Plaintiffs’ Exhibit 2
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

AMERICAN ASSOCIATION OF PEOPLE
WITH DISABILITIES;
FEDERATION OF AMERICAN WOMEN'S
CLUBS OVERSEAS, INC.;
NEW MEXICO PUBLIC INTEREST
RESEARCH GROUP EDUCATION FUND;
and SOUTHWEST ORGANIZING PROJECT,

Plaintiffs,

v.

MARY HERRERA, in her capacity as
Secretary of State,

Defendant.

No. CV 08-00702 (JOB)

DECLARATION OF LUCY STENSLAND LAEDERICH

Lucy Stensland Laederich, having been duly sworn, do hereby declare and swear that the following is true and correct:

1. I have personal knowledge of the facts set forth below, and if called to testify could and would testify competently thereto.

2. I am a citizen of the United States living overseas in Paris, France.

3. I have been a member of the Federation of American Women's Clubs Overseas, Inc. ("FAWCO") since 1980. I was the President of FAWCO from 1999-2001. Since 2001, I have served as the FAWCO U.S. Liaison, a position in which I am responsible for monitoring legislation that affects Americans living overseas, informing our members of important changes to laws affecting Americans living overseas, representing our members’ concerns in Washington, and coordinating our activities with other overseas citizens’ organizations.

4. In addition to my position at FAWCO, I also serve on the Advisory Board of the not-for-profit, non-partisan Overseas Vote Foundation, which seeks to help Americans living overseas to vote.
5. Attached hereto at Tab A, is a true and correct copy of an email exchange that occurred on or about January 4, 2008, which I received while I was serving in my capacity as FAWCO U.S. Liaison.

   **Federation of American Women’s Clubs Overseas, Inc. ("FAWCO")**

6. FAWCO was founded in 1931 and was later incorporated in New York State as a non-profit, non-partisan 501(c)(3) tax-exempt charity pursuant to the Internal Revenue Code. A recognized non-governmental organization (NGO) since 1995, FAWCO was granted special consultative status to the Economic and Social Council of the United Nations in 1997.

7. FAWCO is an international network of independent organizations, currently with 78 member organizations in 39 countries around the world. As our name suggests, our members are not individuals but are rather American clubs and organizations that operate overseas. Our member organizations have over 16,000 constituent members. FAWCO is represented in Africa, Asia, the Asia-Pacific region, the Caribbean, Europe, the Middle East as well as North America and South America.

8. All persons who are affiliated with FAWCO are also members of one of its 78 member organizations around the world. For instance, I am affiliated with FAWCO by virtue of my membership in the Association of American Wives of Europeans ("AAWE") in Paris, France.

9. FAWCO does not have any paid employees. We are 100 percent volunteer-staffed, and we operate on a two-year budget of approximately $90,000, which is generated through member club dues, web-hosting fees, and paid advertising. FAWCO is governed by a six-person Board of Directors. We also have approximately 20 standing committees that direct certain of our activities. For instance, one of our standing committees is the FAWCO Voting from Overseas Committee, which is chaired by Mary Stewart Burgher of the American Women’s Club in Denmark and focuses on promoting voter registration among Americans living abroad.

10. FAWCO’s mission is to serve as a resource and channel of information for its member organizations, to provide a voice for American women abroad, to support the rights of all Americans worldwide, and to contribute actively to the global community with a specific focus on education, the natural and human environment, multicultural understanding, and international goodwill. By engaging in voter registration, FAWCO demonstrates its commitment to empowering American women living abroad and giving them a voice in the political process.

   **FAWCO’s Voter Registration Activities**

11. FAWCO was instrumental in obtaining the vote for overseas United States citizens in 1975. We have been involved in assisting overseas citizens to register to vote ever since, in particular since the passage of the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA") in 1986, which requires the Department of Defense to administer a
program helping Americans overseas to vote. FAWCO helps to facilitate voter registration drives by its member organizations because its guiding belief is that voting is a duty of all American citizens, and because its ability to address the concerns of overseas voters is dependent on their participation in the political process.

12. In particular, FAWCO helps United States citizens living abroad to register to vote through the following activities:

a. Each year, FAWCO holds a four-day conference for approximately 100-200 delegates from our constituent organizations, including the members of the FAWCO Board and the Chairs of some of our standing committees. At each conference held in a federal election (even-numbered) year, we hold a two-hour training session during which we train attendees how to assist Americans living abroad to register to vote. At that conference, we have a representative of the Federal Voting Assistance Program ("FVAP") in attendance to discuss with our volunteers the rules governing registration of overseas voters. We also have a separate 1-2 hour session at every conference devoted to issues relating to the way that Americans living overseas can interact with governmental institutions in the United States more generally.

b. As a follow-up to our annual conference, Mary Stewart Burgher, the current chair of our Voting from Overseas Committee, provides additional information about new voting developments to volunteers who have an expressed interest in voting issues, primarily through e-mail correspondence throughout the year.

c. FAWCO organizes voter registration sessions at our regional meetings and annual conferences.

d. The individual members of our constituent organizations, who we train and support, themselves conduct voter registration drives across the world. For instance, I have assisted individuals to register to vote at meetings of my member organization, the AAWE in Paris. FAWCO member organizations like AAWE typically send volunteers, many of whom have been trained by FAWCO, to schools such as the American University in Paris, to churches such as the American Church in Paris, to book stores such as Brentano's, and to certain libraries to assist Americans in the voter registration process. AAWE further provides voter registration information on its website, in its monthly newsletters, and at monthly meetings. Other FAWCO member clubs similarly organize numerous American voter registration events at embassies and schools across the world.

13. FAWCO principally trains our member organizations to assist in registering overseas voters using the Federal Post Card Application ("FPCA"). The FPCA is postage-free when used in the United States, and is printed and distributed by the FVAP for use by American citizens living abroad who are eligible to vote under UOCAVA. The FPCA is used by American citizens both to register to vote in their home state in the United States and also to obtain an absentee ballot from that state that will allow them to vote.
14. The FPCA is available at U.S. embassies and consulates around the world. I usually obtain these forms by attending one of the voter registration workshops that are offered at the American Embassy in Paris once or twice a year. I believe that the FPCA forms generally come in packets of 50, and I usually take four or more packets so that I can register voters with the FPCA throughout the year. The American Embassy does not limit the number of FPCA forms I may receive. While I am at the embassy, I also pick up an updated version of the Voting Assistance Guide, published by the FVAP, which is the traditional source of information for Americans abroad who wish to vote in their state or territory of legal residence.

15. The process for filling out the FPCA is not easy. Thus, when I help Americans abroad to register to vote, I almost always assist them in filling out the FPCA. The reason the form is difficult to fill out is that each state has different requirements for registration. In order to register Americans abroad to vote, one must consult the Voting Assistance Guide to determine (i) which specific sections of the FPCA must be filled out and (ii) where the FPCA should be sent.

16. In general, I do not collect completed voter registration forms because I believe it is the individual voter's responsibility to ensure receipt of his or her application. In my experience, FAWCO-trained volunteers operate in different ways on this point. At least one of my colleagues systematically collects and mails all FPCAs that he collects to ensure that they are returned properly. Another of my colleagues usually does not collect the FPCAs, unless she believes that the registrant is unlikely or unable to do it him or herself.

17. More recently, I have been encouraging people to register to vote through the online tool available at the website of the Overseas Vote Foundation. This tool allows a registrant abroad to enter voter information on a website that prompts the user regarding the required information for each state, and then prints out an FPCA containing that information. Because the online tool prompts the user for the correct information for the state indicated, and will not print out an incorrectly filled-in form, the possibility for error is greatly reduced. The website produces a copy of the completed FPCA form that may be printed out, signed, and then mailed in to the proper entity.

18. Since the Overseas Vote Foundation website was developed, it is my preferred method of voter registration. I typically carry my laptop computer with me and ask potential registrants to fill out the form on my computer. Because I do not carry a printer, I e-mail the completed form to the registrants and rely on them to sign the completed FPCA, print it, and send it to the correct location via mail.

19. During the course of registering potential voters, I explain to them that it is important for all eligible citizens to register to vote so that overseas voters have a voice in our government. I frequently have to explain to potential voters abroad that they can in fact vote, even though they are not living in the country, and that it is important for voters living abroad to have a say in American political life. Asking someone to register to vote, particularly someone living overseas, often results in a conversation about civic engagement for overseas citizens or about contemporary political issues. I frequently
also engage in conversations with potential voters about the logistics of getting registered, as well as the impact on their federal, state, and local taxes of getting registered to vote. While it is less the case in my own organization due to its very specific membership rules, I believe that many of my colleagues in FAWCO use voter registration as a way to make their club better known and even solicit new members.

20. FAWCO does not keep statistics on the number of voters we help to register, but to the best of my knowledge and belief, in our years of engaging in voter registration activity, we have assisted thousands of American citizens in registering to vote, and have provided information to thousands more.

21. Although we do not keep records of the specific individuals we help to register to vote, we have historically assisted in the registration of Americans overseas from all 50 states. In particular, I am aware that Mary Stewart Burgher, who is the Chair of FAWCO’s Voting from Overseas Committee, specifically registered one individual to vote in New Mexico in advance of the 2004 presidential election.

The Effect of New Mexico’s Third-Party Voter Registration Law on FAWCO’s Voter Registration Activities

22. When FAWCO first learned about New Mexico’s third-party voter registration statute in late 2007, Mary Stewart Burgher sent out an informational e-mail to all of our volunteers who register voters. That e-mail, dated December 13, 2007, explained that because of the new law, FAWCO volunteers must not help New Mexico citizens living overseas to register to vote, but should instead refer them to the U.S. Embassy or the Overseas Vote Foundation. The e-mail noted that FAWCO volunteers may be subject to certain criminal and civil penalties if they help New Mexico citizens to register without having been certified by the state of New Mexico.

23. Upon learning about the New Mexico statute, I personally decided that I will not assist any New Mexico voter to register to vote. Unless the New Mexico Third-Party Registration Law is changed, I will not register any voter from New Mexico going forward. Based on FAWCO’s advice, I expect that no members of FAWCO’s member organizations will do so either.

24. We have recommended that FAWCO volunteers not register New Mexico voters living overseas because it is practically impossible for any organization operating overseas to comply with the statute’s certification requirements, its restrictions on voter registration forms, or its 48-hour requirement, and the law imposes criminal and civil penalties on all individuals who violate the provisions of the law. I am aware of no exception for organizations operating abroad or for registration using the FPCA. We are unwilling to subject our volunteers and member organizations to potential civil and criminal fines resulting from this lack of clarity.

25. It is self-evident why each of the many FAWCO volunteers who help Americans living abroad to register to vote cannot (i) appear at the office of one of the New Mexico county clerks to be certified or (ii) attend a training in advance of the certification, as is required.
Our volunteers are located in foreign countries, and they cannot without bearing an unreasonable expense fly to New Mexico to be certified so that they can register New Mexico voters. Such an expense would be particularly hard to justify given that FAWCO volunteers must be familiar with the laws not only of New Mexico but also of all 50 States and 5 territories.

26. To the extent that FAWCO members were to continue with voter registration activities notwithstanding the New Mexico statute, I think that FAWCO would face a number of serious risks under the new law. We rely on volunteers dispersed throughout many countries, who are associated with many different membership organizations. We cannot, with our limited budget and lack of paid full-time employees, monitor the voter registration activities of each of FAWCO’s local clubs and their countless volunteers on a daily, or even weekly, basis.

27. The New Mexico law potentially exposes FAWCO to fines of $250.00 for each violation. Given FAWCO’s modest budget of approximately $45,000 per year, these fines would drain an unacceptable portion of our organization’s finances.

28. Voter registration is already a difficult process for overseas voters. We face a number of hurdles that Americans residing within the United States do not face. The New Mexico statute poses an additional obstacle, burdening both our ability to engage in voter registration activities and making it more difficult for overseas New Mexico voters to exercise their right to vote.

I declare under penalty of perjury under the laws of the United States of America (and pursuant to 28 U.S.C. § 1746) that the foregoing is true and correct and that this declaration is executed this 27th day of June 2010 in [CITY], [STATE],

Lucy Stensland Laederich