

my personal knowledge and review of records maintained in the normal course of business by the Office.

2. My current duties include supervising all election administration duties of the Office. These duties include administering the Minnesota presidential nomination primary process, including receiving the choices of major-party chairs as to the appearance of the ballot, if any, that will be presented to voters on their behalf at the presidential nomination primary to be held on March 5, 2024, as well as associated issues of ballot formatting, creation, distribution, and absentee balloting, in compliance with Minnesota law.

3. As a result of my position, I am familiar with the steps entailed in determining the presidential nomination primary ballot for each major party, preparing ballots, and distributing absentee ballots.

4. State law requires that the chair of each participating major party “submit to the secretary of state the names of the candidates to appear on the ballot for that party no later than 63 days before the presidential nomination primary.” Minn. Stat. § 207A.13, subd. 2(a) (2022). The Office will then certify candidate and ballot information to county auditors and election administrators at the close of business on January 2, 2024. This deadline provides just over two weeks for Minnesota counties to prepare ballots, program equipment, and ensure all necessary steps have been taken to allow for the start of absentee voting.

5. Per state law, absentee voting must begin no later than 46 days before the presidential nomination primary. In 2024, this deadline falls on Friday, January 19. As of

that date, ballots must be available for voting in person at county auditors' offices and must be mailed to voters whose absentee ballot applications were received on or before that date. Assistive voting equipment must also be programmed before that date so that it is available in county auditors' offices for use by voters with disabilities who are voting in-person absentee. Starting in 2024, Minnesota law also requires all counties to translate sample ballots into the three most commonly spoken non-English languages in Minnesota, as well as other languages if the statutory threshold is met. *See* 2023 Minn. Laws, Ch. 34, Art. 2 § 1.

6. Ballots for the presidential nomination primary are prepared by the county auditors of the 87 Minnesota counties. Each county has its own contracts and agreements with its ballot printing and programming vendor. Because the Office is not privy to the terms of those contracts and agreements, I cannot predict with certainty the latest date by which an order must be issued to enable all counties to complete any necessary printing and programming by the January 19, 2024 statutory deadline.

7. It is my understanding, however, that most counties in Minnesota will use the same vendor. It would therefore be impossible, in practical terms, for all 87 counties in the state to print and program their ballots within the span of a few days. As a result, if changes are made to ballots days or weeks into the preparation process, local election officials will be required to administer the destruction, redesign, and reprinting of millions of election ballots statewide. The automated voting systems that count voters' ballots and provide assistance to voters with disabilities will require extensive reprogramming and testing before voting can continue with a new statewide ballot. These tasks will require at

least two weeks of work for local election officials and their ballot vendors. The costs imposed will total many thousands of dollars.

8. If changes to the ballot are made days before the January 19 deadline, it is unlikely that Minnesota's county auditors could complete the work of formatting, programming, printing, and shipping absentee ballots by January 19.

9. The voting rights of Minnesota voters living abroad and serving in the military would also be at particular risk if ballot printing is delayed. The 46-day absentee balloting period exists as a result of the Military and Overseas Voter Empowerment (MOVE) Act, a federal statute passed in 2009 that is designed to facilitate voting by Americans serving and/or living abroad. The brevity of a 46-day absentee balloting period is a challenge for these voters, many of whom must rely on foreign post offices to transmit their ballots to election officials in Minnesota. In 2022, 3,105 Minnesotans serving or living abroad cast absentee ballots in the November general election. Of that number, 316 voters' ballots were rejected; 295 of those rejected ballots were rejected because they were not received by Election Day, as state law requires. In the current election, if local election officials are not able to send ballots to overseas voters by January 19 as required by federal law, it is likely that a larger proportion of these voters will be prevented from casting timely absentee ballots.

10. A representative of the vendor who supports voting equipment to the majority of the state's 87 counties told a member of the Secretary's staff that, in order to meet a statutory deadline for the start of absentee voting, the vendor would ideally need to receive a finalized list of candidates for the presidential nomination primary by the close

of business seventeen calendar days before the deadline, but no later than 15 days before the deadline.

11. While I believe that Minnesota counties and their vendors are capable of completing these tasks in slightly less time than this under exigent circumstances, the practicalities of formatting, programming, printing, and shipping 87 counties' ballots are such that the process cannot realistically be completed in much less time than the seventeen calendar days that the predominant ballot vendor has requested.

12. For these reasons, I believe that Minnesota election officials need the Office of Secretary of State to receive a final decision in this lawsuit no later than January 5, 2024, so that the Office can provide county auditors and their ballot vendors with a final list of candidates for the nomination primary by the close of business on that day. If the decision is rendered too late for the Office to provide the list by that time, based on my decades of election-administration experience, I am concerned that counties and their vendors will not be able to provide ballots and to program assistive voting equipment in time for the opening of early voting in the presidential nomination primary on January 19.

13. I declare under penalty of perjury that everything I have stated in this declaration is true and correct.

FURTHER THE DECLARANT SAYETH NAUGHT.

Dated: September 27, 2023

s/**David Maeda**
DAVID MAEDA