No. 18-15845

In the United States Court of Appeals
for the Ninth Circuit

THE DEMOCRATIC NATIONAL COMMITTEE; DSCC,
a/k/a Democratic Senatorial Campaign Committee;
THE ARIZONA DEMOCRATIC PARTY,

Plaintiffs - Appellants,

v.

MICHELE REAGAN, in her official capacity as Secretary of State of Arizona;
MARK BRNOVICH, in his official capacity as Arizona Attorney General,

Defendants - Appellees,

THE ARIZONA REPUBLICAN PARTY; BILL GATES, Councilman;
SUZANNE KLAPP, Councilwoman; DEBBIE LESKO, Sen.;
TONY RIVERO, Rep.,

Intervenors-Defendants - Appellees.

On Appeal from the United States District Court
for the District of Arizona
Case No. CV-16-01065-PHX-DLR

PLAINTIFFS-APPELLANTS' REPLY IN SUPPORT OF EMERGENCY MOTION UNDER CIRCUIT RULE 27-3 FOR INJUNCTION PENDING APPEAL

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I. INTRODUCTION

Plaintiffs have demonstrated that (1) HB2023 and the disenfranchisement of out-of-precinct ("OOP") voters impose significant burdens on Arizonans, (2) these burdens fall disparately on minority voters at least in part due to the ongoing effects of Arizona's history of discrimination, and (3) the burdens on voters far outweigh the State's interests in these policies. *See* Mot. for Inj. Pending Appeal, Doc. 17 ("Motion" or "Mot."). Plaintiffs have also shown that the record compels a finding that HB2023 was enacted with discriminatory intent. Mot. 3-7.

In the Response to the Motion ("Resp."), Doc. 19, the State largely fails to address Plaintiffs' arguments. With the exception of a quote regarding an uncontroversial point, Resp. 2, the State avoids mentioning *Feldman v. Arizona Secretary of State's Office*, 843 F.3d 366 (9th Cir.) (en banc) ("*Feldman III*"), *stayed*, 137 S. Ct. 446 (2016), and Chief Judge Thomas's panel dissent in *Feldman v. Arizona Secretary of State's Office*, 840 F.3d 1057 (9th Cir.) ("*Feldman I*"), *reh'g en banc granted*, 841 F.3d 791 (9th Cir. 2016). Instead, the State largely restates the District Court's erroneous conclusions and thus fails to rebut Plaintiffs' showing in the Motion that an injunction pending appeal should be granted.

II. STANDARD OF REVIEW

The State's claim that this appeal is entirely subject to clear-error review is incorrect. This appeal challenges errors of both fact and law. For example, Plaintiffs'

challenge to the holding that HB2023 does not violate the Voting Rights Act ("VRA") is based on *both* the District Court's incorrect legal conclusion that a VRA claim can only be established if a voting law burdens some (unidentified) threshold number of voters *and* the District Court's failure to find that HB2023's burdens overwhelmingly fall on minority voters. Mot. at 8-10. Of course, clear-error review applies to the challenges to the District Court's findings of fact and *de novo* review applies where the District Court's legal analysis is challenged.

Notably, appellate courts have reversed several district court decisions in cases challenging voting laws under the Constitution and/or VRA. *E.g.*, *NAACP v. McCrory*, 831 F.3d 204, 215 (4th Cir. 2016); *Veasey v. Abbott*, 830 F.3d 216, 272 (5th Cir. 2016) (en banc); *Frank v. Walker*, 819 F.3d 384 (7th Cir. 2016).

III. ARGUMENT

A. HB2023 is likely to be struck down.

Intentional discrimination. As set forth in the Motion, the District Court found that HB2023 was enacted "in the context of racially polarized voting" and following an increase in the use of ballot collection in minority communities that historically had low turnout; the legislature knew that HB2023 could impact GOTV efforts in minority communities with low turnout; the circumstances regarding two of the predecessor bills to HB2023 were "somewhat suspicious"; "racial appeals have been made in the specific context of legislative efforts to limit ballot collection"; and

"some individual legislators and proponents of limitations on ballot collection harbored partisan motives." Mot. 3-5. Further, Arizona has a lengthy history of discrimination, and HB2023's sponsor made statements that reflect animus toward the voters who are burdened by that law. Mot. 6-7.[1]

The State does not dispute *any* of these points or attempt to explain how, under *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252 (1977), the District Court could have avoided concluding that HB2023 was motivated by discriminatory intent. Resp. 5-9. Instead, the State makes claims that are inconsistent with the record and/or do not alter the conclusion that the District Court's findings of fact compelled a finding of intentional discrimination.

The State appears to argue that Plaintiffs did not show that HB2023 disparately *burdens* minority voters. Resp. 5-6. But its argument relies on the District Court's holding under the *Anderson-Burdick* test, not the *Arlington Heights* test. *See id.*; *see also McCrory*, 831 F.3d at 231. And the State ignores the evidence showing that ballot collection was overwhelmingly used by—and HB2023 will disparately burden—minority voters. Mot. 9-10. Indeed, the court below found that prior to HB2023, "minorities generically were more likely than non-minorities to return their

[1] The record shows that a meeting held before the introduction of HB2023 included Republican legislators, a representative of the Republican Secretary of State, and the Chair of the Arizona Republican Party, but no Democratic legislators or Arizona Democratic Party representatives. 10/17 Tr. 1973:22-1977:12 (Spencer).

early ballots with the assistance of third parties" and "[t]he legislature was aware that [HB2023] could impact GOTV efforts in low-[turnout] minority communities." Op. 62, 80; *see also McCrory*, 831 F.3d at 230 (*Arlington Heights* "did not require th[e] minority plaintiffs to show that the Chicago area as a whole lacked low-income housing or that the plaintiffs had no other housing options"; "it was sufficient that the zoning decision excluded them from a particular area").

The State's claim that the legislation that preceded HB2023 has "little or no probative value" is wrong as a matter of law. The "historical background" and "specific sequence of events leading up to the challenged decision" are directly relevant. *Arlington Heights*, 429 U.S. at 267; *accord Feldman III*, 843 F.3d at 369.[2] The assertion that Plaintiffs "do not contend" that the legislature deviated from the typical legislative process in enacting HB2023, Resp. 7, is both incorrect[3] and of little moment: discriminatory legislation plainly can be enacted through a typical legislative process, particularly when there is unified control of government.

Further, the State's (and the District Court's) reliance on the testimony of Rep. Fernandez, Resp. 9, is misplaced. Even assuming *arguendo* that the *Arlington*

[2] In *Burton v. City of Belle Glade*, 178 F.3d 1175 (11th Cir. 1999), the Eleventh Circuit recognized that a city's 1961 refusal to annex a heavily minority housing project was not probative of whether the refusal to annex the same project *24 years later* was motivated by discriminatory intent, particularly where the evidence did not show that the original 1961 decision was racially motivated. *Id.* at 1195.

[3] *See* Mot. 4 (discussing prior attempts to restrict ballot collection); Op. 77-79.

Heights inquiry could turn on the opinion of a single legislator who opposed a bill—which it plainly does not—the State and District Court ignore Rep. Fernandez's testimony that, "What I think, HB 2023 is meant to suppress Democratic votes, not just Hispanic votes. … There's other areas in Arizona that don't receive home … mail service, and I believe it's to suppress rural votes, Democratic votes, votes from poor people that don't have transportation." 10/3 Tr. 92:7-18 (all transcripts at Doc. 17-1). The State, in short, has provided no meaningful response to Plaintiffs' argument that the District Court was compelled to find discriminatory intent.

Nor does the State attempt to reconcile the District Court's holding that HB2023 was not motivated by any racially discriminatory intent with its finding that some legislators were motivated by partisan interests. And for good reason: HB2023 served Republicans' electoral interests because of its impact on minority voters. Mot. 5-6; *accord McCrory*, 831 F.3d at 226; *cf. League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 442 (2006) ("troubling blend of politics and race—and the resulting vote dilution of a group that was beginning to achieve § 2's goal of overcoming prior electoral discrimination—cannot be sustained").

Moreover, *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, No. 16-111, 2018 WL 2465172 (U.S. June 4, 2018), supports a finding of discriminatory intent. In that case, the Court found that commissioners' failure to object to the comments of one commissioner showed that the commission was

hostile to the plaintiff's religious beliefs. *Id.* at *10. Here, legislators not only failed to disavow but *embraced* the "racially tinged" LaFaro Video, which "became quite prominent in the debates over H.B. 2023." Op. 72-73, 77-78; Br. 4-5. The District Court should have found discriminatory intent.

VRA. The State's argument that HB2023 does not violate the VRA relies in part on a misunderstanding of the law. The State asserts that the plain language of the VRA is at odds with Plaintiffs' position that the VRA focuses on whether voters are disparately burdened, not the number of burdened voters, and it argues that statistical comparisons are required to establish a violation of the VRA. Resp. 14-15. But the first argument is refuted by the case law cited in the Motion,[4] and the second argument should be rejected for reasons that Chief Judge Thomas has already articulated. *Feldman III*, 843 F.3d at 400-04 (Thomas, C.J., dissenting).

Further, while the State summarizes the District Court's pertinent conclusions, Resp. 15-16, it makes no attempt to respond to the evidence cited in the Motion that demonstrates that ballot collection was overwhelmingly used by minority voters and that the racially disparate burdens resulting from HB2023 are linked to the ongoing effects of Arizona's history of discrimination. Mot. 9-12. This Court should find that HB2023 likely violates the VRA.

[4] *See* Mot. 8-9; *see especially League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224, 244 (4th Cir. 2014).

Undue burden. Plaintiffs have discussed the evidence showing that the District Court significantly understated the burden that HB2023 imposes on voters and that HB2023 disparately burdens minority voters. Mot. 8-10, 12-15. Rather than address this evidence, the State largely restates the District Court's erroneous conclusions. Resp. 9-13.[5] That plainly does not rebut Plaintiffs' showing that the burden imposed by HB2023 is far more severe than the District Court found it to be.

The State also fails to rebut the conclusion that, "[a]gainst this burden, the state's justification for the law was weak." *Feldman I*, 840 F.3d at 1097 (Thomas, C.J., dissenting); *accord* Mot. 15. While the State points to its interests in preventing fraud and maintaining confidence in elections,[6] in support it cites only the District

[5] The State points to the trial court's comparison of the burdens imposed by HB2023 with those imposed by the voter ID law in *Crawford v. Marion County Election Board*, 553 U.S. 181 (2008), but the District Court erred in its application of *Crawford*, which warns that courts must not "apply[] any 'litmus test' that would neatly separate valid from invalid restrictions" and instead must "make the 'hard judgment that our adversary system demands." *Id.* at 190 (controlling op.).

[6] The State also argues—for the first time—that criminalizing ballot collection "facilitates counties' timely completion of their ballot counting duties" because "candidates will collect ballots … and hold them for delivery until election day." Resp. 18-19 (citing testimony of Yuma County Recorder). But the statements on which this post-hoc argument relies were excluded as hearsay. Dist. Ct. ECF No. 411, Order on Evidentiary Issues at 13 ¶¶ 25, 28. The State also inaccurately summarizes the pertinent (excluded) testimony: the Yuma County Recorder did *not* testify that campaigns were retaining ballots but instead that two people had spoken to her to accuse others of doing so—one of whom had received the information from "individuals in the community" and the other of whom was a serial accuser who was not able to provide "any specific information." Pouquette Dep. 63:1-5, 65:14-66:4. Further, the assertion that making it more difficult to vote early will *reduce* the amount of work that election administrators need to do on Election Day—when one

Court's opinion and *not any evidence* showing that HB2023 *actually furthers* those "facially important" interests. Resp. 13; *accord Common Cause Ind. v. Marion Cty. Election Bd.*, No. 117CV01388SEBTAB, 2018 WL 1940300, at *20 (S.D. Ind. Apr. 25, 2018) (asserted interests "illusory and irrelevant to" the challenged law); *cf. Whole Woman's Health v. Hellerstedt*, 136 S. Ct. 2292, 2311 (2016) (claimed benefit did not justify burden where law "brought about no such [] benefit"). Indeed, every conceivable type of misdeed related to ballot collection—including every example cited by the State, Resp. 19—was *already a crime* in Arizona before HB2023. Op. 36-37[7]; *cf. Whole Woman's Health*, 136 S. Ct. at 2313-14 ("[d]etermined wrongdoers, already ignoring existing statutes and safety measures, are unlikely to be convinced to adopt safe practices by a new overlay of regulations"). Plaintiffs are likely to succeed in their challenge to HB2023.

B. Arizona's disenfranchisement of OOP votes is likely to be enjoined.

Plaintiffs have established that Arizona discards thousands of ballots in every general election because voters have voted OOP; Arizona disenfranchises in-person voters for voting OOP at a greater rate than any other state; minority voters are about

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of the alternatives to ballot collection that the State itself identifies is voting at the polls on Election Day, Resp. 12—is not credible.

[7] The State's speculation about sick or forgetful ballot collectors, Resp. 19, misses this point: failing to turn in a collected ballot was *already a crime* under Arizona law prior to HB2023. Op. 37. In addition, the evidence at trial showed that ballot collectors took their responsibilities very seriously. *See, e.g.*, 10/6 Tr. 902:8-17 (Gillespie); Parraz Dep. 43:7-48:16; 10/3 Tr. 428:12-430:7, 446:1-447:8 (Larios).

twice as likely as white voters to be disenfranchised for voting OOP; and this disparity is linked to the effects of Arizona's history of discrimination. Mot. 15-19. Plaintiffs further established that it is possible to count OOP ballots and that the claim that the State must *disenfranchise* those who vote OOP in order to obtain the benefits of the precinct system (where it applies) is highly speculative. Mot. 17.

These points demonstrate that Arizona's policy of disenfranchising OOP voters must be invalidated under the *Anderson-Burdick* test and the VRA, *see* Mot. 15-19, and the State does not undermine any of these points. Instead, the State largely summarizes the District Court's discussion of this issue, Resp. 20-21, 23-24, which is flawed for the reasons set forth in the Motion.[8] The State also cites cases from other states in discussing the burdens of voting OOP, Resp. 21, but, given that finding one's assigned polling place is especially difficult in Arizona, Mot. 15-19, comparisons to other states are problematic. *See generally Crawford*, 553 U.S. at 190 (controlling op.) (courts should not "apply[] any 'litmus test'"). Therefore, Arizona's disenfranchisement of OOP voters is likely to be struck down.

[8] The State relies on the District Court's finding that the number of OOP votes has declined, Resp. 21-22, but Arizona disenfranchised 3,970 voters—and again led the nation in the rate at which it disenfranchised in-person voters—for voting OOP in 2016. Op. 40; Ex. 98 at 27. In state primary and general elections since (and including) 2008, Arizona has discarded 38,335 ballots because they were cast in the wrong precinct. *See* Op. 40. Moreover, as the number of OOP voters declines, the administrative burden of counting OOP ballots plainly will also decline.

C. The balance of the equities weighs in favor of a preliminary injunction.

The State's arguments regarding the balance of the equities and the public interest, Resp. 17-19, 23-26, similarly fall short for the reasons set forth above and in the Motion. *See* Mot. 19-20; *see also Johnson v. Halifax Cty.*, 594 F. Supp. 161, 171 (E.D.N.C. 1984) ("administrative and financial burdens" to county from developing interim voting plan were "not … undue in view of the otherwise irreparable harm to be incurred by plaintiffs").[9] In addition, the State's reliance on *Maryland v. King*, 133 S. Ct. 1, 3 (2012) (Roberts, C.J., in chambers), for the proposition that a state is harmed when it is enjoined from effectuating a statute, Resp. 18, 24, is misplaced. As this Court has recognized, "[n]o opinion for the [Supreme Court] adopts this view," *Latta v. Otter*, 771 F.3d 496, 500 n.1 (9th Cir. 2014), and it is not clear why a state has any interest in *effectuating* a law that is distinguishable from the interests (if any) that the law serves. Further, any such interest is particularly weak with respect to HB2023, as it is not clear what, if anything, the State will do to enforce that law. Op. 37.

IV. CONCLUSION

Plaintiffs respectfully request that the Court grant the requested relief.

[9] The State's contention that an injunction pending appeal would create confusion, Resp. 26, is plainly linked to Plaintiffs' likelihood of success on the merits. If Plaintiffs succeed on the merits of their appeal this fall, the issuance of an injunction pending appeal before then will *reduce* the confusion that is present around the time of the election.

RESPECTFULLY SUBMITTED this 11th day of June, 2018.

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the attached document with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on June 11, 2018. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

s/ Michelle DePass

CERTIFICATE OF COMPLIANCE

The undersigned, counsel for Plaintiffs-Appellants, certifies that this brief complies with the length limits permitted by Ninth Circuit Rule 27-1(1)(d). The brief contains 2,694 words and 10 pages, excluding the portions exempted by Fed. R. App. P. 32(a)(7)(B)(iii). The brief's type size and type face comply with Fed. R. App. P. 32(a)(5) and (6).

s/ Sarah R. Gonski

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

LESLIE FELDMAN, et al.,

Plaintiffs,

vs.

No. CV-16-1065-PHX-DLR

ARIZONA SECRETARY OF STATE'S OFFICE, et al.,

Defendants.

DEPOSITION OF RANDY PARRAZ

Phoenix, Arizona
July 7, 2016
1:03 p.m.

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what are the deadlines, what are some of the things a voter can do with their ballot in terms of making sure it gets turned in. So those are all part of the training that all the canvassers and volunteers would go through. And as well as a script about how to go about having those conversations at the door.

Q. Any training on maintaining the security of absentee ballots that were in the volunteers' possession?

A. Everything in terms of how a ballot is to be treated was consistent with the laws in terms of what's on the Maricopa County Recorder's Office in terms how it's supposed to be sealed, dated, and signed.

Q. Was that part of the volunteers' training?

A. Yes.

Q. Was that part of paid canvassers' training?

A. Yes.

Q. Would volunteers and paid canvassers do the same thing with ballots, or did they have different processes that they engaged in once the ballots were collected?

A. They pretty much went out mostly in twos, always in twos unless there was someone that was one of our experts, like members of our board, people that we trusted. And they would immediately come back, and ballots were picked up immediately that day. No one was allowed to go home until they came back to the office.

Q. With the ballots?

A. Not only ballots. They had a list of voters, precincts. Sometimes they had no ballots. I mean, them not having a ballot had nothing to do with them; it had to do with the voter. That's the voter's decision, not the canvasser's decision. And so to the extent to which that happened depended on the voter.

Q. And if they returned with ballots, would the list of where they collected those from be maintained with the ballots themselves in your office?

A. Yes. Because everything was computer -- we had a database, scanning, scan codes, so everything was -- we would track it.

Q. You scan the actual code on the ballot?

A. No. The scan of the voter on the list. We were working off the precinct list. And so they would say there, picked up ballot, or ballot still there, or hasn't voted. I mean, we had different codes to let us know what's going on with that particular voter. Because once we got the ballot in, once it was authenticated in terms of it fulfilled all the requirements, wasn't missing anything, then it would just be turned in.

Q. How did that authentication process take place? Did it always take place in your offices?

A. Yes.

Q. So ballots would always go from the voter to your offices and then to the polling location or the county recorder's office?
A. Yes.
Q. Any other stops in there?
A. Not that I'm aware of.
Q. Volunteers ever take ballots home overnight and then bring them to the office?
A. Not that I'm aware of.
Q. Paid canvassers ever do that?
A. Not that I'm aware of. That wasn't our protocol.
Q. Were they provided any other training on how to maintain the security of ballots? Were there written policies and procedures given to volunteers?
A. Yeah, part of the training was dos and don'ts. So those documents were also in writing in terms of what they can and can't do with the ballots.
Q. Do you still have those documents in your possession?
A. Not that I'm aware of. I mean, they could be on a computer somewhere.
Q. Anything other than general dos and don'ts provided to volunteers on maintaining the security of a voted ballot?

A. It was just -- we reviewed the information that the law said in terms of what makes a ballot valid.

Q. And then as far as chain of custody procedures, were any written policies and procedures given to volunteers on that, on maintaining the security of the chain of custody in the ballot?

A. That was part of the training of what they were supposed to do.

Q. Do you know how long that training would take for each volunteer?

A. We had trainings that would go over three to four days.

Q. And the volunteers would attend the entire time?

A. Yes. And it varied because folks that had been trained prior, they already had some of that knowledge. Just depended when they came into the program.

Q. And do you know about how much of the time and training was spent on chain of custody issues?

A. Whatever was appropriate to communicate the information. It was part of it, whatever that was.

Q. You don't remember a number of hours?

A. I don't remember.

Q. For paid canvassers, would they undergo a similar training?

A. Yes.

Q. So a three to four-day?
A. Yes. I mean, the rules weren't any different from a paid canvasser or volunteer when it came to the ballot itself. Most of them understood before they even volunteered, as part of our paid canvassing, kind of the sacredness of the ballot in terms of what you could and could not do with it.
Q. How did you know or confirm that they understood that before starting?
A. Before starting?
Q. Correct.
A. Well, some of them would express it prior to, and then we would walk through the process.
Q. Did they have to sign anything stating that they would maintain the security of ballots during the process?
A. No.
Q. Neither volunteers nor paid canvassers signed anything affirming that?
A. No.
Q. Were the voters given anything in writing confirming that their ballot would be delivered?
A. No.
Q. Were they given anything in writing about how to contact the organization after the organization had collected a ballot from them?

A. Yes.
Q. What was that?
A. It was a flier.
Q. What did the flier say?
A. Basically the name of the organization, location, and phone number.
Q. Did it tell them what would be done with their ballot?
A. No, but it was communicated what would be done with the ballot.
Q. Through the script that the volunteers or paid canvassers would talk them through?
A. Yes.
Q. And what did that script say about what would be done with the ballot?
A. That we would turn it in for them.
Q. Did it put a timeframe on when the organization would turn it in?
A. We just said we'd turn it in before the election.
Q. Generally how many weeks before an election would these efforts start?
A. Probably about three weeks.
Q. And so the organization would be collecting ballots over those three weeks?

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

Democratic National Committee, DSCC, and Arizona Democratic Party,	)	
Plaintiffs,	)	No. CV-16-1065-PHX-DLR
vs.	)	
Arizona Secretary of State's Office, Michele Reagan, and Mark Brnovich,	)	
Defendants.	)	

DEPOSITION OF ROBYN STALLWORTH POUQUETTE

Phoenix, Arizona
June 13, 2017
2:26 p.m.

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And he explained a process he -- he understood from individuals in the community that the various candidates would take that report, go door to door to collect the ballots and keep them in their possession until the evening of election night -- election day.

And the hope is that the opposing candidate is doing the same thing, but hopefully, they are kind of spinning their wheels because this candidate already knows which ballots he has in his possession and has communicated with those voters how -- whom they voted for, so they are aware of how many ballots and votes they are in possession of.

So the opposing candidate is going through the same process but hopefully spinning their wheels because they have already collected what they know to be -- or what they have been told to be votes in support of their candidate.

Q. Did he indicate there were any reports of fraud in connection with those collections of ballots?

MS. AGNE: Form.

THE WITNESS: He explained to me the same story that -- a similar story that John Paul Plante -- Judge Plante had explained to me, that a few individuals told him that the process of paying for a ballot was prevalent in the community. But he said he was -- did not

have any success in even obtaining names of people that wanted to talk to him to verify that information or discount it.

BY MS. CALLAIS:

Q. Outside of that, were there any other theories that he discussed with you?

A. Those were the only two.

Q. You are not aware of any ultimate conclusions that Mr. Grimes or his team or any of his agents made with regard to the signature mismatch ballots?

MS. KARLSON: Form.

MS. AGNE: Join.

THE WITNESS: No. We just discussed his concern on the discrepancy between a print and a script signature for an individual voter.

BY MS. CALLAIS:

Q. And you are not aware of any ultimate conclusions made by Mr. Grimes and his team at the FBI regarding the Guillermina Fuentes allegation?

MS. KARLSON: Form.

MS. AGNE: Join.

THE WITNESS: He did not communicate with me any conclusion in regard to the process Ms. Fuentes explained.

BY MS. CALLAIS:

Q. So in light of the Fuentes allegations, outside of this investigation by the FBI, did your office take any steps at all -- did these allegations prompt you to take any steps with regard to ballot collection in Yuma County?

MS. AGNE: Form.

MS. KARLSON: Form.

THE WITNESS: No.

BY MS. CALLAIS:

Q. After the 2010 election, did you receive any other reports of fraud in connection with ballot collection in Yuma County?

A. Yes.

Q. When was that?

A. I don't recall the exact time frame, but the same individual I mentioned earlier, Mr. Lara, he approached me several times -- maybe a handful of times with the same scenario similar to what Mr. Jacobs explained was occurring in regards to collecting ballots and holding them until election day.

Q. But outside of the collecting ballots and holding them to election day, did you receive any reports of ballot tampering?

A. Mr. Lara made statements to me that he felt some candidates were tampering with ballots. I asked him specifically for information in regard to names or

specifics, and he did not have any specific information.

Q. About when was that when he reported that to you?

A. Every election.

Q. Every election?

A. I would say 2012, 2014.

Q. And did you see any proof or evidence of ballots that came in to you in 2012, 2014 that had any indication of being tampered with?

MS. KARLSON: Form.

MS. AGNE: Form.

THE WITNESS: No.

BY MS. CALLAIS:

Q. Did you reach out to the county attorney's office about the reports Mr. Lara had presented to you?

A. Yes.

Q. And did any investigation result?

A. No.

Q. Did you reach out to Mr. Grimes and his team with regard to the allegations made by Mr. Lara?

A. No, but I should clarify. Mr. Lara's statements to me were very extremely vague in nature and lacked any specific information with regard to individuals.

I was also told by Mr. Lara and another individual by the name of Lorna Brooks that ballots were