John B. Curley, as Chairman of the Lake County, Indiana, Republican Central Committee, and as a registered voter, and Jim B. Brown as member of the Lake County Board of Elections and Registration and as a registered voter,

Plaintiffs,

v.                                                                                          Case No. 2:08 cv-00287-JVB

Lake County Board of Elections and Registration, and the Honorable Thomas Philpot, not individually but as Lake County Clerk,

Defendants.

Linda Peterson, Roosevelt Phillips, Mary Aaron, Service Employees International Union, and Indiana State Conference of National Association for the Advancement of Colored People Branches,

Proposed Intervenor-Defendants.

DECLARATION OF ANNE MACRI
Declaration of Anne Macri

1. My name is Anne Macri. I am an attorney with the Service Employees International Union in Washington, DC.

2. On Tuesday, September 23, 2008, I attended a meeting of the Lake County Board of Elections and Registration in Crown Point, Indiana.

3. On the Board’s agenda was a proposal to open early voting locations in Gary, Hammond and East Chicago, Indiana, for the upcoming general election, in addition to having early voting at the Board’s offices in Crown Point. These locations had all been open for early voting for the 2008 primary in May.

4. Before the Board voted, people were allowed to make comments about the issue of opening early voting locations. Commenters included Rudy Clay, the Mayor of Gary; Thomas McDermott, the Mayor of Hammond; Mara Candelaria, the Representative for the 12th District; County Commissioner Roosevelt Allen, and Rev. Asher Harris, among others. All of the commenters spoke in favor of opening more early voting locations.

5. Attached as Exhibit A are letters sent to the Board on this issue.

6. No commenters spoke against opening more early voting locations.

7. After the comments, the Board voted on a draft resolution to establish satellite voting locations in Gary, Hammond and East Chicago, including authorization to provide the necessary staff, ballots and voting machines to permit early voting in those locations. The two Democratic members of the Board voted to pass the resolution, as did the Clerk’s proxy. The two Republican members of the Board voted against the resolution.

8. Although the resolution had three votes, the Board understood that to “establish” satellite locations, the resolution had to be unanimously adopted, and therefore it was defeated.

9. After the resolution failed, comments from the Board’s two lawyers led to a debate over whether the Board could allow early voting at the circuit court clerk’s offices in Gary, Hammond and East Chicago without “establishing” satellite offices. The Democratic members believed the statute permitted such action, whereas the Republicans believed the statute did not.

10. During this debate, the Republicans were asked to explain why they opposed opening early voting locations in Gary, Hammond and East Chicago, as had been done in the primary. One Republican member refused to respond to the question, and the other responded only “no comment.”

11. A vote was held on whether to allow early voting at the circuit court clerk’s offices in Gary, Hammond and East Chicago. The two Democratic members of the Board voted “aye,” as did the Clerk’s proxy. The two Republican members of the Board voted “nay.” The motion passed, 3 votes to 2 votes.

I affirm, under the penalties for perjury, that the foregoing representations are true.

Anne Macri
Washington, DC

9-29-08

Date
September 22, 2008

Lake County Election and Registration Board
2293 N. Main Street
Crown Point, IN 46307

RE: Early Voting

Dear Lake County Election and Registration Board Members,

We are writing to express our concern that the expected turnout in the November election has the potential to overwhelm the election administration system in Lake County. The voter registration increases recently reported by the Secretary of State suggest that a record number of voters will cast ballots in this election. In the Lake County primary turnout exceeded 50%, it is safe to assume that turnout in November could reach 80%.

It is our understanding that the Lake County Election Board is considering cutting back the number of early voting sites available to Lake County voters. As our Secretary of State Todd Rokita has said in a number of recent interviews, encouraging early voting can go a long way in preventing long lines, ballot shortages and other problems on election day. Lake County saw how successful early voting can be in the primary in May, with 4 sites open for voters in the days leading up to the election. We are concerned that the Election Board is considering reducing access to the polls just as voters are becoming more engaged than ever.

Requiring voters to drive 30 miles or more or wait in long lines on election day is inconsistent with the nation’s commitment to participatory democracy. Lake County voters rely on the Election Board to make decisions that will provide meaningful access to all those who wish to make their voice heard. The keen interest in this year’s historic election necessitates expanding the capacity of the system through early voting sites.

We strongly encourage you to give Lake County residents the same access to the ballot box as they enjoyed in the primary. We thank you in advance for all of your work to make sure that elections in Lake County run smoothly and that all of the citizens of Lake County are able to exercise their most fundamental right.

Sincerely,

Jerry Brown
BAC #4, Field Representative
September 22, 2008

Lake County Election and Registration Board
2293 N. Main Street
Crown Point, IN 46307

DALE JOHNSON
Field Representative

RE: Early Voting

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Sincerely,

Dale E. Johnson
BAC #4, Field Representative
September 22, 2008

Lake County Election and Registration Board
2293 N. Main St.
Crown Point, IN 46307

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Sincerely,

[Signature]

Dan Murcek, President
September 22, 2008

Lake County Election and Registration Board
2293 N. Main St.
Crown Point, IN 46307

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Sincerely,

Chris Hernandez, President
Thomas Philpot, Clerk of the Circuit Court
Courts Building, 1st Floor, 2293 N. Main Street
Crown Point, IN 46307

Dear Mr. Philpot:

After the record-setting voter turnout seen in the primary election, we expect turnout on November 4 to substantially exceed previous estimates. On behalf of our Union Council membership within your jurisdiction, we are concerned that this increased turnout will result in long lines at polling places. Our calculations show that given the current allocation of voting machines throughout Lake County there will be lines on Election Day in excess of one hour.

We write to request the following information regarding your plan to ensure that these and other potential problems are addressed prior to Election Day:

1. What is your ratio of registered voters to voting machines in each precinct?
2. What are your current plans to increase the number of machines at your polling locations?
3. What additional steps have you taken to ensure that lines will be no longer than 15 minutes at your polling locations at any point on Election Day?
4. What is the number of poll workers at each voting location?

Thank you for your time and assistance. We look forward to receiving your response no later than September 25th. If we do not receive the requested information by September 25th, we will be compelled to pursue other measures to ensure that appropriate preparations are made in advance of Election Day.

Sincerely,

David C. Tharp
Executive Secretary-Treasurer

RECEIVED
SFP 2  2008
LAKE COUNTY ELECTION REGISTRATION BOARD
September 22, 2008

Lake County Election and Registration Board
2293 North Main Street
Crown Point, Indiana 46307

RE: Early Voting

Dear Lake County Election and Registration Board Members,

We write today to request the authorization of additional absentee voting locations for the General Election on November 4, 2008. We believe this will help ensure that all of the citizens of Lake County are able to exercise their most fundamental right.

Election Day is fast approaching and we are proud that Indiana is poised to play an integral part in this race. With the unprecedented voter turnout for the May Primary Election and the increasing enthusiasm surrounding the upcoming Presidential election, it is appropriate to expect a record number of Lake County voters on November 4th. We are concerned that this historic turnout has the potential to overwhelm even the best-laid plans, which could result in long lines, a shortage of ballots, overwhelmed poll workers, judicial intervention, and unsatisfied voters on Election Day.

As Indiana Secretary of State Todd Rokita suggested on August 22, 2008, in a letter to County Election Administrators, expanding access to early voting can greatly “reduce negative impacts ... to the voting process that will occur with the extraordinary turnout on Election Day.” Further, the demand for absentee voting options in Lake County was clearly demonstrated by the 10,000 residents who cast their ballots early in the May Primary Election at locations in Gary, East Chicago, Hammond, and Crown Point. Providing equivalent access to early voting is a common sense service we can provide to the residents of Lake County. It simply would not be in the best interest of the voters in Lake County to offer fewer voting locations when we expect significantly more participation in this election.

Early voting can play an essential role in helping to guarantee that every citizen’s right to vote is protected, preserved, and peacefully exercised. We appreciate your serious consideration of this matter.

Sincerely,

Peter J. Visclosky
Member of Congress

David Uran
Mayor of Crown Point

Joseph Stahura
Mayor of Whiting

Rudy Clay
Mayor of Gary

Thomas McDermott
Mayor of Hammond
September 18, 2008

Mrs. Sally LaSota
Director
Board of Elections and Voters Registration
Building A205, 2nd Floor
2293 North Main Street
Crown Point, Indiana 46307

Dear Mrs. LaSota:

I am writing to request that the issue of absentee-in-person voting be placed on the agenda. It would be my request for the Lake County Election Board meeting scheduled for next Tuesday, September 23rd.

Voters are expected to participate in this election in unprecedented levels. Early voting can play an essential role in helping to ensure that every citizen's right to vote is peaceably exercised, and we hope to see as many people as possible effectively use this system. I would hope, that the election board would open up the three satellite offices that were used in the primary election, for the same purpose in the upcoming general election. We would like to encourage the Election Board to discuss and determine how best to make early voting a meaningful option for the voters of Lake County.

Sincerely,

Pete J. Visclosky
Peter J. Visclosky
Member of Congress
Lake County Election and Registration Board
2293 North Main Street
Crown Point, Indiana 46307

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Early voting can play an essential role in helping to guarantee that every citizen's right to vote is protected, preserved, and peacefully exercised. We appreciate your serious consideration of this matter.

Sincerely,

Joseph M. Stahura
Mayor

City of Whiting
1443 119th Street • P.O. Box 591 • Whiting, Indiana 46394 • tel. 219.855.7700 • fax. 219.872.4452
www.whitingindiana.com