

EXHIBIT 1

No. 08-17094, 08-17115

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JESUS M. GONZALEZ, *et al.*,
Plaintiffs-Appellants,

v.

STATE OF ARIZONA, *et al.*,
Defendants-Appellees.

On appeal from the United States
District Court for the District of
Arizona

No. CV-06-01268-PHX-ROS
No. CV-06-01362-PHX-ROS

DECLARATION OF AMY BJELLAND

Amy Bjelland declares:

1. I was appointed by Secretary of State Ken Bennett (“Secretary”) as the State Election Director and have served in this position since March 2, 2009. In my role as State Election Director, I oversee the daily operations of the Secretary’s Election Services Division. Among other election-related duties, my division maintains the statewide voter registration database as required by federal and state law and publishes the statewide canvass after each of the counties completes its canvass. I make this Declaration in support of the Defendants-Appellees’ Response to Emergency Motion Under Circuit Rule 27-3.

2. A person qualified to register to vote may do so by mailing in a voter registration form to the county recorder, registering through a public assistance agency, or registering online through the Arizona EZ voter system. A person registering online through the Arizona EZ voter system may only do so by using a driver's license number or nonoperating identification number as proof of citizenship. If a number is not submitted for proof of citizenship, or if the number doesn't match in the MVD database, the person cannot register. The EZ voter system keeps record of successful voter registrations.
3. After a county recorder receives a completed voter registration application, the recorder sends the form to the Secretary to assign a unique identifying number to any registrant who does not have a driver's license number, nonoperating identification number, or social security number. The Secretary then sends the recorder an exception report to review for items such as duplicate registrations, felony convictions, death records, and processing errors. If no problems are found, the recorder can then register the applicant.
4. Section 16-584(E), Arizona Revised Statutes, requires the counties to complete verification of provisional ballots no later than ten calendar days after the general election, which is November 12, 2010. Counties must

canvass the election no later than 20 days after the election, which is November 22, 2010. *See* A.R.S. § 16-642(A). The Secretary must canvass the election on the fourth Monday following the election. *See* A.R.S. § 16-648(A). This year the canvass falls on November 29, 2010. The canvass may be postponed from day to day if the official canvass of any county has not been received by this date, but in no case may it be postponed past thirty days from the election, which falls on December 2, 2010. A.R.S. § 16-648(C). The Secretary of State's Office publishes online a document detailing the key dates for the 2010 primary and general elections. A true and correct copy is attached hereto as Exhibit A.

5. In the November 2, 2010, general election, there were approximately 84,000 provisional ballots cast statewide. There were approximately 50,000 provisional ballots cast in Maricopa County and approximately 13,000 cast in Pima County. A provisional ballot may be cast for a myriad of reasons, including the following: (1) lack of sufficient identification; (2) voter's name not on signature roster and has not moved; (3) voter has moved within a precinct; (4) voter has moved to a new precinct in county; (5) voter has been issued an early ballot; (6) voter has changed name; (7) or the voter is challenged at the polling place.

6. When a person votes on Election Day, he or she goes to a polling place for a particular precinct, and the poll workers check the signature roster (a list of all active and inactive voters registered in that precinct) to locate that person's name. If that person's name is not on the roster, and the person has sufficient identification, that person may vote, but must cast a provisional ballot rather than a regular ballot that would be tabulated there at the polling place. This is to allow the County Recorder time to check the county voter registration database to ensure the person is eligible to vote in the precinct in which the person cast his ballot, as well as to allow the Recorder the ability to ensure the voter has not already voted elsewhere. The provisional ballot is no different from the ballots that voters appearing on the signature roster cast; however, the ballot is not tabulated until after the Recorder does the check referenced above. The information needed by the Recorder to validate the voter registration record is on the outside of the envelope in which the cast ballot is enclosed. In the 2008 general election, 151,799 provisional ballots were cast, and of those, 14,542 were rejected due to the voter not being registered in the state.
7. If a person is not on the precinct signature roster, the person may be registered in another county, or they may not be registered in Arizona at all. It is not discernable from the provisional ballot itself whether the person

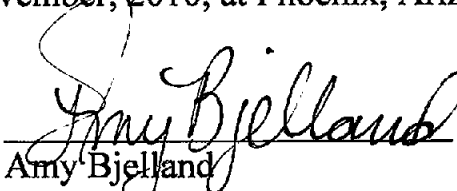
who voted had his or her registration rejected due to Proposition 200's proof-of-citizenship registration requirement.

8. To comply with the relief Plaintiffs-Appellants' request, counties would first have to make a determination about which of the approximately 84,000 provisional ballots cast in the election were cast because the voter was not on the voter roll of the precinct at which they voted. The counties would then have to determine which of those provisional ballots were cast by people who were not only not registered at that particular precinct, but who are not registered in the county at all. Then, the counties would need to go through the July 5 to October 4 rejected registration applications to match those names with persons who attempted to register in the 90 days prior to the October 4, 2010, cutoff but were rejected due to Proposition 200's proof-of-citizenship requirement.
9. After the counties complete these tasks, they must submit the names of those persons to the Secretary, who then must check the names against the statewide voter registration database to ensure that the person is not registered in another county. Only after the Secretary determines that there is not a duplicate registration would the counties be able to count that provisional ballot. Thursday, November 11, 2010, is Veteran's Day; the

Secretary of State's Office will not be open and its employees are not presently required to work on that day.

I declare under penalty of perjury that the foregoing assertions of fact are true and correct.

Executed on this 9 day of November, 2010, at Phoenix, Arizona.



Amy Bjelland
State Election Director

#1296717

EXHIBIT A

Arizona Secretary of State - Ken Bennett

2010 Election Important Dates *

EVENT	DATE
Primary Election ³	August 24, 2010
■ Registration closes	July 26, 2010 at midnight
General Election	November 2, 2010
■ Registration closes	October 4, 2010 at midnight
Early Voting Begins	
■ Primary Election	July 29, 2010
■ General Election	October 7, 2010
Candidate Nomination Petitions ¹	
Partisan	
■ First day to file:	April 26, 2010
■ Last day to file:	May 26, 2010 at 5 p.m.
"Nomination Other Than By Primary" or "Independent"	
■ First day to file:	April 26, 2010
■ Last day to file:	May 26, 2010 at 5 p.m.
Write-In Candidates	
■ Primary Election - Last day to file	July 15, 2010 at 5 p.m.
■ General Election - Last day to file	September 23, 2010 at 5 p.m.
Justices and Judges	
■ First day to file for retention	August 4, 2010
■ Last day to file for retention	September 3, 2010 at 5 p.m.
New Party Petitions—General Election Qualifications	
■ Number of signatures required:	20,449
■ Last day to submit to County Recorder for signature verification:	February 25, 2010 at 5 p.m.
■ Last day to file verified petition signatures with Secretary of State:	April 6, 2010 at 5 p.m.
Constitutional & Initiative Petitions	
■ Last day to file petitions:	July 1, 2010 at 5 p.m.
■ Signatures required for Initiative measures	153,365
■ Signatures required for Constitutional Amendments	230,047
■ Signatures required for Referendum Petitions	76,882
Arguments For or Against Ballot Measures ⁴	
■ Last day to file:	July 7, 2010 at 5 p.m.
Official Canvass of Election Results	
■ Primary Election	September 7, 2010
■ General Election	November 29, 2010

Campaign Finance Reporting Dates ^{1 2 3}		
<small>Pursuant to A.R.S. §§ 10-013(B), (C) and 10-016(D)</small>		
NAME OF REPORT	TIME PERIOD COVERED IN REPORT	REPORT DUE BETWEEN
January 31 report	Nov 25, 2008 through Dec 31, 2009	Jan 1 and Feb 1, 2010
June 30 report	Jan 1, 2010 through May 31, 2010	June 1 and June 30, 2010
Pre-Primary report	June 1, 2010 through Aug 4, 2010	Aug 5 and Aug 12, 2010

Post-Primary report	Aug 5, 2010 through Sept 13, 2010	Sept 14 and Sept 23, 2010
Pre-General report	Sept 14, 2010 through Oct 13, 2010	Oct 14 and Oct 21, 2010
Post-General report	Oct 14, 2010 through Nov 22, 2010	Nov 23 and Dec 2, 2010

¹ Nomination petition signature requirements will be available after March 1, 2010.

² This table does not include additional filing deadlines provided for by the Citizens Clean Elections Act. Please see Title 16, Chapter 6, Article 2, available from the Secretary of State's Office and materials provided by the Citizens Clean Elections Commission. This table does not include additional filing deadlines in effect for standing political committees as required by A.R.S. §16-913(K). Please visit www.azsos.gov or call 602-542-8683 for specialized table.

³ In 2009, the Arizona Legislature moved the 2010 primary election from August 31, 2010 to August 24, 2010. See Ariz. Sess. Laws 2009, Ch. 149.

⁴ In 2010, the Arizona Legislature moved the 2010 argument filing deadline from July 2, 2010 to July 7, 2010. See Ariz. Sess. Laws 2010, Ch. 2. This law must be proclaimed by the U.S. Department of Justice in accordance with Section 5 of the Voting Rights Act before it can become effective.

Office Revision 3/17/2010

* These dates are subject to change by law and are current as of the revision date above.

EXHIBIT 2

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DECLARATION OF KAREN OSBORNE

Karen Osborne declares:

1. I am the Maricopa County Director of Elections and have been employed by Maricopa County as its Director since 1994 and the Deputy Director of Elections since 1991. I also serve as a Deputy to Maricopa County Recorder Helen Purcell. I am responsible for the process of registering eligible persons to vote and polling place procedures, including proof of identification at the polls, in Maricopa County, and therefore have knowledge relevant to the matters described herein.

2. Maricopa County is the largest County in Arizona with more than 1.8 million registered voters. A person qualified to register to vote may do so by mailing in a voter registration form to the county recorder, registering through a public assistance agency, or registering on line through the Arizona state EZ voter system. The County Recorders do not manage the online voter registration system.

3. Completed mail-in voter registration forms received by the County Recorder are sent to the Secretary of State to assign a unique identifying number to any registrant who does not have a driver license number, nonoperating identification number or social security number. Within 24 hours of receiving the registration, the Secretary of State sends the Recorder an exception report to the County to review for items such as any duplicate registrations, felons, death records, and processing errors. Following the review, the County Recorder sends a letter to the registrant to confirm that the information is correct.

4. The County election officials have ten calendar days after a general election to review provisional ballots by comparing provisional ballot forms to the voter registration database. For the November 2, 2010, General Election there were approximately 1,000,000 ballots cast in Maricopa County, including more than 50,000 provisional ballots. Those 50,000 provisional ballot envelopes must be compared against the current voter registration system by this Friday, November 12, 2010.

5. For provisional ballots cast by registered voters, the ballot is removed from the provisional ballot envelope and tabulated. The final tabulation of ballots must be completed by Friday, November 19, 2010 to ensure compliance with the statutory timeframe to conduct the canvass by the next Monday. Maricopa County Board of Supervisors will conduct the canvass on Monday, November 22, 2010. The County Board of Supervisors will deliver the canvasses to the Secretary of State who shall conduct the statewide canvass.

6. An automatic recount or election contest in any of the countywide elections may not commence until the completion of the canvass, or November 22, 2010. Any delay in the completion of the canvass will result in a delay to begin an automatic recount or for an elector to file an election contest.

7. To ensure the ballots are processed by the November 12, 2010, provisional ballot deadline or the November 22, 2010, canvass deadline, the Maricopa County Recorder has approximately 90 permanent and temporary staff working 7:00 a.m. to 10:00 p.m. (except for Sundays, when employees work until 6:00 p.m.). The initial review of the provisional ballots is expected to be completed by the end of the day, Wednesday, November 10, 2010. On Thursday, November 11, 2010, the provisional ballots will be segregated by the determination on the envelope into one of the 1,142 voting precincts. The Elections Department will then remove the provisional ballots that should be counted and those ballots are gathered for

transport to the tabulation center. The provisional, early and duplicate ballots to be counted are then tabulated. The final step in the tabulation process is the review of the ballots containing any write-in votes.

8. If the court ordered the County to determine whether any of the rejected provisional ballots were cast by individuals that attempted to register to vote between July 5, 2010 to October 4, 2010, but were rejected because of Proposition 200's proof-of-citizenship requirement, the staff would have to go back to the provisional ballots divided into each of the 1,142 voting precincts to determine if the provisional ballot was rejected because the individual had cast an early ballot that had been tabulated, the individual voted in the wrong precinct, or the individual was not registered to vote in the County.

9. For those provisional ballots cast by individuals not registered to vote in the County, those ballot envelopes would have to be gathered and compared to the voter registration forms rejected from July 5, 2010 to October 4, 2010 for lacking proof of citizenship. In that time frame, Maricopa County rejected 1,964 registration forms that had no proof of citizenship. Those forms and the names of the individuals are not kept in any database, but the forms are kept in date order in boxes. To compare the names of the rejected provisional ballots against the names of the rejected voter registration forms, the County would have to divert staff away from processing the ballots to begin the data entry of those rejected registrations.

Once that data is entered, the rejected provisional ballot list could be compared to rejected voter registrations. The voter registration information for individuals that cast a provisional ballot would have to be sent to the Secretary of State's Office to check for duplicates, felony records and death records. Upon completion of that process by the Secretary of State, the County would then have to retrieve the provisional ballot from the appropriate voting precinct bin, separate the envelope and the ballot, then tabulate any of the provisional ballots.

10. It is uncertain whether Maricopa County would be able to meet the provisional ballot counting or the canvass deadlines if the Court ordered the registration of the approximately 2,000 individuals that completed registration forms and were rejected in that 3-month period, the comparison of the rejected voter registrations to the rejected provisional ballots, the retrieval of the provisional ballots, and the tabulation of those ballots.

11. Maricopa County processes all voter registration forms in accordance with applicable law and the Arizona Secretary of State Procedures Manual. Arizona law and the Procedures Manual provide no guidelines instructing the County on the proper method for processing voter registration forms without the requirement to prove citizenship.

I declare under penalty of perjury that the foregoing assertions of fact are true and correct.

Executed on this 9 day of November, 2010, at Phoenix, Arizona.

A handwritten signature in black ink, appearing to read "Karen Osborne". The signature is written in a cursive style with a horizontal line underneath the name.

Karen Osborne

Maricopa County Elections Director

EXHIBIT 3

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DECLARATION OF F. ANN RODRIGUEZ

F. Ann Rodriguez declares:

1. I am the Pima County Recorder. I was first elected as the Pima County Recorder in 1992 and currently I am serving my fifth term as the Recorder. I am responsible for the process of registering eligible persons to vote and early voting in Pima County, and therefore have knowledge relevant to the matters described herein.

2. Pima County is the second largest County in Arizona with more than 486,000 registered voters. A person qualified to register to vote may do so by mailing in a voter registration form to the county recorder, registering through a

public assistance agency, or registering on line through the Arizona state EZ voter system. The County Recorders do not manage the online voter registration system.

3. Completed mail-in voter registration forms received by the County Recorder are sent electronically to the Secretary of State to assign a unique identifying number to any registrant who does not have a driver license number, nonoperating identification number or social security number. Within 24 hours of receiving the registration, the Secretary of State electronically sends the Recorder an exception report to the County to review for items such as any duplicate registrations, felons, death records, and processing errors. Following the review, the County Recorder sends a letter to the registrant to confirm that the information is correct.

4. The County Recorder has ten calendar days after a general election to review provisional ballots by comparing provisional ballot forms to the voter registration database. For the November 2, 2010, General Election there were more than 12,500 provisional ballots cast in Pima County. Those provisional ballot envelopes, therefore, must be compared against the current voter registration system by this Friday, November 12, 2010.

5. If the court ordered the County to determine whether any of the rejected provisional ballots were cast by individuals that attempted to register to vote between July 5, 2010 to October 4, 2010, but were rejected because of Proposition 200's proof-of-citizenship requirement, the Recorder's Office would have to go

back to the provisional ballots to determine if the provisional ballot was rejected because the individual had cast an early ballot that had been tabulated, the individual voted in the wrong precinct, or the individual was not registered to vote in the County.

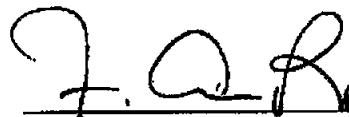
6. For those provisional ballots cast by individuals not registered to vote in the County, those ballot envelopes would have to be gathered and compared to the voter registration forms rejected from July 5, 2010 to October 4, 2010 for lacking proof of citizenship. In that time frame, Pima County rejected approximately 1,000 registration forms that had no proof of citizenship. To compare the names of the rejected provisional ballots against the names of the rejected voter registration forms, the County would have to divert staff away from processing the ballots to rejected voter registrations. The voter registration information for individuals that cast a provisional ballot would have to be sent to the Secretary of State's Office to check for duplicates, felony records and death records. Upon completion of that process by the Secretary of State, the County would then have to retrieve the provisional ballot, separate the envelope and the ballot, then tabulate any of the provisional ballots.

7. Pima County processes all voter registration forms in accordance with applicable law and the Arizona Secretary of State Procedures Manual. Arizona law and the Procedures Manual provide no guidelines instructing the County on

the proper method for processing voter registration forms without the requirement to prove citizenship.

I declare under penalty of perjury that the foregoing assertions of fact are true and correct.

Executed on this 9th day of November, 2010, at Tucson, Arizona.



F. Ann Rodriguez
Pima County Recorder

