DECLARATION OF KAREN OSBORNE

I, Karen Osborne, hereby state, under penalty of perjury, that the following information is true to my knowledge, information, and belief:

1. I am employed by the Elections Department of the Maricopa County (Arizona) Recorder’s Office as the Director of Elections for Maricopa County, and I have held that position since 1996. I also serve as a deputy to the Maricopa County Recorder, Helen Purcell.

2. Just prior to my employment as the Maricopa County Director of Elections, I was the Maricopa County Assistant Director of Elections from 1991 to 1995. Prior to that, I served as the Assistant Secretary of State from 1978 to 1991. As a result, I have over 35 years of experience in elections and voter registration. In all, I have worked in Arizona state and county government since 1969.

3. In my capacity as the Director of Elections for Maricopa County, I am responsible for voter registration as well as the administration of the elections process in Maricopa County. In that capacity, my duties involve directly overseeing the voter registration process in the County including (1) ensuring that state mail-in voter registration forms are distributed throughout Maricopa County, (2) designating proper places throughout the County to receive completed voter registration forms, (3) reviewing completed voter registration forms, (4) notifying applicants if their registration is incomplete or illegible, (5) transmitting evidence of voter registration fraud or confusion to the proper enforcement authority, and (6) adding properly completed voter registrations to the County register.

4. I am competent to testify as to the matters contained herein and make this declaration based upon my own personal knowledge, experience, and analysis.

5. In November 2004, Arizona voters passed through an initiative Proposition 200, which was then codified as A.R.S. § 16-166(F). Under that provision, which went
into effect on January 24, 2005, prospective voters in Arizona must provide satisfactory evidence of United States citizenship in order to register to vote.

6. In 2006, two groups of plaintiffs filed lawsuits against the State of Arizona and its fifteen counties, asserting that Arizona’s evidence-of-citizenship requirement could not be applied to the federal voter registration form created by the National Voter Registration Act, 42 U.S.C. § 1973gg et seq., as administered by the Election Assistance Commission. After years of litigation, the U.S. Supreme Court issued its opinion in *Arizona v. Inter Tribal Council*, 133 S. Ct. 2247 (2013) ("*Inter Tribal Council*") on June 17, 2013. The U.S. Supreme Court held that Arizona must accept and use the Federal Form to register voters for elections for federal office.

7. I was deposed in the litigation in the *Gonzalez v. Arizona* case, which ultimately resulted in the *Inter Tribal Council* opinion. In that litigation, I testified as to the various instances in which the Maricopa County Recorder’s Office determined that, through voter registration fraud or mistake, non-U.S. citizens had managed to register and or vote in Maricopa County. I testified to the following instances and figures in that litigation.

8. As I understand it, at some point in the early 2000s, the U.S. Immigration and Naturalization Service (INS) implemented a process by which it required certain people applying for U.S. citizenship to get a letter from the county recorder’s office in the county in which they resided that affirmed that the applicant had never registered to vote or voted. Beginning in 2003, people began coming into the Maricopa County Recorder’s Office asking for a letter that said they had never registered to vote or actually voted in Maricopa County. In responding to these requests, as of July 11, 2006, we identified at least 37 individuals who were applying for U.S. citizenship but had either voted or registered to vote in Maricopa County.

9. Leading up to the 2004 election, the Maricopa County Recorder’s Office received multiple voter registration forms, delivered by private organizations that ran
voter registration drives, that failed to indicate that the registrant was a U.S. citizen. When we contacted the individual registrants, many of them did not appear to understand that they had to be a U.S. citizen to register to vote and appeared to have been persuaded to register by the organization running the voter registration drive.

10. To the best of my recollection, in 2005, the Maricopa County Recorder’s Office referred 159 matters to the then-Maricopa County Attorney, Andrew Thomas, in which it was determined that there was evidence that non-citizens had registered to vote. A large number of these individuals had sworn to the Maricopa County Jury Commissioner that they were not U.S. citizens and therefore could not perform their jury duties. In August of 2005, the Maricopa County Attorney’s Office announced that ten non-citizens had been charged in felony criminal complaints for falsely filing voter registration forms claiming they were in fact U.S. citizens. Some of those individuals were identified as having voted in an election under falsely filed voter registrations.

11. 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 October 21, 2013.

Karen Osborne
Maricopa County Director of Elections
& Deputy Maricopa County Recorder