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23 Attorneys for The Inter Tribal Council  
24 of Arizona, Inc., et al.

25 UNITED STATES DISTRICT COURT  
26 DISTRICT OF ARIZONA

27	Maria M. Gonzalez, et al.,	)	
28		)	
29	Plaintiffs,	)	No. CV06-01268-PHX-ROS (Lead)
30		)	CV06-01362-PHX-ROS (Cons)
31	vs.	)	CV06-01575-PHX-ROS (Cons)
32		)	
33	State of Arizona, et al.,	)	<b>DECLARATION OF</b>
34		)	<b>BRUCE HERNANDEZ</b>
35	Defendants.	)	
36		)	
37		)	
38		)	

39 I, Bruce Hernandez, declare,

40 1. I am the Senior Vice President of Behavior Research Center  
41 (“BRC”), of which I have been a principal since 1971. I submit this Declaration in  
42 support of the ITCA Plaintiffs’ Response in Opposition to Defendants’ Motion for

1 Appointment of Independent Expert and Approval of Final Script. I have personal  
2 knowledge of the facts stated herein and, if called upon, could and would testify  
3 competently thereto.

4 2. BRC is an independent, Phoenix-based firm providing marketing  
5 and public opinion research to public and private sector clients. The company designs  
6 and conducts projects on all scales, from local to international.

7 3. BRC has been retained to serve as a consulting expert in this matter  
8 by the ITCA Plaintiffs. Specifically, the ITCA Plaintiffs have asked BRC to design and  
9 conduct a telephone survey of statistically-significant samples of Arizonans whose (a)  
10 voter registration applications have been rejected for failure to provide the “satisfactory  
11 evidence of citizenship” required by A.R.S. § 16-166, or (b) conditional provisional  
12 ballots were not counted because they did not provide the identification required by  
13 A.R.S. § 16-579.

14 4. All BRC personnel with access to personal identifying information  
15 obtained from rejected voter registration forms or conditional provisional ballot records  
16 shall sign and file with the Court a certification indicating that they have reviewed the  
17 confidentiality Order related to such material and agree to abide by such Order.

18 5. BRC’s standard operating procedure is to collect all information in  
19 a neutral fashion, with the least possible intrusion on the interviewees. BRC shall  
20 follow this procedure for the survey described in paragraph 3, above.

21 6. I have reviewed the scripts attached as Exhibits A and B to the  
22 Defendants’ Motion for Appointment of Independent Expert and Approval of Final  
23 Script (the “Scripts”). If BRC or another expert were to use the Scripts, it may prove  
24 difficult to collect data in an unbiased fashion from a sufficient number of individuals.

25 7. Specifically, the Scripts’ introductions are too long, and give  
26 respondents too many opportunities to opt out of the survey.

27 8. In addition, mentioning that the project is related to a lawsuit might  
28 introduce some unknown bias. BRC recommends providing such information only to

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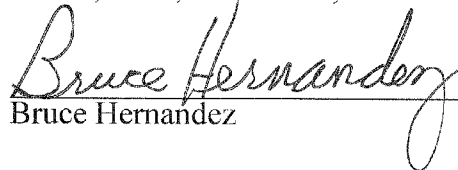
respondents who ask how BRC obtained their telephone number. In my experience, relatively few respondents would inquire about the survey firm's source for their contact information.

9. The Scripts would be improved if shorter and more focused. Indeed, the Scripts should only include questions that are relevant. They should not include questions seeking to elicit specific information that is already in the parties' possession.

10. Overall, the survey will generate more valuable information if the open-ended questions in the Scripts were re-written in a more structured manner.

I declare under penalty of perjury under the laws of the United States and the State of Arizona that the foregoing is true and correct.

EXECUTED this 25<sup>TH</sup> day of September, 2007, in Phoenix, Arizona.

  
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Bruce Hernandez