

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LEAGUE OF WOMEN VOTERS OF THE
UNITED STATES, LEAGUE OF
WOMEN VOTERS OF ALABAMA, LEAGUE
OF WOMEN VOTERS OF GEORGIA,
LEAGUE OF WOMEN VOTERS OF KANSAS,
GEORGIA STATE CONFERENCE OF THE NAACP,
GEORGIA COALITION FOR THE PEOPLE'S
AGENDA, MARVIN BROWN, JOANN BROWN and
PROJECT VOTE

Plaintiffs,

vs.

BRIAN D. NEWBY, in his capacity as Executive Director
of The United States Election Assistance Commission;
and

THE UNITED STATES ELECTION ASSISTANCE
COMMISSION

Defendants.

Case No. 16-cv-236 (RJL)

DECLARATION OF JOANN BROWN

DECLARATION OF JOANN BROWN

1. I, JoAnn Brown, have personal knowledge of the matters stated in this Declaration and could and would competently testify to these facts.
2. I was born in Kansas on May 28, 1929.
3. I am a United States citizen.
4. I lived and voted in Kansas for about thirty years.
5. In 1978, I moved back to Arkansas, where I lived and voted regularly until I moved back to Kansas in 2015 to be near my children. I currently reside in a retirement community in Lenexa, Kansas.
6. In late-January, I completed a federal voter registration form, on which I declared – under penalty of perjury – that I am a United States citizen and that I meet all of the other qualifications for voters in Kansas. I then mailed my fully completed and signed federal voter registration form to the county election office because I understood that I could use the federal form to register to vote without having to provide documentary proof of citizenship.
7. As of February 9, 2016, the Kansas Secretary of State's website did not list me as a currently registered voter in the State of Kansas.

I declare under penalty of perjury that the foregoing statements, including all statements in this Declaration, are true and correct.

Executed on February 11, 2016.


JoAnn Brown

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

LEAGUE OF WOMEN VOTERS OF THE
UNITED STATES, LEAGUE OF
WOMEN VOTERS OF ALABAMA, LEAGUE
OF WOMEN VOTERS OF GEORGIA,
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THE UNITED STATES ELECTION ASSISTANCE
COMMISSION

Defendants.

DECLARATION OF LLOYD LEONARD

DECLARATION OF LLOYD LEONARD

I, Lloyd Leonard, hereby state, under penalty of perjury, that the following information is true to my knowledge, information, and belief:

Personal Background and Position

1. I am the Senior Director for Advocacy for the League of Women Voters of the United States. I have held that position since 1983. I have worked for the organization on public policy issues since 1977.
2. As Senior Director for Advocacy, I am responsible for all aspects of the League's advocacy on public policy issues, including especially those relating to election administration and voting. The League's work on election administration and voting includes public education, congressional relations, advocacy with administrative agencies, work with the media, litigation and advocacy and public education at the state and local levels.
3. I have worked on issues of election administration for more than 25 years. Throughout that time, the question of enforcing voter eligibility requirements has been one of the issues on which I have represented the League in deliberations by Congress, state governments and federal agencies. I have also worked on issues involving immigration and non-citizens for the last five years. A significant part of my research and advocacy at the League of Women Voters relates to voter registration. Among other things, I advocated in favor of the National Voter Registration Act of 1993 ("NVRA") and the Help America Vote Act of 2002 ("HAVA"), including the creation of the U.S. Election Assistance Commission ("EAC"). I have testified before and worked with members of Congress and with

EAC and Federal Election Commission (“FEC”) commissioners and staff on multiple occasions concerning issues of voter registration and election administration, including the submission of formal testimony and statements.

4. I have personally directed or been involved in all of the League’s efforts on federal voter registration and other election administration issues since before the enactment of the NVRA in 1993.

5. I have also advised the League’s state affiliates across the country, including the affiliates in Alabama, Georgia, and Kansas, on matters relating to voter registration.

League of Women Voters of the United States

6. The League of Women Voters of the United States (“the League”) is a nonpartisan, community-based organization that promotes political responsibility by encouraging Americans to participate actively and knowledgably in government and the electoral process.

7. The League was founded in 1920 as an outgrowth of the struggle to win voting rights for women, now has more than 150,000 members and supporters, and is organized in more than 750 communities and in every state.

8. The League has worked to protect U.S. citizens’ right to vote since its founding. As part of this mission, the League—with its state and local affiliates—operates one of the longest-running and largest nonpartisan voter registration efforts in the nation. It also aims to educate people about their voting rights and what they need to do to vote.

9. The League concentrates its voter registration drives at locations that reach large numbers of unregistered voters, such as high schools, community colleges, sporting events, and naturalization ceremonies.

10. The League operates a voter information website, VOTE.411, that provides voting and candidate information in states across the country, and offers an opportunity to use the federal voter registration form.

11. The League has been a leader in efforts to remove unnecessary barriers to registering to vote and casting a ballot. To that end, the League has historically endorsed the adoption of simple, uniform voter registration forms that can be submitted through the mail without additional documentary requirements.

12. The League also supports sound policy measures to safeguard the integrity of the election process and to prevent fraud and misconduct.

13. In its voter registration and engagement activities, the League also promotes election integrity, working closely with local election officials and establishing careful procedures to promote election integrity. For example, League members carefully explain the voting qualifications and requirements to register to vote to potential registration applicants and work to ensure that voter registration forms are complete and accurate.

Advocacy Relating to the NVRA and the EAC

14. The League strongly supported the enactment and works to fully implement and enforce the National Voter Registration Act of 1993 (NVRA), a

statute aimed at increasing the number of eligible citizens who register to vote by providing for uniform, non-discriminatory voter registration procedures.

15. The League testified before Congress in favor the NVRA and has advocated on issues relating to the national mail-in registration application (“federal form”) created by that statute in numerous forums.

16. The League has submitted comments to the FEC and the EAC on each of the notice-and-comment rulemakings concerning the NVRA, including the 1994 rulemaking in which the FEC first created the federal form, the 2009 administrative transfer of authority over the federal form from the FEC to the EAC, and the 2010 rulemaking. The League commented on the development of EAC procedures and testified on NVRA implementation before the agency. In addition, the League has also communicated with the EAC informally on various occasions concerning the federal form and voter registration. Throughout these communications, the League has consistently supported keeping the federal form simple and not adding unnecessary documentary requirements that serve little purpose other than to hinder or chill voter registration.

17. The FEC and the EAC received numerous comments during their rulemaking processes regarding the federal form, including, I understand, from Arizona and Kansas, which submitted comments in 1994.

18. The issue of documentary proof of citizenship has come up before Congress and the EAC during consideration of the NVRA and HAVA and the implementation of both of those laws, and I understand that the FEC carefully considered what information is necessary on the federal form to enforce

citizenship eligibility requirements. States and other interested parties have had many opportunities to comment on these issues before Congress and federal agencies.

19. The League strongly supported the creation of the EAC in HAVA and has consistently advocated with the agency for strong procedures and decisions that strengthen the agency, promote the goals of the NVRA, and protect the right to vote.

Opposition to the Inclusion of Documentary Proof of Citizenship on the Federal Form

20. The League has consistently opposed efforts to include documentary proof of citizenship requirements and other restrictions on the federal form. The League worked to ensure that regulations promulgated in 1994 and in subsequent years would be consistent with the terms of the NVRA and would not allow states to require documentary proof of citizenship or other documentation with the federal form.

21. Consistent with that opposition, the League formally submitted comments to the EAC for its January 17, 2014 decision on prior requests to require documentary proof of citizenship with the federal form. We also participated as an intervening party in *Kobach v. U.S. Election Assistance Comm'n*, 772 F.3d 1183 (10th Cir. 2014) *cert. denied*, 135 S. Ct. 2891, 192 L. Ed. 2d 925 (2015).

22. On December 21, 2015, after learning of Kansas's fifth request to require documentary proof of citizenship with the federal form, the League through its counsel submitted a letter to the EAC Executive Director. Our letter reminded the

Executive Director that modifying the federal form as requested would constitute an official EAC action requiring the approval of three commissioners under HAVA, and also that such a modification would violate the NVRA.

23. On January 23, 2016, only six days before issuing his letters to grant the states' requests, the Executive Director sent the League and its counsel an email message acknowledging receipt of the League's letter of opposition. The message did not state that the League's letter would be added to an administrative record, or that such a record existed for the matter.

24. The requirement of documentary proof of citizenship for federal form voters in Alabama, Georgia, and Kansas will cause the League to expend time and resources supporting its state affiliates in efforts to educate the public about these requirements and alter their voter registration practices to conform with the changed rules. This will also cause the League to expend time and resources directly educating the public, including through its nationwide voter information website, VOTE.411, which includes voter registration information and forms.

Documentary Proof of Citizenship

25. Based on my years of experience and study working on these election administration issues, including matters involving non-citizens, it is my belief that documentary proof of citizenship is not necessary for states to assess the qualifications of their electors.

26. States have numerous means at their disposal to verify citizenship without requiring registration applicants to provide documentary proof. These means include a statutory requirement that states attempt to match voter registration

records against state motor vehicle records or federal Social Security records for the purpose of verifying the accuracy of the voter rolls. 52 U.S.C. § 21083(a)(2). In addition, all states must adopt programs to remove ineligible people from the voter rolls. While not always conclusive, states have also used responses to jury questionnaires and motor vehicle databases to check the citizenship of individuals on the voter rolls and narrow the pool of individuals for investigation.

27. Under the NVRA and HAVA, the federal form requires applicants to indicate twice on the form that they are citizens – by means of both a signed statement under penalty of perjury indicating that they meet eligibility requirements (including citizenship) and a box the applicant must check indicating citizenship.

28. Illegal registration and voting by non-citizens is a felony offense under federal law, punishable by up to five years in prison and \$10,000 in fines. 52 U.S.C. § 21144(b); 18 U.S.C. § 1015(f). It is also a crime under state laws, including the laws of Alabama (Ala. Code § 17-17-36), Georgia (Ga. Code § 21-2-571), and Kansas (K.S.A. § 25-2416). Further, a non-citizen who commits one of these crimes is subject to removal from the United States under the immigration laws. 8 U.S.C. § 1182(a)(6)(C)(ii)(I). These penalties are significant deterrents to voter fraud, including non-citizen registration and voting. Based on my experience working on issues involving non-citizens, it is unsurprising that few non-citizens have attempted to register to vote or cast ballots.

29. I understand that a number of states, including Arizona, Colorado, and Florida, use the federal Systematic Alien Verification for Entitlements (SAVE)

program to check the immigration status of registration applicants or registered voters. I am informed that Kansas has also sought access to SAVE but, to my knowledge, has not yet been granted such access. I also understand that Georgia was recently granted that access. States wishing to use SAVE may do so by seeking to enter into a memorandum of agreement with U.S. Citizenship and Immigration Services (“USCIS”).

30. The SAVE program allows states to search up to 14 federal databases for information on the individual’s immigration or naturalization status using the individual’s alien number or number found on a variety of other immigration documents. State election officials can obtain the relevant identification numbers for voter registrants by querying their motor vehicle office databases or other state databases. While attempts to use the SAVE program to verify the eligibility of voter registration applicants can sometimes erroneously indicate that an individual is a non-citizen, it is a helpful tool to identify potential non-citizen applicants whose eligibility requires further investigation.

31. In my extensive experience, I have not come across any evidence that existing measures fail to provide states the necessary tools to check citizenship status of voter registration applicants or that documentary proof requirements would work better than existing measures.

32. Based on my experience, voter registration errors often occur due to administrative or clerical mistakes by government officials rather than through applicant error.

33. There is a general consensus among election experts that non-citizen voting is a *de minimis* problem. Two widely and favorably cited sources for this proposition are Justin Levitt, *The Truth About Voter Fraud* (2007), <http://www.brennancenter.org/sites/default/files/legacy/The%20Truth%20About%20Voter%20Fraud.pdf>, and Lorraine C. Minnite, *The Myth of Voter Fraud* (Cornell University Press 2010).

34. It is also my understanding that large-scale investigations of alleged voter fraud have also led to few findings of illegal voting on a significant scale. An investigation by the Department of Justice conducted between 2002 and 2005 led to only 21 prosecutions for alleged non-citizen registration or voting nationwide and similarly low numbers of prosecutions for illegal voting. *See Levitt, supra* para. 33, at n. 146.

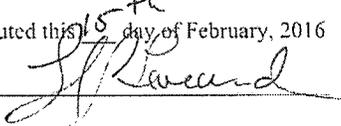
35. Reported instances of non-citizen registration and voting tend to be inaccurate or exaggerated. In my years as an election observer, I have occasionally heard claims of non-citizen registration and voting that subsequently evaporate upon investigation. For example, in Florida in 2011, the Secretary of State claimed to have found 180,000 noncitizens on the rolls, but after investigation, that number was reduced to 2,600, then to 207, and finally to 1 prosecution. *See Toluse Olorunnipa, Florida's Scott Rolls Political Dice With New Voter Purge*, Bloomberg News (Aug. 9, 2013), <http://www.businessweek.com/news/2013-08-09/florida-s-scott-takes-political-gamble-with-renewed-voter-purge>.

36. On the other hand, documentary proof of citizenship requirements have negative impacts on voters. Studies demonstrate that many voting-eligible American citizens do not have ready access to documentary proof of citizenship. These include *Citizens without Proof: A Survey of Americans' Possession of Documentary Proof of Citizenship and Photo Identification*, Brennan Center for Justice, (November 2006), <http://www.brennancenter.org/analysis/citizens-without-proof> (survey finding that 7% of voting-age Americans lack ready access to documentary proof of citizenship, and 12% of those making less than \$25,000 per year, lack ready access to documentary proof of citizenship, and that only 66% of voting-age women with ready access to documentary proof of citizenship have a document with a current legal name).

37. It is my own view, as well as the position of the League, that the sanctity of our elections is of paramount importance, but documentary proof of citizenship requirements do little to safeguard our elections. In fact, these requirements harm our election process by posing needless barriers to voting and by frustrating the intent of federal law to simplify the voter registration process for American citizens.

38. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this ^{15th} day of February, 2016


Lloyd Leonard
Senior Director for Advocacy
League of Women Voters of the United States

**IN THE UNITED STATES DISTRICT COURT
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COMMISSION

Defendants.

Case No. 16-cv-236 (RJL)

DECLARATION OF MARVIN L. BROWN

DECLARATION OF MARVIN L. BROWN

1. I, Marvin L. Brown, have personal knowledge of the matters stated in this Declaration and could and would competently testify to these facts.
2. I was born in Arkansas on November ~~14~~⁴, 1925.
3. I am a United States citizen and served in the United States Army Air Corps in World War II.
4. After serving in the military in WWII, I moved to Kansas, where I lived and voted for thirty years.
5. In 1978, I moved back to Arkansas, where I lived and voted regularly until I moved back to Kansas in 201~~4~~⁴ to be near my children. I currently reside in a retirement community in Lenexa, Kansas.
6. When I moved back to Kansas last year, I tried to register to vote, but I received a letter from the county election office telling me that I needed to provide documentary proof of citizenship before I could be registered to vote and have my name entered on the poll books.
7. In late-January, I completed a federal voter registration form, on which I declared – under penalty of perjury – that I am a United States citizen and that I meet all of the other qualifications for voters in Kansas. I then mailed my fully completed and signed federal voter registration form to the county election office because I understood that I could use the federal form to register to vote without having to provide documentary proof of citizenship.
8. As of February 9, 2016, the Kansas Secretary of State's website did not list me as a currently registered voter in the State of Kansas.
9. I have an expired driver's license from the State of Arkansas, ~~but my license does not include a photograph.~~

I declare under penalty of perjury that the foregoing statements, including all statements in this Declaration, are true and correct.

Executed on February 11, 2016.

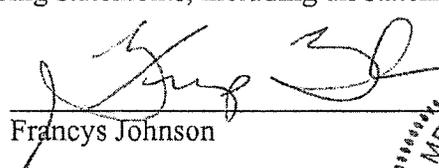

Marvin L. Brown

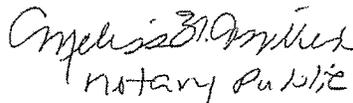
DECLARATION OF FRANCYS JOHNSON

1. I, Francys Johnson, declare:
2. As the President of the Georgia State Conference of the National Association for the Advancement of Colored People ("Georgia NAACP"), I have personal knowledge of the facts I state below, and if I were to be called as a witness, I could competently testify about what I have written in this declaration.
3. The Georgia NAACP is a Plaintiff in this case and is a nonpartisan, interracial, nonprofit membership-based advocacy organization with an unbroken presence in Georgia since 1917.
4. The Georgia NAACP maintains a network of branches throughout Georgia, from cities to small rural counties.
5. The Georgia NAACP's mission is to eliminate racial discrimination through democratic processes and ensure the equal political, educational, social, and economic rights of all persons, in particular African-Americans.
6. The Georgia NAACP is headquartered in Atlanta, includes 127 branches in most Georgia counties, and currently has approximately 10,000 members.
7. The Georgia NAACP's support of voting rights is central to its mission.
8. The Georgia NAACP engages in efforts to register African-American citizens to vote and to encourage African-American registered voters to turn out to vote.
9. The decision by the Executive Director of the Election Assistance Commission will force the Georgia NAACP to expend considerable resources to educate its members on how to comply with proof of citizenship requirements.
10. The decision will also force the Georgia NAACP to expend resources to assist individuals it registers through voter registration drives in acquiring and gathering the documentation now required to become a registered voter.
11. As a result, the Georgia NAACP will be limited to devoting fewer resources to its other organizational activities.

I declare under penalty of perjury that the foregoing statements, including all statements in this Declaration, are true and correct.

Executed on February 16, 2016.


Francys Johnson


Melissa H. Miller
Notary Public

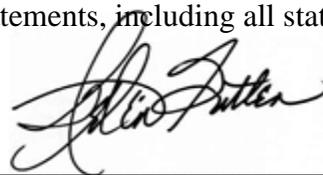


DECLARATION OF HELEN BUTLER

1. I, Helen Butler, declare:
2. As Executive Director of the Georgia Coalition for the People's Agenda ("GCPA"), I have personal knowledge of the facts I state below, and if I were to be called as a witness, I could competently testify about what I have written in this declaration.
3. The GCPA is a Plaintiff in this case and is a nonprofit corporation with its principal place of business located in Atlanta, Georgia.
4. The GCPA is a coalition of more than 30 organizations, which collectively have more than 5,000 individual members.
5. The organization encourages voter registration and participation, particularly among minority and low-income citizens.
6. The GCPA's support of voting rights is central to its mission.
7. The organization has committed, and continues to commit, time and resources to conducting voter registration drives and get out the vote ("GOTV") efforts in Georgia.
8. In 2014, for example, the GCPA conducted training sessions on voter registration, voter education, voter ID, Souls to the Polls, and other GOTV efforts in Georgia.
9. The decision by the Executive Director of the Election Assistance Commission will force the GCPA to expend considerable resources to educate its members on how to comply with proof of citizenship requirements.
10. The decision will also force the GCPA to expend resources to assist individuals it registers through voter registration drives in acquiring and gathering the documentation now required to become a registered voter.
11. As a result, the GCPA will be limited to devoting fewer resources to its other organizational activities.

I declare under penalty of perjury that the foregoing statements, including all statements in this Declaration, are true and correct.

Executed on February __15__, 2016.



Helen Butler

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

LEAGUE OF WOMEN VOTERS OF THE
UNITED STATES, LEAGUE OF
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Defendants.

Case No. 16-cv-236 (RJL)

DECLARATION OF SCARLETT GADDY

DECLARATION OF SCARLETT GADDY

I, Scarlett Gaddy, hereby state, under penalty of perjury, that the following information is true to my knowledge, information, and belief:

Personal Background and Position

1. I am the 2nd vice president of the League of Women Voters of Alabama. I have served in that capacity since 2015. I am also voter services co-chair, and have served in this capacity over several terms.

2. I am the immediate past co-president of the League of Women Voters of Alabama. I served as co-president from 2012 to 2014. I have served on the League board of directors since 1998. I first joined the League in 1992.

3. I teach government and economics at Brookwood High School in Brookwood, Alabama.

4. In my capacity as a high school teacher and League member, I have engaged in many activities to encourage and help young people to register to vote.

5. I have conducted voter registration activities in high schools since the early 1990's. At Central High School in Tuscaloosa, Alabama, I started a high school voter registrars program in which high school students would help each other register to vote. I observed that young people will often follow examples, both positive and negative, from their peers, and would be more likely to register to vote if they saw their peers doing the same.

6. When I register students to vote, I will walk students through the entire process of filling out the form, collect the forms from my students, and submit them to election officials on their behalf. I provide voter registration assistance in a number of settings, including during lunch breaks and in the classroom.

7. From my experience in assisting students in registering to vote, I know that mistakes on voter registration forms are commonplace. For example, individuals filling out voter registration forms will sometimes fail to complete all the fields on a registration form or forget to sign the form. For this reason, it is very important that I assist students in filling out their voter registration forms and ensuring that they are completed properly.

8. I have been successful in registering almost the entirety of the senior class of my high schools – approximately 300 students – for the past twenty-six years.

9. In my opinion, the introduction of a documentary proof of citizenship requirement would interfere with my ability to register students to vote at my high school because students would not have access to citizenship documents during voter registration opportunities.

10. In my estimation, 20-25 percent of my students do not have a driver's license. I have observed that the percentage of high school students who do not have a driver's license has increased in recent years.

11. Bringing a birth certificate in to school would be difficult for many of my students. This would be particularly difficult for my students from rural areas and areas with higher poverty. The combined cost of obtaining a birth certificate and a driver's license could exceed 50 dollars, an absurd amount of money to register for many families. The financial costs would be in addition to the travel costs associated with obtaining these documents.

12. If students do not have the documents they would need to register to vote or could not produce these documents at the time at which I conduct registration drives at school, they would be less likely to register to vote through other means.

13. I believe League members who conduct similar voter registration drives at other schools would face similar obstacles. They would likely have even more difficulty registering

students to vote under a documentary proof of citizenship law, because unlike me they do not teach in the schools and have fewer opportunities to access and interact with students.

14. I participate in registration drives on college campuses, and I believe the proof of citizenship requirement would pose problems on college campuses as well. My experience is that college students do not carry citizenship documentation around with them, and students for whom a driver's license would not establish citizenship would have a particularly difficult time registering to vote.

15. I typically use the state voter registration form when registering high school students. The League uses both the state form and federal form in different parts of the state. If I could use a federal voter registration form that did not require documentary proof of citizenship instead of a state form that required documentary proof of citizenship, I would use the federal form.

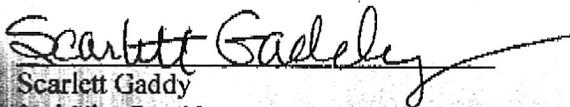
16. A proof of citizenship requirement would also interfere with the League's voter education efforts.

17. The League has limited financial resources and often relies upon donations or League members paying out of pocket to distribute voter information.

18. If the League had to produce additional voter education materials as a result of the proof of citizenship requirements, this would be a significant financial burden on the League.

19. Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 15 day of February, 2016.



Scarlett Gaddy
2nd Vice President
League of Women Voters of Alabama

FEB-16-2016 17:09 From: Case 1:16-cv-00236-RJL Document 13-5 Filed 02/17/16 Page 5 of 5 P. 1/1

Executed this 15 day of February, 2016.



Scarlett Gaddy
2nd Vice President
League of Women Voters of Alabama

FEB-16-2016 17:09 From: Case 1:16-cv-00236-RJL Document 13-5 Filed 02/17/16 Page 5 of 5 P. 1/1

Executed this 15 day of February, 2016.



Scarlett Gaddy
2nd Vice President
League of Women Voters of Alabama

FEB-16-2016 17:09 From: Case 1:16-cv-00236-RJL Document 13-5 Filed 02/17/16 Page 5 of 5 P. 1/1

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Defendants.

Case No. 16-cv-236 (RJL)

DECLARATION OF ELIZABETH POYTHRESS

DECLARATION OF ELIZABETH POYTHRESS

I, Elizabeth Poythress, hereby state, under penalty of perjury, that the following information is true to my knowledge, information, and belief:

Personal Background and Position

1. I am the President of the League of Women Voters of Georgia. I have served in that capacity since May 2011.

2. In my capacity as President of the League of Women Voters of Georgia, I coordinate the activities of our local affiliates on a number of statewide matters. As part of that, I communicate with local affiliates on their voter registration and voter education activities.

3. I first became involved in the League in 2011 after a long career in the public and private sectors. I served for twenty-nine years as Director of Human Resources for Tredegar Film Products, and following my retirement I have led an active volunteer life. In particular, I have worked closely with families of the Georgia National Guard, for which my husband served as the State Adjutant-General for eight years.

League of Women Voters of Georgia

4. The League of Women Voters of Georgia is a separately incorporated entity affiliated with the League of Women Voters of the United States. The Georgia League is a nonpartisan political organization that encourages informed and active participation in government and fights to improve our systems of government and impact public policies. For over 95 years, we have promoted this mission through citizen education and advocacy by registering voters, educating the public on voting rights and other public policy issues, and hosting events. We have also advocated for policies that support our mission and the public interest.

5. Ever since its inception, the main purpose of the League has been to encourage people to vote, keep them informed as voters, and also seek out information from candidates and public officials to serve the electorate and the citizenry.

6. The Georgia League is active throughout the state, with six local affiliates and approximately 450 members.

League Voter Registration Drives

7. The Georgia League and our local affiliates have run voter registration drives since our founding. The League focuses on voter registration as a citizen engagement tool.

8. Voter registration drives are critical because it is the League's experience that those wishing to register do not know where to go and where to look for information. People can sometimes find registering to vote to be a cumbersome process.

9. The Georgia League focuses its registration efforts on college campuses, high schools, festivals and community events, churches, and high-traffic pedestrian areas like MARTA train stations in the Atlanta area. We also sign up people to register to vote after naturalization ceremonies held at the United States District Court for the Northern District of Georgia, and at local offices of United States Citizenship and Immigration Services (USCIS).

10. When a drive is held, typically more experienced members will train other members in the voter registration process, including how to ensure registration forms are complete and how to answer applicants' questions. We also conduct monthly training sessions for individuals who want to volunteer with us at naturalization ceremonies.

11. When conducting registration drives, League members assist individuals in completing registration forms, collect the forms, and deliver them to election officials. League

members do this rather than simply handing out forms or giving completed forms back to applicants to turn in because it ensures that form will be completed properly, and it ensures the form will be turned in. It is the League's experience that if you tell a potential voter to fill out or turn in a form on his or her own, it is less likely to be completed and submitted.

12. Currently, registration applicants have to fill in their driver's license number or the last 4 digits of the social security number on the registration form. The League is able to assist applicants in filling out these forms and ensure that this information is included.

13. It is my opinion that requiring documentary proof of citizenship to register to vote would negatively impact and hinder the League's ability to conduct voter registration drives, especially in certain communities where we focus our efforts.

14. Married women who have changed their names could face additional obstacles from documentary proof of citizenship, because they may need multiple documents, such as a birth certificate and marriage license, to prove citizenship. We are familiar with at least one such recent situation, in which a woman who has lived in the same Georgia town for over 80 years needed to locate a marriage license in order to prove her citizenship for a driver's license. Although that woman is a registered voter, this is indicative of what we will see with a documentary proof of citizenship requirement for voter registration.

15. I am particularly concerned that certain populations that I understand less frequently have driver's licenses would have additional difficulty registering to vote with a documentary proof of citizenship requirement. This is especially true in low-income communities, and also in rural communities, which have very limited access to the offices where citizenship documentation like a birth certificate can be obtained. The League would have to

expend additional resources to assist such individuals and, if necessary, make photocopies of their citizenship documents.

16. The League uses both state and federal voter registration forms. We most commonly use the federal voter registration form when we register voters at naturalization ceremonies who live outside of Georgia.

17. For people we help register at naturalization ceremonies who live in Georgia, we use copying equipment to take photocopies of naturalization documents so that new citizens do not face problems with out-of-date citizenship verification databases. The League cannot financially afford to do this without outside grants. It is difficult to imagine being able to replicate this with our local Leagues, who lack the necessary equipment.

18. We hold many of our voter registration events at locations where people do not have documentary proof of citizenship with them. If the League could use the federal voter registration form without a documentary proof of citizenship requirement, that would reduce obstacles for registration and maximize the organization's resources.

League of Women Voters' Public Education and Proof of Citizenship

19. The League often directs its efforts to public education about voting laws. After an applicant completes a registrant form, we provide information on how to verify their registration, what they should know about going to the polls to cast their ballot, and their rights as a voter.

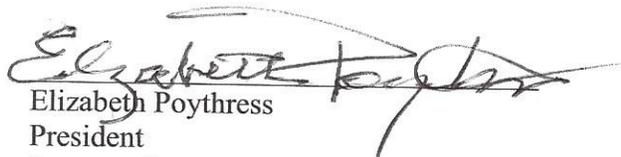
20. If the documentary proof of citizenship requirement is allowed to go into effect, the League would have to educate both its members and the general public we serve. We would

have to conduct trainings for members and provide information to voters. Both are costly, especially in light of the Georgia League's and its local affiliates' limited budgets.

21. I am particularly concerned about the effect of changing the voter registration rules right before an election and the effect this would have on League education and registration efforts in this presidential election year, which typically has a very high volume of new voter registrations.

22. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 15 day of February, 2016.

A handwritten signature in black ink, appearing to read "Elizabeth Poythress", is written over a horizontal line.

Elizabeth Poythress
President
League of Women Voters of Georgia

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

LEAGUE OF WOMEN VOTERS OF THE
UNITED STATES, LEAGUE OF
WOMEN VOTERS OF ALABAMA, LEAGUE
OF WOMEN VOTERS OF GEORGIA,
LEAGUE OF WOMEN VOTERS OF KANSAS,
GEORGIA STATE CONFERENCE OF THE NAACP,
GEORGIA COALITION FOR THE PEOPLE'S
AGENDA, MARVIN BROWN, JOANN BROWN and
PROJECT VOTE

Plaintiffs,

vs.

BRIAN D. NEWBY, in his capacity as Executive Director
of The United States Election Assistance Commission;
and

THE UNITED STATES ELECTION ASSISTANCE
COMMISSION

Defendants.

Case No. 16-cv-236 (RJL)

DECLARATION OF DOLORES FURTADO

DECLARATION OF DOLORES FURTADO

I, Dolores Furtado, hereby state, under penalty of perjury, that the following information is true to my knowledge, information, and belief:

Personal Background and Position

1. I am the immediate past President of the League of Women Voters of Kansas. I served as president beginning in April of 2013, and my term ended in April of 2015. As immediate past president, I continue to serve as advisor to the League board.

2. Prior to my appointment as the President of the League of Women Voters of Kansas, I served as Co-President of the Johnson County, Kansas League from 2000 to 2002. In the time between my presidencies of the county and state organizations, I was elected to the Board of County Commissioners of Johnson County and then to the Kansas House of Representatives. I remained involved with the League during this period.

3. In my capacity as President of the League of Women Voters of Kansas, I coordinated the activities of our local affiliates on a range of statewide issues. As part of that, I communicated with our local affiliates and have been kept apprised of their activities. We often respond to policy matters pending before the Legislature. I also remain active in my local League in Johnson County.

4. The League of Women Voters of Kansas is a separately incorporated entity affiliated with the League of Women Voters of the United States. The Kansas League is a nonpartisan political organization that encourages informed and active participation in government. For nearly ninety-five years, we have promoted this mission through voter service and civic education by registering voters, educating the public on voting rights and other public

policy issues, and hosting events. We have also promoted our mission through action to advocate for public policies that comport with our mission and the public interest.

5. While the League's primary goal is to promote political participation, our mission encompasses promotion of a properly functioning electoral system. We are committed to promoting effective administration of elections and to their overall integrity.

6. The Kansas League is active throughout the state, with nine local affiliates and more than 750 members.

7. The Kansas League and our local affiliates have run voter registration drives since our founding, focusing on communities with a history of lower participation in elections. With the new proof of citizenship requirement, the Leagues focus on people who are less likely to have proof of citizenship, such as minorities, women, students, younger voters, the poor, and the elderly. The Kansas League concentrates its voter registration drives at locations that reach large numbers of unregistered voters, such as high schools, community colleges, sporting events, fairs, and naturalization ceremonies.

8. I first joined my local League in Johnson County in 1991. In the years since, I have led and participated in voter registration activities, led campaigns and studies on a range of public policy matters, advocated before and consulted with state and local election officials on such issues, including those relating to voter registration, and interacted with members of the public who our organization seeks to help register to vote and otherwise encourage to participate in government.

Challenge to Kansas's Documentary Proof of Citizenship Requirement

9. In 2011, the Kansas legislature passed and the Kansas Governor signed into law the "Secure and Fair Elections Act," which amended various Kansas statutes concerning

elections in the State of Kansas. Beginning January 1, 2013, the SAFE Act's amendments to Kan. Stat. § 25-2309 required that any first time voter registration applicant submit documentary proof of citizenship.

10. The Kansas League has publicly opposed the Kansas statute that mandates registering voters to furnish documentary proof of their citizenship with their applications, as well as opposing any modification to the national mail-in voter registration form ("federal form") reflecting this requirement. League members and the then-president of the Kansas League testified before the Kansas Legislature to voice their opposition to the SAFE Act, which was then under consideration as HB 2067. We have expressed our opposition in League materials and through our participation in the U.S. Election Assistance Commission's ("EAC") January 17, 2014 decision and *Kobach v. U.S. Election Assistance Comm'n*, 772 F.3d 1183 (10th Cir. 2014) *cert. denied*, 135 S. Ct. 2891, 192 L. Ed. 2d 925 (2015).

11. On August 21, 2013, Kansas, along with Arizona, filed suit against the EAC, seeking to compel the EAC to modify the state-specific instructions to the federal form to reflect its documentary proof of citizenship requirements.

12. On November 21, 2013 the Kansas League filed a motion to intervene as a defendant in that lawsuit to oppose the state's attempt to have the EAC modify the federal form to require documentary proof of citizenship. The court granted our motion on December 12, 2013.

13. The Kansas League has continually refuted the Kansas Secretary of State's contentions that the documentary proof requirement is necessitated by electoral fraud. The League has registered voters in Kansas for many years, and many of our members have years of experience dealing with both applicants and the procedures by which they register to vote. Our

organizational practice is to clearly and consistently explain eligibility requirements to every individual we register, ensure that individuals understand the form that they are signing and what it means, and verify that the form has been properly filled out.

14. I have worked closely with Kansas election officials throughout my years of involvement with the League and have never been notified of any significant problem relating to non-citizen voting in the state. It is my understanding that this is also true for my fellow League leaders at both the state and county levels.

Harmful Effects of Kansas's Documentary Proof of Citizenship Requirement and the Executive Director's January 29 Decision

15. The documentary proof of citizenship requirement has hindered our local affiliates' voter registration efforts. Based on the experiences of the League and its local affiliates, I believe that the process of registering voters has become more complicated under this law. As a result, notwithstanding all of our efforts, we are registering fewer voters in Kansas.

16. I understand that there is also considerable confusion among members of the public about this law.

17. The requirements have made it significantly harder for the Kansas League affiliates to continue to register voters. The new process requires equipment, like a photocopier, that lengthens and complicates the registration process. Additionally, neither our members nor many members of the public are comfortable with our having responsibility for the sensitive documents now needed to complete voter registrations. In practice, this means that our members often cannot complete the registration process themselves, as I will illustrate with examples from our affiliates.

18. All of our League affiliates reported a dramatic decrease in the number of voters they were able to register in 2013, likely as a result of the proof of citizenship requirement.

19. Our affiliate in Douglas County informs me that it markedly reduced its activities under the proof of citizenship law. I understand that, in 2012, the League there registered over 300 voters across more than 12 events. However, League members there report that they registered far fewer in 2013: only about 12 individuals at public events, and another 25 individuals at a naturalization ceremony.

20. Our members in Douglas County also report that they secured a photocopy machine to use at a naturalization ceremony in 2013, but that using the machine lengthened the registration process such that some individuals gave up on attempting to register. Additionally, our members there report encountering individuals who did not want their naturalization certificates to be copied.

21. In Riley County, our local affiliate has scaled back its activities. I understand that, previously, our members used to set up a table at community events and register those who approach the table. However, I understand that our members there are now unwilling to handle people's citizenship documents. As a result, we can only partially register voters, and the registration process is consequently incomplete. I also understand that our members there do not follow up with prospective voters because they do not want to collect proof of citizenship documents.

22. I understand that our affiliate in Shawnee County stopped all of its voter registration activity after the proof of citizenship requirement went into effect. The group resumed registering voters at only a single type of event: naturalization ceremonies. Our local affiliate tells me that it registers voters at these ceremonies because people are guaranteed to have proof of citizenship physically with them.

23. Our Shawnee County affiliate reports that, since the law has gone into effect, our members have only registered voters when they are able to take photos of an individual's naturalization certificate with a camera provided by local election officials. They store the images on the camera, but it is my understanding that they do not want to use a camera that belonged to the League or one of its members.

24. Our members in Johnson County tell me that, after the proof of citizenship law went into effect, they decided to suspend their voter registration activity and did not hold an event in 2013 until the month of May. By contrast, I understand that, in 2012, that affiliate registered over 900 people between May and September alone, and would typically register approximately 500 people at naturalization ceremonies each year.

25. To my knowledge, our Leavenworth County affiliate registered at least 50 voters in 2012. I also understand that the League attempted three different registration events there in 2013 and failed to register a single voter at these events. The members of our affiliate remain uncertain about their ability to register voters.

26. Over time, the documentary proof of citizenship requirement has reduced the number of voters registered by our Leagues in some of the state's largest communities. Our Topeka League reports registering over 900 voters in 2012, only 275 in 2014, and even fewer in 2015. Our Wichita League estimates registering over 4,000 voters in 2012, but only approximately 465 in 2014.

27. In *Kobach v. EAC*, decided in November of 2014, the United States Court of Appeals for the Tenth Circuit upheld the EAC's rule that the federal form must be accepted in Kansas even when applicants do not provide documentary proof of citizenship.

28. After the Tenth Circuit's decision, the League used the federal form at certain registration events, such as those held in conjunction with the National Association for the Advancement of Colored People.

29. Because of the state's inability to require documentary proof of citizenship on the federal form, the Kansas Secretary of State instituted a "dual registration" system whereby individuals who register with the federal form without documentary proof of citizenship would be permitted to vote in federal elections only. Until January 15, 2016, the League was using both state and federal forms in registration drives, but was less likely to use the federal form because of concerns that applicants would be able to vote in federal elections only. On January 15, a state court ruled that the Secretary of State could not prevent applicants using the federal form without documentary proof of citizenship from voting in state elections.

30. It is my understanding that due to the decision invalidating the dual registration system, some local Leagues planned to begin using the federal form much more frequently, because the federal form did not require documentary proof of citizenship and registering people without gathering such proof is much less burdensome, expensive, and time consuming.

31. However, on January 29, 2016, the Executive Director of the EAC suddenly and without explanation granted Kansas's request to require documentary proof of citizenship on the federal form, contrary to the agency's longstanding position on proof of citizenship.

32. Due to the Executive Director's action on January 29, the League will face the same burdens and expenses when using the federal form that it faces when using the state form that requires documentary proof of citizenship. Therefore, because of the Executive Director's action concerning the federal form, the League's registration events will require more effort and resources, and will likely register fewer voters. For example, I learned from a League member

that at a recent registration drive in Sedgwick County, the members would have been able to use the federal form if documentary proof of citizenship were not necessary. Instead, the League members provided a state registration form for prospective applicants, some of whom could not register because they did not have proof of citizenship on their person. If proof of citizenship were not required, the League members would have obtained all necessary information and completed the registration process with the applicants when using the federal form.

33. The League had planned multiple registration events over the next few months in order to register voters, including those voters who are currently on the state's "suspense list" because they previously applied for registration without providing documentary proof of citizenship. At those events, the League planned to register new applicants and citizens on the suspense list using the federal form. Due to the Executive Director's decision, the League is now uncertain whether the events will occur or, if they do occur, whether to use the federal form as planned. Obstacles to planned events in the coming months are especially harmful to the League's mission because 2016 is a Presidential election year.

34. Since the implementation of the state's documentary proof of citizenship requirement in 2013, our League has actively tracked its impact and, in particular, the number of voters on the state's "suspense list." The staff of the Secretary of State's office informed us that the list has grown by approximately 1,100 voters per month, and that its growth reflects incomplete (lacking proof of citizenship) registrations.

35. Last year, the League also testified against the implementation of a new regulation that allows the state to remove voters from the suspense list if their application is not complete after 90 days. We did so for several reasons, including our belief that this rule will interfere with our ability to register voters with incomplete registrations.

36. The League has and will continue to be forced to divert resources from collecting and transmitting voter registration applications to assisting individuals who have submitted voter registration applications without proof of citizenship documents. For example, The League of Women Voters of Lawrence/Douglas County (KS) began in the fall of 2013 helping voters in suspense finish their registration. The weekend before the November 2014 election, they went to individuals' homes to help them finish their registration. These 115 home visits took roughly 32 person-hours. Of the 115 homes visited, 30 suspended voters finished their registration.

37. Some local Leagues will reduce their registration efforts due to the Executive Director's decision, because potential applicants are unlikely to have documentary proof of citizenship or because members are confused about the legality and propriety of using personal equipment to copy citizenship documents. Other local Leagues will incur costs by using or purchasing equipment to copy identification documents.

38. The Kansas League and local Leagues will also incur costs from educating the public about the documentary proof of citizenship requirement, which would be unnecessary if the League could provide applicants with the federal form without the proof of citizenship requirement. Partly in response to the original documentary proof of citizenship requirement, the Kansas League initiated a campaign, "Promote the Vote," to educate voters about Kansas voting requirements. League members contributed more than \$6,000 toward this effort.

39. The League has also spent \$7,000 to develop a teaching module and video to distribute to colleges throughout Kansas. If the Executive Director's January 29 decision is enforced throughout the election year, the League will likely spend thousands of dollars on producing and distributing additional instructional videos. At least one paid intern for the League has spent significant time planning ways to educate voters and solve the problems

created by the documentary proof of citizenship requirement, and she will spend additional time on the same type of work if the Executive Director's decision is not invalidated.

Lack of Instructions from State Officials and Impending Caucuses and Primary Elections

40. Since the Executive Director's January 29th decision, I have not spoken to county or state election officials, and to my knowledge, no Kansas League leader has received information from the state about how use of the federal form will change. The League must now deal with another layer of obstruction and confusion.

41. Kansas's presidential caucuses will be held on March 5, and the state primary election is on August 2. The Democratic Party allows registration until the day of the caucus, and voters must register for the August election by June. Already, potential participants have likely been prevented from registering because of the Executive Director's decision; more will be prevented until the decision is invalidated. It is imperative that the decision is nullified well before March 5, so those who wish to participate in the caucus and primary, and have the legal right to do so, are allowed to register. Most Kansans are not aware of the decision by the Executive Director that the state require proof of citizenship when using the federal form. Lack of awareness may impair participation by League members (having to explain new requirements) and by applicants (overwhelmed by the process).

42. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 15 day of February, 2016.



Dolores Furtado
League of Women Voters of Kansas

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

LEAGUE OF WOMEN VOTERS OF THE
UNITED STATES, LEAGUE OF
WOMEN VOTERS OF ALABAMA, LEAGUE
OF WOMEN VOTERS OF GEORGIA,
LEAGUE OF WOMEN VOTERS OF KANSAS,
GEORGIA STATE CONFERENCE OF THE NAACP,
GEORGIA COALITION FOR THE PEOPLE'S
AGENDA, MARVIN BROWN, JOANN BROWN and
PROJECT VOTE

Plaintiffs,

vs.

BRIAN D. NEWBY, in his capacity as Executive Director
of The United States Election Assistance Commission;
and

THE UNITED STATES ELECTION ASSISTANCE
COMMISSION

Defendants.

Case No. 16-cv-236 (RJL)

DECLARATION OF ANNE PERMALOFF

DECLARATION OF ANNE PERMALOFF

I, Anne Permaloff, hereby state, under penalty of perjury, that the following information is true to my knowledge, information, and belief:

Personal Background and Position

1. I am the president of the League of Women Voters of Alabama. I have served in that capacity since June 1, 2015.

2. Prior to my current appointment, I also served as state president from 1997 to 1999. I have been on the state board of directors for approximately 12 years, and I have served as a president of my local league on multiple occasions.

3. In my capacity as president of the League of Women Voters of Alabama, I coordinate the activities of our local leagues on a number of statewide matters. I communicate regularly with local leagues on their voter registration and voter education activities.

4. I first became involved in the League in 1993 after being introduced to the organization through one of my colleagues. I found that the League helped people get more involved in the government, and I was drawn to many of the League's efforts to boost civic participation, including candidate forums, voter registration, volunteering at registrars' offices to answer questions for voters, and performing voter education.

5. I previously was Professor of Political Science and Public Administration at Auburn University at Montgomery. I was appointed to this position in September 1975 and retired in December 2006. I hold a Ph. D. in political science from the University of Minnesota. I have co-authored two books about the history of politics in Alabama: *Political Power in Alabama: The More Things Change...* and *Big Mules and Branchheads: James E. Folsom and Political Power in Alabama*.

League of Women Voters of Alabama

6. The League of Women Voters of Alabama is a separately incorporated entity affiliated with the League of Women Voters of the United States. The Alabama League and its local affiliates are nonpartisan political organizations that encourage informed and active participation in government, and fight to improve our systems of government and to impact public policies. Beginning in the 1920's and continuously since the late 1940's, local leagues have promoted this mission through citizen education and advocacy by registering voters, educating the public on voting rights and other public policy issues, and hosting events. We have also advocated for policies that support our mission and the public interest.

7. Ever since its inception, the main purpose of the League has been to encourage people to vote, keep them informed as voters, and also seek out information from candidates and public officials to serve the electorate and the citizenry.

8. The Alabama League is active throughout the state, with six local affiliates and more than 300 members.

League Voter Registration Activities

9. Alabama League members, primarily through our local leagues, have run voter registration drives since our founding. The League focuses on voter registration as a citizen engagement tool.

10. The League considers voter registration drives to be critical because those wishing to register often do not know where to go to register or to look for information about voting. The League receives numerous calls asking for information about voting and registration. Often, we are able to assist citizens in obtaining voter information because of our ability to find

and utilize government sources of voter information, such as the Secretary of State's website, which ordinary citizens do not know about or are unable to navigate.

11. It is my experience that many Alabamians struggle with procedural barriers to voting and registration because they do not feel comfortable questioning authority. This is deeply engrained in Alabama, especially because of the history of voting discrimination in Alabama. Those barriers are slowly coming down, but there are significant vestiges of the history of discrimination that lead to fear of interacting with government and questioning authority.

12. Alabamians looking for assistance in registration and voting trust the League because they know the League does not care about individuals' party affiliation, race, level of education, or socioeconomic status: we are here to help them no matter what. In addition to the practical assistance we provide, League registration drives help eligible citizens navigate the psychological barriers of dealing with a government agencies.

13. League registration drives provide access to registration that would otherwise be unavailable to many citizens, because we bring registration opportunities to people where they are. The Secretary of State has made more online registration resources available for some Alabamians, but only if they know it is available and have the ability to access it. Many people do not have access to the Internet at home, and may have limited ability to visit a place, such as a library, that could give them temporary access. Furthermore, for individuals with limited mobility or without the ability to drive, it can be very difficult visit a physical location at which they can register to vote.

14. For this reason, local leagues frequently hold voter registration drives in outlying areas and other communities where people would otherwise have difficulty accessing voter

registration services. For example, we will perform registration services at nursing homes if we hear of a need to do so.

15. League registration drives are also more accessible methods of voter registration because we hold them at convenient times, such as on the weekend. Even if eligible voters have the means to visit offices at which voter registration is available, being able to visit these offices on weekdays during standard business hours can be difficult. We hold registration drives on non-work days, special events, and community events at which people can more easily register.

16. Local leagues plan registration drives by identifying the places where they might be able to reach the most people. Leagues will often target candidate forums or other events at which people would be interested in registering to vote.

17. When a drive is held, typically the more experienced League members will train other members in the voter registration process, including how to ensure registration forms are complete and how to answer applicants' questions.

18. When conducting registration drives, League members assist individuals in completing registration forms, collect the forms, and deliver them to election officials. League members do all of this, rather than simply handing out forms or giving completed forms back to voters to turn in themselves, because it ensures that form will be completed properly, and it ensures that the form will be turned in. It is the League's experience that if you tell a voter to fill out and turn in a form on his or her own, it is less likely to be completed.

19. Collecting and transmitting voter registration forms on behalf of eligible citizens is more convenient for the voter and helps the voter feel more confident that his or her registration is being completed properly. This sends the message to the voter that the League is there to help. When citizens see that the League is there to assist them, the reaction we

experience is often: “Someone’s willing to help me – I like that.” This makes a big difference in getting people engaged in civic life, which goes to our core mission.

20. League members also give the people we register tools to follow up on their registrations. For example, we will tell applicants when and how they can expect to hear back from election officials about their registrations and what they should do to check to ensure they have been registered. It is our experience that unless we provide this information, applicants otherwise may not know about it.

Effect of Documentary Proof of Citizenship on Voter Registration

21. In 2011, Alabama passed H.B. 56, which included a documentary proof of citizenship requirement to register to vote. It was never in effect in the state, but after the Election Assistance Commission Executive Director’s action on January 29 to allow documentary proof of citizenship on the federal voter registration form, the state announced it would proceed with implementing the requirement.

22. It is my opinion that requiring documentary proof of citizenship to register to vote would interfere significantly with the League’s ability to conduct voter registration drives.

23. Currently registration applicants have to fill in their driver’s license number or the last 4 digits of the social security number on the registration form. The League is able to assist voters in filling out these forms and ensure that this information is included.

24. In contrast, a documentary proof of citizenship requirement would pose many barriers for League members. League volunteers do not walk around with portable copying machines to make copies of documents to submit along with voter registration applications. The burden of ensuring access to copying materials would be severe. Most places the League conducts registration drives do not have copy machines or have machines that charge for making

copies. Even if League members could carry around small copy machines, these would require a power source, and League events often take place in outdoor settings such as community festivals, where there is not access to power outlets.

25. Even if League members could figure out a way to copy documents, most people do not walk around with their citizenship documentation, such as passports and birth certificates. Individuals who have never registered before would no longer have meaningful access to registration through the League because in many cases we would not be able to collect and transmit voter registrations along with documentary proof of citizenship.

26. Additionally, it is my opinion that League members would not be comfortable handling people's passports, birth certificates, and other sensitive documents.

27. Based on my experience, I think that many people do not have ready access to their birth certificates. I believe the cost of getting a birth certificate in Alabama can exceed \$30. This is a prohibitive financial expense for many people. Additionally, having to drive to get a document and then register to vote would be a significant burden for many people.

28. Married women who have changed their names could face additional obstacles because of documentary proof of citizenship requirements, because they may need multiple documents, such as a birth certificate and marriage license, to prove citizenship.

29. It is my experience that lower-income individuals, particularly African-Americans and those in rural communities, are less likely to have access to the documentation needed to register. We have seen a similar problem with Alabama's voter ID requirement. It is particularly difficult for members of these communities to make multiple trips to get the background documents needed for registration.

30. The League uses both state and federal voter registration forms. The federal form is typically used when we do registration drives on college campuses where there may be a large number of individuals registering in other states. If the League could use the federal voter registration form without a documentary proof of citizenship requirement instead of a state form with a documentary proof of citizenship requirement, the League would use the federal form to reduce obstacles for registration.

League of Women Voters Public Education and Proof of Citizenship

31. The League often directs its efforts to public education about voting laws. It is our experience that information distributed about voting laws from governmental officials and others, including the media, can be confusing. For example, when H.B. 56 was first passed, media outlets reported that it would go into effect immediately, in time for upcoming elections, when it was in fact going into effect later. In another case, media outlets reporting on an African-American sorority's work on restoration of the right to vote for people with felony convictions wrongly reported that all felonies result in the loss of voting rights, which is not accurate. In many cases, the League acts to correct this misinformation. The League also has to clarify information that is technically correct but confusing to voters. For example, initial information from the Office of the Secretary of State involving voter ID requirements to vote was informing voters that there would be a mobile van to help people with the requirement. The purpose of the van was to issue photo IDs for voting, but people thought they would be able to register to vote or get rides to election offices in this van. Voter registration would only be available if the county registrar sent a representative to the van's location. The League had to expend substantial time and effort in attempts to deal with such communication problems as these.

32. The League has already expended substantial resources on materials such as voter pamphlets educating voters on registration and other voting requirements.

33. If the documentary proof of citizenship requirement is allowed to go into effect, the League would have to undertake a massive education campaign, including publishing information on our web page, making sure to reach young people through social media, and publication of voter pamphlets.

34. These materials would be extremely costly in time and money. The Alabama League and local affiliates have very limited budgets.

35. I am particularly concerned about the effect of changing the voter registration rules right before an election and the effect this would have on League education and registration efforts. There are primary elections on March 1. If there are runoff elections, they would be held on April 12, with a registration deadline of March 28. The Office of the Secretary of State announced that it would begin implementing the proof of citizenship requirement, but did not explain when or how. I am concerned that this will create substantial confusion for the primary elections and beyond. The League would have a very difficult time reaching voters and educating them about these new requirements.

36. Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 15 day of February, 2016.



Anne Permaloff
President
League of Women Voters of Alabama

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

LEAGUE OF WOMEN VOTERS OF THE
UNITED STATES, LEAGUE OF
WOMEN VOTERS OF ALABAMA, LEAGUE
OF WOMEN VOTERS OF GEORGIA,
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GEORGIA STATE CONFERENCE OF THE
NAACP, GEORGIA COALITION FOR THE
PEOPLE'S AGENDA, MARVIN BROWN, JOANN
BROWN and PROJECT VOTE

Plaintiffs,

vs.

BRIAN D. NEWBY, in his capacity as the Acting
Executive Director & Chief Operating Officer of The
United States Election Assistance Commission; and

THE UNITED STATES ELECTION ASSISTANCE
COMMISSION

Defendants.

Case No. 1:16-cv-00236

DECLARATION OF MICHAEL SLATER

I, Michael Slater, declare and state:

INTRODUCTION

1. My name is Michael Slater. I am the President and Executive Director of Project Vote. I have worked for Project Vote since Dec. 2003. I became the Executive Director of Project Vote in June 2008. I became President of Project Vote in 2010. Prior to that, I served as Project Vote's National Voter Registration Act Program Director, National Voter Registration Act and Election Administration Director, and Deputy Director.

PROJECT VOTE

2. Project Vote is a national nonpartisan, nonprofit 501(c)(3). Project Vote's principal office is located in Washington, DC.

3. Project Vote's mission is to build an electorate that accurately represents the diversity of America's citizenry. Project Vote fights to make sure that every eligible citizen is able to register, vote, and cast a ballot that counts.

4. Despite recent upticks in voter participation, a significant portion of the electorate—concentrated in low-income communities and communities of color, and particularly among the young people in those communities—is still alienated from the electoral process. This weakens our democracy by excluding from major public policy decisions the voices of the most vulnerable and least powerful. Strong democracy needs active participation from all sectors of society, and Project Vote works hard to engage low-income communities, communities of color, and young voters in the civic process.

PROJECT VOTE'S VOTER REGISTRATION DRIVES

5. Project Vote is dedicated to conducting and facilitating voter registration drives in low-income communities, communities of color, young Americans, and other underrepresented communities and supporting the efforts of other organizations doing similar work. Since 1994, Project Vote has developed state-of-the-art voter registration programs and assisted millions of citizens nationwide to register to vote, including through partnerships with state and local civic groups that conduct voter registration drives.

6. For example, in 2014, Project Vote engaged in civic engagement programs with voter registration drives in a number of states, including Georgia. Project Vote provided technical assistance to a voter registration drive in Georgia in 2014.

7. Project Vote plans to conduct and facilitate voter registration activities in 2016 including in Georgia. Project Vote plans to provide in-depth technical assistance to state-based organizations conducting voter registration drives in Georgia and other states to encourage and assist eligible individuals to register to vote and participate in democracy.

8. The decision to add proof of citizenship to the federal form changes the status quo for voter registration in federal elections that has been in place for more than twenty years. These changes will confuse many voters, impose additional burdens on registration, and cause disarray. Additional training will be required in order to help organizations understand the requirements and engage voters. Even with such additional training, voter registration drive organizers will still be hampered and deterred from conducting voter registration drives.

9. Project Vote generally conducts and facilitates site-based community voter registration drives, such as at shopping malls and bus stops. Voter registration drives use “canvassers,” i.e. volunteers or paid persons who approach members of the public and encourage them to register to vote if eligible.

10. Canvassers are typically assigned to one site per shift - such as a bus stop, mall, grocery store, school, or community event.

11. The success of our voter registration drives in engaging underrepresented populations depends in large part on directly contacting citizens and educating them on how to fill out the registration form, assisting them in doing so, verifying the accuracy of the information, and delivering their registration forms to election officials in a timely manner so the applicant is eligible to vote in the next election. Unlike simply passing out blank registration forms, assisting applicants with filling out application forms and then turning in those forms increases the likelihood that interested persons complete an application and ensures that the completed application gets to the appropriate election official.

12. Requiring documentary evidence of citizenship hinders the ability of Project Vote to assist voters to register.

13. In particular, the burden of these requirements falls heaviest on eligible citizens who do not have proof of citizenship, do not carry it with them, or are uncomfortable with handing a sensitive document such as a birth certificate to someone they do not know because of privacy reasons, and therefore cannot register to vote or cast ballots that count if they are required to provide such proof in order to do so.

14. Many citizens who are otherwise perfectly qualified potential registrants do not possess the specified documentation set forth in the Kansas instructions on the revised federal form. (The Georgia and Alabama forms do not specify what documents an applicant can present to provide “satisfactory evidence of citizenship.”) Project Vote recently conducted research regarding which citizens do and do not have photo identification, which although different, is comparable in some respects. Project Vote’s research concluded that 91% of individuals who identify as White have a driver’s license or passport, whereas only 73% of individuals who identify as Black have a driver’s license or passport. Low-income people are also less likely than others to have a driver’s license or passport.

15. Voter registration drives, including those of Project Vote and its partners, often seek to reach these low income communities and communities of color in particular who are already underrepresented among the voting population.

16. Even if eligible voters do possess proof of citizenship documents, they do not typically carry many of the approved types of documents to places where Project Vote facilitates voter registration drives, such as shopping malls, markets, community centers, and transportation hubs. For example, people who do have passports typically do not carry it with them to these locations. Similarly, most U.S. citizens also do not carry around their birth certificate or naturalization papers with them.

17. For example, Project Vote conducted a voter registration drive in Arizona after Proposition 200, the state’s documentary proof of citizenship law, went into effect, to gather information on the impact of the law. We found a significant reduction in the number of applications collected, because many individuals who met the eligibility

requirements could not submit documentation to complete their applications. The results indicated that it is cost-prohibitive to run an effective, large-scale voter registration drive in keeping with the documentary proof of citizenship requirements.

18. It is logistically and financially impractical to conduct a community registration drive at such sites with this documentation requirement in place. It is not feasible for canvassers to carry photocopiers with them to shopping malls, bus stops, transportation centers, or other locations that are ideal for voter registration drives to reach large numbers of unregistered citizens. At some registration locations (e.g., public transit facilities, such as bus stops), it is not even feasible to have a dependable source of electricity, much less operate a photocopier.

19. Site-based registration drives are generally more efficient and effective than door-to-door efforts. Recent controlled experiments commissioned by Project Vote found that it was significantly more effective to conduct site-based drives compared to door-to-door work. If Project Vote or its registration drive partners are only able to conduct door-to-door registration drives in order to collect proof of citizenship documents from those citizens who do have them, Project Vote will be forced to divert resources from the more effective site-based drives, and will have to expend more resources to even attempt to reach the same number of potential voters.

20. Even if the person has documentary proof of citizenship with them and the voter registration drive is able to make a copy of the document, because of privacy concerns, some applicants are uncomfortable with handing a sensitive document such as a birth certificate or passport to someone they do not know. An applicant who would otherwise register through the drive may then decide not to do so.

21. Even if a registration application can be supplemented later, it is not sufficient for a registration drive to collect and submit applications without proof of citizenship and have the applicant submit documents later. The drive cannot guarantee that the applicant, even one who does possess a citizenship document, will submit it and become registered. If the applicant does not submit the documentation required to complete the registration, the resources spent on the canvasser's interaction with the person would thus be wasted.

22. All of our drives are limited by the funding that we have available. Resources are finite and are always stretched to their limit to maximize outreach. Any amount of money that we spend on one expense is that much less money that we have for other expenses, and reduces the amount of money that we can use to fund other work.

23. The federal form is a critical backup for voter registration drives particularly in states with restrictive state registration forms such as Kansas's. Where the state is enforcing the requirement with respect to their state forms, it is important to be able to offer citizens without proof of citizenship the opportunity to register to vote using the federal form where that is the only means by which they might otherwise become registered.

24. The changing requirements, especially with respect to a long-standing procedure such as the federal form, also cause confusion among local election officials charged with administering the new rules. This is especially likely to be true in Georgia and Alabama because the form is so unclear regarding the requirements.

PROJECT VOTE'S VOTER REGISTRATION EDUCATIONAL MATERIALS

25. Because of the changes to the federal form's state-specific instructions, Project Vote will also have to revise its procedures and educational materials to inform community voter registration drives and members of the public regarding the new procedures and the means by which eligible citizens without proof of citizenship may become registered to vote.

26. Repeated changes to voter registration procedures cause confusion regarding the applicable rules. In addition to causing confusion among voter registration applicants, such changes require Project Vote to expend more time and resources to understand the changes and communicate them to partners and voter registration applicants.

27. One type of resource Project Vote provides are voter registration education materials designed to assist organizations and others who wish to run voter registration drives. Project Vote devotes time and resources to this effort, including staff time to research state voter registration laws and procedures in order to provide helpful and accurate information. Project Vote produces state-specific voter registration drive guides for 35-40 states, including state-specific guides for Alabama, Kansas, and Georgia. These guides are updated each election cycle and are generally updated when Project Vote learns of new voter registration laws or procedures being implemented in a state.

28. The sudden revision to the form's state-specific instructions has caused uncertainty regarding what the currently-applicable procedures are for voters, making it difficult to inform other organizations and the public regarding the means by which applicants may become registered to vote.

29. The revised Georgia and Alabama state-specific instructions do not specify what information or documentation an applicant must provide to establish “satisfactory evidence of citizenship.” This vagueness makes it difficult for Project Vote to inform organizations running a drive regarding how they should instruct applicants they can become registered to vote.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 16 day of February, 2016.



Michael Slater