

**ASSOCIATION OF COMMUNITY ORGANIZATIONS
FOR REFORM NOW, ET AL.**

V.

CATHY COX, ET AL.

EXHIBIT 4

**To Plaintiffs' Brief in Support of
Motion for Preliminary Injunction**

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

ASSOCIATION OF COMMUNITY ORGANIZATIONS FOR REFORM NOW, <u>et</u> <u>al.</u> , Plaintiffs, v. CATHY COX, <u>et al.</u> Defendants.	CIVIL ACTION NO. 1:06-CV-_____
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DECLARATION OF EDWARD DUBOSE

I, EDWARD DUBOSE, being of legal age and sound mind, do hereby depose and state as follows:

1. I am the President of the Georgia State Conference of NAACP Branches ("State Conference"). The facts to which I am testifying are based upon personal knowledge and are true and correct to the best of my knowledge, information, and belief.

2. The NAACP is the nation's oldest civil rights organization, founded in 1909. It has offices, chapters, and members nationwide, including in Georgia. Our mission is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination.

3. The State Conference is extensively involved in a variety of voter empowerment initiatives throughout Georgia, including voter education, voter

registration, and get-out-the-vote (GOTV) activity. I am actively involved in the planning and implementation of these activities. Through our voter empowerment programs, we seek to enhance voter registration and civic awareness and participation, particularly in communities of color and in youth and economically disadvantaged communities across Georgia. In that regard, we seek to provide accessible and convenient opportunities for people to register to vote, wherever they live and wherever they may be found.

4. During the 2004 election season, the chapters of the State Conference sponsored numerous voter registration and GOTV drives throughout Georgia. In addition to our own ongoing civic engagement and voter empowerment activities, the NAACP was a participant in the nationwide Unity '04 Voter Empowerment Campaign sponsored by the National Coalition on Black Civic Participation. The goal of the Unity '04 program was to register at least 1.5 million new African-American voters nationwide and to maximize and mobilize voter turnout in the African-American community during the 2004 election season and beyond. Here in Georgia, the chapters of the State Conference helped to register thousands of new voters throughout Georgia in 2004.

5. As a general rule, prior to commencing a registration drive, we endeavor to train our representatives ("registration workers") on the relevant federal and state rules concerning voter registration, including determining voter eligibility, properly filling out voter registration cards, and complying with other requirements. Our registration workers seek out individuals who are either eligible to vote but have not previously registered or

who need to update their previous voter registration with their current address or a change of name, so that they will be eligible to vote where they currently live. When our registration workers encounter such persons, they discuss the NAACP's philosophy that voting is an important civic duty and responsibility of each eligible U.S. citizen and that, consequently, all eligible individuals should register to vote and then actually vote on Election Day. In the course of that discussion, our registration workers encourage those individuals to register (or update their registrations), provide them with a form for doing so, and, if necessary, assist the individuals with completing a registration form.

6. The national NAACP office advises all of its chapters nationwide to make photocopies of all the voter registration applications that they receive during voter registration drives, so that we will have a record of all the people whom we assist with registration. This facilitates our being able to conduct GOTV drives, charitable solicitations, pamphleting and membership campaigns, and other follow-up communications with those whom we have previously encountered. In addition, having copies of the voter forms also helps us monitor the conduct of election officials, to ensure that they timely add the eligible voters whom we have assisted to the voter rolls.

7. Many chapters within our State Conference did not feel they could comply with the national directive to retain photocopies of voter registration forms, because they had received conflicting information from various election officials in Georgia as to whether the copying of applications was permissible. Those chapters that did not make

photocopies of the voter registration applications nevertheless typically kept a record of the individuals assisted during the registration drives by manually transferring the contact information contained on the applications to a separate list. This manual transfer of information was highly time consuming and inefficient - usually requiring one or more registration workers to refrain from directly assisting prospective voters in order to dedicate themselves to this clerical chore. Our chapters would prefer simply to make copies of the original voter registration forms that we collect, as directed by our national office, because that makes the voter registration assistance process more efficient for our registration workers in the field and also enhances our ability to collect more complete and accurate information on the persons whom we register.

8. In addition to providing assistance to registrants at the voter registration site, the NAACP also has additional quality control and monitoring measures that we take to ensure that all eligible individuals whom we assist with registration actually make it onto the voter rolls in a timely manner, as required by law. For example, our workers typically review each application to make sure it is filled out neatly and completely, so that it will not encounter any avoidable delays at the county registrar's office. We also monitor whether election officials are adding our new registrants to the voter rolls. When we encounter problems with particular registrations, we contact the relevant election authority and/or the registrant to try to get the issue resolved before Election Day.

9. Our quality control and monitoring procedures will be undermined by the additional regulatory requirements recently adopted by the State Election Board, which require voter registration applications to be sealed prior to being handed to registration workers and which forbid the copying of voter registration applications. Such restrictions would render us unable to determine the appropriate election office to which each form should be sent (since we would not be able to see the applicant's residential address information), and it would interfere with our GOTV efforts, as well as with our monitoring efforts to make sure that Georgia's election officials are complying with their obligations to add new voters to the rolls in a timely fashion. As a result, our overall voter empowerment efforts will suffer.

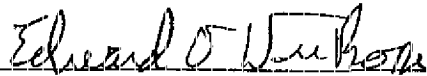
10. It is already quite difficult and time consuming to plan and mount large-scale voter registration initiatives. The State Election Board's restrictions, and the threats of civil and criminal penalties that have been imposed upon volunteer voter registration organizers and workers as a result thereof, have thrown further obstacles in the way of our planning processes and significantly inhibited our ability to recruit volunteers for such activity. Given that the voter registration deadline for the November statewide general elections falls on October 10, 2006, the State Conference chapters should really begin planning their large-scale voter registration initiatives as soon as possible.

11. The NAACP will continue to engage in some form of voter registration activity during this election season, because voter empowerment is and has been at the

forefront of our mission for decades. However, the State Election Board's restrictive registration rules will impose significant impediments to our programs and, in all likelihood, will dramatically reduce our effectiveness in registering new voters and increasing voter turnout.

I hereby declare under penalty of perjury, pursuant to the laws of the United States, that the foregoing information is true and correct to the best of my knowledge, information, and belief.

This 10 day of August, 2006.



EDWARD DUBOSE