

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

ASSOCIATION OF COMMUNITY
ORGANIZATIONS FOR REFORM NOW,
PROJECT VOTE, COMMON CAUSE,
PEOPLE FOR THE AMERICAN WAY
FOUNDATION, COMMUNITY OF FAITH
ASSEMBLIES CHURCH, AMERICAN
ASSOCIATION OF PEOPLE WITH
DISABILITIES, MARY KEITH, JOHN R. T.
MAY, and LINDA SCAMMICCA,

Plaintiffs,

v.

J. KENNETH BLACKWELL, individually and
in his official capacity as Secretary of State, JIM
PETRO, individually and in his official capacity
as Attorney General, WILLIAM D. MASON, as
Prosecuting Attorney for **Cuyahoga** County,
Ohio, and SHERRI BEVAN WALSH, as
Prosecuting Attorney for **Summit** County,
Ohio,

Defendants.

CIVIL ACTION NO. _____

DECLARATION OF A.D. GIVENS

I, Rev. A.D. Givens,, hereby declare and state as follows:

1. My name is A.D. Givens, and I am presiding prelate of the Prayer, Praise & Worship Centers of America, Inc. I currently serve as director of African-American religious affairs at People For the American Way Foundation ("PFAWF"). In that position, my responsibilities include PFAWF's African American Ministers Leadership Council ("AAMLC") and its Victory through Voting ("VTV") program.

2. PFAWF is a nonpartisan, non-profit organization incorporated in Delaware and recognized as tax-exempt under section 501(c)(3) of the Internal Revenue Code by the Internal Revenue Service, with its principal place of business in Washington, D.C. Throughout its history, PFAWF has sought to promote civic participation, including voter registration and turnout, particularly among young people and minority communities.

3. In conjunction with its African American Ministers Leadership Council, PFAWF has operated since 2003 a nonpartisan voter registration and civic participation program, focusing on African-American voters, called Victory through Voting ("VTV"). Through VTV, individual churches and other community institutions seek to assist in registering and turn out voters in their communities, using paid workers and volunteers from those communities, with training, technical, and other assistance from PFAWF and AAMLC members. In 2004, VTV registered over 59,000 voters, including more than 24,000 in Ohio.

4. Community of Faith Assemblies Church ("Community of Faith") is a 250-member Independent Pentecostal church in the predominantly African-American lower east side of Cleveland. The senior pastor of Community of Faith, Dr. Tony Minor, is a member of AAMLC, and the church participated in VTV in 2004 and is working with PFAWF to do so in 2006 as well.

5. When H.B. 3 and the challenged regulations went into effect, PFAWF was in the midst of organizing VTV voter registration programs in Ohio involving Community of Faith and other churches and community institutions. As a result of the new law and the Secretary of State's actions, PFAWF and Community of Faith have been forced to drastically alter and cut back on their voter registration activities in Ohio. The new law has also harmed the registration activities

of PFAWF and Community of Faith by discouraging churches and community members from participating in such activities.

6. PFAWF's VTV procedures for Ohio call for community voter registration workers to be thoroughly trained by PFAWF on how to assist applicants to properly complete voter registration applications and to comply with state and federal law. After collecting voter registration applications from eligible citizens in their congregations and communities, VTV workers are to turn in voter registration applications to their church or other supervising community institution, which then visually inspects every application for errors and completeness, follows up with applicants who have submitted erroneous or incomplete applications to ensure that complete applications are submitted, records and tracks information about applications turned in by each worker, delivers all completed applications promptly to election officials, monitors whether such completed applications are added to the voter rolls, and follows up with voter turnout efforts. These steps are important to provide quality control with respect to voter registration workers, to better assist voters and election officials by delivering complete registration applications, and to facilitate effective voter turnout efforts focusing on properly registered voters.

7. In 2006, PFAWF is currently organizing VTV voter registration activities in Ohio, involving churches like Community of Faith and other community institutions, in the counties of Cuyahoga and Franklin.

8. On June 13, 2006, PFAWF wrote to Secretary of State Blackwell raising serious concerns that the rules and practices he promulgated pursuant to H.B. 3 would obstruct voter registration efforts by VTV. In particular, PFAWF's letter explained the burdens caused by the requirement that workers return application forms directly rather than through their churches or

other supervising institutions, and by the mandated training through an interactive online program.

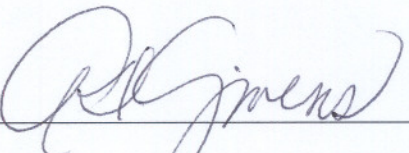
9. Although Secretary of State Blackwell did alter the rules to eliminate the requirement that workers not use the United States mail to deliver voter registration forms, a concern also raised by PFAWF, defendant Blackwell has not otherwise responded to the letter or addressed the concerns it raised.

10. PFAWF's ability to hire workers and use volunteers from the communities where we seek to operate has been made much more difficult by H.B. 3 and its implementation by Ohio officials. For example, many workers and volunteers are unwilling to take the risk of assisting people register to vote if the consequences of them "returning" voter registration forms to the wrong place could be a felony collected them. It will significantly suppress the voter registration drive if each of our workers or volunteers is required to individually return his or her portion of applications directly to the board of elections, instead the prior procedure of first submitting the completed forms to persons designated by PFAWF and our cooperating churches and delivering the applications to the board in a bundle on a weekly basis.

11. The requirement of individualized online training for each compensated voter registration worker will make it significantly more difficult for PFAWF to hire workers in the communities where we operate. Few individuals in the disadvantaged communities in which we conduct voter registration drives have access to computers, printers, and sufficient internet access to undertake the training. Churches like Community of Faith similarly do not have such access; for example, Community of Faith has only one computer with dial-up internet access via the church's single telephone line, making it extremely difficult for registration workers to undertake training one at a time through an interactive online internet program.

12. Pursuant to 28 U.S.C. 1746, I hereby declare and state under penalty of perjury that the foregoing is true and correct.

Executed on: July 10, 2006



Rev. A.D. Givens