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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Maria M. Gonzalez, et al.,

NO. CV06-1268-PHX-ROS
NO. CV06-1362-PCT-JAT

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Plaintiffs,

INDEX

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v.

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State of Arizona, et al.,

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Defendants.

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Exhibit No. 1: Correspondence from Nina Perales, dated July 11, 2007;

1 Exhibit No. 2: Correspondence from Colleen Connor, dated July 13,
2 2007.

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EXHIBIT 1

**Correspondence from Nina Perales
dated July 11, 2007**



MALDEF

Mexican American Legal Defense and Educational Fund

San Antonio
Regional Office
110 Broadway
Suite 300
San Antonio, TX 78205
Tel: 210.224.5476
Fax: 210.224.5382

July 11, 2007

National Headquarters
Los Angeles
Regional Office
634 S. Spring Street
Los Angeles, CA 90014
Tel: 213.629.2512
Fax: 213.629.0996

Ms. Colleen Connor
Deputy County Attorney
Civil Division
222 North Central Ave., Suite 1100
Phoenix, AZ 85004-2206

Atlanta
Regional Office
41 Marietta Street
Suite 1000
Atlanta, GA 30305
Tel: 678.559.1071
Fax: 678.559.1079

Dear Ms. Connor:

Chicago
Regional Office
11 East Adams Street
Suite 700
Chicago, IL 60603
Tel: 312.427.0701
Fax: 312.427.0691

In preparation for the upcoming scheduling conference in this case, I write to inquire whether you plan to produce unredacted voter registration applications requested by Gonzalez Plaintiffs. As you know, Gonzalez Plaintiffs sent Maricopa County Defendants their First Request for Production of Documents on July 10, 2006 requesting copies of voter registration forms that were rejected for failure to provide documentary proof of citizenship pursuant to Proposition 200. In response, you produced forms on which information was redacted.

Washington, D.C.
Regional Office
1717 K Street, NW
Suite 311
Washington, DC 20006
Tel: 202.298.2828
Fax: 202.298.2840

Gonzalez Plaintiffs maintain that the information we seek on these forms, and which you have redacted, is critical to an analysis of the implementation of Proposition 200 and its impact on voter registration in Arizona. For this reason, we sought to address your concerns regarding confidentiality and negotiated with you a stipulation of confidentiality which was filed with the Court by Maricopa County on August 10, 2006. However, Maricopa County did not produce the unredacted information sought in the First Request for Production and instead stated in its privilege log of August 21, 2006 that it was withholding the information.

Houston
Program Office
Ripley House
4410 Navigation
Suite 118
Houston, TX 77011
Tel: 713.315-6494
Fax: 713.315-6404

In our May 14, 2007 conference call with all parties we again raised the issue of Maricopa County's failure to produce the complete voter registration forms sought in the First Request for Production of Documents. We have received no response regarding any plans by Maricopa County to provide unredacted forms. Please let me know if Maricopa County plans to produce the requested documents so that we will be ready to discuss the issue with the Court on August 3.

Sacramento
Satellite Office
1107 9th Street
Suite 240
Sacramento, CA 95814
Tel: 916.443.7531
Fax: 916.443.1541

Sincerely,

Nina Perales

Southwest Regional Counsel

EXHIBIT 2

**Correspondence from Colleen Connor
dated July 13, 2007**



Maricopa County Attorney

ANDREW P. THOMAS

July 13, 2007

Nina Perales
MEXICAN AMERICAN LEGAL
DEFENSE AND EDUCATIONAL FUND
110 Broadway, Suite 300
San Antonio, TX 78205

Re: Redacted Voter Registration Forms

Dear Ms. Perales:

I am writing in response to your July 11, 2007 letter in which you inquired about Maricopa County producing unredacted copies of voter registration forms. As we have maintained throughout this litigation, Arizona law strictly limits access and reproduction of information contained in voter registration records. A.R.S. § 16-168(F). Public officials may not violate the plain terms of a statute and have the duty to enforce the law as it is written. *Button v. Nevin*, 44 Ariz. 247, 257, 36 P.2d 568, 571 (1934). Accordingly, the county recorders will continue to comply with Arizona law by redacting the voter registration forms as mandated by statute.

While voter registration records are available for public inspection at the office of the county recorder, certain information contained in the records "shall not be accessible or reproduced by any person other than the voter, by an authorized government official in the scope of the official's duties, for signature verification on petitions and candidate filings, for election purposes and for news gathering purposes by a person engaged in newspaper, radio, television or reportorial work, or connected with or employed by a newspaper, radio or television station or pursuant to a court order." A.R.S. § 16-168(F). Because the Gonzalez Plaintiffs do not fall into any of the above-referenced categories, the county recorder is prohibited from allowing access to the "the month and day of birth date, the social security number or any portion thereof, the driver license number or nonoperating identification license number, the unique identifying number prescribed by this section, the Indian census number, the father's name or mother's maiden name, the state or country of birth and the records containing a voter's signature." A.R.S. § 16-168(F). Violating subsections (E) or (F) is a class 6 felony. A.R.S. § 16-168 (F). These very specific restrictions and the criminal penalty for violation highlight the legislature's intentional restriction on access to voter records.

Civil Division

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Voter records are an area where special concerns have prompted the enactment of special legislation to protect privacy and encourage voter participation. *See Phoenix Newspapers, Inc., v. Purcell*, 187 Ariz. 74, 79, 927 P.2d 340, 345 (App. 1996) *cert. denied*, 188 Ariz. 257, 934 P.2d 1349 (1997).

A.R.S. § 16-168 protects registered voters from unwanted intrusions into their privacy caused by the wholesale distribution of registration information. Copies of the lists used for non-commercial purposes, unrelated to campaigns and elections, could lead to annoying situations for registered voters. . . . Such uses might discourage some citizens from registering to vote while public policy strongly advocates greater voter registration and participation. This result would run counter to the perceived legislative purpose of enacting section 16-168(E) to encourage and facilitate public elections.

Id. With the Arizona Legislature's express restriction on access and disclosure of personal information contained in a voter registration form, the county recorder has no authority to thwart this clear mandate by agreeing to release this information.

Furthermore, the confidentiality agreement negotiated and signed in August 2006 provided that all parties to the litigation would hold all information obtained from voter registration forms in the highest confidence. For the policy reasons expressed in *Phoenix Newspapers, Inc., v. Purcell*, the stipulation provided that the information obtained from the voter registration form would not be used to contact individuals who attempted to register to vote, which may discourage participation in the electoral process. The Stipulation of Confidentiality, however, did not indicate that the information deemed confidential by the Arizona Legislature would be shared with the parties. Therefore, Maricopa County will continue to produce redacted copies of voter registration forms until otherwise directed by a court.

Very truly yours,

MARICOPA COUNTY ATTORNEY
CIVIL DIVISION



Colleen Connor
Deputy County Attorney