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17 **UNITED STATES DISTRICT COURT**
18 **DISTRICT OF ARIZONA**

20 Voto Latino Foundation, Priorities USA, and
21 Shelby Aguallo

22 Plaintiffs,

23 v.

24 Katie Hobbs, in her official capacity as
Arizona Secretary of State,

25 Defendant.
26

No. 2:19-cv-05685-DWL

**DECLARATION OF JOHN
DEVANEY IN SUPPORT OF
PLAINTIFFS' SUPPLEMENTAL
MEMORANDUM OF POINTS
AND AUTHORITIES RELATED
TO COVID-19 IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

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1 Pursuant to 20 U.S.C. § 1746, I, John Devaney, declare as follows:

2 1. My name is John Devaney. I am an attorney with the law firm of Perkins Coie
3 LLP, and I am counsel for Plaintiffs in the above-captioned matter. I make this declaration
4 in support of Plaintiffs' Supplemental Memorandum in Support of their Motion for
5 Preliminary Injunction.

6 2. Attached hereto as **Exhibit 1** is a true and correct copy of the supplemental
7 expert report from Dr. Stephen Ansolabehere of Harvard University.

8 3. Attached hereto as **Exhibit 2** is a true and correct copy of the Arizona
9 Department of Health's website, which is publicly available at:
10 [https://www.azdhs.gov/preparedness/epidemiology-disease-control/infectious-disease-](https://www.azdhs.gov/preparedness/epidemiology-disease-control/infectious-disease-epidemiology/index.php#novel-coronavirus-home)
11 [epidemiology/index.php#novel-coronavirus-home](https://www.azdhs.gov/preparedness/epidemiology-disease-control/infectious-disease-epidemiology/index.php#novel-coronavirus-home).

12 4. Attached hereto as **Exhibit 3** is a true and correct copy of an article entitled,
13 "U.S. Virus Plan Anticipates 18-Month Pandemic and Widespread Shortages." The article
14 was published by the New York Times on March 17, 2020 and is publicly available at:
15 [https://www.nytimes.com/2020/03/17/us/politics/trump-coronavirus-](https://www.nytimes.com/2020/03/17/us/politics/trump-coronavirus-plan.html?referringSource=articleShare)
16 [plan.html?referringSource=articleShare](https://www.nytimes.com/2020/03/17/us/politics/trump-coronavirus-plan.html?referringSource=articleShare).

17 5. Attached hereto as **Exhibit 4** is a true and correct copy of a report from
18 scientists at the Imperial College COVID-19 Response Team. The report was published on
19 March 16, 2020, and is publicly available at: [https://www.imperial.ac.uk/media/imperial-](https://www.imperial.ac.uk/media/imperial-college/medicine/sph/ide/gida-fellowships/Imperial-College-COVID19-NPI-modelling-16-03-2020.pdf)
20 [college/medicine/sph/ide/gida-fellowships/Imperial-College-COVID19-NPI-modelling-](https://www.imperial.ac.uk/media/imperial-college/medicine/sph/ide/gida-fellowships/Imperial-College-COVID19-NPI-modelling-16-03-2020.pdf)
21 [16-03-2020.pdf](https://www.imperial.ac.uk/media/imperial-college/medicine/sph/ide/gida-fellowships/Imperial-College-COVID19-NPI-modelling-16-03-2020.pdf).

22 6. Attached hereto as **Exhibit 5** is a true and correct copy of Governor Ducey's
23 March 11, 2020 Declaration of Emergency, which is publicly available at:
24 https://azgovernor.gov/sites/default/files/declaraton_0.pdf.

25 7. Attached hereto as **Exhibit 6** is a true and correct copy of a news release
26 entitled, "Governor Ducey Announces Latest COVID-19 Actions." The release was
27 published by from the Office of Governor Doug Ducey on March 19, 2020 and is publicly
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1 available at: [https://azgovernor.gov/governor/news/2020/03/governor-ducey-announces-](https://azgovernor.gov/governor/news/2020/03/governor-ducey-announces-latest-covid-19-actions)
2 latest-covid-19-actions.

3 8. Attached hereto as **Exhibit 7** is a true and correct copy of the March 30, 2020
4 Executive Order 2020-18 from Governor Ducey, ordering Arizona residents to stay at
5 home, which is publicly available at:
6 [https://www.azdhs.gov/documents/preparedness/epidemiology-disease-control/infectious-](https://www.azdhs.gov/documents/preparedness/epidemiology-disease-control/infectious-disease-epidemiology/novel-coronavirus/eo-stay-home-stay-healthy-stay-connected.pdf)
7 disease-epidemiology/novel-coronavirus/eo-stay-home-stay-healthy-stay-connected.pdf.

8 9. Attached hereto as **Exhibit 8** is a true and correct copy of a news release
9 entitled, “Governor Ducey, Superintendent Hoffman Announce Extension of School
10 Closure Through End of School Year.” The news release was published by the Office of
11 Governor Doug Ducey on March 30, 2020 and is publicly available at:
12 [https://azgovernor.gov/governor/news/2020/03/governor-ducey-superintendent-hoffman-](https://azgovernor.gov/governor/news/2020/03/governor-ducey-superintendent-hoffman-announce-extension-school-closures)
13 announce-extension-school-closures.

14 10. Attached hereto as **Exhibit 9** is a true and correct copy of the March 29, 2020
15 Public Health Emergency Order No. 2020-004 from the Navajo Nation Department of
16 Health, which is publicly available at: [https://www.navajo-](https://www.navajonnsn.gov/News%20Releases/NNDOH/2020/March/NDOH%20Public%20Health%20Emergency%20Order%202020-004%20Dikos%20Ntsaaigii-19.pdf)
17 nsn.gov/News%20Releases/NNDOH/2020/March/NDOH%20Public%20Health%20Emer
18 gency%20Order%202020-004%20Dikos%20Ntsaaigii-19.pdf.

19 11. Attached hereto as **Exhibit 10** is a true and correct copy of an except from a
20 website from the University of Arizona reporting on demographics of the Navajo Nation,
21 which is publicly available at:
22 http://nptao.arizona.edu/sites/nptao/files/navajo_nation_2016_community_profile.pdf.

23 12. Attached hereto as **Exhibit 11** is a true and correct copy of an article entitled
24 “Gov. Ducey says coronavirus will get worse in Arizona before it gets better.” The article
25 was published by KTAR News on March 24, 2020 and is publicly available at
26 [https://ktar.com/story/3041555/gov-ducey-says-coronavirus-will-get-worse-in-arizona-](https://ktar.com/story/3041555/gov-ducey-says-coronavirus-will-get-worse-in-arizona-before-it-gets-better/)
27 before-it-gets-better/.

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1 13. Attached hereto as **Exhibit 12** is a true and correct copy of a transcript from
2 The White House, *Remarks by President Trump and Members of the Coronavirus Task*
3 *Force in a Press Briefing*, issued on March 30, 2020. It is publicly available at:
4 [https://www.whitehouse.gov/briefings-statements/remarks-president-trump-members-](https://www.whitehouse.gov/briefings-statements/remarks-president-trump-members-coronavirus-task-force-press-briefing/)
5 [coronavirus-task-force-press-briefing/](https://www.whitehouse.gov/briefings-statements/remarks-president-trump-members-coronavirus-task-force-press-briefing/).

6 14. Attached hereto as **Exhibit 13** is a true and correct copy of a transcript from
7 the CDC Media Telebriefing: Update on COVID-19 on March 10, 2020, that is publicly
8 available at: <https://www.cdc.gov/media/releases/2020/t0309-covid-19-update.html>.

9 15. Attached hereto as **Exhibit 14** is a true and correct copy of a publication
10 entitled “Implementation of Mitigation Strategies for Communities with Local COVID-19
11 Transmission,” which was published by the Centers for Disease Control and Prevention and
12 which is publicly available at [https://www.cdc.gov/coronavirus/2019-](https://www.cdc.gov/coronavirus/2019-ncov/downloads/community-mitigation-strategy.pdf)
13 [ncov/downloads/community-mitigation-strategy.pdf](https://www.cdc.gov/coronavirus/2019-ncov/downloads/community-mitigation-strategy.pdf).

14 16. Attached hereto as **Exhibit 15** is a true and correct copy of an article entitled
15 “What is Herd Immunity and Can it Stop the Coronavirus?” The article was published by
16 the MIT Technology Review on March 17, 2020 and is publicly available at:
17 [https://www.technologyreview.com/2020/03/17/905244/what-is-herd-immunity-and-can-](https://www.technologyreview.com/2020/03/17/905244/what-is-herd-immunity-and-can-it-stop-the-coronavirus/)
18 [it-stop-the-coronavirus/](https://www.technologyreview.com/2020/03/17/905244/what-is-herd-immunity-and-can-it-stop-the-coronavirus/).

19 17. Attached hereto as **Exhibit 16** is a true and correct copy of a March 18, 2020
20 letter sent from Secretary of State Hobbs to Senate President Karen Fann, Democratic
21 Leader David Bradley, House Speaker Rusty Bowers, and Democratic Leader Charlene
22 Fernandez of the Arizona State Legislature.

23 18. Attached hereto as **Exhibit 17** is a true and correct copy of guidance from the
24 Centers for Disease Control and Prevention’s website entitled “Recommendations for
25 Election Polling Locations: Interim guidance to prevent spread of coronavirus disease 2019
26 (COVID-19),” which is publicly available at: [https://www.cdc.gov/coronavirus/2019-](https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html)
27 [ncov/community/election-polling-locations.html](https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html).

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1 19. Attached hereto as **Exhibit 18** is a true and correct copy of an article entitled
2 “Senate includes \$400M for mail-in voting in coronavirus spending deal.” The article was
3 published by The Hill on March 25, 2020 and is publicly available at:
4 [https://thehill.com/policy/cybersecurity/489435-senate-includes-400-million-for-mail-in-](https://thehill.com/policy/cybersecurity/489435-senate-includes-400-million-for-mail-in-voting-in-coronavirus-spending)
5 [voting-in-coronavirus-spending](https://thehill.com/policy/cybersecurity/489435-senate-includes-400-million-for-mail-in-voting-in-coronavirus-spending).

6 20. Attached hereto as **Exhibit 19** is a true and correct copy of an article entitled
7 “15 States Have Postponed Their Primaries Because of Coronavirus. Here’s a List.” The
8 article was published by the New York Times on April 1, 2020 and is publicly available at:
9 <https://www.nytimes.com/article/2020-campaign-primary-calendar-coronavirus.html>.

10 21. Attached hereto as **Exhibit 20** is a true and correct copy of an article entitled
11 “Voting in Wisconsin During a Pandemic: Lines, Masks and Plenty of Fear.” The article
12 was published by the New York Times on April 7, 2020 and is publicly available at:
13 <https://www.nytimes.com/2020/04/07/us/politics/wisconsin-election-coronavirus.html>.

14 22. Attached hereto as **Exhibit 21** is a true and correct copy of a press release
15 entitled, “Absentee Ballot Requests for April 7 Exceed 1 million - COVID 19.” The press
16 release was issued by the Wisconsin Elections Commission on April 1, 2020 and is publicly
17 available at: <https://elections.wi.gov/node/6802>.

18 23. Attached hereto as **Exhibit 22** is a true and correct copy of screenshots from
19 the official social media accounts from Gila County, Navajo County, and Yuma County.

20 24. Attached hereto as **Exhibit 23** is a true and correct copy of screenshots from
21 the official social media account of Coconino County.

22 25. Attached hereto as **Exhibit 24** is a true and correct copy an excerpt of a post
23 published by the Pinal County Government on the website NextDoor, which is available at:
24 [https://nextdoor.com/agency-detail/az/pinal-county/pinal-county-](https://nextdoor.com/agency-detail/az/pinal-county/pinal-county-government/?fbclid=IwAR3IFxGyMQpWm-kZ_0nhR6jE5vR6N7tgGM8gHJ4IskcDyN3e6LvtY8wIa84)
25 [government/?fbclid=IwAR3IFxGyMQpWm-](https://nextdoor.com/agency-detail/az/pinal-county/pinal-county-government/?fbclid=IwAR3IFxGyMQpWm-kZ_0nhR6jE5vR6N7tgGM8gHJ4IskcDyN3e6LvtY8wIa84)
26 [kZ_0nhR6jE5vR6N7tgGM8gHJ4IskcDyN3e6LvtY8wIa84](https://nextdoor.com/agency-detail/az/pinal-county/pinal-county-government/?fbclid=IwAR3IFxGyMQpWm-kZ_0nhR6jE5vR6N7tgGM8gHJ4IskcDyN3e6LvtY8wIa84).

27 26. Attached hereto as **Exhibit 25** is a true and correct copy an article entitled,
28 “Court stops County Recorder from sending ballots to all voters for Tuesday election.” The

1 article was published by the Arizona Capital Times on March 13, 2020 and is publicly
2 available at: <https://azcapitoltimes.com/news/2020/03/13/court-stops-county-recorder->
3 [from-sending-ballots-to-all-voters-for-tuesday-election/](https://azcapitoltimes.com/news/2020/03/13/court-stops-county-recorder-from-sending-ballots-to-all-voters-for-tuesday-election/).

4 27. Attached hereto as **Exhibit 26** is a true and correct copy of an article entitled,
5 “Uproar over mailing of primary ballots in Maricopa County due to coronavirus pandemic.”
6 The article was published by the Associated Press on March 13, 2020 and is publicly
7 available at: <https://www.fox10phoenix.com/news/uproar-over-mailing-of-primary->
8 [ballots-in-maricopa-county-due-to-coronavirus-pandemic](https://www.fox10phoenix.com/news/uproar-over-mailing-of-primary-ballots-in-maricopa-county-due-to-coronavirus-pandemic).

9 28. Attached hereto as **Exhibit 27** is a true and correct copy of an article entitled
10 “Election Officials Plan Mail-Only Primary Election, no in-person voting amid coronavirus
11 fears.” The article was published by The Nevada Independent on March 24, 2020 and is
12 publicly available at: <https://thenevadaindependent.com/article/election-officials-plan->
13 [mail-only-primary-election-no-in-person-voting-amid-coronavirus-fears](https://thenevadaindependent.com/article/election-officials-plan-mail-only-primary-election-no-in-person-voting-amid-coronavirus-fears).

14 29. Attached hereto as **Exhibit 28** is a true and correct copy of an article entitled
15 “Georgia to mail absentee ballot request form to all active voters.” The article was published
16 by The Atlanta Journal-Constitution on March 24, 2020 and is publicly available at:
17 <https://www.ajc.com/news/state--regional-govt--politics/georgia-mail-absentee-ballot->
18 [request-forms-all-active-voters/s1ZcJ57g8qqIwyG6LNWfIM/](https://www.ajc.com/news/state--regional-govt--politics/georgia-mail-absentee-ballot-request-forms-all-active-voters/s1ZcJ57g8qqIwyG6LNWfIM/).

19 30. Attached hereto as **Exhibit 29** is a true and correct copy of an article entitled,
20 “13 Presidential Primaries Have Now Been Delayed Over the Coronavirus.” The article was
21 published by Five Thirty Eight on March 25, 2020, and is publicly available at:
22 <https://fivethirtyeight.com/features/13-presidential-primaries-have-now-been-delayed->
23 [over-the-coronavirus/](https://fivethirtyeight.com/features/13-presidential-primaries-have-now-been-delayed-over-the-coronavirus/).

24 31. Attached hereto as **Exhibit 30** is a true and correct copy of an article entitled,
25 “Tony Evers calls for all voters to get ballots by mail as two clerks are warned their advice
26 to absentee voters may be illegal.” The article was published by the Milwaukee Journal
27 Sentinel on March 27, 2020 and is publicly available at:
28

1 [https://www.jsonline.com/story/news/politics/elections/2020/03/27/coronavirus-](https://www.jsonline.com/story/news/politics/elections/2020/03/27/coronavirus-wisconsin-tyler-groves-calls-mail-election/2925766001/)
2 [wisconsin-tyler-groves-calls-mail-election/2925766001/](https://www.jsonline.com/story/news/politics/elections/2020/03/27/coronavirus-wisconsin-tyler-groves-calls-mail-election/2925766001/).

3 32. Attached hereto as **Exhibit 31** is a true and correct copy of a press release
4 entitled, “Secretary Condos Announces Election Law Changes to Address the COVID-19
5 Pandemic.” The press release was issued by the Vermont Secretary of State on March 30,
6 2020 and is publicly available at: [https://sos.vermont.gov/secretary-s-](https://sos.vermont.gov/secretary-s-desk/commentary/secretary-condos-announces-election-law-changes-to-address-the-covid-19-pandemic/)
7 [desk/commentary/secretary-condos-announces-election-law-changes-to-address-the-](https://sos.vermont.gov/secretary-s-desk/commentary/secretary-condos-announces-election-law-changes-to-address-the-covid-19-pandemic/)
8 [covid-19-pandemic/](https://sos.vermont.gov/secretary-s-desk/commentary/secretary-condos-announces-election-law-changes-to-address-the-covid-19-pandemic/).

9 33. Attached hereto as **Exhibit 32** is a true and correct copy of a letter from the
10 North Carolina State Board of Elections to the North Carolina Governor and Legislature on
11 March 26, 2020 regarding “Recommendations to Address Election-Related Issues Affected
12 by COVID-19.”

13 34. Attached hereto as **Exhibit 33** is a true and correct copy of an article entitled,
14 “As Coronavirus Delays Primary Season, States Weigh Expanding Absentee Voting.” The
15 article was published by NPR on March 24, 2020 and is publicly available at:
16 [https://www.npr.org/2020/03/24/820232540/as-coronavirus-delays-primary-season-states-](https://www.npr.org/2020/03/24/820232540/as-coronavirus-delays-primary-season-states-weigh-expanding-absentee-voting)
17 [weigh-expanding-absentee-voting](https://www.npr.org/2020/03/24/820232540/as-coronavirus-delays-primary-season-states-weigh-expanding-absentee-voting).

18 35. Attached hereto as **Exhibit 34** is a true and correct copy of an article entitled,
19 “Long lines reported at poll locations in Texas, California.” The article was published by
20 USA Today on March 4, 2020 and is publicly available at: [https://www.msn.com/en-](https://www.msn.com/en-us/news/elections-2020/long-lines-reported-at-poll-locations-in-texas-california/ar-BB10I4G8)
21 [us/news/elections-2020/long-lines-reported-at-poll-locations-in-texas-california/ar-](https://www.msn.com/en-us/news/elections-2020/long-lines-reported-at-poll-locations-in-texas-california/ar-BB10I4G8)
22 [BB10I4G8](https://www.msn.com/en-us/news/elections-2020/long-lines-reported-at-poll-locations-in-texas-california/ar-BB10I4G8).

23 36. Attached hereto as **Exhibit 35** is a true and correct copy of the letter from
24 Senators Ron Johnson and Tammy Baldwin to the Inspector General of the United States
25 Postal Service, dated April 9, 2020.


26 37. Attached hereto as **Exhibit 36** is a true and correct copy of an article entitled,
27 “House panel warns coronavirus could destroy Postal Service by June.” The article was
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1 published by Politico on March 23, 2020 and is publicly available at:
2 <https://www.politico.com/news/2020/03/23/coronavirus-postal-service-june-145683>.

3 38. Attached hereto as **Exhibit 37** is a true and correct copy of a report entitled,
4 “Area Mail Processing Consolidations.” The report was published by the Office of Inspector
5 General of the United States Postal Service on June 5, 2015 and is publicly available at:
6 <https://www.uspsoig.gov/sites/default/files/document-library-files/2015/no-ar-15-007.pdf>.

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

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9 DATED: April 14, 2020

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12 By: 
13 John Devaney

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CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2020, I electronically transmitted the attached document to the Clerk’s Office using the CM/ECF System for filing.

s/ Michelle DePass