

1 ANDREW P. THOMAS  
 MARICOPA COUNTY ATTORNEY  
 2 By: Colleen Connor (# 015679)  
 Deputy County Attorney  
 3 MCAO Firm No. 00032000  
 CIVIL DIVISION  
 4 222 North Central Avenue, Suite 1100  
 Phoenix, Arizona 85004-2206  
 5 Telephone (602) 506-0128  
[connorc@mcao.maricopa.gov](mailto:connorc@mcao.maricopa.gov)

6  
 Dennis I. Wilenchik (# 05350)  
 7 Kathleen Rapp (# 023982)  
 WILENCHIK AND BARTNESS, P.C.  
 8 The Wilenchik & Bartness Building  
 2810 North Third Street  
 9 Phoenix, Arizona 85004  
 Telephone (602) 606-2810  
 10 [DIW@wb-law.com](mailto:DIW@wb-law.com); [KatheenR@wb-law.com](mailto:KatheenR@wb-law.com)  
 Attorneys for Thirteen County Defendants

11  
 12 **IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF ARIZONA**

13 **MARIA M. GONZALEZ; JESUS M.  
 GONZALES; BERNIE ABEYTIA;  
 14 LUCIANO VALENCIA; DEBBIE  
 LOPEZ, SOUTHWEST VOTER  
 15 REGISTRATION EDUCATION  
 PROJECT; VALLE DEL SOL;  
 16 FRIENDLY HOUSE; CHICANOS POR  
 LA CAUSA, INC.; and ARIZONA  
 17 HISPANIC FORUM,**

18 **Plaintiffs,**

19 **v.**

20 **STATE OF ARIZONA, JAN BREWER,  
 in her official capacity as the Secretary of  
 21 State of the State of Arizona, et al.,**

22 **Defendants.**

**No. CV06-1268-PHX ROS (Lead)  
 No. CV06-1362-PCT-JAT  
 No. CV06-1575-PHX-EHC**

**THIRTEEN COUNTY  
 DEFENDANTS' STATEMENT  
 REGARDING DISCOVERY  
 DISPUTE**

**(Expedited Hearing and Ruling  
 Requested)**

1           Voter records are an area where special concerns have prompted the enactment of  
2 special legislation to protect privacy and encourage voter participation.<sup>1</sup> After  
3 Plaintiffs agreed that the information contained on the forms would be protected and  
4 only disclosed to the parties, counsel, and specifically necessary individuals, such as  
5 experts, Defendants agreed to produce redacted copies of the voter registration forms  
6 [Dkt. No. 140]. County Defendants have produced more than 30,000 voter registration  
7 forms received by the county recorders over the past 2½ years, January 24, 2005 through  
8 June 30, 2007, that lacked “satisfactory evidence of citizenship” as defined by A.R.S. §  
16-166(F).

9           Voter registration forms contain personal information, and the records may only  
10 be used for limited purposes, not including the recruitment of plaintiffs or witnesses for  
11 a lawsuit. A.R.S. § 16-168(E). ITCA Plaintiffs, however, have given persons not  
12 entitled to the information access to the information and for a use not authorized by  
13 A.R.S. § 16-168. Plaintiffs now seek unredacted copies of the more than 30,000 forms.  
14 The redacted information (month and day of birth, social security number, driver license  
15 number) shall only be accessible to certain individuals, such as the voter or an  
16 authorized government official. A.R.S. § 16-168(F); *Cf.* A.R.S. § 41-4172 (personal  
17 identifying information collected or obtained by the governmental agency shall be  
18 secure and only accessed as authorized by law). Therefore, the Counties respectfully  
19 request that the Court limit access and use of information derived from the forms, deny  
20 Plaintiffs’ request for unredacted copies of the forms, and establish a deadline of June  
21 30, 2007 for the production of these forms.

---

22 <sup>1</sup> *Phoenix Newspapers, Inc., v. Purcell*, 187 Ariz. 74, 79, 927 P.2d 340, 345 (App. 1996) *cert. denied*,  
188 Ariz. 257, 934 P.2d 1349 (1997)(registration information used for purposes, unrelated to campaigns  
and elections, could lead to annoying situations for registered voters that might discourage some citizens  
from registering to vote while public policy strongly advocates greater voter registration and  
participation.)

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

**DATED** this 15<sup>th</sup> day of August, 2007.

ANDREW P. THOMAS  
MARICOPA COUNTY ATTORNEY

BY: /s/ Dennis I. Wilenchik

WILENCHIK & BARTNESS, P.C.  
Dennis I. Wilenchik, Esq.  
Kathleen E. Rapp, Esq.  
The Wilenchik & Bartness Building  
2810 North Third Street  
Phoenix, Arizona 85004

COLLEEN CONNOR  
Deputy County Attorney  
222 North Central Avenue, Suite 1100  
Phoenix, Arizona 85004-2206  
Attorneys for County Defendants

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

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of August, 2007, I caused the foregoing document to be electronically transmitted to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following

CM/ECF Registrants:

David J. Bodney  
Karen J. Hartman-Tellez  
Steptoe & Johnson LLP  
201 E. Washington St., Ste. 1600  
Phoenix, Arizona 85004-2382  
[dbodney@steptoe.com](mailto:dbodney@steptoe.com)  
[khartman@steptoe.com](mailto:khartman@steptoe.com)

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

Jon Greenbaum  
Benjamin Blustein  
Lawyers' Committee For  
Civil Rights Under Law  
1401 New York Avenue, Ste. 400  
Washington, D.C. 20005  
[jgreenbaum@lawyerscommittee.org](mailto:jgreenbaum@lawyerscommittee.org)

Neil Bradley  
ACLU Southern Regional Office  
2600 Marquis One Tower  
245 Peachtree Center Avenue  
Atlanta, Georgia 30303  
[nbradley@aclu.org](mailto:nbradley@aclu.org)

Elliot M. Minberg  
People for the American  
Way Foundation  
2600 M Street, NW, Ste. 400  
Washington, DC 20036  
[eminberg@pfaw.org](mailto:eminberg@pfaw.org)

Luis Roberto Vera, Jr.  
League of United Latin  
American Citizens  
111 Soledad, Ste. 1325  
San Antonio, Texas 78205-2260  
[Irvlaw@sbcglobal.net](mailto:Irvlaw@sbcglobal.net)

Daniel B. Kohrman  
AARP Foundation Litigation  
601 E Street, N.W., Ste. A4-240  
Washington, DC 20049  
[dkohrman@aarp.org](mailto:dkohrman@aarp.org)

Joe P. Sparks  
Susan B. Montgomery  
Sparks, Tehan & Ryley PC  
The Inter Tribal Council of Arizona, Inc  
7503 First Street  
Scottsdale, Arizona 85251  
[joe-sparks@qwest.net](mailto:joe-sparks@qwest.net)

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

David J. Becker  
People for the American Way Foundation  
2000 M Street, NW, Suite 400  
Washington, D.C. 20036  
[dbecker@pfaw.org](mailto:dbecker@pfaw.org)

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

Judith M. Dworkin  
Marvin S. Cohen  
Patricia Ferguson-Bohnee  
SACKS TIERNEY P.A.  
4250 N. Drinkwater Blvd. 4<sup>th</sup>  
Scottsdale, Arizona 85251-3693  
[Judith.Dworkin@sackstierney.com](mailto:Judith.Dworkin@sackstierney.com)

Melvin R. Bowers, Jr.  
Lance B. Payette  
Navajo County Attorneys Office  
PO Box 668  
Holbrook, Arizona 86025  
[lance.payette@co.navajo.az.us](mailto:lance.payette@co.navajo.az.us)

Jean E. Wilcox  
Coconino County Attorney's Office  
110 East Cherry Avenue  
Flagstaff, Arizona 86001  
[jwilcox@coconino.az.gov](mailto:jwilcox@coconino.az.gov)

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

Mary O'Grady  
Solicitor General  
Carrie J. Brennan  
Barbara A. Bailey  
Assistant Attorneys General  
1275 West Washington Street  
Phoenix, Arizona 85007-2926  
[Mary.OGrady@azag.gov](mailto:Mary.OGrady@azag.gov)

Criss E. Candelaria  
Bradley Carlyon  
Apache County Attorneys Office  
PO Box 637  
St. Johns, Arizona 86025  
[bcarlyon@apachelaw.net](mailto:bcarlyon@apachelaw.net)

Brenna L. Clani  
Navajo County Department of Justice  
PO Box 2010  
Window Rock, Arizona 86515  
[brennalclani@navajo.org](mailto:brennalclani@navajo.org)

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

COPY of the foregoing filed electronically  
this 15th day of August, 2007.

COPY of the foregoing mailed with Notice of  
Electronic Filing this 15th day of August, 2007 to:

The Honorable Roslyn O. Silver  
United States District Court  
Sandra Day O'Connor U.S. Courthouse, Suite 624  
401 West Washington Street, SPC 59  
Phoenix, AZ 85003-2158

          /s Hilary Myers