

EXHIBIT O

SUPPLEMENTAL DECLARATION OF CLIFF ALBRIGHT

My name is Cliff Albright and I am over the age of 18 and fully competent to make this declaration. Under penalty of perjury, I declare the following:

1. As I explain in greater detail below, based on my experience and knowledge so far, I anticipate that \$200,000 of Black Voters Matter Fund's ("BVM") Georgia-related \$400,000 budget—that is, 50% of its budget—will have to be diverted towards responding to the postage stamp requirement. That \$400,000 would have originally been used on voter education about, and giving grants to support helping voters with, the steps of vote by mail other than postage stamps (like getting and sending an absentee ballot application, filling out the absentee ballot properly and following the other instructions on the absentee ballot other than postage).
2. The resources that would have been spent on voter education and helping voters overcome the other steps of voting by mail will now have to be cut in half to focus on postage stamps. Though this amount of diverted resources “just” for a postage stamp requirement may seem high, I explain below why that is the case.
3. Of course, we will try our best to make up for this diversion, by trying to raise an additional \$200,000 (a huge 150% increase in the budget) if we want to do the same work we had been planning on doing this year.

4. BVM works in several states, but all my references to BVM in this statement refer to BVM's operations in Georgia.

BVM operations – voter education and grants

5. Here I briefly describe BVM's operations, which I might have already touched upon during my testimony, but I want to make sure it's clear.

6. BVM has two principal operations relevant to this lawsuit. First, BVM focuses on voter education, encouraging voter turnout by providing voting instructions and getting Black voters excited about voting. Second, BVM provides grants to up to 40 partner organizations, who themselves engage in voter education and also on-the-ground efforts to increase voter participation.

7. **Voter education.** The voter education BVM engages in directly includes radio ads (covering large or small regions of rural Georgia depending on need), sending mass text messages to up to an estimated 400,000 Black voters in rural Georgia or subpopulations depending on the unique needs of a particular geographic location, social media advertising, and phone banking (where staff and volunteers call voters).

8. During my testimony I talked about how an extra layer of education (focused on postage stamps) adds more complexity. This is relevant to the postage stamp impact that I describe later in this statement.

9. Voter education is challenging based on my experience and expertise. You cannot just communicate a particular message to a voter one time and expect it to stick. Just to communicate effectively one simple message, for example, “The registration deadline is [date],” you have to tell voters that information many times leading up to that deadline and in many different formats (like social media, text messages, radio ads, and phone banking). The information must be bite-sized, short, and simple as possible in order to be effective—you cannot just list many steps in the voting process all in one communication. For example, telling a voter more than 3 different things in a short telephone call is highly ineffective.

Communication is also more effective the sooner it is to the relevant event, like a voter registration deadline, though you still need to repeat communications leading up to the event.

10. And more importantly, the greater the amount of total information you communicate for a particular election, the harder it is to get all those messages across. This then necessitates even more communications for each individual message. That means that adding a single piece of information to an existing communication plan can result in an exponential-like, seemingly disproportional, increase in number of communications and mediums required total. Many people

who don't do voter communication don't understand this. They think it is a linear addition. Let me explain.

11. As a rough, oversimplified example, assume you communicate three different pieces of vital information in one election by communicating each piece three different times, for a total of 9 times. Now add one more piece of vital information, and you have four different pieces of information to communicate. You might think that this simply requires you to add three more communications to the total: 3 communications x 4 pieces of information = 12 total communications, which is a linear addition.

12. This would be wrong. Because you have added one more piece of information to the mix, you have crowded the other messages in the same amount of time you have to educate voters about an election. So you must now repeat *all* messages even *more* times to ensure that *all four* messages get through. In this hypothetical, that means that each of the four pieces of information need to be repeated an extra time, for a total of four times per piece of information. So that means four communications x four piece of information = 16 total communications.

13. So under this model, three pieces of information requires 9 communications. Four pieces of information requires 16 communications. That is the exponential-

like impact of adding another message. Obviously it is not so mathematically simple and much depends on circumstances, but this oversimplified model generally illustrates why adding information results in a seemingly disproportionate increase in communications resources expended.

14. There is a further complication. BVM tries to reach an estimated 400,000 Black voters in rural Georgia, but some of its voter education messages are not blasted out in one format to all 400,000 Black voters. If there is information that is unique to a particular geographic location—for instance, a rides to the polls program offered in one county but not offered in another—then BVM will adjust its communications to mention that service to reach the voters in that location, and/or it will provide additional grant money (see below) for the local partners to communicate that tailored message. So if an additional piece of information is likely to have different local messages—such as how to obtain postage in places where a local groups are distributing stamps directly—that can also add costs in a non-linear fashion.

15. **Grants.** One of BVM's core functions is to provide grants to partner organizations because it is more effective and efficient to have groups on the ground, who are more familiar to local voters, engage in voter education and turnout. BVM only has three staff members focused on Georgia. Instead of BVM

swooping into a local community and duplicating and preempting the same work that local partner organizations do, providing them grants is far more efficient and respectful of our partner organizations. In addition, providing grants to partner organizations help increase their long-term capacity to serve in the region, as opposed to BVM diving in and then leaving.

16. BVM works exceptionally closely with partner organizations. Based on my decades of experience doing voter engagement, this is how voting rights organizations work. Because organizations are cash-strapped, organizations routinely work together, often sharing resources and even staff or volunteers. Donors are routinely made aware of these close working relationships, and in fact some donors strongly prefer it because that is a better use of money. Sometimes there is no functional difference between a staff member or volunteer of BVM and a staff member or volunteer of a partner organizations because they are all doing the same work. It is ordinary practice at BVM and among voting rights coalitions generally to rely on information conveyed by a staff member from another organization as much as one would rely on information conveyed by a staff member of your own organization. These organizations would fail without that kind of close cooperation.

17. Because BVM and partner organizations work very closely together, BVM and partner organizations are constantly in touch with one another. There is generally a monthly conference call among BVM and partner organizations where we discuss how to work together to increase voter participation in a way that is efficient and does not duplicate effort. These calls are a way for BVM to share and learn from others about what is happening on the ground as it relates to voting, in addition to the separate conversations that BVM staff and volunteers have with other organizations.

Before the onset of the pandemic

18. Before the onset of the COVID-19 pandemic, BVM's focus was on voting in-person.

19. This included voter education that informs voters about voter registration, election dates, how to find their polling place, how to get to a polling place if the voter has no realistic transportation options, instructions on how to vote in person (such as having photo identification, using the machine, etc.), other instructions, and generally help get voters excited about voting.

20. This also included providing grants to partner organizations, who not only themselves engage in voter education, but also do the on-the-ground work like arranging rides to the polls, door by door canvassing (to educate voters on how to

vote in-person and encourage them to vote), Election Day canvassing that helps bring people to the polls on Election Day, and throwing “polling place parties” especially near polling places where the lines are especially long, which create a celebratory atmosphere that makes people feel good about voting.

Onset of the pandemic and the necessity of this lawsuit

21. Obviously, our plans have changed this year, since voting in-person is expected to drop dramatically and more people rely on voting by mail. Now almost all our resources are focused on helping and encouraging people to vote by mail.

22. BVM and partner organizations have been scrambling to adjust to the pandemic and figuring out how to marshal their resources in an efficient manner to best increase voter participation through the vote by mail process.

23. BVM’s budget needs have had to increase considerably because this is a presidential election year, and the budget approved for this year (approved before the onset of the COVID-19 pandemic) already accounted for that increase.

COVID-19 of course requires us to divert and raise even more money. However, I anticipate that our budgetary needs—taking into account the presidential year and COVID-19—will go up *even more precisely* because of the postage stamp issue—approximately \$200,000 more. Those are resources we could have used on non-

postage-stamp related initiatives to increase voter participation through vote by mail in the midst of this COVID-19 pandemic.

24. As I've already discussed at length in my testimony, the postage stamp issue has quickly emerged as a major roadblock in our efforts to encourage voting by mail. BVM and partner organizations have been trying to figure out how to divert and allocate their resources towards helping voters overcome the postage issue through voter education and direct help.

25. Already, some groups which BVM gives grants to have used BVM's grant money to explore some kind of direct postage stamp distribution. There are organizations in Valdosta/Lowndes County, Macon-Bibb, and Peach County that have attempted to do this.

26. For example, the organization in Macon-Bibb has used BVM grant money to set up a stamp distribution center at a local high school. The one in Valdosta has used BVM grant money to try and create a "click and send" program that would allow voters without Internet access to provide their filled-out absentee ballot application to someone who can easily scan the application and email it to the county registrar. The organization in Peach County has used BVM grant money to an apartment complex, and they estimate that they have distributed about 50-100 stamps so far.

27. After expending some resources and time addressing the postage issue, BVM filed this lawsuit as soon as it could before any additional organizational resources were expended to help voters overcome one of many steps in the vote by mail process, especially because BVM believes that the stamp requirement is a poll tax.

28. Since this lawsuit was filed, BVM and some groups have tried to temporarily put stamp distribution and voter education about postage on hold, to await the outcome of our motion for a preliminary injunction.

29. We are in a holding pattern. BVM and partner organizations are eager to have a court ruling on the poll tax issue this year as soon as possible, so that we can start figuring out how to divert resources and raise more money to help voters overcome the postage stamp issue if we have to.

30. Specifically we want to get rid of the poll tax as soon as possible so we can get out of this holding pattern and start making plans for the later elections this year and figure out how we can help voters deal with the other steps of the complicated vote by mail process. For planning purposes, the November election is right around the corner. Based on my extensive experience in voter engagement, you need every minute possible to plan and strategize for this year's elections, and

the sooner you know you don't have to expend resources on something, the more effective you will be at preparing for other activities.

How BVM would divert its resources if postage stamps were required this year

31. Below, I anticipate how our resources will be diverted and otherwise impacted if we do not get a preliminary injunction eliminating the poll tax. I do not claim to make predictions that will be 100% accurate, but the below expectations are based on my years of experience in voter engagement, voter education, and knowledge about voting behavior, my experience as the Executive Director of BVM for the last three years, my knowledge so far about the COVID pandemic's progression and how it has impacted voting, what I have learned so far based on BVM's close working relationship with partner organizations, and BVM's working relationship with some elections officials.

32. BVM has a budget for most of 2020 , which includes \$400,000 allocated for the state of Georgia. As detailed below, if the poll tax stays in place, BVM will have to divert about \$200,000 just to focus on the stamp distribution issue or try our best to raise an extra \$200,000 (requiring additional diversion of fundraising resources).

33. If the postage stamp requirement remains, we would have to do voter education on the following steps and help voters overcome them:
- a. Obtaining and filling out properly an absentee ballot application;
 - b. Submitting the absentee ballot application:
 - i. by e-mail if the voter lacks stamps, involving taking a photo of the application and emailing it to the local elections official, assuming the voter has Internet access;
 - ii. by mail, which requires learning how to obtain postage if the voter does not have it;
 - c. After it arrives in the mail (and following up on the application if necessary), filling out the absentee ballot correctly (e.g., no voting for more than one candidate per office unless it says you can, etc.);
 - d. Following the absentee ballot envelope instructions, such as signing the oath, putting the ballot in the small envelope to put into the large envelope;
 - e. Fulfilling the requirement to affix postage and learning how to obtain postage, with methods differing greatly depending on the unique obstacles facing the voter, e.g., COVID-19 exposure, physical disabilities, location of Post Office, lack of transportation, lack of

ability to afford a \$10 book of stamps, and lack of Internet to order stamps online (which charges an extra shipping cost and can result in a two-week delay); and

- f. Mailing in the absentee ballot well in advance of Election Day, since all ballots must *arrive* by (not postmarked by) Election Day, taking into account the unpredictability of the mail system.

34. I anticipate that resources that are focused on educating voters about, and helping voters overcome (through grants to partner organizations), steps (a), (c), (d), and (f), will be reduced and diverted towards educating voters about, and helping voters overcome, the postage stamp issues involved in steps (b) and (e). This results in organizations being less effective at helping voters with steps (a), (c), (d), and (f).

35. BVM and partner organizations cannot just skip educating voters about (b) and (e) if the postage stamp requirements remain in place. If there is a postage stamp requirement, and BVM only educates voters about all the other steps to vote by mail (parts (a), (c), (d), and (f)) but not the stamp issue (parts (b) and (e)), then all of the other communications about other steps would be ineffective if not misleading. Especially among the marginalized and impoverished communities

that BVM focuses on, BVM must inform voters of each required step of the vote by mail process, and we cannot leave one out.

36. Each of the below diversions referred to is a diversion from educating voters about, and helping voters overcome (through grants to partner organizations), steps (a), (c), (d), and (f).

37. **Direct stamp distribution.** If the poll tax stays in place, I anticipate that BVM will divert about \$20,000 of its resources (around 36,000 stamps) towards providing grants to partner organizations so they can do direct stamp distribution in their local communities. I expect up to 15 to 20 partner organizations will engage in direct stamp distribution in their local communities, taking into account partners' willingness to engage in direct stamp distribution during the COVID pandemic. Because of that concern, BVM will also divert resources into purchasing personal protective equipment ("PPE") for those who are distributing stamps.- As noted above, some groups have already engaged in direct stamp distribution, though I have encouraged them (not always successfully) to hold off and save resources because this lawsuit may lift the postage stamp requirement.

38. If the postage requirement remains, I anticipate that BVM would create a grant application that will include a line item for the direct purchase of stamps for

distribution. This way, organizations can apply for money directly to be used for stamp purchase and distribution.

39. Generally speaking, BVM would not do direct stamp distribution itself because it is more efficient and more aligned with our operational model to provide grant money to local partners to do it. Having said that, I would still plan for the not-unlikely possibility that BVM will have to distribute some stamps directly themselves. This will depend on whether there are large Black populations in counties that are not covered by a local partner organization, the severity of the pandemic, the needs of a particular community (i.e., Internet and transportation access), and the effectiveness of getting stamps to voters through voter education. Voter education reaches many more voters but if it is not effective, direct stamp distribution would likely become a higher priority for BVM.

40. **Text messaging.** Each text message costs about \$.08. As discussed above, BVM sometimes sends statewide text messages to the estimated 400,000 Black voters in rural Georgia, but just as often sends more targeted text messages to subgroups depending on geography.

41. Without the poll tax, BVM would spend about \$50,000 in text messages this year.

42. With the poll tax, I anticipate BVM would have to divert another \$50,000 to \$100,000 in funds towards text messages. As discussed above, adding another postage stamp layer to voter education will necessitate an exponential-like increase in the number of text messages required for all other layers. I estimate that the postage stamp layer would add at least double or triple the total text message waves that we send.

43. Another reason we'll need so much more funds diverted for the postage stamp issue is that the texts themselves will ask voters to let us know if they need a stamp and can't get one. But voters don't often express a need unless they've heard the message many times. It may take up to 10 text messages before a voter will admit they need help getting a stamp.

44. These text messages can lead to diversion of scarce staff time towards following up with such a voter who expresses difficulties obtaining stamps. If a voter tells BVM directly in response to one of BVM's texts that they need a stamp, we spend staff time trying to connect the voter with a local partner organization close to them and if there isn't one, we will try our very best to get them a stamp after weighing all of our other priorities. This is time that would ordinarily be spent on other steps of the vote by mail process.

45. **Phone banking.** Phone banking is the process of having staff and volunteers use an automatic dial system to voters to communicate some piece of information. BVM facilitates phone banking, such as recruiting volunteers, and gives grants to partner organizations to do phone banking themselves.

46. The interactional nature of phone banking does not allow us to communicate more than one message per call. For instance, “You have to do X. Have you done X? Have you done Y? Have you done Z?”). Usually we can get about three messages in per call.

47. Phone banking’s financial cost can be similar to the cost of door-to-door canvassing. The people who phone bank consist of both volunteers and paid workers. The paid workers are usually given about \$15 per hour, based on the expectation that a standard number of calls are made each hour. A phonebank can cost up to \$1 per voter we are attempting to contact. But even a modest estimate of 50 cents per voter attempt would mean that reaching just 100,000 voters could cost \$50,000.

48. Phone banking also diverts scarce and precious staff and volunteer time. For each phone bank, staff have to set up the phone bank, recruit volunteers to do phone banking and educate them on what the phone bank is about and what to say. The phone bank itself lasts a couple of hours or so. The number of volunteers

doing each phone bank varies, but every hour a volunteer spends on an extra phone bank about postage is another hour the volunteer would be spending on a phone bank about other things relevant to vote by mail.

49. It is more difficult to predict with precision how many extra phone banks would need to deal with the postage issue because there are more variables at play, but we would definitely do more phone banks with the postage stamp issue. That is because the more complicated one of the three messages during a phone call is, the less likely it will be that we can fit up to three messages. Because postage adds another complicated step, we'd have to cut an existing message (for example, a message about participating in the U.S. census—another civic engagement message) to make sure the vote by mail message is clear.

50. **Radio ads.** Without a poll tax, we would spend approximately \$50,000 in radio ads. The cost of radio ads differs greatly depending on the station, the location, and the covered geography, but recently we spent about \$5,000 for one week's worth of radio ads in Dougherty County.

51. With the poll tax, we will have to divert approximately \$100,000 towards extra radio ads to effectively communicate the postage requirement and how to obtain postage, especially during the pandemic.

52. **Social media ads.** Social media ads vary considerably in cost. About \$10,000 could probably fund a solid wave of social media advertising over three or four days in a large geographic area.

53. Without the poll tax, we would spend about \$25,000 on social media this year.

54. With the poll tax, we would divert an extra \$25,000 in additional social media ads focused on postage this year.

55. My references to BVM in the above and in this litigation generally include both Black Voters Matter Capacity Building Institute (a 501(c)(3) organization) and Black Voters Matter Fund (a 501(c)(4) organization). Both organizations expend resources on the aforementioned activities.

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


Cliff Albright

4/28/20

Date