

1 D. Andrew Gaona (028414)  
2 Austin C. Yost (034602)  
3 **COPPERSMITH BROCKELMAN PLC**  
4 2800 North Central Avenue, Suite 1900  
5 Phoenix, Arizona 85004  
6 T: (602) 381-5486  
7 agaona@cblawyers.com  
8 ayost@cblawyers.com

6 Abha Khanna\*  
7 Makeba Rutahindurwa\*  
8 **ELIAS LAW GROUP LLP**  
9 1700 Seventh Avenue, Suite 2100  
10 Seattle, Washington 98101  
11 T: (206) 656-0177  
12 akhanna@elias.law  
13 mrutahindurwa@elias.law

11 Marilyn Gabriela Robb\*  
12 Elena A. Rodriguez Armenta\*  
13 **ELIAS LAW GROUP LLP**  
14 250 Massachusetts Ave NW, Suite 400  
15 Washington, D.C. 20001  
16 T: (202) 968-4330  
17 mrobb@elias.law  
18 erodriguezarmenta@elias.law

16 *Attorneys for Intervenor-Defendants*  
17 *Arizona Alliance for Retired Americans*  
18 *and Voto Latino*

18 \*Pro Hac Vice Application Pending

19 **ARIZONA SUPERIOR COURT**

20 **YAVAPAI COUNTY**

21 ARIZONA FREE ENTERPRISE CLUB, an ) No. S1300CV202300872  
22 Arizona nonprofit corporation, and MARY )  
23 KAY RUWETTE, individually, ) **STATEMENT OF FACTS IN**  
24 ) **SUPPORT OF INTERVENOR-**  
25 ) **DEFENDANTS' MOTION FOR**  
26 ) **SUMMARY JUDGMENT**  
27 ) (Assigned to the Hon. John Napper)  
28 ADRIAN FONTES, in his official capacity as )  
the Secretary of State of Arizona, )  
Defendant. )

1 ARIZONA ALLIANCE OF RETIRED )  
2 AMERICANS; and MI FAMILIA VOTA, )  
3 Intervenor-Defendants. )

4 Pursuant to Ariz. R. Civ. P. 56(c)(3)(A), Intervenor-Defendants the Arizona  
5 Alliance of Retired Americans and Voto Latino hereby submit the following statement of  
6 facts in support of their motion for summary judgment.

7 **I. Early voting in Arizona**

8 1. Arizona enacted its present system of no-excuse early voting in 1991. 1991  
9 Ariz. Sess. Laws, ch. 51, § 1 (40th Leg. 1st Reg. Sess.) (amending A.R.S. § 16-541).

10 2. Under Arizona law, “[a]ny qualified elector may vote by early ballot.” A.R.S.  
11 § 16-541(A).

12 3. Completed early ballots “shall be securely sealed and, together with the  
13 affidavit, delivered or mailed to the county recorder or other officer in charge of elections  
14 of the political subdivision in which the elector is registered or deposited by the voter or  
15 the voter’s agent at any polling place in the county.” A.R.S. § 16-548.

16 4. The plain language of the statute does not specify the exact means for how  
17 early ballots shall be “delivered” to the county recorder or other officer in charge of  
18 elections.” *See id.*

19 5. Whether “delivered” or “mailed,” early ballots must be received by the  
20 county recorder or elections officer or deposited at a polling place by 7:00 pm on election  
21 day. *Id.*

22 6. Today, the majority of Arizonans vote early. For example, in the 2020 general  
23 election, 88% of Arizona’s more than four million voters cast early ballots. *See* Ariz. Sec’y  
24 of State, 2020 General Election County Canvass Returns, available at  
25 <https://azsos.gov/2020-general-election-county-canvass-returns> (accessed Nov. 17, 2023).

26 **II. Rules governing early voting**

27 7. The legislature has delegated to the Secretary the authority to “prescribe rules  
28 to achieve and maintain the maximum degree of correctness, impartiality, uniformity and

1 efficiency on the procedures for early voting and voting, and of producing, distributing,  
2 collecting, counting, tabulating and storing ballots.” A.R.S. § 16-452.

3 8. While the statute requires the Secretary to prescribe rules, it is silent as to  
4 how the Secretary may exercise his or her discretion to “achieve and maintain the  
5 maximum degree of correctness, impartiality, uniformity and efficiency.” *Id.*

6 9. To help “ensure election practices are consistent and efficient throughout the  
7 state,” and as required by A.R.S. § 16-452(B), the Secretary issues an Elections Procedures  
8 Manual (“EPM”) during October of every odd-numbered year. Ariz. Sec’y of State,  
9 Elections Procedures Manual, available at [https://azsos.gov/elections/about-](https://azsos.gov/elections/about-elections/elections-procedures-manual)  
10 [elections/elections-procedures-manual](https://azsos.gov/elections/about-elections/elections-procedures-manual) (accessed Nov. 17, 2023).

11 10. The Secretary develops the EPM “[a]fter consultation with each county board  
12 of supervisors or other officer in charge of elections.” A.R.S. § 16-452.

13 11. Before being issued, the manual must be approved by the governor and the  
14 attorney general. *Id.*

15 12. The 2019 EPM was approved by the Attorney General on December 19,  
16 2019, and the Governor on December 20, 2019. Ex. A, Excerpts of 2019 EPM at 3–4.

17 13. The 2021 EPM was not approved by the Attorney General, and never went  
18 into effect. Ex. C, Letter to Secretary Hobbs (Dec. 10, 2021).

19 14. The 2023 EPM is currently pending approval from the Attorney General and  
20 Governor. Ex. D, Letter to Governor Hobbs and Attorney General Mayes (Sept. 30, 2023).

21 15. Therefore, the 2019 EPM remains in effect.

22 16. The 2019 EPM created new regulations and security requirements for ballot  
23 drop-off locations and drop boxes. Ex. E, Secretary of State, Summary of Significant  
24 Updates in the Final 2019 Elections Procedures Manual from the 2014 Manual, at 2.

25 17. Specifically, the EPM provides that a “ballot drop-off location or drop-box  
26 shall be located in a secure location, such as inside or in front of a federal, state, local, or  
27 tribal government building.” Ex. A at 5.  
28

1           18. Unstaffed drop boxes that are placed outdoors “shall be securely fastened in  
2 a manner to prevent moving or tampering” and those places indoors “shall be secured in a  
3 manner that will prevent unauthorized removal.” *Id.*

4           19. “Only an election official or designated ballot retriever shall have access to  
5 the keys and/or combination of the lock to remove the deposited ballots.” *Id.* at 6.

6           20. The county recorder is tasked with developing and implementing secure  
7 ballot retrieval and chain of custody procedures. *Id.*

8           21. Ballots retrieved from drop boxes “shall be processed in the same manner as  
9 ballots-by-mail personally delivered to the County Recorder or officer in charge of  
10 elections, dropped off at a voting location, or received via the United States Postal Service  
11 or any other mail delivery service.” *Id.* at 7.

12           22. The Secretary’s regulations ensure that counties have appropriate drop-off  
13 locations for ballots, including drop boxes. *See e.g.*, Ex. A at 5–7.

14           23. The draft 2023 EPM continues to regulate ballot drop-off locations and drop  
15 boxes. Ex. B, Excerpts of DRAFT 2023 EPM at 1–3.

16           **III. Use of drop boxes**

17           24. Although the Secretary first published rules pertaining to drop boxes in 2019,  
18 counties have provided drop boxes as a means of “deliver[y] to county recorder” for  
19 decades. A.R.S. § 16-548.

20           25. In Yavapai County, unstaffed drop boxes have been used for approximately  
21 20 years. *See* Nov. 17, 2023 Def. Sec’y of State Mot., Decl. of Michelle Burchill ¶ 6. The  
22 majority of Yavapai County voters—for example, 57.45% during the 2022 general  
23 election—choose to vote using ballot drop boxes, including through three unstaffed drop  
24 boxes available in Yavapai. *Id.* ¶ 8.

25           26. And Yuma County installed its first drop box in 2012. *See* Sec’y Resp. to  
26 Order to Show Cause, Ex. C, excerpts of deposition of Yuma County Recorder Robyn  
27 Stallworth Pouquette at 88:11–15, *Democratic Nat’l Comm. v. Ariz. Sec’y of State’s Office*,

28

1 No. CV-10-01065PHX-DLR (D. Ariz. June 13, 2017).

2 27. Many Arizona voters, including Intervenors' members and constituents, rely  
3 on drop boxes to vote. *See* Ex. F, Declaration of Dora Vasquez ("Vasquez Decl."); Ex. G,  
4 Declaration of Juliana Horwin ("Horwin Decl."); Ex. H, Declaration of Raymond Frey  
5 ("Frey Decl."); Ex. I, Declaration of Ann Myers ("Myers Decl."); Ex. J, Declaration of  
6 Ameer Patel ("Patel Decl."); Ex. K, Declaration of Lorencita Marshall ("Marshall Decl.");  
7 Ex. L, Declaration of Alfred Lomahquahu ("Lomahquahu Decl.").

8 28. The Arizona Alliance has about 50,000 retiree members, including more than  
9 2,950 members in Yavapai County. Vasquez Decl. ¶ 3.

10 29. Many Alliance members depend on unstaffed drop boxes to exercise their right  
11 to vote. *Id.* ¶¶ 5–9; Horwin Decl. ¶ 7; Frey Decl. ¶ 5; Myers Decl. ¶ 5.

12 30. Arizona Alliance member and Yavapai County resident Mr. Frey relies on  
13 unstaffed drop boxes to vote. Frey Decl. ¶¶ 2, 5.

14 31. Mr. Frey's work hours and familial responsibilities often make it infeasible for  
15 him to vote in person on election day, while the ability to drop off his ballot at the drop box  
16 outside of his grocery store without even having to get out of his car is immensely more  
17 convenient and ensures he will be able to vote. *Id.* ¶¶ 4–5, 7.

18 32. Mr. Frey prefers to vote early so he can take the time to research and  
19 understand the issues on the ballot. *Id.* ¶ 3.

20 33. Arizona Alliance member Juliana Horwin and her husband—who Ms. Horwin  
21 assists in voting due to health issues—rely on drop boxes to vote due to the difficulties of  
22 standing in line or walking into a government office. Horwin Decl. ¶¶ 7, 9.

23 34. Ms. Horwin is a 71-year-old lifelong Arizona resident. Horwin Decl. ¶ 2.

24 35. As someone who has been unable to vote in the past due to being a single  
25 mother and fulltime teacher with a demanding schedule, Ms. Horwin values the  
26 accessibility of unstaffed drop boxes. *Id.* ¶¶ 4, 9.

27  
28

1           36. Arizona Alliance member Ann Myers votes via unstaffed drop boxes and  
2 intends to do so in the future. Myers Decl. ¶ 5.

3           37. She prefers to vote early because when she has the time to fully research every  
4 candidate and issue on the ballot when she fills out her ballot at home. *Id.* ¶ 4.

5           38. Ms. Myers does not know where her polling place is because it has changed  
6 multiple times over the years. *Id.*

7           39. Voting early by ballot box is easier for Ms. Myers because she does not need  
8 to keep track of her polling place in order to return her early ballot. *Id.*

9           40. Arizona Alliance member Dora Vasquez similarly relies on unstaffed drop  
10 boxes to vote. Vasquez Decl. ¶¶ 2, 10.

11           41. Ms. Vasquez and other Alliance members prefer to cast their ballots in drop  
12 boxes because they fear that the U.S. Postal Service may lose their ballots or deliver them  
13 late. *Id.* ¶ 9.

14           42. While Alliance members cannot control when their ballots arrive in the mail,  
15 they can ensure that they deposit ballots in drop boxes by that time. *Id.*

16           43. Ms. Vasquez's polling place has changed over the years, so instead she plans  
17 to vote via an unstaffed drop box in upcoming elections because it is accessible, and it gives  
18 her confidence her vote will be received in time to be counted. *Id.* ¶ 12.

19           44. Many Alliance members also have disabilities or mobility issues rendering  
20 standing in line to vote burdensome. *Id.* ¶ 7. For these members, it is easier to deposit their  
21 ballots in an outdoor drop box because casting a ballot in person at a polling center or  
22 dropping off a ballot inside a government building often requires voters to walk further  
23 distances, be on their feet longer, and navigate crowded indoor spaces. *Id.*

24           45. Voto Latino, the largest Latinx advocacy organization in the nation, spends  
25 significant resources on voter education and mobilization initiatives among Latinx voters  
26 and serves thousands of constituents in Arizona. Patel Decl. ¶¶ 3–4, 10–11.

27           46. Many of Voto Latino's constituents rely on the availability of unstaffed drop  
28

1 boxes to return their early ballots. *Id.* ¶ 8.

2 47. Many of Voto Latino’s constituents with limited English proficiency vote  
3 early because they require voting assistance from online tools that are more accessible at  
4 home or people who are not available to accompany them to a polling location on election  
5 day. Patel Decl. ¶ 7.

6 48. Many members of the Latinx community which Voto Latino serves struggle  
7 with poverty, are without access to reliable transportation, and work multiple jobs, making  
8 it very difficult or impossible to vote in person during regular business hours. *Id.* ¶ 9.

9 49. Arizona’s large Native community also relies on unstaffed drop boxes to vote  
10 and many Native voters would not be able to vote without them. Marshall Decl. ¶¶ 2, 5,  
11 7–8, 11; Lomahquahu Decl. ¶¶ 2, 6, 10–11.

12 50. Many Hopi Tribe members, for example, do not have access to mail services  
13 or live far away from the post office for voting by mail. Lomahquahu Decl. ¶ 9.

14 51. Post offices on rural land like reservations can be very spread out  
15 geographically, and, unlike drop boxes, are only open during limited hours. *Id.*

16 52. Rural mail can also often be subject to delays because of the complex mail  
17 routes in remote areas. This is typical for reservations and for Native voters. *Id.* In fact,  
18 some members of the Navajo Nation have to come onto the Hopi reservation for county  
19 and state elections because their PO boxes are on the Hopi reservation. *Id.*

20 53. Many people on the Hopi reservation do not have access to reliable  
21 transportation to access basic social services or vote centers, and many people have to  
22 travel long distances in order to vote. *Id.* ¶¶ 6, 8.

23 54. It is difficult for many people to visit the tribal elections office, which is only  
24 open during regular business hours, so unstaffed drop boxes help people vote at a time that  
25 works for their schedule. *Id.*

26 55. As a member of the Navajo Nation, Lorencita Marshall lives in a remote area  
27 of White Clay, Arizona, twenty miles away (entirely by dirt road) from the nearest  
28

1 highway, and about an hour away from the nearest post office. Marshall Decl. ¶ 2.

2 56. In her role as Director of Campaigns and Engagement for the Northeast  
3 Arizona Democrats, Ms. Marshall knows firsthand the difficulties Native voters have to  
4 access the franchise, including the fact that many Native voters do not have traditional  
5 mailing addresses or easy access to postal services, and find voting in person  
6 overwhelming, making voting difficult and reliance on drop boxes necessary. *id.* ¶¶ 7–9.

7 57. Drop boxes allow for more voter control over when a ballot is deemed  
8 submitted—and therefore more confidence that a vote will be counted. Vasquez Decl., ¶  
9 9; Myers Decl., ¶ 6; Frey Decl., ¶ 6; Marshall Decl. ¶ 9; Lomahquahu Decl. ¶ 9.

10 58. The availability of unstaffed drop boxes mitigates voter concerns over polling  
11 place closures and location changes and issues with U.S. Postal Service mail delivery.  
12 Vasquez Decl., ¶¶ 8-9; Myers Decl., ¶ 4; Frey Decl., ¶ 6; Marshall Decl. ¶ 9; Lomahquahu  
13 Decl. ¶ 9.

14 RESPECTFULLY SUBMITTED this 17th day of November, 2023.

15  
16 **COPPERSMITH BROCKELMAN PLC**

17 By: /s/ D. Andrew Gaona

18 D. Andrew Gaona  
19 Austin C. Yost

20 **ELIAS LAW GROUP, LLP**

21 Abha Khanna\*  
22 Makeba Rutahindurwa\*  
23 Marilyn Gabriela Robb\*  
24 Elena A. Rodriguez Armenta\*

25 *Attorneys for Intervenor-Defendants Arizona  
26 Alliance for Retired Americans and Voto Latino*

27 \* *Application Pro Hac Vice Pending*

28 ORIGINAL e-filed and served via electronic  
means this 17th day of November, 2023, upon:

Honorable John D. Napper  
Yavapai County Superior Court



1 c/o Felicia L. Slaton  
2 [Div2@courts.az.gov](mailto:Div2@courts.az.gov)

3 Timothy A. La Sota  
4 [tim@timlasota.com](mailto:tim@timlasota.com)  
5 Timothy A. La Sota, PLC  
6 2198 East Camelback Road, Suite 305  
7 Phoenix, Arizona 85016

8 Thomas G. Olp  
9 [tolp@thomasmoresociety.org](mailto:tolp@thomasmoresociety.org)  
10 Thoms More Society  
11 309 West Washington Street, Suite 1250  
12 Chicago, Illinois 60606

13 *Attorneys for Plaintiffs*

14 Kara Karlson  
15 [Kara.Karlson@azag.gov](mailto:Kara.Karlson@azag.gov)

16 Karen J. Hartman-Tellez  
17 [Karen.Hartman@azag.gov](mailto:Karen.Hartman@azag.gov)

18 Kyle Cummings  
19 [Kyle.Cummings@azag.gov](mailto:Kyle.Cummings@azag.gov)

20 Arizona Attorney General  
21 2005 North Central Avenue  
22 Phoenix, Arizona 85004-1592  
23 *Attorneys for Defendant Arizona Secretary  
24 of State Adrian Fontes*

25 /s/ Diana J. Hanson

RETRIEVED FROM DEMOCRACYDOCKET.COM

# EXHIBIT A

RETRIEVED FROM DEMOCRACYDOCKET.COM



STATE OF ARIZONA

---

# 2019 ELECTIONS PROCEDURES MANUAL

---

December 2019

[www.azsos.gov](http://www.azsos.gov)



1700 W. Washington St. Phoenix, AZ 85007



1-877-THE-VOTE (343-8683)



RETRIEVED FROM DEMOCRACYDOCKET.COM

# ARIZONA ELECTIONS PROCEDURES MANUAL

A PUBLICATION OF  
THE ARIZONA SECRETARY OF STATE'S OFFICE  
ELECTIONS SERVICES DIVISION

## INTRODUCTION FROM SECRETARY OF STATE KATIE HOBBS

December 2019

I am pleased to provide the 2019 Elections Procedures Manual to county, city, and town election officials and other stakeholders throughout Arizona. Completing a long overdue update to the Elections Procedures Manual has been one of my Administration's highest priorities since transitioning into office in January 2019. To accomplish this, we worked in close partnership with County Recorders, Elections Directors, and their staff, and carefully considered feedback from other stakeholders and the public. With their invaluable contributions, we believe the 2019 Elections Procedures Manual will help ensure the maximum degree of correctness, impartiality, uniformity, and efficiency in election procedures across the state.

Secure, accurate, and accessible elections are at the heart of our democracy and they would not be possible without the continued dedication and vigilance of election workers across the State. Thank you for all that you do for Arizona's voters.

Sincerely,



Katie Hobbs  
Arizona Secretary of State



STATE OF ARIZONA  
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY  
GOVERNOR

EXECUTIVE OFFICE

December 20, 2019

The Honorable Katie Hobbs  
Arizona Secretary of State  
1700 West Washington Street, 7<sup>th</sup> Floor  
Phoenix, AZ 85007

Dear Secretary Hobbs:

My office has reviewed the 2019 version of the Arizona Secretary of State Election Procedures Manual (2019 Procedures Manual) that you submitted for approval on December 18, 2019.

Based upon review and approval submitted on December 19, 2019 by the Attorney General's Office that the 2019 Procedures Manual complies with the Arizona election laws, and my office's review, I hereby approve the 2019 Procedures Manual in accordance with A.R.S. § 16-452(B).

Sincerely,

Douglas A. Ducey  
Governor  
State of Arizona



MARK BRNOVICH  
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL  
STATE OF ARIZONA

December 19, 2019

The Honorable Katie Hobbs  
Arizona Secretary of State  
1700 E. Washington Street  
Phoenix, Arizona 85007

Re: Approval of the 2019 Elections Procedures Manual

Secretary Hobbs:

Pursuant to A.R.S. § 16-452(B), my office has reviewed the draft Elections Procedures Manual submitted December 18, 2019. Based upon that review, we believe the submitted manual complies with Arizona's election statutes. Accordingly, I approve the Elections Procedures Manual as submitted on December 18, 2019.

Sincerely,

A handwritten signature in blue ink that reads "Mark Brnovich". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Mark Brnovich  
Attorney General  
State of Arizona

cc: Governor Doug Ducey

must include information about:

- How many UOCAVA ballots were validly requested;
- How many UOCAVA ballots were transmitted in accordance with the 45-day deadline based on valid requests received before that date; and
- How many UOCAVA ballots were transmitted after the 45-day deadline based on valid requests received before that date.

UOCAVA reports must be emailed or electronically submitted to the Secretary of State within one business day of the UOCAVA ballot transmission deadline. The reports shall not include any protected information for voters who have their records sealed pursuant to A.R.S. § 16-153 or who are enrolled in the Address Confidentiality Program.

The Secretary of State must consolidate the county reports and report Arizona's aggregated statistics to the U.S. Department of Justice following each primary and general election for federal office. See <https://www.justice.gov/crt/statutes-enforced-voting-section#uocava>.

## H. Deadline to Return Ballots-by-Mail

A ballot-by-mail (with completed affidavit) must be delivered to the County Recorder, the officer in charge of elections, an official ballot drop-off site, or any voting location in the county no later than 7:00 p.m. on Election Day. [A.R.S. § 16-547\(C\)](#); [A.R.S. § 16-551\(C\)](#).

The ballot-by-mail return deadline also applies to UOCAVA ballots, regardless of the method of transmission to the election official, unless the UOCAVA return deadline is extended pursuant to emergency procedures as outlines in [Chapter 2, Section I\(F\)](#).

## I. Ballot Drop-Off Locations and Drop-Boxes

Counties or municipalities that establish one or more ballot drop-off locations or drop-boxes shall develop and implement procedures to ensure the security of the drop-off location and/or drop-boxes and shall comply with the following requirements.

1. A ballot drop-off location or drop-box shall be located in a secure location, such as inside or in front of a federal, state, local, or tribal government building. All ballot drop-off locations and drop-boxes shall be approved by the Board of Supervisors (or designee).
  - a. An unstaffed drop-box (*i.e.*, not within the view and monitoring of an employee or designee of the County Recorder or officer in charge of elections) placed outdoors shall be securely fastened in a manner to prevent moving or tampering (for example, securing the drop-box to concrete or an immovable object).
  - b. An unstaffed drop-box placed inside a building shall be secured in a manner that will prevent unauthorized removal.
  - c. While a staffed drop-off location or drop-box (*i.e.*, within the view and monitoring of an employee or designee of the County Recorder or officer in

charge of elections) need not be securely fastened or locked to a permanent fixture, it must be securely located inside a government building and monitored by a properly trained employee or designee of the County Recorder or officer in charge of elections at all times that the location or drop-box is accessible by the public.

2. The County Recorder or officer in charge of elections shall publicly post a listing of designated drop-off locations and drop-boxes on the website of the County Recorder or officer in charge of elections. Where practicable, the County Recorder or officer in charge of elections shall also post a listing of drop-off locations and drop-boxes anywhere that polling places and vote centers are posted.
3. All drop-boxes shall be clearly and visibly marked as an official ballot drop-box and secured by a lock and/or sealable with a tamper-evident seal. Only an election official or designated ballot retriever shall have access to the keys and/or combination of the lock to remove the deposited ballots.
4. All drop-boxes (both staffed and unstaffed) shall have an opening slot that is not large enough to allow deposited ballots to be removed through the opening slot.
5. Ballot drop-off locations and drop-boxes shall be locked and covered or otherwise made unavailable to the public until the 27th day prior to an election to ensure that no ballots or any other materials may be deposited before the early voting period begins. Prior to use on the 27th day before the election, all drop-boxes shall be inspected for damage and to ensure they are empty.
6. All drop-boxes shall be locked and covered or otherwise made unavailable after the polls have closed on Election Day to ensure that no ballots may be dropped off after the close of the polls.
7. The County Recorder or officer in charge of elections shall develop and implement secure ballot retrieval and chain of custody procedures, which shall include the following:
  - a. Voted ballots shall be retrieved from ballot drop-off locations and/or drop-boxes on a pre-established schedule. Ballot retrieval shall be more frequent as Election Day approaches.
  - b. For any election that includes a partisan race, at least two designated ballot retrievers of at least two differing party preferences shall be assigned to retrieve voted ballots from a ballot drop-off location or drop-box. For a nonpartisan election, at least two designated ballot retrievers shall be assigned to retrieve voted ballots from a ballot drop-off location or drop-box.
  - c. Each designated ballot retriever shall wear a badge or similar identification that readily identifies them as a designated ballot retriever and/or employee of the County Recorder or officer in charge of elections.
  - d. Upon arrival at a drop-off location or drop-box, the two designated ballot retrievers shall note, on a retrieval form prescribed by the County Recorder or



officer in charge of elections, the location and/or unique identification number of the location or drop-box and the date and time of arrival.

- e. The designated ballot retrievers shall retrieve the voted ballots by either placing the voted ballots in a secure ballot transfer container, retrieving the secure ballot container from inside the drop-box, or retrieving the staffed drop-box which also serves as a secure ballot container. If the drop-box includes a secure ballot container, the designated ballot retrievers shall place an empty secure ballot container inside the drop-box. The time of departure from the drop-off location or drop-box shall be noted on the retrieval form.
- f. Upon arrival at the office of the County Recorder or officer in charge of elections, central counting place, or other receiving site, the designated ballot retrievers shall note the time of arrival on the retrieval form. The County Recorder or officer in charge of elections (or designee) shall inspect the secure ballot container for evidence of tampering and shall confirm receipt of the retrieved ballots by signing the retrieval form and indicating the date and time of receipt. If there is any evidence of tampering, that fact shall be noted on the retrieval form.
- g. The completed retrieval form shall be attached to the outside of the secure ballot container or otherwise maintained in a manner prescribed by the County Recorder or officer in charge of elections that ensures the form is traceable to its respective secure ballot container.
- h. When the secure ballot container is opened by the County Recorder or officer in charge elections (or designee), the number of ballots inside the container shall be counted and noted on the retrieval form.

Ballots retrieved from a ballot drop-off location or drop-box shall be processed in the same manner as ballots-by-mail personally delivered to the County Recorder or officer in charge of elections, dropped off at a voting location, or received via the United States Postal Service or any other mail delivery service, *see* [Chapter 2, Section VI](#).

## **J. Reporting Ballot-by-Mail Requests and Returns**

At the request of a state or county political party chairperson before an election, a County Recorder must provide the following information at no cost to the political party:

- A listing of registrants who have requested a ballot-by-mail. This information must be provided daily Monday through Friday, beginning 33 days before the election and through the Friday before the election;
- A listing of registrants who have returned their ballot-by-mail, which must be provided daily in Maricopa and Pima Counties and weekly in all other counties.
  - Daily information in Maricopa and Pima Counties must be provided Monday through Friday, beginning the first Monday after early voting commences and ending the Monday before the election;

# EXHIBIT B

RETRIEVED FROM DEMOCRACYDOCKET.COM

business day of the UOCAVA ballot transmission deadline. The reports shall not include any protected information for voters who have their records sealed pursuant to [A.R.S. § 16-153](#) or who are enrolled in the Address Confidentiality Program.

Following each primary and general election for federal office, the Secretary of State must consolidate the county reports and report Arizona’s aggregated statistics to the U.S. Department of Justice, which is responsible for enforcing UOCAVA. See <https://www.justice.gov/crt/statutes-enforced-voting-section#uocava>.

## **H. Deadline to Return Ballots-by-Mail**

A ballot-by-mail (with completed affidavit) must be delivered to the County Recorder, the officer in charge of elections, an official ballot drop-off site, or any voting location in the county no later than 7:00 p.m. on Election Day. [A.R.S. § 16-547\(D\)](#); [A.R.S. § 16-551\(C\)](#).

## **I. Ballot Drop-Off Locations and Drop-Boxes**

Counties or municipalities that establish one or more ballot drop-off locations, curbside ballot drop-off locations, or drop-boxes shall develop and implement procedures to ensure the security of the drop-off locations and/or drop-boxes and shall comply with the following requirements.

1. A ballot drop-off location or drop-box shall be located in a secure location, such as inside or in front of a federal, state, local, or tribal government building. All ballot drop-off locations and drop-boxes shall be approved by the Board of Supervisors (or designee).
  - a. An unstaffed drop-box may be placed outdoors and shall be securely fastened in a manner to prevent moving or tampering (for example, securing the drop-box to concrete or an immovable object).
  - b. An unstaffed drop-box placed inside a building shall be secured in a manner that will prevent unauthorized removal.
  - c. While a staffed drop-off location or drop-box (*i.e.*, within the view and monitoring of an employee or designee of the County Recorder or officer in charge of elections) need not be securely fastened or locked to a permanent fixture, it must be secured in a manner to prevent unauthorized access and removal of ballots and monitored by a properly trained employee or designee of the County Recorder or officer in charge of elections at all times that the location or drop-box is accessible by the public.
  - d. Counties may provide for staffed curbside or drive-through ballot drop-off options at any early, emergency, or Election Day voting location or as otherwise approved by the Board of Supervisors.
2. Election officials shall take all reasonable measures to ensure that ballot drop-boxes and ballot drop-off locations are accessible to voters with disabilities. To assist election officials in understanding the applicable standards in accordance with the Americans with Disabilities Act (ADA), the United States Department of Justice has published a guidance

document concerning the physical accessibility standards that apply to ballot drop boxes, and to be used in conjunction with the ADA Checklist for Polling Places. This document is available at: [https://archive.ada.gov/ada\\_voting/ballot\\_box\\_access.pdf](https://archive.ada.gov/ada_voting/ballot_box_access.pdf).

2. The County Recorder or officer in charge of elections shall publicly post a listing of designated drop-off locations and drop-boxes on the website of the County Recorder or officer in charge of elections. Where practicable, the County Recorder or officer in charge of elections shall also post a listing of drop-off locations and drop-boxes anywhere that polling places and vote centers are posted.
3. All drop-boxes shall be clearly and visibly marked as an official ballot drop-box and secured by a lock and/or sealable with a tamper-evident seal. Only an election official or designated ballot retriever shall have access to the keys and/or combination of the lock to remove the deposited ballots.
4. The County Recorder or officer in charge of elections at their discretion shall install and utilize a fire suppression device inside all unstaffed ballot drop-boxes.
5. All drop-boxes shall have an opening slot that is not large enough to allow deposited ballots to be removed through the opening slot.
6. Ballot drop-off locations and drop-boxes shall be locked and covered or otherwise made unavailable to the public until the 27th day prior to an election to ensure that no ballots or any other materials may be deposited before the early voting period begins. Prior to use on the 27th day before the election, all drop-boxes shall be inspected for damage and to ensure they are empty.
7. All drop-boxes shall be locked and covered or otherwise made unavailable after the polls have closed on Election Day to ensure that no ballots may be dropped off after the close of the polls.
8. The County Recorder or officer in charge of elections shall develop and implement secure ballot retrieval and custody procedures, which shall include the following:
  - a. Voted ballots shall be retrieved from ballot drop-off locations and/or drop-boxes on a pre-established schedule, which may be withheld from the public disclosure to ensure the safety of the election officials who will be retrieving the ballots. Ballot retrieval shall be more frequent as Election Day approaches.
  - b. For any election that includes a partisan race, at least two designated ballot retrievers of at least two differing party preferences shall be assigned to retrieve voted ballots from a ballot drop-off location or drop-box. For a nonpartisan election, at least two designated ballot retrievers shall be assigned to retrieve voted ballots from a ballot drop-off location or drop-box.
  - c. Each designated ballot retriever shall wear a badge or similar identification that readily identifies them as a designated ballot retriever and/or employee of the County Recorder or officer in charge of elections.

- d. Upon arrival at a drop-off location or drop-box, the two designated ballot retrievers shall note, on a retrieval form prescribed by the County Recorder or officer in charge of elections, the location and/or unique identification number of the location or drop-box and the date and time of arrival.
  - e. The designated ballot retrievers shall retrieve the voted ballots by either placing the voted ballots in a secure ballot transfer container, retrieving the secure ballot container from inside the drop-box, or retrieving the staffed drop-box which also serves as a secure ballot container. If the drop-box includes a secure ballot container, the designated ballot retrievers shall place an empty secure ballot container inside the drop-box. The time of departure from the drop-off location or drop-box shall be noted on the retrieval form.
  - f. Upon arrival at the office of the County Recorder or officer in charge of elections, central counting place, or other receiving site, the designated ballot retrievers shall note the time of arrival on the retrieval form. The County Recorder or officer in charge of elections (or designee) shall inspect the secure ballot container for evidence of tampering and shall confirm receipt of the retrieved ballots by signing the retrieval form and indicating the date and time of receipt. If there is any evidence of tampering, that fact shall be noted on the retrieval form.
  - g. The completed retrieval form shall be attached to the outside of the secure ballot container or otherwise maintained in a manner prescribed by the County Recorder or officer in charge of elections that ensures the form is traceable to its respective secure ballot container.
  - h. When the secure ballot container is opened by the County Recorder or officer in charge of elections (or designee), the number of ballots inside the container shall be counted and noted on the retrieval form.
9. The County Recorder or officer in charge of elections may establish and implement additional local procedures for ballot drop-off locations to protect the security and efficient operation of the ballot drop-off location. For example, the County Recorder or officer in charge of elections may restrict activities that interfere with the ability of voters and/or staff to access the ballot drop-off location free from obstruction or harassment.

Ballots retrieved from a ballot drop-off location or drop-box shall be processed in the same manner as ballots-by-mail personally delivered to the County Recorder or officer in charge of elections, dropped off at a voting location, or received via the United States Postal Service or any other mail delivery service, *see* [Chapter 2, Section VI](#).

## **J. Reporting Ballot-by-Mail Requests and Returns**

At the request of a state or county political party chairperson before an election, a County Recorder must provide the following information at no cost to the political party:

- A listing of registrants who have requested a ballot-by-mail. This information must be provided daily Monday through Friday, beginning 33 days before the election and through

# EXHIBIT C

RETRIEVED FROM DEMOCRACYDOCKET.COM



MARK BRNOVICH  
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL  
STATE OF ARIZONA

December 10, 2021

The Honorable Katie Hobbs  
Arizona Secretary of State  
1700 W. Washington, 7th Floor  
Phoenix, Arizona 85007

Dear Secretary Hobbs:

I am in receipt of your letter regarding the Elections Procedures Manual (EPM). I have carefully reviewed the draft EPM and, as I informed you yesterday through Tim La Sota, it must be changed in order to comply with state law and receive our approval.

As Arizona's Chief Legal Officer, I have a responsibility to assure that the EPM conforms to the law. As a reminder, election officials who violate its provisions (which are hundreds of pages long) are guilty of a class 2 misdemeanor. Through the red-lined document provided to you yesterday, I have provided clear direction on what changes need to be made to assure the EPM does not unnecessarily expose election officials and workers to criminal penalties.

You reference our interaction two years ago when finalizing the 2019 EPM and criticize me for hiring outside counsel to assist with this effort. We were forced to hire independent counsel, however, as a direct result of your unprecedented decision to file a bar complaint, not only against me but also against many attorneys in our office. I will not place our attorneys' law licenses in jeopardy based on your insinuations. You cannot insist that our office perform certain functions and then turn around and allege our lawyers are unethical for doing their jobs.

I will, of course, continue to defend our important election integrity laws, as illustrated by my victory earlier this year at the U.S. Supreme Court in *Brnovich v. Democratic National Committee*, which rejected a partisan challenge to our common-sense laws that prohibit ballot harvesting and require precinct-based voting. Just this week the Ninth Circuit Court of Appeals upheld our law that requires early ballots be signed before the polls close on Election Day. In light of those decisions, and consistent with applicable statutes, I hope you will act to ensure our future elections are administered with integrity and professionalism.

Once again, I will be pleased to approve the EPM with the changes outlined in my correspondence yesterday. I hope you have a Merry Christmas and a Happy New Year.

Sincerely,

A handwritten signature in blue ink that reads "Mark Brnovich". The signature is fluid and cursive, with a long horizontal flourish at the end.

Mark Brnovich  
Attorney General



**KATIE HOBBS**  
SECRETARY OF STATE

December 10, 2021

The Honorable Mark Brnovich  
Attorney General  
2005 North Central Avenue  
Phoenix, AZ 85004

Re: AGO Review of the 2021 Elections Procedures Manual

Mr. Brnovich,

Arizona law requires the Secretary of State to “prescribe rules to achieve and maintain the maximum degree of correctness, impartiality, uniformity and efficiency on the procedures for early voting and voting, and of producing, distributing, collecting, counting, tabulating and storing ballots.” These rules, prescribed in the Election Procedures Manual, must be issued by December 31 of odd-numbered years. Importantly, the law says that the Manual “shall be approved by the Governor and Attorney General” before issuance. *See* A.R.S. § 16-452.

You are, of course, familiar with this process as we successfully navigated it just two years ago. On October 1, 2019, my Office submitted a Manual for review. On November 12, your Office sent its “Initial Review” of the Manual, including a spreadsheet of more than 100 items that our Offices discussed during at least four meetings and countless emails over several weeks. While many of those items were based on your own misunderstanding of election administration, we worked in good faith to provide clarification and reach agreement. Eventually, the Manual was approved by you and Governor Ducey, marking the first successful update in five years.

This year, my Office met with County Recordors, Elections Directors, and their staff on a monthly basis to update and improve the Manual and received, reviewed, and incorporated public feedback. Once again, we submitted a Manual for review on October 1. After receiving no response from your Office, we reached out on November 15 to inquire about the status of your review. We similarly received no response. On December 1, we reached out again and received correspondence from Tim La Sota, stating that he had been retained by your Office and will be the “point of contact” on the Manual. Your decision to retain outside counsel for this review is quite curious, particularly since your website currently lists review of the Manual as an instance in which your Office’s Election Integrity Unit defends “the integrity of our elections.”

It’s unfortunate that your Office can apparently find time to chase Cyber Ninjas conspiracies when it’s politically expedient, while choosing to burden taxpayers with additional expenses—presumably at the rate of hundreds of dollars an hour—to perform your basic statutory duties. Though to be clear, it’s doubtful that the work done by Mr. La Sota fulfills your statutory duties, given the alarming incompetence it demonstrates. The December 9 letter from Mr. La Sota states that the enclosed “draft of the . . . Manual [contains] changes identified in redlined form,” and further states that “[t]he Attorney General will not approve the manual . . . unless those changes are made.” The document, however, contains no redlines. Instead, comment bubbles are interspersed throughout, with no indication of what text the comments are actually



referencing. Indeed, some comments are entirely irrelevant to the substance of the text on the page on which those comments appear. Based on what Mr. La Sota sent, no reasonable person can be certain what “changes” the Attorney General is demanding or why. For example:

- On page 29, a comment seems to indicate a sentence about A.R.S. § 16-542, in the section on the timeframe to mail ballots, should be removed based on the Arizona Supreme Court’s recent decision in *ASBA v. Arizona*. But that statute was not affected by *ASBA* nor was it or any other law relating to the timeframe to mail ballots altered by S.B. 1819.
- On page 69, three comments insist that the “proposed regulations exceed the scope of the Secretary’s statutory authority or contravene an election statute’s purpose,” but the comments appear on an otherwise blank page. These comments are all substantially the same, though they appear to reference no underlying text of the Manual.
- Other comments similarly insist the “proposed regulations exceed the scope of the Secretary’s statutory authority or contravene an election statute’s purpose,” but appear on text that simply states verbatim the cited statute’s mandates.
- On page 77, in a section on factors to consider when selecting voting locations, a comment states: “Discuss with Governor’s staff. May contravene A.R.S. § 16-1005(E).” There is no rational connection between selecting voting locations and the ballot collection ban.
- Interestingly, a handful of other comments also state “Discuss with Governor’s Staff” or similar, which I assume indicate coordination between the offices and which Mr. La Sota carelessly forgot to delete.

Ultimately, a failure to take seriously your statutory duty to review and approve the Manual is a detriment to voters and election officials across Arizona. As you recently heard from County officials, an updated Manual is an important resource to ensure the proper performance of their legal duties. I’d hoped that we’d be able to replicate the orderly and bipartisan approval process we shared in 2019, as I noted in my letter accompanying the Manual’s submission. Instead, you’ve waited until the 11<sup>th</sup> hour to condition your approval on the acceptance of your demands, while simultaneously providing those demands through a third party in an indecipherable document. One can only speculate as to why you have chosen this drastically different path as we head into the 2022 election year. But you’ve left little time for meaningful discussion of any proposed changes or consultation with the County Recorders and Election Directors who have spent countless hours collaborating with my Office to update the Manual.

Regardless, I ask that your Office immediately work in good faith with my Office, County officials, and the Governor to approve the Elections Procedures Manual prior to the December 31 statutory deadline. Any further delay and posturing is inexcusable.

Sincerely,



Katie Hobbs  
Arizona Secretary of State

cc: Tim La Sota  
Governor Doug Ducey

# EXHIBIT D

RETRIEVED FROM DEMOCRACYDOCKET.COM



Saturday, September 30, 2023

The Honorable Katie Hobbs  
Governor of the State of Arizona  
1700 W. Washington St., 9<sup>th</sup> Floor  
Phoenix, AZ 85007

The Honorable Kris Mayes  
Attorney General of the State of Arizona  
2005 N. Central Ave.  
Phoenix, AZ 85004

**Re: 2023 Elections Procedures Manual**

**Dear Governor Hobbs and Attorney General Mayes:**

Please find enclosed with this letter the 2023 Elections Procedures Manual for your review and approval pursuant to A.R.S. § 16-452.


The Arizona Elections Procedures Manual is one of the most important documents to ensure consistent and efficient election administration across our state. Reflecting its importance to safe, secure, and accurate elections in Arizona, my office made updating the Manual a top priority—holding a series of monthly meetings with local and county elections officials to suggest changes and garner feedback. As a former County Recorder, I understand how important this Manual is for the dedicated Arizonans who are entrusted with one of the toughest and most important jobs in our democracy. It is to these dedicated election officials, as well as to my equally dedicated and knowledgeable staff, that I attribute the high quality of today's submission.

In keeping with the good practice of the prior Administration, we posted an initial draft of this Manual for public comment, and received over 1,530 comments from 620 groups or individuals. During a rigorous period of consultation with county and tribal officials, as well as legislators from both parties and voting rights advocates, we carefully considered, and, where appropriate, incorporated these suggestions in our current draft.

The result of this collaborative process is an updated Manual that is reflective of the needs of local and county election officials—many of whom are new to their jobs, and subject to unprecedented scrutiny in an atmosphere of increased threats and intimidation by those with a vested interest in sowing doubt about our elections.

We look forward to receiving any constructive comments you might have. If you have any questions or concerns about the attached submission, please do not hesitate to reach out to me, or State Elections Director, Colleen Connor.

Sincerely,

A handwritten signature in black ink, appearing to read "Adrian Fontes". The signature is stylized with a large initial "A" and a prominent "F".

Adrian Fontes  
Arizona Secretary of State

RETRIEVED FROM DEMOCRACYDOCKET.COM

# EXHIBIT E

RETRIEVED FROM DEMOCRACYDOCKET.COM



# Summary of Significant Updates in the Final 2019 Elections Procedures Manual from the 2014 Manual

This summary is not exhaustive, but highlights significant substantive updates from the 2014 Elections Procedures Manual.

---

**Arizona Secretary of State**

---

## **UPDATES THAT MAKE OUR ELECTIONS MORE SECURE**

---

- Updated security measures for electronic voting systems. (Chapter 4)
- Specifies security requirements for e-pollbooks, ballot-on-demand printers, and memory sticks/removable electronic storage devices. (Chapter 4)
- Prohibits use of electronic voting systems to modem election results. (Chapter 4)
- Creates new security requirements for ballot drop-off locations and drop-boxes. (Chapter 2)
- Allows counties to perform additional logic and accuracy testing beyond statutory requirements to increase public confidence in the accuracy of our election results. (Chapter 4)
- Updated language to reflect new voting technology and practices.
- Authorizes and specifies procedures and security requirements for use of certified electronic applications to electronically tally write-in votes. (Chapter 10)

---

## **UPDATES THAT MAKE OUR ELECTIONS MORE ACCESSIBLE**

---

- Reduces the maximum allowable wait-time at voting locations from one hour to 30 minutes. (Chapter 8)
- Creates new procedures to minimize the number of provisional ballots cast by voters who mistakenly go to the incorrect polling place. (Chapter 9)
- Specified new requirements to facilitate voting by otherwise eligible voters who are held in pre-trial detention or serving a sentence for a misdemeanor conviction. (Chapter 2)
- Clarified procedures to help ensure that military and overseas voters have an opportunity to vote a full ballot by requiring County Recordors to hold a Federal Write-In Absentee Ballot (FWAB) until 7 pm on Election Day. (Chapter 2)
- Requires that ballots read by tabulation equipment as blank or over-voted be reviewed, and, where voter intent is clear, manually duplicated in order to be counted. (Chapter 10)

Arizona Secretary of State  
December 23, 2019

- Specifies procedures to ensure that protected/secured registrants and participants in the Secretary of State's Address Confidentiality Program are able to sign petitions without disclosing their residence address. (Chapter 1)
- Specifies procedures to facilitate the signing of petitions by voters who require assistance in completing and/or signing a petition due to physical disability or medical condition. (Chapter 14)
- Specifies that a provisional ballot envelope or affidavit may be used to register a voter for the first time for future elections (not the election in which the provisional ballot was cast) so long as it substantially complies with applicable laws.
- Specifies procedures for curing early ballots with missing or inconsistent signatures. (Chapter 2)

---

## **UPDATES THAT MAKE OUR VOTER REGISTRATION LIST MORE ACCURATE**

---

- Incorporates updates to voter registration and proof of citizenship procedures resulting from the LULAC Consent Decree and LULAC Addendum to the 2014 Elections Procedures Manual. (Chapter 1)
- Specifies uniform procedures for voter registration processing in response to information provided on juror questionnaires (Chapter 1).
- Specifies procedures for use of the federal SAVE database for verifying citizenship, naturalization, or other immigration numbers submitted as DPOC for voter registration purposes and clarifies that the SAVE database shall not be used for list maintenance purposes (i.e., to cancel an already-registered voter). (Chapter 1)
- Specifies that if the voter registration deadline falls on a weekend or state holiday, the deadline is extended to the next business day for state government, and notwithstanding any state deadline, the Secretary of State has authority to move the voter registration deadline to maintain compliance with the NVRA. (Chapter 1)



# EXHIBIT F

RETRIEVED FROM DEMOCRACYDOCKET.COM

1 D. Andrew Gaona (028414)  
2 Austin C. Yost (034602)  
3 **COPPERSMITH BROCKELMAN PLC**  
4 2800 North Central Avenue, Suite 1900  
5 Phoenix, Arizona 85004  
6 T: (602) 381-5486  
7 agaona@cblawyers.com  
8 ayost@cblawyers.com

6 Abha Khanna\*  
7 Makeba Rutahindurwa\*  
8 **ELIAS LAW GROUP LLP**  
9 1700 Seventh Avenue, Suite 2100  
10 Seattle, Washington 98101  
11 T: (206) 656-0177  
12 akhanna@elias.law  
13 mrutahindurwa@elias.law

11 Marilyn Gabriela Robb\*  
12 Elena A. Rodriguez Armenta\*  
13 **ELIAS LAW GROUP LLP**  
14 250 Massachusetts Ave NW, Suite 400  
15 Washington, D.C. 20001  
16 T: (202) 968-4330  
17 mrobb@elias.law  
18 erodriguezarmenta@elias.law

16 *Attorneys for Intervenor-Defendants*  
17 *Arizona Alliance for Retired Americans*  
18 *and Voto Latino*

18 \*Pro Hac Vice Application Pending

19 **ARIZONA SUPERIOR COURT**

20 **YAVAPAI COUNTY**

21 ARIZONA FREE ENTERPRISE CLUB, an ) No. S1300CV202300872  
22 Arizona nonprofit corporation, and MARY )  
23 KAY RUWETTE, individually, )  
24 ) (Assigned to the Hon. John Napper)  
25 )  
26 v. )  
27 ) **DECLARATION OF DORA**  
28 ) **VASQUEZ IN SUPPORT OF**  
ADRIAN FONTES, in his official capacity as ) **INTERVENOR-DEFENDANTS'**  
the Secretary of State of Arizona, ) **MOTION FOR SUMMARY**  
Defendant. ) **JUDGMENT**

---

1 **DECLARATION OF DORA VASQUEZ**

2 I, Dora Vasquez, hereby declare and state the following:

- 3 1. I am over 18 years of age and competent to testify, and the following facts are based  
4 on my personal knowledge.
- 5 2. I am the Executive Director of the Arizona Alliance for Retired Americans (“the  
6 Alliance”), a 501(c)(4) nonprofit, social welfare organization incorporated in  
7 Arizona. I have held this position since 2019.
- 8 3. The Alliance is a chartered state affiliate of the Alliance for Retired Americans, a  
9 nationwide grassroots organization with more than 4.3 million members. The  
10 Alliance has approximately 50,000 retiree members in Arizona, including more than  
11 2,950 members in Yavapai County.
- 12 4. The Alliance’s mission is to ensure social and economic justice and to protect the  
13 civil rights of retirees after a lifetime of work. To further its mission, the Alliance  
14 works to protect the rights of its members to vote and to have their votes counted.
- 15 5. Many of the Alliance’s members rely on unstaffed drop boxes to exercise their right  
16 to vote.
- 17 6. I believe that most Alliance members vote early. Leading up to elections, in phone  
18 banking on behalf of the Alliance, I participate in phone banking with AFL-CIO in  
19 which we call members to remind them to vote and encourage them to vote early.  
20 Most of the members I talk to tell me that they have already voted early or plan to  
21 vote early.
- 22 7. The Alliance’s members are aged 55 or older, and often have disabilities, illness, or  
23 mobility challenges that present barriers to voting. For these members, it is easier to  
24 deposit their ballots in an outdoor drop box because casting a ballot in person at a  
25 polling center or dropping off a ballot inside a government building often requires  
26 voters to walk further distances, be on their feet longer, and navigate crowded indoor  
27 spaces.
- 28

- 1 8. Some Alliance members have caretaking responsibilities, rely on caretakers for  
2 transportation and other support, or have other responsibilities or limitations that  
3 prevent them being able to vote or drop off an early ballot during regular business  
4 hours. It is easier for these members to vote via unstaffed drop boxes because they  
5 can do so before election day and during days and times that government buildings  
6 are not open.
- 7 9. While postal delivery may be a viable option for some Alliance members, some  
8 prefer to cast their ballots in drop boxes because they fear that the U.S. Postal Service  
9 may lose their ballots or deliver them late. Even without those fears, Arizona has a  
10 strict requirement that ballots be delivered by election day. While Alliance members  
11 cannot control when their ballots arrive in the mail, they can ensure that they deposit  
12 ballots in drop boxes by that time.
- 13 10. I have relied on unstaffed drop boxes to exercise my right to vote. In the November  
14 2022 election, for example, I returned my early ballot to the unstaffed drop box  
15 outside of the Maricopa County Elections Office. It was very convenient because I  
16 could drive up to the slot and drop off my ballot without waiting in line or even  
17 getting out of my vehicle. In my experience, voting via unstaffed drop box is a  
18 seamless and secure process.
- 19 11. When I deliver my ballot to county election officials via drop box, I trust that my  
20 ballot will be received and counted. I do not have the same confidence in the U.S.  
21 Postal Service to timely and reliably deliver mail ballots.
- 22 12. I do not know where my polling place is because it has changed over the years, and  
23 I like to vote early. I plan to vote via an unstaffed drop box in upcoming elections  
24 because it is accessible, and it gives me confidence my vote will be received in time  
25 to be counted.
- 26 13. When the Alliance's members face obstacles to casting a ballot and having their  
27 votes counted, it is more difficult for the Alliance and its members to associate and  
28 effectively further their shared political purposes. To support its mission and ensure

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

that its members can vote, the Alliance educates its members about how, where, and when to vote.

14. If unstaffed drop boxes were eliminated in Arizona, the Alliance would spend more time and resources contacting its members to make sure they know how to vote in person or mail their early ballots by the required date. As a result, the Alliance would have fewer resources to educate its members and legislators on other public policy issues critical to the Alliance’s members, such as the pricing of prescription drugs and the protection of Social Security, Medicare, and Medicaid benefits.

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

EXECUTED this 17th day of November, 2023.

By: Dora Vasquez  
Dora Vasquez  
Executive Director of the Arizona  
Alliance for Retired Americans

RETRIEVED FROM DEMOCRACYDOCKET.COM

# EXHIBIT G

RETRIEVED FROM DEMOCRACYDOCKET.COM

1 D. Andrew Gaona (028414)  
 2 Austin C. Yost (034602)  
 3 **COPPERSMITH BROCKELMAN PLC**  
 2800 North Central Avenue, Suite 1900  
 4 Phoenix, Arizona 85004  
 T: (602) 381-5486  
 5 agaona@cblawyers.com  
 ayost@cblawyers.com

6 Abha Khanna\*  
 7 Makeba Rutahindurwa\*  
 8 **ELIAS LAW GROUP LLP**  
 1700 Seventh Avenue, Suite 2100  
 9 Seattle, Washington 98101  
 T: (206) 656-0177  
 10 akhanna@elias.law  
 mrutahindurwa@elias.law

11 Marilyn Gabriela Robb\*  
 12 Elena A. Rodriguez Armenta\*  
 13 **ELIAS LAW GROUP LLP**  
 250 Massachusetts Ave NW, Suite 400  
 14 Washington, D.C. 20001  
 T: (202) 968-4330  
 15 mrobb@elias.law  
 erodriguezarmenta@elias.law

16 *Attorneys for Intervenor-Defendants*  
 17 *Arizona Alliance for Retired Americans*  
*and Voto Latino*

18 *\*Pro Hac Vice Application Pending*

19 **ARIZONA SUPERIOR COURT**  
 20 **YAVAPAI COUNTY**

21	ARIZONA FREE ENTERPRISE CLUB, an	)	No. S1300CV202300872
22	Arizona nonprofit corporation, and MARY	)	
23	KAY RUWETTE, individually,	)	
		)	(Assigned to the Hon. John Napper)
24	Plaintiffs,	)	
		)	
25	v.	)	<b>DECLARATION OF JULIANA</b>
26	ADRIAN FONTES, in his official capacity as	)	<b>HORWIN IN SUPPORT OF</b>
27	the Secretary of State of Arizona,	)	<b>INTERVENOR-DEFENDANTS'</b>
		)	<b>MOTION FOR SUMMARY</b>
28	Defendant.	)	<b>JUDGMENT</b>

1 **DECLARATION OF JULIANA HORWIN**

2 I, Juliana Horwin, hereby declare and state the following:

- 3 1. I am over the age of 18. I have personal knowledge of all the facts to which I attest  
4 in this declaration, and I affirm that they are true to the best of my knowledge.
- 5 2. I am 71 years old and a lifelong Arizona resident. I am a registered voter in  
6 Scottsdale, Arizona, and I have relied on unstaffed drop boxes to vote. I have been  
7 a member of the Arizona Alliance for Retired Americans for approximately 12  
8 years.
- 9 3. I learned the importance of voting from my mom, who insisted on being discharged  
10 from the hospital shortly after my birth so she could go vote. I was politically active  
11 even as a child, and I value living in a democracy where every citizen has an  
12 opportunity to be heard on matters affecting our government and the officials who  
13 represent us.
- 14 4. However, there were times in my life when I was not able to vote. I taught  
15 elementary science and creative writing in Phoenix for 33 years, and during some  
16 of that time, I was a single mother. Between the demands of teaching and raising a  
17 child, there were times I could not make it to the polls to vote on election day, even  
18 though I wanted to.
- 19 5. As a teacher, I became involved in local school board elections because I saw that  
20 the officials elected to the school board hugely influenced the quality of our  
21 students' education. In the following years, I became involved in state politics more  
22 broadly because I see firsthand that who holds political office—from school  
23 superintendent to governor—truly affects the lives of Arizonans.
- 24 6. Even though I retired from teaching, I remain incredibly active in issues that matter  
25 to my community. I started conducting candidate training in 2005 and have trained  
26 over 2000 political candidates in the past 18 years. Around 2008, I founded a  
27 nonprofit that trains political activists from both sides of the aisle about  
28 implementing systemic change. At the same time, I serve as the Executive Vice



1 President of the National Alliance for Retired Americans and a member of the  
2 National Education Association Board of Directors. On top of all that, I am an active  
3 mother and grandmother, and I take care of my husband, who has Parkinsons  
4 disease. I assist him in everyday tasks and accompany him to his medical  
5 appointments.

6 7. My husband and I rely on drop boxes to vote because they are significantly more  
7 accessible than voting in person or by mail. Because of his health issues, my  
8 husband is unable to wait in line to vote in person on election day, or to drop off or  
9 mail his own ballot because his disease makes it difficult for him to walk.

10 8. During the last election, my husband and I requested early ballots, and I stored our  
11 completed ballots in a secure location in my car until I found time to drop them off.  
12 I did not have time to go to the post office to mail them because the post office is  
13 out of the way and I have to drive on a busy road to get there. But when a friend  
14 told me there was an unstaffed drop box nearby, I deposited my and my husband's  
15 ballots there. It was a very easy process, and I fully trusted that the ballots would  
16 be secure and counted. I was also to confirm online that my ballot was received and  
17 tabulated.

18 9. Because of the accessibility that unstaffed drop boxes provide, my husband and I  
19 intend to continue voting via unstaffed drop boxes in the future.

20


21 I swear under penalty of perjury that the foregoing is true and correct.

22

23 EXECUTED this 17th of November, 2023.

24

25

By:   
\_\_\_\_\_  
Juliana Horwin

26

27

28

# EXHIBIT H

RETRIEVED FROM DEMOCRACYDOCKET.COM

1 D. Andrew Gaona (028414)  
2 Austin C. Yost (034602)  
3 **COPPERSMITH BROCKELMAN PLC**  
4 2800 North Central Avenue, Suite 1900  
5 Phoenix, Arizona 85004  
6 T: (602) 381-5486  
7 agaona@cblawyers.com  
8 ayost@cblawyers.com

6 Abha Khanna\*  
7 Makeba Rutahindurwa\*  
8 Attorney for Proposed Intervenor  
9 **ELIAS LAW GROUP LLP**  
10 1700 Seventh Avenue, Suite 2100  
11 Seattle, Washington 98101  
12 T: (206) 656-0177  
13 akhanna@elias.law  
14 mrutahindurwa@elias.law

12 Marilyn Gabriela Robb\*  
13 Elena A. Rodriguez Armenta\*  
14 **ELIAS LAW GROUP LLP**  
15 250 Massachusetts Ave NW, Suite 400  
16 Washington, D.C. 20001  
17 T: (202) 968-4330  
18 mrobb@elias.law  
19 erodriguezarmenta@elias.law

17 *Attorneys for Proposed Intervenor-*  
18 *Defendants Arizona Alliance for Retired*  
19 *Americans and Voto Latino*

19 *\*Pro Hac Vice Application Pending*

20 **ARIZONA SUPERIOR COURT**

21 **YAVAPAI COUNTY**

22 ARIZONA FREE ENTERPRISE CLUB, an ) No. S1300CV202300872  
23 Arizona nonprofit corporation, and MARY )  
24 KAY RUWETTE, individually, )  
25 ) (Assigned to the Hon. John Napper)  
26 )  
27 ) **DECLARATION OF RAYMOND**  
28 ) **FREY**  
ADRIAN FONTES, in his official capacity as ) **IN SUPPORT OF INTERVENOR-**  
the Secretary of State of Arizona, ) **DEFENDANTS' MOTION FOR**  
Defendant. ) **SUMMARY JUDGMENT**

**DECLARATION OF RAYMOND FREY**

I, Raymond Frey, hereby declare and state the following:

1. I am over 18 years of age, am competent to testify, and provide the following facts based my personal knowledge.
2. I reside in Prescott, Arizona, and I am registered to vote in Yavapai County. I am 74 years old, and I work as a program analyst at a community mental health center in Prescott Valley.
3. Voting is important to me, and I usually vote early so I can take time to become fully informed about the election. During the recent city charter election, for example, I sat at my dining table and took time to research and understand the issues on the ballot. Even though I believe all elections are important, including local elections, I do not think I would have voted in the city charter election if I had to vote in person because I would not have had sufficient time with the ballot to become fully informed.
4. Additionally, voting in person on election day is not always feasible for me. My job sometimes keeps me after hours, and I have family and personal commitments and responsibilities that may make it difficult for me to vote in person at a polling place after work on election day.
5. I routinely vote by depositing my early ballot in the unstaffed drop box outside of the Fry's grocery store on Fair Street in Prescott. I can drive up to the drop box on my way to the grocery store or somewhere else and deposit my ballot without even getting out of my car.
6. There are not many post office boxes in my neighborhood, and I prefer voting via drop boxes to voting by mail because I feel more confident my ballot will be delivered and counted. When I drop my ballot in a drop box, it is already with the county, but if I were to drop my ballot in a post office box, it would have further to travel before reaching the county. I have had mail go missing before, and I do not want to risk my ballot getting lost, misplaced, or delivered late.

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

7. In some elections, I am not sure I would be able to vote absent unstaffed drop boxes. My family is scattered around the country, and I travel often to visit them, including on or around election day. When I am in town, I juggle working with other commitments, and sometimes I am unable to vote in person on election day. Voting early via unstaffed drop box allows me to work around my schedule and securely deposit my ballot at my convenience.
8. For these reasons, as long as unstaffed drop boxes are available, I intend to use them to exercise my right to vote.

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

EXECUTED this 17th day of November, 2023.

By: Ray Frey  
Raymond Frey

RETRIEVED FROM DEMOCRACYDOCKET.COM

# EXHIBIT I

RETRIEVED FROM DEMOCRACYDOCKET.COM

1 D. Andrew Gaona (028414)  
2 Austin C. Yost (034602)  
3 **COPPERSMITH BROCKELMAN PLC**  
4 2800 North Central Avenue, Suite 1900  
5 Phoenix, Arizona 85004  
6 T: (602) 381-5486  
7 agaona@cblawyers.com  
8 ayost@cblawyers.com

6 Abha Khanna\*  
7 Makeba Rutahindurwa\*  
8 **ELIAS LAW GROUP LLP**  
9 1700 Seventh Avenue, Suite 2100  
10 Seattle, Washington 98101  
11 T: (206) 656-0177  
12 akhanna@elias.law  
13 mrutahindurwa@elias.law

11 Marilyn Gabriela Robb\*  
12 Elena A. Rodriguez Armenta\*  
13 **ELIAS LAW GROUP LLP**  
14 250 Massachusetts Ave NW, Suite 400  
15 Washington, D.C. 20001  
16 T: (202) 968-4330  
17 mrobb@elias.law  
18 erodriguezarmenta@elias.law

16 *Attorneys for Intervenor-Defendants*  
17 *Arizona Alliance for Retired Americans*  
18 *and Voto Latino*

18 *\*Pro Hac Vice Application Pending*

19 **ARIZONA SUPERIOR COURT**

20 **YAVAPAI COUNTY**

21 ARIZONA FREE ENTERPRISE CLUB, an ) No. S1300CV202300872  
22 Arizona nonprofit corporation, and MARY )  
23 KAY RUWETTE, individually, )

23 Plaintiffs, )

(Assigned to the Hon. John Napper)

24 v. )

25 ADRIAN FONTES, in his official capacity as )  
26 the Secretary of State of Arizona, )

**DECLARATION OF ANN MYERS  
IN SUPPORT OF INTERVENOR-  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT**

27 Defendant. )  
28

1 **DECLARATION OF ANN MYERS**

2 I, Ann Myers, hereby declare and state the following:

- 3 1. I am over 18 years of age, am competent to testify, and provide the following facts  
4 based my personal knowledge.
- 5 2. I have resided in Arizona for over 50 years. I taught elementary school in Mesa,  
6 Arizona for 33 years until my retirement in 2004. I am a registered voter in  
7 Scottsdale, Arizona. I have been a member of the Arizona Alliance for Retired  
8 Americans for approximately five years.
- 9 3. Voting is extremely important to me because I believe elected representatives  
10 should represent the views of their constituents. I try to vote in every election so  
11 that I can support candidates that share my values.
- 12 4. I prefer to vote early because when I fill out my ballot at home, I have time to fully  
13 research every candidate and issue on the ballot. I like to study the candidates and  
14 issues so I am confident that I am making informed choices. Additionally, I do not  
15 know where my polling place is because it has changed multiple times over the  
16 years. Voting early by drop box is easier because I do not need to keep track of my  
17 polling place in order to return my early ballot.
- 18 5. I have previously voted via unstaffed drop boxes, and I intend to vote via unstaffed  
19 drop boxes in future elections.
- 20 6. I am not always able to return my early ballot to a post office or government building.  
21 Once, I was visiting my daughter on the east coast when my early ballot was  
22 delivered to my home in Arizona. I returned home within a week of election day, so  
23 if I mailed my ballot, it would not have arrived in time to be counted. I voted by  
24 depositing my ballot in an unstaffed drop box.
- 25 7. During another election, I drove to the Scottsdale City Hall to return my ballot, but  
26 I was unable to do so because it was outside of regular business hours. I walked  
27 around and around looking for a way to return my ballot, and I encountered another  
28 woman who was trying to do the same thing. Because there was no unstaffed drop



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

box there, we both left with our ballots. I returned the next day during regular business hours and was able to deposit my ballot in a drop box. If I had a full-time job or other commitments that day, I would not have been able to drop off my early ballot. I do not know if the other woman I met was able to return her ballot or vote.

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

EXECUTED this 17th of November, 2023.

By: Ann Myers  
Ann Myers

RETRIEVED FROM DEMOCRACYDOCKET.COM

# EXHIBIT J

RETRIEVED FROM DEMOCRACYDOCKET.COM

D. Andrew Gaona (028414)  
Austin C. Yost (034602)  
**COPPERSMITH BROCKELMAN PLC**  
2800 North Central Avenue, Suite 1900  
Phoenix, Arizona 85004  
T: (602) 381-5486  
agaona@cblawyers.com  
ayost@cblawyers.com

Abha Khanna\*  
Makeba Rutahindurwa\*  
Attorney for Proposed Intervenors  
**ELIAS LAW GROUP LLP**  
1700 Seventh Avenue, Suite 2100  
Seattle, Washington 98101  
T: (206) 656-0177  
akhanna@elias.law  
mrutahindurwa@elias.law

Marilyn Gabriela Robb\*  
Elena A. Rodriguez Armenta\*  
**ELIAS LAW GROUP LLP**  
250 Massachusetts Ave NW, Suite 400  
Washington, D.C. 20001  
T: (202) 968-4330  
mrobb@elias.law  
erodriguezarmenta@elias.law

*Attorneys for Proposed Intervenor-  
Defendants Arizona Alliance for Retired  
Americans and Voto Latino*

*\*Pro Hac Vice Application Pending*

**ARIZONA SUPERIOR COURT**

**YAVAPAI COUNTY**

ARIZONA FREE ENTERPRISE CLUB, an	)	No. S1300CV202300872
Arizona nonprofit corporation, and MARY	)	
KAY RUWETTE, individually,	)	
	)	
Plaintiffs,	)	(Assigned to the Hon. John Napper)
	)	
v.	)	
	)	
ADRIAN FONTES, in his official capacity as	)	<b>DECLARATION OF AMEER</b>
the Secretary of State of Arizona,	)	<b>PATEL IN SUPPORT OF</b>
	)	<b>INTERVENOR-DEFENDANTS'</b>
Defendant.	)	<b>MOTION FOR SUMMARY</b>
	)	<b>JUDGMENT</b>

---

1 **DECLARATION OF AMEER PATEL**

2 I, Ameer Patel, hereby declare and state the following:

- 3 1. I am over 18 years of age, am competent to testify, and provide the following facts  
4 based my personal knowledge.
- 5 2. I am currently employed as the Managing Director of Voto Latino, a nonprofit  
6 corporation organized under section 501(c)(4) of the Internal Revenue Code. I have  
7 been in this position since 2022, and I oversee all of the organizations' operations  
8 and programs. Prior to this role, as Voto Latino's Vice President of Programs, I  
9 focused on designing programming aimed at increasing Latino registration and  
10 turnout rates. Through these positions, I am knowledgeable about Voto Latino's  
11 voting-related activities and resource-allocation decisions.
- 12 3. Voto Latino is the largest Latinx advocacy organization in the nation. Its mission is  
13 to grow political engagement in historically underrepresented communities,  
14 especially by its core constituency: young Latinx voters. To further its mission, Voto  
15 Latino spends significant resources on voter education and mobilization initiatives,  
16 including efforts to encourage voters to vote, remind them to update their voter  
17 registrations, and inform them about available means of voting, such as early voting  
18 and voting by drop box.
- 19 4. Arizona is one of Voto Latino's highest priority states. Since 2012, Voto Latino has  
20 registered more than 60,000 voters in Arizona. Between 2022 and 2023, Voto Latino  
21 spent approximately \$2.4 million on voter registration, voter turnout, and voter  
22 persuasion and advocacy initiatives in Arizona. Voto Latino currently has over 100  
23 volunteers active in the state.
- 24 5. Because of the accessibility, flexibility, and extra time that it affords voters, early  
25 voting is extremely important to Voto Latino's constituents in Arizona.
- 26 6. The Latinx community in Arizona includes a considerably large population of young  
27 voters. The largest bloc of Latinx voters in Arizona are between the ages of 18 and  
28 29. Young Latinx voters are more likely to vote early.

- 1 7. Some of Voter Latino’s constituents have limited English-proficiency. These voters  
2 may require voting assistance from online tools that are more accessible at home or  
3 people who are not available to accompany them to a polling location on election  
4 day. For these voters, it is considerably easier to vote early.
- 5 8. Many of Voto Latino’s constituents rely on the availability of unstaffed drop boxes  
6 to return their early ballots.
- 7 9. The Latinx community in Arizona is a hardworking community struggling with  
8 poverty—almost half of Arizona’s Latino households live in impoverished or low-  
9 income conditions. Many Latinx individuals do not have access to regular, reliable  
10 transportation. Many members of the Latinx community in Arizona work multiple  
11 jobs and have demanding work schedules, and many members are hourly workers  
12 who cannot leave their jobs during the workday. These individuals are often unable  
13 to vote during regular business hours, so cannot easily vote in person on election  
14 day, return their ballots to a government building opened only during specific hours,  
15 or mail them from a post office with limited hours or cut off times for mail pick up.  
16 Unstaffed drop boxes allow these voters to deposit their ballot during atypical  
17 hours—not just hours when polling places are open or drop boxes are staffed. As a  
18 result, in addition to voter registration, Voto Latino has focused its Get Out the Vote  
19 efforts in Arizona on increasing Latinx early-vote turnout.
- 20 10. Voto Latino employees and volunteers conduct email, text banking, and social media  
21 advertising campaigns to remind their constituents to vote and inform them about  
22 available means of voting, including via unstaffed drop boxes.
- 23 11. Voto Latino’s 2024 programming will educate voters about and encourage them to  
24 use all available and secure means of voting, including unstaffed drop boxes. As part  
25 of this programming, Voto Latino will informing newly registered voters, first time  
26 voters, first generation voters, and low-propensity voters about how and where to  
27 cast their ballot. This effort will include educating voters about the means through  
28 which they can vote, including drop boxes in Arizona—Voto Latino will provide

1 online tools that will show the locations of these drop boxes. This programming will  
2 be critical for Voto Latino's Get Out the Vote campaigns during the upcoming  
3 presidential election year.

4 12. I am alarmed by Plaintiffs' request to outlaw unstaffed drop boxes in Arizona, which  
5 would severely harm Voto Latino's constituents and undermine Voto Latino's  
6 organizational goal of empowering and turning out Latinx voters.

7 13. If Plaintiffs' requested relief is granted, Voto Latino would need to expend resources  
8 and staff time to educate its constituents about the elimination of one of the most  
9 accessible means of voting and how to overcome barriers to voting in person at a  
10 polling place. These resources would be diverted from other work in service of Voto  
11 Latino's mission to increase the Latinx voting share in Arizona, threatening Voto  
12 Latino's other programs at a particularly critical time as we enter the final months  
13 before a presidential election year.

14 14. For these reasons, Plaintiffs' requested relief would harm Voto Latino and the  
15 community of voters it serves.

16 15. Voto Latino has made, and will continue to make, expenditures to educate, mobilize,  
17 and turn out voters in Arizona, including by encouraging them to vote using  
18 unstaffed drop boxes as long as unstaffed drop boxes are available.

19  
20 I swear under penalty of perjury that the foregoing is true and correct.

21  
22 EXECUTED this 17th day of November, 2023.

23  
24 By: Ameer Patel  
25 Ameer Patel  
26 Managing Director  
27 Voto Latino  
28

# EXHIBIT K

RETRIEVED FROM DEMOCRACYDOCKET.COM

1 D. Andrew Gaona (028414)  
2 Austin C. Yost (034602)  
3 **COPPERSMITH BROCKELMAN PLC**  
4 2800 North Central Avenue, Suite 1900  
5 Phoenix, Arizona 85004  
6 T: (602) 381-5486  
7 agaona@cblawyers.com  
8 ayost@cblawyers.com

6 Abha Khanna\*  
7 Makeba Rutahindurwa\*  
8 **ELIAS LAW GROUP LLP**  
9 1700 Seventh Avenue, Suite 2100  
10 Seattle, Washington 98101  
11 T: (206) 656-0177  
12 akhanna@elias.law  
13 mrutahindurwa@elias.law

11 Marilyn Gabriela Robb\*  
12 Elena A. Rodriguez Armenta\*  
13 **ELIAS LAW GROUP LLP**  
14 250 Massachusetts Ave NW, Suite 400  
15 Washington, D.C. 20001  
16 T: (202) 968-4330  
17 mrobb@elias.law  
18 erodriguezarmenta@elias.law

16 *Attorneys for Intervenor-Defendants*  
17 *Arizona Alliance for Retired Americans*  
18 *and Voto Latino*

18 \*Pro Hac Vice Application Pending

19 **ARIZONA SUPERIOR COURT**

20 **YAVAPAI COUNTY**

21 ARIZONA FREE ENTERPRISE CLUB, an ) No. S1300CV202300872  
22 Arizona nonprofit corporation, and MARY )  
23 KAY RUWETTE, individually, )

23 Plaintiffs, ) (Assigned to the Hon. John Napper)  
24 )

24 v. )

25 ADRIAN FONTES, in his official capacity as )  
26 the Secretary of State of Arizona, )

27 Defendant. )

) **DECLARATION OF LORENCITA**  
) **MARSHALL IN SUPPORT OF**  
) **INTERVENOR-DEFENDANTS'**  
) **MOTION FOR SUMMARY**  
) **JUDGMENT**

28 \_\_\_\_\_



1 **DECLARATION OF LORENCITA MARSHALL**

2 I, Lorencita “Loren” Marshall, hereby declare and state the following:

- 3 1. I am over 18 years of age, am competent to testify, and provide the following facts  
4 based on my personal knowledge.
- 5 2. I am a member of the Navajo Nation. I was born and raised in White Clay, Arizona,  
6 and I still live there. I live in a very rural area which is very remote—I live twenty  
7 miles from the nearest highway, and my entire drive to the highway is dirt road.  
8 Navajo Nation is composed of five agencies, and I live in Fort Defiance Agency.
- 9 3. I am the Director of Campaigns and Engagement for the Northeast Arizona Native  
10 Democrats. I have several years of experience in organizing our tribal and rural  
11 communities. Previously, I was the Tribal Deputy Organizing Director with Mission  
12 for Arizona during the 2020-2022 election cycles. Before that, I was the  
13 Constituency Organizing Director for the Democratic Congressional Campaign  
14 Committee. The work of centering, educating, and engaging Native voters is very  
15 important to me, as this is my community.
- 16 4. I started doing political engagement work about three years ago, at about the same  
17 time when I became a registered voter. I have been voting by dropping off my ballot  
18 at an unstaffed drop box located on the Navajo Reservation.
- 19 5. Though the drop box is still a far drive from where I live—sometimes two and a half  
20 hours one way—if I am working in the area, it is very helpful and convenient for me  
21 to be able to drop off my ballot at the drop box. The closest post office to where I  
22 live is an hour away, but is only open during set hours.
- 23 6. Voting is by nature very difficult on the reservation, and it is already hard to get folks  
24 out to vote to begin with. Geographically, the Navajo Nation is a very large area, and  
25 many people do not have reliable transportation.
- 26 7. Unstaffed drop boxes make voting easier to access. Along with myself, my  
27 immediate family, extended relatives, and friends also use unstaffed drop boxes on  
28 Navajo land. I know that community members also use the unstaffed drop boxes


- 1 available on the reservation. The drop boxes are especially helpful for people who  
2 are working or who have transportation issues that mean they won't always have  
3 cars to go to polling places during regular business hours.
- 4 8. Unstaffed drop boxes are also a good alternative because mail voting on reservations  
5 is not always easy for Native voters. Many Native folks do not have traditional  
6 mailing addresses. Native voters who do not have home mail delivery must use PO  
7 Boxes, but rural post offices can be extremely far for members of the Navajo Nation,  
8 often hours away. Unstaffed drop boxes provide greater flexibility and accessibility,  
9 because unstaffed drop boxes are available around the clock, unlike post offices  
10 which operate during limited hours. Even those who have transportation to get to  
11 post offices often have difficulty getting to the post office when they are open.
- 12 9. Voting in person can be overwhelming for many people. I have seen extremely long  
13 lines, and in the Navajo Nation, very often there is no restroom access and no chairs  
14 at polling places. Many elders go vote in person because it is what they are used to,  
15 but this is especially hard for them, and not everyone can stand in line to wait to vote.
- 16 10. If unstaffed drop boxes were removed, this would make it so much harder for  
17 members of my community to vote, and impossible for some people. For me  
18 personally, it would be a terrible thing since this is how I have been voting for years.
- 19 11. I know that if unstaffed drop boxes were not available, fewer Native voters on the  
20 Navajo Reservation would vote. Too many obstacles can get in the way of people  
21 voting on election day or by mail. Our community is already aware of how difficult  
22 it is to vote on the reservation, and reducing our options to vote further will  
23 discourage voters.
- 24 12. In the past couple of years, there has been a greater effort in Navajo Nation—from  
25 organizations and community members on social media and in-person advocacy—  
26 to get people to vote, including by using drop boxes. For example, our organization,  
27 Northeast Arizona Native Democrats, focuses on voter engagement, and through our  
28 Family Votes program, we conduct voting- and election-related community outreach

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

through word of mouth, which is the most effective means of reaching our tribal members. Northeast Arizona Native Democrats provides key information about how to register to vote and where to vote, including the location of unstaffed drop boxes. This is a very important option for our community, and one that should not be taken away.

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

EXECUTED this 17th day of November, 2023.

By:  \_\_\_\_\_  
Lotencita Marshall

RETRIEVED FROM DEMOCRACYDOCKET.COM

# EXHIBIT L

RETRIEVED FROM DEMOCRACYDOCKET.COM

D. Andrew Gaona (028414)  
Austin C. Yost (034602)  
**COPPERSMITH BROCKELMAN PLC**  
2800 North Central Avenue, Suite 1900  
Phoenix, Arizona 85004  
T: (602) 381-5486  
agaona@cblawyers.com  
ayost@cblawyers.com

Abha Khanna\*  
Makeba Rutahindurwa\*  
Attorney for Proposed Intervenors  
**ELIAS LAW GROUP LLP**  
1700 Seventh Avenue, Suite 2100  
Seattle, Washington 98101  
T: (206) 656-0177  
akhanna@elias.law  
mrutahindurwa@elias.law

Marilyn Gabriela Robb\*  
Elena A. Rodriguez Armenta\*  
**ELIAS LAW GROUP LLP**  
250 Massachusetts Ave NW, Suite 400  
Washington, D.C. 20001  
T: (202) 968-4330  
mrobb@elias.law  
erodriguezarmenta@elias.law

*Attorneys for Proposed Intervenor-  
Defendants Arizona Alliance for Retired  
Americans and Voto Latino*

*\*Pro Hac Vice Application Pending*

**ARIZONA SUPERIOR COURT**

**YAVAPAI COUNTY**

ARIZONA FREE ENTERPRISE CLUB, an	)	No. S1300CV202300872
Arizona nonprofit corporation, and MARY	)	
KAY RUWETTE, individually,	)	
	)	
Plaintiffs,	)	(Assigned to the Hon. John Napper)
	)	
v.	)	
	)	
ADRIAN FONTES, in his official capacity as	)	<b>DECLARATION OF ALFRED</b>
the Secretary of State of Arizona,	)	<b>LOMAHQUAHU IN SUPPORT OF</b>
	)	<b>INTERVENOR-DEFENDANTS'</b>
Defendant.	)	<b>MOTION FOR SUMMARY</b>
	)	<b>JUDGMENT</b>

---

1 **DECLARATION OF ALFRED LOMAHQUAHU**

2 I, Alfred Lomahquahu, hereby declare and state the following:

- 3 1. I am over 18 years of age, am competent to testify, and provide the following facts  
4 based on my personal knowledge.
- 5 2. I am a member of the Hopi tribe, and was born and raised on the Hopi Reservation  
6 in Arizona in the village of Bacavi. I am a veteran of the United States Marine Corps,  
7 and I served from 1982 to 1986.
- 8 3. I am currently the elected Registrar for the Hopi Tribal Elections Office. I was  
9 elected by Tribal Council. The Council consists of 22 representatives from the  
10 villages of Upper Moenkopi, Bacavi, Kykotsmovi, Sipaulovi, First Mesa  
11 Consolidated Villages (Walpi, Sitchumovi and Tewa), and Mishongnovi.  
12 Previously, I was the Vice-Chairman of the Hopi Tribe from 2013 to 2017, and  
13 before that I was the Governor for the Village of Bacavi, where I helped set up and  
14 administer elections for the village. I also served as a Vice-Chairman for the  
15 Northeastern Arizona Native Democrats, which was my introduction to the election  
16 process and into issues with marginalized minority voters, and have worked as a poll  
17 worker in elections on the reservation.
- 18 4. My current office keeps records of all tribal voters, and helps to educate all tribal  
19 voters on issues related to voters' rights and related issues, like access to unstaffed  
20 drop boxes. My office conducts elections and provides election assistance and  
21 information on how to register to vote and where to vote for Villages and voters  
22 throughout the Hopi reservation, including members of the Hopi Tribe who live off  
23 the reservation.
- 24 5. The issue of the availability of unstaffed drop boxes is personally and professionally  
25 important to me.
- 26 6. Though I tend to vote in-person at my precinct, I know from my work that the  
27 unstaffed drop box on the Hopi reservation makes voting accessible for many people  
28 who otherwise would not be able to vote or who would have a very hard time voting.

1 The unstaffed drop box is located in the Village of Kykotsmovi. I know that many  
2 individuals cannot make it to Hopi precincts to vote in person because of  
3 transportation issues or because they live outside of the reservation. For those  
4 individuals, it is helpful to be able to come onto the reservation and drop off their  
5 ballots at the unstaffed drop box at a time that works for their schedule. It is much  
6 harder for many people to visit the tribal elections office, which is only open during  
7 regular business hours.

8 7. Voting is not easy on the reservation. There are three voter centers on the Hopi  
9 reservation, and in a population of about 15,000 Hopi members, about half live on  
10 the reservation and half live on the reservation.

11 8. A lot of people on the reservation do not have vehicles in order to be able to access  
12 basic social services, much less vote centers, and many people have to travel long  
13 distances in order to vote.

14 9. Many Hopi Tribe members do not have access to mail services or live far away from  
15 the post office for voting by mail. Many of the people who do not have mail services  
16 at home have to use PO boxes, which can also be hard to get to. Post offices on rural  
17 land like reservations can be very spread out geographically, and, unlike drop boxes,  
18 are only open during limited hours. Rural mail can also often be subject to delays  
19 because of the complex mail routes in remote areas. This is typical for reservations  
20 and for Native voters. In fact, some members of the Navajo Nation have to come  
21 onto the Hopi reservation for county and state elections because their PO boxes are  
22 on the Hopi reservation.


23 10. It is difficult because of distance, transportation issues, and cost for a lot of people  
24 from the Hopi tribe to get to polling places, and so if they can arrange for a time that  
25 works for their schedules to drop off their ballots, it is much more accessible and  
26 much more convenient for them to vote. Unstaffed drop boxes, which are not limited  
27 to business hours, provide greater accessibility for voters who do not have access to  
28 reliable transportation or flexibility with their work schedules.

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

11. I am deeply troubled by Plaintiffs' efforts to eliminate one of the few accessible means we have of accessing the franchise. I know that if the unstaffed drop box on the Hopi reservation was removed, it would impact many voters, and prevent many people from voting. If anything, I would advocate for *more* unstaffed drop boxes on the reservation.

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

EXECUTED this 17th day of November, 2023.

By:   
\_\_\_\_\_ Alfred Lomahquahu

RETRIEVED FROM DEMOCRACYDOCKET.COM