

Darcy M. Goddard, Legal Director (13426)
**AMERICAN CIVIL LIBERTIES UNION
OF UTAH FOUNDATION, INC.**
355 North 300 West
Salt Lake City, Utah 84103
Telephone: 801.521.9862

Chad R. Derum (9452)
**MANNING CURTIS BRADSHAW &
BEDNAR**
170 South Main Street
Salt Lake City, UT 84101
Telephone: 801.363.5678

David C. Reymann (8495)
PARR BROWN GEE & LOVELESS
185 South State Street, Suite 800
Salt Lake City, UT 84111
Telephone: 801.532.7840

Attorneys for Petitioners

IN THE UTAH SUPREME COURT

NANCY LORD, JANALEE S. TOBIAS,
and MADISON M. HUNT,

Petitioners,

vs.

GREGG BELL, in his official capacity as
Lieutenant Governor of the State of Utah;
and JOHN DOES 1-10,

Respondents.

Case No. _____

**DECLARATION OF JANALEE S.
TOBIAS**

I, JANALEE S. TOBIAS, hereby declare as follows:

1. I am over twenty-one years of age, a Utah resident, and a registered Utah voter. I am a named Petitioner in the above-captioned action.

2. I am one of the sponsors of the referendum petition on HB 477 and of the initiative petition regarding SB 165. Both petitions are currently in the signature-gathering phase.

3. I am actively involved in gathering signatures for the HB 477 referendum petition. In connection with these efforts, I would like to gather signatures electronically to ensure that Utah voters who do not have an opportunity to sign the petition in person will have a chance to participate in the referendum and have their voices heard.

4. If I were permitted to gather signatures electronically, I would do so with an existing system designed to verify the authenticity of signatures gathered and the identity of the signers. This system would allow Utah voters who are out-of-state to sign the referendum petition. The use of this system would be at the expense of the sponsors and supporters of the referendum, not the State.

5. When my co-sponsors and I submitted our referendum application for HB 477, we requested that the Lieutenant Governor allow us to gather signatures electronically, and requested that he provide us with referendum packets that could be circulated electronically. The Lieutenant Governor refused to do so in a letter dated March 14, 2011, addressed to one of my co-sponsors, Steven Maxfield.

6. The Lieutenant Governor's refusal to accept signatures gathered electronically severely undermines our ability as petition sponsors to gather the requisite number of signatures to certify the referendum. This is due in part to the significant increase in statewide signatures required enacted by the 2011 Legislature, the extremely

short time-frame afforded by law to gather such a large number of signatures, and the inherent inefficiencies in printing, copying, and using paper to gather every signature.

7. In addition, the referendum sponsors have been forced to choose whether to allocate severely limited resources towards the gathering of signatures electronically, which may ultimately be invalidated, or the arduous process of gathering every signature holographically.

8. As a result, the Legislature's prohibition of the use of signatures gathered electronically, and the Lieutenant Governor's refusal to accept and facilitate such signatures for the referendum petition on HB 477, is having an immediate and detrimental impact on the ongoing efforts of the referendum sponsors to gather the requisite number of signatures.

I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

EXECUTED this 23rd day of March 2011.


JANALEE S. TOBIAS