained by plaintiff school
districts to calculate statewide costs to bring school facilities up to particular building condition
standards, using condition and square-footage data provided by the Legislature's consultant.
1996.

1 *Smith v. Salt River Project (CIV94-0118 PHX SMM)*. – engaged by defense team to analyze
2 Voting Rights Act issues, and provide demographic and statistical analysis of socio-economic
3 and voting behavior. 1995.

4 Phoenix Union High School District – provided redistricting technical assistance in redrawing
5 governing board election districts in conformance with the Voting Rights Act and the
6 desegregation consent decree in *Bencomo v. PUHSD (CIV90-0369 PHX EHC)*. 1994-95.

7 Graham County Arizona Supervisorial Districts – engaged to analyze and redraw County-drawn
8 plan recently denied preclearance. 1993.

9 Eastern Arizona College Board Election Districts – engaged to analyze and redraw County-
10 drawn plan recently denied preclearance. 1993.

11 Arizona House of Representatives – provided analysis of legislative districts plan submitted by
12 Hispanic advocacy group. 1993.

13 Arizona State Senate – provided analysis and preclearance submission materials in support of
14 Arizona's request for U. S. Justice Department reconsideration of a legislative plan proposal.
15 1993.

16 Yuma County Arizona Supervisorial Districts – engaged to assist newly appointed Redistricting
17 Advisory Commission in analyzing and redrawing County-drawn plan recently denied
18 preclearance. 1992.

19 Arizona Western College Board Election Districts – engaged to assist newly appointed
20 Redistricting Advisory Commission in analyzing and redrawing County-drawn plan recently
21 denied preclearance. 1992.

22 Coconino County Supervisorial Districts – engaged to analyze and redraw County-drawn plan
23 recently denied preclearance. 1992.

24 *Arizonans for Fair Representation v. Symington, et al.*, U. S. District Court Three-Judge Panel –
25 after testifying as a fact witness, retained by the Court to assist in creation of court-drawn
26 Congressional districts plan. 1991.

Arizona State Senate – served as contract consulting staff to Majority Caucus in legislative and
congressional redistricting processes. 1991-92.

1 APPENDIX B

2 **Documents and other sources examined by R. Anthony Sissons, AICP, in preparation of**
3 **this report.**

4 Abstract of the Assessment Roll, 2006, Arizona Department of Revenue, Property Tax Division.

5 Arizona Constitution, searchable text on the Arizona Legislative Information System (ALIS)
6 website.

7 Arizona Department of Transportation, Motor Vehicle Division, website statistical tables on
8 driver license and ID cards; point-in-time driver credentials reports.

9 Arizona Revised Statutes, searchable text on the Arizona Legislative Information System (ALIS)

10 "Analysis of State Databases Reveals Nearly 700,000 Registered Voters Lack Valid Driver's
11 License or State-Issued Georgia ID", June 19, 2006 news release from Cathy Cox, Georgia
12 Secretary of State.

13 Census 2000, U. S. Census Bureau. Several Census tables on disabilities; group-quarters
14 populations; persons in occupied housing units; voting-age persons by race and Hispanic Origin;
15 single-years of age under 30; demographic profile of the U. S. foreign-born population; home
16 heating fuel; telephone service available; vehicles available; plumbing facilities; and kitchen
17 facilities.

18 Computer and Internet Use in the United States: 2003, special studies P23-208, Current
19 Population Reports, U. S. Census Bureau, issued October 2005.

20 "The Current Impact of Disenfranchisement Laws", The Sentencing Project, Human Rights
21 Watch, found at www.hrw.org/reports98/vote/usvot98o-01.htm.

22 Depositions of Joseph Kanefield, Patty Hansen, Laurette Justman, Penny Pew and LeNora Y.
23 Johnson.

24 "Electronic Transfers, Use by Federal Payment Recipients Has Increased but Obstacles to
25 Greater Participation Remain", U. S. Government Accounting Office, GAO-02-913.

26 Interview of Maricopa County Recorder Helen Purcell, June 15, 2006 edition of "Horizonte",
ASU PBS affiliate, channel 8, Jose Cardenas, interviewer.

Letter from William A. Richards, Esq., Office of the Arizona Attorney General, dated July 27,
2006, to David Rosenbaum, Esq., Osborn Maledon.

Naturalization Certificate of Ronald Anthony Sissons

1 Population Estimates for Arizona's Counties, Incorporated Places and Balance of County, July 1,
2 1995, 2005, and 2006., Population Statistics Unit, Research Administration, Arizona Department
3 of Economic Security.

4 Postal Delivery Statistics by Carrier Route, U. S. Postal Service Address Information System
5 Products, Memphis TN.

6 "The Potential Impact of a Western Hemisphere Travel Initiative Passport Requirement on
7 Canada's Tourism Industry", Canadian Tourism Commission, The Conference Board of Canada.

8 "Procedure for Proof of Identification at the Polls", document available on the website of the
9 Arizona Secretary of State.

10 Report on statistical incidence of use of vote-by-mail, letter of findings from R. Anthony Sissons
11 to attorney Charles A. Blanchard, Esq.; additional use of analysis database for this report.

12 "Revised Medicaid Documentation Requirement Jeopardizes Coverage for 1 to 2 Million
13 Citizens", Center on Budget and Policy Priorities, found at www.cbpp.org/7-13-06health2.htm

14 Selected pages from Interrogatory responses of county recorder and elections officials.

15 "U. S. Passports Issued Per Calendar Year", Passport Statistics, U. S. Department of State, found
16 at http://travel.state.gov/passport/services/stats/stats_890.html.

17 Voter registration report, various issue dates, Arizona Secretary of State.

18 "Who is Eligible to Apply for U. S. Citizenship?", website www.nolo.com.

EXHIBIT 22

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

)	
Maria M. Gonzalez, et al.,)	
)	
Plaintiffs,)	
)	
vs.	)	No.
	)	CV06-01268-PHX-ROS
State of Arizona; Jan Brewer, in	)	No.
her official capacity as)	CV06-01362-PCT-JAT
Secretary of State of the State)	
of Arizona, et al.,)	
)	
Defendants.)	
)	
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The Inter Tribal Council of)	
Arizona, Inc., et al.)	
)	
Plaintiffs,)	
)	
vs.)	
)	
Jan Brewer in her official)	
capacity as Secretary of State)	
of Arizona,)	
)	
Defendant.)	
)	

RULE 30(b)(6) DEPOSITION OF JOSEPH KANEFIELD
Phoenix, Arizona
July 25, 2006

Prepared by:
Meri Coash, RMR, CRR
Certified Reporter
Certification No. 50327

(Original Amended)

1 Q. Okay. Do you know if that card is still being
2 issued?

3 A. I don't know.

4 Q. Have you ever seen an Indian census card?

5 A. As I mentioned before, I've seen lots of forms of
6 tribal identification, and I can't recall specifically the
7 different kinds that I've viewed.

8 Q. Okay. The ID procedures list forms of photo ID
9 that contain -- that also contain the name and the address
10 of the elector. Is that right?

11 A. Yes.

12 Q. And one of those, I believe it's the last bullet,
13 says that a sufficient form of ID is a "valid U.S.
14 federal, state, or local government-issued
15 identification." Is that right?

16 A. Correct.

17 Q. I would like to go through those with you. What
18 types of federal ID could be used under that provision?

19 A. Any identification issued by the federal
20 government that contains a photo of the person and the
21 person's name and address.

22 Q. Okay. Can you think of an example of such an ID?

23 A. I can't think of an example of a specific form of
24 federal identification that has that information on it.

25 Q. Okay. That same provision also lists state

1 government-issued identification. I assume, as you
2 mentioned earlier, that if a state-issued ID has photo
3 name and address, then it would suffice --

4 A. Yes.

5 Q. -- for proof of ID at the polls?

6 A. Yes.

7 Q. Can you think of an example of that -- such a
8 state ID?

9 A. I can think of state ID that have photo and name
10 but not address.

11 Q. Okay. And lastly, that same provision mentions
12 locally-issued, government-issued ID. And again, I assume
13 a local ID with name, address, and photo would suffice to
14 use at the polling place, right?

15 A. Correct.

16 Q. Can you think of an example of a local ID that
17 meets that definition?

18 A. Not at this time.

19 Q. So rather than beat this horse, I'll try to ask
20 this in a quicker form. There's also nonphoto ID listed
21 there, correct?

22 A. Correct.

23 Q. And the last bullet on the Bates-numbered page
24 1417 lists "Valid [U.S.] federal, state, or local
25 government-issued ID, including a voter registration card

1 issued by the county recorder." So I'm going to focus on
2 the first part of that.

3 Assuming the state, federal, or local ID had
4 a name and address, it would suffice for proof of ID at
5 the polls, right?

6 A. Right.

7 Q. Can you think of any examples of those?

8 A. Voter registration card issued by the county
9 recorder.

10 Q. Anything else?

11 A. I can't think of any at the moment. But the
12 reason the procedure was drafted in this way was to
13 provide for some flexibility recognizing that it would be
14 too great a task to try to identify every kind of
15 government-issued identification in existence at any
16 moment. There's hundreds of state, local, federal
17 agencies. This procedure was drafted in a way to provide
18 general guidance and to empower the county election
19 directors to make specific determinations.

20 Q. Okay. But as you sit here today, you can't think
21 of any specific examples other than the voter registration
22 card?

23 A. I myself cannot.

24 Q. In that same list of acceptable nonphoto ID is
25 something called a Recorder's Certificate. What is that?

1 with the statements -- recognizing that utility
2 statements, bank statements are pretty common -- to keep
3 the integrity of the process in check, they are required
4 to be dated within 90 days. The check would not have a
5 specific date on it.

6 Q. Okay. But a check does normally contain name and
7 address?

8 A. Mine does.

9 MS. GREENE: Are you guys -- Can we take a
10 five-minute break?

11 MR. RICHARDS: Sure.

12 (A recess ensued.)

13 BY MS. GREENE:

14 Q. Mr. Kanefield, earlier you explained in some
15 detail the special provisions for Native American voters.

16 A. Yes.

17 Q. Did the Secretary of State conclude that the
18 provisional ballot procedure for Native Americans
19 adequately protects against voter fraud?

20 A. Yes.

21 Q. Does Prop 200 or any of the implementing
22 regulations developed by the Secretary of State provide
23 for a waiver or exception of any kind from the ID
24 requirements for voters who can't afford it or need ID
25 just to vote?

1 MR. RICHARDS: Do you have a copy that isn't
2 cut off?

3 MS. GREENE: No.

4 BY MS. GREENE:

5 Q. Does it list a cost for a duplicate license
6 there?

7 A. Yes.

8 Q. And what's that cost?

9 A. \$4.

10 Q. Mr. Kanefield, do you know the cost associated
11 with obtaining an Arizona birth certificate if you've lost
12 yours or need one for the first time?

13 A. No.

14 Q. Do you know what a passport costs?

15 A. No.

16 Q. Do you know what the cost is for renewing a
17 passport?

18 A. No.

19 Q. Did the Secretary of State consider some of the
20 costs associated with at least some of the forms of ID?

21 A. No.

22 MR. HUDSON: There is a clean copy available
23 or an uncut-off copy available of that printout.

24 MR. RICHARDS: Just make one available at a
25 break. That's fine.

1 counted.

2 Q. Okay. And that's the same process, is it not,
3 that's followed with early voters, right?

4 A. Yes.

5 Q. Okay. So under the ID procedures developed by
6 your office, there are two procedures for verifying
7 provisional ballots: One is the conditional provisional
8 ballot where you come back with ID later, right?

9 A. The procedure for processing provisional ballots
10 is the same, there's only one procedure. The question is
11 whether the ballot --

12 Q. Is counted?

13 A. -- is processed in that manner. You have to --
14 the voter has to provide sufficient identification in
15 accordance with the law in order to get to that point.

16 Q. Okay. But that's one avenue for voters who lack
17 any form of ID as enumerated in the ID procedures,
18 correct? The conditional provisional procedure?

19 A. Yes. If a voter has no identification, then
20 that's the manner in which that ballot will be processed,
21 if at all.

22 Q. And the other sort of avenue for voters who have
23 some form of ID but something appears iffy about that ID,
24 either the photo doesn't really resemble the voter or the
25 name and the address on the ID don't match what's on the

1 roster; in that instance, the voter would not have to come
2 back with more ID after the election, right?

3 A. If the voter presents the proper form of
4 identification as required by the procedure, but for some
5 reason the address doesn't match or the photo is so badly
6 faded that it's impossible to ascertain that that's the
7 person, in that instance, because the voter has provided
8 the proper form of identification, the procedure allows
9 that person to vote a regular provisional ballot whereby
10 they will not need to come back with different
11 identification because they will have provided the right
12 kind of identification but for whatever reason it
13 wasn't -- the information on it wasn't complete and
14 therefore, the ballot will be processed in accordance with
15 the provisional ballot procedure.

16 Q. I see. Okay. And as to those -- that category
17 of voters, did the Secretary of State's office conclude
18 that that provisional ballot procedure adequately
19 protected against voter fraud?

20 A. Yes.

21 Q. But in the case of someone who provides no ID,
22 this procedure you just described, the regular provisional
23 ballot procedure, would not suffice to protect against
24 voter fraud?

25 MR. RICHARDS: Object to the form.

1 not able to verify that information with the federal
2 agency.

3 We, after doing our research and due
4 diligence on the issue, determined that the correct number
5 that needs to be provided by the voter in order for that
6 verification system to work -- and the statute does
7 require a verification -- the citizen needs to provide
8 what's called the alien registration number, which if I
9 understand correctly, is a number that appears on the
10 individual's certificate of naturalization.

11 Q. Do you understand that the alien registration
12 number is different from the certificate of naturalization
13 number?

14 A. Yes. I understand there are two numbers on that
15 certificate, one being the certificate number and the
16 other being the alien registration number.

17 Q. And let's go back to when you said certain
18 applicants have put an incorrect number. Is it fair to
19 say that certain applicants correctly completed the form
20 by providing their certificate of naturalization number
21 but that the Registrar was unable to verify that number
22 with ICE?

23 A. Yes.

24 Q. And thus those persons would have to present
25 their naturalization certificate in person in order to be

1 Q. And you are the 30(b)(6) representative
2 designated by the Secretary of State, right?

3 A. Yes.

4 Q. Is it accurate to say that the state's answers to
5 our interrogatories and the state's production to date
6 contain all information in the possession of the Secretary
7 of State relating to voter fraud?

8 A. Yes.

9 (Deposition Exhibit 37 was marked for
10 identification.)

11 BY MS. GREENE:

12 Q. I'm going to direct you to Exhibit 37. This is a
13 copy of ARS Section 16-142. Is that right, Mr. Kanefield?

14 A. Yes.

15 Q. Subsection C states that, "The Secretary of State
16 shall provide for a toll-free number for the use of the
17 public to report incidents of voter fraud." Is this
18 toll-free number in place?

19 A. Yes.

20 Q. So there is a mechanism by which the public can
21 report instances of voter fraud directly to your office.
22 Is that right?

23 A. Sure.

24 Q. Okay. How long has it been in operation?

25 A. I believe since 2004.

1 Q. Can you approximate a month?

2 A. I can't. But it would be easy to figure out,
3 because this law was, I believe -- came into being in
4 2004, probably by law 1994, chapter 378, if I recall, and
5 it would have been after the preclearance by the
6 Department of Justice -- What am I saying? 1994? That's
7 not right. Maybe -- maybe -- maybe it was this law,
8 sorry, the law is 2003, chapter 260, that became effective
9 in December of 2003, which would have put the effective
10 date sometime in 2004 after preclearance.

11 Q. But would preclearance have happened after the
12 toll-free number was established?

13 A. The toll-free number would not have been
14 established until after preclearance.

15 Q. Okay. Relating to this toll-free number, what
16 records does the Secretary of State keep regarding
17 complaints or reports made by way of the toll-free number?

18 A. If someone reports voter fraud, then we will
19 refer that to the attorney general's office. We will have
20 provided you with any such referrals.

21 Q. To your knowledge, has the Secretary of State
22 received any reports of fraud through the toll-free
23 number?

24 A. I believe we have received reports of fraud.
25 Again, if they were substantiated, then we would have

1 referred them to the attorney general's office. If not,
2 then we would not have referred them.

3 Q. You say if they're substantiated, then you refer
4 them. What does that mean?

5 A. We sometimes get calls from citizens who are
6 generally distrustful of other citizens. I don't know how
7 else to say that nicely.

8 Q. Paranoid?

9 A. Sometimes it's specific groups of citizens. And
10 the allegations are just generally that these groups --
11 they believe these groups are committing massive voter
12 fraud at both the polls and the registration, but the
13 allegation is nothing more than that. There's no specific
14 instances that they provide. And in that situation, we
15 will not forward a inquiry to the attorney general's
16 office for obvious reasons.

17 Q. Right. Okay. So by "substantiated," you mean
18 that the Secretary of State just takes a basic,
19 commonsense look at it to see if these are just general
20 sweeping allegations versus something specific that can
21 actually be investigated?

22 A. We will -- If someone is making an allegation of
23 voter fraud, we'll ask them to put that allegation in
24 writing and to be very specific about who they are
25 alleging has committed fraud and in what manner and

1 against whom. And if so, we will then refer that to the
2 attorney general's office.

3 Q. You ask someone calling the toll-free number to
4 do this process you just described?

5 A. Yes.

6 Q. So anyone calling and reporting a specific
7 instance of voter fraud would be advised to put it in
8 writing and submit it to the Secretary of State?

9 A. Yes.

10 Q. And if the office had received any such written
11 material, we would have it pursuant to our request for
12 production?

13 A. In accordance with your request, we went through
14 all of our correspondence and specifically looked for
15 anything dealing with allegations of voter fraud and
16 whatever else you asked in that interrogatory. To the
17 extent we were able to provide records in our possession,
18 we provided them to you.

19 Q. Okay. Last question about that: Does the
20 Secretary of State's office keep written correspondence
21 that arose through the toll-free number separately?

22 A. I don't believe we have a specific designated
23 file for -- Actually, I take that back. We -- I believe
24 we have a -- we created a log, a computer-based log,
25 shortly after this was implemented. Now, I don't know if

1 provided to you in response to your interrogatory. The
2 television campaign will not begin until next month, if I
3 recall, for the primary election.

4 Q. Is there a reason the Secretary of State's office
5 chose to wait until then to begin the TV and radio
6 campaign?

7 A. Time. If we could have done it sooner, we would
8 have. These things take a lot of time and we weren't able
9 to even secure services of the advertising firm until
10 January.

11 We attempted to do it faster through an
12 expedited procedure with our state procurement office, but
13 they said we had to follow the regular procedure where we
14 had to go out for bid and do the whole selection process,
15 which is very lengthy, a selection committee has to be put
16 together. So by the time we awarded the committee, it
17 took several weeks -- months for the advertising firm
18 itself to develop a plan to learn the scope of the
19 project, understand the message that was trying to be
20 conveyed. And production on the television commercial was
21 only completed very recently, if I'm not mistaken.

22 Q. Okay. Thank you.

23 Those efforts you've described, are they
24 aimed at educating voters both about the proof of
25 citizenship for registration as well as ID at the polls?

1 A. This effort is primarily aimed at identifying
2 voters about their identification at the polls
3 requirement. It's not so focused on the proof of
4 citizenship when registering. It also is aimed at
5 educating voters about the new accessible voting devices
6 that will be put in every polling place prior to the
7 primary elections required by the Help America Vote Act.

8 Q. Okay. One of the things you mentioned,
9 Mr. Kanefield, was the publicity pamphlet and mailings
10 directly from your office. And you mentioned there was
11 educational information about Prop 200 in that publicity
12 pamphlet?

13 A. There will be.

14 Q. There will be.

15 Does that -- Will that include information
16 about how Prop 200 affected registration?

17 A. You know, I don't know if that will include -- if
18 I recall, there is specific registration information.

19 Keeping in mind the publicity pamphlet is
20 primarily to educate voters about the ballot measures and
21 also about judges and the judicial performance review
22 report card. There's also space for other information in
23 the front, but we try not to include too much extraneous
24 information because we want voters to focus on what the
25 purpose of the publicity pamphlet is for. So there is

EXHIBIT 23

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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.)	
<hr/>		
THE INTER TRIBAL COUNCIL OF)	
ARIZONA, INC., et al.,)	
)	
Plaintiffs,)	
)	
-vs-)	
)	
JAN BREWER, in her official)	
capacity as Secretary of State)	
of Arizona,)	
)	
Defendant.)	
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30(b)(6) DEPOSITION OF THE NAVAJO COUNTY RECORDER
BY AND THROUGH KELLY DASTRUP

Flagstaff, Arizona
August 1, 2006

Reported by:
PAUL GROSSMAN
Arizona Certified
Reporter #50028
CA CSR #1487

1 limited to.

2 BY MS. HARTMAN:

3 Q. But you aren't aware of any ID that falls
4 within that category?

5 A. Does a passport have an address?

6 Q. Can you repeat that?

7 A. Does a passport have an address?

8 Q. Passports do not have addresses.

9 A. Then it would not qualify.

10 Q. There's also a list of acceptable non-photo
11 identification. The first item on the list is the
12 utility bill, is that correct?

13 A. Correct.

14 Q. And the list of utility bills accepted on
15 your ID procedures at the polls says that it may be for
16 electric, gas, water, waste, sewer, telephone, cellular
17 telephone or cable television. Does that sound correct?

18 A. Yes.

19 Q. Does Navajo County accept satellite
20 television bills?

21 A. Yes.

22 Q. But that's not on the list?

23 A. There is the exclusion that it's not limited
24 to. Those are just examples.

25 Q. How would a poll worker know that a satellite

1 television bill is acceptable?

2 A. It's part of our training and it's also noted
3 at the bottom of list 2; any form of identification with
4 voter's name and address which election officials
5 determine equally reliable.

6 Q. And who is the election official or who are
7 the election officials that determine whether a form of
8 identification is equally reliable?

9 A. That would be the person stationed at the ID
10 station and the person manning the signature roster. If
11 there is concern they will involve the inspector.

12 Q. So it's the people at the polling place who
13 make that decision?

14 A. And if they have trouble making a decision
15 they will call me.

16 Q. Are you available all day on election day?

17 A. Absolutely.

18 Q. Did you get calls during the March and May
19 elections about ID at the polls?

20 A. Actually, no. I was at the polling places.

21 Q. How many polling places were there in the
22 March election?

23 A. Five.

24 Q. And what about the May election?

25 A. One.

1 A. Why does it sound like you guys are laughing?

2 Q. You are, unfortunately, the third person
3 today that we've asked these questions to. We are not
4 laughing.

5 A. It's okay if you want. Look what time it is.

6 MS. RAPP: Kelly, we are not laughing at you.
7 It's just that we have heard these questions multiple,
8 multiple times over the last couple of days, so it's
9 starting to get a little punchy in here.

10 THE WITNESS: I can imagine.

11 I want you to go back on that because I think
12 I overstated myself and I need to correct.

13 BY MS HARTMAN-TELLEZ:

14 Q. A voter with a cellphone bill with a correct
15 name and the wrong address and an electric bill with the
16 correct name but the same wrong address.

17 A. It would still be regular provisional.

18 Q. And the next one is a voter with the
19 cellphone bill with the correct name but the wrong
20 address and an electric bill with the correct name and a
21 different address that is also wrong.

22 A. It would still be regular provisional.

23 Q. A voter with a cellphone bill with the
24 correct name and address and electric bill with the
25 correct address but in the spouse's name.

1 A. Conditional provisional.

2 Q. If we asked this series of questions to ten
3 poll workers in Navajo County, how confident are you
4 that each of the poll workers would give the same
5 responses that you just gave?

6 A. Right now? Very little because there's only
7 been five polling places that have implemented this.
8 But before the primary I'd feel very confident. The
9 point being is that they have direct line of
10 communication at all times and the bottom line is to
11 remember the provisions established for the conditional
12 provisional. Any other scenario needs to fall into
13 provisional.

14 Q. And forgive me if I have already asked you
15 this question, but the signature verification procedure
16 for provisional ballots, regular provisional ballots, is
17 that the same procedure that's used for early voting?

18 A. That's the County Recorder's responsibility.

19 Q. So you don't know what procedure they use
20 when --

21 A. That's correct.

22 Q. Are you comfortable that the procedures that
23 the County Recorder's Office uses to compare signatures
24 is sufficient to prevent voter fraud?

25 A. I am.

EXHIBIT 24

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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.)	
<hr/>		
THE INTER TRIBAL COUNCIL OF)	
ARIZONA, INC., et al.,)	
)	
Plaintiffs,)	
)	
-vs-)	
)	
JAN BREWER, in her official)	
capacity as Secretary of State)	
of Arizona,)	
)	
Defendant.)	
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30(b) (6) DEPOSITION OF THE COCONINO COUNTY RECORDER
BY AND THROUGH PATTY HANSEN

Flagstaff, Arizona
August 1, 2006

Reported by:
PAUL GROSSMAN
Arizona Certified
Reporter #50028
CA CSR #1487

1 the population that I am aware of.

2 Q. Are you able to tell us with relative ease
3 approximately what percent of the registered voters in
4 the county are Native American?

5 A. It would be about the same. About a third.

6 Q. Okay.

7 A. I do have a sheet here. Let me refer to it.

8 Q. Yeah. Thank you very much.

9 You're looking through documents that were
10 previously provided to our office in response to our
11 written discovery request?

12 A. Yes. This is a copy of our submittal that we
13 sent to the Department of Justice for the pre-clearance
14 of Prop. 200 and it was a letter of our objection, which
15 I'd be happy to share with you.

16 Q. Thank you.

17 A. There we go. I can give you an idea on voter
18 turn-out in regards of non-reservation precincts about
19 60 -- well, hold it. No, I can't answer that. I'm
20 sorry.

21 Q. Okay. Thank you for looking.

22 A minute ago I asked you to look at the
23 statute and acknowledge that an individual may use a
24 birth certificate to establish citizenship. Does the
25 Coconino County Recorder's Office have knowledge of

1 whether Native Americans in the county may lack birth
2 certificates due to being born at home and other
3 cultural practices?

4 A. From what I understand from visiting with our
5 out-reach coordinator, Alta Edison, older, elderly
6 Native Americans would have been born at home. Probably
7 people in the age of 50 and younger would have birth
8 certificates because they would have been born at
9 hospitals.

10 I think even on our voter registration rolls
11 we have -- if you would notice that the birth date, we
12 have a lot of people born January 1st of a year and it's
13 because they don't know the exact date of their birth
14 and so they use January 1st of the year they were born.

15 Q. So if we were to look at the voter
16 registration rolls and see people whose birthday was
17 January 1st of a given year, the probability would be
18 that they lacked a birth certificate?

19 A. That's correct. You'll see a higher
20 percentage. It would look like we have quite a few
21 people born on the New Year's Day and that's because
22 that was the birthday we assigned to them or they've
23 been using to --

24 Q. Do you know what the practice is in Coconino
25 County with respect to birth certificates being issued,

1 photocopied.

2 Q. Are there any other naturalization documents
3 that may be presented to the recorder?

4 A. I haven't seen any myself. I would have to
5 ask the staff downstairs.

6 We have very few people that actually come in
7 and present it. They will send a photocopy. But if
8 they do present it what we do is we don't make a
9 photocopy. We stamp "Citizenship Verified" on the form
10 and they keep their certificate with them.

11 Q. I take it by your answer that your office
12 does not interpret the statute to require that an
13 individual actually physically present the document in
14 the office?

15 A. That's correct.

16 Q. And am I correct that your office interprets
17 the statute as allowing copies of the Certificate of
18 Naturalization to be provided?

19 A. Yes. We will accept copies. But we don't
20 advise people to give us copies because from what I
21 understand they are not supposed to make photocopies of
22 their naturalization, so it's kind of a quandry for us.

23 Q. Have you received any advice from the federal
24 government on that issue?

25 A. No.

1 of Health for death notices.

2 Q. Do you know if INS will be part of that?

3 A. I have not heard that, but I am not involved
4 very much in it so I would check with the Secretary of
5 State.

6 Q. Turning your attention again to the statute,
7 16-166, referring you back up to the driver's license
8 and non-operator's license section, would you agree with
9 me that not every citizen who's eligible to register to
10 vote in the county possesses an Arizona driver's license
11 or a non-operator's license issued after October 1st of
12 1996?

13 A. Yes, I agree with that.

14 Q. And would you agree with me that not every
15 citizen eligible to register to vote in Coconino County
16 possesses or has access to a birth certificate?

17 A. Yes.

18 Q. And would you agree that not every citizen
19 eligible to register in the county possesses a U.S.
20 passport?

21 A. Yes.

22 Q. And would you agree with me that not every
23 citizen eligible to register to vote in the county
24 possesses naturalization documents or tribal ID?

1 Q. Moving down the list am I correct that voters
2 who present a tribal enrollment card or other form of
3 tribal identification with name, photo and address can
4 vote a regular ballot?

5 A. Yes.

6 Q. Does your office have knowledge as to whether
7 the Navajo Nation issues tribal ID that contains name,
8 address and photo?

9 A. I have not seen one. I know I had heard from
10 Penny Pew, who's the Apache County Election Director,
11 that you could go to the Navajo -- I don't think it's
12 tribal authority or a driver's license, that you can go
13 to a tribal office and get an ID that was issued with
14 your name and your photo and your address on it but I
15 personally have not seen that.

16 Q. Does your office have knowledge as to whether
17 the Hopi tribe issues tribal ID that contains name,
18 address and photograph?

19 A. The last meeting I attended with the Hopi
20 tribe they said no, they do not issue those.

21 Q. And who in the Hopi tribe advised you of
22 that?

23 A. This was a meeting of -- with the chairman,
24 Wayne Taylor and/or the former chairman that we had and
25 it was, I would say, six to eight months ago because

1 he's now -- they have had an election since and they
2 have a new chairman.

3 Q. Does your office have knowledge as to whether
4 the Havasupai issue tribal ID that contains name,
5 address and phone number?

6 A. The last time that our out-reach coordinator
7 visited with them they said they do not.

8 Q. Does your office have knowledge as to whether
9 the Hualapai issue ID that contains name, address and
10 photograph?

11 A. That I do not know.

12 Q. The same question for the Paiute?

13 A. And I don't know that either.

14 Q. The next item of photo ID, acceptable photo
15 ID on the list is "valid United States federal, state or
16 local issued identification."

17 So, am I correct that voters who present any
18 other federal, state or local ID with name, photo and
19 address can vote a regular ballot?

20 A. Yes.

21 Q. Is your office aware of any federally issued
22 ID that contains a person's name, address and
23 photograph?

24 A. No.

25 Q. Is your office aware of any state issued ID

1 A. I know there's a Wells Fargo in Tuba City and
2 which is close to Moenkopi, which is where the Hopi part
3 of the reservation is.

4 I do know that in the village of Supai, for
5 the Havasupai they do not have a bank. If they to have
6 cash a check they go to the tribal office.

7 Q. Going back to the Navajo tribal lands, are
8 you aware of any other banks or credit unions other than
9 the ones you've identified?

10 A. No, I'm sorry, I'm not. I just know about
11 the Wells Fargo because I drove past it.

12 Q. Does your office have knowledge as to whether
13 there are banks or credit unions on Hualapai tribal
14 lands?

15 A. No, it's not because they are -- it's
16 uninhabited by them in our county. I don't know in
17 Mojave County.

18 Q. Is the same true with respect to the Paiute?

19 A. Yes. The Paiute's a little bitty piece
20 right -- you would be hanging over the canyon for our
21 portion of the Paiute tribe.

22 Q. Are you familiar with the village of Supai?

23 A. Just from pictures and visiting with our
24 out-reach workers. I haven't had a chance to go yet.

25 Q. Is it accessible by motor vehicle?

1 A. No.

2 Q. What is the extent of the availability of
3 electricity?

4 A. From what I understand people do have
5 electricity. There's some phone connections.

6 We do have trouble with the phone lines going
7 down quite often because we have yet to be able to
8 transmit our election results on election nights because
9 the lines are down and from what I understand visiting
10 with our last -- the trouble-shooter who went in 2004, a
11 lot of people have satellite dishes on top of their
12 house to get TV.

13 Q. How do you get the election results out of
14 the village? I want to get this on the record.

15 A. Well, our trouble-shooter hikes out after the
16 polls close in the dark wearing a light on his head and
17 hikes eight miles out of the canyon up into where the
18 car is parked at hilltop.

19 Q. Can you describe other accommodations that
20 have been made by your office to facilitate voting at
21 polling places in the Supai village given its
22 inaccessibility?

23 A. Well, to get our supplies down there we can
24 use the helicopter and we do contract with that. But
25 they don't fly every day. The last schedule I heard for

1 in Flagstaff but you're in tribal enrollment if you had
2 any kind of paperwork or that would show the chapter
3 you're affiliated with on the Navajo Nation.

4 Q. Does your office have knowledge as to whether
5 the Havasupai issues tribal ID that contains name and
6 address?

7 A. That I don't know.

8 Q. Do the Hualapai?

9 A. I don't know.

10 Q. Does your office have knowledge as to whether
11 the Navajo tribe issues tribal ID that contains just
12 name?

13 A. I have seen what's called a Certificate of
14 Indian Blood and it essentially lists the parents and
15 then the children. And I've actually seen the one for
16 our out-reach worker and that's the only document I've
17 ever seen from the Navajo Nation.

18 Q. Does your office have knowledge as to whether
19 the Hopi tribe issues tribal ID that contains just name?

20 A. Not that I know of.

21 Q. Does your office have knowledge --

22 A. I guess, yeah. Like I mentioned, I know that
23 you affiliate with a village. I'm not aware of what
24 kind of paperwork that they give you to show your
25 affiliation with the village.

1 active voter versus an inactive voter is in Coconino
2 County?

3 A. We would place somebody in an inactive voter
4 if we received a correspondence we've sent to them back
5 that they have a new address. And what we do then is we
6 would -- or undeliverable. We mail a registration form
7 to them and tell them that we have received information
8 that they've moved and that the state law requires them
9 to re-register and enclose the registration form. We
10 tell them if they don't respond within 29 days they will
11 be moved to the inactive status.

12 Q. What triggers the sending of that letter?

13 A. If we receive some kind of correspondence we
14 sent them back recently.

15 Because we held the election in Fredonia and
16 the Fredonia Moccasin School District in the city of
17 Williams, we mailed them polling place designation
18 letters and when we do a vote by mail election like we
19 did for the city of Flagstaff in May and in Sedona we
20 mailed postcards telling them that it's going to be a
21 mail election, gave them the dates that they should
22 expect their ballot to arrive. So if those mailings
23 come back to us, then we would make them inactive.

24 Q. Is it necessary for a person not to have
25 voted within a certain period of time to become an

1 A. Because we've received information that they
2 don't reside there and it will just come back to us
3 undeliverable and it's not required by statute.

4 Q. And, in fact, it's not required by statute
5 that a county issue a sample ballot to active voters?

6 A. We're required by statute to mail a sample
7 ballot to every household containing an active
8 registered voter, so instead of doing it to households
9 we're mailing it to the individual voters in the
10 household so that it will have their name and address on
11 it instead of just registered.

12 Q. Are you aware of any other Arizona counties
13 that have decided to accept official election mailings
14 as a form of non-photo ID?

15 A. Yes. Maricopa County.

16 Q. Any other counties?

17 A. I don't know for sure.

18 Q. Are you aware of any other Arizona counties
19 which have decided not to accept official election
20 mailings as a form of non-photo ID?

21 A. No.

22 Q. Are Arizona counties required to issue voter
23 ID cards?

24 A. You are when a person registers to vote, so a
25 new registration or if you change your address or your

1 Q. I apologize for not knowing the answer. Was
2 the Section 5 submission provided to us?

3 A. No.

4 MS. WILCOX: No.

5 BY MR. BLUSTEIN:

6 Q. But you have it?

7 A. Yes.

8 Q. Thank you very much.

9 Does Coconino County have a substantial
10 college student population?

11 A. Flagstaff does.

12 Q. What colleges and universities are located in
13 the county?

14 A. We have Northern Arizona University and then
15 we have Coconino Community College.

16 Q. Do you know approximately how many student
17 voters are located in Coconino County?

18 A. No, I don't. I'm sorry.

19 Q. And do student voters in Coconino County face
20 obstacles relating to meeting the requirements of
21 Proposition 200?

22 A. The ones that I see are going to have the
23 most difficult problem is if you're an out of state
24 student going to school here. Your driver's license
25 will probably be from the state you're from and prior to

1 Prop. 200 you could register to vote here and prior to
2 Prop. 200 the proof of citizenship was not in issue.
3 You just needed a residence, resided here.

4 We've always considered students are in a
5 transitional state, so they always had the right to
6 either register at home or register where they go to
7 school. If you're an out of state student I think
8 you're going to probably have to vote from home, which
9 means you're going to have to do some planning ahead of
10 time because you're going to have to get an early
11 ballot.

12 Q. Is your office familiar with the forms of ID
13 that are issued by, for example, Northern Arizona
14 University?

15 A. I've seen a student ID. It doesn't have an
16 address on it. It has their name.

17 Q. Does it have a photograph?

18 A. Yes, it did.

19 Q. I'm going to show you what's been marked as
20 Coconino Exhibit Number 13 and ask you to identify that
21 document, please?

22 A. This was an e-mail I sent to Joe Kanefield on
23 January 10th of 2005 expressing my concerns for
24 university students and us proving their residence for
25 voting at the polls and also making a suggestion that

1 they look at setting up a kind of procedure that's
2 similar to what is in the Minnesota state rules for ID
3 requirements to register to vote on election day.
4 Minnesota has election day registration, so I was
5 familiar with some identification requirements in regard
6 to the voting.

7 Q. Today do you have the same concerns as you
8 expressed in the e-mail to Mr. Kanefield?

9 A. Yes, I do.

10 Q. And what -- could you summarize your
11 suggestions?

12 A. Well, essentially it's going to be hard to
13 establish our proof of residency because students won't
14 get their -- a lot of their -- if they live in the
15 dorms. Those are the ones I'm concerned about because
16 if you live in an apartment you're going to have
17 utilities and things coming probably, but if you live in
18 a dorm you can't bring your dorm statement to show that
19 that's where you reside and so it's going to be a lot
20 more difficult I think for them to prove residency,
21 which is required for the ID at the polls portion of
22 Prop. 200.

23 Q. And what was your suggested solution for
24 that?

25 A. Well, they have -- what they have in

1 Minnesota is you get a list of -- each of the
2 educational institutions have to provide the county no
3 later than sixty days prior to an election essentially a
4 certified list of the people who are residing in the
5 dorms, so then when they came if they had their ID you
6 would say yes, they are residing in this dormitory
7 because they are on the list from the university.

8 Were your suggestions adopted by the
9 Secretary of State?

10 A. No, they were not.

11 Q. What's your understanding of why not?

12 A. I never received a reason or anything else.

13 Q. Do you recall receiving a response to this
14 e-mail?

15 A. No, I did not. Or I don't recall, no.

16 Q. Do elderly voters in Coconino County face
17 obstacles relating to meeting the requirements of
18 Proposition 200?

19 A. The only ones I'm aware of are the two
20 instances that we had for the March and May election.

21 Q. Can you describe those?

22 A. Yeah. In March we had a couple who came to
23 Fredonia town hall to vote. They did not have any --
24 they don't drive any more and their son pays all of
25 their bills and everything for them, so they didn't have

1 anything that showed residency and so they could not
2 come up with something at that time to be able to vote.
3 They chose not to vote.

4 And then I believe it was also in March we
5 had an older voter who went to the polls to vote.
6 Everything was in her husband's name. She did come back
7 to the city clerk's office to try to present ID, but she
8 could only present one ID that had her name on it and so
9 her ballot was not counted.

10 Q. Were there other documents that were in her
11 husband's name?

12 A. Yes. All of the utilities were in her
13 husband's name.

14 Q. And she did not have a driver's license or a
15 non-operator's license?

16 A. No.

17 (Whereupon, a short recess was then had
18 from 3:03 p.m. until 3:08 p.m.)

19 BY MR. BLUSTEIN:

20 Q. Let me show you what been marked as Coconino
21 Exhibit Number 14 and ask you to identify that document
22 for the record, please?

23 A. It's a e-mail that I wrote to Joe Kanefield
24 about my concerns any form of identification for out of
25 state college students and referenced my previous e-mail

1 A. The ballots don't. The envelopes that they
2 go in do.

3 The white does not go in any envelope because
4 they are regular voting procedures. The voter takes the
5 ballot to the voting booth, marks the ballot and inserts
6 it directly into the tabulating machine.

7 A provisional voter fills out a form in front
8 of the envelope that has a pink tear-off sheet which is
9 their receipt and when they are given a ballot they go
10 to the polling place. They vote it. They are
11 instructed to put it back into the envelope and return
12 it to the provisional table to go in the provisional
13 ballot box.

14 And the conditional voter is given an
15 envelope with a blue form on it and a blue receipt.
16 That goes to the -- they go to the voting booth, they
17 vote their ballot, they put it into that envelope and
18 they bring it back to the provisional table and it goes
19 in the provisional ballot box.

20 Q. Is the information in Coconino County's flow
21 chart based upon the procedures set forth in the
22 Secretary of State's regulations governing the procedure
23 for proof of identification at the polls?

24 A. Yes. That's where we took this from to
25 develop it.

1 And the procedures don't tell us specifically
2 what type of notice to voter slips to use and what type
3 of envelopes to use so we --

4 Q. The Secretary of State's procedures tell you
5 whether a voter is going to vote a regular ballot, a
6 provisional ballot or a conditional ballot given the
7 type of ID or lack of ID that they have?

8 A. That's correct.

9 Q. And am I correct that the provisional ballot
10 procedure applies to Native American voters who present
11 one form of ID that contains their name?

12 A. Yes.

13 Q. And under the provisional ballot procedure a
14 signature matching procedure applies?

15 A. Yes, it does.

16 Q. And can you explain the mechanics of the
17 signature matching provision or the signature matching
18 procedure for provisional ballots in Coconino County?

19 A. Okay. We have scanned images of all the
20 voter registration forms with their signature on it, so
21 we compare the signature on the envelope to the
22 signature on the registration.

23 Q. And who conducts that signature matching?

24 A. Our staff.

25 Q. Is the signature matching procedure for

1 provisional ballots the same or similar to the signature
2 matching procedure for early voting?

3 A. Yes, it is.

4 Q. And is the Coconino County Recorder's Office
5 satisfied that this procedure of signature matching for
6 provisional ballots prevents voter fraud?

7 A. So far, yes.

8 Q. Let me show you, if I could, what's been
9 marked as Coconino Exhibit Number 16. And would you
10 please identify that for the record?

11 A. This is an e-mail that Candy Owens, our
12 County Recorder, sent to Joe Kanefield on Friday,
13 September 2, 2005 expressing her concerns with the
14 procedures that were being proposed.

15 Q. Let me refer you, please, to the last
16 paragraph of her e-mail and ask you to read that to
17 yourself.

18 I'm going to read the last two sentences into
19 the record. It reads: "What a number of recorders have
20 discussed since the beginning is a 'common sense'
21 approach, and that is a voter who does not present the
22 specified identification at the polls be allowed to vote
23 a provisional ballot and that the provisional ballot be
24 verified by signature comparison to the voter's records.
25 That's the same way early voting is handled and which is

1 excluded from Proposition 200 identification
2 requirements."

3 Am I correct that what Mrs. Owens has
4 proposed on behalf of the Recorder's Office of Coconino
5 County in this e-mail is that a voter who does not
6 provide the documentation required by Proposition 200 be
7 permitted to vote a regular provisional ballot that will
8 then be verified by a signature comparison to the voter
9 records?

10 A. Yes.

11 Q. Does the Coconino County Recorder's Office
12 have information as to whether other county recorders
13 offices subscribe to the common sense approach using
14 Ms. Owens' terms that is set forth in her e-mail?

15 A. Yes. At the time there was a lot of
16 discussion at the county recorders association and among
17 each other that they felt there should be signature
18 verification would be sufficient for provisional voting.

19 Q. And under this approach a signature matching
20 provision would be used for voters who did not have any
21 form of identification?

22 A. That's correct.

23 Q. Do you have knowledge here today of other
24 county recorders who subscribe to this position?

25 A. The Pima County Recorder, Ann Rodriguez, I

1 know felt very strongly the same way and I'd have to go
2 through and kind of read through my stack of e-mails in
3 that and see. I remember at the discussion at recorder
4 meetings that I sat in none of the recorders were
5 opposed to this. It seemed to be a pretty universal
6 agreement that that's what they preferred and felt would
7 meet the requirement.

8 Q. At those meetings none of the recorders
9 voiced a concern that voter fraud might ensue?

10 A. No.

11 Q. If a voter votes a conditional ballot and
12 returns within the allotted time with the appropriate ID
13 does Coconino County then apply the signature matching
14 procedure to that voters ballot?

15 A. No. Because the ID is supposed to be
16 providing proof of identity of the voter.

17 Q. Okay. I'll ask you to return to Coconino
18 County's answers to interrogatories, which is Exhibit
19 Number 3, and let me refer you to interrogatory number 5
20 which is on page 3 of the exhibit.

21 In your response to interrogatory number 5
22 the county provides information relating to an election
23 on March 14, 2006 and an election on May 16, 2006. Am I
24 correct?

25 A. Yes.

1 Q. And then am I correct that the figures set
2 forth in the response regarding the number of voters who
3 voted by mail or cast a regular ballot, et cetera refer
4 to those two elections?

5 A. Yes.

6 Q. And am I correct that only 2,046 voters cast
7 ballots at the polling place in those elections?

8 A. Yes.

9 Q. Can you explain why the numbers were so
10 small?

11 A. The town of Fredonia is a very small town and
12 the Fredonia Moccasin School District covers a rural
13 area in the northwest corner and the city of Williams
14 isn't a very big city and we didn't have a very good
15 turn-out.

16 Q. Were these elections on March 14th and May
17 16, 2006 the only elections administered by your office
18 since Prop. 200 went into effect?

19 A. Yes. Well, since the ID at the polls
20 provision of Prop. 200 went into effect.

21 Q. Has your office made an attempt to determine
22 how many conditional ballots will be cast in the county
23 in the upcoming September and November elections?

24 A. No. We're trying to estimate it because we
25 have to know how many envelopes to send out and it

1 appears it's not going to be a real large turn-out right
2 now for September, but for November we're just not sure.
3 So, we are looking at probably sending out about 100 or
4 150 per precinct. Depending on if it's a real large
5 precinct we might send out, you know, 200 to 300.

6 Q. How many precincts are in the county?

7 A. We have 84 precincts and 75 polling places.

8 Q. How many locations have been designated as
9 places where a voter can cast a conditional ballot and
10 may return and show their ID?

11 A. I don't have the list in front of me. I do
12 know that we lined up all of the chapter houses except
13 for Coal Mine on the Navajo Nation.

14 The Tuba City office, the city of page, city
15 clerk's office, the town of Fredonia's office, Grand
16 Canyon Superintendent of Schools office, the city of
17 Williams city clerk's office and the city hall in
18 Sedona. And then, of course, our office.

19 Q. On the Navajo tribal lands in Coconino County
20 will each of the 12 polling places -- am I correct there
21 are 12 polling places on Navajo lands?

22 A. There's 15.

23 Q. 15. Will each of those locations be used as
24 a verification site for voters who voted conditional
25 ballots?

1 very difficult, so I would say yes, there's going to be
2 mistakes because I know you have to sit and think of it.

3 Q. Let me turn your attention back to the first
4 deposition exhibit, which is the notice of 30(b)(6)
5 deposition.

6 And let me turn your attention to Schedule A,
7 which lists the subject matter areas and number 5 on
8 Schedule A which asks for any and all information in the
9 possession of the County Recorder relating to any
10 incident since January 1, 1996 involving allegations
11 that a non-U.S. citizen was registered to vote in
12 Coconino County. Is the County Recorder's Office aware
13 of any such incident?

14 A. No.

15 Q. Let me refer to subject matter number 6,
16 which is any and all information in the possession of
17 the County Recorder relating to any incidents since
18 January 1, 1996 involving allegations that a non-United
19 States citizen voted at a polling place in Coconino
20 County. Is the County Recorder aware of any such
21 incident?

22 A. No.

23 Q. Subject matter number 7 asks for any and all
24 information in the possession of the County Recorder
25 relating to any incidents since January 1, 1996

1 involving allegations that a non-United States citizen
2 voted in Coconino County by early ballot pursuant to ARS
3 Section 16-542, subsection a. Is your office aware of
4 any such incident?

5 A. No.

6 Q. And referring you to subject matter number 8,
7 which asks for any and all information in possession of
8 the County Recorder relating to any incident since
9 January 1, 1996 involving allegations that an individual
10 impersonated a registered voter at a polling place in
11 Coconino County, is the Recorder's Office of Coconino
12 County aware of any such allegations?

13 A. No.

14 Q. You've been in this business for close to
15 twenty years. Are you aware of any incidents of these
16 types of fraud being committed?

17 A. I only am aware of one incident in Nebraska
18 where we had a gentleman who was the state ombudsman
19 that was a registered voter in our county and he went
20 home to Jamaica and we read in the newspaper he could
21 not get back into the country because he wasn't a U.S.
22 citizen. That's the only incident I've ever come
23 across.

24 Q. Prior to the enactment of Proposition 200 was
25 the Coconino County Recorder's Office ever contacted by