I, Michael Slater, declare and state:

INTRODUCTION

1. My name is Michael Slater. I am the Executive Director of Project Vote and its affiliate, Voting for America. I have worked for Project Vote since Dec. 2003. I became the Executive Director of Project Vote in June 2008 and of Voting for America when it was established in 2009. Prior to that, I served as Project Vote's National Voter Registration Act Program Director, National Voter Registration Act and Election Administration Director, and Deputy Director.
PROJECT VOTE

2. Project Vote is a national nonpartisan, nonprofit 501(c)(3) that works to empower, educate, and mobilize low-income, minority, youth, and other marginalized and under-represented voters.

3. Despite recent upticks in voter participation, a significant portion of the electorate, concentrated in low-income and minority communities, particularly among the youth in those communities, is still alienated from the electoral process. This weakens our democracy by excluding from major public policy decisions the voices of the most vulnerable and least powerful. Project Vote knows that strong democracy needs active participation from all sectors of society, and works hard to engage low-income and minority, and young voters in the civic process.

4. Project Vote uses civic engagement as a means to express its message of the importance of participating in democracy. Project Vote’s civic engagement consists of getting the message out on the importance of registering to vote through voter registration drives, educating eligible voters on how to register and vote, and encouraging qualified voters to vote.

5. Since 1994 Project Vote has developed state-of-the-art voter registration and Get-Out-the-Vote programs, and has collected and submitted more than 5.6 million voter registration applications, a large majority of which came from Americans in low-income and minority communities.

6. Project Vote has also achieved a nationwide presence through long-term relationships with service and advocacy partners, and takes a leadership role in nationwide election administration issues, working through research, legal
services, and advocacy to ensure that our constituencies are not prevented from registering and voting.

7. In 2008, Project Vote co-managed a voter registration drive in Harris County Texas that sent canvassers to low income minority communities to encourage eligible voters to vote and assist them to register if they are not.

8. In 2012 Project Vote is directly funding civic engagement programs that include voter registration drives in a number of states. These programs will seek to assist residents in low-income minority communities and young voters to register to vote and encourage them to vote. Project Vote is not directly funding any voter registration activity in Texas. Project Vote would like to directly fund voter registration activity in Texas but because of restrictions placed on organizations conducting voter registration drives, and the risk of criminal liability for the organizations Project Vote would fund, their employees and Project Vote, we are unwilling to do so at this time.

VOTING FOR AMERICA

9. Like Project Vote, Voting for America’s purpose is to empower, educate, and mobilize low-income, minority, youth, and other marginalized and underrepresented voters. Voting for America achieves this civic engagement goal primarily through voter registration drives.

10. Voting for America created two different voter registration programs. In the first, Voting for America would provide funds to other organizations to run voter registration drives and then co-manages the drives with those organizations.
In the second, Voting for America would provide technical assistance to organizations that are running drives.

11. The drives that Voting for America would co-manage are run before and during electoral campaigns. They are typically conducted in areas with a high proportion of racial minorities, youth and other underrepresented communities. Voting for America would not fund an organization in Texas to run a voter registration drive because of restrictions placed on organizations conducting voter registration drives, and the risk of criminal liability for the organizations Voting for America would fund, their employees and Voting for America. Few, if any, other states have voter registration programs more onerous, restrictive and imposing of criminal liability than does Texas.

PROJECT VOTE AND VOTING FOR AMERICA’S VOTER REGISTRATION DRIVES

12. Project Vote has many years’ experience in communicating the importance of registering to vote and voting, as well as conducting voter registration drives throughout the United States. In that time, Project Vote has developed a comprehensive set of procedures for voter registration drives that cover everything from setting up the drive’s office and hiring employees to how to organize applications for submission to local election officials. Those procedures are now used by both Project Vote and Voting for America.

13. In the past Project Vote has co-managed the drives with other organizations. This year Project Vote will fund organizations for civic engagement programs that include voter registration drives. As part of the funding, Project Vote
intends to hold the grantees to specific procedures to assure accountability and effectiveness.

14. Project Vote is also providing technical/consultative assistance to organizations that encourage and assist eligible individuals to register to vote and participate in democracy.

15. Voter registration drives use “canvassers,” i.e. volunteers or paid persons who approach members of the public and encourage them to register to vote if eligible.

16. Our procedures require that canvassers are trained on the state’s election law as it pertains to them, as well as how to approach members of the community, ensure that applications are completed legibly and completely, and discuss the importance of voting. We encourage canvassers to ask community members what issues they think are important or what they would like to change in their community, and then remind them that voting is a powerful way of affecting those issues or changes. We also encourage canvassers to point out that if the community wants politicians to listen to their concerns and do something about them, then the community as a whole needs to get registered and vote.

17. Once trained, paid canvassers work four or five days a week in six hour shifts, with four hours of each shift spent collecting applications.

18. During the four hours that the canvassers are in the field, they distribute and collect voter registration applications while simultaneously discussing the importance of participating in the democratic process by voting.
19. Canvassers typically remain stationary at one location - such as a bus stop, mall, grocery store, school, or community event - but may occasionally also go door-to-door to encourage eligible persons to register.

20. After canvassers have spent four hours collecting applications, they return to the drive's office and turn over the applications to the drive manager. The drive then undertakes a quality control process. The process can take between two and five days. Once the applications have completed the quality control process, the drive submits them to the election official.

21. During the quality control process, drive employees call those applicants who wrote a phone number and confirm that they did submit an application and that the information on the application is correct, inform them if they left any part of the application incomplete, and, if not, inform them that they should receive a registration in the mail, and encourage them to vote at the next election.

22. While these calls benefit the applicant, they also benefit Project Vote and Voting for America by allowing us to check that canvassers are submitting genuine applications. For that reason, the procedures require calling for two days or until a certain percentage (usually 35%) of a canvasser's collected applications for each day have been called and verified.

23. Before submitting applications to the appropriate election official, drives should scan or photocopy all of the registration forms. This serves several purposes. First, the information is used to continue to educate and encourage the voter to vote, which furthers our mission of increasing electoral participation.
Second, the drive keeps copies to protect itself against un-founded allegations of fraud, to facilitate internal investigations and to cooperate with law enforcement authorities in the rare circumstances in which canvassers are suspected of committing fraud. Third, Project Vote uses the information to confirm whether people were successfully registered. In the cases where people were not successfully registered, Project Vote investigates. If people are not successfully registered because of failures on the part of election officials, Project Vote works with election officials to correct the problem. Matching registrants with the voter rolls also serves as an internal check to determine our own data entry errors and allows us to estimate data entry errors that states may have when entering applications into their computerized statewide voter databases. Often, in jurisdictions where there appears to be an unreasonable rejection rate, we will request processed applications from the county authority and compare them with the copies we retained. This practice is critical in ensuring voter registration is being administered fairly and legally by the governmental jurisdiction.

24. The success of our voter registration drives in engaging underrepresented populations depends in large part on three things. First, directly contacting citizens and advising them on how to fill out the registration form, verifying the accuracy of the information, and delivering their registration forms to election officials in a timely manner so the applicant is eligible to vote in the next election. Unlike simply passing out blank registration forms, using canvassers increases the likelihood that interested persons complete a form and ensures that
the form gets to the appropriate election official. It also ensures that they hear our
message about how important it is to vote.

25. Second, our success depends on hiring canvassers who are themselves
members of the underrepresented populations, because would-be registrants tend
to be more responsive to canvassers who are from their own community and share
their concerns.

26. Third, our success depends on hiring the right people and collecting as
many legitimate applications as possible for as little expense as possible. All of our
drives are limited by the funding that we have available. Resources are finite and
must be stretched to their limit. Any amount of money that we spend on one
expense is that much less money that we have for other expenses. Thus, any money
spent on administrative costs - such as driving applications to a distant county
election office - reduces the amount of money that we can use to fund the expense of
having canvassers collect applications.

TEXAS LAW RESTRICTS PROJECT VOTE AND VOTING FOR AMERICA’S VOTER
REGISTRATION DRIVES

Restrictions on Photocopying Applications

27. Although we do not believe that the Texas election code prohibits
drives from copying voter registration applications, we are aware that the Secretary
of State interprets the code to prohibit such copying. We therefore could not
enforce our requirement that applications are photocopied or scanned. This
prevents us from conducting targeted get out the vote efforts, protecting ourselves
against false allegations of fraud, conducting internal investigations when fraud is
suspected, cooperating fully with local election officials, and ensuring that eligible persons are registered successfully.

28. Law enforcement in a number of jurisdictions has used copies of applications provided by the drive to prosecute canvassers that submitted fraudulent applications – In Kansas City, Missouri and Volusia County, Florida, the drive was complimented for its cooperation in providing documents and information.

29. Project Vote used a scan of the applications to rebut election officials’ assertion that the application in the name of Ben Franklin was fraudulent and that a homeless person had completed the application.

Training Requirement

30. Under Texas law, volunteer deputy registrars must participate in state-mandated training before accepting registration applications. The Secretary of State requires only that counties hold just one training per month. See Election Advisory 2012-4(III)(3.1). Whether counties hold more than one training per month is up to the county officials. Further, the law establishes no standards for the particular timing of the monthly training. Under the current scheme, a county is free to hold a single training at a time when many individuals might be at another job or unavailable for other reasons.

31. A drive that employs 20 to 30 canvassers will face turnover of its canvassers, often on a daily basis, making it necessary to replace canvassers quickly if the drive wants to operate at a consistent level to effectively get Project Vote’s message to the most number of people.
32. In order to control the drive’s staffing numbers, any required training must be available to a drive’s new canvassers on the day the drive wants to hire them. Otherwise the drive will not be able to control its staffing numbers. Training must also be available at the drive’s office or the drive may have to spend considerable resources taking prospective canvassers to possibly remote locations.

33. If Project Vote and Voting for America’s canvassers cannot get trained, they necessarily will not be able to collect applications. Thus, by restricting access to training, local election officials will be able to prevent Project Vote and Voting for America from conducting registration drives in their counties.

34. Even in counties where training is generally offered at convenient times, any delay in getting training is time that a canvasser cannot be collecting applications. Thus, if training is offered every Saturday and a canvasser is hired on Monday, the canvasser will not be able to collect applications until the following Sunday at the earliest.

35. If a county holds only the state’s minimum single monthly training, it would be almost impossible to have canvassers begin working quickly. For example, if trainings are held only on the first of the month, and a canvasser is hired in the second week of the month, the canvasser could not begin doing their job until the next month. Such a delay is impractical for the worker, who would logically choose to make money elsewhere in a job that could begin more immediately. Project Vote or Voting for America would lose canvassers much more quickly than they could be replaced and would therefore be further unable to maintain its message at a consistent level.
36. Moreover, I am concerned that county election officials will be able to discriminate against certain groups, including Project Vote and Voting for America, by refusing to offer training to their canvassers or offering the training on days or at times that they know will be inconvenient.

37. Project Vote and Voting for America require that canvassers be trained on the law and rules and requires them to sign an affirmation that they were trained and understand the law. The state’s involvement adds no value to what Project Vote and Voting for America already offer. It is simply an administrative hurdle with no additional content.

Completeness Requirement

38. It is my understanding that Texas law requires volunteer deputy registrars to submit only applications that are complete. If a volunteer deputy registrar collects applications that are incomplete, he or she must follow up with the applicant and have him or her finish completing the application. Otherwise, the volunteer deputy registrar may lose his or her appointment.

39. Project Vote and Voting for America believes canvassers should prioritize collecting applications that contain all the information required by election officials to approve an application, and require drives to fire canvassers who consistently collect a higher-than-normal percentage of incomplete applications. Even the best canvassers cannot assure that an applicant will complete the application. Applicants may leave applications incomplete for a variety of reasons, including not wishing to divulge certain information (such as
their birth date). I understand the Texas Volunteer Deputy Registrar Guide says VDRs cannot require applicants to provide their identification number. Project Vote encourages the applicant to complete the application but applicants can walk away before the canvasser has time to review the application.

40. If counties terminate individual appointments as deputy registrars because the individuals collect incomplete applications, the drive will not be able to employ, or use as a volunteer, those individuals to spread Project Vote's message. Having to terminate individuals because of one incomplete application will make it hard to staff the drive at a consistent level. If a substantial number of canvassers lose their appointments, there will also be recruiting difficulties as the pool of available employees and volunteers is diminished.

**Personal Delivery Requirement**

41. The personal delivery requirement is problematic in two ways. First, the 5-day limit cuts into valuable quality control time and limits where we can hold drives. The process normally takes about three to five days from the time the application is collected until it is submitted to the county registrar. If a county is particularly large, it may take additional time to transport the applications to the county election office, thereby increasing the difficulty of meeting the 5-day time period and abbreviating the quality control process.

42. As a result, we would have to modify our quality control process. This would put a drive at the significant disadvantage of not being able to adequately monitor its employees' results, particularly because - due to the prohibition on
copying - they would not be able to copy or scan the applications and then follow up after they had been turned in to the elections office.

43. Not having adequate time to review applications makes it harder for the drive to manage its employees by making it difficult to assess the quality of the applications an employee collects. Verifying information on the application allows a drive to catch incorrect or false information on an application and determine whether an employee or the applicant entered it on the application. It is crucial to be able to terminate employees committing fraud as fast as possible so that other employees are not influenced by bad conduct.

44. Not having adequate time to review applications also means the drive will not be as effective at flagging for election officials any applications that may merit investigation.

45. Project Vote and Voting for America need assurances that application collected as part of drives we work with or fund are submitted to election officials. If drives cannot use trusted employees to turn the applications in because they are out of state or not VRDs in a specific county, Project Vote and Voting for America are not as confident the applications will be submitted.

46. Second, having to physically deliver the applications - rather than being allowed to mail them - adds an additional labor and gas cost for applications collected in remote counties (assuming the person is a VDR in the remote county), where the election office may be several hours away from where the drive is occurring.
County Limitation

47. Texas law forbids volunteer deputy registrars from collecting voter registration applications from any persons who are not residents of the county in which the volunteer deputy registrar is deputized.

48. This restriction is a problem because our canvassers are likely to encounter non-residents any time we conduct a voter registration drive near a county line, or at in-state tourist destinations, transportation hubs, or regional events or locations, such as a large shopping mall. Moreover, in urban areas such as Galveston, Dallas, Tarrant, Travis, Bexar and Harris Counties, often the central business district and surrounding areas are full of citizens who reside in adjoining counties. For example, in Dallas County, canvassers would often approach residents in Dallas County for work or business who reside in Collin, Denton, Rockwall or other suburban and rural counties. Each time a canvasser engages a resident of another county, that canvasser will not be able to assist the non-resident to register to vote, and the canvasser will have wasted time that could have been spent assisting a resident to vote.

49. Canvassers who inadvertently collect an out of county registration can have their appointments terminated and be charged with a crime, making it difficult to recruit and retain employees and volunteers. This can be a problem when an applicant may not even know in what county they reside.

50. In addition to being risky and wasting valuable resources, the county restriction also makes large-scale voter registration drives inefficient or impossible. Drives that are targeting regional events - such as a large concert or conference that
is expected to attract people from multiple counties - may not be able to register many of the people who attend. Even a drive conducted in a city with a large number of people who work in one county but live in another will not be able to register many of the people with whom its canvassers make contact. The only way to avoid such difficulties would be to have all canvassers deputized in multiple counties, which would further add to the delay before a canvasser could be effective in the community.

51. Handing out applications for citizens to mail in by themselves is not a sufficient substitute for collecting filled-out applications and conveying them to the election official. Project Vote and Voting for America cannot verify that applications they handed out were filled out and submitted to the registrar. This reduces our ability to convey our message in three ways. First, we cannot conduct effective Get-Out-the Vote drives to encourage participation by new voters, an important part of our message. Without applicants' information, we have no way of knowing who has applied to register and who has not. Second, without being able to track the numbers of new registered voters for which a drive is responsible, it diminishes our ability to seek funding to further our organization's communications and continue our programs to encourage political participation. Third, it is certain that an application collected by a canvasser will lead to the application being submitted for processing to election officials while it is uncertain that handing out blank applications and expecting the applicant to complete and submit it on their own time will lead to the application being submitted. If an applicant does not submit
the application, Project Vote’s message to the applicant to vote will be useless and
the resources spent on that message wasted.

Appointment Requirement

52. The requirement that canvassers must first be appointed as volunteer
deputy registrars negatively impacts our drives in much the same way that the
training requirement will. Canvassers will have to rely on election officials’
ingenuity to deputize canvassers at convenient dates and times, and at such a
frequency that it will not create a large lag time between when the canvasser is
hired and when he or she is eligible to begin collecting applications. Any time that
we must wait between when a canvasser is hired and deputized is time that we are
not connecting with the community at full capacity.

Compensation Prohibition

53. Project Vote and Voting for America are quite concerned about the
ambiguity and seemingly far-reaching consequences of the compensation
prohibition.

54. Project Vote and Voting for America pay canvassers by the hour,
rather than by the number of applications collected. We do not use a quota system
to determine whether to pay a canvasser, so every canvasser is paid for his or her
time regardless of the number of applications that he or she collects.

55. Nonetheless, we do expect our canvassers to collect valid applications
while they are being paid. Based on prior experience, we expect that a paid
canvasser will collect 3 to 4 applications per hour, which results in between 12 and
16 applications for every 4 hours that they are in the field.
56. If a canvasser consistently fails to meet this target goal of 12 to 16 applications per shift, that is a sign to us that the canvasser is not properly doing his or her job. There could be any number of reasons for a consistent failure, so when it happens, the field manager may speak with the canvasser, observe the canvasser while he or she collects applications, and conduct further training.

57. If a canvasser continues to consistently work at lower rates of productivity than the other canvassers, however, he or she will be discharged.

58. In the same way that it would be unreasonable for a store to continue paying a struggling salesman, rather than replacing him with another person who may be more successful, so too is it unreasonable and economically inefficient for Project Vote or Voting for America to continue paying a canvasser who struggles to collect valid voter registration applications.

59. I am concerned that if we discharge someone for consistently failing to meet productivity goals, this will qualify as a “practice that causes another person’s [in this case, the canvasser’s] compensation from or employment status with the person [here, the organization] to be dependent on the number of voter registrations that the other person facilitates.” Tex. Elec. Code Ann. § 13.008(3).

60. I am also concerned that this provision will make it much harder to discharge a canvasser for other reasons. For example, if a canvasser consistently fails to meet productivity goals, but is also suspected of fraud or creates an inhospitable work environment and is therefore discharged, Project Vote or Voting for America will be vulnerable to attack. Even with proper recordkeeping, the removed canvasser can claim that the firing was pretextual, and even if the
organization is eventually exonerated, it will waste time, effort, and money in defending itself.

61. Theoretically, we could avoid these problems by not paying any canvassers and relying solely on volunteers, but doing so would be nearly impossible. Volunteers have a lower rate of productivity, averaging approximately one application per hour compared to the average three to four applications per hour from paid canvassers. Volunteers also tend to be available intermittently, often only the weekend, making it nearly impossible to get a crew of 15-20 people together during the week, when transportation and business hubs will be busier.

62. It is particularly difficult to recruit volunteers from the historically under-represented communities that Project Vote and Voting for America target for voter registration efforts.

63. Moreover, once hired, canvassers who are being paid can better be held to performance metrics (and thus are more accountable) than volunteers, because canvassers who are paid have more to lose if they cannot collect a reasonable number of valid applications or are caught breaking the drive’s rules and policies. Specifically, they will be fired and lose their income, while volunteers will not lose any income.

64. The compensation restrictions reduce the number and effectiveness of canvassers that Project Vote and Voting for America can utilize, which in turn necessarily reduces the number of community members that we can make contact with and assist to register. This reduced number of registrants adversely impacts our mission to empower under-represented populations, because these populations
will only be included and listened to in the political process to the extent that they are registered and vote.

65. Additionally, by preventing us from hiring canvassers who have more incentive to follow policies and procedures, the law makes it harder for us to ensure that canvassers are using appropriate messaging when interacting with potential registrants.

66. Project Vote or Voting for America would not fund an organization that relied on volunteers because the compensation statute appears to prohibit using a paid manager's success or failure at running a voter registration drive to promote, demote or terminate the manager, if the success was partly based on the number of applications the drive collected.

67. Disclosing our belief to candidates for the canvasser position that the statute prohibits receiving compensation from an organization that pays its staff in violation of the law would make it very hard to hire anyone, either a volunteer or paid canvasser, to distribute, collect or handle voter registration applications.

In-State Restriction

68. The new restriction that volunteer deputy registrars must be eligible Texas voters will negatively impact our drive because we frequently use out-of-state residents as part of our voter registration drives. This would particularly impact organizations that may rely on volunteers to assist college students to register since some of those willing to volunteer may be out-of-state residents.

69. Project Vote and Voting for America are national organizations with employees throughout the country. Nonetheless, our employees who are primarily
responsible for operating voter registration drives are based in Massachusetts, Florida, New Jersey and Washington, D.C. Whenever we operate a drive, these employees travel to wherever the drive is happening and work with our local partners to conduct in-depth training and help get the drive started. Part of training and getting the drive started includes taking the drive's managers and employees out into the field to show them how to approach people about registration; assisting them in completing the application; and talking to them about the importance of registering, voting, and being actively engaged in their community. Under the new law, our employees will not be able to adequately train drive employees by showing them how to properly assist people and discuss our messaging.

Identification Requirement

70. It is my understanding that volunteer deputy registrars must carry with them, and produce upon request, a certificate of appointment that includes the county in which the volunteer deputy registrar is appointed, as well as his or her name, residential address, and term of appointment.

71. This may discourage would-be canvassers from becoming volunteer deputy registrars.

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

Executed this 10th day of May, 2012.

[Signature]
Michael Slater