

# Exhibit 1

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**AFFIDAVIT**

STATE OF ARIZONA     )  
                                  )     ss.  
County of Maricopa     )

I, Karen Osborne, being first duly sworn upon my oath depose and state the following:

1. I am the Maricopa County Director of Elections and have been employed by Maricopa County as its Director since 1994 and its Deputy Director of Elections since 1991. I also serve as a Deputy to Maricopa County Recorder Helen Purcell.

2. I am responsible for the process of registering eligible persons to vote in Maricopa County, and therefore have knowledge relevant to the matters described herein. In that capacity, my duties include direct oversight of the voter registration process to ensure that state mail in voter registration forms are distributed at locations throughout the County, to designate places for receipt of completed voter registration forms throughout the County, to notify applicants whose registration is incomplete or illegible, and, upon receipt of a complete registration, to add the registration to the county register.

3. Upon passage of Proposition 200 in the November 2004 General Election and preclearance of the same by the United States Department of Justice under Section 5 of the Voting Rights Act of 1965, 42 U.S.C. § 1973c, the Maricopa County Recorder Helen Purcell appointed me to oversee the tasks necessary to ensure that the proof of citizenship requirement for voter registration and identification at the polls procedures were implemented.

## **Maricopa County Voter Registration Procedures**

1  
2 4. On January 24, 2005, the Elections Department ("Department") began  
3 reviewing new voter registration forms to verify the registrant's United States citizenship.  
4 When the Elections Department ("Department") receives a new and complete voter  
5 registration form, the registration is first checked to determine that the registration  
6 contains the five elements required by A.R.S. § 16-121.01, which are the name, residence  
7 address, date of birth, signature of the registrant, and an affirmative indicator to the  
8 question regarding citizenship. The Department then determines if the registration is  
9 accompanied by satisfactory evidence of United States citizenship as prescribed in A.R.S.  
10 § 16-166(F).

11 5. On December 21, 2005, the Department of Justice precleared Maricopa  
12 County's new voter registration procedures and materials, which included the letters sent  
13 to potential registrants with information about the new voter registration requirements.  
14 When someone requests a voter registration form, the Department now sends a letter of  
15 instruction that outlines the proof of citizenship requirement along with a voter  
16 registration form. When someone's registration is rejected because it lacks proof of  
17 citizenship, the person is immediately notified by letter that the registration has been  
18 rejected and supplied with a new voter registration form listing the acceptable  
19 identification to prove citizenship along with a postage paid return envelope.

20 6. In July 2005, the new voter registration form, revised by the Secretary of  
21 State to comply with Proposition 200 by highlighting the proof of citizenship  
22 requirement, includes the following fields: #14, Issue Date of Drivers License or

1 Nonoperating ID, #16 Tribal Identification options, and #20 Naturalization Certificate  
2 Number.

3 7. When the registrant provides his or her driver's license number as proof of  
4 citizenship, the Department sends the number to the Secretary of State who accesses the  
5 motor vehicle division database to determine the registrant's citizenship status. The  
6 Secretary of State then informs the Department of the results within one business day of  
7 receiving the number. The voter's date of registration is not delayed for the time needed  
8 to prove citizenship. For example, a registrant who submits a complete voter registration  
9 form to the Department on the last day to register to vote in a particular election, 29 days  
10 before the election, will be eligible to vote in that election even if the citizenship  
11 verification process takes 1 or 2 days.

12 8. If the registrant submits a copy of his or her birth certificate, U.S. Passport,  
13 or any other personal documentation with the voter registration, the Department destroys  
14 the personal documents after verifying the registrants citizenship two years following  
15 receipt as prescribed in A.R.S. § 16-166(J).

#### 16 **Maricopa County Identification at the Polls Procedures**

17 9. On October 7, 2005, the Department of Justice precleared the Secretary of  
18 State's procedural guidelines on identification at the polls. On December 6, 2005,  
19 Maricopa County submitted its own identification at the polls procedures and materials  
20 for preclearance including: Signature Roster Duty Card that is used by the boardworkers  
21 at the polls as a communications tool with the voter and a procedural reminder of the  
22

1 board worker's duties; List of Acceptable Forms of Identification to be distributed to the  
2 public at outreach events or at the polls; a Registered Voter Polling Place Location Card,  
3 which is mailed to every qualified elector to give the location of the polling place,  
4 provides a list of acceptable identification, and also may be used as a form of non-  
5 photograph identification; a Polling Place Sandwich Board Sign posted outside the  
6 polling place providing voters with a list of identification items; a Provisional Ballot form  
7 and envelope; and Identification Provided at Polls, which is the form filled out by a  
8 boardworker at the polls when a voter has returned to the polls with identification after  
9 casting a provisional ballot.

10 10. On January 31, 2006, the Department of Justice precleared Maricopa  
11 County's identification at the polls procedures and materials. Maricopa County then  
12 implemented the identification at the polls procedures for both the March 14 and May  
13 16, 2006 elections.

14 11. Voters without identification on Election Day have the ability to vote a  
15 provisional ballot and return post election with their identification. The Secretary of  
16 State's procedures specify that the County Recorder, or an official deemed acceptable by  
17 the County Recorder, will accept identification after the election in order for the ballot to  
18 be counted. In accordance with this procedure, the Department has secured locations  
19 throughout Maricopa County where voters may go to show their acceptable identification  
20 after the election and have their provisional ballot processed and counted. Boardworkers  
21 are trained to provide these voters who cast a provisional ballot for not providing  
22 identification a document listing different identification sites throughout the County.

1 This procedure for establishing satellite verification sites, the locations of those sites, and  
2 the document listing the locations have also been precleared by the Department of  
3 Justice.

#### 4 **Public Awareness and Training by Elections Department**

5 12. The Department's staff has undergone extensive training during the last 18  
6 months to ensure consistent application of the proof of citizenship for voter registration  
7 and identification at the polls requirements. For all Counties, nearly every employee  
8 performing election duties must attend the Secretary of State's Certification and Training  
9 Program by January 1 of an election year. In 2005, the Arizona Secretary of State  
10 Election Officer Certification Course was conducted from July 11- 15, 2005, and again  
11 from August 1 - 5, 2005. County election officials were also required to attend one of the  
12 Secretary of State's two-day Recertification Classes that were held in September and  
13 October 2005. Other meetings that provided training on Proposition 200's requirements  
14 include: (1) Arizona County Recorder Association meeting on February 2, 2005; (2)  
15 Arizona Association of Counties Annual Conference from 1:00 – 4:00 p.m. on November  
16 16, 2005; (3) Election Officials of Arizona meeting on November 17 – 18, 2005, and (3)  
17 City Clerk meeting on October 12, 2005.

18 13. County election officials are required to comply with the Secretary of  
19 State's Procedures Manual issued pursuant to A.R.S. § 16-452: "After consultation with  
20 each county board of supervisors or other officer in charge of elections, the secretary of  
21 state shall prescribe rules to achieve and maintain the maximum degree of correctness,  
22 impartiality, uniformity and efficiency on the procedures for early voting and voting, and

1 of producing, distributing, collecting, counting, tabulating and storing ballots." The 2006  
2 Procedures Manual contains detailed voter registration procedures and identification at  
3 the polls procedures.

4 14. As part of its ongoing public awareness efforts, the Maricopa County  
5 Recorder Helen Purcell launched a public awareness campaign starting in March 2006.  
6 The campaign included television, radio and print paid public service announcements in  
7 both English and Spanish. Those announcements provide information about the need to  
8 bring identification to the polls, the types of identification that are acceptable, and the  
9 ability for voters to vote by early ballot without having to provide an excuse or need to  
10 present identification.


11 15. In preparation for the September 12, 2006 Primary Election, the County  
12 Recorder will hold a press conference on August 29, 2006 regarding the identification at  
13 the polls requirement and the ability for all voters to request and cast an early ballot. All  
14 the major television and radio stations as well as the major newspapers, including the  
15 Spanish stations and newspapers, have been invited to attend. Also prior to the Primary  
16 Election, the County will run the radio and print paid public service announcements in  
17 both English and Spanish.

18 16. The public service announcements began airing before the March 2006  
19 election. The County Recorder and I have been interviewed by numerous television and  
20 radio stations to give information about the new law requiring identification at the polls  
21 to vote.



1 elections under the new law. Additionally, the Department would have to reprint and  
2 distribute new election forms and materials for the elections in a very short period of  
3 time. I anticipate that such a preliminary injunction would result in some local election  
4 officials and poll workers who would continue to apply the proof of citizenship and  
5 identification at the polls requirements. Whereas some local election officials would not  
6 apply the Proposition 200 requirements, and others applying a variation of the laws.

7 Further, your affiant sayeth not.

8  
9   
10 Karen Osborne

11 SUBSCRIBED AND SWORN to before me this 15<sup>th</sup> day of August, 2006.



13   
14 NOTARY PUBLIC

15 My Commission Expires: 5/19/2008