

EXHIBIT 1

Appeal No. 08-17094

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

MARIA M. GONZALEZ, *ET AL.*,

Plaintiffs-Appellants,

v.

STATE OF ARIZONA, *ET AL.*,

Defendants-Appellees.

Appeal from the United States District Court for the District of Arizona
Case No. CV 06-01268-PHX-ROS

DECLARATION OF LAURA CARDINAL

My name is Laura Cardinal. I am over the age of 18 and competent to make this declaration. I make this declaration pursuant to 28 U.S.C. 1746 and under penalty perjury.

1. I reside at 3510 E. Lone Mountain Road, Hereford, Cochise County, Arizona.
2. I am over the age of 18.
3. I am a licensed attorney in the State of Arizona. My Arizona state bar number is 012081.

4. I am a registered voter in the state of Arizona.
5. I have worked as a poll worker in Cochise County for several years.
6. I am familiar with the use of provisional ballots in Arizona elections. Prior to each election in which I have worked as a polling place officer, I have taken a class given by the Cochise County Elections office. Since the provisional balloting system was instituted, we have been instructed on when such a ballot must be issued. One such reason is if the voter is validly a resident of the precinct, presents valid identification, asserts that they have registered to vote, but nevertheless do not appear in the precinct register. There are many reasons why a person might not appear on the precinct register-- most often because they were previously registered elsewhere, but their voter registration has not been updated, either due to the voter's failure or due to the registrar's failure. It is not uncommon for members of the same household to find one member listed, but the other not listed- for no apparent reason. It is not uncommon for people to repeatedly vote provisional ballots, in election after election, although never having moved outside the precinct.
7. I worked as a polling place inspector, at Precinct 41, Sierra Vista Cloud Nine during the November 2, 2010 general election.
8. I was the only poll worker at this precinct able to speak Spanish.

9. During the day, two voters, a husband and wife, came into the polling place to vote. They each presented valid Arizona driver's licenses, listing the same residence, to the polling place judge. The husband's name was located on the register, and he was given a regular ballot to vote. The wife's name was not found in the register. At that point, the polling place judge asked me to attempt to resolve the voter's problem.
10. I spoke to the woman, whose name I do not remember. She was a naturalized U.S. citizen, approximately 35 years old, and originally from Sinaloa, Mexico. She plainly anticipated problems voting. In her possession at the polling place, in addition to her Arizona driver's license, was her valid U.S. passport, issued in August 2010, to the best of my recollection. She was aware that she needed to prove her U.S. citizenship, and stated that she had made previous efforts to do so with voter registration after she registered to vote.
11. I placed a call to the Cochise County Recorder's Office to determine why this woman's name was not in registry book at the polling place. I spoke with an employee at the recorder's office. After pulling the woman's name, I was told that this voter's registration had been cancelled because she had not proven her citizenship. I told the recorder's office that I was looking at both a valid Arizona driver's license and a valid U.S. passport, and that her

husband was at the same polling place, currently voting. I was told that the voter could vote a provisional ballot, but that her vote would not be counted. As I spoke to the recorder's office, I communicated the information in Spanish to the voter; she was calm but obviously frustrated and offended by the process.

12. I thereafter completed a provisional ballot form for the voter, and included on the face of the provisional ballot her passport number. I also obtained a photocopies of the front and back of the voter's passport and her driver's license, and taped those to the front of the provisional ballot envelope. Once the voter had completed her ballot, her ballot was placed in the provisional ballot envelope and deposited into the secured compartment of the voting machine stand.
13. This voter did exercise her right to vote, but not without a measure of humiliation and delay, in that she submitted a provisional ballot, but her provisional ballot will not be counted.



Laura Cardinal