

1 obtaining unredacted voter registration forms rejected for lack of proof of citizenship
2 (“the forms”) and (2) actually using the forms to support their claims. Defendants
3 have redacted from all forms the rejected applicants’ country of birth (relevant to
4 citizenship/naturalization), father’s name or mother’s maiden name (relevant to
5 ethnicity), and in some cases year of birth (age).¹ Defendants also assert that
6 Plaintiffs may not use the forms to contact these applicants — in person or in writing
7 — to ask, for example, whether or why they lacked the required ID.

8 Nothing in A.R.S. § 16-168(E) or (F) requires the counties to redact the forms.
9 Only subsection (F) even mentions redacting information from registration forms, and
10 the pertinent language in that section applies only to “public inspection of voter
11 registration records at the office of the county recorder,” which is not at issue here.
12 Also, subsection (F) does not require redaction if such information is sought “for
13 election purposes.” Here, Plaintiffs seek information for “election purposes” i.e., to
14 support their claims that Proposition 200 unconstitutionally bars voters from
15 participating in elections. Similarly, Subsection (E) does not prohibit Plaintiffs from
16 actually using the rejected forms to develop their claims. Subsection (E) prohibits
17 using information on voter registration forms for “commercial purpose[s],” not
18 litigation. Moreover, information from forms may be used “for purposes relating
19 to . . . an election,” or for “any other purpose specifically authorized by law.”
20 Plaintiffs seek to use the information for litigation purposes only, to determine
21 whether (1) Prop 200 disproportionately affects certain groups, (2) the law severely
22 burdens voters, and (3) voters who lack the necessary ID “are actually unable to
23 obtain the identification.” (Order dated October 11, 2006, at 7) (emphasis added).

25 ¹ By redacting day and month of birth, Defendants have made it nearly impossible for
26 Plaintiffs to eliminate duplicate forms. Also, Defendants argue that producing
27 unredacted forms is a hardship. However, Defendants unilaterally decided to produce
28 redacted forms, which took *much more time* than if they had produced unredacted
forms. Defendants should be estopped from arguing a “hardship” that they created.

1 Dated this 15th day of August, 2007.

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It is hereby certified that on the 15th day of August, 2007, the attached document was electronically transmitted to Kathleen Rapp, counsel for 13 County Defendants, for electronic transmittal 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:

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