DECLARATION OF TAMMY PATRICK

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

1. I am employed with the Maricopa County Elections Department as the Federal Compliance Officer and have held this position since 2005. I have been responsible for the Election Department’s Voting Rights Act Section 5 submissions to the Department of Justice and for otherwise ensuring that Maricopa County’s elections comply with federal law. These responsibilities include, but are not limited to, voter assistance in compliance with the Americans with Disabilities Act and the Help America Vote Act, minority language outreach and bilingual pollworker education as required under Sections 203 and 404 of the Voting Rights Act, and data analysis and development of programs to service military and overseas voters as it relates to the Uniform Overseas Citizens Absentee Voting Act.

2. In my current position, I collaborate with community and political organizations to create a productive working relationship with the goal of voter participation. In that capacity, I have testified before Congress regarding the role of election audits. I have worked with the Brennan Center for Justice, the Pew Election Initiatives, the Uniform Law Commission, the Election Assistance Commission, and the National Conference of State Legislatures to study numerous changes in election administration and efforts to improve voter participation and confidence. I have also served on the Election Center’s National Task Force on Education and Training, their Election Administration Benchmarking Task Force, and their Legislative Committee. In 2012, I was appointed by the Election Center to represent them on the Mailer’s Technical Advisory Committee (MTAC) to the United States Post Office and serve as the co-chair of the Postal Task Force for the Election Center. Most recently, I was appointed by President Obama to serve as one of ten Commissioners on the Presidential Commission on Election Administration. My reputation for sound data collection and analysis...
afforded my inclusion in *The Democracy Index* by Yale law professor Heather Gerkin, and has been recognized nationally by the Kennedy School of Governance at Harvard, the National Association of Counties, the Election Center, and the National Association County Recorders Election Officials and Clerks. I currently participate in active working groups with the National Institute of Science and Technology and the Industrial Electrical and Electronics Engineers P1622 Common Data Format for Election Results Reporting.

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

4. In 2004, Arizona voter passed Proposition 200, which was then codified as A.R.S. § 16-166(F). Under that provision, prospective voters must provide satisfactory evidence of United States citizenship in order to register to vote.

5. 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 (“NVRA”), 42 U.S.C. § 1973gg *et seq.*, as administered by the Election Assistance Commission (“EAC”). After years of litigation, the U.S. Supreme Court issued its Opinion in *Arizona v. Inter Tribal Council, ___* U.S. __, 133 S. Ct. 2247 (2013) (“*Inter Tribal Council*”) on June 17, 2013. The Court held that Arizona must accept and use the Federal Form to register voters for elections for federal office.

6. In light of the *Inter Tribal Council* Opinion, the various county election officials and the Arizona Secretary of State began discussing what that decision means with respect to state and local elections and whether voters who registered using the Federal Form without providing evidence of U.S. citizenship were eligible to vote in state and local elections.

7. Secretary Bennett requested an official Opinion from Arizona Attorney General Tom Horne, in which he asked that very question. On October 7, 2013, the Attorney General issued Opinion No. 113-011, which answered Secretary Bennett’s
question in the negative. The Opinion stated that “Registrants who use the Federal Form and did not provide sufficient evidence of citizenship are not eligible to vote for state and local races.”

**Dual Voter Registration Systems**

8. Based on this Opinion, the State and counties must establish a dual registration system to keep track of voters who registered with evidence of citizenship and those who did not. The voters who provided evidence of citizenship will be able to vote in all elections, including races for federal, state, and local office, as well as ballot measures. The voters who did not provide evidence of citizenship will be able to vote in elections for federal offices only.

9. In anticipation of Attorney General’s Opinion and in response after it was officially issued, Maricopa County Elections Department began brainstorming as to what would be encompassed in implementing a dual registration system and how much it would cost.

10. Maricopa County Elections Department serves 1.9 million registered voters in the greater Phoenix Valley. Maricopa County is divided into 724 voting precincts. The annual budget for the Elections Department is approximately $18 million.

**Applicants that Submitted a Federal Form**

11. From August 1, 2012 to October 7, 2013 Maricopa County received 426,766 voter registration forms: both state and federal forms for new, and existing, voters.

12. Approximately 3% of voter registration forms received by Maricopa County each year are Federal Voter Registration forms. During the period from August 6, 2012 to the morning of October 17, 2013, Maricopa County received 12,651 Federal Voter Registration forms. The dispositions of those forms are as follows:
a. 4,697, or 37%, were existing voters on the voter file using the Federal Form to update their information.

b. 3,020, or 24%, were new applicants who provided their Arizona driver’s license number.

c. 180, or 1%, provided other information which satisfied the proof of citizenship requirement for the voter.

d. 378, or 3%, were not residents of Maricopa County either listing addresses in another county in Arizona, or in another state in the Union.

e. 4,264, or 34%, did not provide identifying information in the field for a driver’s license number, which would have satisfied the proof of citizenship requirement, when first submitting their application and were placed on suspense. Since the Elections Department notified these registrants they were on suspense, the status of these registrations are as follows:

i. 3,159, or 74%, of these voters later provided the necessary information to satisfy the proof of citizenship requirement.

ii. 151, or 4%, of these registrants provided insufficient information, such as a nonexistent address, incomplete date of birth, or lack of signature, which prevented the Elections Department from adding the new registration or modifying an existing record.

iii. 954, or 22%, of the registrants are still on suspense awaiting information to satisfy the proof of citizenship requirement. This pool of voters who would be required to vote a Federal Only ballot. These 954 registrants who submitted a
federal form without satisfying the satisfactory proof of citizenship requirement represent 0.2% of all voter registration forms submitted.

Costs of Dual Voter Registration Systems

13. The Elections Department has determined that the cost of implementing a dual registration system, including printing federal only ballots, will exceed $250,000, which has not already been budgeted and will need to be requisitioned. This figure of $250,000 is based on an estimate of $236,662.08 for additional printing and mailing costs, which are summarized below.

14. For the primary election, there will have to be new federal-only ballot styles prepared for the 724 precincts and 5 recognized parties, resulting in a calculation of 3,620 additional ballot styles. For each additional ballot style, there is a fee of $43.32, which results in a total cost of $156,818.40.

15. For a minimum of 25 ballots per precinct, the total number of additional ballots that will have to be printed is 90,500. At a printing cost of $0.40 per ballot, the printing cost will total $36,200.00.

16. For the general election, there will be 724 new ballot styles, accounting for one new federal-only ballot style for each of the 724 precincts, resulting in a design cost of $31,363.68. To print a minimum of 25 ballots per precinct, the printing cost will be $7,240.00.

17. The printing costs for the primary and general election therefore will be increased by a total of $231,622.08.

18. The Elections Department is also planning two additional mailings to go out to each voter who is currently registered using the Federal Form without providing evidence of citizenship. Currently, there are approximately 954 registered voters in this
situation. The Elections Department estimated that the cost for these mailings will be $5,040 based on the cost of printing the letters and envelopes and applying postage for an estimated 1,000 voters.

19. In addition to these estimated costs, the Elections Department will also have to print additional ballots for the logic and accuracy testing done by the Secretary of State's Office before the primary and general elections. Also, the Elections Department performs logic and accuracy testing on each precinct's optical scan machines and will have to print ballots for those tests as well.

20. Additional ballots will have to be printed for the duplication process as well. The County uses duplication boards comprised of at least two members of different political party affiliation, in accordance with the Secretary of State's Election Procedures Manual, to duplicate damaged ballots or ballots that were not marked according to instructions if the voter has indicated his or her clear intent by marking the ballot in a consistent manner. Thus, for each precinct and each ballot style and for both the primary election and the general election, additional ballots will be printed for that process.

21. The Elections Department has also not yet estimated costs that will be needed to update the IT. The Election Management System (EMS) is a computer system that implements election management software. The Elections Department's IT unit will have to find a way within the EMS to designate impacted voters, make restrictions on their abilities to request ballots in local races, and generate reports. The EMS is also used to designate which voters receive which mailings from the Election Department and will have to be updated to include the new special mailings going to impacted federal-only voters. The IT unit will also have to revise the intranet and internet voter-registration look-up tools.

22. The Elections Department has also not yet estimated costs for the following:

- Additional staffing costs for layout of thousands of additional ballot styles;
• Additional staffing costs for proofing thousands of additional ballot styles;
• Additional staffing costs for logic and accuracy testing of thousands of additional ballot styles;
• Additional training of poll workers, Election Day field troubleshooters, temporary and permanent staff at front counters and the call center; and
• Increases costs related to provisional ballot processing

23. These additional costs may be as much as $75,000 to $100,000 on top of the previous estimate of $250,000 for the additional printing and mailing.

24. Because the Arizona Attorney General’s Opinion regarding a dual registration system was just issued this month, the Elections Department may not yet have discovered or thought of all of the implications of such a decision and there may still be additional costs that have not been considered.

25. 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, 22 2013.

[Signature]

Tammy Patrick
Federal Compliance Officer
Maricopa County Elections Department