

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

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COMMON CAUSE OF COLORADO, *et al.*, : CIVIL ACTION NO.
Plaintiffs, : 1 :08-cv-02321-JLK
v. :
BERNIE BUESCHER, in his official capacity as Secretary of
State for the State of Colorado,
Defendant

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**DECLARATION OF S. GALE DICK IN SUPPORT OF PLAINTIFFS' RESPONSE TO
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

1. I am an attorney with the law firm of Debevoise & Plimpton LLP and counsel for the plaintiffs in this case. I make this declaration from my personal knowledge and, if called upon to do so, could and would competently testify to the matters set forth herein in a court of law.

2. Attached hereto as Exhibit 66 is a true and correct copy of the Supplemental Declaration of Jessie Ulibarri, dated January 21, 2010.

3. Attached hereto as Exhibit 67 is a true and correct copy of the Second Supplemental Declaration of Steven K. Ury, dated January 21, 2010.

4. Attached hereto as Exhibit 68 is a true and correct copy of the Second Supplemental Declaration of Jennifer Rose Flanagan, dated January 22, 2010.

5. Attached hereto as Exhibit 69 is a true and correct copy of the Second Supplemental Declaration of Andrew Supe, dated January 20, 2010.

6. Attached hereto as Exhibit 70 is a true and correct copy of the Declaration of Timnit Twolde, dated January 20, 2010.

7. Attached hereto as Exhibit 71 is a true and correct copy of the Declaration of

Lisa Cohen, dated January 20, 2010.

8. Attached hereto as Exhibit 72 is a true and correct copy of the Declaration of Rebecca Grant, dated January 20, 2010.

9. Attached hereto as Exhibit 73 is a true and correct copy of the Supplemental Declaration of Stuart C. Naifeh, dated January 22, 2010. **[FILED UNDER SEAL]**

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

Executed on January 22, 2010 in New York, NY.

/s/ S. Gale Dick
S. Gale Dick

CERTIFICATE OF SERVICE

I hereby certify that on January 22, 2010, I electronically filed the foregoing Declaration of S. Gale Dick in Support of Plaintiffs' Response to Defendant's Motion for Summary Judgment with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the registered, interested parties via electronic mail.

Executed on January 22, 2010

/s/ S. Gale Dick

EXHIBIT 66

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

Civil Action No. 1:08-cv-2321-JLK-KMT

COMMON CAUSE OF COLORADO,
on behalf of itself and its members;
MI FAMILIA VOTA EDUCATION FUND; and
SERVICE EMPLOYEES INTERNATIONAL UNION,
on behalf of itself and its members,

Plaintiffs,

vs.

BERNIE BUESCHER, in his official capacity as Secretary of State for the State of
Colorado,

Defendant.

SUPPLEMENTAL DECLARATION OF JESSIE ULIBARRI

SUPPLEMENTAL DECLARATION OF JESSIE ULIBARRI

I, Jessie Ulibarri, declare as follows:

1. I have been the Colorado State Director for Mi Familia Vota Education Fund ("Mi Familia Vota") since June 16, 2009. I provide this Supplemental Declaration in support of Mi Familia Vota's standing. I have personal knowledge of the matters set forth herein and, if called upon to do so, could and would competently testify thereto in a court of law.
2. Mi Familia Vota conducts voter education and registration activities on an ongoing basis. These activities are particularly targeted at Colorado's Latino and immigrant community.
3. I am aware that certain individuals who registered to vote through Mi Familia Vota in advance of the 2008 federal elections had their registrations cancelled as a result of the Colorado Secretary of State's interpretation and implementation of Colorado Revised Statute § 1-2-509(3), also known as the "20-Day Rule."
4. As I noted in a previous declaration filed in this lawsuit in July 2009, Mi Familia Vota intends to conduct voter registration efforts in connection with future federal elections including the 2010 federal election. Mi Familia Vota is currently planning its voter education and registration efforts for 2010, and will shortly be increasing its voter registration activities.
5. If the 20-Day Rule remains in effect, it will certainly affect Mi Familia Vota's voter registration efforts in 2010. For example, if the 20-Day Rule remains in effect, Mi Familia Vota staff and volunteers, after registering individuals to vote, intend to conduct follow-up with the registrants to ensure that their registrations have not been canceled. This follow-up will require the devotion of staff time and resources, and thus will limit Mi Familia Vota's ability to conduct other outreach and voter registration efforts.
6. Additionally, if the 20-Day Rule remains in effect, Mi Familia Vota will adjust the training it provides to staff and volunteers to include a discussion of the 20-Day Rule and its effect on the voter registration process. In particular, Mi Familia Vota will train staff and volunteers to inform individuals they register to vote that they will need to confirm their voter registration to ensure that their applications have been processed and not cancelled. This will mean that the registration process for each new registrant will take more time to complete, and will likely detract from the organization's ability to register as many new voters as possible.

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

This declaration is executed on January 21, 2010 in Denver, Colorado.



Jessie Ulibarri

EXHIBIT 67

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

Civil Action No. 1:08-cv-2321-JLK-KMT

COMMON CAUSE OF COLORADO,
on behalf of itself and its members;
MI FAMILIA VOTA EDUCATION FUND; and
SERVICE EMPLOYEES INTERNATIONAL UNION,
on behalf of itself and its members,

Plaintiffs,

vs.

BERNIE BUESCHER, in his official capacity as Secretary of State for the State of
Colorado,

Defendant.

SUPPLEMENTAL DECLARATION OF STEVEN K. URY

SECOND SUPPLEMENTAL DECLARATION OF STEVEN K. URY

I, Steven K. Ury, declare as follows:


1. I am Associate General Counsel of Service Employees International Union (“SEIU”) and Counsel to SEIU’s South/Southwest Region. I provide this Supplemental Declaration in support of SEIU’s standing. I have personal knowledge of the matters set forth herein and, if called upon to do so, could and would competently testify thereto in a court of law.
2. My responsibilities as Associate General Counsel include advising SEIU on its activities in Colorado. As counsel to the South/Southwest Region, I am the primary legal counsel for matters concerning Colorado, including matters involving SEIU political campaigns and voter registration efforts. I provide both legal and policy advice to SEIU regarding voter education and registration efforts in Colorado.
3. SEIU conducted a voter registration drive in Colorado in advance of the 2008 federal elections. I am aware that some SEIU members, as well as individuals who registered to vote through SEIU in advance of the 2008 elections, had their registrations cancelled as a result of the Colorado Secretary of State’s interpretation and implementation of Colorado Revised Statute § 1-2-509(3), also known as the “20-Day Rule.”
4. As I explained in a declaration filed in this case in July 2009, SEIU has an ongoing goal of registering its members to vote and intends to conduct voter registration efforts in connection with future federal elections, including the upcoming 2010 federal election.
5. If the 20-Day Rule remains in effect in advance of the 2010 federal elections, I anticipate that it will affect SEIU’s voter registration and education activities in Colorado. For example, if the 20-Day Rule remains in effect, I will recommend that SEIU staff, members and volunteers working on the voter registration drive, follow up with the registrants to ensure that their registrations have not been canceled. This follow up will take time and resources.
6. If the 20-Day Rule remains in effect, I will also recommend that SEIU adjust the training it provides to staff, members and volunteers who participate in its voter registration drive to ensure that they notify every individual who registers to vote through the drive that, approximately 20 days after registering, the individual should check the status of their registration in order to ensure that it has not been cancelled. In addition to the time and resources necessary to do this training, this additional explanation to registrants will mean that registering any given individual will take more time and, as a result, SEIU may be able to register fewer people.
7. Additionally, if the 20-Day Rule remains in effect in advance of the next federal election, I will recommend that SEIU undertake public education and advocacy

efforts to ensure that Colorado voters are aware of the need to double-check the status of their registrations 20 or more days after the date they registered to vote.

8. SEIU anticipates sending a law fellow to Colorado to assist with the 2010 federal election and, in particular, to do voter protection work and work on election-day readiness. However, if the 20-Day Rule is still in effect at that time, I anticipate that there will be a need for the SEIU fellow to address the effects of the 20-Day Rule, either through outreach efforts to new registrants, public education activities, training staff, members and volunteers, and/or staffing a voter hot line. Based on my experience with the SEIU law fellow in the 2008 election, I believe that such work addressing the 20-Day Rule will detract from the law fellow's ability to assist with election-day readiness activities and to do other voter protection work.

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

This declaration is executed on January 21, 2010 in Los Angeles, California.



Steven K. Ury

EXHIBIT 68

UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

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COMMON CAUSE OF COLORADO, on behalf of itself :
and its members; MI FAMILIA VOTA EDUCATION :
FUND; and SERVICE EMPLOYEES INTERNATIONAL :
UNION, on behalf of itself and its members, :
Plaintiffs, : Civil No. 08-cv-02321-JLK

vs. :

BERNIE BUESCHER, in his official capacity as Secretary :
of State for the State of Colorado, :

Defendant. :

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SECOND SUPPLEMENTAL DECLARATION OF JENNIFER ROSE FLANAGAN

I, Jennifer Rose Flanagan, declare are follows:

1. I am currently Director of Common Cause of Colorado, herein after Common Cause.
2. If the 20-Day Rule remains in effect, the ongoing, improper purge of eligible voters from Colorado's election rolls under the 20-Day Rule will directly impacts Common Cause, its ability to fulfill its mission, and its expenditure of time, energy, and resources.
3. Common Cause is currently working on implementing the Just Vote Colorado program for the 2010 general election cycle.

4. This includes setting up a Voter Protection Hotline that will be available during the 2010 general election cycle to the general public to provide assistance to individuals with questions or concerns about voting.

5. I will be responsible for drafting the training materials for volunteers answering the Voter Protection Hotline, and I will be responsible for conducting the training of these volunteers. If the 20-Day Rule remains in effect during the 2010 election cycle, I will be forced to address this issue in those training materials and to address this issue during the training sessions.

6. The hotline volunteer training sessions are limited in their length. If I am forced to cover the 20- Day Rule during these training sessions, there are other topics that I would like to cover that I will be forced to leave out of the training.

7. The Just Vote Colorado program for the 2010 general election cycle will also include poll monitoring.

8. I will be responsible for drafting the training materials for volunteers monitoring the polls, and I will be responsible for conducting the training of these volunteers. If the 20-Day Rule remains in effect during the 2010 election cycle, I will be forced to address this issue in those training materials and to address this issue during the training sessions.

9. The poll monitor training sessions are limited in their length. If I am forced to cover the 20-Day Rule during these training sessions, there are other topics that I would like to cover that I will be forced to leave out of the training.

10. Because the time and resources available to Just Vote Colorado and Common Cause is limited, if Common Cause is required to divert resources toward training volunteers about the 20-Day Rule, it will necessarily be diverted away from other work that the could be

performed to make Just Vote Colorado and the Voter Protection Hotline more effective and useful to voters.

11. Our coordinating steering committee for Just Vote Colorado includes The Colorado Lawyers Committee, the Legal Center for People with Disabilities and Older People, the Latina Initiative and the Colorado League of Women Voters. Organizations who utilize the Just Vote Colorado program include (but are not limited to) The Colorado Progressive Coalition, ACLU of Colorado, New Era Colorado, and Colorado's c3 Roundtable.

12. Several of these organizations have plans to conduct voter registration during the 2010 election cycle, including, but not limited to, The Colorado Progressive Coalition and the Latina Initiative. If the 20-Day Rule remains in effect, I will be forced to conduct training with the members of our steering committee about this issue so that all members are properly informed about the potential negative effect of the Rule on their registration efforts, and properly informed about the need for public education and advocacy to ensure that Colorado voters are aware of the need to double check the status of their registration 20 days after they register to vote.

13. In my capacity as Director of Common Cause of Colorado, I sit on Colorado's c3 Roundtable. Many of the members of this Roundtable will conduct voter registration during the 2010 election cycle. If the 20-Day Rule remains in effect, I will be forced to conduct training with the members of the Roundtable about this issue so that all members are properly informed about the potential negative effect of the Rule on their registration efforts, and properly informed about the need for public education and advocacy to ensure that Colorado voters are aware of the need to double check the status of their registration 20 days after they register to vote.

14. The agendas of these groups, the Just Vote Colorado Steering Committee and the c3 Roundtable, are very packed, with limited resources. If we are required to spend some of the limited time and resources available to address the 20-Day Rule, there will necessarily be a diversion of resources away from other voter protection and education activities.

15. If the 20-Day Rule remains in effect, during the 2011 legislative session, Common Cause will be required to devote resources to the passage of legislation to stop this practice.

16. The lobbying work for Common Cause's 2011 agenda will be performed by me, with the assistance of my one full-time staff person. My resources to engaging lobbying efforts are therefore limited. If I am required to devote time to addressing the 20-Day Rule, I will not be able to devote time to other vital election administration reforms, such as Election Day Registration.

I affirm under the penalties of perjury under the laws for the United States that the foregoing representations are true.

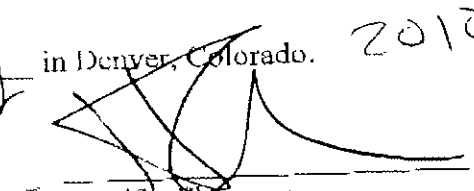
Executed this 22 day of January in Denver, Colorado. 2010

Jennifer Flanagan

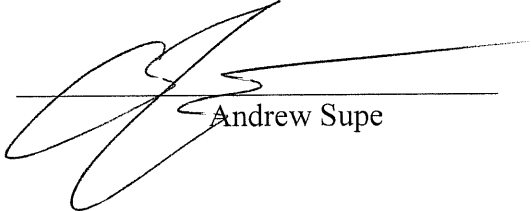
EXHIBIT 69

5. Most recently, on or about November 25, 2009, I compared SEIU's databases to the lists received from the Secretary of State to identify (a) any current members whose records in the Colorado voter registration database have been cancelled on the basis of a "failed 20-day period"; and (b) any individuals who were members of SEIU at the time of the November 2008 election whose records in the Colorado voter registration database were cancelled on the basis of a "failed 20-day period."

6. Based on my comparison of SEIU's membership database with the lists provided by the Secretary of State, I determined that, in addition to the SEIU members previously identified in my Declaration and Supplemental Declaration as having registration records that were cancelled on the basis of "failed 20-day period," Colorado WINS member Edith Ortega also had her voter registration cancelled from the Colorado voter registration database on the basis of a "failed 20-day period" on November 15, 2006. Ms. Ortega is a current member of Colorado WINS.

I affirm, under penalty of perjury under the laws of the United States of America and the State of Colorado, that the foregoing is true and correct.

Executed this 20th day of January, 2010 in Denver, Colorado.



Andrew Supe

EXHIBIT 70

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

COMMON CAUSE OF COLORADO, *et al.*,

Plaintiffs,

v.

BERNIE BUESCHER, in his official capacity as Secretary of State for the State of Colorado,

Defendant.

CIVIL ACTION NO.

1:08-cv-02321-JLK

DECLARATION OF TIMNIT TWOLDE

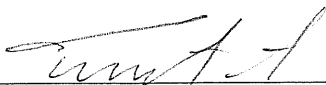
I, Timnit Twolde, declare as follows:

1. I am a member of Service Employees International Union Local 105.
2. I currently reside in Aurora, Colorado.
3. I am a United States citizen and am more than 18 years old.
4. It is my understanding that I am not currently registered to vote in Colorado.

However, I intend to register to vote in Colorado in advance of the next federal election. It is important to me that after registering I can be certain that I am in fact registered so that I know my ballot will be counted when I vote in the next election.

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

This declaration is executed on 20, 2010 in CO / 2010.



Timnit Twolde

EXHIBIT 71

**UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO**

COMMON CAUSE OF COLORADO, on behalf of itself :
and its members; MI FAMILIA VOTA EDUCATION :
FUND; and SERVICE EMPLOYEES INTERNATIONAL :
UNION, on behalf of itself and its members, :

Plaintiffs, :

vs. :

BERNIE BUESCHER, in his official capacity as Secretary :
of State for the State of Colorado, :

Defendant. :

Civil No. 08-CV-0231-JLK

DECLARATION OF LISA COHEN

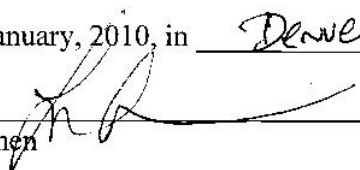
I, Lisa Cohen, declare as follows:

1. I am a resident of Colorado.
2. I am currently registered to vote in Denver County, Colorado at my current address of 3047 W 21st Ave, Denver, CO 80211.
3. I intend to move within the State of Colorado in the near future.
4. I intend to register to vote at my new address in Colorado once I move.
5. I intend to vote in the federal election in Colorado in August 2010.
6. I intend to vote in the federal election in Colorado in November 2010.

7. I am currently a member of Colorado Common Cause and I have been a member since 2006.

I affirm under the penalties for perjury under the laws of the United States of America that the foregoing representations are true.

Executed this 20 day of January, 2010, in Denver, Colorado.



Lisa Cohen

EXHIBIT 72

4153628044

**UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO**

COMMON CAUSE OF COLORADO, on behalf of itself :
and its members; MI FAMILIA VOTA EDUCATION :
FUND; and SERVICE EMPLOYEES INTERNATIONAL :
UNION, on behalf of itself and its members, :
:

Plaintiffs, :
:

vs. :
:

BERNIE BUESCHER, in his official capacity as Secretary :
of State for the State of Colorado, :
:

Defendant. :

Civil No. 08-CV-0231-JLK

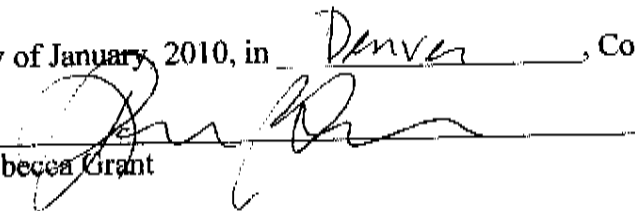
DECLARATION OF REBECCA GRANT

I, Rebecca Grant, declare as follows:

1. I am a resident of Colorado.
2. I currently live in Denver County.
3. I have never been registered to vote in the State of Colorado.
4. I intend to register to vote at my current address in Colorado in the new future so that I can vote in 2010 federal elections.
5. I intend to vote in the federal election in Colorado in August 2010.
6. I intend to vote in the federal election in Colorado in November 2010.
7. I am currently a member of Colorado Common Cause and I have been a member since November of 2009.

I affirm under the penalties for perjury under the laws of the United States of America that the foregoing representations are true.

Executed this 20 day of January, 2010, in Denver, Colorado.



Rebecca Grant

EXHIBIT 73
[FILED UNDER SEAL]