STATE’S
EXHIBIT NO. 47
Case 1:05-cv-00634-SEB-VSS

INDIANA DEMOCRATIC PARTY, et al.,
Plaintiffs,
v.
TODD ROKITA, et al.,
Defendants,

________________________________________

WILLIAM CRAWFORD, et al.,
Plaintiffs,

v.

MARION COUNTY ELECTION BOARD,
Defendant,

STATE OF INDIANA,
Intervenor.

No. 1:05-CV-00634 SEB-VSS

DECLARATION OF JULIA BAULER

Julia Bauler, pursuant to 28 U.S.C § 1746, declares as follows:

1. I am Julia Bauler, the Help America Vote Act of 2002 (HAVA) Training Coordinator for Indiana Secretary of State Todd Rokita.

2. This affidavit is made on my personal knowledge, and I am competent to testify and will testify to the matters stated herein.
3. I am over eighteen years of age.

4. I am a resident of the State of Indiana.

5. In my capacity as HAVA Training Coordinator I am responsible for educating Indiana poll workers and election administrators about the state election processes, including changes in federal and state election laws.

6. These responsibilities include implementing training and education initiatives as stated in the Indiana State Plan to Implement the Help America Vote Act of 2002. One of the stated initiatives in that plan is to educate poll workers and election administrators about the photo ID requirements of Senate Enrolled Act 483.

7. For the Town Elections in Cambridge City, Montezuma, and Winfield on November 8, 2005, it was necessary to educate poll workers and elections administrators in those locales on the implementation of Indiana’s new photo identification statute. My offer to conduct this training was accepted in Cambridge City and Montezuma, however Winfield, which was conducting a special election with only a public question on the ballot, elected to receive its training from the Lake County Election Board.

8. For the training sessions with Cambridge City Town Clerk-Treasurer and poll workers and the Montezuma Town Clerk-Treasurer I created a document entitled How to Administer the New Photo ID Requirement at the Polls. It is attached as Exhibit A.

9. In addition, I produced a Photo ID Quick Reference Guide and distributed it to each of the three towns to be used by the poll workers to answer voter inquiries. It is attached as Exhibit B.

10. Also attached hereto as Exhibit C is a Memorandum written by Jennifer Fanger, HAVA Education and Outreach Director, and me detailing the voter education and poll
worker training efforts undertaken at the direction of the Indiana Secretary of State for the 2005 Town Elections.

11. Exhibit C also provides tables of data resulting from informal exit polling that occurred at all three town election polling places under my supervision.

12. Of the 105 voters surveyed 20% said they had heard about the voter ID requirement from radio, 49% said they had heard about it from a newspaper, 22% heard about it from direct mail and 11% heard about it from watching television.

13. Exhibit C also shows that for this election Cambridge City’s voter turnout increased by 10% and Montezuma increased by 98%.

I declare under penalties for perjury that the foregoing is true and correct. Executed on the 30th day of November, 2005.

Julia Bauler
How to administer the new Photo ID requirement at the polls
(Last Revised 10/26/2005)

STEP 1: Voter enters the polls and is greeted by the inspector or one of the judges. (Proceed to Step 2)

STEP 2: The inspector or judge asks for photo ID, BEFORE permitting the voter to sign the poll book. Acceptable photo ID must meet all of the following requirements:
1. The document must have been issued by the United States Government or the State of Indiana.
2. The document must show the name of the individual to whom the document was issued, and this name must conform to the name in the individual’s voter registration record.
3. The document must show a photograph of the individual to whom the document was issued.
4. The document must include an expiration date, and the document:
   (A) is not expired; or (B) expired after November 2, 2004
5. The document was issued by the United States or the State of Indiana. (Proceed to Step 3)

STEP 3: If the voter presents an acceptable photo ID document, the voter goes to where the poll clerks are stationed. A poll clerk asks for the voter’s name and if the voter’s name is included in the poll book, asks the voter to sign the poll book. Unless there is a challenge made to the voter for some other reason, the poll clerks then give the voter an official ballot. (End at Step 3)

STEP 3: Voters may be unable or decline to present proof of photo identification. The inspector or a judge shall challenge the voter. (Proceed to Step 4)

STEP 4: The inspector or judge completes a challenged voter’s affidavit (PRE-4). The voter fills out the bottom section or the back of the challenge form. (Proceed to Step 5)

STEP 5: After completing the PRE-4 affidavit, the voter may sign the poll list. The poll clerk then gives the voter a provisional ballot initialed by both poll clerks and a PRO-2 security envelope. After the voter casts and returns the provisional ballot, sealed in the PRO-2 envelope, the voter is given a PRO-9 informational form. The poll clerk tells the voter that he/she needs to provide identification to the county election board no later than noon on the second Monday after the election. (End at Step 5)

This chart is intended to provide general information. Where a person’s legal rights are involved, do not rely on this document. You may call your local county election board or the Indiana Election Division for more information at 800-622-4941.
Provisional Ballot step-by-step Instructions:

1. The inspector or judge completes a Challenge Affidavit of a Voter form (PRE-4).

2. The voter fills out the bottom or the back of the same form, which is titled “Affidavit of a Challenged Voter” (PRE-4).

3. Make sure the voter provides all the information required on the PRE-4 form and signs and dates it under “Challenged Voter Affirmation.”

4. The Inspector administers the oath to the challenged voter, completes, and signs the bottom of the PRE-4 regarding administration of the oath.

5. The Inspector determines that the PRE-4 has been properly completed by both challenger and voter.

6. The voter signs the poll list and confirms the voter’s residence address information on the poll list.

7. Before providing the voter with a provisional ballot, both Poll Clerks must initial the back of the provisional ballot.

8. The voter is provided with the provisional ballot and a PRO-2 security envelope.

9. The voter marks the provisional ballot in secret, and seals the provisional ballot inside the PRO-2 envelope.

10. If a voter spoils the provisional ballot, the voter requests a replacement ballot. The Inspector receives the spoiled ballot, marks the ballot as “VOID”, and places the ballot inside the PRO-6 envelope with any other spoiled provisional ballots. The voter is then given another properly initialed provisional ballot.

11. After the provisional ballot is completed, the voter seals it in the PRO-2 envelope, and hands the sealed PRO-2 envelope to the Inspector.

12. The Inspector places the PRO-2 envelope that contains the voted ballot into the PRO-4 envelope with any other provisional ballots voted in the precinct.

13. If the PRE-4 challenged voter’s affidavit is printed as a separate document, the Inspector must affix the PRE-4 affidavit to the outside of the PRO-2 envelope before the PRO-2 envelope is placed into the PRO-4 provisional ballot storage envelope. The PRE-4 form should NEVER be placed inside the PRO-2 envelope with the ballot or be separated from the PRO-2 envelope after the PRO-2 envelope is returned by the voter.

14. The inspector hands the PRO-9 provisional ballot information form to the voter, and advises the voter to keep the PRO-9 form upon leaving the polls.

15. After the polls close at 6 pm, the Inspector, Judges and Clerks must fill out the information required on the outside of the PRO-4 and PRO-6 envelopes, all sign the PRO-4 and PRO-6 envelopes, and then seal the PRO-4 and PRO-6 envelopes for transporting to the county election board.

16. When returning the election materials to the county election board, please let the election board staff know if any voter in the precinct has cast a provisional ballot.
Provisional Balloting is a fail-safe procedure for voters who are challenged at the polls

You may cast a provisional ballot if:

- You are unable or unwilling to present photo ID that meets the requirements of the new law
- You believe you are registered to vote in a precinct, but your name does not appear on the precinct’s poll list
- You are challenged at the polls as being ineligible to vote

If you cast a provisional ballot, you have until noon 13 days after the election to follow up with the County Election Board and either provide the necessary documentation or affirm one of the law’s exemptions applies to you.

You may contact the County Election Board after Election Day to determine whether your provisional ballot was counted, and if it was not counted, why not.

For more information, visit http://www.sos.in.gov

A voter must provide government-issued photo ID before casting a ballot

The ID must:

1. Display the voter’s photo
2. Display the voter’s name, and the name must conform with the voter registration record
3. Contain an expiration date and either still be current or have expired sometime after November 2, 2004
4. Be issued by the State of Indiana or the U.S. government.

In most cases, an Indiana driver’s license, Indiana photo ID card, U.S. passport, or Military ID is sufficient.

Exemptions do exist for the indigent, those with a religious objection to being photographed, and individuals living in state-licensed facilities where the precinct’s polling place is located.

If you do not have a valid photo ID, you may obtain an Indiana photo ID card free of charge from any Bureau of Motor Vehicles license branch. For more information, please contact the BMV at (317) 233-6000 or visit the website http://www.bmv.in.gov.
2005 Town Election Results

Background:

On November 8, 2005, the towns of Winfield, Montezuma and Cambridge City held elections, in which voters were the first to cast ballots under the provisions of PL 109-2005 – Indiana’s voter identification law. Jennifer Fanger, HAVA Education and Outreach Director, and Julia Bauler, HAVA Training Coordinator, were notified on 8/31/05 that the elections would take place. From that time, they regarded all town election activities as high-priority items. They recognized this as an opportunity to test training, education, and outreach tactics, and to refine them for maximum impact before the 2006 Primary and General Elections. Post-election, some media coverage has hinted that the Town Elections were a test of the voter identification law. In our minds, pre-election and post-election, the 2005 Town Elections were never a test of the law; they were a testing ground only for outreach methods. The following summarizes our training, education and outreach efforts for the 2005 elections and reports preliminary results from these efforts.

Pre-Election Training, Education and Outreach Activities:

The Secretary of State’s office developed a package of training and education materials to assist town and county election administrators in performing some of their election-related duties. This included:

1.) Quick Reference Guide for Photo ID and Provisional Balloting: This document was distributed to election administrators for use in poll worker training before the election, and additional copies were provided for poll workers to use on election day. The document also was posted on www.in.gov/sos/elections/photoID.html.

2.) Chute Poster: This poster was printed and distributed to election administrators to be posted at the entrance of the chute. It informed voters of the photo ID requirement, and advised them of the option to cast a provisional ballot if they were unable or unwilling to provide photo ID.

3.) Updated Voter’s Bill of Rights: The 2003 Voter’s Bill of Rights was updated to include photo ID information. Posters were distributed to election administrators for display in polling places.

4.) Voter Postcard: The voter postcard was a direct mail piece informing voters of the new photo ID requirement. Early in September, Julia Bauler requested mailing lists for registered voters in each of the three affected towns. Cambridge City and Winfield provided mailing lists in early October, and the postcards were mailed in mid-October.

The Parke County Clerk refused to provide a mailing list for Montezuma until two weeks before the election. The Clerk then refused to send the list to the Secretary of State’s office once it was compiled. Lori Herscherger from the Indiana Election Division drove to Montezuma to pick up the list, only to discover that it was not a mailing list – rather a copy of the Montezuma Poll Book. In Montezuma, the Post Office delivers mail only to PO Boxes, not physical addresses. The list proved to be useless, and voters in Montezuma did not receive the direct mail piece.

5.) Election Worker Training Materials: We developed and distributed training materials to election administrators in each town. These materials included the Poll Worker Training Video, supplemental photo ID documents and supplemental provisional ballot documents.

6.) One-On-One Training: Julia offered to conduct election worker training sessions in each of the three towns. Cambridge City and Montezuma accepted the offer. Winfield declined. At these training sessions, Julia spent a significant portion of the allotted time discussing photo ID and provisional ballots.

7.) Radio PSAs: The Secretary of State produced three PSAs – one for each town – informing voters about the new photo ID requirement, mentioning the free state ID card option, and directing them to www.sos.in.gov
for more information. In conjunction with these PSAs, thorough information regarding photo ID and provisional ballots was posted on the website. Julia and Jennifer identified radio stations in each of the three affected markets, distributed the PSAs, and followed up twice to ensure they were running. In a few instances, stations maintained policies not to air pre-recorded PSAs. For those stations, we provided a modified script, and the PSA message was delivered in that manner.

8.) Earned Media Activities:

A.) Notice: 30-60 days before the election, the town clerks placed public notices in their local newspapers. Julia worked with the clerks to add to those notices language informing voters about the new photo ID law.

B.) News Release: Julia and Jennifer compiled a media list for the affected markets and drafted a news release announcing the election. The release focused on explaining the relevant details of the photo ID requirement. AJ Feeney-Ruiz, Communications Director, distributed the release and followed up with newspapers. Jennifer distributed the release and followed up with radio stations.

C.) Op-Ed: As a complement to the news release, Jennifer drafted an op-ed for distribution to newspapers on the media list mentioned above. AJ distributed the op-ed.

D.) Interviews: AJ arranged print media interviews for the Secretary of State and Jennifer did the same for radio.

Election Day Survey

On election day, Secretary of State staff were present for two hours in Montezuma and Cambridge City, and for approximately half of the day in Winfield. Julia Bauker went to Montezuma, Joe McLain went to Cambridge City, and Jennifer went to Winfield. Elijah Neal – a member of the Vote with ID Task Force and Lake County resident – joined Jennifer at the Winfield location. Our purpose was to administer a simple survey to voters exiting the chute. We asked them two questions: 1.) Were you asked for photo ID at the polls, and 2.) How did you hear about the new photo ID requirement? If any voter indicated that he or she cast a provisional ballot, we were also prepared to ask whether the process was adequately explained. The results from this informal survey are as follows:

<table>
<thead>
<tr>
<th>2006 Town Election Photo ID Results</th>
<th>How they heard about the Photo ID Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Voters</td>
</tr>
<tr>
<td>Cambridge City; 7:45 to 9:45</td>
<td></td>
</tr>
<tr>
<td>Surveyed</td>
<td>47</td>
</tr>
<tr>
<td>Montezuma; 8:00 to 10:00</td>
<td></td>
</tr>
<tr>
<td>Winfield; 9:30 to Noon</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>105</td>
</tr>
<tr>
<td>Total Percent</td>
<td>100%</td>
</tr>
</tbody>
</table>

Voter Turnout

The Winfield election was a special election with only a public question on the ballot; however the Cambridge City and Montezuma elections are regular occurrences during ‘off’ election years. The following is a comparison of voter turnout in these two towns during the most recent town elections – 2005 and 2001. In 2001, there were no significant voter outreach or poll worker training efforts.
<table>
<thead>
<tr>
<th>Town</th>
<th>2001 Total Votes Cast</th>
<th>2005 Total Votes Cast</th>
<th>% Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cambridge City</td>
<td>288</td>
<td>322</td>
<td>12% increase</td>
</tr>
<tr>
<td>Montezuma</td>
<td>102</td>
<td>203</td>
<td>99% increase</td>
</tr>
</tbody>
</table>

While a number of variables could account for the increase in voter turnout, one thing seems clear: the photo ID requirement did not negatively affect voter turnout.