

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

_____	x
	)
AMERICAN ASSOCIATION OF PEOPLE	)
WITH DISABILITIES, FEDERATION OF	)
WOMEN’S CLUBS OVERSEAS, INC., NEW	)
MEXICO PUBLIC INTEREST RESEARCH	)
GROUP EDUCATION FUND, and	)
SOUTHWEST ORGANIZING PROJECT,	)
	)
Plaintiffs,	)
	)
v.	)
	)
	)
MARY HERRERA, in her capacity as	)
Secretary of State,	)
	)
Defendant.	)
	)
	)
	)
	)
	)
_____	x

No. CV 08-702 JOB/WDS

**DECLARATION OF NEAL A. POTISCHMAN IN SUPPORT OF PLAINTIFFS’  
AUGUST 2008 APPLICATION FOR A PRELIMINARY INJUNCTION**

I, Neal A. Potischman, hereby declare:

1. I am member of the bar of the states of New York and California and a partner at the law firm Davis Polk & Wardwell, attorneys for Plaintiffs. I submit this Declaration in support of Plaintiffs’ August 2008 Application for a Preliminary Injunction. I make this Declaration based on personal, firsthand knowledge and if called and sworn as a witness could and would testify competently hereto.

2. Attached hereto as Exhibit A is a true and correct copy of the Affidavit of Robert Rodriguez, Executive Director of SouthWest Organizing Project (“SWOP”), dated June 20, 2008.

3. Attached hereto as Exhibit B is a true and correct copy of the Affidavit of Katryn E. Fraher, a member of Students for New Mexico Public Interest Research Group (“Students for NMPIRG”), dated June 26, 2008.

4. Attached hereto as Exhibit C is a true and correct copy of the Affidavit of Jamison Tessneer, a campus organizer for Students for NMPIRG, dated June 30, 2008.

5. Attached hereto as Exhibit D is a true and correct copy of the State of New Mexico Voter Registration Application.

6. Attached hereto as Exhibit E is a true and correct copy of the State of New Mexico Voter Registration Agent Identification Form.

7. Attached hereto as Exhibit F is a true and correct copy of the Affidavit of James Dickson, Vice President for Government Affairs at the American Association of People with Disabilities (“AAPD”), dated June 10, 2008.

8. Attached hereto as Exhibit G is a true and correct copy of the Affidavit of Lucy Stensland Laederich, a member of the Federation of Women’s Clubs Overseas, Inc. (“FAWCO”), dated June 24, 2008.

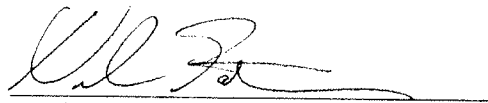
9. Attached hereto as Exhibit H is a true and correct copy of the Report of Donald P. Green, A. Whitney Griswold Professor of Political Science at Yale University, dated July 31, 2008.

10. Attached hereto as Exhibit I is a true and correct copy of a letter sent by Michael Slater, then-Director of the Election Administration Program at Project Vote, to the then-New Mexico Secretary of State on March 8, 2006.

11. On July 16, 2008, I had a phone conversation with Assistant Attorney General Scott Fuqua in which he informed me that, under the interpretation of the Office of the New Mexico Attorney General, the provisions of NMSA 1978, § 1-4-49 (2008) and 1.10.25.7-10 NMAC (2008) apply to voter-registration agents who register voters using the federal voter-registration form.

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

Dated: Menlo Park, CA  
August 4, 2008

  
\_\_\_\_\_  
Neal A. Potischman