

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARTHA HAYES,

Plaintiff,

Case No. 1:07-cv-1237

v.

MICHIGAN DEMOCRATIC PARTY,

Hon. Robert J. Jonker

and

THE STATE OF MICHIGAN AND TERRI LYNN LAND,
solely in her official capacity as Secretary of State of Michigan
JOINTLY AND SEVERALLY,

Defendants.

DECLARATION OF MARK BREWER

I, Mark Brewer, hereby declare:

1. Except as otherwise specifically indicated, I state all facts herein of my own first hand personal knowledge, and if called as a witness, I could and would competently testify thereto.
2. I am the duly elected Chair of the Michigan Democratic Party ("MDP").
3. According to the MDP's records, plaintiff Martha Hayes first joined MDP on November 16, 2007. I am aware of no involvement or participation by Martha Hayes in MDP's activities or affairs prior to the filing of this lawsuit. According to our records, Martha Hayes did not participate in MDP's 2004 Presidential caucus.
4. The following individuals have withdrawn their names from the January 15, 2008 Presidential Primary Democratic Party ballot in Michigan: Joe Biden, John Edwards, Barack Obama and Bill Richardson. The following candidates will appear on the January 15, 2008 Democratic

Party Presidential Primary ballot in Michigan: Hillary Clinton, Chris Dodd, Dennis Kucinich and Mike Gravel. Supporters of candidates who have withdrawn from the Presidential Primary have the option, and in some cases have been urged by the withdrawing candidates, to vote the “uncommitted” slot on the Primary ballot. Uncommitted delegates to the Democratic Party’s National Convention can vote at the Convention for any candidate they wish, including a candidate who does not appear on the Michigan Presidential Primary election ballot. In addition, the Primary ballot allows the voter to write in a candidate’s name. A sample January 15, 2008 Democratic Party Presidential Primary ballot is attached. (The candidate names are randomly rotated so all ballots are not identical.)

5. MDP has expended significant time, money and resources implementing its Delegate Selection Plan based on the January 15, 2008 Presidential Primary results. MDP will suffer a significant disruption if it is required to devise and implement an alternative delegate selection method. Devising, approving and implementing an alternative delegate selection method will subject MDP to substantial costs, in time, effort, money and resources. Conducting a state-wide Presidential preference caucus would require a significant amount of time and resources. MDP would not be able to arrange and conduct caucuses in lieu of its current Delegate Selection Plan by February 9, 2008, or even by the end of February, 2008.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 28, 2007.





MARK BREWER

VOTER: PLEASE DO NOT REMOVE STUB
IF STUB DETACHES, PLEASE RETURN WITH BALLOT

SAMPLE BALLOT
DEMOCRATIC PARTY BALLOT
Presidential Primary Election
Tuesday, January 15, 2008
County Name, Michigan
Jurisdiction Name, Precinct Number

INSTRUCTIONS: For the office of President, you may vote for a candidate or you may vote "Uncommitted."

TO VOTE: *{for oval style ballots}* Completely darken the oval opposite each choice as shown: 

{for arrow style ballots} Complete the arrow opposite each choice as shown: 

IMPORTANT: To mark your ballot, use only a black or blue ink pen. **DO NOT USE ANY OTHER INK COLOR!**

DO NOT vote for more candidates than indicated under each office title.

WRITE-IN: To vote for a candidate whose name is not printed on the ballot, write or place the name of that candidate in the blank space provided and *{completely darken the oval}* *{complete the arrow}*. Do not cast a write-in vote for a candidate whose name is already printed on the ballot for that office.

WHEN YOU HAVE COMPLETED VOTING: Place the ballot in the secrecy sleeve so that votes cannot be seen and the numbered stub is visible. Return the ballot to the election official stationed at the tabulator. (If voting by absentee ballot, follow the instructions provided by the clerk for returning the ballot.)

NOTE: If you make a mistake, return your ballot to the election official and obtain a new ballot. Do not attempt to erase or correct any marks made in error.

PARTISAN SECTION

PRESIDENTIAL



**Democratic Party
Presidential Primary**

PRESIDENT OF THE UNITED STATES

Vote for not more than 1

Hillary Clinton

Chris Dodd

Mike Gravel

Dennis Kucinich

Uncommitted

(Write-In Space)

Please note

Additional offices and proposals may appear on your ballot.
Please contact your local clerk for more information.

Candidates may not appear on the official ballot you
receive in the same order listed on this sample ballot.

SAMPLE