

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

OHIO STATE CONFERENCE OF THE	:	
NATIONAL ASSOCIATION FOR THE	:	
ADVANCEMENT OF COLORED PEOPLE, et	:	Case No. 2:14-cv-00404
al.,	:	
	:	
Plaintiffs,	:	Judge Peter C. Economus
	:	
v.	:	
	:	
JON HUSTED, et al.,	:	
	:	
Defendants.	:	
	:	
	:	

AMENDED¹ DECLARATION OF FREDA J. LEVENSON

I, Freda J. Levenson, under penalty of perjury hereby declare that:

I am the Managing Attorney at the American Civil Liberties Union of Ohio Foundation in Cleveland, Ohio and a member in good standing of the bar of this Court. I am counsel for Plaintiffs in this matter.

1. Attached hereto as Exhibit 1 is a true and correct copy of the expert report by Daniel A. Smith, Ph.D. titled *Analysis of Effects of Senate Bill 238 and Directive 2014-06 on Early In-Person (EIP) Absentee Voting by Blacks and Whites in Ohio* (2014).

2. Attached hereto as Exhibit 2 is a true and correct copy of the expert report by Vincent J. Roscigno, Ph.D. titled *Racial Inequality, Racial Politics and the Implications of Recent Voting Restrictions in Ohio: Analyses of Senate Factors One, Two, Three, Five, Six and Seven of the Voting Rights Act* (2014).

¹ The Declaration submitted on June 30, 2014 had incorrect Exhibit numbers. This Amended Declaration corrects those errors.

3. Attached hereto as Exhibit 3 is a true and correct copy of a study by the Ray C. Bliss Institute of Applied Politics at the University of Akron titled *A Study of Early Voting in Ohio Elections* (2010), available at <http://www.uakron.edu/bliss/research/archives/2010/EarlyVotingReport.pdf>.

4. Attached hereto as Exhibit 4 is a true and correct copy of the study by Norman Robbins, Ph.D., titled *Update, 9-27-12: Does Ohio Have "Fair" and Sensible Rules for Early In-Person (EIP) Voting?* (2012). Copies of Exhibits 4 to 7 may be found at <http://nova-ohio.org/reports.htm>.

5. Attached hereto as Exhibit 5 is a true and correct copy of the report by the Franklin County (Ohio) Board of Elections titled *2008 Early In-Person Voting* (2012).

6. Attached hereto as Exhibit 6 is a true and correct copy of the study by Mark Salling, Ph.D., and Norman Robbins, Ph.D., titled *Do White, African American, and Hispanic/Latino EIP Voters Differ from Election Day and Vote by Mail Voters in Income?* (2012).

7. Attached hereto as Exhibit 7 is a true and correct copy of the study by Norman Robbins, Ph.D., and Mark Salling, Ph.D., titled *Racial and Ethnic Proportions of Early In-Person Voters in Cuyahoga County, General Election 2008, and Implications for 2012* (2012).

8. Attached hereto as Exhibit 8 is a true and correct copy of the study by Russell Weaver, Ph.D., and Sonia Gill, Esq., titled *Early Voting Patterns by Race in Cuyahoga County* (2012), available for download at <http://www.lawyerscommittee.org/newsroom/publications?id=0029>.

9. Attached hereto as Exhibit 9 is a true and correct copy of a report that

is a compilation of statistical information from government sources, including the 2010 Census of Population and Housing and the Census Bureau's 2009 American Community Center, relating to Ohio's African-American Population. The report is titled *Ohio's African-American Population*, available at <http://development.ohio.gov/files/research/P7003.pdf>.

10. Attached hereto as Exhibit 10 is a true and correct copy of the Declaration of Ray Wood, President of the United Autoworkers Local and President of the Toledo Branch of Plaintiff Ohio NAACP.

11. Attached hereto as Exhibit 11 is a true and correct copy of the Declaration of Carrie Davis, Executive Director of Plaintiff League of Women Voters of Ohio.

12. Attached hereto as Exhibit 12 is a true and correct copy of the Declaration of Reverend Dale Snyder, Senior Pastor of Plaintiff Bethel African Methodist Episcopal Church in Columbus, Ohio.

13. Attached hereto as Exhibit 13 is a true and correct copy of the Declaration of Plaintiff Darryl Fairchild, a community organizer in Dayton, Ohio.

14. Attached hereto as Exhibit 14 is a true and correct copy of the Declaration of Jamie Simpson, member of Plaintiff Omega Baptist Church in Dayton, Ohio.

15. Attached hereto as Exhibit 15 is a true and correct copy of the Declaration of Reverend Robert E. Jones, former Pastor at Plaintiff College Hill Community Church Presbyterian, U.S.A., in Dayton, Ohio.

16. Attached hereto as Exhibit 16 is a true and correct copy of the Declaration of Delores Freeman, member of Plaintiff A. Philip Randolph Institute, Youngstown Chapter.

17. Attached hereto as Exhibit 17 is a true and correct copy of the Declaration of David Morgan, member of Plaintiff A. Philip Randolph Institute Trumbull, County Chapter.

18. Attached hereto as Exhibit 18 is a true and correct copy of the Declaration of Anthony Brice, member of Plaintiff A. Philip Randolph Institute, Greater Cincinnati Chapter.

19. Attached hereto as Exhibit 19 is a true and correct copy of the Declaration of Reverend Gerald A. Cooper, Pastor at Wayman Chapel African Methodist Episcopal Church in Dayton, Ohio.

20. Attached hereto as Exhibit 20 is a true and correct copy of the Declaration of Reverend Joseph Copeland, Associate Minister of the Greater New Hope Missionary Baptist Church in Cincinnati, Ohio.

21. Attached hereto as Exhibit 21 is a true and correct copy of the Declaration of Reverend Shawn Braxton, Pastor at New Life Cathedral in East Cleveland, Ohio.

22. Attached hereto as Exhibit 22 is a true and correct copy of the Declaration of Jack Frech, Director of the Athens County Department of Job & Family Services.

23. Attached hereto as Exhibit 23 is a true and correct copy of the Declaration of Josh Spring, Executive Director of the Greater Cincinnati Homeless Coalition.

24. Attached here to as Exhibit 24 is a true and correct copy of the Declaration of Erik Crew, a community organizer in Cincinnati, Ohio.

25. Attached hereto as Exhibit 25 is a true and correct copy of the Declaration of Georgine Getty, Executive Director of the Interfaith Hospitality Network of Greater Cincinnati and former Executive Director of the Greater Cincinnati Coalition for the Homeless.

26. Attached hereto as Exhibit 26 is a true and correct copy of Glorianne Leck, Former Precinct Committee Person for the 2004 Presidential Election at the Wick Park polling place in Youngstown, Ohio.

27. Attached hereto as Exhibit 27 is a true and correct copy of Mark Freeman, former Superintendent of the Shaker Heights City School District in Shaker Heights, Ohio.

28. Attached hereto as Exhibit 28 is a true and correct copy of the Declaration of Molly Rugg, Paralegal for the American Civil Liberties Union Foundation's Voting Rights Project.

29. Attached hereto as Exhibit 29 is a true and correct copy of the Declaration of Tim Cable, Legal Assistant for the American Civil Liberties Union of Ohio.

30. Attached hereto as Exhibit 30 is a true and correct copy of the report published by the Northeast Ohio Coalition for the Homeless, titled *Homeless Voting in Cleveland Ohio Presidential Election 2012: Final Report with Recommendations*, available at <http://www.neoch.org/storage/VotingReport2012.pdf>.

31. Attached hereto as Exhibit 31 is a true and correct copy of the legislative testimony of Brian Davis, Director of Community Organizing at the Northeast Ohio Coalition for the Homeless, delivered to the Ohio House of Representatives in December 2013.

32. Attached hereto as Exhibit 32 is a true and correct copy of Senate Bill 238, available at http://www.legislature.state.oh.us/BillText130/130_SB_238_EN_N.pdf

33. Attached hereto as Exhibit 33 is a true and correct copy of the report by the Ohio Association of Elections Officials titled *Report and Recommendations for Absentee Voting Reform* (2013). A copy of this report was filed in *OFA*, 2:12-cv-636 (S.D. Ohio Sept. 5, 2012), ECF No. 87-2.

34. Attached hereto as Exhibit 34 is a true and correct copy of Directive 2012-35, issued by Defendant Husted on August 15, 2012 to "All County Boards of Elections; Deputies,

Directors, and Board Members,” available at

<http://www.sos.state.oh.us/SOS/Upload/elections/directives/2012/Dir2012-35.pdf>.

35. Attached hereto as Exhibit 35 is a true and correct copy of Directive 2012-50, issued by Defendant Husted on October 16, 2012 to “All County Boards of Elections; Deputies, Directors, and Board Members,” available at

<http://www.sos.state.oh.us/SOS/Upload/elections/directives/2012/Dir2012-50.pdf>.

36. Attached hereto as Exhibit 36 is a true and correct copy of Directive 2014-06, issued by Defendant Husted on February 25, 2014 to “All County Boards of Elections; Deputies, Directors, and Board Members,” available at

<http://www.sos.state.oh.us/sos/upload/elections/directives/2014/Dir2014-06.pdf>.

37. Attached hereto as Exhibit 37 is a true and correct copy of Directive 2014-17, issued by Defendant Husted on June 17, 2014 to “All County Boards of Elections; Deputies, Directors, and Board Members,” available at

<http://www.sos.state.oh.us/sos/upload/elections/directives/2014/Dir2014-17.pdf>.

38. Attached hereto as Exhibit 38 is a true and correct copy of a press release issued by Defendant Husted on June 11, 2014, available at

<http://www.sos.state.oh.us/mediaCenter/2014/2014-06-11.aspx>.

39. Attached hereto as Exhibit 39 is a true and correct copy of the Tie Vote issued by Jennifer Brunner, former Ohio Secretary of State, dated September 22, 2010, and addressed to William Anthony, Director of the Franklin County Board of Elections. All of the Tie Votes (Exhibits 39-47) may be found at

<http://www.sos.state.oh.us/elections/electionofficials/Rules.aspx>.

40. Attached hereto as Exhibit 40 is a true and correct copy of the Tie Vote issued by Jennifer Brunner, former Ohio Secretary of State, dated September 29, 2010, and addressed to Paul Adams, Director of the Lorain County Board of Elections.

41. Attached hereto as Exhibit 41 is a true and correct copy of the Tie Vote issued by Jennifer Brunner, former Ohio Secretary of State, dated October 21, 2010, and addressed to Debra Quivey, Director of the Athens County Board of Elections.

42. Attached hereto as Exhibit 42 is a true and correct copy of the Tie Vote issued by Defendant Jon Husted, Ohio Secretary of State, dated October 25, 2011, and addressed to William A. Anthony, Director of the Franklin County Board of Elections.

43. Attached hereto as Exhibit 43 is a true and correct copy of the Tie Vote issued by Defendant Jon Husted, Ohio Secretary of State, dated October 25, 2011, and addressed to Steven P. Harsman, Director of the Montgomery County Board of Elections.

44. Attached hereto as Exhibit 44 is a true and correct copy of the Tie Vote issued by Defendant Jon Husted, Ohio Secretary of State, dated July 11, 2012, and addressed to Joseph Masich, Director of the Summit County Board of Elections.

45. Attached hereto as Exhibit 45 is a true and correct copy of the Tie Vote issued by Defendant Jon Husted, Ohio Secretary of State, dated July 13, 2012, and addressed to Jane Platten, Director of the Cuyahoga County Board of Elections.

46. Attached hereto as Exhibit 46 is a true and correct copy of the Tie Vote issued by Defendant Jon Husted, Ohio Secretary of State, dated August 2, 2012, and addressed to William A. Anthony, Director of the Franklin County Board of Elections.

47. Attached hereto as Exhibit 47 is a true and correct copy of the Tie Vote issued by Defendant Jon Husted, Ohio Secretary of State, dated August 7, 2012, and addressed to Meghan A. Gallagher, Director of the Lucas County Board of Elections.

48. Attached hereto as Exhibit 48 is a true and correct copy of an article by Darrel Rowland titled *Voting in Ohio: Fight over Poll Hours Isn't Just Political*, published by the Columbus Dispatch on August 19, 2012, available at <http://www.dispatch.com/content/stories/local/2012/08/19/fight-over-poll-hours-isnt-just-political.html>.

49. Attached hereto as Exhibit 49 is a true and correct copy of an article by Sharon Coolidge titled *Early Voting Eliminated on Sundays Across Ohio*, published on February 25, 2014, available at <http://www.cincinnati.com/story/news/politics/elections/2014/02/25/husted-sets-uniform-voting-hours/5807307/>.

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

/s/ Freda J. Levenson
Freda J. Levenson

7/1/14
Date