

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

BLACK VOTERS MATTER FUND, et  
al.,

Plaintiffs,

vs.

BRAD RAFFENSPERGER, in his  
official capacity as Secretary of State of  
Georgia, et al.,

Defendants.

Civil Action No.: 20-cv-1489-AT

**DECLARATION OF DALE E. HO**

I, Dale E. Ho, make the following declaration under 28 U.S.C. § 1746.

1. I am, and have been since May 2013, the director of the Voting Rights Project of the national office of the American Civil Liberties Union Foundation (ACLU). I practice exclusively in the area of voting rights.

2. The American Civil Liberties Union (“ACLU”) is a nationwide, nonprofit, nonpartisan organization with over 1,600,000 members dedicated to defending the principles embodied in the Constitution and our nation’s civil rights laws. The ACLU Foundation is a national nonprofit organization under section 501(c)(3) of the Internal Revenue Code and educates the public about civil liberties

and employs lawyers who provide legal representation free of charge in cases involving civil liberties. The ACLU Voting Rights Project was established in 1965 – the same year that the historic Voting Rights Act (VRA) was enacted – and has litigated more than 300 cases since that time, including numerous voting rights cases in the U.S. Supreme Court, including: *Department of Commerce v. State of New York*, 139 S.Ct. 2551 (2019); *Ohio A Philip Randolph Institute v. Husted*, 138 S.Ct. 1833 (2018); *Shelby County v. Holder*, 570 U.S. 529 (2013); *Arizona v. Inter Tribal Council of Arizona, Inc.*, 570 U.S. 1 (2013); *Nw. Austin Mun. Util. Dist. No. One v. Holder*, 557 U.S. 193 (2009); *Crawford v. Marion Cty. Election Bd.*, 553 U.S. 181 (2008); and *Abrams v. Johnson*, 521 U.S. 74 (1997).

3. I obtained a Bachelors of Arts degree from Princeton University in 1999, and a Juris Doctor from Yale Law School in 2005.

4. I was admitted to the practice of law in the State of New York in 2006. I have been continuously engaged in the practice of law on a full-time basis since 2006. I am admitted to the following federal courts: U.S. District Courts for the Southern District of New York (2008), Eastern District of New York (2008); Eastern District of Wisconsin (2013), U.S. Court of Appeals for the First Circuit (2016), Second Circuit (2008), Fourth Circuit (2014), Fifth Circuit (2013), Sixth Circuit (2014), Seventh Circuit (2014), Eighth Circuit (2016), Ninth Circuit

(2010), Tenth Circuit (2016), District of Columbia Circuit (2010), and the United States Supreme Court (2010).

5. My work history is as follows: From 2005 to 2006, I worked as a law clerk for the Honorable Barbara S. Jones in the U.S. District Court for the Southern District of New York. From 2006 to 2007, I worked as a law clerk for the Honorable Robert S. Smith in the New York Court of Appeals. From 2007 to 2009, I was an associate at the law firm, Fried, Frank, Harris, Shriver, & Jacobson LLP (“Fried Frank”) in New York. At Fried Frank, I litigated complex commercial matters and federal civil rights cases, including work under the federal Voting Rights Act (“VRA”). In particular, I assisted in drafting an *amicus* brief in *Bartlett v. Strickland*, 556 U.S. 1 (2009), a voting rights case before the United States Supreme Court. That brief was cited in the dissenting opinion of Justice Breyer, 556 U.S. at 45.

6. From 2009 to April 2013, I worked as Assistant Counsel in the Political Participation Group at the NAACP Legal Defense and Education Fund, Inc. (“LDF”). At LDF, my practice was devoted almost exclusively to voting rights litigation in federal court. Among my VRA matters at LDF were: *Shelby County v. Holder*, 133 S.Ct. 2612 (2013) (representing intervenors defending the constitutionality of Sections 4(b) and 5 of the VRA before the U.S. Supreme Court); *Farrakhan v. Gregoire*, 623 F.3d 990 (9th Cir. 2010) (challenging

Washington State's felon disfranchisement law under Section 2 of the VRA); and *Florida v. Holder*, 820 F. Supp. 2d 85 (D.D.C. 2011) (challenging various changes to Florida's voting laws under Section 5 of the VRA).

7. From May 2013 to present, I have been the Director of the Voting Rights Project at the American Civil Liberties Union ("ACLU"). In this capacity, I supervise and directly participate in the ACLU's docket of voting rights litigation throughout the country, including: *Department of Commerce v. State of New York*, 139 S.Ct. 2551 (2019), which I argued successfully in the United States Supreme Court; *Ohio A Philip Randolph Institute v. Husted*, 138 S.Ct. 1833 (2018); *Fish v. Kobach*, 840 F.3d 710 (10th Cir. 2016) (lead counsel in case challenging citizenship documentation requirements for voter registration in Kansas), which I argued successfully in the Tenth Circuit; *North Carolina State Conference of NAACP v. McCrory*, 831 F.3d 204 (4th Cir. 2016) (successfully challenging, *inter alia*, voter ID requirement, cutbacks to early voting and the elimination of same-day registration in North Carolina); *Frank v. Walker*, 768 F.3d 744 (7th Cir. 2014) (challenging Wisconsin's voter ID law under the VRA), which I argued in the Seventh Circuit; and *Ohio State Conference of N.A.A.C.P. v. Husted*, 768 F.3d 524, 533 (6th Cir. 2014) (challenging early voting cutbacks in Ohio under the VRA), *vacated sub nom.*, 2014 WL 10384647 (6th Cir. Oct. 1, 2014).

7. I have lectured and written extensively on issues of voting rights and election law. From 2013 to 2017, I served adjunct professor of law at Brooklyn Law School, where I taught a course on Election Law. Since 2014, I have served as an adjunct professor of clinical law at NYU Law School. I have published articles on election law topics in several law reviews, including the *Yale Law Journal Forum*; *Harvard Civil Rights-Civil Liberties Law Review*; the *Stanford Law & Policy Review*; and the *NYU Journal of Law and Public Policy*. I have spoken on voting rights issues at various law schools, including Yale Law School, Harvard Law School, Stanford Law School, Columbia Law School, and NYU School of Law. I have also served on the faculty for redistricting seminars for state legislators in Louisiana and Texas.

8. I have testified on voting rights issues in the U.S. House of Representatives, as well as state legislatures around the country on election law issues, including in Kentucky, California, Connecticut, and New York. I. I am also a member of the Election Law Committee of the American Bar Association; and for three years, from 2009 through 2012, I served as a member of the Election Law Committee of the New York City Bar Association. J. In 2019, I received the President's Award from the National Asian Pacific Bar Association (NAPABA). In 2018, I was named to the New York City Charter Revision Commission by New

York City Mayor Bill de Blasio. In 2017, I was named one of the Best Asian Pacific American lawyers Under the Age of 40 by NAPABA.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 29, 2020, at New York City, New York.

**/s/ Dale E. Ho**

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