PUBLIC SUBMISSION

Docket: EAC-2013-0004
National Mail Voter Registration Form

Comment On: EAC-2013-0004-0001
National Mail Voter Registration Form: State Requests to Include Additional Proof-of-Citizenship Instructions

Document: EAC-2013-0004-0375
Comment from Julie Ebenstein

Submitter Information

Name: Julie Ebenstein
Address:
   125 Broad Street, 18th Fl.
   New York, NY, 10004
Email: jebenstein@aclu.org
Phone: 212-549-2500
Organization: ACLU

General Comment

Please see attached letter.

Attachments

ACLU EAC comment 1 3 14 - FINAL
January 3, 2014

VIA THE FEDERAL eRULEMAKING PORTAL www.regulations.gov
NVRA Federal Form Comments [EAC-2013-0004]
US Election Assistance Commission
1335 East West Highway, Suite 4300
Silver Springs, MD 20910

Re: ACLU Comments Opposing State Requests to Include Additional Proof-of-Citizenship Instructions on the National Voter Registration Form, 78 Fed. Reg. 77666, Docket ID number EAC-2013-004

Dear U.S. Election Assistance Commission,

The American Civil Liberties Union (ACLU), on behalf of its over half a million members, countless additional supporters and activists, and fifty-three affiliates nationwide, is pleased to these comments to the Election Assistance Commission.

Arizona, Georgia and Kansas have applied to the Election Assistance Commission (“EAC”) to modify state-specific instructions on the National Voter Registration Form (“Federal Form”) to include state law requirements that, as a precondition to registering to vote in Federal elections, applicants submit additional documentary proof of their U.S. citizenship. Instructions requiring voter registration applicants to provide additional proof of U.S. citizenship beyond that already required by the Federal Form is an unnecessary hurdle that will prevent eligible voters from participating in Federal elections, in contravention of the purposes of the National Voter Registration Act of 1993 (“NVRA”). The burdens from this unnecessary requirement will discourage voter registration and participation, and will fall heavily on first-time voters.

The ACLU is a nationwide, non-partisan organization working daily in courts, Congress, state legislatures, and communities across the country to defend and preserve the civil rights and liberties that the Constitution and laws of the United States guarantee everyone in this country. The ACLU works at the federal, state, and local level to lobby, litigate, and conduct public education in order to both expand opportunities and to prevent barriers to the ballot box.
Established in 1965, the ACLU Voting Rights Project has litigated over 300 voting rights cases, and has aggressively and successfully challenged states’ efforts that impose unconstitutional burdens on the right to vote. The ACLU is also engaged in state-level advocacy on voting and election reform all across the country. In addition, the ACLU’s Washington Legislative Office is engaged in federal advocacy before Congress and the executive branch on a variety of federal voting rights matters.

I. The States’ Requests Are Overly Burdensome

In recent years, the EAC has received requests from Georgia, Kansas and Arizona to include State-specific instructions on the Federal Form requiring voter registration applicants in those states to supply additional proof of their United States citizenship as a precondition to registration.

   a. Georgia

Georgia has not pointed to any evidence of widespread voter fraud by non-citizens using the Federal Form to register to vote. On August 1, 2013, Georgia submitted a letter to the United States Election Assistance Commission (“EAC”) seeking revision of the state-specific instructions in the Federal Form to require Georgia voters to provide “satisfactory evidence” (i.e., documentary proof) of U.S. citizenship in order to register to vote. The letter claimed that the alteration is “necessary to enable state election officials to assess the eligibility of an applicant and to administer voter registration.” Georgia’s claims of necessity are simply unsupported by the facts; indeed, the letter itself provides none. The state’s request that it be allowed to require documentary proof of citizenship for those seeking to register to vote using the Federal Form should be denied.

   b. Kansas

There is not a single documented case of a non-citizen using the Federal Form to register to vote and then casting a ballot illegally in Kansas. Although there is no evidence of non-citizens illegally casting votes in Kansas, on August 9, 2012, Kansas sent a letter requesting that the EAC seeking a state specific instruction that an applicant “must provide qualifying evidence of U.S. citizenship” to register to vote. On January 1, 2013, that requirement became effective for Kansas state registration. Kansas provides a telling example of the unnecessary disenfranchisement that comes with adding burdensome documentary proof of citizenship requirements. Kansas has already prevented the registration of thousands of voters by requiring

---


3 K.S.A. § 25-2309.
additional documentary proof of citizenship for state elections. In 2013, 19,348 applicants\textsuperscript{4} had their applications placed “in suspense” because they did not provide documentation of citizenship.

c. Arizona

On December 12, 2005, Arizona requested that the Election Assistance Commission add a state-specific instruction to the Federal Form. On March 6, 2006, the EAC considered and rejected Arizona’s request to change the state-specific instructions on the Federal Form to require additional documentary evidence of citizenship in order to register for election of federal offices. The EAC noted that “Congress specifically considered whether states should retain authority to require that registrants provide proof of citizenship, but rejected the idea as ‘not necessary or consistent with the purposes of [the NVRA].’”\textsuperscript{5} Arizona has not appealed that decision.

II. Adding the Requested State Instruction Violates the NVRA

Kansas, Georgia, and Arizona have enforced voter qualifications for two decades without this documentary proof of citizenship requirement, and all other states continue to determine citizenship without an additional instruction on the Federal Form. The states’ requested modification of the federal form state-specific instructions violates the requirements of the NVRA and contravenes the express statutory purposes.

\textit{a. The NVRA mandates that the Federal Form “may require only” information “necessary” to assess citizenship. An instruction requiring additional proof of U.S. citizenship is not necessary.}

The NVRA established a national mail-in registration application for federal elections (the Federal Form), prescribed by the EAC. The EAC does not have discretion to require additional information and documentary evidence that is not necessary to enable state election officials to assess eligibility.

The EAC’s discretion in developing the content of the Federal Form is constrained by several federal statutory requirements. For instance, the Federal Form “may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process.”\textsuperscript{6} As such, Section 7(b)(1) allows for the EAC to include in the Federal Form only that information strictly necessary to determine citizenship.\textsuperscript{7}


\textsuperscript{5} Letter from Thomas R. Wilkey, EAC Executive Director, to Jan Brewer, Arizona Secretary of State, Mar. 6, 2006, at 3, available at \url{http://moritz.law.osu.edu/blogs/tokaji/AZ%20NVRA%20Letter%203-6-06.pdf} (citation omitted).

\textsuperscript{6} 42 U.S.C. § 1973gg-7(b)(1) (emphasis added).

\textsuperscript{7} See Arizona v. Inter-Tribal Council of Arizona, 133 S. Ct. 2247, 2259 (2013).
For many years, state election officials have been able to assess applicants’ eligibility and to administer voter registration without requiring the additional documentary evidence of citizenship, and many continue to do so for particular classes of applicants.

1. *The additional documentation of citizenship requirements only apply to some voters, which demonstrates the non-necessity of the requirement.*

Under the new state laws requiring proof of citizenship, Kansas, Georgia and Arizona exempt a large number of voters from the new documentary proof of citizenship requirements. This calls into question the states’ purported need for such a requirement for purposes of election administration. The states’ application of the proof of citizenship requirement only to certain classes of voters, and ability to confirm citizenship without requiring documentation from applicants, demonstrates the sufficiency of the processes in place to determine applicants’ eligibility.

Kansas’s request is premised on a statute that deems electors registered in Kansas as of January 1, 2013 to have provided satisfactory evidence of citizenship.\(^8\) The Kansas requirement does not apply to “[p]ersons in federal services,” who vote by federal services absentee ballot.\(^9\) Kansas has not requested a similar state-specific instruction for applicants who apply to vote in Kansas using the Federal Post Card Application.\(^10\)

Georgia’s request is premised on a 2009 state statute requiring proof of citizenship,\(^11\) but the statute explicitly grandfathered in voters who were registered on December 31, 2009, exempting them from such a requirement.\(^12\)

Arizona’s proof of citizenship requirements do not apply to those citizens already registered to vote as of the effective date of the amendments.\(^13\) Regarding change of address, registered Arizona voters who move between counties within the state must submit proof of citizenship, while those who move within counties do not.\(^14\)

2. *Safeguards are already in place to confirm applicants’ U.S. citizenship.*

The Federal Form already contains sufficient safeguards for states to determine whether applicants are eligible to register to vote. 42 U.S.C. § 1973gg-7(b)(2) specifically addresses eligibility requirements, including citizenship, and requires that the federal registration form shall include an “attestation that the applicant Meets each such requirement” along with “the signature of the applicant, under penalty of perjury.” Pursuant to 42 U.S.C. § 15483(b)(4)(A)(i),

---

\(^8\) See Kan. Stat. Ann. (“K.S.A.”) § 25-2309(n) (“Any person who is registered in this state on the effective date of this amendment to this section is deemed to have provided satisfactory evidence of citizenship and shall not be required to resubmit evidence of citizenship”).

\(^9\) See K.S.A. §§ 25-1215, 25 1214(b).


\(^12\) See id. § 21-2-216(g)(3).


\(^14\) Id.; See also http://www.azsos.gov/election/VoterRegistration.htm.
the form also must include “[t]he question ‘Are you a citizen of the United States of America?’ and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.” Up until now, the attestation under penalty of perjury has been sufficient to enable state election officials to assess the eligibility of the applicant to register for election of federal offices. Therefore, the additional documentary evidence that would be required for registration for election of federal offices is not necessary, and such a requirement would violate 42 U.S.C. § 1973gg-7(b)(1).

There is no evidence suggesting that a written attestation of citizenship, made under penalty of perjury, is not itself reliable evidence of citizenship, when such affidavits are used in a wide variety of legal contexts. The Federal Form currently requires that applicants attest under oath that they are U.S. citizens. A written statement made under penalty of perjury is considered reliable evidence under federal law. Attestations remain sufficient in Kansas and Arizona to satisfy other voting-related requirements for example, a change in a registered voter’s address, the need for advanced voting due to disability. Federal Forms clearly warn voters about the consequences of false registration, including fines and imprisonment. A severe penalty and enforcement mechanism provides a strong disincentive for ineligible applicants to attempt to register.

3. Kansas, Arizona, and Georgia verify citizenship through other means.

All three states have in place systems competent to confirm eligibility without adding a documentation of citizenship requirement that will disfranchise tens of thousands of voters. Should an ineligible applicant attempt to register, states may deny their registration.15 All three states have mechanisms available for refusing to register ineligible applicants, or for disqualifying voters who become ineligible.16

Furthermore, an instruction that additional documentary proof of citizenship is required is a misnomer. In practice, documentation is only required for sub-groups of applicants, while registrations are processed for specific classes of voters.

i. Georgia

Georgia already has in place a citizenship verification system that compares the voter registration lists with the lists of those who have applied for a Georgia driver’s license or identification card, or the Social Security database. Only the registrants whose asserted citizenship status conflicts with information from such databases are required to follow up with proof of citizenship.17 The U.S. Department of Justice originally blocked this verification procedure under Section 5 of the

15 Inter-Tribal Council, 133 S. Ct. at 2257 (“We note, however, that while the NVRA forbids States to demand that an applicant submit additional information beyond that required by the Federal Form, it does not preclude States from ‘deny[ing] registration based on information in their possession establishing the applicant’s ineligibility.’” (citation omitted)).


Voting Rights Act because of its discriminatory impact but the objection was eventually lifted, and there is no evidence that this verification procedure does not already "enable state election officials to assess the eligibility of an applicant," however flawed it may be for other reasons. This system is also overlaid onto an existing statutory scheme that already provides for the ability of elections officials to challenge the eligibility of registered voters on a regular basis.

ii. Kansas

Kansas undertakes additional means of establish citizenship without submission of documentation for some applicants, such as applicants born in Kansas. Kansas recently announced that it would obtain birth certificates from Kansas Department of Health and Environment for applicants born in Kansas. Both Kansas and Arizona have requested access to naturalization information through the federal Systematic Alien Verification for Entitlements (SAVE) database to confirm citizenship. Kansas allows online registration and in many instances, confirms online applicants' U.S. citizenship with reference to their Kansas driver's license number.

iii. Arizona

Arizona confirms the U.S. citizenship of applicants who move between counties, if those applicants submit an Arizona driver's license or non-operating identification issued after October 1, 1996. The Arizona driver's license number serves as proof of citizenship and no additional documents are needed.

b. The instruction discourages registration, which contravenes the NVRA's purpose.

The primary purpose of the NVRA is to "increase the number of eligible citizens who register to vote in elections for Federal office." The Federal Form has provided a simplified and streamlined registration process for eligible voters in all 50 states for the past 20 years. Over the past 20 years, the requirements of the NVRA have been largely responsible for successfully increasing the number of registered voters by 8 to 11 percentage points. In the two most recent federal elections, the U.S. saw record levels of participation from the increasingly diverse population.
Throughout, the Federal Form has provided a “backstop” for registration in federal elections. An additional proof of citizenship requirement will have a detrimental impact on eligible voters. In Kansas, exactly a year after implementation of the documentary proof of citizenship requirement, 19,348 applicants, or approximately one-third of all Kansas applicants in 2013, had their applications held “in suspense” and are unable to vote because they did not provide documentation of citizenship. Although many of these applicants presumably applied for registration with the state form, the sheer number demonstrates that incorporating such a requirement into the Federal Form will discourage or prevent eligible voters from registering.

In Arizona, the proposed requirement of additional evidence of citizenship would prevent numerous eligible voters from registering to vote for federal offices. For example, in Maricopa County alone, election officials have identified at least 900 voters who registered using the Federal Form, but have not provided the documentary evidence required by Arizona to register for election of state offices. If the Federal Form were to require the same sort of documentary evidence in order to register for election of federal offices, numerous eligible voters in Arizona would be prevented from registering to vote in federal elections.

In Georgia there has been no evidence of Georgia election officials being unable to “administer voter registration,” nor has there been any evidence of non-citizens illegally casting votes in Georgia. This solution in search of a problem will likely disfranchise eligible voters, as it has in Kansas and Arizona.

III. Conclusion

We thank you for this opportunity to provide comments on these important issues. An instruction requiring voter registration applicants to provide additional proof of U.S. citizenship as a precondition to registration violates the NVRA and is not “necessary” as required by the NVRA and would contravene the statute’s express purpose of increasing the number of citizens registered to vote in federal elections. The EAC should reject Kansas, Arizona, and Georgia’s application to add the instruction.

---

26 See Inter-Tribal Council, 133 S. Ct. at 2255 (“No matter what procedural hurdles a State’s own form imposes, the Federal Form guarantees that a simple means of registering to vote in federal elections will be available.”).
29 Presentation by Tammy Patrick, Federal Compliance Officer, Maricopa County Elections, Oct. 8, 2013.
If you have any questions regarding these comments, please contact Julie A. Ebenstein, Staff Attorney, at jebenstein@aclu.org, or Deborah J. Vagins, Senior Legislative Counsel, at dvagins@aclu.org or (202) 675-2335.

Sincerely,

Julie A. Ebenstein  
Staff Attorney, ACLU Voting Rights Project  
125 Broad Street, 18th Floor  
New York, NY 10004
PUBLIC SUBMISSION

Docket: EAC-2013-0004
National Mail Voter Registration Form

Comment On: EAC-2013-0004-0001
National Mail Voter Registration Form: State Requests to Include Additional Proof-of-Citizenship Instructions

Document: EAC-2013-0004-0376
Comment from Craig Keller

Submitter Information

Name: Craig Keller
Address:
    PO Box 16716
    Seattle, WA, 98116
Email: craig@craigkeller.us

General Comment

Dear Elections Assistance Commission:

Please make a change in the federal voter registration form to accommodate a proof of citizenship.

This would support proof of U.S. citizenship for that initial time a citizen, in fact, registers to vote.

Such provision of proof of citizenship for voter registration would seamlessly integrate with the many state Departments of Licensing who now require proof of U.S. citizenship from those seeking Enhanced Driver Licenses. No doubt, all citizens should now be proud to display their proof of citizenship at such a proud time as time of voter registration. But particularly as more states come to comply with Real ID Act adoption of Enhanced Driver Licenses, such proof of U.S. citizenship will become commonplace.

There is now a problem with non-citizens registering to vote in the United States. Whether deliberate or not, there is a problem. And the EAC can be part of the solution and not an enabler of this problem if EAC makes a positive change to instructions requiring proof of U.S. citizenship. As evidence of the known problem I will link below documents in support of voter registration challenges I filed with the Douglas County Auditor, Washington State. Both registered voters were identified as non-citizens through scrutiny of juror summons data and confirmed through personal interviews. The Douglas County Auditor identified that both registered voters had registered through Motor Voter procedures. Unfortunately because proof of U.S. citizenship was not requested on their registration form or by Department of Licensing agents, two non-citizens registered to vote. Upon challenge, one of these voters
requested cancellation of registration. I fully accept that Mr. Clark had no malice in registering to vote. He had never exercised his registration. The other registered voter, however, refused to cooperate with the County Auditor's challenge hearing process. That Ms. Olman had exercised her vote in the 2008 general federal election calls to question how she may have damaged the honest outcome of that election. Ms. Olman remains registered to vote as the Douglas County Auditor's position is that it cannot cancel Ms. Olman's registration. EAC can make a change to the federal registration form to prevent even future misunderstandings. If only proof of U.S. citizenship had been required at time of registration both these persons would not have been registered to vote. There would be no need to speculate about criminal intent nor to bog down courts in after-the-act investigations and lawsuits regarding the widespread registration of non-citizens. I respectfully submit that it is time for the EAC to make positive change to improve America and trust in elections which begins with trust in voter registrations.

All voter challange documents cited for Douglas County Washington may be found here:

http://www.douglascountywa.net/departments/auditor/Voter_Reg_Challenges.asp

I will also attach Mr. Clark's request for cancellation of his voter registration

Yours truly,

Craig Keller

Attachments

20130221094251728
February 19, 2013

To: Thad Duvall, Douglas County Auditor

Re: Voters Registration Challenge

Dear Mr. Duvall,

Regarding the letter I received on February 19, 2013, challenging my enrollment as a Douglas County Voter. I am a Canadian citizen and have not voted in the United States. I would like to have my name removed from the voter registration. My name appeared on the registration some years ago without my knowledge of how, and I have never voted in an election. I did send a letter after I was summoned for jury duty a few years ago, asking to removed. I was called by someone from the Douglas County and I thought that it was cleared up then, but I still received voter pamphlets afterwards. I apologize for my apathy on this matter, and not getting this cleared up years ago. I assure you that I never intended to commit voter fraud. If I have inadvertently signed something in the past that enrolled my name to the voter registration, I apologize.

Sincerely,

Warren H. Clark

Warren H. Clark
PUBLIC SUBMISSION

Docket: EAC-2013-0004
National Mail Voter Registration Form

Comment On: EAC-2013-0004-0001
National Mail Voter Registration Form: State Requests to Include Additional Proof-of-Citizenship Instructions

Document: EAC-2013-0004-0377
Comment from Scott Novakowski

Submitter Information

Name: Scott Novakowski
Address: 220 Fifth Ave., 2nd Floor
New York, NY, 10001
Email: snovakowski@demos.org
Phone: 860-324-8232
Organization: Demos

General Comment

Please find the attached Comments submitted on behalf of Demos.

Attachments

Demos EAC Comments Docket No. EAC-2013-0004
Dēmos
AN EQUAL SAY AND AN EQUAL CHANCE FOR ALL

COMMENTS OF DÉMOS ON STATE REQUESTS TO INCLUDE ADDITIONAL PROOF-OF-CITIZENSHIP INSTRUCTIONS ON THE NATIONAL MAIL VOTER REGISTRATION FORM

U.S. Election Assistance Commission
Docket Number EAC-2013-0004

Dēmos hereby submits these comments in response to the Request for Public Comment by the U.S. Election Assistance Commission regarding the question of whether to amend the State-specific instructions applicable to Arizona, Kansas, and Georgia on the National Mail Voter Registration Form ("Federal Form"), published in the Federal Register on December 19, 2013.

Dēmos is a research, public policy, and advocacy organization dedicated to building a more democratic and equitable America that promotes the common good. Dēmos combines original research, focused advocacy, and multi-platform communications strategies to advance four fundamental changes to American society: 1) to rebuild pathways to the middle class for all Americans; 2) to reduce the role of wealth and corporate power in politics and policy; 3) to develop a new, reformed economic model for capitalism that promotes the common good; and 4) to reduce racial and class inequalities in power, representation, and participation. Dēmos’ work has brought real progress toward political and economic equality for all Americans, with recent successes including the facilitation of voter registration applications by 2.5 million new, primarily low-income voters through work to implement the National Voter Registration Act. In addition, Dēmos served as co-counsel with O’Melveny & Meyers, LLP, on an amicus curiae brief submitted to the U.S. Supreme Court in Arizona v. Inter Tribal Council of Arizona, Inc., Docket No. 12-71, on behalf of twelve organizations that conduct community-based voter registration efforts. Portions of the analysis below were provided to the Supreme Court in that brief.

Introduction

The U.S. Election Assistance Commission seeks comment on the requests of Arizona, Kansas, and Georgia to modify their State-specific instructions on the Federal Form to include State law requirements that, as a precondition to registering to vote in Federal elections, voter registration applicants provide additional documentary (or other) proof of their United States citizenship beyond that already required by the Federal Form.

The EAC should deny the states’ request, which will exacerbate an already-existing problem. The exclusion of eligible citizens from the political process is one of the most serious and stubborn problems in our democracy. Census data indicate that less than two-thirds of adult citizens nationwide are registered to vote. More troublingly, registration rates are significantly lower for particular groups,
including low-income persons, racial and ethnic minorities, the young, and naturalized citizens. Congress enacted the National Voter Registration Act ("NVRA") to increase the number of registered and participating voters. The NVRA accomplishes this purpose in part by facilitating community-based voter registration drives through the use of a uniform federal mail-in voter registration form, "with particular emphasis on making the [form] available for organized voter registration programs."\(^1\) The requests by Arizona, Kansas, and Georgia to include additional proof-of-citizenship instructions on the Federal Form frustrate the purpose and operation of the NVRA because they interfere with the community-based voter registration efforts the NVRA aims to facilitate. The result is that many qualified citizens will not be able to register to vote, thereby depriving them of the ability to participate in our nation's political process. The EAC should reject the states' requests to encroach upon the NVRA and to hinder community-based voter registration efforts.

I. THE INSTRUCTIONS REQUESTED BY ARIZONA, KANSAS, AND GEORGIA WILL IMPAIR EFFORTS TO REGISTER VOTERS, ESPECIALLY EFFORTS BY COMMUNITY-BASED REGISTRATION ORGANIZATIONS

Including additional State-specific documentary (and other) proof-of-citizenship instructions on the Federal Form will impede community-based registration efforts because they would require potential new registrants to produce forms of identification – such as a driver’s license, a current U.S. passport, a birth certificate, naturalization documents, or certain Bureau of Indian Affairs and tribal identification documents – that many people do not carry with them and that many other people do not possess at all. Importantly, Arizona’s experience with documentary proof-of-citizenship requirements, enacted in 2005 as part of Proposition 200, demonstrates the severe negative consequences on efforts to increase voter registration. Those consequences are tangible, and their extension to other states is unacceptable.

A. The Additional Proof-Of-Citizenship Instructions Requested By Arizona, Kansas, And Georgia Require Documents That Many People Do Not Carry With Them And Indeed May Not Possess At All

The documentation requirements sought to be incorporated into the Federal Form manifestly inhibit effective community-based voter registration efforts. It is easy enough to see why: the laws of those states require potential registrants to produce papers that many people do not carry with them as they conduct their day-to-day affairs – precisely when registration drives seek to reach them – and that many people to not possess at all.\(^2\)

Although many individuals carry their driver’s licenses, far fewer keep a birth certificate, passport, naturalization documents, or tribal documentation on their persons on a regular basis. In fact, some people keep their birth certificates or passports in safe deposit boxes, requiring a trip to the bank during regular business hours. Likewise, students who move for school may leave important paperwork

---


at their parents’ homes and be unable to register until they retrieve it. Furthermore, even if an individual has the necessary documentation with her when approached at a registration drive, she may be unwilling to provide her birth certificate or passport to a stranger, given very legitimate concerns that it will be lost or stolen or that identity theft will occur.

Further compounding the problem is the fact that many otherwise eligible citizens simply do not possess the types of documentation required under the Arizona, Kansas, and Georgia laws. In Arizona, for example, the most common form of accepted documentation is an Arizona’s driver’s license. However, approximately 10% of voting age citizens in the State do not possess an Arizona driver’s license. Moreover, many Arizonans who do have a driver’s license cannot use it as documentation because, prior to October 1996, Arizona did not require driver’s license applicants to provide proof that they were lawfully present in the United States. Thus, licenses issued prior to that date cannot be used to fulfill the State’s documentation requirement. Similar problems confront citizens who obtained their driver’s licenses before they were naturalized because Motor Vehicle Department records reflect citizenship status on the date the license was issued, unless the licensee requests an updated license by providing their naturalization certificate and paying a fee.

The other acceptable forms of documentation under the states’ laws — such as a U.S. passport, a birth certificate, naturalization documents, or certain Bureau of Indian Affairs and tribal identification documents — pose additional problems for community-based registration organizations because individuals are less likely to possess them or be able to use them to fulfill the documentation requirements. With regard to U.S. passports, for example, the State Department reports that there were approximately 113 million passports in circulation in 2012. The total citizen population in 2010 was almost 287 million, meaning that only 39% of U.S. citizens held passports. Moreover, passport ownership is strongly correlated with both income and education level, meaning that the underrepresented populations targeted by community-based voter registration efforts are less likely to hold valid passports.

Birth certificates, while held by more individuals, pose their own problems. For example, some groups of citizens born outside of hospitals — including people born in rural areas or on Native American reservations — are less likely to have received birth certificates. Elderly citizens are also unlikely to be able to rely on a birth certificate to satisfy documentation requirements because birth certificates were

---

not consistently generated until sometime in the 1930s. Women may also be disproportionately impacted. Nationwide, less than half of voting age women who have ready access to their birth certificates have ones that reflect their current legal names. Thus, to the extent that the potential voter’s name must match exactly the name on her birth certificate, even women who have a valid birth certificate may not be able to satisfy documentation requirements.

B. The Documentation Requirements of Arizona’s Proposition 200 Have Already Adversely Affected Community-Based Voter Registration Efforts.

The negative consequences of additional documentary proof-of-citizenship requirements are not just hypothetical. Arizona’s experience after the enactment of its proof-of-citizenship requirement is a harbinger of what may materialize should the EAC grant the requests of Arizona, Kansas, and Georgia. During the twenty months following the enactment of Arizona’s Proposition 200 in January 2005, at least 31,500 registration applications were denied because of a failure to meet the law’s requirements. Of those 31,500 individuals whose application for registration was initially denied, approximately 11,000 were able to register successfully — the remaining 20,000 individuals did not subsequently make it onto the rolls. Notably, the Hispanic population was overrepresented relative to its share of the population both in the group of individuals whose registration applications were initially denied and in the subset of individuals who did not subsequently register successfully.

Proposition 200 had an especially pronounced effect on community-based voter registration efforts. According to documents filed in the Inter Tribal Council case, after the law went into effect, registration through community-based voter drives dropped 44% in Arizona’s largest county. Numerous individuals and groups involved in voter registration drives testified at trial that they encountered difficulty in registering individuals who did not have any of the acceptable forms of documentation or who did not have their documents with them when they attempted to register. The organizations also testified that because Proposition 200 requires photocopies of certain types of documentation, effective registration requires the group to have a copier or scanner on site. This requirement both restricts the types of locations where drives can be held and increases the cost of conducting such events. The costs of copying documents are compounded by the additional time — and therefore additional resources — needed to explain registration requirements, assist with filling out forms, track down or copy necessary documentation, and follow-up on applications. Indeed, several groups testified that they encountered so many difficulties in registering individuals under Proposition 200 that they ceased their voter registration efforts entirely in Arizona after its passage.

Many of Demos’ clients in the Inter Tribal Council amicus brief experienced significant difficulty in conducting registration drives in Arizona following the passage of Proposition 200, difficulty that was

---

9 The information on the impact of Proposition 200 in Arizona is taken from the Joint Appendix filed by the parties in Arizona v. Inter-Tribal Council of Arizona, Inc., Docket No. 12-71.
relieved through use of the current version of the Federal Form. As just one example, during the 2012 election cycle, the Border Action Network held registration drives at a variety of community gathering spots, including libraries, a swap meet, and a school. Many who attempted to register at those events decided to do so only when they encountered the registration drive at the event. As a result, many of those who tried to register were not carrying one of the forms of documentation acceptable under Proposition 200. Many of the individuals Border Action Network attempted to assist with registration used the bus for transportation and did not have a driver’s license or other form of documentation with them that they could use to register. And even when they did, the registration volunteers did not have a photocopier with them and could not make copies of individuals’ documents. Notably, when Border Action Network provided registrants with the Federal Form, which did not require documentation of citizenship, it was significantly easier for individuals to complete and submit their applications.

The experience of voter registration organizations operating under Proposition 200 in Arizona strongly suggests that granting the requests of Arizona, Kansas, and Georgia will hinder community-based voter registration drives and prevent eligible citizens from registering to vote.

II. MANY QUALIFIED CITIZENS ARE NOT REGISTERED TO VOTE, AND COMMUNITY-BASED REGISTRATION EFFORTS ARE A CRITICAL AND EFFECTIVE MECHANISM TO INCREASE VOTER PARTICIPATION

Voter registration rates in the United States remain stubbornly low and some population groups, such as communities of color, low-income citizens, the young, and naturalized citizens have even lower registration rates. Community-based voter registration efforts are designed to reach those groups that are underrepresented on our registration rolls. They aim to eliminate the most common barriers to registration by going to potential voters and facilitating the registration process – including by explaining the requirements and providing assistance filling out forms. It is these very efforts that will be impeded should the EAC grant the states’ request.

The registered voter population in Arizona, Kansas, and Georgia, and nationally is substantially smaller than the qualified voter pool, and the problem is measurably worse among groups historically underrepresented in the electorate. For example, in Arizona in 2012, only 65.2% of voting age citizens were registered to vote.\textsuperscript{10} For Black and Hispanic citizens in Arizona, registration rates were even lower: only 58.6% of Black citizens and 52.2% of Hispanic citizens were registered to vote, compared with 70.5% of White, non-Hispanic citizens.\textsuperscript{11} Age also played a significant role, with only 55.3% of 18-24 year-old Arizonans registered to vote.\textsuperscript{12}

Kansas and Georgia fare only slightly better. In 2012, 74.4% of Kansas citizens were registered to vote but only 62.5% and 50% of Black and Hispanic citizens, respectively, were registered.\textsuperscript{13} Likewise,


\textsuperscript{11} Id., Table 4b.

\textsuperscript{12} Id., Table 4c.

\textsuperscript{13} Id., Tables 4a and 4b.
Georgia had a statewide registration rate of 70.7%, and while 72.2% of Black citizens were registered, only 59% of Hispanic citizens were registered.\footnote{Id.}

Nationally, the picture is similar. In 2012, only 71.2% of voting-age citizens reported being registered to vote.\footnote{Id., Table 4a.} Again, race and ethnicity were significant factors, especially in the case of Hispanic citizens: 73.7% of White, non-Hispanic citizens were registered compared with 73.1% of Black citizens, and only 58.7% of Hispanic citizens.\footnote{Id., Table 4b.}

Income is also strongly associated with registration rates. Only 61.8% of voting-age citizens with a family income of less than $20,000 were registered in 2012, while 87.1% of those with a family income of $150,000 or more were registered.\footnote{Id., Table 7.} Finally, there is a substantial disparity in registration rates of native-born versus naturalized citizens. Seventy percent of native-born citizens of voting age reported being registered in 2012, compared with only 62.1% of naturalized citizens.\footnote{Id., Table 11.}

Community-based registration efforts have proven highly effective at reaching these unregistered citizens. In fact, “[f]rom 2000 to 2008, community-based groups registered tens of millions of new voters, including close to nine million in 2008 alone.”\footnote{NAACP, Defending Democracy: Confronting Modern Barriers to Voting Rights in America, 15 (2012) (citing U.S. Census Bureau, Voting and Registration, Table 14), available at http://naacp.3cdn.net/67065c25be9ae43367_mlbrsby48b.pdf.} These efforts came from non-partisan groups as well as organizations across the political spectrum. Presidential campaigns, large national organizations, and small local groups – many targeting specific, underrepresented segments of the population – held voter registration drives at locations ranging from churches to senior centers to farmers’ markets to school campuses.

A significant portion of voters have registered through community-based methods. In 2012, 5.5% of the electorate reported registering at a school, hospital, or on campus, while an additional 5.0% reported using a registration booth.\footnote{U.S. Census Bureau, Voting and Registration, Table 12, available at http://www.census.gov/hhes/www/socdemo/voting/publications/p20/2012/tables.html.} Moreover, 13.1% of registrants reported registering by mail. Because community-based registration efforts overwhelmingly use mail-in applications, some significant number of these registrations is likely attributable to community-based voter registration efforts.

Among groups with low registration rates, community-based registration methods played an even more important role. Black, Asian, and Hispanic citizens all reported higher than average use of school, hospital, and on-campus registration methods (7.4%, 6.4%, and 8.1%, respectively), as well as higher than average use of registration booths (8.1%, 6.4%, and 6.9%, respectively). Naturalized citizens also reported greater usage of community-based methods of registration than did native-born citizens. And finally, among people aged 18 to 24 – the age group for which registration rates are lowest – 13.9% of registered voters reported registering at a school, hospital, or on campus.
Not surprisingly given their success, federal law favors registration drives. In fact, one federal court has recognized:

[T]he NVRA encourages voter-registration drives; the NVRA requires a state to accept voter-registration applications collected at such a drive and mailed in to a voter registration office; the NVRA gives a voter registration organization like each of the plaintiffs here a ‘legally protected interest’ in seeing that this is done; and when a state adopts measures that have the practice effect of preventing an organization from conducting a drive, collecting applications, and mailing them in, the state violates the NVRA. 21

Additionally, one court – noting the expressive and associational rights implicated by voter registration activities – applied intermediate scrutiny to efforts to curb them. 22 These decisions acknowledge that community-based voter registration efforts are an important mechanism of enfranchisement, and one that the NVRA itself has enshrined as an indispensable part of the electoral process. The EAC should not allow states to undermine such efforts by incorporating additional identification requirements into the Federal Form.

Conclusion

Voter registration rates in the United States have remained stubbornly low, especially for certain groups of citizens such as communities of color, low-income citizens, and the young. Community-based voter registration efforts are an effective way to increase registration rates. The requests of Arizona, Kansas, and Georgia for the Election Assistance Commission to modify their State-specific instructions on the Federal Form will exacerbate this problem by, inter alia, hindering community-based voter registration efforts -- frustrating both the purpose and operation of the NVRA. Our democracy can ill afford to make voter registration any more difficult. The EAC should deny the requests of Arizona, Kansas, and Georgia to include additional documentary proof-of-citizenship instructions on the Federal Form.

---

21 League of Women Voters of Fla. V. Browning, 863 F.Supp.2d 1155, 1163 (N.D. Fla. 2012); see also Charles H. Wesley Educ. Found., Inc. v. Cox, 408 F.3d 1349, 1353 (11th Cir. 2005) (“Nowhere does the NVRA prohibit or regulate voter registration drives; rather, it impliedly encourages them.”).

PUBLIC SUBMISSION

Docket: EAC-2013-0004
National Mail Voter Registration Form

Comment On: EAC-2013-0004-0001
National Mail Voter Registration Form: State Requests to Include Additional Proof-of-Citizenship Instructions

Document: EAC-2013-0004-0378
Comment from William Melo

Submitter Information

Name: William Melo
Address:
    185 Cypress Ave.
    Santa Clara, CA, 95050

General Comment

Why does Donald Duck wear a towel when he comes out of the shower, when he doesn't usually wear any pants?
PUBLIC SUBMISSION

Docket: EAC-2013-0004
National Mail Voter Registration Form

Comment On: EAC-2013-0004-0001
National Mail Voter Registration Form: State Requests to Include Additional Proof-of-Citizenship Instructions

Document: EAC-2013-0004-0379
Comment from Carl and Jenny Brown

Submitter Information

Name: Carl and Jenny Brown
Address:
    2447 N. Wheatridge
    Wichita, KS, 67223

General Comment

To whom it concerns,

I live in Kansas. The EAC must update the National Mail Voter Registration Form to include instructions that Kansas requires a copy of one of 13 documents to verify that the applicant using the federal form is a citizen of the United States. This will create chaos in Kansas if you don’t do this!

Sincerely,
Carl and Jenny Brown
PUBLIC SUBMISSION

Docket: EAC-2013-0004
National Mail Voter Registration Form

Comment On: EAC-2013-0004-0001
National Mail Voter Registration Form: State Requests to Include Additional Proof-of-Citizenship Instructions

Document: EAC-2013-0004-0380
Comment from Linda Smith

Submitter Information

Name: Linda Smith
Address: 1999 Avenue of the Stars
Los Angeles, CA, 90067
Email: lsmith@omm.com
Phone: 310-246-6801

General Comment

Valle del Sol, Southwest Voter Registration Education Project, Common Cause, Chicanos Por La Causa, Inc., Debra Lopez and McKenzie Ortiz, through counsel Mexican American Legal Defense and Educational Fund and O’Melveny & Myers LLP, submit these second set of exhibits in support of their brief concerning why the EAC currently lacks the power to decide on the requests by Arizona, Georgia, and Kansas to include additional proof-of-citizenship instructions on the Federal Form, and, in the alternative, why said requests should be denied.

Attachments

Exh. Q [Declaration of Brad Bryant]

Exh. R [2009 August 1st (Unofficial) Voter Registration Numbers]

Exh. S [Supplemental Declaration of Brad Bryant]

Exh. T [12-11-2013 (101-1) Declaration of Elsa Ulrich]
Exh. U [Perales Congressional Testimony]
Exh. V [Declaration of Karen Osborne]
Exh. W [Arizona Registration Report 2006 General Election]
Exh. X [Johnson Depo Transcript 8.1.06]
Exh. Y [Hansen Depo Transcript 8.1.06]
Exh. Z [Justman Depo Transcript 8.1.06]
Exh. AA [Ana Wayman-Trujillo Depo Transcript 1.9.08]
Exh. BB [Josoph Kanefield Depo Transcript 1.11.08]
Exh. CC [Ann Rodriguez Depo Transcript 8.2.06]
Exh. DD [Ann Rodriguez Depo Transcript 1.22.08]
Exh. EE [Penny Pew Depo Transcript 8.1.06]
Exh. FF [Kelly Dastrup Depo Transcript 8.1.06]
Exh. GG [Gilberto Hoyos Depo Transcript 1.16.08]
Exh. HH [Karen Osborne Depo Transcript 7.31.06]
Exh. II [Corey Dade article]
Exh. JJ [Craig Stender Depo Transcript 1.11.08]
Exh. KK [10-23-2013 (17) Brief in Support of Plaintiffs' Motion for Preliminary Injunctive Relief]
Exh. LL [Karen Osborne Depo Transcript 1.14.08]
Exh. MM [Jasper Altaha Depo Transcript 1.23.08]
Exh. NN [McKenzie Ortiz Declaration]
Exh. OO [Lydia Camarillo Declaration]
Exh. PP [Irene Caudillo Declaration]
Exh. QQ [Georgia Voter_Registration_Application_8-10]
Exh. RR [AZ_voterregistrationform]
Exh. SS [Ltr from Sen. Gallardo to EAC]
EXHIBIT Q
DECLARATION OF BRAD BRYANT

I, Brad Bryant, Deputy Assistant Secretary of State for the Kansas Secretary of State’s Office, having been duly sworn, do hereby depose and state as follows to the best of my knowledge and belief:

1. This Affidavit is made in support of the Plaintiff’s Motion for Preliminary Injunctive Relief, filed contemporaneously. I am a Deputy Assistant Secretary of State for the Kansas Secretary of State’s Office, and my primary job responsibilities are issues related to Kansas elections. I have held this position since February 1993. Pursuant to my duties, I supervise the efforts of the Kansas Secretary of State’s Office to identify individuals who have unlawfully registered to vote in Kansas or who have unlawfully voted in Kansas elections.

2. Our office utilizes various software and networks to manage voter registration records as well as to maintain voter records. Our office utilizes a software and network system known as the Election Voter Information System (hereinafter “ELVIS”) to manage voter registration records across the State of Kansas. Through ELVIS, our office is able to review voter registration records to determine whether individual registrants have been unlawfully registered to vote. In 2009 and 2010, our office obtained from the Kansas Department of Revenue a list of individuals who had obtained temporary driver’s licenses in Kansas. These lists included names, dates of birth, driver’s license numbers, and the last four digits of the cardholders’ social security numbers. Under Kansas law, only non-United States citizens are issued temporary driver’s licenses.

3. Upon receipt of these lists from the Kansas Department of Revenue, our office compared the information from the lists with the information stored in ELVIS to ascertain whether any non-United States citizens were registered to vote. Our office utilized the above-
described procedure in 2009 and identified 13 individuals who were not United States citizens but who were registered to vote in Kansas. These unlawful voter registrations were made in Finney, Johnson, Lyon and Sedgwick Counties. Utilizing ELVIS, our office then determined that of the 13 aliens unlawfully registered to vote, three had voted in Kansas elections. Because not all aliens residing in Kansas apply for temporary driver’s licenses, the 13 aliens unlawfully registered to vote likely represent only a subset of the total number of aliens who successfully registered to vote in Kansas prior to January 1, 2013, the date Kansas’s proof-of-citizenship requirement for voter registration applications took effect.

4. In another instance, in 2010, the Sedgwick County election commissioner informed our office that he had been contacted by an official with the Department of Homeland Security alerting him to the possibility that a non-United States citizen had registered and voted. The person was found to be a registered voter in the ELVIS database, and records indicated the person had voted in five elections between 2000 and 2008.

5. Pursuant to my job responsibilities with the Kansas Secretary of State’s Office, I participate in communications with the United States Election Assistance Commission (hereinafter “the EAC”) regarding the contents of the mail voter registration form (hereinafter “the Federal Form”). The Federal Form is developed by the EAC in consultation with the chief election officers of the several states pursuant to the National Voter Registration Act, 42 U.S.C. § 1973gg et seq. In particular, I communicate with Alice Miller, currently the Acting Director of the EAC. The EAC does not have particular procedures concerning how states are supposed to request modifications to the Federal Form. During my tenure with the Kansas Secretary of State’s Office, Kansas has obtained modifications to the Federal Form simply by sending written requests to the EAC.
6. In 2011, the Kansas legislature passed and the Kansas Governor signed into law HB 2067, known as the “Secure and Fair Elections Act” which amended various Kansas statutes concerning elections in Kansas. Section 8(l) of HB 2067, codified as K.S.A. 25-2309(l), provides: “The county election officer or secretary of state’s office shall accept any completed application for registration, but an applicant shall not be registered until the applicant has provided satisfactory evidence of United States citizenship.” The statute then enumerates 13 different documents that constitute satisfactory evidence of citizenship. HB 2067 took effect on January 1, 2012, however the proof-of-citizenship provision did not take effect until January 1, 2013.

7. Due to the changes in Kansas election law made by the Secure and Fair Elections Act, I contacted the EAC attempting to have the Kansas-specific instructions on the Federal Form changed to reflect Kansas law. It is my understanding that the EAC currently has no Commissioners and has not had a quorum of Commissioners for several years. Further, based on my conversations with Ms. Miller, it is my understanding that as of November 9, 2011, the EAC has been processing requests by states for modifications to the Federal Form pursuant to a memorandum issued by Thomas Wilkey, then-Executive Director of the EAC (hereinafter “the Wilkey Memorandum”). My office has since obtained a copy of the Wilkey Memorandum from the EAC.  

8. On August 9, 2012, I sent a letter to Ms. Miller at the EAC, requesting that the EAC modify the Kansas-specific instructions of the Federal Form to reflect Kansas law in three ways. (see Doc. No. 1-4) My August 9 letter first requested that the Kansas-specific instructions be modified to change the voter registration deadline from 15 days before the election to 21 days before the election. This request was made due to a change in Kansas law by Kansas Session
Laws 2011, ch. 112, § 19, codified as K.S.A. 25-2311(e), which took effect July 1, 2011. My letter also requested that the Kansas-specific instructions be modified by deleting the words “for mental incompetence” from the portion of the instruction stating that to register to vote in Kansas an applicant must not be excluded from voting by a court of competent jurisdiction. This request was made to clarify existing Kansas law under K.S.A. 25-2316c(f).

9. My August 9 letter also requested the Kansas-specific instructions of the Federal Form be modified to reflect changes in Kansas law resulting from the passage of HB 2067, specifically the proof-of-citizenship requirement of Section 8(l) of HB 2067, codified as K.S.A. 25-2309(l). The letter requested the following instruction be added to the Kansas-specific instructions: “An applicant must provide qualifying evidence of U.S. citizenship prior to the first election day after applying to register to vote.”

10. On October 11, 2012, Alice Miller sent me a letter (see Doc. No. 1-5) which indicated that the first two requested modifications to the Kansas-specific instructions had been approved, but that no action would be taken on the third requested modification regarding Kansas’s proof-of-citizenship provision because the EAC was without any Commissioners at that time. The letter indicated that this request “appears to have broad policy impact and would require consideration and approval by the EAC Commissioners. The authority of staff to modify the state instructions is limited to issues that do not have any policy impact.” The letter indicated that the EAC will postpone action on this particular request until a quorum is established on the Commission. The letter did not indicate when, if ever, a quorum would be established, and did not provide any additional information regarding how Kansas might be able to obtain approval for the requested instruction.
11. On June 18, 2013, Kansas Secretary of State Kris W. Kobach sent a letter to Alice Miller at the EAC, renewing Kansas’s request that the Kansas-specific instructions be modified to reflect Kansas’s proof-of-citizenship requirement for voter registration applications. (see Doc. No. 1-6) This letter requested the following instruction be added to the Kansas-specific instructions: “To cast a regular ballot an applicant must provide qualifying evidence of U.S. citizenship prior to the first election day after applying to register to vote.”

12. On July 31, 2013, Ms. Miller sent a letter to Secretary Kobach (see Doc. No. 1-7), again stating that the EAC could not process Kansas’s request to modify the Kansas-specific instructions because the EAC lacked a quorum of Commissioners. This letter stated that, pursuant to the Wilkey Memorandum, the EAC could not process Kansas’s request without a quorum because the request raised “issues of broad policy concern to more than one state.” This letter again did not indicate when, if ever, a quorum would be established, and did not provide any additional information regarding how Kansas might be able to obtain approval for the requested instruction. Ms. Miller’s July 31 letter expressed the EAC’s belief that Kansas would not accept and use the Federal Form without proper citizenship documentation.

13. On August 2, 2013, Secretary Kobach sent a letter to the EAC (see Doc. No. 1-8) clarifying to the EAC that Kansas will accept and use the Federal Form submitted without proof of citizenship documentation to register voters for elections for Federal office until the EAC adds the requested Kansas-specific instruction to the Federal Form or until Kansas is otherwise relieved of that duty by a court of competent jurisdiction. This letter further clarified that once the requested instruction was added, the Federal Form would be accepted to register voters for both Federal and State elections assuming the Federal Form was submitted with a qualifying citizenship document. The August 2 letter also made the following modification to the proposed
Kansas-specific instruction to remove a possible ambiguity in the language of the proposed instruction: “To cast a regular ballot an applicant must provide evidence of U.S. citizenship prior to the first election day after applying to register to vote.”

14. On August 6, 2013, Ms. Miller sent a letter to Secretary Kobach (see Doc. No. 1-9) in which Ms. Miller again informed Secretary Kobach that the EAC could not process Kansas’s request to modify the Federal Form due to a lack of a quorum on the EAC. Again citing the Wilkey Memorandum, Ms. Miller stated that the “EAC staff believes that this request raises issues of policy concern that would impact other states.” This letter again did not indicate when, if ever, a quorum would be established, and did not provide any additional information regarding how Kansas might be able to obtain approval for the requested instruction.

15. Based on my experience as Deputy Assistant Secretary of State for elections issues, I am of the opinion that inclusion of the proposed Kansas-specific instruction on the Federal Form is necessary to effectuate Kansas’s proof-of-citizenship requirement for voter registration applicants. I am particularly of the opinion that a mere oath attesting to United States citizenship, as currently allowed by the Federal Form, is not effective to prevent aliens from registering to vote in Kansas elections. A mere oath’s failure to prevent non-citizens from registering to vote is exacerbated by the fact that once unqualified individuals are registered to vote it is extremely difficult to detect them and remove them from the voting rolls. My years of experience as an election official in Kansas lead me to the conclusion that it is much easier to prevent registrations by unqualified persons than to detect and remove them after they are on the rolls.
16. Moreover, as long as Kansas is required to register voters for Federal elections by accepting the Federal Form without a qualifying citizenship document, Kansas will be forced to maintain a bifurcated voter registration system. One system will be needed to manage voters that are properly registered for both state and federal elections and another system will be needed to manage voters that are only registered for federal elections. Such a registration system will be highly burdensome on the State of Kansas and on county election officers that administer elections at the local level.

17. For example, the State of Kansas will be required to spend money and time reprogramming its voter registration system, ELVIS. The State of Kansas will also need to expend resources retraining county election officers and educating the public. Every county in Kansas will be required to spend large amounts of money and time developing and printing additional federal only ballots, reprogramming multiple types of voting machines, and retraining the more than 8,000 poll workers that are needed to conduct a general election. The burden of retraining these more than 8,000 poll workers will be shouldered by both the State of Kansas and the individual counties located in Kansas. The State of Kansas will have to spend resources developing and printing training materials. Additionally, the State will need to conduct training sessions for county election officials. The county election officials must then conduct training sessions for the 8,000 poll workers and provide them written training materials.

18. Further, the process of counting ballots in a bifurcated system presents several difficulties. The State of Kansas tallies and reports election results according to precincts. If federal only ballots are to be counted and reported, then a separate ballot must be developed and printed for each precinct. This is likely to increase the number of voters that receive the wrong ballot due to the fact that multiple precincts often vote at the same location. If the State of
Kansas attempts to simplify the process by developing one federal only ballot that will be utilized by all precincts, then every federal only ballot must be counted by hand, thus making precinct tabulation and reporting much more difficult. This will increase the number of people necessary to tally votes, cause delays in reporting election results, and increase the occurrences of human error.

Brad Bryant

Brad Bryant, Deputy Assistant Secretary of State
KANSAS SECRETARY OF STATE'S OFFICE

STATE OF KANSAS )
ss:
COUNTY OF SHAWNEE )

SUBSCRIBED, ACKNOWLEDGED, AND SWORN TO before me, the undersigned Notary Public, by Brad Bryant in his capacity as Deputy Assistant Secretary of State, Kansas Secretary of State's Office, on this the 22 day of October, 2013.

Linda C. Limon-Rocha
Notary Public

My Appointment Expires: 5-9-2017
EXHIBIT Z
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

MARIA M. GONZALEZ, et al.,
Plaintiffs,
-vs-
STATE OF ARIZONA, etc., 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-JT (Cons)

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

Flagstaff, Arizona
August 1, 2006

Prepared for:  Reported by:

PETER A. SILVERMAN,  PAUL GROSSMAN
Assistant Attorney General  Arizona Certified
(Copy)  Reporter #50028

CA CSR #1487
## INDEX

**Examination:**

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>BY MS. HARTMAN-TELLEZ</td>
<td>5</td>
</tr>
<tr>
<td>5</td>
<td>BY MS. RAPP</td>
<td>45</td>
</tr>
</tbody>
</table>

## EXHIBITS

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>NAV 1 (Amended Notice of Deposition.)</td>
<td>5</td>
</tr>
<tr>
<td>11</td>
<td>NAV 2 (Answers to interrogatories.)</td>
<td>5</td>
</tr>
<tr>
<td>12</td>
<td>NAV 3 (Letter from Navajo County Record, SEC000073.)</td>
<td>5</td>
</tr>
<tr>
<td>14</td>
<td>NAV 4 (VRAZ-II document, NAV00103.)</td>
<td>5</td>
</tr>
<tr>
<td>15</td>
<td>NAV 5 (A.R.S. 16-166.)</td>
<td>5</td>
</tr>
<tr>
<td>16</td>
<td>NAV 6 (Proof of Citizenship Requirement, NAV00094.)</td>
<td>5</td>
</tr>
<tr>
<td>17</td>
<td>NAV 7 (List of ID, NAV00147.)</td>
<td>5</td>
</tr>
<tr>
<td>18</td>
<td>NAV 8 (Procedure for Proof of ID, NAV00096.)</td>
<td>5</td>
</tr>
<tr>
<td>19</td>
<td>NAV 9 (Letter from Ms. Justman and Ms. Dastrup, NAV00328.)</td>
<td>5</td>
</tr>
<tr>
<td>21</td>
<td>NAV 10 (ID at the polls poster, NAV00134.)</td>
<td>5</td>
</tr>
<tr>
<td>22</td>
<td>NAV 11 (Official election mailing, NAV00243.)</td>
<td>5</td>
</tr>
<tr>
<td>23</td>
<td>NAV 12 (ID Requirements, NAV000222-234.)</td>
<td>5</td>
</tr>
</tbody>
</table>
THE DEPOSITION OF LAURETTE JUSTMAN,
taken at 4:10 p.m. on August 1, 2006, at the offices of
the Coconino County Recorder, 110 East Cherry Avenue,
Flagstaff, Arizona, before PAUL GROSSMAN, a Notary
Public and Certified Reporter #50028 in and for the
State of Arizona, pursuant to the Federal Rules of Civil
Procedure.

FOR THE PLAINTIFFS

KAREN J. HARTMAN-TELLEZ, ESQ.
STEPTOE & JOHNSON LLP
201 EAST WASHINGTON STREET
SUITE 1600
PHOENIX, AZ 85004
(602) 257-5200

BENJAMIN BLUSTEIN, ESQ.
LAWYERS' COMMITTEE FOR CIVIL RIGHTS
UNDER LAW
1401 NEW YORK AVENUE
SUITE 400
WASHINGTON, D.C. 20005
(202) 662-8315

FOR THE DEFENDANTS

KATHLEEN RAPP, ESQ.
WILENCHIK AND BARTNESS, P.C.
THE WILENCHIK & BARTNESS BUILDING
2810 NORTH THIRD STREET
PHOENIX, AZ 85004
(602) 606-2810
(Telephonically) PETER ALEX SILVERMAN, ESQ.
OFFICE OF THE ATTORNEY GENERAL
1275 WEST WASHINGTON STREET
PHOENIX, AZ 85007
(602) 542-8308
Flagstaff, Arizona
August 1, 2006
4:10 p.m.

(NAV Deposition Exhibits Numbers 1 through 12, inclusive, were then marked for identification.)

LAURETTE JUSTMAN,
called as a witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MS. HARTMAN-TELLEZ:

Q. Please state your full name for the record.
A. Laurette Justman.

Q. And you are represented by an attorney today?
A. Yes, I am.

Q. Katie Rapp?
A. Yes.

Q. My name is Karen Hartman-Tellez. I represent some of the plaintiffs in this lawsuit, The Inter Tribal Council group of plaintiffs. Also with me today is Ben
A. In question 1 D, I do not train poll workers.

Q. Okay.

A. Question 3 I would not be able to answer.

Q. The entirety of question 3?

A. Yes.

Question 6 I would not be able to answer.

Q. That's it?

A. That's it.

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

A. Yes.

Q. The items that you indicated that you wouldn't be able to --

A. Yes.

Q. The Navajo County Recorder's Office has no evidence of any allegation since January 1, 1996 that a non-U.S. citizen has registered to vote in Navajo County, correct?

A. Yes, that is correct.

Q. That you do not have any evidence?

A. Right.

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

A. That is correct.
implement Proposition 200?

A. Yes, it does.

Q. The second sentence, I'm just going to read that into the record: "Voters in reservation precincts travel long distances often on rough roads and in inclement weather. If they must return home to gather acceptable identification and do not return to the polling place in time to cast a vote, if they return at all, would we not be disenfranchising these voters?" Is that correct?

A. Yes.

Q. And you were concerned about disenfranchisement of voters?

A. We were at the time.

Q. And you suggested giving provisional ballots to those voters --

A. Yes.

Q. -- to be verified later as are early ballots, is that correct?

A. Yes.

Q. And that verification procedure, is that a signature matching?

A. Yes, it is.

Q. Can you briefly explain to me how you conduct that signature matching for early ballots?
A. We go into our database and we pull up the voter registration card and we compare the signature that is on the voter registration card against the signature that is on the early ballot and if the signatures match then the early ballot is accepted.

Q. And you were suggesting to the Secretary of State that a similar procedure be used for people who did not present sufficient identification at the polls?

A. Yes.

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

A. I believe it could be.

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

A. Not to my knowledge.

Q. So that signature matching procedure you believe guards against that problem?

A. Yes.

Q. Okay. And you believe that that would be sufficient for voters who came to the polls with inadequate ID under Prop. 200, is that correct?

A. Yes.

Q. In the second paragraph of this letter to the Secretary of State it states, "We are concerned that
Q. Has anything happened since then that alleviated your concerns regarding disenfranchisement?
A. Yes.
Q. What is that?
A. That Native Americans can now show one form of ID from tribal issued ID and they can also be presented with a conditional provisional ballot and bring their ID back to the Recorder.
Q. So, do the concerns that you expressed in this letter still exist in your mind today?
A. No, they don't.
MS. RAPP: That's all I have.
MS. HARTMAN-TELLEZ: Okay. You're finished.
We're finished with you.
(Whereupon, the deposition was then concluded at 5:27 p.m.)
STATE OF ARIZONA 
COUNTY OF MARICOPA 

BE IT KNOWN that the foregoing deposition was 
taken before me, PAUL GROSSMAN, a Notary Public and 
Certified Reporter #50028 in and for the County of 
Maricopa, State of Arizona; that the witness before 
testifying was duly sworn by me to testify to the whole 
truth; pursuant to request, notification was provided 
that the deposition is available for review and 
signature; that the questions propounded to the witness 
and the answers of the witness thereto were taken down 
by me in shorthand and thereafter reduced to print by 
computer-aided transcription under my direction; that 
the foregoing 46 pages are a true and correct transcript 
of all proceedings had upon the taking of said 
deposition, all done to the best of my skill and 
ability. 

I FURTHER CERTIFY that I am in no way related 
to any of the parties hereto, nor am I in any way 
interested in the outcome hereof. 

DATED at Phoenix, Arizona, this 7th day of 
August, 2006.

Paul Grossman, Notary Public 
AZ CR #50028
EXHIBIT AA
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

MARIA M. GONZALES, et al., )
Plaintiffs, )
) No. CV-06-1268-PHX-ROS
) No. CV-06-1362-PCT-ROS
) No. CV-06-1575-PCT-ROS
STATE OF ARIZONA, et al., )
Defendants. )

DEPOSITION OF ANA WAYMAN-TRUJILLO

Prescott, Arizona
January 9, 2008
9:05 a.m.

REPORTED BY:
KATHY JOHNSTON, RPR
Certified Reporter No. 50164

LOTT REPORTING, INC.
316 North Alarcon Street
Prescott, AZ 86301
928.776.1169
**INDEX**

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Examination by Ms. Perales</td>
<td>5</td>
</tr>
<tr>
<td>5</td>
<td>Examination by Ms. Brennan</td>
<td>133</td>
</tr>
<tr>
<td>6</td>
<td>Examination by Mr. Kengle</td>
<td>141</td>
</tr>
<tr>
<td>7</td>
<td>Examination by Ms. Rapp</td>
<td>149</td>
</tr>
<tr>
<td>8</td>
<td>Further Examination by Ms. Perales</td>
<td>154</td>
</tr>
</tbody>
</table>

**EXHIBITS**

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>16</td>
<td>Arizona Voter Registration Form</td>
<td>23</td>
</tr>
<tr>
<td>17</td>
<td>Notice - New Voter Registration Requirements for Implementation of Prop 200</td>
<td>43</td>
</tr>
<tr>
<td>19</td>
<td>Notice of Denied Voter Registration dated 7/20/2006</td>
<td>48</td>
</tr>
<tr>
<td>20</td>
<td>Letter from Judy Allen-Wise dated March 30, 2005</td>
<td>49</td>
</tr>
<tr>
<td>22</td>
<td>Voter Registration letter</td>
<td>50</td>
</tr>
<tr>
<td>23</td>
<td>E-mails dated March 30, 2005 and March 31, 2005</td>
<td>56</td>
</tr>
<tr>
<td>25</td>
<td>Voter Registration Applications</td>
<td>69</td>
</tr>
<tr>
<td>No.</td>
<td>Description</td>
<td>Page</td>
</tr>
<tr>
<td>-----</td>
<td>------------------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>5</td>
<td>E-mail from Craig Stender dated February 10, 2005 and attached MVD match return codes</td>
<td>75</td>
</tr>
<tr>
<td>7</td>
<td>VRAZ-II County Advisory Committee Issue 0009 dated 02/24/2005</td>
<td>102</td>
</tr>
<tr>
<td>8</td>
<td>Letter to Joe Kanefield from Ana Wayman-Trujillo and Lynn Constabile</td>
<td>113</td>
</tr>
<tr>
<td>10</td>
<td>Miscellaneous e-mails dated July 6, 2005 and July 7, 2005</td>
<td>117</td>
</tr>
<tr>
<td>12</td>
<td>E-mail from Ana Wayman-Trujillo dated August 12, 2005 - Procedure for Proof of Identification at the Polls</td>
<td>118</td>
</tr>
<tr>
<td>13</td>
<td>Comments received regarding ID at the polls draft procedure</td>
<td>104</td>
</tr>
<tr>
<td>15</td>
<td>Yavapai County Primary Election September 12, 2006 - Provisional Ballot Reject Reasons</td>
<td>120</td>
</tr>
<tr>
<td>17</td>
<td>Miscellaneous e-mails dated February 3, 2005 and February 4, 2005</td>
<td>126</td>
</tr>
<tr>
<td>16</td>
<td>E-mail from Lynn Constable dated July 22, 2005</td>
<td>130</td>
</tr>
</tbody>
</table>
DEPOSITION OF ANA WAYMAN-TRUJILLO was taken on January 9, 2008, commencing at 9:05 a.m., at the QUALITY INN SUITES, 4499 Highway 69, Prescott, Arizona, before KATHY JOHNSTON, Registered Professional Reporter, Certified Reporter No. 50164, in the State of Arizona.

COUNSEL APPEARING:

MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND
By: Ms. Nina Perales
    Mr. David H. Urias
110 Broadway
Suite 300
San Antonio, Texas  78205

LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW
By: Mr. Robert A. Kengle
1401 New York Avenue N.W.
Suite 400
Washington, D.C.  20005

WILENCHIK & BARTNESS
By: Ms. Kathleen E. Rapp
The Wilenchik & Bartness Building
2810 North Third Street
Phoenix, Arizona  85004

STATE OF ARIZONA
OFFICE OF THE ATTORNEY GENERAL
By: Ms. Carrie J. Brennan
1275 West Washington
Phoenix, Arizona  85007
ANA WAYMAN-TRUJILLO,
called as a witness herein, having been first duly sworn by
the Certified Reporter, was examined and testified as
follows:

EXAMINATION

BY MS. PERALES:

Q. Good morning.

A. Good morning.

Q. Please state your name for the record.

A. Ana Wayman-Trujillo.

Q. My name is Nina Perales, and I represent the
Gonzalez plaintiffs in these consolidated cases. With me is
David Urias who also represents the Gonzalez plaintiffs. And
Mr. Kengle is here, and he represents the I.T.C.A.
plaintiffs.

And as your counsel explained earlier off the
record, these separate suits were filed at different times
and then brought together by the judge for consolidation.

Have you ever had your deposition taken
before?

A. I have had a deposition taken before. Not in the
capacity that I am now, but I have had depositions before.

Q. And can you tell me generally the type of case that
those depositions were in?
needed to be a U.S. citizen in order to register to vote.

A. If I want to consult with my counsel, do I need to answer the question first and then ask for a break?

MS. RAPP: You do.

MS. PERALES: You do.

THE WITNESS: Yes and no. Can we take a break?

BY MS. PERALES:

Q. Well, can you explain the yes and the no before the break?

A. We -- one of the reasons for Prop 200 was that, I believe, people felt there was an influx of people coming and registering to vote and voting in elections that were not United States citizens.

In Yavapai County, there -- the -- the whole time that I have been employed with Yavapai County, I have never seen an instance of voter fraud in Yavapai County.

There are other counties, a lot of other places that do have instances of voter fraud, and they are prosecuting for them. So my county is a lot different than other counties so that's a difficult question for me to answer.

Q. Well, let's just talk about Yavapai County then because that seems to be what you know best.

A. Can I take a break now?

Q. Sure. I think I understand the yes or no, but let
Q. Does anybody know?
A. To my knowledge, no.
Q. Okay. Would these documents have been collected at the polling place and just looked at and returned?
A. No. They would just have been looked at and returned.
Q. When you do signature verification for early ballots, is that different in any way than the procedure you use for signature verification for provisional ballots under HAVA?
A. No.
Q. And once a conditional provisional ballot has had some ID verified for it, is it processed in the same way as provisional and early ballots?
A. Yes.
Q. Can you describe for me briefly the process that a worker would go through to do that signature verification?
A. On which?
Q. On any of them.
A. Okay. Well, provisionals are a little bit different because the forms are different, but, in essence, when we get the document in, the affidavit in, for the early ballots, we have a scanner that we can actually scan the bar code and then it brings up the voter's information.
Q. On a computer?
Q. Does it happen with early ballots?
A. Yeah, I thought that's what we were talking about.
Q. I was just wondering whether these rejections would be limited to provisional or early or it happens in both?
A. It happens in both.
Q. Do you ever know when you're unable to match a signature whether there's been voter fraud or just some other problem? Do you know specifically?
A. I have no knowledge.
Q. Okay. Do you consider signature verification to be adequate to combat voter fraud?
MS. RAPP: Objection. Form.
THE WITNESS: Yes.

BY MS. PERALES:
Q. You may answer.
A. Yes.
Q. Let's take a look at Exhibits 10, 11, and 12. Can you identify for me what has been marked as Exhibit 10?
A. Exhibit 10 is a letter from myself and Lynn Constable, the Yavapai County Elections Director, to Joe Kanefield, who is the the State Elections Director for Arizona.
Q. And would it be fair to say that the letter expresses some concerns about persons who might not have voter ID?
anybody to talk to that caller right then, but that you would
call them back later; is that right?
A. And, again, because we've never had the situation
come up, it's difficult to say because Rosemary is in our
Cottonwood office. Our first line would probably be to
transfer them to the Cottonwood office so they could talk to
her.

MS. PERALES: Okay. Thank you. I pass the
witness.

MS. RAPP: Bob, do you have anything else?
MR. KENGLE: No, I don't. Thank you.
MS. RAPP: I don't either. Thank you very
much.

MS. PERALES: Thank you. I think we're done.

(Deposition concluded at 1:43 p.m.)

* * * * *
REPORTER'S CERTIFICATE

I, Kathy Johnston, Certified Reporter No. 50164, Registered Professional Reporter, State of Arizona, do hereby certify that previous to the commencement of the examination ANA WAYMAN-TRUJILLO was duly sworn by me to testify truthfully; that the said deposition was taken in machine shorthand by me at the time and place aforesaid and was thereafter reduced to typewritten form; that the foregoing is a true and correct transcript of my stenotype notes thereof; and that signature was requested.

It is further certified I am not attorney, nor counsel, nor in any way connected with any attorney or counsel for any of the parties to said action, nor otherwise interested in the outcome of this action.

IN WITNESS WHEREOF, I have affixed my signature this 14th day of January, 2008.

______________________________
KATHY JOHNSTON
Certified Reporter No. 50164
Registered Professional Reporter
SIGNATURE OF WITNESS

STATE OF ARIZONA : COUNTY OF YAVAPAI

I, ANA WAYMAN-TRUJILLO, the witness in the above deposition, do hereby certify that I have read the foregoing deposition, and that the said deposition is a true and correct record of my testimony, with such corrections and changes, if necessary, listed below.

<table>
<thead>
<tr>
<th>PAGE</th>
<th>LINE</th>
<th>SHOULD READ</th>
<th>REASON FOR CHANGE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
EXHIBIT BB
Kanefield, Joseph

Gonzalez v. Arizona

1-11-2008

United Court Reporters, Inc.
ucrin incorporated@aol.com
520-792-2600
520-722-5180
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Maria M. Gonzalez, et al., )
) No. CV-06-1268-PHX-ROS (Lead)
Plaintiffs, ) No. CV-06-1362-PCT-ROS
) No. CV-06-1575-PCT-ROS
vs. )
State of Arizona, et al., )
) Defendants.
)

30(b)(6) DEPOSITION OF JOSEPH KANEFIELD

Phoenix, Arizona
January 11, 2008
11:45 a.m.

REPORTED BY:
Cindy Bachman
Certified Reporter No. 50763

UNITED COURT REPORTERS, INC.
Serving all of Arizona (800) 759-9075
DEPOSITION OF JOSEPH KANEFIELD, was taken at 11:45 a.m., on Friday, January 11, 2008, at office of JAN BREWER, ARIZONA SECRETARY OF STATE, 1700 West Washington, Phoenix, Arizona, before CINDY BACHMAN, Certified Reporter No. 50763, in the State of Arizona.

* * * *

COUNSEL APPEARING:

ON BEHALF OF PLAINTIFF GONZALEZ:

Nina Perales, Esq.
MALDEF
110 Broadway, Suite 300
San Antonio, Texas 78205

David H. Urias, Esq.
MALDEF
110 Broadway, Suite 300
San Antonio, Texas 78205

Diego M. Bernal, Esq.
MALDEF
110 Broadway, Suite 300
San Antonio, Texas 78205

ON BEHALF OF NAVAJO PLAINTIFFS:

Javier G. Ramos, Esq.
SACKS TIERNEY, P.A.
4250 North Drinkwater Boulevard
Scottsdale, Arizona 85251

UNITED COURT REPORTERS, INC.
Serving all of Arizona (800) 759-9075
ON BEHALF OF PLAINTIFFS I.T.C.A.:

Robert A. Kengle, Esq.
LAWYER'S COMMITTEE FOR CIVIL RIGHTS UNDER LAW
Washington, D.C. 20005

ON BEHALF OF THE STATE OF ARIZONA:

Barbara A. Bailey, Esq.
ASSISTANT ATTORNEY GENERAL
1275 West Washington Street
Phoenix, Arizona 85007

ON BEHALF OF MARICOPA COUNTY:

Kathleen E. Rapp, Esq.
WILENCHIK & BARTNESS
2810 North Third Street
Phoenix, Arizona 85004

UNITED COURT REPORTERS, INC.
Serving all of Arizona (800) 759-9075
# Index

## Witness

**JOSEPH KANEFIELD**

EXAMINATION BY MS. PERALES  5

## Exhibits

<table>
<thead>
<tr>
<th>EXHIBIT</th>
<th>DESCRIPTION</th>
<th>MARKED</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. 5</td>
<td>Registration Form</td>
<td>7</td>
</tr>
<tr>
<td>No. 6</td>
<td>Page from Procedures Manual</td>
<td>16</td>
</tr>
<tr>
<td>No. 7</td>
<td>Page from Procedures Manual</td>
<td>19</td>
</tr>
<tr>
<td>No. 8</td>
<td>Election Complaints</td>
<td>23</td>
</tr>
</tbody>
</table>

United Court Reporters, Inc.

Serving all of Arizona (800) 759-9075

1  Exhibit 8, other than what's in this document?
2    A. No.
3    MS. PERALES: All right.
4    Let's mark this.
5    MR. BERNAL: We don't have it.
6    MS. PERALES: Oh, okay. I think I need you to get it.
7    MR. BERNAL: Okay. I'll be back then.
8    MS. PERALES: Can we go off the record for a second, please?
9
10   (A discussion was held off the record.)

11   BY MS. PERALES:
12    Q. Do you know whether the Election Procedures Manual
13    describes, specifically, the return codes reported by the VRAZ
14    nightly matching process to county recorders?
15    MS. BAILEY: I'm going to object. It's outside the
16    scope of the topics designated for this witness.
17    Go ahead.
18    THE WITNESS: I don't know specifically.
19    Craig Stender probably would have been the better person to ask
20    that question to be honest with you. It may or not be reflected
21    in there. I just don't know at the moment.
22   BY MS. PERALES:
23    Q. Do you have any knowledge of any incident since
24    January 1, 1996 -- with the caveat that you gave before about
25    the presence of your administration and your record review --

Page 30

1. involving allegations that a non-US citizen registered to vote in Arizona?

A. Specific allegations -- I don't recall specific allegations. I know we have provided you with every written allegation that we have regarding citizenship.

We hear from time to time unsubstantiated allegations -- what I call global allegations -- that this is occurring. But I'm assuming what you're asking me is a specific allegation of a particular individual.

We do know that the statewide system has prevented some individuals from registering whose driver's license category has designated them as non-citizens. Those that are authorized to be here in the country but not necessarily citizens. And whether they were almost citizens, I don't know.

Q. Do you know whether those persons were recently naturalized citizens?

A. I don't know. I only know that -- and Craig Stender may have addressed this with you -- but the driver's license system in Arizona classifies folks or applicants into those that are authorized to be in the country versus those that are citizens. That's reflected per Proposition 200, I suppose, in those that have a driver's license number after January 1, 1996 and those that have licenses that are classified as F or N, if I recall -- again, Craig knows more about this than I do.

The system has prevented approximately 1,300
to try to get that information.

And now, I pass the witness.

MS. RAPP: I'm just going to make a note that Ms. Brennan asked yesterday that it be put in writing.

MS. PERALES: That certain questions be put in writing. That's correct. And we had also mentioned, with respect to the request to put it in writing, that sometimes an answer that you get back that you haven't seen before would cause you to ask another question, which is why we do this in the form of a 30(b)(6) deposition.

But we reiterate our willingness to work in good faith with the State to resolve those spots where we haven't been able to get testimony.

And now, I pass the witness.

MR. RAMOS: I don't have any questions.

MR. KENGLE: No questions. Thank you.

MS. BAILEY: I don't have any questions.

MS. RAPP: I don't either. Thank you, Mr. Kanefield.

MS. PERALES: Thank you.

(The deposition concluded at 1:00 p.m.)

---------------------
JOSEPH KANEFIELD


BE IT KNOWN that the foregoing transcript was taken before me, CINDY BACHMAN, a Certified Reporter in the State of Arizona; that the witness before testifying was duly sworn by me to testify the whole truth; that the questions propounded to the witness and the answers of the witness thereto were taken down by the Voice Writing method and translated into text via speech recognition under my direction; at the witness's request, notification was provided that the transcript was available to read and sign; and that the foregoing typewritten pages are a true and correct transcript of all proceedings, all done to the best of my skill and ability.

I FURTHER CERTIFY that I am in no way related to any of the parties hereto, nor am I in any way interested in the outcome hereof.

DATED at Phoenix, Arizona, this 16TH day of January, 2008.

__________________________
Cindy Bachman
Certified Reporter No. 50763
EXHIBIT CC
Rodriguez, F. Ann

Gonzalez v. State of Arizona

8/2/2006

United Court Reporters, Inc.
ucrincorporated@aol.com
520-792-2600
520-722-5180
MARIA M. GONZALEZ, et al.,

Plaintiffs,

vs.

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.

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

EAC000956
APPEARANCES:

FOR PLAINTIFFS GONZALEZ, ET AL.:

NINA PERALES, ESQ.
MEXICAN AMERICAN LEGAL DEFENSE
AND EDUCATIONAL FUND
110 Broadway, Suite 300
San Antonio, Texas  78205

 DANIEL R. ORTEGA, JR., ESQ.
ROUSH, MCCRACKEN, GUERRERO,
MILLER & ORTEGA
650 North Third Avenue
Phoenix, Arizona  85003

FOR CO-PLAINTIFFS INTER TRIBAL COUNCIL OF ARIZONA,
ET AL.:

BENJAMIN BLUSTEIN, ESQ.
LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW
1401 New York Avenue, NW, Suite 400
Washington, D.C.  20005

FOR DEFENDANT PIMA COUNTY:

KATHLEEN E. RAPP, ESQ.
WILENCHIK & BARTNESS
2810 North Third Street
Phoenix, Arizona  85004

KAREN S. FRIAR, ESQ.
PIMA COUNTY ATTORNEY'S OFFICE
Civil Division
32 North Stone, Suite 2100
Tucson, Arizona  85701

FOR DEFENDANT JAN BREWER, SECRETARY OF STATE
OF ARIZONA:

PETER A. SILVERMAN, ESQ.
ASSISTANT ATTORNEY GENERAL
OFFICE OF THE ATTORNEY GENERAL
1275 West Washington
Phoenix, Arizona  85007
(telephonically)
FOR DEFENDANT MARICOPA COUNTY:

COLLEEN CONNOR, ESQ.
MARICOPA COUNTY ATTORNEY'S OFFICE
Civil Division
222 North Central, Suite 1100
Phoenix, Arizona 85003
(telephonically)

* * * * *

PURSUANT TO NOTICE, the deposition of

F. ANN RODRIGUEZ was taken at the offices of the Pima
County Attorney, 32 North Stone, in the City of Tucson,
County of Pima, State of Arizona, before
Kathryn A. Lorenz, RPR, CR No. 50738, in and for the
State of Arizona, on August 2, 2006, commencing at the
hour of 9:52 a.m., in a certain cause now pending in the
United States District Court, in and for the District of
Arizona.

## INDEX

<table>
<thead>
<tr>
<th>WITNESS</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>F. ANN RODRIGUEZ</td>
<td></td>
</tr>
<tr>
<td>Examination by Ms. Perales</td>
<td>5</td>
</tr>
<tr>
<td>Examination by Mr. Blustein</td>
<td>121</td>
</tr>
</tbody>
</table>

## EXHIBITS

<table>
<thead>
<tr>
<th>NUMBER</th>
<th>DESCRIPTION</th>
<th>IDENTIFIED</th>
</tr>
</thead>
<tbody>
<tr>
<td>PIM 1</td>
<td>A.R.S. Section 16-166</td>
<td>35</td>
</tr>
<tr>
<td>PIM 2</td>
<td>Notice, New Voter Registration Requirements</td>
<td>35</td>
</tr>
<tr>
<td>PIM 3</td>
<td>&quot;Voter registration driver's license no match&quot; letter</td>
<td>48</td>
</tr>
<tr>
<td>PIM 4</td>
<td>&quot;Voter registration no I.D.&quot; letter</td>
<td>51</td>
</tr>
<tr>
<td>PIM 5</td>
<td>Arizona Voter Registration Form</td>
<td>57</td>
</tr>
<tr>
<td>PIM 6</td>
<td>&quot;Voter registration Naturalization no match&quot; letter</td>
<td>65</td>
</tr>
<tr>
<td>PIM 7</td>
<td>Locations for Voter Registration Forms</td>
<td>82</td>
</tr>
<tr>
<td>PIM 8</td>
<td>Answer to First Set of Interrogatories to Defendants F. Ann Rodriguez from Plaintiffs Inter Tribal Council of Arizona, IC., et al. (with exhibits)</td>
<td>114</td>
</tr>
</tbody>
</table>

Page 5

Whereupon,

F. ANN RODRIGUEZ,

having been first duly sworn,

was examined and testified as follows:

EXAMINATION

BY MS. PERALES:

Q. Good morning.
A. Good morning.

Q. Please state your full name for the record.
A. My full name is F. Ann Rodriguez, and I'm a
Pima County Recorder.

Q. And are you here with your attorney today?
A. Yes, I am here with legal counsel.

Q. My name is Nina Perales. I represent the
Gonzalez plaintiffs in this case. And with me is
Daniel Ortega, who is also representing the Gonzalez
plaintiffs.

We are also joined today by Mr. Blustein, who
I believe will introduce himself to you later as well.
He represents another set of plaintiffs.

Q. Have you ever had your deposition taken
before?
A. No.

Q. I would like to go over some ground rules with
people who are walking in that want to vote early.

However, with that said, that doesn't mean
that somebody may have requested a vote-by-mail ballot.
And usually, if they -- that shows up, they have to call
downtown to override it and make sure the ballot hasn't
been returned and what have you.

Q. And you can do that right then and there?
A. A little bit different on the T.O.'s because
we're not electronically connected. They do have a
laptop they take out there with all the entire voter
registration from the Tohono O'odham Nation. But since
those ballots have to come down for signature
verification anyway, we'll catch it then.

Q. When you do in-person early voting, are those
votes subject to signature verification?
A. Yes.

Q. And are you confident that that signature
verification process is sufficient to prevent fraud?
A. Yes. It's the same procedure that's been...
will be conducted with people voting by mail.

Q. And the mail-voting process, you are also
confident the signature verification for mail voting is
sufficient to prevent fraud.
A. Yes. I bring in a signature handwriting
expert in, and staff attends. We have a beginners
MS. PERALES: The deposition is concluded for now.

(Whereupon, the deposition adjourned at 1:09 p.m.)

F. ANN RODRIGUEZ
CERTIFICATE

STATE OF ARIZONA )
 ) ss.
COUNTY OF PIMA )

BE IT KNOWN that I took the foregoing deposition pursuant to Notice; that I was then and there a Registered Professional Reporter and Certified Reporter No. 50738 in the State of Arizona; that the witness was duly sworn by me to tell the truth; that said witness's testimony was reduced to writing by me.

I DO FURTHER CERTIFY that I am not a relative or attorney of either party, or financially or otherwise interested in the action.

WITNESS MY HAND this 3rd day of August, 2006.

KATHRYN A. LORENZ, RPR, AZ CR 50738
EXHIBIT DD
Rodriguez, Ann

Gonzalez v. Arizona

1/22/2008

United Court Reporters, Inc.
ucrinorporated@aol.com
520-792-2600
520-722-5180

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

MARIA M. GONZALEZ, et al.,

Plaintiffs,

- vs -

STATE OF ARIZONA, et al.,

Defendants.

DEPOSITION OF F. ANN RODRIGUEZ

VOLUME II

January 22, 2008

Tucson, Arizona

BY: CINDY J. SHEARMAN, CR #50718

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

EAC000966

1 APPEARANCES:

2 FOR PLAINTIFF GONZALEZ:

3 NINA PERALES, ESQUIRE
DIEGO BERNAL, ESQUIRE
MEXICAN AMERICAN LEGAL DEFENSE AND
EDUCATIONAL FUND
110 Broadway, Suite 300
San Antonio, Texas 78205

7 FOR PLAINTIFF ITCA:

8 SARA S. GREENE, ESQUIRE
OSBORN MALEDON
The Phoenix Plaza
2929 North Central Avenue, 21st Floor
Phoenix, Arizona 85012-2794

11 FOR THE STATE OF ARIZONA:

13 TANJA K. SHIPMAN, ESQUIRE
ASSISTANT ATTORNEY GENERAL
SOLICITOR GENERAL'S OFFICE
1275 West Washington
Phoenix, Arizona 85007

16 FOR THE COUNTIES:

17 KATHLEEN E. RAPP, ESQUIRE
WILENCHIK & BARTNESS, P.C.
The Wilenchik & Bartness Building
2810 North Third Street
Phoenix, Arizona 85004

20 and

21 KAREN FRIAR, ESQUIRE
DEPUTY COUNTY ATTORNEY
32 North Stone Avenue
Tucson, Arizona 85701

24

25

Page 3

PURSUANT TO NOTICE, the deposition of
F. ANN RODRIGUEZ was taken at the Offices of Pima
County, 130 W. Congress, in the City of Tucson,
County of Pima, State of Arizona, before Cindy J.
Shearman, CR #50718, in and for the State of
Arizona, on January 22, 2008, commencing at the
hour of 9:10 a.m., in a certain cause now pending
in the United States District Court for the
District of Arizona.

INDEX

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>EXAMINATION</td>
<td>PAGE</td>
</tr>
<tr>
<td>4</td>
<td>By Ms. Perales</td>
<td>6</td>
</tr>
<tr>
<td>5</td>
<td>By Ms. Greene</td>
<td>156</td>
</tr>
<tr>
<td>6</td>
<td>By Ms. Shipman</td>
<td>159</td>
</tr>
<tr>
<td>7</td>
<td>By Ms. Perales</td>
<td>162</td>
</tr>
<tr>
<td>8</td>
<td>By Ms. Rapp</td>
<td>169</td>
</tr>
<tr>
<td>9</td>
<td>By Ms. Perales</td>
<td>173</td>
</tr>
</tbody>
</table>

EXHIBITS:

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>13</td>
<td>Number</td>
<td>Description</td>
</tr>
<tr>
<td>14</td>
<td>PIM 9</td>
<td>NVRA agency listing for Pima County</td>
</tr>
<tr>
<td>15</td>
<td>PIM 10</td>
<td>Sample voter registration</td>
</tr>
<tr>
<td>16</td>
<td>PIM 11</td>
<td>Arizona voter registration form requesting alien registration number</td>
</tr>
<tr>
<td>17</td>
<td>PIM 12</td>
<td>Arizona voter registration form requesting certificate of naturalization number</td>
</tr>
<tr>
<td>18</td>
<td>PIM 13</td>
<td>Notice of new voter registration requirements</td>
</tr>
<tr>
<td>19</td>
<td>PIM 14</td>
<td>Proposition 200</td>
</tr>
<tr>
<td>20</td>
<td>PIM 15</td>
<td>Voter registration basics</td>
</tr>
<tr>
<td>21</td>
<td>PIM 16</td>
<td>New voter registration handling procedures required per Prop 200</td>
</tr>
<tr>
<td>22</td>
<td>PIM 17</td>
<td>Insufficient information letter</td>
</tr>
<tr>
<td>23</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Identification:

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>162</td>
<td></td>
<td></td>
</tr>
<tr>
<td>43</td>
<td></td>
<td></td>
</tr>
<tr>
<td>56</td>
<td></td>
<td></td>
</tr>
<tr>
<td>62</td>
<td></td>
<td></td>
</tr>
<tr>
<td>62</td>
<td></td>
<td></td>
</tr>
<tr>
<td>66</td>
<td></td>
<td></td>
</tr>
<tr>
<td>69</td>
<td></td>
<td></td>
</tr>
<tr>
<td>70</td>
<td></td>
<td></td>
</tr>
<tr>
<td>76</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number</td>
<td>Description</td>
<td>Identified</td>
</tr>
<tr>
<td>--------</td>
<td>------------------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>PIM 18</td>
<td>Sample voter registrations</td>
<td>91</td>
</tr>
<tr>
<td>PIM 19</td>
<td>Sample NVRA registrations</td>
<td>97</td>
</tr>
<tr>
<td>PIM 20</td>
<td>Sample FPCA registrations</td>
<td>99</td>
</tr>
<tr>
<td>PIM 21</td>
<td>Sample voter registrations</td>
<td>103</td>
</tr>
<tr>
<td>PIM 22</td>
<td>E-mail, 2-10-05, with MVD match return codes</td>
<td>108</td>
</tr>
<tr>
<td>PIM 23</td>
<td>Letter, 9-2-05, Ms. Rodriguez to Ms. Brewer</td>
<td>152</td>
</tr>
<tr>
<td>PIM 24</td>
<td>Letter, 7-7-05, Ms. Rodriguez to Ms. Brewer</td>
<td>148</td>
</tr>
<tr>
<td>PIM 25</td>
<td>NVRA statistic totals between 1-1-07 and 12-31-07</td>
<td>164</td>
</tr>
<tr>
<td>PIM 26</td>
<td>E-mail, 1-17-08, Ms. Perales to Ms. Connor, Ms. Rapp</td>
<td>164</td>
</tr>
</tbody>
</table>

(Attached: Deposition Exhibit Nos. 10, 18, 19, 20, 21 sealed.)

F. ANN RODRIGUEZ,

having first duly sworn or affirmed to tell the
truth, the whole truth, and nothing but the truth,
was examined and testified as follows:

EXAMINATION

BY MS. PERALES:

Q Okay, Ms. Rodriguez. My name is Nina
Perales and I represent the Gonzales plaintiffs in
this case. With me shortly will be coming in Diego
Bernal, who is also with my firm and Sara Greene is
here with the ITCA plaintiffs.

This is a continuation of your deposition
that we started in August of 2006. And so I won't
ask you to state your name and title for the record
because we already have -- we already have your
name and title on the record. And I will only
briefly go over with you some of the rules of the
road.

First, let me ask if, since the first part
of your deposition in 2006, whether you've had your
deposition taken in any other matter?

A No.

Q Okay. So we didn't start a trend?

A No, no.

Q So I will remind you to make your
A Say that again.

Q What do you think is the effect, what is the result of limiting polling place ID to the current list that we have now?

A To me, personally, it's the disenfranchisement of the voter of not having it expanded now that we know, that we've already gone through several elections, we know what's available further out there from the general public. I also have said I think it's extremely confusing how they have worded what's acceptable at the top and then they use the word "or". I think they need to take the word "or" out and clearly say if you don't have what's above, you must clearly bring two of the bottom. The word "or" is confusing to some citizens as we've found out. But they don't want to address that one, and I don't think the division of elections have the political clout or the fortitude to push it forward.

Q Do you think that signature verification is an adequate means to ensure that the person who signs the outside of the envelope is the person casting the ballot?

A It's been working for years that way.

Q Do you think it's reliable?
Q And you do training of your staff to make sure that they are very good at the signature verification?

A We bring a certified handwriting expert, there's one of 200 in the country, we bring them in for beginners' training is what we call it and then the advanced training.

Q And everybody who does signature verification for Pima County has gone through this training; is that right?

A That is correct.

Q Let's take a look at Exhibit 23.

MS. RAPP: Can we go off record for a second.

MS. PERALES: Sure.

(Discussion off the record.)

BY MS. PERALES:

Q Let's take a look at Exhibit 23. Can you identify this exhibit?

A It's a follow-up letter that I sent to Secretary Brewer.

Q All right. And do you still have the concerns that you expressed in this letter, Exhibit 23?
MS. PERALES: From VRAZ.

THE WITNESS: And I also have provisional ballot counts and conditional ballot --

MS. RAPP: That's something that we're going to provide, but not add to the deposition, but I want to be clear that on those three items, that they can be added to the actual deposition testimony in the corrections without any objection from anyone; is that correct?

MS. PERALES: Yes, as long as they're just limited to the answer.

MS. SHIPMAN: Agreed.

MS. RAPP: I expect that they will be.

Okay. We'll read and sign.

(Adjourned at 1:45 p.m., January 22, 2008.)

F. ANN RODRIGUEZ
STATE OF ARIZONA
)
COUNTY OF PIMA )

BE IT KNOWN I took the foregoing deposition; that I was then and there a Certified Reporter in the State of Arizona; that by virtue thereof, I was authorized to administer an oath; that the witness, F. ANN RODRIGUEZ, before testifying was duly sworn to testify to the whole truth and nothing but the truth; and the testimony of the witness was reduced to writing under my direction.

I DO FURTHER CERTIFY that I am not relative or attorney of either party or otherwise interested in the events of this action.

(X) Pursuant to request, notification was provided that the deposition is available for review and signature.

( ) Deposition review and signature was not requested.

Signed and dated this 5th day of February, 2008.

CINDY J. SHEARMAN, RMR, CRR
Certified Reporter,
EXHIBIT EE
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

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 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
INDEX

Examination:  
BY MS. HARTMAN-TELLEZ  5
BY MS. RAPP  34

EXHIBITS

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No exhibits were marked.</td>
<td></td>
</tr>
</tbody>
</table>
THE DEPOSITION OF PENNY L. PEW,

taken at 12:25 p.m. on August 1, 2006, at the offices of
the Coconino County Recorder, 110 East Cherry Avenue,
Flagstaff, Arizona, before PAUL GROSSMAN, a Notary
Public and Certified Reporter #50028 in and for the
State of Arizona, pursuant to the Federal Rules of Civil
Procedure.

FOR THE PLAINTIFFS

KAREN J. HARTMAN-TELLEZ, ESQ.
STEP TOE & JOHNSON LLP
201 EAST WASHINGTON STREET
SUITE 1600
PHOENIX, AZ 85004
(602) 257-5200

BENJAMIN BLUSTEIN, ESQ.
LAWYERS' COMMITTEE FOR CIVIL RIGHTS
UNDER LAW
1401 NEW YORK AVENUE
SUITE 400
WASHINGTON, D.C. 20005
(202) 662-8315

FOR THE DEFENDANTS

KATHLEEN RAPP, ESQ.
WILENCHIK AND BARTNESS, P.C.
THE WILENCHIK & BARTNESS BUILDING
2810 NORTH THIRD STREET
PHOENIX, AZ 85004
(602) 606-2810
(Telephonically) PETER ALEX SILVERMAN
ASSISTANT ATTORNEY GENERAL
OFFICE OF THE ATTORNEY GENERAL
1275 WEST WASHINGTON STREET
PHOENIX, AZ 85007
(602) 542-8308
Flagstaff, Arizona
August 1, 2006
12:25 p.m.

PENNY L. PEW,
called as a witness herein, having been first duly
sworn, was examined and testified as follows:

EXAMINATION

BY MS. HARTMAN-TELLEZ:

Q. Please state your full name for the record.
A. Penny Lee Pew.

Q. And since you've been in the room I'm going
to dispense with the introductions.
You are the Apache County Elections Director,
is that correct?

A. That's correct.

Q. How long have you held that position?

Q. And what are your duties as Elections
Director?
A. As the Elections Director I conduct all
aspects of the election. I prepare the ballot and train
Q. And the way you would verify that would be to do a signature check?
A. The Recorder's Office would do a signature check.
Q. And do you believe that signature check is sufficient to guard against fraud?
A. Yes, I do.
Q. Under the non-photo identification that's acceptable as a polling place ID does the county accept satellite television bills?
A. Yes.
Q. What about a bill from an Internet service provider?
A. I believe so.
Q. But those are not listed on this list, are they?
A. No, they are not.
Q. Okay. And what about bills from a credit card company?
A. I believe that would fall under the any form of ID with voter's name and address that's equally reliable, yes.
Q. So if you were staffing the 800 line yourself you would -- and a poll worker called you and said, "I have a voter here who has two forms of non-photo
MS. HARTMAN-TELLEZ: Okay. We are finished.

(Whereupon, the deposition was then concluded at 1:08 p.m.)
STATE OF ARIZONA  
COUNTY OF MARICOPA  

BE IT KNOWN that the foregoing deposition was  
taken before me, PAUL GROSSMAN, a Notary Public and  
Certified Reporter #50028 in and for the County of  
Maricopa, State of Arizona; that the witness before  
testifying was duly sworn by me to testify to the whole  
truth; pursuant to request, notification was provided  
that the deposition is available for review and  
signature; that the questions propounded to the witness  
and the answers of the witness thereto were taken down  
by me in shorthand and thereafter reduced to print by  
computer-aided transcription under my direction; that  
the foregoing 35 pages are a true and correct transcript  
of all proceedings had upon the taking of said  
deposition, all done to the best of my skill and  
ability.  

I FURTHER CERTIFY that I am in no way related  
to any of the parties hereto, nor am I in any way  
interested in the outcome hereof.  

DATED at Phoenix, Arizona, this 7th day of  
August, 2006.  

Paul Grossman, Notary Public  
AZ CR #50028
EXHIBIT FF
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

MARIA M. GONZALEZ, et al., )
Plaintiffs, )

-vs- )
STATE OF ARIZONA, etc., 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. )

30(b)(6) DEPOSITION OF THE NAVAJO COUNTY RECORDER BY AND THROUGH KELLY DASTRUP (Telephonically)

Flagstaff, Arizona
August 1, 2006

Prepared for: Prepared by:
PETER A. SILVERSTEIN PAUL GROSSMAN
Assistant Attorney General Arizona Certified
(Copy) Reporter #50028
CA CSR #1487

EAC000986
INDEX

Examination:

BY MS. HARTMAN-TELLEZ  Page 4
BY MR. SILVERMAN  Page 30

EXHIBITS

No.  Description     Page

No exhibits were marked.
THE TELEPHONIC DEPOSITION OF KELLY DASTRUP,

taken at 5:30 p.m. on August 1, 2006, at the offices of
the Coconino County Recorder, 110 East Cherry Avenue,
Flagstaff, Arizona, before PAUL GROSSMAN, a Notary
Public and Certified Reporter #50028 in and for the
State of Arizona, pursuant to the Federal Rules of Civil
Procedure.

FOR THE PLAINTIFFS

KAREN J. HARTMAN-TELLEZ, ESQ.
STEPTOE & JOHNSON LLP
201 EAST WASHINGTON STREET
SUITE 1600
PHOENIX, AZ 85004
(602) 257-5200

BENJAMIN BLUSTEIN, ESQ.
LAWYERS' COMMITTEE FOR CIVIL RIGHTS
UNDER LAW
1401 NEW YORK AVENUE
SUITE 400
WASHINGTON, D.C. 20005
(202) 662-8315

FOR THE DEFENDANTS

KATHLEEN RAPP, ESQ.
WILENCHIK AND BARTNESS, P.C.
THE WILENCHIK & BARTNESS BUILDING
2810 NORTH THIRD STREET
PHOENIX, AZ 85004
(602) 606-2810

(Telephonically) PETER ALEX SILVERMAN, ESQ.
OFFICE OF THE ATTORNEY GENERAL
1275 WEST WASHINGTON STREET
PHOENIX, AZ 85007
(602) 542-8308
Flagstaff, Arizona
August 1, 2006
5:30 p.m.

KELLY DASTRUP,
called as a witness herein, having been first duly
sworn, was examined and testified as follows:

EXAMINATION

BY MS. HARTMAN-TELLEZ:

Q. Ms. Dastrup, here with me in the room is
Katie Rapp. Is she your counsel?
A. Yes.

Q. You are the Navajo County Elections Director;
is that your title?
A. Yes, it is.

Q. And what are your duties as Elections
Director?
A. I am in charge of all aspects of elections
that are held within the county or jurisdictions who
choose to enter into agreements with the county.

Q. Are there jurisdictions within Navajo County
that do not enter into agreements with the county to
correct address but in the spouse's name.

A. Conditional provisional.

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

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

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

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

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

A. That's correct.

Q. Are you comfortable that the procedures that the County Recorder's Office uses to compare signatures is sufficient to prevent voter fraud?
A. I am.

Q. Do you have any knowledge of anyone impersonating a registered voter at the polls in Navajo County?

A. I have no knowledge.

Q. And do you have any knowledge of non-United States citizens voting at the polls in Navajo County?

A. I have no knowledge.

MS. HARTMAN-TELLEZ: Let me take just a minute's break here.

(Whereupon, a short recess was then had from 6:10 p.m. until 6:11 p.m.)

BY MS. HARTMAN-TELLEZ:

Q. Okay. Ms. Dastrup, did the proponents of Proposition 200 contact you before it was enacted to find out about voter fraud in Navajo County?

A. Not to my knowledge.

Q. Do you have any knowledge of being contacted by the proponents of Prop. 200 for any purpose before it was enacted?

A. No.

Q. Thank you. Those are all the questions I have for you, so I'll pass the witness.

MS. RAPP: Peter, do you have anything?
A. No, sir.

Q. Those are my only questions. Thank you.

MS. RAPP: Kelly, you've passed this with flying colors. I don't have any questions for you.

(Whereupon, the deposition was then concluded at 6:15 p.m.)

______________________________
KELLY DASTRUP
STATE OF ARIZONA  
) ss.
COUNTY OF MARICOPA 

BE IT KNOWN that the foregoing deposition was taken before me, PAUL GROSSMAN, a Notary Public and Certified Reporter #50028 in and for the County of Maricopa, State of Arizona; that the witness before testifying was duly sworn by me to testify to the whole truth; pursuant to request, notification was provided that the deposition is available for review and signature; that the questions propounded to the witness and the answers of the witness thereto were taken down by me in shorthand and thereafter reduced to print by computer-aided transcription under my direction; that the foregoing 31 pages are a true and correct transcript of all proceedings had upon the taking of said deposition, all done to the best of my skill and ability.

I FURTHER CERTIFY that I am in no way related to any of the parties hereto, nor am I in any way interested in the outcome hereof.

DATED at Phoenix, Arizona, this 7th day of August, 2006.

Paul Grossman, Notary Public
AZ CR #50028
EXHIBIT GG
Hoyos, Gilberto

Gonzalez v. Arizona

1/16/2008
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Maria M. Gonzalez, et al.,
Plaintiffs,

vs.

State of Arizona, et al.,
Defendants.

No. CV-06-1268-PHX-ROS (Lead)
No. CV-06-1362-PCT-ROS
No. CV-06-1575-PCT-ROS

DEPOSITION OF GILBERTO HOYOS
January 16, 2008
Tucson, Arizona

BY: CYNTHIA D. MCDEVITT, RPR, CR No. 50108
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

EAC000996
In re: Gonzalez v. Arizona -- Gilberto Hoyos -- January 16, 2008

APPEARANCES:

FOR PLAINTIFF GONZALEZ:
DAVID H. URIAS, ESQUIRE
DIEGO M. BERNAL, ESQUIRE
MEXICAN AMERICAN LEGAL DEFENSE AND
EDUCATION FUND
110 Broadway, Suite 300
San Antonio, Texas 78205

FOR PLAINTIFF I.T.C.A.:
ROBERT A. KENGLE, ESQUIRE
LAWYERS' COMMITTEE FOR CIVIL RIGHTS
UNDER LAW
1401 New York Avenue N.W.
Washington, D.C. 20005

FOR DEFENDANT THE 13 COUNTIES:
KATHLEEN E. RAPP, ESQUIRE
WILENCHIK & BARTNESS
2810 North Third Street
Phoenix, Arizona 85004

FOR THE DEFENDANT STATE OF ARIZONA:
TANJA K. SHIPMAN, ESQUIRE
OFFICE OF THE ATTORNEY GENERAL
1275 West Washington
Phoenix, Arizona 85007

ALSO PRESENT: MANNY GONZALEZ

PURSUANT TO NOTICE, the deposition of GILBERTO
HOYOS was taken at the offices of PINAL ELECTION DIVISION, 383
North Main Street, in the City of Florence, County of Pinal,
State of Arizona, before Cynthia D. McDevitt, RPR, CR No. 50108,
in and for the State of Arizona, on January 16, 2008, commencing
at the hour of 1:35 p.m., in a certain cause now pending in the
UNITED STATES DISTRICT COURT, for the District of Arizona.
**INDEX**

<table>
<thead>
<tr>
<th>EXAMINATION</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>By Mr. Urias</td>
<td>5</td>
</tr>
<tr>
<td>By Ms. Shipman</td>
<td>70</td>
</tr>
<tr>
<td>By Ms. Rapp</td>
<td>75</td>
</tr>
<tr>
<td>By Mr. Urias</td>
<td>78</td>
</tr>
<tr>
<td>By Mr. Kengle</td>
<td>82</td>
</tr>
</tbody>
</table>

**EXHIBITS:**

<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
<th>Identified</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Voter ID Ticket</td>
<td>11</td>
</tr>
<tr>
<td>2</td>
<td>New Voter ID Requirements For 2006</td>
<td>19</td>
</tr>
<tr>
<td>3</td>
<td>Remember, ID Required to Vote, Acceptable Forms of ID</td>
<td>21</td>
</tr>
<tr>
<td>4</td>
<td>Elect-Dont't Neglect Mailer</td>
<td>26</td>
</tr>
<tr>
<td>5</td>
<td>Page From Pinal County Elections Department Website</td>
<td>32</td>
</tr>
<tr>
<td>6</td>
<td>Nine Provisional or Conditional Provisional Ballots</td>
<td>46</td>
</tr>
<tr>
<td>7</td>
<td>Email From Gilbert Hoyos Dated 03-08-06</td>
<td>51</td>
</tr>
<tr>
<td>Number</td>
<td>Description</td>
<td>Identified</td>
</tr>
<tr>
<td>--------</td>
<td>----------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>8</td>
<td>Sample Ballot, Democratic Party, Presidential Preference Election</td>
<td>58</td>
</tr>
<tr>
<td>9</td>
<td>Sample Ballot, Republican Party, Presidential Preference Election</td>
<td>58</td>
</tr>
<tr>
<td>10</td>
<td>Provisional Ballots Spreadsheet</td>
<td>60</td>
</tr>
<tr>
<td>11</td>
<td>Dated 09-12-06</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Provisional Ballots Spreadsheet</td>
<td>64</td>
</tr>
<tr>
<td>13</td>
<td>Dated 11-07-06</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Procedure For Proof Of Identification at Polls</td>
<td>67</td>
</tr>
<tr>
<td>15</td>
<td>Have ID Ready Tent</td>
<td>68</td>
</tr>
<tr>
<td>16</td>
<td>Acceptable Forms of ID Notice</td>
<td>69</td>
</tr>
<tr>
<td>17</td>
<td>Pinal County Voters, We ID Button</td>
<td>71</td>
</tr>
<tr>
<td>18</td>
<td>75 Foot Limit Notice</td>
<td>75</td>
</tr>
</tbody>
</table>
GILBERTO HOYOS,

having first been duly sworn to tell the truth, the whole truth, and nothing but the truth, was examined and testified as follows:

EXAMINATION

BY MR. URIAS:

Q Could you please state your full name and your title for the record please.

A Gilberto Hoyos, Pinal County Election Director.

Q Good afternoon, sir. My name is David Urias. I'm an attorney with the Mexican American Legal Defense and Educational Fund. Also with me is Diego Bernal, another attorney from our San Antonio office. We represent individuals and organizations in Arizona that have brought a lawsuit challenging the voter registration requirements and voter I.D. requirements of Proposition 200. Do you understand that?

A Yes.

Q Many of our individual clients, for instance, are otherwise eligible voters who allege that Proposition 200 has burdened their right to vote. Do you understand that to be the case as well?

A I believe so.

Q You understand, Mr. -- and how do you pronounce your last name?
process early ballots, verification of signatures, and so on and so forth. It’s a dual role. Voter Registration will do the verification of signatures. Then my early ballot board will retrieve those ballots and process them in the sense that you are a voter, they sign you in, they do this, they do that, and then open the ballot and get it ready for tabulation.

MR. URIAS:

Q: And early voting by mail, people vote early by mail, is there a signature verification process that goes on?

A: Yes, in voter registration.

Q: And that was the same process that occurred before Proposition 200; correct?

A: That’s correct. That’s been in effect for years.

Q: And do you think that’s an effective way to ensure that — is that an effective way to ensure or to verify that the signatures are the same as those people who are trying to vote?

MS. RAPP: Objection, form, foundation.

THE WITNESS:

A: I think it’s one of the best ones. That’s why we have some mail ballot elections. Now, you’re comparing the signature versus your actual affidavit.

MR. URIAS:

Q: Is that verification in any way different from how you would verify a provisional ballot?

MS. RAPP: Objection, foundation.
CROSS-EXAMINATION

Q You said that there were three in person early voting sites for Pinal County; is that correct?
A That is correct.

MS. RAPP: Objection, foundation.

MR. KENGLE:

Q What are those three locations?

MS. RAPP: Objection, foundation.

THE WITNESS:


MR. KENGLE: No further questions.

MS. RAPP: I don't have anything else.

(Signature reserved.)
(On January 16, 2008, at the hour of 3:50 p.m., the deposition concluded.)

__________________________

GILBERT HOYOS
CERTIFICATE

STATE OF ARIZONA)  
)  
COUNTY OF PIMA )  

BE IT KNOWN that I took the foregoing deposition; that I was then and there a Certified Reporter in the State of Arizona; that by virtue thereof, I was authorized to administer an oath; that the witness, GILBERTO HOYOS, before testifying was duly sworn to testify to the whole truth and nothing but the truth; and the testimony of the witness was reduced to writing under my direction.

I DO FURTHER CERTIFY that I am not a relative or attorney of either party or otherwise interested in the events of this action.

( X ) Pursuant to request, notification was provided that the deposition is available for review and signature.

( ) Deposition review and signature was not requested.

Signed and dated this 29th day of January, 2008.

______________________________
CYNTHIA D. MCDEVITT, RPR
Certified Reporter,  
State of Arizona, #50108
EXHIBIT HH
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

MARIA M. GONZALEZ, et al., )
 ) No. CV06-01268
 ) PHX-ROS (Lead)
 -vs- ) STATE OF ARIZONA, etc., et al., ) No. CV06-01362
 ) PCT-JT (Cons)
 ) Defendants.
 )
THE INTER TRIBAL COUNCIL OF 
ARIZONA, INC., et al., )
 )
 -vs- ) JAN BREWER, in her official
 ) capacity as Secretary of State
 )
 ) of Arizona,
 )
 ) Defendant.
 )

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
# INDEX

Examination:  
BY MS. HARTMAN-TELLEZ  
BY MS. PERALES  
BY MS. RAPP  

EXHIBITS

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>(Amended Notice of Deposition.)</td>
<td>5</td>
</tr>
<tr>
<td>2</td>
<td>(Answers to First Set of Interrogatories.)</td>
<td>5</td>
</tr>
<tr>
<td>3</td>
<td>(Affidavit of Karen Osborne.)</td>
<td>5</td>
</tr>
<tr>
<td>4</td>
<td>(Various Maricopa County documents.)</td>
<td>5</td>
</tr>
<tr>
<td>5</td>
<td>(A.R.S. 16-166.)</td>
<td>5</td>
</tr>
<tr>
<td>6</td>
<td>(E-mail string, Maricopa 12010-011.)</td>
<td>5</td>
</tr>
<tr>
<td>7</td>
<td>(Voter Registration, Maricopa, 11694-819.)</td>
<td>5</td>
</tr>
<tr>
<td>8</td>
<td>(Registration at the Counter, Maricopa 12790.)</td>
<td>5</td>
</tr>
<tr>
<td>9</td>
<td>(Boardworker Training Manual, Maricopa 12709-750.)</td>
<td>5</td>
</tr>
<tr>
<td>10</td>
<td>(Section Five Submission, Maricopa 11385-400.)</td>
<td>5</td>
</tr>
<tr>
<td>11</td>
<td>(Hypothetical questions, Maricopa 12690-691.)</td>
<td>5</td>
</tr>
<tr>
<td>12</td>
<td>(E-mail to Joe Kanefield, SEC000118.)</td>
<td>5</td>
</tr>
<tr>
<td>13</td>
<td>(PowerPoint presentation, Maricopa 11931-949.)</td>
<td>5</td>
</tr>
</tbody>
</table>
THE DEPOSITION OF KAREN OSBORNE,
taken at 9:10 a.m. on July 31, 2006, at the law offices
of Steptoe & Johnson LLP, 201 East Washington Street,
Suite 1600, Phoenix, Arizona, before PAUL GROSSMAN, a
Notary Public and Certified Reporter #50028 in and for
the State of Arizona, pursuant to the Federal Rules of
Civil Procedure.
FOR THE PLAINTIFFS

KAREN J. HARTMAN-TELLEZ, ESQ.
STEPTOE & JOHNSON LLP
201 EAST WASHINGTON STREET
SUITE 1600
PHOENIX, AZ 85004
(602) 257-5200

BENJAMIN BLUSTEIN, ESQ.
LAWYERS' COMMITTEE FOR CIVIL RIGHTS
UNDER LAW
1401 NEW YORK AVENUE
SUITE 400
WASHINGTON, D.C. 20005
(202) 662-8315

SARA S. GREENE, ESQ.
OSBORN MALEDON, P.A.
2929 NORTH CENTRAL AVENUE
21ST FLOOR
PHOENIX, AZ 85012
(602) 640-9000

(Telephonically) NINA PERALES, ESQ.
MEXICAN AMERICAN LEGAL DEFENSE AND
EDUCATION FUND
110 BROADWAY,
SUITE 300
SAN ANTONIO, TX 78205
(210) 224-5476
FOR THE DEFENDANTS

COLLEEN CONNOR, ESQ.
MCAO DIVISION OF COUNTY COUNSEL
222 NORTH CENTRAL AVENUE
SUITE 1100
PHOENIX, AZ 85003
(602) 506-0128

KATHLEEN RAPP, ESQ.
WILENCHIK AND BARTNESS, P.C.
THE WILENCHIK & BARTNESS BUILDING
2810 NORTH THIRD STREET
PHOENIX, AZ 85004
(602) 606-2810

PETER ALEX SILVERMAN, ESQ.
OFFICE OF THE ATTORNEY GENERAL
1275 WEST WASHINGTON STREET
PHOENIX, AZ 85007
(602) 542-8308
Phoenix, Arizona
July 31, 2006
9:10 a.m.

(Deposition Exhibits Numbers 1 through 7, 9, 11-13, 16 and 17 were then marked for identification.)

KAREN OSBORNE,
called as a witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MS. HARTMAN-TELLEZ:

Q. Please state your full name for the record.
A. Karen Osborne.

Q. And you are represented by counsel today?
A. I am.

Q. My name is Karen Hartman-Tellez. Also here today on behalf of the Inter Tribal Council group of plaintiffs are Ben Blustein and Sara Greene. I believe Nina Perales representing the MALDEF and the Gonzales plaintiffs will be joining us telephonically at any moment.
correct?
A. That's correct.
Q. And the County Recorder will compare the
signature on that provisional ballot to the one on the
signature roster?
A. That's correct.
Q. And that's sufficient to guard against fraud
you think?
A. Actually, we don't compare it to the
signature in the signature roster. There is an envelope
that the ballot is contained in and it's sealed and it
has a large form on the top asking different pieces of
information and that's the signature that we match up
with the voter file.
Q. So you match the signature on the provisional
ballot envelope --
A. That's correct.
Q. -- to the --
A. The voter.
Q. -- the voter registration file in your
office?
A. That's correct.
Q. And you believe that procedure is sufficient
to guard against fraud?
A. We believe there is sufficiency because it's
not the only thing that we check. We check the birth
date, we check is this the registrant, did they show up
in the right polling place, because if you don't show up
in the right polling place your ballot isn't counted.
Once in a while you'll have people that just
swear they are a Democrat and they are registered
Republican or whatever the issue is. So that's one of
the things. But there's enough information on there
that we feel that it is secure.

Q. List 2 in this document, Exhibit 11, page 21, it lists the non-photo identification --
A. Yes.
Q. -- that's acceptable, is that correct?
A. Yes.
Q. And a voter would need to provide two forms
of acceptable non-photo identification to obtain a
regular ballot, correct?
A. Correct.
Q. Okay. Does the county accept a satellite
television bill?
A. Yes.
Q. But that item is not listed in list 2, is it?
A. We would consider it as a utility bill.
Q. But this lists "cable television" and not
satellite television.
MS. HARTMAN-TELLEZ: Okay. We're all finished.

(Whereupon, the deposition was then concluded at 11:45 a.m.)

______________________________
KAREN OSBORNE
STATE OF ARIZONA

COUNTY OF MARICOPA

BE IT KNOWN that the foregoing deposition was taken before me, PAUL GROSSMAN, a Notary Public and Certified Reporter #50028 in and for the County of Maricopa, State of Arizona; that the witness before testifying was duly sworn by me to testify to the whole truth; pursuant to request, notification was provided that the deposition is available for review and signature; that the questions propounded to the witness and the answers of the witness thereto were taken down by me in shorthand and thereafter reduced to print by computer-aided transcription under my direction; that the foregoing 112 pages are a true and correct transcript of all proceedings had upon the taking of said deposition, all done to the best of my skill and ability.

I FURTHER CERTIFY that I am in no way related to any of the parties hereto, nor am I in any way interested in the outcome hereof.

DATED at Phoenix, Arizona, this 4th day of August, 2006.

______________________________
Paul Grossman, Notary Public
AZ CR #50028
Exhibit II
States To Use U.S. Immigration List For Voter Purges

by COREY DADE
July 17, 2012 3:51 PM

Several presidential battleground states are moving quickly to reach agreements with federal officials to access a U.S. immigration database to purge noncitizens from voter rolls.

The states, including some with large Latino populations, are following Florida, which last week reached its own pact with the Department of Homeland Security to use a database that contains information about immigrants who are in the U.S. legally. The states' efforts had initially been blocked by DHS until the agency relented.

At a gathering Monday in Puerto Rico of the National Association of Secretaries of State, elections officials from many of the states opened talks with DHS officials who oversee the database, known as SAVE, or Systematic Alien Verification for Entitlements.

The SAVE system is expected to help states distinguish between foreigners living in the U.S. on visas, green cards or other permits, and others who have become naturalized citizens and now have the right to vote.

"I think they are taking their responsibility seriously and want to help us," Colorado Secretary of State Scott Gessler said after his discussions with DHS officials. "It definitely will help us address vulnerabilities in the voter rolls."

Gessler is among Republican elections officials in 10 states — including the expected battlegrounds of Colorado, New Mexico, Nevada, Michigan and Ohio — that closely monitored the Florida case as a bellwether for their own requests to use the federal database.

"It definitely will help us address vulnerabilities in the voter rolls."

Florida filed a lawsuit against DHS to gain access to the database. The Justice Department sued to block Florida's voter-purge program, arguing that it violated federal voting rights laws. Once a federal judge ruled against the Justice
Scott Gessler, Colorado secretary of state

Department, upholding Florida's right to review voting records for noncitizens, DHS reversed itself and agreed to grant the state access to SAVE data.

DHS also denied Colorado access to the data last year. Gessler says he now will use the data to update the citizenship status of about 5,000 registered voters identified through driver's license records as noncitizens as far back as 2006. He says roughly half of them have cast ballots in the past few years.

Many Republican-led states and the Obama administration continue to fight over the issue of voter eligibility, which could heavily influence turnout in the presidential election.

Republicans say voter purges and other restrictions, such as photo identification requirements for voters, are intended to prevent fraud. Democrats argue that the measures are designed to suppress turnout among minorities and others who tend to vote for Democratic candidates.

Some of the states with the most aggressively tightened election laws, such as Florida and Texas, also have experienced large increases in their Latino populations.

The Department of Justice and voting and civil rights groups have filed numerous lawsuits against states, claiming that voter ID and other laws would disenfranchise minority and poor voters.

Until now, many of the states have drawn criticism for using flawed methods that ensnare too many eligible voters instead of suspected noncitizens. Voting rights groups say voter purges this soon before an election could leave too little time to find and correct errors on the rolls.

"The more these [federal] databases are made available to states, the lower the already tiny probability is that a U.S. citizen would be [improperly] identified," said Kansas Secretary of State Kris Kobach, whose agency also plans to use the immigration database.

Florida officials' own efforts to verify the citizenship of roughly 2,700 registered voters have yielded confirmations that several hundred of them actually are citizens. A Miami Herald report found that the list of potential noncitizens "disproportionately" flags minorities: nearly 60

http://www.npr.org/2012/07/17/156880856/states-to-use-u-s-immigration-list-for-voter-purg... 1/3/2014
percent are Latinos, who make up 13 percent of Florida's active registered voters.

"It's a relief if they are going to use the proper data now, but it still doesn't make sense that 60 percent of the people on the list have Latino surnames when we obviously are not 60 percent of the inhabitants of this state," Jose Balasque, the Florida director for Mi Familia Vota Education Fund, said. "If you say you have reasonable doubt to believe that somebody isn't a citizen, the citizen is going to be feeling uncomfortable."

**Related NPR Stories**

- **Texas Voter ID Law Now In Hands Of Three-Judge Panel**
  - July 13, 2012

- **Battles Over Voter ID Laws Intensify**
  - June 2, 2012

- **Craigslist Founder Takes On Voter ID Laws By Infographic**
  - April 5, 2012

©2013 NPR

http://www.npr.org/2012/07/17/156880856 STATES-TO-USE-U-S-IMMIGRATION-LIST-FOR-VOTER-PURG...
EXHIBIT R
<table>
<thead>
<tr>
<th>County</th>
<th>Democratic</th>
<th>Libertarian</th>
<th>Reform</th>
<th>Republican</th>
<th>Unaffiliated</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allen</td>
<td>1,961</td>
<td>54</td>
<td>7</td>
<td>3,933</td>
<td>2,332</td>
<td>8,287</td>
</tr>
<tr>
<td>Anderson</td>
<td>1,542</td>
<td>41</td>
<td>10</td>
<td>2,104</td>
<td>1,790</td>
<td>5,487</td>
</tr>
<tr>
<td>Atchison</td>
<td>3,810</td>
<td>46</td>
<td>8</td>
<td>3,481</td>
<td>3,428</td>
<td>10,773</td>
</tr>
<tr>
<td>Barber</td>
<td>761</td>
<td>16</td>
<td>1</td>
<td>2,023</td>
<td>781</td>
<td>3,582</td>
</tr>
<tr>
<td>Barton</td>
<td>3,458</td>
<td>64</td>
<td>9</td>
<td>8,833</td>
<td>4,155</td>
<td>16,519</td>
</tr>
<tr>
<td>Bourbon</td>
<td>3,273</td>
<td>51</td>
<td>14</td>
<td>4,241</td>
<td>2,775</td>
<td>10,354</td>
</tr>
<tr>
<td>Brown</td>
<td>1,344</td>
<td>20</td>
<td>4</td>
<td>3,765</td>
<td>1,283</td>
<td>6,416</td>
</tr>
<tr>
<td>Butler</td>
<td>8,809</td>
<td>212</td>
<td>22</td>
<td>18,690</td>
<td>10,993</td>
<td>38,726</td>
</tr>
<tr>
<td>Chase</td>
<td>334</td>
<td>11</td>
<td>0</td>
<td>1,284</td>
<td>305</td>
<td>1,934</td>
</tr>
<tr>
<td>Chautauqua</td>
<td>459</td>
<td>13</td>
<td>2</td>
<td>1,819</td>
<td>539</td>
<td>2,832</td>
</tr>
<tr>
<td>Cherokee</td>
<td>6,177</td>
<td>110</td>
<td>16</td>
<td>5,719</td>
<td>4,424</td>
<td>16,446</td>
</tr>
<tr>
<td>Cheyenne</td>
<td>289</td>
<td>10</td>
<td>0</td>
<td>1,389</td>
<td>218</td>
<td>1,906</td>
</tr>
<tr>
<td>Clark</td>
<td>314</td>
<td>8</td>
<td>1</td>
<td>916</td>
<td>219</td>
<td>1,458</td>
</tr>
<tr>
<td>Clay</td>
<td>767</td>
<td>29</td>
<td>2</td>
<td>4,135</td>
<td>1,252</td>
<td>6,185</td>
</tr>
<tr>
<td>Cloud</td>
<td>1,213</td>
<td>22</td>
<td>3</td>
<td>3,498</td>
<td>1,280</td>
<td>6,016</td>
</tr>
<tr>
<td>Coffey</td>
<td>1,181</td>
<td>24</td>
<td>1</td>
<td>3,599</td>
<td>1,278</td>
<td>6,083</td>
</tr>
<tr>
<td>Comanche</td>
<td>228</td>
<td>2</td>
<td>0</td>
<td>856</td>
<td>152</td>
<td>1,238</td>
</tr>
<tr>
<td>Cowley</td>
<td>6,367</td>
<td>168</td>
<td>45</td>
<td>9,550</td>
<td>6,713</td>
<td>22,843</td>
</tr>
<tr>
<td>Crawford</td>
<td>9,026</td>
<td>145</td>
<td>8</td>
<td>6,970</td>
<td>6,283</td>
<td>22,432</td>
</tr>
<tr>
<td>Decatur</td>
<td>420</td>
<td>8</td>
<td>4</td>
<td>1,287</td>
<td>318</td>
<td>2,037</td>
</tr>
<tr>
<td>Dickinson</td>
<td>2,268</td>
<td>72</td>
<td>10</td>
<td>7,108</td>
<td>3,022</td>
<td>12,480</td>
</tr>
<tr>
<td>Doniphan</td>
<td>1,054</td>
<td>27</td>
<td>6</td>
<td>3,129</td>
<td>1,280</td>
<td>5,496</td>
</tr>
<tr>
<td>Douglas</td>
<td>27,816</td>
<td>663</td>
<td>83</td>
<td>22,952</td>
<td>27,008</td>
<td>78,522</td>
</tr>
<tr>
<td>Edwards</td>
<td>383</td>
<td>10</td>
<td>1</td>
<td>1,175</td>
<td>317</td>
<td>1,886</td>
</tr>
<tr>
<td>Elk</td>
<td>468</td>
<td>1</td>
<td>1</td>
<td>1,137</td>
<td>313</td>
<td>1,920</td>
</tr>
<tr>
<td>Ellis</td>
<td>5,538</td>
<td>93</td>
<td>14</td>
<td>6,328</td>
<td>5,011</td>
<td>16,984</td>
</tr>
<tr>
<td>Ellsworth</td>
<td>1,067</td>
<td>21</td>
<td>1</td>
<td>2,108</td>
<td>833</td>
<td>4,030</td>
</tr>
<tr>
<td>Finney</td>
<td>3,315</td>
<td>69</td>
<td>15</td>
<td>6,904</td>
<td>4,944</td>
<td>15,247</td>
</tr>
<tr>
<td>Ford</td>
<td>4,015</td>
<td>132</td>
<td>12</td>
<td>6,462</td>
<td>5,272</td>
<td>15,893</td>
</tr>
<tr>
<td>Franklin</td>
<td>3,974</td>
<td>102</td>
<td>16</td>
<td>7,652</td>
<td>5,093</td>
<td>16,837</td>
</tr>
<tr>
<td>Geary</td>
<td>3,855</td>
<td>69</td>
<td>12</td>
<td>4,719</td>
<td>3,531</td>
<td>12,186</td>
</tr>
<tr>
<td>Gove</td>
<td>394</td>
<td>1</td>
<td>0</td>
<td>1,157</td>
<td>324</td>
<td>1,876</td>
</tr>
<tr>
<td>Graham</td>
<td>344</td>
<td>8</td>
<td>1</td>
<td>1,368</td>
<td>345</td>
<td>2,066</td>
</tr>
<tr>
<td>Grant</td>
<td>704</td>
<td>14</td>
<td>2</td>
<td>2,346</td>
<td>867</td>
<td>3,933</td>
</tr>
<tr>
<td>Gray</td>
<td>610</td>
<td>19</td>
<td>0</td>
<td>1,523</td>
<td>705</td>
<td>2,857</td>
</tr>
<tr>
<td>Greeley</td>
<td>114</td>
<td>5</td>
<td>0</td>
<td>694</td>
<td>116</td>
<td>929</td>
</tr>
<tr>
<td>Greenwood</td>
<td>1,125</td>
<td>34</td>
<td>6</td>
<td>2,772</td>
<td>1,252</td>
<td>5,189</td>
</tr>
<tr>
<td>Hamilton</td>
<td>208</td>
<td>4</td>
<td>0</td>
<td>989</td>
<td>196</td>
<td>1,397</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>County</th>
<th>Democratic</th>
<th>Libertarian</th>
<th>Reform</th>
<th>Republican</th>
<th>Unaffiliated</th>
<th>Total</th>
</tr>
</thead>
</table>

EAC001019
<table>
<thead>
<tr>
<th>County</th>
<th>Democratic</th>
<th>Libertarian</th>
<th>Reform</th>
<th>Republican</th>
<th>Unaffiliated</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Harper</td>
<td>933</td>
<td>17</td>
<td>0</td>
<td>2,338</td>
<td>821</td>
<td>4,109</td>
</tr>
<tr>
<td>Harvey</td>
<td>5,200</td>
<td>81</td>
<td>8</td>
<td>10,465</td>
<td>5,869</td>
<td>21,623</td>
</tr>
<tr>
<td>Haskell</td>
<td>274</td>
<td>2</td>
<td>0</td>
<td>1,552</td>
<td>539</td>
<td>2,367</td>
</tr>
<tr>
<td>Hodgeman</td>
<td>265</td>
<td>2</td>
<td>0</td>
<td>951</td>
<td>235</td>
<td>1,453</td>
</tr>
<tr>
<td>Jackson</td>
<td>2,246</td>
<td>31</td>
<td>6</td>
<td>3,970</td>
<td>2,141</td>
<td>8,394</td>
</tr>
<tr>
<td>Jefferson</td>
<td>3,119</td>
<td>68</td>
<td>10</td>
<td>5,686</td>
<td>3,552</td>
<td>12,435</td>
</tr>
<tr>
<td>Jewell</td>
<td>366</td>
<td>13</td>
<td>2</td>
<td>1,489</td>
<td>568</td>
<td>2,438</td>
</tr>
<tr>
<td>Johnson</td>
<td>82,327</td>
<td>1,968</td>
<td>201</td>
<td>163,810</td>
<td>103,485</td>
<td>351,791</td>
</tr>
<tr>
<td>Kearny</td>
<td>369</td>
<td>6</td>
<td>2</td>
<td>1,335</td>
<td>523</td>
<td>2,235</td>
</tr>
<tr>
<td>Kingman</td>
<td>1,100</td>
<td>21</td>
<td>6</td>
<td>2,868</td>
<td>1,353</td>
<td>5,348</td>
</tr>
<tr>
<td>Kiowa</td>
<td>295</td>
<td>9</td>
<td>1</td>
<td>1,256</td>
<td>235</td>
<td>1,796</td>
</tr>
<tr>
<td>Labette</td>
<td>5,015</td>
<td>131</td>
<td>14</td>
<td>5,693</td>
<td>5,012</td>
<td>15,865</td>
</tr>
<tr>
<td>Lane</td>
<td>196</td>
<td>4</td>
<td>0</td>
<td>966</td>
<td>164</td>
<td>1,330</td>
</tr>
<tr>
<td>Leavenworth</td>
<td>13,390</td>
<td>251</td>
<td>32</td>
<td>16,109</td>
<td>13,800</td>
<td>43,582</td>
</tr>
<tr>
<td>Lincoln</td>
<td>329</td>
<td>11</td>
<td>3</td>
<td>1,430</td>
<td>399</td>
<td>2,172</td>
</tr>
<tr>
<td>Linn</td>
<td>1,548</td>
<td>38</td>
<td>10</td>
<td>3,523</td>
<td>1,680</td>
<td>6,799</td>
</tr>
<tr>
<td>Logan</td>
<td>261</td>
<td>5</td>
<td>1</td>
<td>1,247</td>
<td>198</td>
<td>1,712</td>
</tr>
<tr>
<td>Lyon</td>
<td>5,253</td>
<td>130</td>
<td>19</td>
<td>8,063</td>
<td>6,179</td>
<td>19,644</td>
</tr>
<tr>
<td>Marion</td>
<td>1,384</td>
<td>28</td>
<td>4</td>
<td>4,612</td>
<td>1,549</td>
<td>7,577</td>
</tr>
<tr>
<td>Marshall</td>
<td>1,968</td>
<td>32</td>
<td>1</td>
<td>3,474</td>
<td>1,810</td>
<td>7,285</td>
</tr>
<tr>
<td>McPherson</td>
<td>3,083</td>
<td>77</td>
<td>5</td>
<td>9,614</td>
<td>4,062</td>
<td>16,841</td>
</tr>
<tr>
<td>Meade</td>
<td>436</td>
<td>11</td>
<td>4</td>
<td>1,954</td>
<td>598</td>
<td>3,003</td>
</tr>
<tr>
<td>Miami</td>
<td>4,915</td>
<td>101</td>
<td>17</td>
<td>9,174</td>
<td>5,896</td>
<td>20,103</td>
</tr>
<tr>
<td>Mitchell</td>
<td>763</td>
<td>7</td>
<td>1</td>
<td>2,544</td>
<td>776</td>
<td>4,091</td>
</tr>
<tr>
<td>Montgomery</td>
<td>5,909</td>
<td>97</td>
<td>21</td>
<td>10,416</td>
<td>4,683</td>
<td>21,126</td>
</tr>
<tr>
<td>Morris</td>
<td>883</td>
<td>14</td>
<td>3</td>
<td>2,115</td>
<td>864</td>
<td>3,879</td>
</tr>
<tr>
<td>Morton</td>
<td>357</td>
<td>4</td>
<td>1</td>
<td>1,255</td>
<td>205</td>
<td>1,822</td>
</tr>
<tr>
<td>Nemaha</td>
<td>2,046</td>
<td>29</td>
<td>2</td>
<td>3,711</td>
<td>1,914</td>
<td>7,702</td>
</tr>
<tr>
<td>Neosho</td>
<td>2,864</td>
<td>74</td>
<td>5</td>
<td>4,983</td>
<td>3,757</td>
<td>11,683</td>
</tr>
<tr>
<td>Ness</td>
<td>417</td>
<td>6</td>
<td>2</td>
<td>1,311</td>
<td>345</td>
<td>2,081</td>
</tr>
<tr>
<td>Norton</td>
<td>612</td>
<td>14</td>
<td>3</td>
<td>2,275</td>
<td>769</td>
<td>3,673</td>
</tr>
<tr>
<td>Osage</td>
<td>2,659</td>
<td>59</td>
<td>7</td>
<td>5,035</td>
<td>3,081</td>
<td>10,841</td>
</tr>
<tr>
<td>Osborne</td>
<td>613</td>
<td>5</td>
<td>0</td>
<td>1,537</td>
<td>687</td>
<td>2,842</td>
</tr>
<tr>
<td>Ottawa</td>
<td>638</td>
<td>15</td>
<td>2</td>
<td>2,573</td>
<td>968</td>
<td>4,196</td>
</tr>
<tr>
<td>Pawnee</td>
<td>873</td>
<td>8</td>
<td>1</td>
<td>2,155</td>
<td>768</td>
<td>3,805</td>
</tr>
<tr>
<td>Phillips</td>
<td>560</td>
<td>16</td>
<td>3</td>
<td>2,657</td>
<td>699</td>
<td>3,935</td>
</tr>
<tr>
<td>Pottawatomie</td>
<td>2,319</td>
<td>81</td>
<td>26</td>
<td>7,787</td>
<td>3,243</td>
<td>13,456</td>
</tr>
<tr>
<td>Pratt</td>
<td>1,407</td>
<td>30</td>
<td>4</td>
<td>3,461</td>
<td>1,378</td>
<td>6,280</td>
</tr>
<tr>
<td>County</td>
<td>Democratic</td>
<td>Libertarian</td>
<td>Reform</td>
<td>Republican</td>
<td>Unaffiliated</td>
<td>Total</td>
</tr>
<tr>
<td>--------------</td>
<td>------------</td>
<td>-------------</td>
<td>--------</td>
<td>------------</td>
<td>--------------</td>
<td>-------</td>
</tr>
<tr>
<td>Democratic</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Libertarian</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reform</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Republican</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unaffiliated</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rawlins</td>
<td>305</td>
<td>9</td>
<td>0</td>
<td>1,430</td>
<td>273</td>
<td>2,017</td>
</tr>
<tr>
<td>Reno</td>
<td>10,301</td>
<td>196</td>
<td>30</td>
<td>17,862</td>
<td>11,645</td>
<td>40,034</td>
</tr>
<tr>
<td>Republic</td>
<td>572</td>
<td>13</td>
<td>0</td>
<td>2,504</td>
<td>600</td>
<td>3,689</td>
</tr>
<tr>
<td>Rice</td>
<td>1,270</td>
<td>12</td>
<td>5</td>
<td>3,085</td>
<td>1,286</td>
<td>5,658</td>
</tr>
<tr>
<td>Riley</td>
<td>7,849</td>
<td>206</td>
<td>27</td>
<td>13,615</td>
<td>9,634</td>
<td>31,331</td>
</tr>
<tr>
<td>Rooks</td>
<td>536</td>
<td>9</td>
<td>1</td>
<td>2,380</td>
<td>649</td>
<td>3,575</td>
</tr>
<tr>
<td>Rush</td>
<td>553</td>
<td>3</td>
<td>2</td>
<td>1,426</td>
<td>533</td>
<td>2,517</td>
</tr>
<tr>
<td>Russell</td>
<td>875</td>
<td>17</td>
<td>1</td>
<td>2,613</td>
<td>681</td>
<td>4,187</td>
</tr>
<tr>
<td>Saline</td>
<td>8,360</td>
<td>304</td>
<td>30</td>
<td>16,455</td>
<td>11,179</td>
<td>36,328</td>
</tr>
<tr>
<td>Scott</td>
<td>383</td>
<td>11</td>
<td>2</td>
<td>2,136</td>
<td>601</td>
<td>3,133</td>
</tr>
<tr>
<td>Sedgwick</td>
<td>73,441</td>
<td>1,412</td>
<td>172</td>
<td>103,559</td>
<td>71,130</td>
<td>249,714</td>
</tr>
<tr>
<td>Seward</td>
<td>2,007</td>
<td>57</td>
<td>9</td>
<td>4,814</td>
<td>2,295</td>
<td>9,182</td>
</tr>
<tr>
<td>Shawnee</td>
<td>37,692</td>
<td>593</td>
<td>89</td>
<td>41,944</td>
<td>29,516</td>
<td>109,834</td>
</tr>
<tr>
<td>Sheridan</td>
<td>388</td>
<td>1</td>
<td>2</td>
<td>976</td>
<td>376</td>
<td>1,743</td>
</tr>
<tr>
<td>Sherman</td>
<td>721</td>
<td>23</td>
<td>1</td>
<td>2,271</td>
<td>695</td>
<td>3,711</td>
</tr>
<tr>
<td>Smith</td>
<td>645</td>
<td>12</td>
<td>0</td>
<td>2,135</td>
<td>535</td>
<td>3,327</td>
</tr>
<tr>
<td>Stafford</td>
<td>583</td>
<td>19</td>
<td>0</td>
<td>1,842</td>
<td>552</td>
<td>2,996</td>
</tr>
<tr>
<td>Stanton</td>
<td>222</td>
<td>7</td>
<td>0</td>
<td>774</td>
<td>184</td>
<td>1,187</td>
</tr>
<tr>
<td>Stevens</td>
<td>379</td>
<td>9</td>
<td>0</td>
<td>2,105</td>
<td>303</td>
<td>2,796</td>
</tr>
<tr>
<td>Sumner</td>
<td>3,919</td>
<td>60</td>
<td>12</td>
<td>6,584</td>
<td>4,088</td>
<td>14,663</td>
</tr>
<tr>
<td>Thomas</td>
<td>748</td>
<td>18</td>
<td>4</td>
<td>2,695</td>
<td>761</td>
<td>4,226</td>
</tr>
<tr>
<td>Trego</td>
<td>543</td>
<td>11</td>
<td>2</td>
<td>1,111</td>
<td>504</td>
<td>2,171</td>
</tr>
<tr>
<td>Wabaunsee</td>
<td>868</td>
<td>11</td>
<td>3</td>
<td>2,692</td>
<td>928</td>
<td>4,502</td>
</tr>
<tr>
<td>Wallace</td>
<td>112</td>
<td>3</td>
<td>1</td>
<td>833</td>
<td>68</td>
<td>1,017</td>
</tr>
<tr>
<td>Washington</td>
<td>501</td>
<td>12</td>
<td>2</td>
<td>2,896</td>
<td>557</td>
<td>3,968</td>
</tr>
<tr>
<td>Wichita</td>
<td>215</td>
<td>3</td>
<td>0</td>
<td>797</td>
<td>332</td>
<td>1,347</td>
</tr>
<tr>
<td>Wilson</td>
<td>1,072</td>
<td>23</td>
<td>11</td>
<td>3,546</td>
<td>1,110</td>
<td>5,762</td>
</tr>
<tr>
<td>Woodson</td>
<td>516</td>
<td>11</td>
<td>0</td>
<td>1,355</td>
<td>511</td>
<td>2,393</td>
</tr>
<tr>
<td>Wyandotte</td>
<td>49,366</td>
<td>515</td>
<td>87</td>
<td>14,189</td>
<td>26,569</td>
<td>90,726</td>
</tr>
<tr>
<td>Totals</td>
<td>471,119</td>
<td>9,474</td>
<td>1,257</td>
<td>744,633</td>
<td>473,847</td>
<td>1,700,330</td>
</tr>
</tbody>
</table>