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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

Kathleen Hoffard,

Plaintiff,

vs.

Cochise County, Arizona; Lisa Marra,
in her official capacity as Director of
Cochise County Elections
Department,

Defendants.

Case Number: 4:20-cv-00243-SHR

**PLAINTIFF'S REPLY IN SUPPORT OF
MOTION FOR PRELIMINARY
INJUNCTION AND EXPEDITED
HEARING**

(Assigned to the Hon. Scott H. Rash)

Plaintiff, by and through counsel, respectfully submits *Plaintiff's Reply in Support of Motion for Preliminary Injunction and Expedited Hearing* ("Reply"). Plaintiff seeks a Preliminary Injunction under Fed. R. Civ. P. 65 ordering Defendants to make a reasonable modification to their policy of a blanket ban on curbside voting during in-person voting, or provide a substantially equivalent reasonable modification, at Defendants' Vote Centers for the November 2020 General Election.

This Reply is supported by the declarations of Maura Hilser and Kevin Keene, and the following Memorandum of Law of Points and Authorities.

MEMORANDUM OF POINTS OF AUTHORITIES

I. INTRODUCTION

1 Ms. Hoffard is a qualified individual with a disability and is eligible to vote in
2 Cochise County. Her disabilities make it difficult for her to walk into a Cochise County
3 Voting Center and will put her at risk due to a compromised immune function. Ms.
4 Hoffard wishes to vote in person via curbside voting, as she has done many times.
5 Defendants' voting services, programs, or activities, including *in-person voting* at the
6 County's Vote Centers are subject to the Americans with Disabilities Act, Section 504 of
7 the Rehabilitation Act and the Arizona Civil Rights Act. Accordingly, Cochise County is
8 required to afford Ms. Hoffard an opportunity to participate in or benefit from the aid,
9 benefit, or service that is not equal to that afforded others. 28 C.F.R. § 35.130(b)(1)(ii)
10 (ADA); 11 C.F.R. § 9420.3(b)(1)(ii) (Section 504).

11 As briefed comprehensively in Plaintiff's Motion, Defendants must "make
12 reasonable modifications in policies, practices, or procedures when the modifications are
13 necessary to avoid discrimination on the basis of disability, unless the public entity can
14 demonstrate that making the modifications would fundamentally alter the nature of the
15 service, program, or activity." 28 C.F.R. § 35.130(b)(7)(i) (ADA); 11 C.F.R. § 9420.2
16 (Section 504); A.R.S. § 41-1421(C) (ACRA); *see Mark H. v. Hamamoto*, 620 F.3d 1090,
17 1097 (9th Cir. 2010) ("An organization . . . violates § 504 if it denies a qualified individual
18 with a disability a reasonable accommodation that the individual needs in order to enjoy
19 meaningful access to the benefits of public services"); *McGary v. City of Portland*, 386
20 F.3d 1259, 1267 (9th Cir. 2004) (failing to provide a reasonable accommodation is a form
21 of discrimination under the ADA); *cf Fortyn v. Am. Multi-Cinema, Inc.*, 364 F.3d 1075,
22 1086 (9th Cir. 2004) ("[T]he ADA defines discrimination as a public accommodation
23 treating a disabled patron the same as other patrons despite the former's need for a
24 reasonable modification") (interpreting identical reasonable modification requirement
25 under the ADA's Title III). This obligation is in addition to any obligations to provide an
26 accessible polling place and use accessible polling equipment.

II. LEGAL ARGUMENT

Given the time restraints for filing the Reply, Plaintiff tackles four arguments made by Defendants in their Response that relate to the likelihood of success on the merits.¹

A. Defendants Misstate the Applicable Discrimination Standard.

Erroneously relying on *Bd. of Trustees of Univ. of Alabama v. Garrett*, 531 U.S. 356 (2001), Defendants contend that Plaintiff is unlikely to prevail on the merits of her claims because she cannot prove *irrational discrimination* by showing a failure to make *special accommodations*. (Response at 14.) However, *Garrett* is inapposite because it does not address what constitutes discrimination under the ADA or Section 504. The Supreme Court in *Garrett* examined whether state employees may recover money damages by reason of the State's failure to comply with the employment provisions of the ADA and held that such suits are barred by the Eleventh Amendment. *Id.* at 360. To reach its holding, the Supreme Court considered whether Congress abrogated the States' Eleventh Amendment immunity for money damages suit through a valid grant of constitutional authority under § 5 of the Fourteenth Amendment by examining unconstitutional conduct only. Defendants' reliance on *Garrett* is wholly misplaced. The Eleventh Amendment does not extend its immunity to local government units, as the county, in this case. *Id.* at 369 (citing *County v. Luning*, 133 U.S. 529, 530 (1890)). Moreover, Plaintiff's claims are reasonable modification claims under the ADA and Section 504, not constitutional claims.

B. If Providing Curbside Voting is Inconsistent with State Policy, Federal Law Prevails.

Defendants argue that making exceptions to its ban on curbside voting as a reasonable modification for Plaintiff and others who cannot enter a voting center for *in-person* voting on election day is not required because the 2019 State Elections Procedures

¹ Plaintiff's counsel apologize to the Court and Defendants' counsel for any inconvenience caused by our inadvertence in not noting that the filing deadline was for 5 p.m.

Manual (“EPM”) does not mandate it as an alternative voting method when there are accessible polling places. (Response at 17.) However, as Defendants concede, the EPM does provide that, in addition to curbside voting be available as an alternative method of voting where a polling place is inaccessible, curbside voting also *may* be provided as a reasonable accommodation at accessible polling places. *Id.* From Plaintiff’s perspective, there is nothing inconsistent with Plaintiff’s reasonable modification claims and the EPM because both provide for curbside voting as a provide reasonable modification to the voting process where necessary to ensure a person with a disability can vote. *See* 28 C.F.R. § 35.130(b)(7)(i).

The fact that the state EPM does not mandate curbside voting as a reasonable modification is not an obstacle to Plaintiff prevailing on the reasonable modification claims because state law cannot lawfully be applied to deny a person a federally-guaranteed right. *Ansley v. Banner Health Network*, 248 Ariz. 143, 151 ¶ 33 (2020) (state law that stands as an “obstacle to the achievement of a federal statute’s purpose” is preempted).; *see also id.* at 147 ¶ 11 (“Under the Supremacy Clause, federal statutes enacted pursuant to a power conferred by the Constitution preempt conflicting state laws.”) Any interpretation of the state EPM would operate to deny the fundamental and federally-guaranteed right to participate in the voting process to individuals with disabilities who cannot enter a Voting Center to cast an in-person vote on election day because of disability is inconsistent with federal law. *See e.g. Sak v. City of Aurelia, Iowa*, 832 F.Supp.2d 1026, 1047 (N.D. Iowa 2011) (“the national public interest in enforcement of the ADA ‘trumps’ the more local public interest in public health and safety reflected in the Ordinance prohibiting pit bull dogs within the City of Aurelia”).

“[W]hen Congress has passed antidiscrimination laws such as the ADA which require reasonable modifications to [] policies, it is incumbent upon the courts to insure [sic] that the mandate of federal law is achieved.” *Crowder v. Kitagwa*, 81 F.3d 1480, 1485 (9th Cir. 1996) (requiring reasonable modification of state’s quarantine laws for

services animals); *see also Smith v. City of Oakland*, 19-CV-05398-JST, 2020 WL 2517857 at *11 (N.D. Cal. Apr. 2, 2020), *citing Mary Jo C. v. N.Y. State & Local Retirement Sys.*, 707 F.3d 144, 163 (2d Cir. 2013) (“holding that ‘the ADA’s reasonable modification requirement contemplates modification to state laws, when necessary to effectuate Title II’s reasonable modification provision’); *see also id.* at 164 (citing similar rules in the Seventh and Tenth Circuits).

C. Providing Curbside Voting Will Not Result in a Fundamental Alteration to Defendants’ Voting Services.

Defendants produce a list of obstacles to providing curbside voting using the Express Vote tablet or a paper ballot at a voter’s car asserting that the reasonable modification is unreasonable on its face or results in a fundamental alternation. (Response at 18-20, 21-22.) However, it is Defendants’ responsibility, to show that the accommodations plaintiffs propose would be unreasonable to implement. *Disabled in Action v. Board of Elections in City of New York*, 752 F.3d 189, 202 (2nd Cir, 2014) (internal citations omitted). “[I]t is enough for the plaintiff to suggest the existence of a plausible accommodation, the costs of which, facially, do not clearly exceed its benefits,” and once this is done “the risk of nonpersuasion falls on the defendant.” *Henrietta D.*, 331 F.3d at 280. A “public entity has the burden of proving that compliance with this subpart would result in a ‘fundamental’ alteration.” *People First of Alabama v. Merrill*, 2020 WL 307824, at 21 (N.D. Ala. June 15, 2020) (citing *Hindel v. Husted*, 875 F.3d 344, 348 (6th Cir. 2017, referring to 28 C.F.R. § 35.164). Without evidence that the proposed modification is “unreasonable or incompatible” with the state’s program, a defendant cannot succeed in the affirmative defense. *Hindel*, 875 F.3d at 348. This inquiry entails assessing whether the proposed modification “would eliminate an essential aspect of the . . . program or simply inconvenience it, keeping in mind the basic purpose of the . . . program . . . and weighing the benefits to the plaintiff against the burdens on the defendant.” *Schaw v. Habitat for Humanity of Citrus County, Inc.*, 938 F.3d 1259, 1267

1 (11th Cir. 2019). For the reasons discussed below, Defendants' obstacles may be
2 overcome with solutions that are compatible with the County voting services.

3 Defendants claim that taking the Express Vote equipment to the voter's vehicle is
4 unreasonable on its face because the equipment is heavy and may result in damage to a
5 poll worker, vehicle or the Express Vote machine. (Response at 19-20). These perceived
6 obstacles may be minimized by purchasing a Dandux® ReadyVote® CurbExpress™ cart
7 to move the Express Vote equipment. The Dandux® ReadyVote® CurbExpress™ is the
8 functional answer to curbside voting that allows individuals who require voting
9 assistance, or who want to maintain proper social distancing to use the same ExpressVote
10 to cast their vote from the privacy of their vehicle. Declaration of Kevin Keene ("Keene
11 Decl."), attached as Exhibit A, at ¶ 2. The CurbExpress™ allows for easy movement by
12 a single poll worker from inside to an outside vehicle without lifting or carrying heavy
13 election equipment. Quickly positioned at the vehicle's driver, passenger or rear window
14 the CurbExpress™ eliminates the need for a voter to leave their vehicle. (Keene Decl. at
15 ¶ 3). Carts use two industrial-grade 14" wheels and two lockable swivel casters make
16 transporting on uneven surfaces like curbs, steps, gravel or grass possible with minimal
17 effort. (*Id.* at ¶ 3). Cantilever nesting design and soft front bumper guard minimize
18 potential vehicle damage. *Id.* These durable carts easily move over thresholds and up and
19 down stairs. (*Id.*). The Dandux® ReadyVote® CurbExpress™ sells for \$724 retail, plus
20 applicable taxes and shipping. *Id.* at ¶ 6. If Cochise County placed an order for 50 or
21 fewer ReadyVote® carts on or before Friday, October 23, 2020, we would be able to
22 deliver them in time for the November 3, 2020 election. *Id.* at ¶ 7. It may be possible to
23 ship carts to Cochise County, Arizona after that date, but it would likely cost more to
24 ensure that they would arrive in time to be used on election day. *Id.* at ¶ 7. Defendants
25 state that they do not have WIFI capability, an outside power source, or sufficient battery
26 life to use the Express Vote for curbside voting. However, the obstacles are technology
27 issues that can be overcome, such as providing outdoor power sources and creating hot
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spots, as do other counties who use Express Vote for this purpose. Nothing about finding power sources, creating hot spots or other ways to have better WIFI connections are incompatible with the County's voting services.

The most compelling evidence that providing paper ballots will not result in a fundamental alteration is that many similarly situated counties offer curbside voting. For example, curbside voting is available in Apache County, Gila County, Graham County, Greenlee County, La Paz County, Mohave County, Navajo County, Pinal County, and Santa Cruz County at all polling locations on election day. *See* Maura Hilser Declaration ("Hilser Decl."), attached as Exhibit B, at ¶¶ 2-10. Each of these counties, like Cochise County, are predominantly rural. Except for Pinal County, the other eight referenced counties, like Cochise County, use Express Vote equipment. *See* Arizona Secretary of State's 2020 Election Cycle Election Equipment List, available at https://azsos.gov/sites/default/files/2020_0709_Election_Cycle_Voting_Equipment.pdf (last visited October 21, 2020). Each of the nine listed counties use paper ballots for curbside voting, apart from Mohave County that brings a paper ballot or an Express Vote machine to the car based on voter preference. (Hilser Decl. at ¶¶ 2-10.) Several counties, like Cochise County, have voting centers where voters need not be assigned to vote. (Hilser Decl. at ¶¶ 3,4,7.) These counties arrange for paper ballots by using pre-printed ballots from a vendor that prints their mail-in ballots or by printing ballots from On Demand printers or a combination of these methods. (Hilser Decl. at ¶¶ 2-10.) Defendants state that they do not have the On Demand system to print ballots. For this election, pre-printed ballots could be obtained from the vendor providing the mail-in ballots when voters with disabilities, such as Plaintiff, provide advance notice of the request for reasonable accommodation of curbside voting including which voting center they intend to use to vote.

D. Bare-Bones Dispositions From State Agencies Have No Bearing on the Merits of This Case.

1 Contrary to Defendants' argument (Response at 17-18), the Arizona Attorney
2 General's Office's bare-bones dismissal notice of Plaintiff's voting discrimination charge
3 filed under A.R.S. § 41-1421 has no bearing on whether Plaintiff is likely to succeed on
4 the merits of the state and federal reasonable modification claims in her lawsuit.

5 First, the state attorney general's decision about whether Defendants violated
6 A.R.S. § 41-1421 is not dispositive of whether Defendants violated Title II of the ADA
7 and Section 504 of the Rehabilitation Act because federal agencies—not state agencies—
8 are charged with investigating complaints brought under these laws. *See e.g.* 42 U.S.C.
9 § 12188 (b)(1)(A) (charging U.S. Attorney General with investigating allegations of Title
10 II violations). The state attorney general's office does not process voting discrimination
11 complaints for the U.S. Attorney General's Office.

12 Second, neither exhaustion nor receipt of a reasonable cause determination from
13 the Arizona Attorney General's Office is a requisite to prevailing on the merits of a claim
14 for violations of A.R.S. § 41-1421. *See* A.R.S. § 14-1471(A) ("Any person, referred to as
15 the charging party, claiming to be aggrieved by an alleged discriminatory practice or
16 act . . . may . . . file with the division a verified charge in writing"); A.R.S. § 14-1471(B)
17 ("If, upon investigation, the division determines that no unlawful discriminatory practice
18 or act has occurred, the division shall notify the charging party and the respondent in
19 writing of this fact and the charging party may within thirty days thereafter file a
20 complaint with the superior court in the county where the alleged discriminatory practice
21 or act occurred.") As such, enforcement of the voting discrimination statute depends upon
22 active private and public enforcement of the statute and plaintiffs should not be penalized
23 for attempting to remedy discrimination through administrative means before resorting to
24 court.

25 Third, the dismissal notice is of little probative value as to the merits of Plaintiff's
26 underlying voting discrimination claim because it states a bare conclusion without
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findings of fact and conclusions of law.² The dismissal notice is a form that checks a box indicating the “evidence [was] not sufficient to establish violations of the statute and further investigation is unlikely to establish violations of the statute.” (Resp. at 18.) The dismissal notice is not accompanied by findings of fact or conclusions of law. In *Coleman v. Quaker Oats Co.*, 232 F.3d 1271, 1283–84 (9th Cir. 2000), affirming a grant of summary judgment in favor of the employer, the Ninth Circuit found little probative value in a letter from the U.S. Equal Employment Opportunity Commission that stated simply that “the Commission's investigation finds reasonable cause to believe that [Quaker] has violated the [ADEA] [and] further finds that employees over the age of 40, as a class, were laid of (sic) in violation of [ADEA].” See also *Cortes v. Maxus Exploration Co.*, 977 F.2d 195, 201–02 (5th Cir.1992); *Goldberg v. B. Green & Co., Inc.*, 836 F.2d 845, 848 (4th Cir.1988). As the Ninth Circuit concluded, “it is impossible from this letter to know what facts the EEOC considered and how it analyzed them.” *Coleman*, 232 F.3d at 1284. Here, as with the EEOC reasonable cause, the Attorney General’s Office does not provide any roadmap of the facts or analysis behind the dismissal. Nor did Plaintiff, as a charging party, have any control over what information was obtained or considered as part of the state’s investigation.³

² Under Arizona Administrative Code R10-3-306(I), the Attorney General’s dismissal notice must inform the charging party of “(1) a notice of right to request reconsideration of dismissal, (2) a copy of the [] finding of no reasonable cause, and (3) advice concerning his or her rights to proceed in court under the Act.” There is no requirement for the Division to issue findings of fact, except where they find reasonable cause to believe discrimination occurred. See A.A.C. R10-3-308.

³ While the Attorney General must investigate charges of voting discrimination, the office retains discretion about how it conducts its investigation and what information it seeks from the public entity. Compare A.A.C. R10-3-306 (A) (“After a charge is filed and found to be in proper order, the Division *shall* make an investigation of the charge.”) (emphasis added) with A.A.C. R10-3-306 (B)-(E) (reflecting that Attorney General *may* request position statement, interview witnesses, or issue interrogatories).

Although Defendants are correct that Plaintiff filed an administrative complaint under the Help America Vote Act (“HAVA”) that was not processed because of a procedural deficiency (Response at 17), Defendant is incorrect that it has any relevance to the merits of Plaintiff’s lawsuit. Plaintiff’s lawsuit does not include a HAVA claim. The deficiency was procedural, not substantive.

III. THE COURT SHOULD NOT REQUIRE A BOND.

Ms. Hoffard does not seek to enjoin a large real estate transaction or a halt factory’s production line. She merely seeks to exercise her right to vote in person on election day. Cochise County has many options to satisfy its statutory obligations. It is within the Court’s discretion to require no bond when, as here, “there is no realistic likelihood of harm to the defendant from enjoining its conduct.” *Jorgensen v. Cassiday*, 320 F.3d 906, 919 (9th Cir. 2003) (citation omitted).

Moreover, Ms. Hoffard, an individual with multiple disabilities, has retained the Arizona Center for Disability Law, a non-profit organization, to represent her. “The court has discretion to dispense with the security requirement . . . where requiring security would effectively deny access to judicial review.” *People of State of Cal. ex rel. Van De Kamp v. Tahoe Regional Planning Agency*, 766 F.2d 1319, 1325 (9th Cir. 1985).

CONCLUSION

For the foregoing reasons, Plaintiff Kathleen Hoffard respectfully requests that this Court issue a preliminary injunction, enjoining Defendants from implementing their blanket ban on curbside voting as set forth in the Proposed Order.

DATED this 21st day of October, 2020.

ARIZONA CENTER FOR DISABILITY LAW

/s/ Rose Daly-Rooney

Rose Daly-Rooney

Maya Abela

Tamaraingsey In

Meaghan Kramer

Attorneys for Plaintiff Kathleen Hoffard

CERTIFICATE OF SERVICE

I hereby certify that on October 21, 2020, I electronically transmitted the above document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

COCHISE COUNTY ATTORNEY
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*Attorney for Cochise County, and Lisa Marra, in her
official capacity as Cochise County Elections Director*

By: /s/ Christina Gutierrez

EXHIBIT A

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Defendants.

Case Number: 4:20-cv-00243-SHR

DECLARATION OF KEVIN K. KEENE

(Assigned to the Hon. Scott H. Rash)

I, KEVIN K. KEENE, DECLARE:

1. I am currently employed by C.R. Daniels, Inc. At C.R. Daniels, we manufacture and sell, among other things, a cart specifically designed to allow the ExpressVote Universal Voting System to be safely transported to a voter's car so they can cast their vote curbside on election day. I formerly served as the Elections Director for Hartford County, Maryland. I am over the age of 18, and if called as a witness, I could and would testify competently to the facts stated herein, all of which are within my personal knowledge.

2. The Dandux® ReadyVote® CurbExpress™ is the functional answer to curbside voting that allows individuals who require voting assistance, or who want to maintain proper social distancing to use the same ExpressVote to cast their vote from the privacy of

1 their vehicle. The CurbExpress™ allows for easy movement by a single poll worker from
2 inside to an outside vehicle without lifting or carrying heavy election equipment. Quickly
3 positioned at the vehicle's driver, passenger or rear window the CurbExpress™ eliminates
4 the need for a voter to leave their vehicle.

5 3. ReadyVote® carts are constructed of welded structural steel tubing components
6 which are fabricated and assembled in the USA. Components are powder coated before
7 final assembly to provide corrosion resistance. All hardware used in the assembly has a
8 rust-resistant finish. Carts use two industrial-grade 14" wheels and two lockable swivel
9 casters make transporting on uneven surfaces like curbs, steps, gravel or grass possible
10 with minimal effort. Cantilever nesting design and soft front bumper guard minimize
11 potential vehicle damage. These durable carts easily move over thresholds and up and
12 down stairs.

13 4. The CurbExpress™ provides permanent ExpressVote installation with four screws
14 while still allowing access for maintenance, onsite repairs, and setting the election. The
15 CurbExpress™ can be set for screen heights from 45" to 51". Unique to the CurbExpress™
16 design is it's nesting feature with allows additional carts to be nested and stored in only 14
17 inches of space.

18 5. ReadyVote® carts are configurable to meet specific precinct needs. Common
19 components are utilized so that field upgrades or reconfiguration is possible thus
20 maximizing the value of the investment. Available with optional privacy sun cover, and /
21 or a combo cover for rain, transport and storage protection.

22 6. Dandux® ReadyVote® CurbExpress™ sells for \$724 retail, plus applicable taxes
23 and shipping.

24 7. If Cochise County placed an order for 50 or fewer ReadyVote® carts on or before
25 Friday, October 23, 2020, we would be able to deliver them in time for the November 3,
26 2020 election. It may be possible to ship carts to Cochise County, Arizona after that date,
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1 but it would likely cost more to ensure that they would arrive in time to be used on election
2 day.

3 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing
4 is true and correct.

5 Executed on October 21, 2020, in Elliot City, Maryland.

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9 _____
Kevin Keene

EXHIBIT B

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**IN THE UNITED STATES DISTRICT COURT
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Defendants.

Case Number: 4:20-cv-00243-SHR

DECLARATION OF MAURA HILSER

(Assigned to the Hon. Scott H. Rash)

I, MAURA HILSER, DECLARE:

1. I am a law school graduate awaiting admission to practice in Arizona. I am an Arizona Initiative for Public Service Law Fellow at the Arizona Center for Disability Law. I am over the age of 18, and if called as a witness, I could and would testify competently to the facts stated herein, all of which are within my personal knowledge.

2. On October 21, 2020, I contacted Geneva LNU, Voter Registration Specialist for Apache County, and she made the following representations to me: Curbside voting is available at all Apache County polling locations for both early voters and election day voters. There are marshals outside of the polling places or doorbells that voters can ring for

1 assistance. A paper ballot is printed using a Ballot on Demand printer and brought to the
2 voter in their car after check-in.

3 3. On October 21, 2020, I contacted Patty Hanson, County recorder for Coconino
4 County, and she made the following representations to me: Curbside voting is available at
5 all voting locations, on election day and during early voting, to any voters who request
6 curbside voting. Pre-printed ballots are available at the polling sites and voters can fill out
7 the paper ballot in the car. Voters can also request to vote on a touch screen Election
8 Systems and Software (ES&S) machine, which is easily transported to a car window and
9 prints a paper ballot.

10 4. On October 21, 2020, I contacted Alfonso Alvarez, Elections Specialist for Gila
11 County, and he made the following representations to me: Curbside voting is available at
12 all polling locations in Gila County for both early voters and election day voters. Some
13 larger locations use bells and marshals to assist curbside voters. At polling places, paper
14 ballots are pre-printed by a vendor. If the voter is at a voting center, ballots are printed
15 using a Ballot on Demand printer. Voters are not assigned polling places and can go to
16 whichever location is most convenient.

17 5. On October 21, 2020, I contacted Hannah Duderstadt, Elections Director for
18 Graham County, and she made the following representations to me: Curbside voting is
19 available at all polling locations for both early voters and election day voters in Graham
20 County. Six voting centers use a Ballot on Demand printer to print paper ballots for
21 curbside voting. Three locations use live ballots. Any voters can vote at any voting center,
22 and voters are not assigned to specific locations.

23 6. On October 21, 2020, I contacted Nicole Estrada, Administrative Assistant for
24 Greenlee County, and she made the following representations to me: Curbside voting is
25 offered at all three Greenlee County polling locations on election day only by paper ballot.
26 There is a sign at the location and a doorbell for voters to ring to alert voting staff. Paper
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1 ballots are pre-printed by a vendor. Each voter is assigned a location within their district,
2 but some ballots are available at each location.

3 7. On October 21, 2020, I contacted Kimi LNU in the Elections Department in La Paz
4 County and she made the following representations to me: Curbside voting is an option for
5 all voters in La Paz County. Paper ballots are already printed by the same vendor that is
6 used for mail-in ballots. There is one Ballot on Demand printer in the office that could be
7 used to print a ballot on election day which could then be brought to a polling location.

8 8. On October 21, 2020, I contacted Steve Harris, Elections Director for Mohave
9 County, and he made the following representations to me: Curbside voting in Mohave
10 County is available using an Express Vote machine. The Express Vote is shared with voters
11 inside the polling location, but curbside voters have priority. Curbside voters can also elect
12 to vote by paper ballot. Paper ballots are pre-printed by a vendor and voters using this
13 option must vote in their precinct.

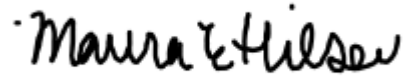
14 9. On October 21, 2020, I contacted Kristin LNU, Elections Coordinator for Navajo
15 County, and she made the following representations to me: Curbside voting is offered on
16 election day as a drive-thru voting option for Navajo County voters. Curbside voters use
17 paper ballots, which are pre-printed by a vendor. An extra staff member has been added
18 specifically this year, because of COVID-19, to watch for people who want to use this
19 option.

20 10. On October 21, 2020, I contacted Stephanie Cooper, Elections Supervisor for Pinal
21 County, and she made the following representations to me: Curbside voting is an option at
22 all Pinal County voting locations. The paper ballots are pre-printed by a vendor and voters
23 must vote at their assigned locations.

24 11. On October 21, 2020, I contacted Jeannette Martinez, Assistant to the Elections
25 Director for Santa Cruz County, and she made the following representations to me:
26 Curbside voting is available at all voting locations in Santa Cruz County to any voter who
27 requests to vote curbside. Paper ballots are printed using a Ballot on Demand printer.

1 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing
2 is true and correct.

3 Executed on October 21, 2020, in Tucson, Arizona.

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7 Maura Hilser
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