

EXHIBIT H

EXHIBIT H

DECLARATION OF CHRIS MOESER

PRESS ADVISORY

Phoenix, AZ, February 4, 2005 – With the passage of Proposition 200 by Arizona voters and approval of the Department of Justice, effective January 24, 2005, proof of citizenship must be submitted when voters are registering in Maricopa County for the first time.

The last day to register for the 2005 March jurisdictional elections is Monday, February 7, 2005 at midnight and one of the following will have to accompany a voter registration form:

- An Arizona driver's license number (or copy of the license) or non-operating identification license number (or copy of the identification license), issued after October 1, 1996.
- A driver's license or non-operating identification license from another state that identifies United States Citizenship.
- A legible photocopy of a birth certificate with the name of the applicant that verifies United States Citizenship.
- United States naturalization certificate number or the presentation of the original certificate of naturalization. (If only the number is provided, the County Recorder must verify the number with INS prior to adding the applicant to the voter rolls.)
- Bureau of Indian Affairs Card Number, Tribal Treaty Card Number or Tribal Enrollment Number.

A name cannot be added to the voter registration file until the requirement is met.

Of the 507 new registrations that have been received in the Maricopa County Recorder's office since the January 24 effective date, 74% have been returned because of inadequate proof of citizenship, according to County Recorder Helen Purcell. "We are making every effort to get the word out to the public of these changes. They may go to our website, <http://recorder.maricopa.gov>, or contact our Call Center at 602/506-1511 to review the necessary requirements."

The jurisdictions holding elections on March 8, 2005 are: City of Apache Junction, Town of Carefree, Town of Cave Creek, Daisy Mountain Fire District, Town of Gila Bend, Town of Gilbert, Glendale Elementary School District No. 40, City of Goodyear, Town of Guadalupe, Mesa Unified School District No. 4, Morristown Elementary School District No. 75, Osborn Elementary School District No. 92, Phoenix Elementary School District No. 1, City of Surprise, Tempe Elementary District No. 3, City of Tolleson, and Town of Youngtown.

The three (3) Maricopa County Recorder's offices will be open on Monday, February 7, 2005 from 8:00am - 5:00pm to assist the public if they wish to register in person. The offices are located at: 111 South Third Avenue, Phoenix; 510 South Third Avenue, Phoenix; and at the Mesa County Complex, 222 East Javelina.

[Close Window](#)

EXHIBIT I

EXHIBIT I

DECLARATION OF CHRIS MOESER

Westlaw

NewsRoom

5/6/05 ARIZDLST A1

Page 1

5/6/05 Ariz. Daily Star A1
2005 WLNR 8001242

Arizona Daily Star (AZ)
Copyright 2005 ProQuest Information and Learning Company; All Rights Reserved.

May 6, 2005

Section: NEWS

Prop. 200 bouncing new voter sign-ups

C.J. Karamargin, ARIZONA DAILY STAR ; ARIZONA DAILY STAR

Pima County turned down 59 percent in last 2 weeks

Failure to provide proof of citizenship is forcing Pima County election officials to reject an unprecedented number of voter registration forms.

Over the last two weeks, the county has rejected 59 percent or 423 of the 712 registration forms it has received from prospective new voters, said Registrar of Voters Chris Roads.

"We rejected none during the same period last year," when six times as many people were registering because of the presidential election, Roads said. "There was nothing in the law that required a rejection."

New this year are the citizenship requirements contained in Proposition 200, the anti-illegal-immigration initiative passed by Arizona voters last November.

Since the proposition went into effect in January, new voters have been required to prove they are citizens with a passport, a birth certificate, naturalization papers, tribal documents or a driver's license issued after October 1996. Voters who submit registration forms to change their name, address or party affiliation are exempt.

Most voter registration forms rejected by the county since April 20, when officials started keeping track, were submitted by new voters who provided no valid proof of citizenship whatsoever, Roads said. Eleven people provided incomplete driver's license information.

The ranks of rejected voters include 61-year-old Rachel Everett of Ajo. She moved to Pima County from Yavapai County in March and promptly registered to vote. But the registration form she picked up from the post office didn't ask for anything like a driver's license number and she didn't provide it.

© 2006 Thomson/West. No Claim to Orig. U.S. Govt. Works.

"I just figured the law hadn't taken effect yet," said Everett.

Like other prospective voters who submitted forms without proof of citizenship, Everett received a letter from the county informing her that she would not be registered until she complied with the law.

"I'm going to Xerox my driver's license and send it to them," she said.

Everett's experience is not uncommon. New voter registration forms that include Proposition 200's citizenship requirements are awaiting approval from the U.S. Justice Department and are expected to be available in mid-June, Roads said.

State elections officials expect the new forms to go a long way in making sure people know what is needed to join the state's 2.6 million voters.

"We recognized there was going to be some potential confusion," said Assistant Secretary of State Kevin Tyne. "People are still learning about the new rules."

Judi White, chairwoman of the Pima County Republican Party, praised county officials for notifying voters their registration forms are incomplete but said that puts the responsibility on voters to re-register with the needed documentation.

"I would just hope they take the necessary steps to register properly," White said.

Paul Eckerstrom, chairman of the county Democratic Party, expects many voters to give up in frustration. As an opponent of Proposition 200, he remains convinced that its citizenship requirements are unnecessary because few if any illegal entrants have ever been prosecuted in Arizona for voting. The initiative's "real intent," he said, was to make it difficult for voters - especially those inclined to vote Democratic - to cast a ballot.

"It's anti-American, anti-democracy," Eckerstrom said. "It's just another obstacle for voters to deal with. The whole idea behind this thing is to suppress voter turnout."

But Kathy McKee, the founder of a citizens group that put Proposition 200 on last year's ballot, rejected that. The goal was never to make it difficult for Arizonans to vote, she said, but simply to make sure those who do vote are U.S. citizens.

McKee said she was "just astounded" that new voter registration forms are not available six months after more than 1 million Arizona voters gave Proposition 200 their blessing.

"I don't understand why the new forms aren't out there. How long does it take to design a voter registration form?" McKee said. "It's a shame people are being inconvenienced. Shame on the government bureaucracy for not having the forms available."

Audrey Adkisson got a small taste of the bureaucracy when she registered to

© 2006 Thomson/West. No Claim to Orig. U.S. Govt. Works.

vote last month. The 24-year-old charter school teacher from New Mexico filled out a voter registration form at a Tucson Motor Vehicles Division office when she obtained her Arizona driver's license.

But because she did not include her license number, the county sent Adkisson the same letter it sent Everett. Adkisson said she is frustrated because she handed the form to someone at MVD who could have informed her then of the citizenship requirement.

"It could have been fixed at that point," she said, adding that she will eventually re-register. "At least they make it easy by giving you a self-addressed, stamped envelope."

Smoothing the process somewhat for county election officials is that, compared with last year, it's a rather slow time for voter registration.

Between Jan. 1 and May 5, Roads' office has received 10,489 valid voter registration forms. Over the same period last year, as voters were gearing up for the county's open-space bond election and the presidential contest, 60,688 valid forms were received.

In both years, Roads said, more than 70 percent of the voters submitting registration forms did so to change their name, address or party affiliation.

How it works

* Under Proposition 200, new voters trying to register must show a passport, a birth certificate, naturalization papers, tribal documents or a driver's license issued after October 1996.

Our numbers

* Breakdown by party of local voter affiliations

Pima County voters

Democrats 180,711

Republicans 150,967

Independents 121,171

Libertarians 3,840

Greens 1,518

Total 458,207

Source: Pima County Recorder's Office

NewsTalk

© 2006 Thomson/West. No Claim to Orig. U.S. Govt. Works.

5/6/05 ARIZDLST A1

Page 4

* Are the identification requirements to register to vote under Proposition 200 too restrictive? Why or why not?

* Should any changes be made?

Share your thoughts on NewsTalk. Responses will be published on the Opinion page. Please include your name, a phone number for verification and information about yourself, such as your occupation.

Comments should reach us by 10 a.m.

E-mail: newsq@azstarnet.com. Limited to four sentences.

* Contact reporter C.J. Karamargin at 573-4243 or at ckaramargin@azstarnet.com.

---- INDEX REFERENCES ----

NEWS SUBJECT: (Government (1GO80); World Elections (1WO93); Political Parties (1PO73); Global Politics (1GL73); Public Affairs (1PU31))

REGION: (USA (1US73); Americas (1AM92); Arizona (1AR13); North America (1NO39); Washington (1WA44))

Language: EN

OTHER INDEXING: (ARIZONA; MVD; PIMA COUNTY; PIMA COUNTY REPUBLICAN PARTY; US JUSTICE DEPARTMENT) (Adkisson; Audrey Adkisson; C.J. Karamargin; Chris Roads; Comments; Contact; Eckerstrom; Eleven; Everett; Failure; Judi White; Kathy McKee; Kevin Tyne; McKee; Paul Eckerstrom; Rachel Everett; Roads; Share; Total; White)

KEYWORDS: VOTING; LAW

EDITION: FINAL

Word Count: 1280
5/6/05 ARIZDLST A1

END OF DOCUMENT

© 2006 Thomson/West. No Claim to Orig. U.S. Govt. Works.

EXHIBIT J

EXHIBIT J

DECLARATION OF CHRIS MOESER

1 of 100 DOCUMENTS

Copyright 2005 The Arizona Republic
All Rights Reserved
The Arizona Republic (Phoenix)

August 12, 2005 Friday Final chaser Edition

SECTION: VALLEY & STATE; Pg. 1B

LENGTH: 732 words

**HEADLINE: 10 CHARGED WITH FRAUD IN REGISTERING TO VOTE;
ALL LEGAL RESIDENTS BUT NOT CITIZENS**

BYLINE: By Michael Kiefer and Elvia Diaz, The Arizona Republic

BODY:

Ten Valley residents who are not U.S. citizens were charged Thursday with fraudulently registering to vote in Maricopa County.

They admitted they were not citizens on jury duty affidavits, but county officials discovered they were still registered to vote, Maricopa County Attorney Andrew Thomas said.

The 10 are among 159 people the County Attorney's Office is investigating for voter fraud. Out of the 10, one is German, one is from Tonga and the rest are Hispanic with seven from Mexico and the last from an unspecified country, according to the affidavits. Four actually voted in recent elections and another tried to vote, but his ballot was rejected, Thomas said. All are legal residents of the United States.

"The voters of Arizona spoke to this issue by passing Proposition 200 in 2004, which requires proof of citizenship in order to vote," Thomas said. "And it is our hope that this new requirement, once enacted, will help prevent cases such as this we are prosecuting today."

All 10 are charged with presentment of a false instrument, a felony with a presumptive sentence of one year in prison, but people convicted of such lower-level felonies often receive probation. The other 149 cases are still under investigation, and Thomas said that he expected more indictments.

Proposition 200 was passed in 2004 and requires Arizonans to produce proof of citizenship when registering to vote and to show identification when casting a ballot in person. Thomas said the indictments were proof that the concerns that spawned the controversial voter initiative are more than theoretical.

Margarito Blancas, 30, of Phoenix, one of the 10 indicted, said his registration "was a mistake on my part."

In 1992, when he registered for the Selective Service, he was offered a voter-registration form, he said.

"I thought you were eligible to do that at the same time," he explained.

And Carlos Magallanes, 56, of Mesa, said that he registered to vote at the request of an acquaintance he didn't identify, and that he had no idea he had to be a U.S. citizen to do it.

"There is nothing I can do about it now," said Magallanes, a construction worker. "An American told me to register to vote. I didn't know I shouldn't vote."

Reactions from public

Thomas denied he was trying to send a message with the indictments, but reaction to them was polarized.

Randy Pullen, a key proponent of Proposition 200, said the criminal charges filed against the non-citizens prove he and others were right in pursuing the law.

10 CHARGED WITH FRAUD IN REGISTERING TO VOTE;ALL LEGAL RESIDENTS BUT NOT

"We always believed voter fraud happens on a regular basis. It's just that nobody attempted to deal with it," Pullen said. "I'm sure there will be examples of illegal aliens registering to vote and voting. This is just the beginning."

But some Latino leaders reacted angrily, saying Thomas is singling out Hispanics.

Alfredo Gutierrez, a former state lawmaker and main critic of Proposition 200, called the indictments "racially motivated." While admitting that non-citizens shouldn't be registering to vote, he felt Thomas is trying to come up with examples of voter fraud to justify Proposition 200.

"Are there 10 people inappropriately registered to vote? I'm sure there are," Gutierrez said. "There have been cases of inappropriate voting registration from time to time."

About 700,000 people are sent summonses to appear for jury duty in Maricopa County each year. Their names and addresses are obtained from voter registration and Motor Vehicle Division lists.

By law, jurors must be U.S. citizens, and they cannot be felons. When contacted for jury service, they are asked to check off boxes on an affidavit certifying they meet those requirements.

Staffers in the jury office separate the affidavits checked by felons who have not had their civil rights restored and those checked by non-citizens, and the county Elections Department checks their names against the voter rolls and deletes ineligible voters, said Bob James, director of jury management for courts in Maricopa County.

"When we would find those that aren't citizens, we turn them over to the county attorney," said Karen Osborne, director of elections for the county.

Osborne also said that since some voting provisions of Proposition 200 went into effect in January, 7,181 out of 16,391 people who registered to vote in Maricopa County were rejected for lack of proof of citizenship.

LOAD-DATE: August 13, 2005

EXHIBIT K

EXHIBIT K

DECLARATION OF CHRIS MOESER

Westlaw

NewsRoom

8/22/05 ARIZDLST B4

Page 1

8/22/05 Ariz. Daily Star B4
2005 WLNR 13446113

Arizona Daily Star (AZ)
Copyright 2005 ProQuest Information and Learning Company; All Rights Reserved.

August 22, 2005

Section: EDITORIALS

Prop. 200 causing voter registration rejections

The star's view: The law targeted illegal entrants. But verifying identification is more difficult, and nearly 1,500 potential Pima County voters have been rejected.

Tucson voters for the first time probably will have to show some form of identification when they cast ballots in the November election. It's an intrusive and completely unnecessary requirement resulting from the passage of ill-conceived Proposition 200 in November.

But voters don't have to go through the hassle of proving who they are when they vote. In fact, they don't have to go to the polls on Election Day at all. They can join the growing numbers of voters who would rather cast a mail-in ballot.

The numbers choosing to cast a mail-in ballot has gone up dramatically in Pima County in the past few years. In 2002, 103,018 early ballots were cast. But in 2004, that number climbed to 173,267.

Mail-in ballots are becoming the preferred method of voting because it is convenient. Now, it's a way to get around the hassle of **Prop. 200**, which requires people to provide proof of residency to receive some state services.

Included in the law is that everyone show identification when casting a ballot. But mailing in a ballot without showing identity is possible because the law grandfathered all registered voters at the time it took effect. Voters passed **Prop 200** by a 12-point margin in November.

It was and remains racist, because it targets and denies some public benefits to people living illegally in the country. The problem is there has been little proof that illegal entrants have been voting.

Opponents of the measure, believing it went so far as to punish the children of

© 2006 Thomson/West. No Claim to Orig. U.S. Govt. Works.

8/22/05 ARIZDLST B4

Page 2

people living here illegally, filed suit to have the law struck down.

Advocates of Prop. 200 prevailed. And just last week Gov. Janet Napolitano and state Attorney General Terry Goddard, both Democrats, approved the new voting rules.

Prop. 200, as feared, has prevented potential voters from registering. As of last week, more than a thousand people in Pima County had been turned down in their voter registration applications. According to the County Recorder's Office, 1,492 applications for registration have been denied, and 3,380 have been approved since April, when it began keeping track of the numbers.

Yet the numbers this year are small compared to the applications processed by the Recorder's Office during the 2004 presidential election year.

During the same period last year, the office registered 33,739 new voters, without rejecting a single one. If Prop. 200 had been in effect then, the Recorder's Office says it would have rejected 10,459 new voter applications.

The law also discourages voter drives, a long-standing way to sign up and encourage new voters. And it makes verification of identity difficult in common scenarios, something as simple as a woman who took her husband's name upon marriage.

The interests of democracy are served when the state eases access to voting. Arizona has chosen to go the other way and make voting harder .

Although it is now too late to register to vote in the city's primary election next month, it is not too late to register for the election in November.

All it takes is a request for a registration form from the County Recorder's Office. The forms are also available online.

County Recorder F. Ann Rodriguez is available to speak to groups about the changes and how to register new voters.

To get in touch with her office, call 740-4356. To get a copy of an application or to request an early voting ballot, go to her Web site www.recorder.pima.gov/default.html

- M.H.

---- INDEX REFERENCES ----

NEWS SUBJECT: (Government (1GO80); World Elections (1W093); Global Politics (1GL73); Public Affairs (1PU31))

REGION: (USA (1US73); Americas (1AM92); Arizona (1AR13); North America (1NO39))

Language: EN

OTHER INDEXING: (Arizona; Included; Janet Napolitano; Terry Goddard)

© 2006 Thomson/West. No Claim to Orig. U.S. Govt. Works.

EXHIBIT L

EXHIBIT L

DECLARATION OF CHRIS MOESER



U.S. ELECTION ASSISTANCE COMMISSION
1225 NEW YORK AVENUE, N.W., SUITE 1100
WASHINGTON, D.C. 20005

000009

March 23, 2006

John K. Tanner
Cameron Quinn
U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
Voting Section, 1800G
Washington, D.C. 20530

Check

Dear Mr. Tanner and Ms. Quinn,

The purpose of this letter is to forward to your office certain statements made by the State of Arizona to the U.S. Election Assistance Commission (EAC) that speak directly to the state's compliance with the National Voter Registration Act (NVRA). I am referring this matter to your office as the Federal agency charged with enforcement of the NVRA. (42 U.S.C. §1973gg-9.)

As you know, the EAC has been involved in correspondence with the Arizona Secretary of State's Office. The State of Arizona has sought to apply state registration requirements to the Federal Voter Registration Form. These state requirements mandate the production of documentary evidence of citizenship as a condition of registration. The evidence sought is not required by the Federal Form. Presently the Federal Form provides for proof of citizenship consistent with the minimum requirements of the NVRA. Citizenship is documented by the applicant via a signed attestation and a "checkbox." (42 U.S.C. §1973gg-7(b)(2) and 42 U.S.C. §15483(b)(4)). The EAC is the Federal agency charged with developing (and regulating the development) of the Federal Voter Registration Form. (42 U.S.C. §1973gg-7). The NVRA requires states to accept and use this EAC form. (42 U.S.C. §1973gg).

In a March 13, 2006 letter sent by the Arizona Secretary of State to the EAC, the Secretary made a statement indicating that Arizona would not accept the Federal Voter Registration Form. In reference to the acceptance of the Federal Form, the Secretary stated "I will instruct Arizona's county recorders to continue to administer and enforce the requirement that all voters provide evidence of citizenship when registering to vote as specified in A.R.S. § 16-166(F)." As the EAC believes this statement directly impacts Arizona's compliance with the NVRA, we felt obliged to forward the matter to you.

I have enclosed copies of all relevant correspondence. I have also attached a copy of an article concerning Arizona citizens groups who have declared their intent to file a lawsuit in this matter. If you have any questions or require additional information please contact Gavin S. Gilmore, Deputy General Counsel or the undersigned at (202)566-3100.


Juliet Thompson Hodgkins
General Counsel

EXHIBIT M

EXHIBIT M

DECLARATION OF CHRIS MOESER



000001

JAN BREWER
SECRETARY OF STATE
STATE OF ARIZONA

April 17, 2006

John K. Tanner
U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
Voting Section, 1800G
Washington, D.C. 20530

Dear Mr. Tanner:

The U.S. Election Assistance Commission (EAC) recently wrote to you regarding the Arizona requirements for voter registration and the National Voter Registration Act (NVRA). Because the EAC misrepresents my position in this matter, it is necessary for me to address you directly to establish that Arizona is in full compliance with the NVRA. I urge you to advise the EAC to instruct Arizona voters using the Federal Mail Voter Registration Form (Federal Form) regarding the Arizona registration requirements.

On March 6, 2006, I received a letter from the EAC concluding that the NVRA preempts States from requiring proof of citizenship for registrants using the Federal Form. The EAC overstepped its authority and erroneously interpreted federal law¹. Moreover, the EAC is unnecessarily disenfranchising voters using the Federal Form by refusing to properly instruct them regarding Arizona's citizenship requirement under A.R.S. § 16-166(F)².

The EAC wrongfully asserts that Arizona is refusing to accept the Federal Form. Arizona uses and accepts the Federal Form and has done so since the NVRA's inception. The case law cited by the EAC in its March 6, 2006 letter affirms the

¹ The EAC has no authority to determine whether a state law complies with the NVRA. Section 209 of HAVA provides that the EAC "shall not have any authority to issue any rule, promulgate and regulation, or take any other action which imposes any requirement on any State or unit of local government, except to the extent permitted under section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-7(a))." 42 U.S.C. § 15329. That section of the NVRA permits the EAC to "develop a mail voter registration application form for elections for Federal office..." and do so "in consultation with the chief election officers of the States." 42 USC 1973gg-7(a)(2) (emphasis added). This provision does not provide the EAC authority to refuse to instruct voters about State registration requirements.

² Over one million Arizona voters passed this measure in 2004 through Proposition 200 to assure the accuracy of Arizona's voter registrations and to prevent voter fraud. The Department of Justice precleared Proposition 200 on January 24, 2005, and precleared the revised Arizona voter registration form incorporating the proof of citizenship requirement into its instructions on May 6, 2005.

authority of Congress to legislate in the area of elections for federal office. The EAC did not cite any cases for its conclusion that “[n]o state may condition acceptance of the Federal Form upon receipt of additional proof.”

In *Association of Community Organizations for Reform Now v. Miller*, 912 F. Supp. 976, 987 (W.D. Mich. 1995), *aff’d* 129 F.3d 833 (6th Cir. 1997), the court concluded that “under the NVRA the states are still left the task of determining that an applicant is eligible, and that the registration form as submitted complies with state law.” The court rejected the notion that an applicant must be registered upon providing information—accurate or not—on a Federal Form.

A House Committee Report on the NVRA also stated that local officials may continue to confirm an applicant’s eligibility, including as to citizenship:

Only the election officials designated and authorized under State law are charged with the responsibility to enroll eligible voters on the list of voters. [NVRA] should not be interpreted in any way to supplant that authority. The Committee is particularly interested in ensuring that election officials continue to make determinations as to applicant’s eligibility, *such as citizenship*, as are made under current law and practice.

National Voter Registration Act of 1993: Report 103-9 from the Comm. on House Administration, 103d Congress, 1st Sess., at 8 (emphasis added).

The Federal Election Commission (FEC), in explaining the NVRA, also concluded that an application received by the local voter registration official may be subject to verification procedures that exist under State law³. See “Implementing the National Voter Registration Act of 1993: Requirements, Issues, Approaches, and Examples,” Federal Election Commission, January 1, 1994, at 1-6. The FEC stated, “although completing a voter registration application may be *simultaneous* with other transactions, such application does not constitute *automatic* registration.” *Id.* (Emphasis in original).

The EAC’s position also runs counter to the intent of Congress under HAVA, which requires verification of voter registration information. Section 303, for instance, requires States to implement “provisions to ensure that voter registration records in the State are accurate” and to have a “system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote.” 42 U.S.C. § 15483(a)(2)(B)(4). Section 303 also requires first time registrants by mail to provide proof of identity with their registrations. 42 U.S.C. § 15483(b). In addition, HAVA requires States to verify driver license and social security information provided by registrants to ensure their eligibility to vote under State law. See 42 U.S.C. § 15483(a)(2)(B)(5).

³ The FEC’s administrative responsibilities under the NVRA were transferred to the EAC in Section 802 of HAVA.

The EAC erroneously argues that NVRA and HAVA create a Federal scheme that regulates the manner in which voters prove citizenship to simply checking a box on the form. This assertion is contrary to the clear language in Sections 304 and 305 of HAVA, which leaves it up to the States' discretion to determine the methods of complying with the requirements of HAVA and specifically provides that "nothing in [HAVA] shall be construed to prevent a State from establishing election technology and administration requirements that are more strict than the requirements established under [HAVA] so long as such State requirements are not inconsistent with the Federal requirements under [HAVA]..."⁴ Moreover, the EAC's interpretation, if correct, would require the States to accept all information on the Federal Form as true on its face without any mechanism for verification.

The EAC never consulted me about its intent to omit instructions in the Federal Form on Arizona's new law. To the contrary, the EAC sent my office proposed Arizona instructions on April 7, 2005, which included instructions on how to prove citizenship under A.R.S. § 16-166(F), and then reversed itself in its March 6, 2006 letter⁵.

I urge you to advise the EAC to follow the lead of the Federal Voting Assistance Program, which incorporated the proof of citizenship requirement into the Arizona instructions for the Federal Post Card Application used by military and overseas citizens to register to vote. See 2006-07 Voting Assistance Guide, published by the Department of Defense Federal Voting Assistance Program, at p. 53. The EAC advises military and overseas voters on page one of its instructions to the Federal Form not to use that form to register to vote, but instead to use the Federal Post Card Application. See www.eac.gov/docs/NVRA%20FINAL%20UPDATE%2003-13-06.pdf.

I appreciate the opportunity to clarify and respond to the EAC's claims. If you have any questions, please contact my State Election Director, Joseph Kanefield, at (602) 542-6167, or Peter Silverman, Assistant Attorney General, at (602) 542-8305.

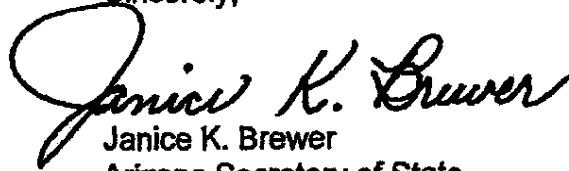
⁴ Sections 304 and 305 of HAVA recognize the long-established compelling state interests in preventing voter fraud and protecting the integrity of the electoral process. See *Anderson v. Celebrezze*, 460 U.S. 780, 788 n. 9 (1983) (state has a compelling interest in preserving the integrity and reliability of its election process); *Burson v. Freeman*, 504 U.S. 191, 199-200 (1992) (state has a compelling interest in ensuring that an individual's right to vote is not undermined by fraud in the election process); *Roudebush v. Hartke*, 450 U.S. 15, 24 (1972) (states may "provide a complete code for congressional elections, not only as to times and places, but in relation to notices, registration, supervision of voting, protection of voters, prevention of fraud and corrupt practices, counting of votes, duties of inspectors and canvassers, and making and publication of election returns.")

⁵ This is typical of the erratic behavior displayed by the EAC over the past several months. The EAC released its March 6, 2006 letter to the press before I received it.

Mr. John K. Tanner
April 17, 2006
Page 4

000004

Sincerely,


Janice K. Brewer
Arizona Secretary of State

JKB/jk

cc: The Honorable John McCain
The Honorable John Kyl
The Honorable Rick Renzi
The Honorable Trent Franks
The Honorable John Shadegg
The Honorable Ed Pastor
The Honorable J.D. Hayworth
The Honorable Jeff Flake
The Honorable Raul Grijalva
The Honorable Jim Kolbe
The Honorable Terry Goddard
The Honorable Sam Reed, President,
National Association of Secretaries of State
Linda Lamone, President,
National Association of State Elections Directors
Peter Silverman, Assistant Attorney General

Exhibit 2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I, Bonnie Saunders, declare:

1. I am president of the Board of Directors of the League of Women Voters of Arizona (the "League"). I make this Declaration in support of plaintiffs' Joinder in *Gonzalez* Plaintiffs' Ex Parte Application for Temporary Restraining Order and Order to Show Cause. I have personal knowledge of the facts stated herein and, if called upon, could and would testify competently thereto.

2. Founded in 1920, the League is a nonpartisan, non-profit political membership organization dedicated to improving systems of government and impacting public policies through citizen education and advocacy.

3. The League engages in voter education and voter registration throughout Arizona. Through its voter registration program, the League seeks to register eligible Arizona voters.

4. Specifically, the League conducts voter registration drives by setting up tables at fairs, school parents' nights and other community events. In the past the League has also gone door-to-door registering voters.

5. The League has used the registration forms provided by the Arizona Secretary of State to register voters. The Secretary of State has not provided the League with the Federal Mail Voter Registration Form (the "Federal Form"). The League would like to use the Federal Form for its future voter registration efforts.

6. Arizona's refusal to accept the Federal Form without additional documentary proof of citizenship has harmed and will continue to harm the League's voter registration activities.

7. The League has limited resources available to register voters. It is impossible for the League to set up photocopying equipment at its voter registration events to meet Arizona's proof of citizenship requirement. Moreover, the cost of equipping League employees and volunteers with mobile scanners or photocopying machines to create copies of registrants' citizenship documents is prohibitively

1 expensive, and would preclude the League from registering voters. The League does
2 not have the financial resources to purchase such equipment.

3 8. Even if the League had sufficient financial resources to purchase
4 mobile photocopying equipment, it would require the League to divert financial
5 resources from current voter registration activities. In turn, the League would be able to
6 register fewer voters in Arizona.

7 I declare under penalty of perjury that the foregoing is true and correct.

8 EXECUTED this 23rd day of May, 2006, in Glendale,
9 Arizona.

10
11 Bonnie Saunders
12 Bonnie Saunders
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28