DECLARATION OF CHRISTINA ESTES-WERTHER

I, Christina Estes-Werther, hereby state, under penalty of perjury, that the following information is true to my knowledge, information, and belief:

1. I was appointed by Arizona Secretary of State Ken Bennett ("Secretary") as the State Election Director and have served in this position since October 21, 2013. In my role as State Election Director, I oversee the daily operations of the Secretary’s Election Services Division.

2. Before becoming the State Election Director, I was Deputy General Counsel for Governor Jan Brewer. In that capacity, I was often called to advise on election-related issues, including assisting the Governor with review of the biennial updates to the Secretary’s Election Procedures Manual. In connection with that review, I became very familiar with Arizona’s election statutes and procedures.

3. I am competent to testify as to the matters contained herein and make this declaration based upon my own personal knowledge, as well as review of the Secretary’s Election Procedures Manual and Title 16 of the Arizona Revised Statutes.


5. The General Election was held on November 4, 2014. The Secretary will officially canvass the results on December 1, 2014, in accordance with A.R.S. § 16-648, which requires the canvass to be held on the fourth Monday after the General Election.

6. Arizona law provides for an automatic recount when the margin between the votes cast for two candidates or for and against ballot measures are less than or equal to a specific number based on various scenarios. A.R.S. § 16-661.

7. After the General Election, the margin of votes between candidates Martha McSally and Ron Barber for the office of Representative for Congressional District 2 is 161 votes. The unofficial results of the election are available online through the Secretary’s official website at http://results.enr.clarityelections.com/
8. Because this margin of votes is less than 200, an automatic recount will be triggered under A.R.S. § 16-661(A)(2) upon the Secretary’s Official Canvass, which is when the election results become official.

9. During the tabulation period following Election Day, the Secretary’s Office closely monitors the incoming results to determine which races, if any, are likely to trigger the automatic recount process. During this time period, it became apparent that a recount would likely be necessary for the Congressional District 2 race.

10. On November 14, 2014, the Secretary held a conference call with the necessary county personnel and legal counsel to discuss the various procedures for conducting the recount.

11. The Secretary’s Office has made plans to conduct logic and accuracy testing of the counties’ tabulating equipment in accordance with A.R.S. § 16-449 and to supervise the recount in accordance with A.R.S. § 16-664.

12. The Secretary’s Office and Pima and Cochise Counties are currently taking action to prepare for the recount and such actions include delivery of blank ballots to the Secretary’s Office for testing, marking of the test ballots, travel arrangements for the Secretary’s staff to conduct the testing and supervise the recount at both county facilities, reprogramming of the tabulating equipment by the Counties and submission of those programs to the Secretary’s Office, and notice by the Counties to the general public of the logic and accuracy testing.

13. In addition, the Secretary’s Office has communicated with the McSally and Barber campaigns and anticipated an election contest to be filed in accordance with A.R.S. § 16-672 et seq.
14. In preparation of the possibility of an election contest, the Secretary’s Office has been in contact with the Counties to discuss how such a contest would affect the recount process.

15. The Complaint in the Barber v. Bennett matter was unexpected and has been disruptive to those already-initiated preparations for the recount and possible contest.


17. Under the HAVA grievance process, a complainant may file a complaint with the Secretary and request a hearing at the Office of Administrative Hearings. Id. at 384.

18. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 25, 2014.

Christina Estes-Werther
Arizona State Election Director