

# EXHIBIT 25

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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.	)	
_____	)	

30(b)(6) DEPOSITION OF THE APACHE COUNTY RECORDER  
BY AND THROUGH LENORA Y. JOHNSON

Flagstaff, Arizona  
August 1, 2006

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

1 on the Navajo reservation and working on the Navajo  
2 reservation with the different programs with the Navajo  
3 tribe, that there are many people that do not have the  
4 necessary documents and then there's a belief within the  
5 culture that a photo ID is a taboo to have a picture  
6 taken of a person. That's something that is against  
7 traditional beliefs and so they are not able to get --  
8 acquire a photo ID and many people who reside within the  
9 same household and if you want a utility bill it would  
10 be under one name but a lot of people live within that  
11 house that won't have their name on the utility bill.  
12 So there are -- from my personal experience that's my  
13 own opinion.

14 Q. So you mentioned utility bills. Those are  
15 one of the items of non-photo identification that can be  
16 used for voting at the polling places?

17 A. Yes.

18 Q. And you believe that there are people and  
19 maybe a large number of people who don't have and cannot  
20 obtain utility bills?

21 A. Yes. I know it to be true.

22 And the other thing is a lot of people don't  
23 have electricity, so they don't have a utility bill.

24 Q. If I could just for a moment -- we'll go back  
25 to the citizenship documentation. If a person does not

1 possess any of the documents that Prop. 200 designates  
2 as satisfactory evidence of citizenship, in order to  
3 obtain those documents they would have to pay for them,  
4 is that correct?

5 A. It depends on what kind of documents you're  
6 talking about. If it's a photo ID a person has to go to  
7 the Motor Vehicle Department and pay a fee and there is  
8 some cost to them.

9 Q. And are you aware of any tribe that charged  
10 tribal members for an ID?

11 A. I believe the White Mountain Apache, I think  
12 they charge ten dollars, as I recall, and then with the  
13 Navajo Nation they don't have a Navajo tribal ID per se  
14 across the reservation but there is an office in Window  
15 Rock that would charge \$5 for a photo ID.

16 Q. And if a person is not a member of a -- not  
17 an enrolled member of a Native American tribe is it your  
18 belief that they would be unable to obtain  
19 identification from that tribe?

20 A. That is true because you need your census  
21 number.

22 Q. So you mentioned that if you wanted to get a  
23 photo ID from the Motor Vehicle Division there would be  
24 a charge for that?

25 A. Yes. I don't know about senior citizens, you

# EXHIBIT 26

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

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MARIA M. GONZALEZ, et al., )  
)  
Plaintiffs, )  
)  
-vs- )  
)  
STATE OF ARIZONA, etc., et al., )  
)  
Defendants. )

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

\_\_\_\_\_  
THE INTER TRIBAL COUNCIL OF )  
ARIZONA, INC., et al., )  
)  
Plaintiffs, )

-vs- )  
)  
JAN BREWER, in her official )  
capacity as Secretary of State )  
of Arizona, )  
)  
Defendant. )  
\_\_\_\_\_)

30 (b) (6) DEPOSITION OF THE NAVAJO COUNTY RECORDER  
BY AND THROUGH LAURETTE JUSTMAN

Flagstaff, Arizona  
August 1, 2006

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

1 A. Question three I would not be able to answer.

2 Q. The entirety of question three?

3 A. Yes.

4 Question 6 I would not be able to answer.

5 Q. That's it?

6 A. That's it.

7 Q. And do you believe that Ms. Dastrup would be  
8 able to answer questions on those?

9 A. Yes.

10 Q. The items that you indicated that you  
11 wouldn't be able to?

12 A. Yes.

13 Q. The Navajo county recorders office has no  
14 evidence of any allegation since January 1, 1996 that a  
15 non-U.S. citizen has registered to vote in Navajo county  
16 correct?

17 A. Yes, that is correct.

18 Q. That you do not have any evidence?

19 A. Right.

20 Q. And you don't have any evidence that a  
21 non-U.S. citizen has voted by early ballot in Navajo  
22 county?

23 A. That is correct.

24 Q. I will ask you to take a look at the  
25 documents that the court reporter has marked as Exhibit

1 Q. How would that person know that they had to  
2 do that?

3 A. I would tell them that the information I got  
4 from Homeland Security was in fact not the correct  
5 number.

6 Q. How would you contact the registrant?

7 A. By letter.

8 Q. Looking back at Exhibit 5, ARS 16, 166,  
9 subsection F., it also lists an applicants birth  
10 certificate as satisfactory evidence of citizenship.  
11 Have you received birth certificates, birth certificates  
12 or birth certificate copies with voter registration  
13 forms?

14 A. I don't know.

15 Q. Do you believe that all eligible, all people  
16 eligible to recommend STER in Navajo county possess  
17 birth certificates?

18 Q. To register?

19 A. I don't know.

20 Q. Do you think there's a possibility that there  
21 are people who don't?

22 A. I think there is a possibility that not  
23 everyone has a birth certificate.

24 Q. And what's the source of that belief?

25 A. The source is personal. For example, my

1 grandmother does not have a birth certificate.

2 Q. Do you know why she doesn't have one?

3 A. Yes. Because she was born by a midwife at  
4 home.

5 Q. And do you believe that there are other  
6 people in Navajo county who may have had similar  
7 circumstances of birth?

8 A. I believe there could be.

9 Q. Do you think, do you believe that -- well,  
10 older people in Navajo county, especially those living  
11 on the reservations are, may have been more likely to  
12 have been born not in a hospital?

13 A. They could have not been born in a hospital,  
14 yes.

15 Q. And if they weren't born in a hospital they  
16 are not likely to have a birth certificate?

17 A. Not likely.

18 Q. And you said that you followed the follow the  
19 secretary of states procedure for proof of citizenship?

20 A. Yes.

21 Q. Exhibit 6?

22 A. Yes.

23 Q. If a birth certificate certificate, is  
24 submitted to the Navajo county recorder as evidence of  
25 citizenship and it does not bear the name of the voter

1 A. Yes.

2 Q. A passport?

3 A. Yes.

4 Q. And if one is eligible to be, to become a  
5 naturalized citizen or one has become a naturalized  
6 citizen, a replacement naturalization certificate?

7 A. Yes.

8 Q. What about the different types of tribal I  
9 identification that are listed in if, 6, do you know if  
10 any of those?

11 A. I am not sure.

12 Q. But those are only available to members of  
13 federal I recognized Indian tribes, is that correct?

14 A. Correct.

15 Q. And do you know if any other documents or  
16 methods of proof that are established pursuant to the  
17 immigration reform and control act of 1986 that would be  
18 satisfactory evidence of citizenship?

19 A. Can you repeat the question.

20 Q. Sure. And you play want to refer to  
21 subsection F. five. Other documents or methods of proof  
22 that are established pursuant to the immigration, reform  
23 and control act of 1986. Are you aware of any documents  
24 that fall into that category?

25 A. I am not.

1 Q. Or methods of proof that fall into that  
2 category?

3 A. No.

4 Q. And have you received any guidance from the  
5 secretary of states office about that?

6 A. I don't remember.

7 Q. And if you will look at Exhibit 6 again, do  
8 you see anything listed on here that falls into that  
9 category?

10 A. Can you rephrase the question?

11 Q. Sure. Exhibit 6 is direction from the  
12 Secretary of State regarding the proof of citizenship  
13 requirement, correct?

14 A. Yes.

15 Q. And do you see anything in this Exhibit 6  
16 that would qualify as other documents or methods of  
17 proof that are established pursuant to the immigration  
18 reform and control act of 1986?

19 A. It talks about a birth certificate.

20 A. Yes.

21 Q. Okay. But do you know if that, if a birth  
22 series mentioned in the immigration, reform and control  
23 act of 1986?

24 A. I don't.

25 Q. I'm now going to show you a document that has

1       been marked as Exhibit 9 to your deposition. Do you  
2       recognize this document?

3           A.     Yes, I do.

4           Q.     Okay. What is this?

5           A.     This is a letter that we sent to Secretary of  
6       State.

7           Q.     Do you know when you sent it?

8           A.     I don't know the exact date, no.

9           Q.     Does this letter express to the Secretary of  
10       State some concerns you had about the procedures to  
11       implement proposition 200?

12          A.     Yes, it does.

13          Q.     So the second sentence I'm just going to read  
14       that into the record "voters in reservation pre sinks  
15       travel long distances often on rough roads and increment  
16       weather if they must return to home to gather acceptable  
17       identification and do not return to the palming place in  
18       time to cost KAS a vote FRX they return at all would we  
19       not be DIS EN franchising these voters "is that correct?

20          A.     Yes.

21          Q.     And you were concerned about DIS EN franchise  
22       meant of voters?

23          A.     We were at the time.

24          Q.     In CHRE meant?

25          Q.     And you suggested giving provisional BAL lots

1 to those voters?

2 A. Yes.

3 Q. To be verified later as are early ballots?

4 A. That's correct.

5 Q. Yes and that verification procedure, is that  
6 a signature matching?

7 A. Yes, it is.

8 Q. Can you briefly explain to me how you conduct  
9 that signature matching for early ballots?

10 A. We go into our database and we pull up the  
11 voter registration card and we compare the signature  
12 that is on the voter registration card against the  
13 signature that is on the early ballot and if the  
14 signatures match EN R then the early ballot is accepted.

15 Q. And you were suggesting to the Secretary of  
16 State that a similar procedure be used to people that  
17 did not present sufficient identification at the polls.  
18 Yes?

19 Q. And do you believe that the signature  
20 matching procedure that you use for early ballots is  
21 sufficient to prevent fraud by a voter?

22 A. I believe it could be.

23 Q. But you don't have any evidence of any fraud  
24 in early voting in Navajo county?

25 A. Not to my knowledge.

# EXHIBIT 27

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

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MARIA M. GONZALEZ, et al.,	)	
	)	
Plaintiffs,	)	
	)	
-vs-	)	No. CV06-01268
	)	PHX-ROS (Lead)
STATE OF ARIZONA, etc., et al.,	)	No. CV05-01362
	)	PCT-JT (Cons)
Defendants.	)	
_____	)	

30(b)(6) DEPOSITION OF THE MARICOPA COUNTY RECORDER  
BY AND THROUGH KAREN OSBORNE

Phoenix, Arizona  
July 31, 2006

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

1 identification from a tribe. I do not remember the  
2 tribe nor were we familiar with it. It wasn't any tribe  
3 that we had heard about here.

4 He also had a driver's license and all of his  
5 other -- he had multiple forms of identification but he  
6 did provide -- his first identification he provided was  
7 his tribal card.

8 Q. Did he vote a regular ballot?

9 A. Yes.

10 Q. And was that because he provided other forms  
11 of identification?

12 A. Correct.

13 Q. So had he only had his tribal ID from a tribe  
14 outside of Arizona would he have been permitted to vote  
15 a regular ballot?

16 A. No. Until -- in the discussions some of the  
17 material that you have we talked about trying to get a  
18 list of all the tribes throughout the United States that  
19 are accredited tribes and trying to figure out how do we  
20 get that information, we have not yet been successful at  
21 that.

22 We're pretty good on what we have here in  
23 Maricopa County and the Arizona tribal units but it's  
24 very difficult for us to find out the complexity of the  
25 whole United States.

1 Q. So it's possible that a voter could come to  
2 the polls at the next election with a tribal enrollment  
3 card or other form of tribal identification from a tribe  
4 outside of Arizona and that person would not receive a  
5 regular provisional ballot?

6 A. If we -- if they had tribal ID that has a  
7 photo and an address then, and we're able to identify  
8 that this is -- we're able to get this information that  
9 this is really a tribe that is recognized, then we would  
10 let them have a regular ballot. If they don't have an  
11 address on that identification, which is some of the  
12 concerns with all sorts of identification, then they  
13 have to vote a provisional.

14 Q. And that's a regular provisional ballot?

15 A. It's a regular provisional.

16 Q. How would you determine that the tribe that  
17 has issued that identification was a recognized tribe?

18 A. Well, that's what we're in the process now of  
19 trying to gather the names of the recognized tribes so  
20 that we can use that for the primary general election.

21 Q. Will that information be given to all vote  
22 boardworkers?

23 A. Yes.

24 Q. Is boardworker the correct term for the  
25 people who work at the polls?

1           A.     Yes.  That's the only place there's  
2 boardworkers who are very tired people in that.  Sorry.

3           Q.     I'm going to go back to registration for a  
4 minute.  Another I'm item that's listed in 16-166  
5 subsection (f) was satisfactory evidence of citizenship  
6 is a presentation to the county recorder of the  
7 applicant's United States naturalization document or the  
8 number of their Certificate of Naturalization, is that  
9 correct?

10          A.     Correct.

11          Q.     I will now show you what the court reporter  
12 has marked as Exhibit 7.  Do you recognize this  
13 document?

14          A.     I do.

15          Q.     Is this something created by your office in  
16 the normal course of business?

17          A.     It is.

18          Q.     And this is a submission to the United States  
19 Department of Justice for preclearance under the Voting  
20 Rights Act?

21          A.     One of many, yes.

22          Q.     And I will represent to you that this does  
23 not include all of the exhibits.  I have excerpted it  
24 because it is quite large.

25                    If you would turn to the second to last page.

1 A. Okay.

2 Q. This is a copy of a Certificate of  
3 Naturalization, is that correct?

4 A. That's correct.

5 Q. Okay. This is included as an exhibit to the  
6 D.O.J. submission?

7 A. Correct.

8 Q. There are two numbers on this certificate in  
9 the right-hand corner, is that correct?

10 A. Correct.

11 Q. Are both of those numbers verifiable with the  
12 United States government?

13 A. No.

14 Q. Which one is?

15 A. The A number is the number that is tracked by  
16 Homeland Security.

17 As you pointed out I believe in (f), when we  
18 deal with a naturalization certificate we are required  
19 before we do any processing to verify their authenticity  
20 that the person is really a citizen.

21 Q. You are required to do that if they come to  
22 the Recorder's Office with their naturalization  
23 certificate?

24 A. Well, if we have just number. If we have  
25 just the A number.

1 Q. So if someone mails in a registration form on  
2 which they have just listed their --

3 A. Right.

4 Q. -- number or if they come to the office with  
5 a registration form on which they have just put their  
6 number --

7 A. Right. But it's the A number. We are  
8 connected to Homeland Security electronically and it is  
9 the A number and not the certificate number that we'll  
10 track.

11 Q. And when you say a number, is that the number  
12 on the certificate that's identified here as the INS  
13 registration number?

14 A. It is.

15 Q. And the first character in that number is an  
16 A?

17 A. And always is an A.

18 Q. Is that number an alien registration number?

19 A. Yes.

20 Q. Did you attempt to verify the other number  
21 listed on this document did anyone submit --

22 A. Yes.

23 Q. -- to you a registration form with the number  
24 that isn't the A number?

25 A. Yes.

1 Q. And you attempted to verify that with the  
2 federal government?

3 A. We did.

4 Q. And when was that?

5 A. That was the very first week that we were  
6 accepting registration and we were trying to learn how  
7 to do this effectively and we were having to make calls  
8 at that time and found out from INS that there were two  
9 numbers on the certificate; that the first number that  
10 appears at the top is simply that, it is a number of the  
11 certificate. One up I guess. 1492 they probably start  
12 again with that amount. But the A number is what we use  
13 in our match.

14 Q. So, in the statute it says the number of the  
15 Certificate of Naturalization?

16 A. Correct.

17 Q. But that number is not the number that is  
18 verifiable?

19 A. That's correct.

20 Q. Did you reject any registration form that  
21 included the number of the certificate instead of the A  
22 number?

23 A. No, we have not. We kept going until we  
24 figured out the process that we could use to be able to  
25 -- to be able to accommodate that type of number and we

1 county recorder of the applicant's United States  
2 naturalization documents, correct?

3 A. It requires a presentment. We consider that  
4 to be if they either present the document or if they  
5 have the number so that we can match up the information  
6 then we consider that as sufficient.

7 Q. But for a birth certificates or a passport it  
8 says a legible photocopy, is that correct?

9 A. That's correct.

10 Q. And it does not say that for the  
11 naturalization certificate?

12 A. That's correct.

13 Q. But you accept a copy?

14 A. Yes.

15 Q. And you ask people to copy their documents.

16 A. We do.

17 Q. And do you know the practice of the other  
18 counties in Arizona with respect to presentment of the  
19 naturalization certificate?

20 A. I don't.

21 Q. Aside from verifying the registration, alien  
22 registration numbers through INS or --

23 A. Homeland Security.

24 Q. -- Homeland Security Bureau, Customs and  
25 Immigration Services, has Maricopa County ever attempted

1 birth certificate copies for no charge?

2 A. Not that I'm aware of.

3 Q. Okay and the same goes for a passport; does  
4 it cost to obtain a passport?

5 A. Yes.

6 Q. Is there a cost for obtaining a replacement  
7 naturalization certificate?

8 A. Not that I'm aware of. I didn't hear that in  
9 the discussion with our staff member who was trying to  
10 work through Congressman Pastor's office to get a copy  
11 of it. We didn't have any idea that it wouldn't be  
12 easily available.

13 Q. But you don't have any reason other than that  
14 that it doesn't cost something?

15 A. That's correct.

16 Q. Up to \$220?

17 A. Really?

18 Q. But you did testify earlier that it could be  
19 a two-year process?

20 A. Yes.

21 Q. In fact, if you will turn to Exhibit 7, page  
22 11699.

23 A. Okay.

24 Q. Under 51.27n, the first paragraph there, the  
25 very last sentence: "The Immigration and Naturalization

1 Services has advised that it can take a year and a half  
2 to receive a duplicate copy of a naturalization  
3 certificate." Is that consistent with your  
4 understanding?

5 A. It is.

6 Q. And this has the potential of  
7 disenfranchising a registrant for four or more  
8 elections. Does that seem right to you?

9 A. It would if that was your only.

10 Q. And if it were for two years it might be up  
11 to eight elections depending on whether there were local  
12 elections occurring?

13 A. There are four times a year when you can have  
14 an election in your area.

15 Q. So it could be up to eight. If it takes two  
16 years to get a new naturalization certificate, someone  
17 could be disenfranchised for eight elections?

18 A. That's correct.

19 Q. Okay. I'm giving you now what the court  
20 reporter has marked as Exhibit 11. Do you recognize  
21 this document?

22 A. I do.

23 Q. Is this, the Election Boardworker Training  
24 Manual, created by your office?

25 A. It is for the May election.

1 about the Arizona tribes providing such an  
2 identification but I'm not aware of any that do right  
3 now.

4 Q. So, if a member of a tribe in Arizona had a  
5 tribal enrollment card with his or her photo on it and  
6 presented that one piece of identification at the poll,  
7 that voter would not receive a regular ballot?

8 A. If that was their only identification, that's  
9 correct.

10 Q. This list in which, one, photo identification  
11 also lists valid United States federal, state or local  
12 government issued photo identification?

13 A. Uh-huh.

14 Q. Are you aware, other than the driver's  
15 licenses which are separately listed and the  
16 non-operating license which are separately listed, are  
17 you aware of any other identification that fits in this  
18 category?

19 A. Not currently.

20 Q. So, in order to vote a regular ballot in  
21 Arizona at a polling place, a voter must present -- and  
22 present photo ID only, that voter must present something  
23 issued by the Motor Vehicle Division?

24 A. That's correct. You have to have the Arizona  
25 driver's license or the non-operating ID because your

1 passport and birth certificate, those kind of things  
2 don't have an address and those don't work.

3 Q. If a voter has moved since he or she obtained  
4 that ID they can't receive a regular ballot, can they?

5 A. That's correct. If they have -- if the  
6 address on their photo ID and they don't have the two  
7 substitute IDs, if they have -- that's all they have for  
8 their identification, then they are given a provisional  
9 ballot.

10 Q. And that's a regular provisional ballot?

11 A. Regular provisional.

12 Q. Not a conditional?

13 A. Not a conditional provisional.

14 Q. So if they vote a regular provisional ballot  
15 they don't need to return with identification, is that  
16 correct?

17 A. That's correct.

18 Q. And the county recorder will compare the  
19 signature on that provisional ballot to the one on the  
20 signature roster?

21 A. That's correct.

22 Q. And that's sufficient to guard against fraud  
23 you think?

24 A. Actually, we don't compare to the signature  
25 in the signature roster. There's an envelope that the

1 it lists the non-photo identification --

2 A. Yes.

3 Q. -- that's acceptable, is that correct?

4 A. Yes.

5 Q. And a voter would need to provide two forms  
6 of acceptable non-photo identification to obtain a  
7 regular ballot, correct?

8 A. Correct.

9 Q. Okay. Does the county accept a satellite  
10 television bill?

11 A. Yes.

12 Q. But that item is not listed in list 2, is it?

13 A. We would consider it as a utility bill.

14 Q. But this says cable television and not  
15 satellite television?

16 A. We would -- we would not nitpick that if it's  
17 a bill, it's a bill.

18 Q. But this document is what's given to  
19 boardworkers so that they know what to do at the polls,  
20 correct?

21 A. That's correct.

22 Q. Are they told at any other time that they can  
23 accept satellite television bills as non-photo  
24 identification?

25 A. Satellite -- of all the things, that

1 on the list. They'd still have to have proof of who  
2 they are.

3 Q. Is a Recorder's Certificate an alternate to  
4 voting a provisional ballot?

5 A. Explain.

6 Q. If a voter goes to the polling place and his  
7 or her name does not appear on the precinct register, he  
8 could obtain a provisional ballot, correct?

9 A. Correct. Conditional provisional. If he has  
10 no ID and he's not on it.

11 Q. Let's say this person has ID.

12 A. Okay.

13 Q. Take it out of the polling place ID realm,  
14 although we are supposed to be talking about polling  
15 place ID.

16 So a person goes to the polling place, has  
17 ID, but does not have -- but his name does not appear on  
18 the precinct register. That person could be given a  
19 provisional ballot, correct?

20 A. Yes.

21 Q. Or that person could go to the Recorder's  
22 Office and obtain a Recorder's Certificate, is that  
23 correct?

24 A. Yes.

25 Q. And then go back to the polling place?

1           A.     Correct.

2           Q.     And vote a regular ballot with the Recorder's  
3     Certificate?

4           A.     That's correct.

5           Q.     If a person -- if the mistake in the  
6     Recorder's Office was not just in a printing error, an  
7     electronic error so their name didn't appear on the  
8     precinct register, if it was a different error such that  
9     for some reason this person had registered but didn't  
10    show up on the registration rolls, that person would not  
11    have received a voter registration card, correct?

12          A.     They may have received it but they may have  
13    been canceled for one of the reasons we were talking  
14    about when we started out.

15                 If I get notification, and we get  
16    notification from the court every month through the  
17    Secretary of State's Office, these people have  
18    committed, been found guilty of a felony and so the  
19    voter registration card may have come out two years ago  
20    but now we have taken them off the file and that, so  
21    unless they have -- and that person should not vote.

22                 Now, if they come in to get the Recorder's  
23    Certificate we're going to see that it was canceled and  
24    why, we are not going to issue them a Recorder's  
25    Certificate.

1 inactive and you have your identification it's as good  
2 as though you were in the front part of the book.

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

5 A. They don't vote provisional.

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

8 A. That's correct.

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

11 A. That's correct.

12 Q. Let's talk about election mail. You have  
13 listed as one of the forms of non-photo identification  
14 that's acceptable any official election material mailing  
15 bearing the voter's name and address. Is that correct?

16 A. Yes.

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

21 A. Well, the official election mailing we  
22 consider as very critical because we do mail the voter  
23 registration card and we do send the sample ballots this  
24 year in the primary and in this election it was a  
25 separate yellow card to every registered voter and it

1           A.     Well, when we work with the folks in our  
2 retirement areas, when we work with them they have to  
3 choose one place or the other. They cannot be  
4 registered in two different states. The state that they  
5 are -- what they consider their predominant registration  
6 is where they live. And I have not had the issue of  
7 voter -- I mean of driver's licenses come up in the  
8 voting context. I have had it come up in the  
9 registration context but not in the voting context.

10           Q.     So, in essence, you don't consider a driver's  
11 license issued by another state to be valid?

12           A.     Correct.

13           Q.     Maricopa County has held two elections since  
14 the polling place ID procedures went into effect, is  
15 that correct?

16           A.     That's correct.

17           Q.     Okay. That was in March and in May of 2006?

18           A.     Correct.

19           Q.     Okay. The document that I previously have  
20 shown you, that the court reporter has marked Exhibit  
21 17, do you recognize this document?

22           A.     I do.

23           Q.     And does this -- was it something created by  
24 your office?

25           A.     It was. It was created for community network

1 conditional provisional ballots cast, is that correct?

2 A. I believe that's correct.

3 Q. Do you have an estimate of how many -- if the  
4 same percentage of conditional provisional ballots were  
5 cast in the general election --

6 A. Uh-huh.

7 Q. -- do you have an estimate of how many that  
8 would be?

9 A. I believe that that's going to be between 5  
10 and 6,000.

11 Q. Conditional provisional ballots?

12 A. Conditional provisional.

13 And what I base that on is the -- is we do  
14 everything we can to educate, to go forward and try and  
15 provide as much information as humanly possible. These  
16 are our high efficacy voters. These are the people in  
17 March and May that they read the newspaper, they get  
18 involved in their local school elections, they do all  
19 that. We sent them material.

20 My concern is that in the general election 99  
21 percent of the people get it correct and only one  
22 percent do not. We had 600,000 people come to the  
23 polling place in the last general election and one  
24 percent of them is 6,000 and that's why we reached out  
25 to our city clerks.

1 ballot?

2 A. Correct.

3 Q. The next voter in line brings a utility bill  
4 with the name and current address on it.

5 A. Okay.

6 Q. And a cellphone bill with a name and the  
7 wrong address on it. What kind of ballot does that  
8 person get?

9 A. It's insufficient, so they are going to have  
10 to do the conditional.

11 Q. Even though it's two forms of non-photo  
12 identification with name and address?

13 A. But the first didn't have the right address  
14 on it, did it?

15 Q. Correct. In my hypothetical one address was  
16 right and one was wrong.

17 A. Okay. If it's the same person and one's  
18 right and one's wrong, then they are going to get the  
19 regular provisional. They won't get conditional. But  
20 if both addresses are wrong they are going to get the  
21 conditional.

22 Q. So --

23 A. No, you're absolutely correct. Now I'm  
24 confused there. I'm sorry.

25 If they both have -- the same person both

1 have the old address they get to vote the regular  
2 provisional. If they don't have -- that's correct.  
3 That's correct.

4 Q. You admit this is confusing?

5 A. Oh, it is. It is, yes.

6 Q. And you're the Maricopa County Elections  
7 Director, correct?

8 A. Yes. I could have said that in the first  
9 three seconds.

10 Q. So you've been dealing with this for more  
11 than a year now?

12 A. Yes.

13 Q. So, for someone who's just coming into it for  
14 the first time it can be so confusing that they may not  
15 be able to figure it out?

16 A. That's why our education is so important.  
17 That's why the consistent -- we're training every single  
18 one of the 7,000 polling place workers at this time. We  
19 are not required to by law. We are only required to  
20 train the inspectors and the two judges. But it is so  
21 imperative that we do this and we do this in a very  
22 polite way.

23 We want a poster child for somebody who's ten  
24 pounds heavier and their hair is a little whiter and  
25 their glasses have changed, I can tell you that. But we

1 actually ask them to -- to test the other people on the  
2 board. "Your mother comes to the door. How do you ask  
3 her for ID?" All that has to be -- we have to train  
4 them and we have to learn.

5 Q. So you I think just identified a situation.  
6 You can have someone come in who is personally known to  
7 a boardworker and yet that person will --

8 A. Absolutely.

9 Q. -- have to present ID?

10 A. Mama's got to drag out the ID.

11 Q. I'll run through a couple more of these  
12 hypotheticals. They are so fun.

13 A. Oh, good.

14 Q. A voter with a valid Arizona driver's license  
15 but the address on that driver's license does not match  
16 the address on the signature roster, what type of  
17 ballot?

18 A. Provisional, regular provisional.

19 Q. A voter with a student ID with a name and  
20 photo but no address.

21 A. Conditional provisional.

22 Q. A voter with a student ID with name and photo  
23 but no address and a utility bill with name and address?

24 A. Provisional.

25 Q. And that's because they had only one item

1 that's on list number 2?

2 A. Right, right.

3 Q. A voter comes in with two cellphone bills  
4 from the same service provider but from different months  
5 that indicate -- that have both name and address.

6 A. Regular.

7 Q. I can give you what the court reporter has  
8 marked as Exhibit 13. Do you recognize this document?

9 A. I don't.

10 Q. Okay. Do you have a Frequently Asked  
11 Questions section posed under the voter ID --

12 A. Yes.

13 Q. -- on the County Recorder's web-site?

14 A. We do.

15 Q. Do you believe that this may be a draft of  
16 that?

17 A. It could be. I couldn't say. It looks like  
18 the types of questions that we would use.

19 Q. This is something that was produced by your  
20 office in this case.

21 The fourth sentence or the fourth paragraph  
22 down --

23 A. Right.

24 Q. -- says, "Can I use a statement from the same  
25 bank or utility but two different months?"

1 A. Yes.

2 Q. And the answer there is "No."

3 A. Correct.

4 Q. But you've just testified that you can use  
5 that?

6 A. We have decided to change that for the  
7 primary election, trying to expand what we can -- what  
8 we can use to include that. This was -- this is correct  
9 for what we did for March and May.

10 Q. But you're changing it for the primary?

11 A. Uh-huh.

12 Q. Have you changed the information on your  
13 web-site?

14 A. Not yet. Like I say, we are day by day by  
15 day trying to get down to the bottom of what we can and  
16 can't do.

17 Q. Some more hypotheticals. A voter with a  
18 voter registration card with their name and address and  
19 an Arizona driver's license with a name and photo but  
20 the wrong address; what type of ballot would that person  
21 vote?

22 A. They have an Arizona driver's license, wrong  
23 address and the voter registration is at the right  
24 address?

25 Q. Correct.

1           A.     They are going to have to vote a provisional  
2 because the photo doesn't have the correct address with  
3 it, so I can't use that as a stand-alone.

4           And if I go down into the second list you've  
5 got to have more than the voter registration card.

6           Q.     So is that a regular provisional or a  
7 conditional provisional?

8           A.     Regular.

9           Q.     And that's because they had a photo ID but  
10 with the wrong address?

11          A.     That's correct.

12          Q.     A voter with a cellphone bill with the  
13 correct name but wrong address and an electric bill with  
14 the correct name and the same wrong address; what type  
15 of ballot would they vote?

16          A.     Both are correct people but have a wrong  
17 address?

18          Q.     Yes. And the address on both of the pieces  
19 of identification is the same, so the voter lives at 123  
20 Elm Street and the address is 456 Oak street.

21          A.     I would see that as a regular provisional,  
22 not a conditional.

23          Q.     A voter comes in with a cellphone bill with  
24 the correct name but the wrong address and an electrical  
25 bill with the correct name and a different wrong

1 address; so 123 Elm Street on one, 456 Oak Street on the  
2 other. They live at 789 Chestnut Street.

3 A. But they have two forms of ID, they are just  
4 both wrong addresses. I would make them do just a  
5 regular provisional.

6 Q. A voter comes into the polling place with a  
7 cellphone bill with the correct name and address and an  
8 electrical bill with the correct address but the name of  
9 their spouse.

10 A. Just the name of the spouse?

11 Q. The addresses on the two forms of  
12 identification are the same.

13 A. Then I imagine they are going to have to do a  
14 conditional. She has to do a conditional provisional  
15 because the second form does not have her name, so it's  
16 as though it doesn't exist.

17 Q. Even if they share the same last name?

18 A. It doesn't matter. As long as her name's not  
19 on there someplace.

20 Q. If I ask these same questions to ten  
21 boardworkers in Maricopa County, how confident are you  
22 that I'd get the same answers that you have just given  
23 from all ten of them?

24 A. I would have zero level of confidence that  
25 all ten would give you exactly the same. They would

1 certainly try, and I think in most of those questions  
2 they are going to be able to do it correctly.

3 The conditional provisional is pretty clear.  
4 The line between the conditional and the provisional is  
5 the tough one to decide. Is there a way that I don't  
6 have to have this person come back? That's the hardest  
7 part.

8 Q. How many poll workers will you have for the  
9 September primary?

10 A. 7,700.

11 Q. And how are those poll workers being trained?

12 A. Every poll worker is being trained at a group  
13 meeting. We have -- we let them select. They can come  
14 back more times if they want to, but everybody goes home  
15 with either a DVD or a VHS, whatever, that is their  
16 choice, so that they can look at it at home and continue  
17 to learn.

18 We actually are going to put that on our  
19 web-site as well so they can revisit it, but we found  
20 that that's been very helpful. We used to just give  
21 them to the inspectors. Everybody is getting it this  
22 time, so they can go back and it isn't as complicated.

23 MR. BLUSTEIN: Can we take a quick break?

24 MS. HARTMAN-TELLEZ: Yes.

25 (Whereupon, a short recess was then had

# EXHIBIT 28

8/1/2006 Pew, Penny

1 IN THE UNITED STATES DISTRICT COURT  
2 DISTRICT OF ARIZONA

3 MARIA M. GONZALEZ, et al., )  
4 )  
5 Plaintiffs, )  
6 )  
7 -vs- ) No. CV06-01268  
8 ) PHX-ROS (Lead)  
9 STATE OF ARIZONA, etc., et al., ) No. CV06-01362  
10 ) PCT-JT (Cons)  
11 Defendants. )  
12 )  
13 \_\_\_\_\_ )  
14 THE INTER TRIBAL COUNCIL OF )  
15 ARIZONA, INC., et al., )  
16 )  
17 Plaintiffs, )  
18 )  
19 -vs- )  
20 )  
21 JAN BREWER, in her official )  
22 capacity as Secretary of State )  
23 of Arizona, )  
24 )  
25 Defendant. )  
26 \_\_\_\_\_ )

30(b)(6) DEPOSITION OF THE APACHE COUNTY RECORDER  
BY AND THROUGH PENNY L. PEW

Flagstaff, Arizona  
August 1, 2006

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

1 voters in Apache County be given language assistance in  
2 the Navajo language?

3 A. Yes.

4 Q. Any other languages?

5 A. Apache. We have 162 voters in the White  
6 Mountain Apache tribe.

7 Q. And ballots in Apache County are printed in  
8 English and Spanish, is that correct?

9 A. That's correct.

10 Q. So voters who speak languages other than  
11 English and Spanish generally need to go to the polls to  
12 vote to obtain language assistance?

13 A. Section 5 requires that we print the ballots  
14 in Spanish. We've never had a ballot requested in  
15 Spanish since I've been doing this. And yes, we offer  
16 per Section 203 translators in Navajo.

17 Q. And Apache?

18 A. And Apache, right.

19 Q. I'm now going to give you a document that the  
20 court reporter has marked as Exhibit 13. Do you  
21 recognize this document?

22 A. Yes.

23 Q. Is this the list of acceptable polling place  
24 identification?

25 A. Yes, it is.

1 they could prove that they lived in the state of Arizona  
2 and the post office box matched on the voter records  
3 then they would get a ballot.

4 Q. So that would fall within the any other form  
5 of ID with a voter's photo, name and address -- I'm  
6 sorry -- a valid United States federal state or local  
7 government issued identification?

8 A. That's correct.

9 Q. If a person presented a New Mexico driver's  
10 license and the P.O. box didn't match the address on the  
11 voter roll, would that person receive a ballot?

12 A. He would receive a provisional ballot. If he  
13 could come up with two other identifications -- I mean,  
14 he has -- he gets a provisional ballot. He shows a  
15 driver's license that shows it's him. His ID has been  
16 verified. He would get a provisional ballot.

17 Q. Would that be a regular provisional ballot?

18 A. Yes.

19 Q. So if a voter shows up with a photo  
20 identification with an incorrect address on it that  
21 voter receives a provisional ballot?

22 A. Correct.

23 Q. And that's a provisional ballot, a regular  
24 provisional ballot?

25 A. Correct.

1 Q. And the way you would verify that would be to  
2 do a signature check?

3 A. The Recorder's Office would do a signature  
4 check.

5 Q. And do you believe that signature check is  
6 sufficient to guard against fraud?

7 A. Yes, I do.

8 Q. Under the non-photo identification that's  
9 acceptable as a polling place ID, does the county accept  
10 satellite television bills?

11 A. Yes.

12 Q. What about bill from an Internet service  
13 provider?

14 A. I believe so.

15 Q. But those are not listed on this list, are  
16 they?

17 A. No, they are not.

18 Q. Okay. And what about bills from a credit  
19 card company?

20 A. I believe that would fall under the any form  
21 of ID with voter's name and address that's equally  
22 reliable, yes.

23 Q. So if you were staffing the 800 line yourself  
24 you would -- and a poll worker called you and said, "I  
25 have a voter here who has two forms of non-photo

1 May or June. I don't remember the date.

2 Q. I'm going to give you a hypothetical and  
3 assuming that there is at least one county that is not  
4 sending election mail to individual voters or not  
5 accepting it as proof of ID at the polls -- in fact, let  
6 me back up, restate my hypothetical.

7 There is a county -- assume there is a county  
8 that is sending official election mail to individual  
9 voters but not accepting it as non-photo identification.  
10 A voter in Apache County could go to the polling place  
11 with a voter registration card and a piece of official  
12 election mail and receive a regular ballot?

13 A. That's correct.

14 Q. A voter in the other county could go to the  
15 polling place with the exact two pieces of  
16 identification, of course the names and addresses would  
17 be different, and not receive a regular ballot?

18 A. Under their procedures, yes, hypothetically  
19 speaking.

20 Q. They wouldn't receive a ballot or they  
21 wouldn't receive a regular ballot?

22 A. Given your hypothetical statement and their  
23 procedures that they have set forth, yes.

24 Q. Yes, they wouldn't?

25 A. Yes, they wouldn't.

1 Q. They would not receive it?

2 A. They would not receive.

3 Q. In fact, they would receive a conditional  
4 provisional ballot?

5 A. Correct.

6 Q. Under the -- sort of under the procedures set  
7 forth by the Secretary of State they would receive a  
8 conditional provisional ballot?

9 A. Correct.

10 Q. Because they would have only one form of  
11 acceptable non-photo identification?

12 A. Right.

13 MS. RAPP: Can I ask something to clarify?  
14 All of those last questions were assuming your  
15 hypothetical statement, correct?

16 MS. HARTMAN-TELLEZ: Correct.

17 Q. You said that you're sending out one card or  
18 an official election mailing some time?

19 A. In the near future.

20 Q. In the near future.

21 Is that the only official election mailing  
22 you're sending?

23 A. Yes.

24 Q. So just one?

25 A. Yes.

1 Q. You also mentioned a few minutes ago that you  
2 attended a meeting of election officials.

3 A. Correct.

4 Q. What was that meeting?

5 A. Election Officials of Arizona during the AACO  
6 meeting in Phoenix.

7 Q. During which meeting?

8 A. It's Arizona Association of Counties and we  
9 have our departmental meetings, annual meetings.

10 Q. And when was that?

11 A. I believe it was in June. I think June.

12 Q. And were election officials from all 15  
13 Arizona counties in attendance?

14 A. I believe each one was represented there,  
15 yes.

16 Q. The Secretary of State's procedures provide  
17 for conditional provisional ballots for voters who don't  
18 bring sufficient identification to the polls, is that  
19 correct?

20 A. That's correct.

21 Q. And a person who receives a conditional  
22 provisional ballot must return to the Recorder's Office  
23 or another place designated by the recorder or perhaps  
24 by the Elections Department to show identification for  
25 that ballot to be counted, correct?

# EXHIBIT 29

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

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MARIA M. GONZALEZ, et al.,	)	
	)	Case No.:
Plaintiffs,	)	
	)	CV-06-1268-PHX-ROS
vs.	)	
	)	
STATE OF ARIZONA, et al.,	)	
	)	
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.	)	
<hr/>		

DEPOSITION OF F. ANN RODRIGUEZ

August 2, 2006

Tucson, Arizona

REPORTED BY: KATHRYN A. LORENZ, CR NO. 50738  
UNITED COURT REPORTERS, INC.  
Court Reporting Service

(520) 792-2600 or (800) 759-9075

CONFERENCE ROOMS:                   MAILING ADDRESS:  
Suite 200                               P.O. Box 17507

177 North Church Avenue           Tucson, Arizona 85731

1           A.    20 asks for certificate of naturalization  
2           number.

3           Q.    Okay.  I'm going to refer you back to PIM 2,  
4           which is your flier on your website.

5           A.    Mm-hmm.

6           Q.    Can you read to me what you have written for  
7           Item 5.

8           A.    "A legible photocopy of United States  
9           naturalization documents or the number of the  
10          certificate of naturalization.  If only the number is  
11          provided, it will need to be verified before the voter  
12          registration can be processed."

13          Q.    Now I'm going to refer you to PIM 1, which is  
14          the -- and this, of course, is the Prop 200 as it is  
15          embodied in law.

16          A.    Mm-hmm.

17          Q.    And I would like you to look at A.R.S. 16-166,  
18          Section F, No. 4.  Can you read me that first sentence  
19          there?

20          A.    "A presentation to the county recorder of the  
21          applicant's United States naturalization documents or  
22          the number of the certification of naturalization."

23          Q.    Okay.  So is it correct to say, then, that  
24          Proposition 200 requires the number of the certificate  
25          of naturalization?

1 A. That is correct.

2 Q. And following Proposition 200, your flier on  
3 your website asks for the number of the certificate of  
4 naturalization.

5 A. That is correct.

6 Q. And following Proposition 200, the state's  
7 standard form which you use also asks for the number of  
8 the certificate of naturalization. Is that right?

9 A. That is correct.

10 Q. And is it possible for your office to verify,  
11 with the Department of Homeland Security, citizenship by  
12 using the number of the certificate of naturalization?

13 A. You are referring to the scroll number?

14 Q. Yes.

15 A. Yes, because we tried that one, too, and it  
16 means nothing.

17 Q. So is it possible for you, as the Pima County  
18 recorder, to carry out the language of the statute which  
19 requires you to verify the certificate of naturalization  
20 number?

21 A. We cannot verify the certificate of  
22 naturalization number. We can only do what is called  
23 the alien registration number. And we have another  
24 standard form letter for that.

25 Q. Okay. Can you find in PIM 1, which is the

1 A. That's the discretion of the recorder.

2 Q. Do you know if other recorders are also  
3 thinking about targeting their early-voting sites to  
4 certain special populations that may lack voter I.D.,  
5 such as Native Americans or other groups?

6 A. I've shared what I've been doing for the  
7 Tohono O'odham Nation. I'm not sure what specifically  
8 either Navajo or Apache County are doing, or  
9 Coconino County, because they do have a large  
10 Native Americans. Again, the Native Americans cross two  
11 county lines. I expressed to them what I am personally  
12 doing, and they wanted to be creative and do it.

13 It's a little bit easier for me because  
14 it's -- the district lines follow our precinct lines, so  
15 it makes it a little bit easier. So I'm -- of course,  
16 then you are dealing with the area where they live at.  
17 I know from the Coconino County is extremely difficult  
18 to do with the -- I can't remember the name of the tribe  
19 that's at the bottom of the Grand Canyon. Yeah, that  
20 one is a very difficult area to get into.

21 MR. ORTEGA: Paiute.

22 THE WITNESS: Paiute. Okay. It's a very  
23 small. Because she's told me what they have to go on  
24 election day -- on election day. So I'm aware of that  
25 one. And again, some of the remote sites that they

1 That's why I know where the certain areas were.

2 Q. Did the study that you're describing show that  
3 Latinos were more likely to be bus riders?

4 A. Based on the maps that I have seen, based on  
5 where the Latin community, Hispanic community is  
6 referred to it, are populated at, they were major  
7 pockets of the community that required this as well as  
8 the service that we were going to be having to provide  
9 for the Tohono O'odham Nation in Sells, coming from  
10 Sells daily now.

11 Q. Would you say that there are members of the  
12 Tohono O'odham Nation who don't have a car?

13 A. That I do know, because I know, from working  
14 with the Tohono O'odham Nation, that the nation provides  
15 transportation for a lot of their own people. They did  
16 that for our early-voting sites, they would transport  
17 them in. As well as we're working them now, they will  
18 provide vehicles to transport people in from remote  
19 sites going into the various district. Each legislative  
20 district member is to coordinate with their members.  
21 They know what days we'll be at these early-voting sites  
22 and transporting their citizens to these various  
23 communities.

24 Q. Can you tell me the name of the regional  
25 transportation study or commission or...

1 Q. And what information is contained on that  
2 card?

3 A. Their number, their picture, their signature,  
4 the seal, and I think their district name. I think  
5 that's all that's on there. It's been a while since  
6 I've seen it.

7 Q. Do you know if the Pascua Yaqui issue a tribal  
8 enrollment number?

9 A. I'm not sure I'm positive of that one. It did  
10 come up in my presentation with them, that they are  
11 considering doing something that would have their  
12 residential address. The Pascua Yaqui nation, you have  
13 to understand, is within addressing capabilities.  
14 Everybody has an address of some sort.

15 Q. Let me just ask you a series of summary  
16 questions, and then I believe that's all I have.

17 Would you agree with me that not all citizens  
18 who are eligible to register to vote in Pima County  
19 possess an Arizona driver's license or a non-operator's  
20 license that was issued after October 1st of 1996?

21 A. That's true.

22 Q. And would you agree with me that not every  
23 citizen who is eligible to vote in Pima County possesses  
24 or has access to a birth certificate?

25 A. I agree.

1 Q. Would you agree with me that not every citizen  
2 who is eligible to register to vote in Pima County  
3 possesses a U.S. passport?

4 A. I'm one. I agree.

5 Q. Would you agree with me that not every citizen  
6 eligible to vote in Pima County possesses naturalization  
7 documents or tribal I.D.?

8 A. Agree.

9 Q. And would you agree with me that not every  
10 citizen eligible to register to vote in Pima County  
11 possesses at least one form of the I.D. necessary to  
12 register?

13 A. I probably -- they may not have one form,  
14 yeah.

15 MR. SILVERMAN: That's all the questions that  
16 I have. Thank you very much.

17 MS. RAPP: Peter, do you have anything?

18 MR. SILVERMAN: I don't. Thank you very much.

19 MS. RAPP: Colleen, do you have anything?

20 MS. CONNOR: No. Thank you.

21 MS. RAPP: I don't have any questions for you  
22 either, Ms. Rodriguez.

# EXHIBIT 30



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**Maricopa County Voter Registration Procedures**

4. When the Elections Department ("Department") receives a new and complete voter registration form, the registration is first checked to determine that the registration contains the five elements required by A.R.S. § 16-121.01, which are the name, residence address, date of birth, signature of the registrant, and an affirmative indicator to the question regarding citizenship. The Department then determines if the registration is accompanied by satisfactory evidence of United States citizenship as prescribed in A.R.S. § 16-166(F).

5. When the registrant provides his or her driver's license number as proof of citizenship, the Department sends the number to the secretary of state who accesses the motor vehicle division database to determine the registrant's citizenship status. The secretary of state then informs the Department of the results within one business day of receiving the number. The voter's date of registration is not delayed for the time needed to prove citizenship. For example, a registrant who submits a complete voter registration form to the Department on the last day to register to vote in a particular election, 29 days before the election, will be eligible to vote in that election even if the citizenship verification process takes 1 or 2 days.

6. If the registrant submits a copy of his or her birth certificate, U.S. Passport, or any other personal documentation with the voter registration, the Department destroys the personal documents after verifying the registrants

1 citizenship two years following receipt as prescribed in A.R.S. § 16-166(J).

2           7.     When a voter registration form is rejected because the registrant  
3 does not provide proof of citizenship, he or she is immediately notified by letter  
4 that the registration has been rejected. This notification letter lists the acceptable  
5 identification that must be provided with the registration to prove citizenship and  
6 the Department encloses a new voter registration form along with a business  
7 reply envelope. The Department does not keep track of those registrants who  
8 were first rejected for failure to prove citizenship, but later successfully completed  
9 a voter registration form with the required proof of citizenship.

10           8.     The Department has never distributed the federal voter registration  
11 form. Rather, the Department distributes the state mail-in registration form in  
12 accordance with A.R.S. § 16-131(B). But the Department will accept a complete  
13 federal voter registration form as well as fourteen (14) other types of voter  
14 registration forms that are currently in circulation. For instance, the various voter  
15 registration forms that are accepted include the current state mail-in registration  
16 form (available since July 2005); previous versions of the state mail-in  
17 registration form; Federal Post Card Application (A.R.S. § 16-103(B)); and  
18 Federal Write-In Early Ballot (A.R.S. §16-103(E)). The procedure used by the  
19 Department to process voter registration forms is applied uniformly for all fifteen  
20 (15) types of voter registration forms.

21  
22

1 **Voter Registration Figures Since Proposition 200**

2 9. Maricopa County's voters constitute 58% of all the registered voters  
3 in the State of Arizona as of March 1, 2006. From January 1, 2005 through May  
4 19, 2006, the Department received a total of 46,529 new voter registrations.  
5 During that same period, the Department has rejected only one federal voter  
6 registration form that lacked the proof of citizenship.

7 10. The majority of new voter registrants prove their citizenship simply  
8 by providing their Arizona driver's license number or nonoperating identification  
9 license number. For example, in 2005, the Department received 32,420 new  
10 voter registration forms, and less than 10%, or 3,228, of new voter registrations  
11 were submitted with proper proof of citizenship other than a driver's license  
12 number or nonoperating identification license number. So far in 2006, only 9% of  
13 new registrations are received with proper documentation other than a driver's  
14 license number or nonoperating identification license number.

15 11. In 2005, the Maricopa County Recorder Helen Purcell referred 159  
16 matters to the Maricopa County Attorney Andrew Thomas where there was  
17 evidence that non-citizens had registered to vote. In August of 2005, the County  
18 Attorney announced that ten non-citizens had been charged in felony criminal  
19 complaints for falsely filing voter registration forms claiming they were in fact  
20 United States citizens. Four of the Defendants had actually voted in an election.  
21  
22

1 Further, your affiant sayeth not.

2

*Karen Osborne*

3

Karen Osborne  
Maricopa County Elections Director

4

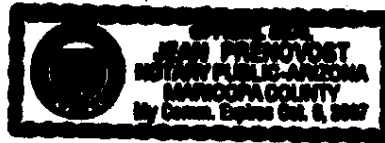
5 SUBSCRIBED AND SWORN to before me this 31<sup>st</sup> day of May, 2006.

6

*Jeani P. P. P.*  
NOTARY PUBLIC

7

My Commission Expires:



8

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S:\COUNSEL\Civil\Staff\CONNOR\Identification Requirements\Gonzales v. Brewer MALDEF\Affidavit of Osborne.doc

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# EXHIBIT 31

I.N.S. LETTER Updated 7/11/2006

DATE	NAME	BIRTH COUNTRY	VOTER I.D.-AFF*	REGISTERED?	VOTED?
7/10/2006	ARCE, ALMA LORENIA	UNKNOWN	N/A	N	N
4/17/2006	BADALIAN, GEORGE			Y	Y
6/8/2006	BELTRAN-DUARTE, RODOLFO	UNKNOWN	N/A	N	N
8/25/2003	BENAVIDEZ, DANIEL GOMEZ			Y	Y
8/13/2003	BUSHONG, LETICIA AVILA			Y	Y
5/27/2005	CARCAMO, CARLOS ALBERTO			Y	N
3/4/2004	CASTANEDA, ALBERTO	UNKNOWN		Y	N
8/2/2005	CASTILLO JR., EMILO R.			Y	N
4/27/2005	DAG, MURAT			Y	N
8/12/2003	FARAHANI, KAMRAN			Y	N
3/2/2005	GENTRY, EUGENIA			Y	Y
9/30/2003	GONZALES, BLANCA N.			Y	Y
2/13/2004	GUTIERREZ, FREDY A.	UNKNOWN	N/A	N	N
8/13/2003	GUTIERREZ, JUAN MANUEL	UNKNOWN	N/A	N	N
9/24/2003	HE, HAI BO	UNKNOWN	N/A	N	N
1/3/2005	HERNANDEZ, JUAN CARLOS			Y	N
5/15/2006	HERNANDEZ, MIRIAM			Y	N
5/15/2006	HERNANDEZ-JBARRA, MIRIAM			Y	N
5/13/2005	HIDALGO, EDGAR			Y	N
4/17/2006	HIGGINS, FRANCIS HENRY			Y	N
8/25/2003	HOLQUIN, JESUS M.			Y	Y
3/7/2006	JOHNSON, FAIZAL B.			Y	N
8/7/2003	LE, TAM THANH	UNKNOWN	N/A	N	N
9/29/2003	LEAL, VICTOR	UNKNOWN	N/A	N	N
9/28/2004	LOPEZ, RICARDO	UNKNOWN		Y	N
7/14/2004	LYN, DIANA P.	UNKNOWN		Y	N
12/22/2003	MEJIA, ERASMO			Y	Y
2/23/2004	MIHAYLOV, ANTONIY MIHAYLOV			Y	N
5/26/2005	NEVAREZ, MATIAS			Y	Y
5/27/2005	NGUYEN, HUONG THI HOAI			Y	N
3/26/2004	NOWAK, DEZE			Y	Y
8/22/2005	OLIVA, FRANCISCO JAVIER	UNKNOWN	N/A	N	N
5/26/2005	OSORIO, JOSE LUIS	UNKNOWN	N/A	N	N
11/18/2005	PANAMENO, JOSE G.(PALACIOS)	UNKNOWN	N/A	N	N
5/23/2006	PAT, JOHN N.			Y	N
8/15/2003	PATE, HAYDEE (CONDE-LOGAN)			Y	Y
8/13/2003	PATEL, REKHAKUMARI	UNKNOWN	N/A	N	N

8/24/2004	PEREZ, MARIO ALBERTO	UNKNOWN	N/A	N	N
8/24/2004	PORTALES, RICARDO ANTONIQ	UNKNOWN		Y	N
11/14/2005	QUINTERO, FABIOLA	UNKNOWN	N/A	N	N
8/16/2005	RABBANI, DANESH R.			Y	Y
8/16/2005	RABBANI, DINSHAH R.			Y	Y
3/30/2006	RAMIREZ, EDUARDO	UNKNOWN		Y	Y
11/21/2005	RAMNATH, SYLVIA JASSODRA HARRYLAL			Y	Y
8/21/2005	REYES, MANUEL DE JESUS	UNKNOWN		Y	N
10/9/2003	SANTIAGO, MARIA SANCHEZ			Y	N
3/24/2005	SOPA, AVDI	UNKNOWN	N/A	N	N
5/9/2005	SUAREZ, JORGE ANTONIO	UNKNOWN	N/A	N	N
1/4/2005	TAPIA, PATRICIA	UNKNOWN		Y	N
9/6/2005	TARANGO, ANDY ONTIVEROS	UNKNOWN		Y	N
2/23/2006	TERRAZAS, (aka CARRASCO), OCTAVIO	UNKNOWN	N/A	N	N
2/18/2005	TORRES, GLADIS MERICIA			Y	Y
1/19/2005	VASQUEZ-CASTANO, JUAN	UNKNOWN	N/A	N	N
10/6/2003	WATSON, CHARMAINE R.			Y	N



Maricopa County  
Office of the Recorder

111 South 3rd Avenue  
Phoenix, Arizona 85003-2281  
Phone: (602) 506-3535  
Fax: (602) 506-3275

February

2005 FEB -3 PM 4: 30  
RECEIVED  
MARICOPA CNTY ATTY  
ADMINISTRATION

Honorable Andrew Thomas  
Maricopa County Attorney  
301 West Jefferson Street  
Phoenix, AZ 85003

Dear Mr. Thomas:

Attached please find documentation from the Jury Commissioner identifying 22 individuals who have sworn under oath to the Jury Commissioner that they are not citizens of the United States and cannot perform their jury duties. Attached to each juror affidavit questionnaire is a copy of their voter registration.

Additionally, there are seven juror questionnaires provided to us by the Jury Commissioner which indicate that they are not citizens of the US. These individuals show a voting history in Maricopa County. Attached to each of these juror affidavit questionnaires is their registration and proof of their voting at their polling place.

All of these voters have had their registrations cancelled and have been notified. The juror questionnaires are dated July 28, 2004 - October 7, 2004.

It has been our experience in the past that upon notification, many of the potential jurors were not being candid with the Jury Commissioner about their citizenship status simply to get out of jury duty.

We provide you with this information for whatever investigation and action you deem appropriate.

Sincerely,

Helen Purcell  
County Recorder

Karen Osborne  
Elections Director

HP:KO:dk

Gonzalez / Brewer  
Maricopa 11315

RECEIVED  
COUNTY COUNSEL  
2005 FEB -3 PM 3:51  
MARICOPA COUNTY  
ATTORNEY'S OFFICE  
000007

Did Not Vote	Country	Bid Vote	Country	Voting History
Ames, Roberto Carlos		Blancas, Margarito H.		G-2000
Argueta, Herbert		Durst, Mary Caroline	none shown	G-2000, PG - 2004
Baribo, Francisco M.		Leipons, Irma Lugo		G-2004
Bustos, Olga		Morales, Esequiel L. Jr.		BTBV - didn't count G-2000
Contreras, Christobal		Oleiro, Josephine		G-2004
Espinoza, Magdiel		Rivera, Israel Tenea		G-2004
Ethan, Renate		Rodr, Belinda Christena		G- 2000, 2002, 2004
Faguet, Briac Loic Jacques				
Flores, Lydia				
Hernandez, Yvonne				
Jauregui, Jose Guadalupe				
Magallanes, Carlos				
Mallu, Tevita Heinjli				
Morales, Victor Manuel Enciso				
Pardo, Gerardo				
Rivera, Enrique				
Thangaraju, Arun				
Torres, Maria				
Valle, Jorge Arturo				
Verdugo, Gilberto Villa				
Vojvadic, Igor				
Yepiz, Blanca Leticia				

Gonzalez / Brewer  
Maticopa 11316

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**Tammy Patrick - RISCX**

---

**From:** Tammy Patrick - RISCX

**Sent:** Tuesday, December 07, 2004 12:20 PM

**To:** Amy Putman - RISCX; Linda Weedon - RISCX; Mitch Etter - RISCX

**Subject:** voter reg info

nspector called in and said that on Election Day this woman's husband came in to vote and questioned why his wife was on the rolls as he states she is not a US citizen and has never filled out a voter registration form:

**Gonzalez / Brewer  
Maricopa 12477**

7/13/2006

Auto Viewer - Signature Verification

Zoom Print Exit

BOX BELOW F

Are you a U.S. citizen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>If you checked NO, do NOT complete this form.</i>	-99
Are you a convicted felon? If YES, do NOT complete this form unless your civil rights are restored.	

Last Name <b>Farrell</b>	First Name <b>Nina</b>
-----------------------------	---------------------------

Address where you live (house number, street, apt/unit number; if no street address, describe residence location use Do not use post office box or business address. Draw a map below if located in rural area. Include apt. number/

REDACTED

City <b>11</b>	County <b>Maricopa</b>	Address where you get your
----------------	------------------------	----------------------------

Birth Date (Month/Day/Year) <b>1/15</b>	Sex <b>M</b>	Father's name	Mother's maiden name
--	--------------	---------------	----------------------

Specify Party Preference If none, check box <input checked="" type="checkbox"/> <b>PRO</b>	Occupation <b>29</b>	Last 4 digits of
---	-------------------------	------------------

Are you registered to vote at another address? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure	If your name
List the former address, including county and state	

Voter Declaration - By signing below, I swear or affirm that the following is true:

- I am a CITIZEN of the United States
- I am a RESIDENT of Arizona and the above named county
- I will be at least 18 YEARS OF AGE by the next general election
- I am NOT a convicted FELON, or my civil rights are restored
- I have NOT been adjudicated INCOMPETENT (A.R.S. § 14-5101)
- Warning: Executing a false registration is a class 6 felony.

SIGN HERE:

X

[Redacted Signature]

Date: **9/20**

If you are unable to sign the form, the form can be completed at your direction. The person who assisted you must

Signature of person assisting: \_\_\_\_\_ Date: \_\_\_\_\_

Would you be willing to work at a polling place on election day?  yes  no

<Remove tape and fold to mail

Gonzalez / Brewer  
Maricopa 12478

# EXHIBIT 32

1 OSBORN MALEDON, P.A.  
2 2929 North Central Avenue, 21st Floor  
3 Phoenix, Arizona 85012-2793  
4 Telephone: (602) 640-9000

5 David B. Rosenbaum (009819)  
6 drosenbaum@omlaw.com  
7 Thomas L. Hudson (014485)  
8 thudson@omlaw.com  
9 Sara S. Greene (022706)  
10 sgreene@omlaw.com

11 STEPTOE & JOHNSON LLP  
12 Collier Center  
13 201 East Washington Street, Suite 1600  
14 Phoenix, Arizona 85004-2382  
15 Telephone: (602) 257-5200  
16 Facsimile: (602) 257-5299

17 David J. Bodney (006065)  
18 dbodney@steptoe.com  
19 Karen J. Hartman-Tellez (021121)  
20 khartman@steptoe.com

21 Attorneys for The Inter Tribal Council  
22 of Arizona, Inc., et al.

23 UNITED STATES DISTRICT COURT  
24 DISTRICT OF ARIZONA

25 Maria M. Gonzalez, et al.,  
26  
27 Plaintiffs,

28 vs.

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

32 Defendants.

33 The Inter Tribal Council of Arizona,  
34 Inc., et al.

35 Plaintiffs,

36 vs.

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

39 Defendant.

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

**DECLARATION OF  
KRISTIN BATEMAN**

1 I, Kristin Bateman, hereby declare:

2 1. I am Deputy Director of Election Protection for People For the American  
3 Way Foundation ("PFAW Foundation"). I make this Declaration in support of Plaintiffs'  
4 Motion for Preliminary Injunction in *Gonzalez, et al. v. State of Arizona, et al.*

5 2. I have personal knowledge of the statements herein and, if called upon to do  
6 so, could and would testify competently thereto.

7  
8 3. PFAW Foundation is a leading organization of the Election Protection  
9 coalition, a coalition comprised of a large group of national nonprofit organizations  
10 committed to protecting the right to vote and ensuring fair elections.

11  
12 4. PFAW Foundation's work on election protection includes ensuring that every  
13 eligible citizen is registered to vote, is able to vote and has their vote counted. This work  
14 includes voter registration and outreach efforts primarily conducted in minority  
15 communities that have been historically disenfranchised.

16  
17 5. As part of my duties, I am involved in and am knowledgeable about the  
18 organization's non-partisan voter registration efforts in Florida, Ohio, Pennsylvania and  
19 Arizona, which primarily consist of organized door-to-door voter registration, canvassing  
20 and mobilization operations in historically disenfranchised communities.

21  
22 6. PFAW Foundation has conducted voter registration activities in the State of  
23 Arizona and plans to continue voter registration activities in the state, particularly in the  
24 Tucson area.

25  
26 7. In March 2006, I traveled to Phoenix, Arizona and directed PFAW  
27 Foundation's election protection work during the March 14, 2006 special elections in the  
28 City of Phoenix, which included voter registration. In the days leading up to that election,

1 members of PFAW Foundation staff conducted canvassing operations in largely Hispanic  
2 neighborhoods and registered voters using registration forms provided by the State of  
3 Arizona.

4 8. Our efforts during and since that time, have been significantly hampered by  
5 the Arizona Taxpayer and Citizen Protection Act which requires documentary proof of  
6 citizenship for voter registration applications.  
7

8 9. Because our organization was told by county election officials in the days  
9 leading up to that election that submission of the Federal Mail Voter Registration Form  
10 without the documentary proof of citizenship required by the Arizona Taxpayer and  
11 Citizen Protection Act would be rejected, we did not and could not use the federal form.  
12

13 10. PFAW Foundation does not have the resources to supply photocopying  
14 equipment or mobile scanners for its voter registration activities, which primarily take  
15 place on sidewalks outside neighborhood markets and major retail centers or through door-  
16 to-door outreach, and does not have the manpower to assist and follow-up with voters who  
17 need to obtain acceptable documentary proof of citizenship in order to register to vote.  
18

19 11. Arizona's refusal to accept the federal form and its requirement of  
20 documentary proof of citizenship for newly registered voters has harmed and will continue  
21 to harm PFAW Foundation's voter registration activities in the State of Arizona.  
22

23 I declare under penalty of perjury that the foregoing is true and correct.

24 EXECUTED this 3<sup>rd</sup> day of August, 2006, in Washington, DC.  
25

26   
27 Kristin Batenfen  
28