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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Maria M. Gonzalez, et al.,

Plaintiffs,

vs.

State of Arizona, et al.,

Defendants.

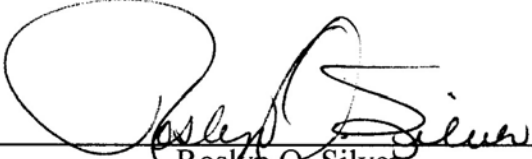
No. CV 06-1268-PHX-ROS

**ORDER**

The Parties have submitted statements summarizing their position on the discovery issue in dispute. First, no conflict exists between Gonzalez Plaintiffs' request and Article VII, § 1 of the Arizona Constitution. The Arizona Constitution provides: "All elections by the people shall be by ballot, or by such other method as may be prescribed by law; Provided, that secrecy in voting shall be preserved." Gonzalez Plaintiffs' request does not jeopardize "secrecy in voting." Gonzalez Plaintiffs only request "copies of the outside of envelopes containing conditional provisional ballots that were never counted." Even assuming that the Arizona Constitution prevents Defendants from producing the conditional provisional ballots, copies of the outside of the envelopes will not reveal for whom the voter voted. Further, this information will be subject to the protective order already in place. Second, if, as County Defendants submit, they do not have custody or control of the uncounted provisional ballot envelopes, Gonzalez Plaintiffs may subpoena, as allowed by the rules, the appropriate entity.

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DATED this 22nd day of January, 2008.



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Roslyn O. Silver  
United States District Judge