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7 Services

8 IN THE UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10
11 NATIONAL COUNCIL OF LA RAZA, LAS)
VEGAS BRANCH OF THE NAACP)
12 (BRANCH 1111), and RENO-SPARKS)
BRANCH OF THE NAACP (BRANCH 1112),)

CASE NO. 3:12-cv-00316-RCJ-VPC

DEFENDANTS' OPPOSITION TO MOTION
FOR PRELIMINARY INJUNCTION

13 Plaintiffs,

14 vs.

15 ROSS MILLER, in his official capacity as)
16 Secretary of State of the State of Nevada; and)
17 MICHAEL WILLDEN, in his official capacity)
as Director of the Department of Health &)
18 Human Services of the State of Nevada.)

19 Defendants.
20

21 Defendants Ross Miller, Secretary of State, and Michael Willden, Director of the Department of
22 Health & Human Services, by and through counsel. Catherine Cortez Masto, Attorney General, and
23 Kevin Benson, Senior Deputy Attorney General, hereby opposes Plaintiffs' Motion for Preliminary
24 Injunction (#24 and #25)¹.

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28 ¹ These numbers refer to this Court's docket numbers. Docket #24 is styled as the Motion for Preliminary Injunction, and
Docket #25 is a memorandum of points and authorities in support of the Motion (#24). Unless otherwise noted, as used in
this opposition the term "Motion" refers to documents #24 and #25 collectively, and "Memo." refers to document #25.

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. Preliminary Injunction Standard**

3 “A preliminary injunction is ‘an extraordinary and drastic remedy, one that should not be
4 granted unless the movant, *by a clear showing*, carries the burden of persuasion.’” *Lopez v. Brewer*, 680
5 F.3d 1068, 1072 (9th Cir. 2012) (quoting *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997)). This
6 burden requires the plaintiff to show: “1) he is likely to succeed on the merits of such a claim; 2) he is
7 likely to suffer irreparable harm in the absence of preliminary relief; 3) the balance of equities tips in
8 his favor; and 4) that an injunction is in the public interest.” *Id.* (citing *Winter v. Natural Res. Def.*
9 *Council, Inc.*, 555 U.S. 7, 20 (2008)).

10 All four of the *Winter* factors must be met. *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d
11 1127, 1132 (9th Cir. 2011). However, these factors may be balanced against each other, so that a
12 stronger showing on one factor may offset a weaker showing on another. *Id.* at 1131-32. Thus, under
13 the “serious question” formulation of the standard, the plaintiff who cannot show a *likelihood* of
14 success on the merits must still raise “serious questions” as to the merits, while *also* showing that the
15 balance of the hardships tips *sharply* in his favor. *Id.* at 1134-35.

16 Of course, the other two *Winter* factors must also be met. *Id.* at 1135. These are: that the
17 plaintiff is *likely* to suffer irreparable harm, not just that there is a mere possibility; and, that the
18 injunction is in the public interest. *Id.* “A preliminary injunction is an extraordinary remedy never
19 awarded as of right.” *Winter*, 555 U.S. at 24.

20 **II. Availability of Injunctive Relief Under the NVRA Does Not Relieve Plaintiffs of Meeting**
21 **all Four *Winter* Factors.**

22 Plaintiffs argue that, because the NVRA allows for declaratory and injunctive relief, they are
23 relieved of having to meet the normal four-part *Winter* test for issuance of a preliminary injunction. *See*
24 *Memo.*, pp. 11-12. This is not the case because the NVRA does not limit courts’ equity jurisdiction by
25 mandating that courts enter a preliminary injunction whenever a violation has occurred or is threatened.
26 No case law supports this reading of the NVRA, nor does the statute itself.

27 Congress may alter the traditional equitable balancing test. *Tennessee Valley Authority v. Hill*,
28 437 U.S. 153 (1978). However, courts “do not lightly assume that Congress has intended to depart from
established principles [of equitable discretion].” *Owner Operator Independent Drivers Ass’n, Inc. v.*

1 *Swift Transp. Co., Inc.*, 367 F.3d 1108, 1112 (9th Cir. 2004) (quoting *Weinberger v. Romero-Barcelo*,
2 456 U.S. 305, 313 (1982)). “Therefore, unless a statute in so many words, or by a necessary and
3 inescapable inference, restricts the court's jurisdiction in equity, the full scope of that jurisdiction is to
4 be recognized and applied.” *Id.* (internal quotations omitted).

5 “The grant of jurisdiction to ensure compliance with a statute hardly suggests an absolute duty
6 to do so under any and all circumstances, and a federal judge sitting as chancellor is not mechanically
7 obligated to grant an injunction for every violation of law.” *Weinberger*, 456 U.S. at 313. Accordingly,
8 just because a statute permits an injunction as one form of remedy, this is not sufficient to find that
9 Congress intended to constrain the equity jurisdiction of courts to balance the traditional preliminary
10 injunction factors. *Swift Transp.*, 367 F.3d at 1115.

11 For these reasons, the Ninth Circuit in *Swift Transportation* affirmed the district court’s use of
12 the traditional preliminary injunction factors, even though the statute in question provided: “A person
13 injured because a carrier [violates the Truth-in-Leasing regulations] may bring a civil action to
14 enforce[the regulations]. *A person may bring a civil action for injunctive relief for violations [thereof].*”
15 *Id.* at 1114 (alterations and emphasis in original). The court reasoned:

16 While this language clearly authorizes injunctive relief, it plainly does
17 not, “in so many words, or by a necessary and inescapable inference,”
18 require an injunction to issue to prevent violations of the Truth-in-
19 Leasing regulations irrespective of traditional equitable considerations.

19 *Id.*

20 Similarly, the NVRA provides in relevant part: “the aggrieved person may bring a civil action in
21 an appropriate district court for declaratory or injunctive relief with respect to the violation.” 42 U.S.C.
22 § 1973gg-9(b)(2). Just like in *Swift Transportation*, there is nothing in this section of the NVRA that
23 requires an injunction to issue irrespective of traditional equitable considerations.

24 Furthermore, if the alleged violation of the NVRA occurs more than 30 days before an election,
25 the aggrieved person must first give notice to the chief elections officer, and allow either 20 or 90 days
26 for the violation to be cured. 42 U.S.C. § 1973gg-9(b). A plaintiff who fails to give proper notice and
27 allow the statutory opportunity to cure the violation lacks standing to bring suit. *Georgia State*
28 *Conference of N.A.A.C.P. v. Kemp*, ___ F.Supp.2d ___, 2012 WL 265925 at *12 (N.D.Ga. 2012).

1 These notice-and-cure provisions are inconsistent with the notion that Congress intended the
2 courts to automatically issue injunctions whenever a violation or threatened violation of the NVRA is
3 shown. Instead, it is apparent that Congress intended to give states an opportunity to fix any alleged
4 violations before facing litigation at all. But even should they fail to cure the violation within the
5 statutory time frame, the statute does not require the court to abandon the traditional preliminary
6 injunction test, because nothing in the statute clearly says as much, nor is that the necessary implication
7 of the NVRA. “The grant of jurisdiction to ensure compliance with a statute hardly suggests an absolute
8 duty to do so under any and all circumstances.” *Weinberger*, 456 U.S. at 313.

9 Plaintiffs primarily rely on *Trailer Train Co. v. State Bd. of Equalization*, 697 F.2d 860 (9th Cir.
10 1983). That case involved the Railroad Revitalization and Regulatory Reform Act of 1976, which
11 prohibited “taxation of rail-transportation property at a rate higher than the rate generally applicable to
12 commercial and industrial property in the same assessment jurisdiction.” *Id.* at 862-63. The appellants
13 argued that the district court erred in entering a preliminary injunction without requiring plaintiffs to
14 meet the usual standards. *Id.* at 868-69. The court rejected this argument, explaining: “The standard
15 requirements for equitable relief need not be satisfied when an injunction is sought to prevent the
16 violation of a federal statute which specifically provides for injunctive relief.” *Id.* at 869. Seizing upon
17 this statement, Plaintiffs attempt to apply it to the NVRA, where it is not applicable because of the
18 differences in the statutory language.

19 In *Trailer Train*, the relevant part of the statute provided: “a district court of the United States
20 has jurisdiction ... to grant such mandatory or prohibitive injunctive relief, interim equitable relief, and
21 declaratory judgments as may be necessary to prevent ... any acts in violation of this section.” *to*
22 *prevent ... any acts in violation of this section.*” *Id.* at 869 n. 16 (emphasis added). The court found that
23 the Railroad Act is an exception because the section in question “specifically authorizes a district court
24 to grant injunctive relief *to prevent* a violation of the statute.” *Id.* (emphasis added).

25 Here, by contrast, there is no such language in the NVRA. This case is indistinguishable from
26 *Swift Transportation*, a more recent case where the court held that even though the statute allows
27 injunctive relief as a remedy that does not mean Congress intended to abrogate the traditional
28 preliminary injunction test. 367 F.3d at 1114-15.

1 Finally, the other NVRA cases Plaintiffs cite to do not support their argument that they need not
 2 meet the traditional preliminary injunction standard. *See* Memo., p. 11, ll. 26-28. In fact, these cases
 3 support the application of the traditional preliminary injunction standards. In each of the following
 4 cases cited by Plaintiffs, the courts used the four traditional *Winter* factors in deciding on the
 5 preliminary injunction: *Charles H. Wesley Educ. Foundation, Inc. v. Cox*, 408 F.3d 1349, 1354-1356
 6 (5th Cir. 2005); *Association of Community Organizations for Reform Now v. Scott*, Not Reported in
 7 F.Supp.2d, 2008 WL 2787931 at * 7 (W.D.Mo. 2008); *Project Vote v. Blackwell*, 455 F.Supp.2d 694,
 8 702-09 (N.D.Ohio 2006). Although the analysis is very brief, it appears the court in *Wilson v. U.S.*, 878
 9 F.Supp. 1324, 1328 (N.D.Cal. 1995) also applied the traditional preliminary injunction standard.

10 The remaining two cases relied on by Plaintiffs do not support their argument. In *Association of*
 11 *Community Organizations for Reform Now v. Miller*, 912 F.Supp. 989 (W.D.Mich. 1996) a preliminary
 12 injunction was actually not at issue; instead, the defendants had lost on summary judgment (*see* 912
 13 F.Supp. 976, 988), and the issue was a request for an additional 6 month extension to comply with the
 14 NVRA. In, In *National Coalition for Students with Disabilities v. Scales*, 150 F.Supp.2d 845, 856
 15 (D.Md. 2001), the court did not grant a preliminary injunction; it only denied in part the defendants'
 16 motion to dismiss.

17 Thus none of the cases Plaintiffs cite stand for the proposition that the NVRA relieves them of
 18 having to show all four *Winter* factors in order to obtain a preliminary injunction. In fact, the cases that
 19 involve preliminary injunction all apply the traditional four-part test. Accordingly, Plaintiffs in this case
 20 are likewise required to satisfy the traditional test in order to obtain a preliminary injunction.

21 **III. Plaintiffs have not shown either serious questions or a likelihood of success on the merits.**

22 The facts discussed in Plaintiffs' Motion do not show that Nevada is not complying with the
 23 National Voter Registration Act ("NVRA"), nor do they show that a preliminary injunction should
 24 issue.

- 25 1. The Census Bureau data does not show that any registration gap between poor and
 26 wealthy households are caused by noncompliance with Section 7 of the NVRA.

27 Plaintiffs rely on statistics from the U.S. Census Bureau. *See* Memo., p. 5, ll. 6-12. According to
 28 Plaintiffs, this data shows that only 47.6% of eligible Nevada citizens who live in households earning

1 \$25,000 a year or less are registered to vote, compared with 72.4% of eligible citizens living in a
2 household earning \$100,000 a year or more. However, these statistics do not indicate that Nevada is not
3 complying with the NVRA. First, the data is from 2010 and earlier. Memo., p. 5, ll. 7-8. Thus the data
4 is old and does not indicate anything about Nevada's present state of affairs.

5 Second, the mere fact that a lower percentage of people living in low-income households are
6 registered to vote than the percentage of people living in high-income households does not demonstrate
7 – or even suggest – any causal link between this fact and any alleged non-compliance with the NVRA
8 by Defendants. There are a great number of reasons that could influence this gap in registration, other
9 than violations of the NVRA: education, social status, community involvement, etc.

10 The figures Plaintiffs rely on for Nevada is similar to the “voter registration gap” that exists
11 nationally. For 2010, Census Bureau data show that for households earning \$20,000 or less, the percent
12 registered is 58.1%, and for households earning more than \$100,000 is 79.9%. a “voter registration
13 gap” of 21.8%. Thus there is less than a 3% difference between Nevada and the national average. See
14 Table 7, Reported Voting and Registration of Family Members, by Age and Family Income: November
15 2010, attached hereto as “Exhibit 1,” (available at
16 <http://www.census.gov/hhes/www/socdemo/voting/publications/p20/2010/tables.html>).

17 2. The EAC data for Nevada is incomplete and contains an obviously incorrect
18 outlier, and therefore is not reliable.

19 Nor does the data from the Elections Assistance Committee show any violation of the NVRA.
20 Like the Census Bureau data, the most recent data is at least two years old. But more importantly, the
21 data is incomplete and contains an obvious error. Therefore it cannot be used to make any rational
22 inference that Nevada is violating the NVRA.

23 First, the data for the EAC reports is incomplete. For example, the most recent data from 2009-
24 2010 contains data from only nine counties. “The Impact of the National Voter Registration Act of
25 1993 on the Administration of Elections for Federal Office 2009-2010,” (hereinafter “Impact 2009-
26 2010”) p. 39, Table 2a, a copy of which is attached hereto as “Exhibit 2” As explained on page 4 of the
27 report, footnote 12, the “cases” column of this report states the number of jurisdictions within the state
28 that have reported data of zero or greater. That note also explains that, although the options of “data not

1 available” and “not applicable” are available, some jurisdictions nevertheless report zero when they
 2 should use one of those categories. *Id.* at p. 4, n. 12.

3 Similarly, the data from 2007-2008 shows only eight counties reported. “The Impact of the
 4 National Voter Registration Act of 1993 on the Administration of Elections for Federal Office 2009-
 5 2010,” (hereinafter “Impact 2007-2008”) p. 39, Table 2a, a copy of which is attached hereto as “Exhibit
 6 3.” Furthermore, the notes to that table state that one county listed all registrations as mail-in
 7 registrations, one reported only for 2008, and another stated the numbers were approximations. *Id.* at p.
 8 41.

9 For 2001-2002, the EAC statistics for Nevada states that there were 39,444 applications from
 10 public assistance agencies. “The Impact of the National Voter Registration Act of 1993 on the
 11 Administration of Elections for Federal Office 2001-2002,” (hereinafter “Impact 2001-2002”) p. 45,
 12 Table 2, a copy of which is attached hereto as “Exhibit 4.” However, the report notes that Eureka
 13 County did not report any data and that “Due to software problems, thirteen jurisdictions were unable to
 14 report the numbers of new valid registrations, the number of responses received by mail and the number
 15 of registrants deleted from the list.” Table 4 of Impact 2001-2002, a copy of which is attached hereto as
 16 “Exhibit 5.”

17 As stated in the Plaintiffs’ Memorandum, the number of voter applications received from public
 18 assistance agencies in Nevada was:

19	20	1995-1996	13,200
21	22	1997-1998	No report
23	24	1999-2000	2,883
25	26	2001-2002	39,444
27	28	2003-2004	6,389
		2005-2006	3,307
		2007-2008	4,301
		2009-2010	1,677

1 This table shows that the figure of 39,444 is greater, by an order of magnitude, than nearly any other
2 number reported by Nevada. Additionally, that number represents 19.28% of all voter registrations
3 received in that cycle – by far the highest percentage in the nation. *See* Exhibit 4. It is more than seven
4 times the national average. Exhibit 4, p. 50. This strongly suggests that the figure of 39,444 is simply a
5 clerical error.

6 Even if 39,444 were an accurate figure for the 2001-2002 election cycle, it remains such a
7 significant outlier that it is not reasonable to assume that it is reflective solely of Nevada’s compliance
8 with the NVRA. In other words, it simply does not make sense to conclude that for the 2001-2002
9 election cycle, and *only* that cycle, Nevada fully implemented Section 7, but failed to do so either
10 before or after, and this is the only cause of the difference in the numbers reported to the EAC.

11 Plaintiffs breathlessly claim that the data shows a “95.7 percent decline” in voter registrations
12 through public assistance agencies, and therefore there must be a systematic failure to implement the
13 NVRA. However, the data show nothing of the sort, because it is out of date, incomplete, and contains a
14 single, gross outlier that cannot be reasonably used as the high water mark of Section 7 compliance.

15 3. Plaintiffs’ evidence of noncompliance with Section 7 is unreliable because
16 it is almost entirely uncorroborated hearsay.

17 Plaintiffs rely heavily on the investigations of nine Division of Welfare and Supportive Services
18 (“DWSS”) or Women, Infants, and Children (“WIC”) offices, conducted by Sabrina Khan in December
19 of 2011. *See* Khan Decl., Exhibit A to Memo. These investigations consisted primarily of interviewing
20 clients as they were leaving the offices. Khan Decl., ¶¶ 3, 5(b), 6(b), 7(b), 8(b),(c), 11(b), 12(b),
21 13(b),(c). Some of these clients allegedly stated that they either were never asked if they wanted to
22 vote, never given an application, never saw a question on the form asking whether they wanted to vote,
23 or were not given an application after asking for one. *Id.* Ms. Khan also spoke with some office staff.
24 Khan Decl., ¶¶ 4, 5(a), 6(a), 7(a), 8(a), 9(a), 10(a), 11(a), 12(a), 13(a).

25 All of these statements are hearsay because they are made by out-of-court declarants. and are
26 being offered for the truth of the matters asserted. Fed.R.Evid. 801(c). Ordinarily, hearsay is
27 inadmissible unless permitted specifically by a federal statute, the rules of evidence, or other court rule
28 prescribed by the U.S. Supreme Court. Fed.R.Evid. 802. Nevertheless, the Ninth Circuit has allowed

1 district courts to consider hearsay on preliminary injunction motions to prevent irreparable harm. *See*
2 *Flynt Distrib. Co. v. Harvey*, 734 F.2d 1389, 1394 (9th Cir.1984) (“The trial court may give even
3 inadmissible evidence some weight, when to do so serves the purpose of preventing irreparable harm
4 before trial.”) The court reasoned: “The urgency of obtaining a preliminary injunction necessitates a
5 prompt determination and makes it difficult to obtain affidavits from persons who would be competent
6 to testify at trial.” *Id.*

7 Although a district court *may* consider hearsay on a motion for preliminary injunction, it should
8 not do so in this case. There is no threatened irreparable harm, and there is no urgency that would
9 prevent obtaining non-hearsay evidence. The irreparable harm issue is discussed at length below in this
10 brief. But in short, there is no irreparable harm threatened here because there are no individual plaintiffs
11 whose right to vote is being threatened by Defendants’ alleged noncompliance with the NVRA. Second,
12 the alleged harm to the Plaintiff organizations themselves is questionable factually and is monetary in
13 nature, and therefore not irreparable. Third, as discussed in the Motion to Dismiss, Plaintiffs all lack
14 standing to pursue this action because of their failure to give the statutorily required notice.

15 As to the urgency, as Ms. Khan’s affidavit states, her investigations took place on December 7
16 and 8, 2011. It was not until May 10, 2012 that Plaintiffs sent notice to Defendants that they believed
17 there were violations of the NVRA. The Motion for Preliminary Injunction was not filed until July 7,
18 2012. Thus approximately eight months passed from the time of the investigations by Ms. Khan to the
19 filing of the motion. This is more than enough time for Plaintiffs to have obtained non-hearsay
20 affidavits from persons who would be competent to testify at trial. *See Flynt Distrib.*, 734 F.2d at 1394
21 (hearsay may be considered on preliminary injunction when justice requires due to the difficulty of
22 obtaining competent evidence on short notice).

23 Furthermore, Defendants would suffer substantial prejudice if this Court were to consider the
24 hearsay statements in Ms. Khan’s affidavit. First, most of the declarants are not identified, so there is no
25 way for Defendants to investigate the accuracy of their statements. As will be discussed below, it is not
26 unlikely that, if Defendants were able to identify and investigate such declarants, it could well turn out
27 that their statements are not accurate. But without this opportunity, Defendants are unfairly left without
28 any way of defending themselves against these anonymous assertions. Defendants also must oppose

1 Plaintiffs' motion in just two weeks – far shorter than the eight months Plaintiffs had to prepare their
2 motion.

3 Second, the assertions are not supported by any corroborating admissible evidence. By contrast,
4 in *Johnson v. Couturier*, 572 F.3d 1067, 1083, n. 10 (9th Cir. 2009), the Ninth Circuit found that the
5 district court did not abuse its discretion in considering hearsay on a preliminary injunction motion,
6 because the district court's order also noted that the district court relied on other numerous affidavits
7 and declarations, including the admissions of one party which tended to support the inference from the
8 hearsay affidavits that the defendants were engaged in self-dealing. In this case, since there is no other
9 non-hearsay evidence supporting these claims, this Court should give those statements no weight at all.

10 In sum, generally hearsay is not admissible. But courts may consider it on a preliminary
11 injunction motion when justice requires doing so to prevent irreparable harm and the urgency of the
12 situation makes it difficult to obtain competent evidence. Here, the harm is questionable factually and
13 not irreparable in any event. Nor is there any urgency to this motion that would justify using hearsay,
14 because Plaintiffs waited eight months from the time of their investigations to file the motion. Finally,
15 considering the hearsay would cause significant prejudice to the Defendants. For these reasons, this
16 Court should not consider any of the hearsay statements in Ms. Khan's affidavit.

17 4. The statements from clients in the Khan affidavit are not sufficient to show
18 a violation of the NVRA.

19 Plaintiffs assert that they are likely to prevail on the merits because 29 of the 53 clients, or 54%,
20 to whom Ms. Khan spoke indicated that they were not offered the opportunity to register to vote when
21 they visited a public assistance agency. Memo, p. 13, ll. 5-10. Even if this Court considers these hearsay
22 statements, they do not show any violation of the NVRA, and therefore do not support issuance of a
23 preliminary injunction.

24 First, there is no requirement under the NVRA to verbally ask clients if they wish to register to
25 vote; therefore, failure to do so is not a violation of NVRA. *See* 42 U.S.C. § 1973gg-5 (requiring there
26 to be a *written* question on certain forms, but not requiring any verbal inquiries). The declaration states
27 that many of the clients asserted that they were not asked if they wanted to register to vote.

28 For example, paragraph 5(b) states that Ms. Khan interviewed 10 clients. Four stated that they

1 “were not asked” if they wanted to register to vote by DWSS staff. One client stated that they “did not
 2 see” a voter preference question, were not asked if they wanted to register to vote, *and* were not
 3 provided an application. Counting only those clients who only stated that they were not asked whether
 4 they wished to register to vote (as opposed to those who stated they were not asked *and* did not see a
 5 question on the form, were not provided a form, etc.), the affidavit identifies 15 clients. Khan Affidavit,
 6 ¶¶ 5(b) (four); 8(c) (one, who was ineligible in any event); 11(b) (six); 13(b) (four).

7 Thus, of the 29 eligible clients who allegedly were not given the opportunity to register, the
 8 statements of 15 of those clients do not support any violation of the NVRA, as a matter of law. This
 9 brings the total down to 14 clients out of 53 who allegedly were not given the opportunity to register.

10 Of those 14 remaining clients, twelve² of them indicated that they were not asked if they wanted
 11 to register, did not recall seeing a question on the form asking if they wanted to register, and did not
 12 receive a form. Khan Decl. ¶¶ 5(b) (one client); 6(b) (one); 7(b) (four); 8(b) (one); 11(b) (one); 12(b)
 13 (three); 13(b) (one). Notably, the statements from these unidentified clients all say that the client either
 14 “did not see” (*see e.g.*, ¶¶ 5(b), 6(b)), or “could not recall seeing” a voter preference question on the
 15 forms (*see e.g.*, ¶¶ 7(b), 8(b)).

16 Of course, just because the client did not see the question, or cannot recall seeing the question,
 17 does not mean that the question is not in fact on the forms. DWSS and WIC use standardized forms, all
 18 of which contain a question inquiring whether the client wishes to register to vote. *See* Declaration of
 19 Miki Allard, p. 1, ll. 17-19, attached hereto as “Exhibit 6;” Declaration of Michelle Walker, p. 1, ll. 21-
 20 22, attached hereto as “Exhibit 7.”

21 Furthermore, it is not known from these clients’ statements whether these clients checked “Yes”
 22 or “No” on the form, or whether they left it blank. None of them affirmatively state that they checked
 23 “Yes,” or that they left the box blank. This, combined with the fact that none of them are identified,
 24 makes it impossible to investigate whether in fact they were not given a registration application, and if
 25 not, why not. It is entirely possible that they checked the “No” box. There is no evidence indicating
 26 otherwise. Thus it would be unreasonable to infer from these statements that any violation of the NVRA
 27 occurred. It certainly does not satisfy the “clear showing” required of the movant. *Lopez*, 680 F.3d at

28
² This number excludes one client who was ineligible. *See* Khan Declaration, ¶ 8(c).

1 1072.

2 Finally, only the 2 remaining clients affirmatively stated that they checked the “yes” box on the
3 voter preference form, yet were not provided a voter registration application. Khan Decl. ¶¶ 11(b),
4 13(b).

5 Ms. Damita Williams is one of the clients who asserted that she was not provided with an
6 application, even though she checked “yes” on the form. Khan Decl. ¶ 13(b). However, records from
7 DWSS indicate that she left the form blank. *See* Exhibit 6, Allard Decl., p. 2, ll. 21-26. During a follow-
8 up from her caseworker, the caseworker inquired which box Ms. Williams wanted to check, and then
9 marked “No” at her request and initialed and dated the checkmark. *Id.*

10 Ms. Anna Roe also asserted that she was not provided with an application, even though she
11 checked “yes” on the form. Khan Decl., ¶ 11(b). According to Ms. Khan’s Declaration, Ms. Roe was
12 interviewed at the DWSS office on Belrose Street on December 8, 2011. However, DWSS does not
13 have any record of Ms. Roe submitting any paperwork to that office that day. *See* Exhibit 6, Allard
14 Decl., p. 2, ll. 12-20. DWSS could find only two voter preference forms for Ms. Roe: one is dated July
15 1, 2011, and another is dated January 9, 2012. *Id.* On both forms, the “No” box is checked. *Id.*

16 In short, there is conflicting evidence regarding whether Ms. Williams or Ms. Roe actually
17 checked “Yes” on the voter preference form and yet did not receive a voter registration form.

18 In sum, Plaintiffs’ evidence does not make a “clear showing” that Defendants are not complying
19 with the NVRA. *See Lopez*, 680 F.3d at 1072 (movant must make a “clear showing” to carry the burden
20 of persuasion). Nor does it raise serious questions on the merits. Of the 29 clients they assert were not
21 offered the opportunity to register, 15 of them stated they were not asked if they wished to register to
22 vote. Since there is no requirement to verbally ask clients if they wish to register, this does not, as a
23 matter of law, show any violation of the NVRA.

24 Twelve other clients only asserted that they “did not see” or “cannot recall seeing” whether
25 there was a question on the forms asking them if they wanted to register. Yet the forms are
26 standardized, and all contain that question. Thus, for 27 of the 29 clients who Plaintiffs allege were not
27 given the opportunity to register, there is no evidence that remotely suggests a violation of the NVRA.

28 Finally, there is no evidence that corroborates the hearsay statements of the two identified

1 clients who stated that they checked “yes,” but did not receive a form. In both cases, there is evidence
2 contradicting these assertions.

3 For these reasons, the hearsay statements of the clients who were interviewed do not show that
4 any violations of the NVRA in fact occurred, let alone show systemic noncompliance that justifies the
5 extensive injunctive relief that Plaintiffs seek in this case.

6 5. The NVRA does not require Spanish voter registration forms in Washoe County.

7 Ms. Khan’s declaration asserts that Spanish language voter registration forms were not available
8 at the DWSS office on King’s Row in Reno, Nevada (¶ 6(a)), and the WIC office on 9th Street in Reno
9 (¶ 7(a)). This is not a violation of the NVRA.

10 Section 203 of the Voting Rights Act (“VRA”) requires ballot materials (including voter
11 registration forms) to be made available in minority languages in certain jurisdictions where there is a
12 sufficiently large language-minority population. 42 U.S.C. § 1973aa-1a. Currently, Clark County is the
13 only jurisdiction in Nevada that is required under the VRA to provide minority language voter
14 registration materials. Fed. Reg. Vol. 76, No. 198 at 63605 (October 13, 2011) (available at:
15 http://www.justice.gov/crt/about/vot/sec_203/2011_notice.pdf). This Court can take judicial notice of
16 the fact that Reno is located in Washoe County, not in Clark County.

17 There is no law requiring Washoe County to provide voter registration forms in Spanish.
18 Therefore the fact that certain DWSS or WIC offices in Reno did not have any Spanish forms is not
19 violation of the NVRA.

20 6. The remaining statements in the Khan declaration do not show a violation of
21 the NVRA.

22 First, Ms. Khan’s declaration states that several of the offices she visited did not have voter
23 registration forms available in the lobby. However, the NVRA does not require this. It requires only
24 that clients be given a registration form with each application for benefits, renewal, recertification, or
25 change of address, unless the client declines in writing. 42 U.S.C. § 1973gg-5(6). Nothing in the law
26 requires agencies to place applications in the lobby, to be taken by anyone at any time.

27 Second, the declaration also states that several of the offices did not have signs posted
28 explaining that voter registration services were available. ¶¶ 6(a), 7(a), 8(a), 9(a), 10(a), 12(a). Once

1 again, this is not something the NVRA requires. The NVRA only requires that the agencies “provide a
 2 form” that, among other things, informs the client that the decision to register will not affect benefits
 3 that staff will help them with the registration form, and who to contact if they feel someone has
 4 interfered with their ability to register. 42 U.S.C. § 1973gg-5(b)(6). It does not require that this
 5 information also be posted in signs in the office lobby.

6 Ms. Khan’s declaration only shows that a small number - six out of the 38 DWSS and WIC
 7 offices throughout Nevada – did not have any signs up at the time of her particular visit. Currently, all
 8 DWSS and WIC offices have signs posted, even though this is not required by the NVRA.³ Exhibit 6,
 9 Allard Decl. p. 1, ll. 15-17; Exhibit 7. Walker Decl. p. 1, ll. 19-21.

10 Finally, the declaration asserts that in two WIC locations, voter registration forms were not
 11 available. Khan Decl. ¶¶ 8(a), 10(a). Like the other assertions, these too are hearsay. In any event, all
 12 offices now have forms available. Exhibit 7, Walker Decl. p. 1, ll. 19-21.

13 7. The recent declarations of three DHHS clients do not show any violation of
 14 the NVRA.

15 Plaintiffs additionally present three declarations from DHHS clients, all executed on either June
 16 19th or 20th, 2012. These declarations do not support Plaintiffs’ request for a preliminary injunction
 17 because a more thorough review of the circumstances of each transaction shows no violation of NVRA
 18 occurred in any of these three cases.

19 The first declaration, from Ms. Sheila Confer, alleges that she went to the West Flamingo WIC
 20 office in Las Vegas on June 19, 2012 to recertify her benefits. Exhibit B to Memo. It asserts that Ms.
 21 Confer was never provided a form asking whether she wanted to register to vote, nor was she asked if
 22 she wanted to register, nor provided a registration form. *Id.* However, records from her visit show that
 23 she was presented with a form entitled “Nevada State WIC Rights and Responsibilities.” Exhibit 7,
 24 Walker Decl., p. 2, ll. 1-5. The form asks if she would like to register to vote. *Id.* The “No” box is
 25 checked. *Id.* The document also contains Ms. Confer’s signature, and the date of June 19, 2012. *Id.*

26 This shows that Ms. Confer in fact was given a form asking whether she wanted to register to
 27 vote, and she declined in writing to do so. As discussed above, there is no mandate in the NVRA that

28 ³ Nevada law, NRS 293.504(2)(a), does require signs to be posted. However, Plaintiffs have not alleged a cause of action
 under Nevada law, and in any event, Nevada law does not create a private cause of action for failure to post a sign.

1 anyone *verbally* ask whether a client wishes to register to vote. When a client declines in writing to
2 register to vote, there is no obligation to provide a voter registration form. 42 U.S. § 1973gg-5(6).
3 Therefore in Ms. Confer's case, no violation of the NVRA occurred.

4 The second declaration is that of Ms. Kendra Hulbert, who stated that she visited a DWSS office
5 in Mound House on June 20, 2012 to "recertify [her] benefits" and "change [her] address." Exhibit C to
6 Memo. However, the records of Ms. Hulbert's visit show that she was not recertifying her benefits, nor
7 changing her address. Instead, she was reporting only a change in employment. Exhibit 6, Allard Decl.,
8 pp. 1-2, ll. 25-2. This was not a covered transaction under the NVRA, which only requires forms to be
9 distributed when a client applies, renews, or recertifies benefits, or changes address, 42 U.S.C. §
10 1973gg-5(6)(A). so no violation occurred by not giving her a voter registration application.

11 The third declaration, of Denisha Phillips, states that she went to a DWSS office on Owens
12 Avenue in Las Vegas to renew her benefits on June 19, 2012. Exhibit D to Memo. Although the pre-
13 printed part of the declaration asserts that she was never presented with a form asking whether she
14 wished to register to vote, Ms. Phillips wrote in the margin that, although she was not verbally asked
15 this question, it was asked on the forms. *Id.* Therefore, according to her own declaration, she was in fact
16 presented with the question whether she wanted to register to vote. Notably, her declaration, like the
17 others, does not state whether she checked "yes" or "no" on that form. If, like Ms. Confer, she checked
18 "no." then there was no obligation under the NVRA to provide her with a voter registration form at that
19 time.⁴

20 There are no records of Ms. Phillips visiting the Owens Avenue office in June. Exhibit 6, Allard
21 Decl., p. 2, ll. 3-11. The records indicate that the most recent contact with Ms. Philips was a telephone
22 interview in April, 2012. *Id.* On the review of eligibility form she submitted in April, 2012 in
23 connection with that interview, she checked the "no" box, indicating she did not wish to register to
24 vote. *Id.*

25 In conclusion, the Plaintiffs have not shown any likelihood of success on the merits, nor even
26 raised serious questions on the merits, because a large part of their evidence relates to matters that are
27 not legally required under the NVRA. Another large part consists entirely of hearsay statements from

28 _____
⁴ Defendants have mailed each of these declarants a voter registration application to ensure they have the opportunity to register to vote. Exhibits 6, 7.

1 unidentified clients that they “did not see” or “could not recall seeing” a question on the form asking if
 2 they wanted to register to vote, and they were not given an application. But since the question appears
 3 on standardized forms, and none of these clients assert that they checked “yes” on the form, this does
 4 not show any violation occurred. Finally, in the very few cases where clients allegedly did check “yes,”
 5 but did not receive a form, the Defendants’ records conflict with the clients’ accounts of what occurred.
 6 At the very most, the evidence shows that two offices did not have registration forms immediately
 7 available, a matter that has already been corrected. Accordingly, Plaintiffs have not shown a likelihood
 8 of success on the merits, nor raised serious questions about the merits, and therefore are not entitled to a
 9 preliminary injunction.

10 8. The SNAP / TANF policy does not show a violation of the NVRA.

11 Plaintiffs assert that the SNAP / TANF policy supports a violation of the NVRA because it
 12 states that “If there is no response on the form, it is treated as a declination.” *See* Memo., pp. 15-16.
 13 They argue that this runs afoul of the Tenth Circuit’s decision in *Valdez v. Squier*, 676 F.3d 935 (10th
 14 Cir. 2012).

15 In that recent case, the Tenth Circuit became the first court of appeals⁵ to decide the impact of
 16 when a client does not check either the “yes” or “no” box in response to the question: “If you are not
 17 registered to vote where you live now, would you like to apply to register to vote here today?” *Id.* at
 18 945. The NVRA itself requires this question to be printed verbatim on the voter preference form. 42
 19 U.S.C. § 1973gg-5(6)(B)(i). It also requires the statement: “IF YOU DO NOT CHECK EITHER BOX,
 20 YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS
 21 TIME.” 42 U.S.C. § 1973gg-5(6)(B)(iii).

22 The defendants in *Valdez* argued that they were not required to give a voter application form to
 23 a client who left both boxes blank, because, pursuant to the NVRA itself, this was deemed to be a
 24 declination to register. *Valdez*, 676 F.3d at 945. However, the Tenth Circuit rejected this argument, and
 25 held that failure to check either box constitutes only a declination *to receive assistance in filling out the*
 26 *form*, but the form must still be provided. *Id.* at 945-46.

27 The court held that the plain language of the statute required the client to be provided a form,

28

⁵ Besides the district court in that same case, it does not appear that any other courts have decided this issue. One other
 district court mentioned it, but did not decide the issue.

1 even if they left both boxes blank, because 42 U.S.C. § 1973gg-5(6)(A) requires a voter registration
2 application to be distributed with every application for benefits, renewal, etc., unless the client declines
3 “in writing.” *Valdez*, 676 F.3d at 945-46. It reasoned that the term “in writing” should be given its plain
4 meaning, which required that the “No” box actually be checked, otherwise, leaving the boxes blank is
5 not “in writing.” *Id.*

6 Thus, the Tenth Circuit concluded that failure to check either box was merely a declination of
7 receiving *assistance*, not a declination to register to vote. *Id.* at 946. Accordingly, the agency must
8 provide a voter registration form to all applicants who fail to check either box. *Id.*

9 This Court should not follow the Tenth Circuit’s decision in *Valdez* because it misapplied the
10 rules of statutory interpretation, its reasoning is unsound, and it creates absurd results. “In ascertaining
11 the plain meaning of the statute, the court must look to the particular statutory language at issue, as well
12 as the language and design of the statute as a whole.....” *K Mart Corp. v. Cartier, Inc.*, 486 U.S. 281,
13 291 (1988). If the plain meaning of the statute is *unambiguous*, that meaning controls. *U.S. v. Johnson*,
14 680 F.3d 1140, 1144 (9th Cir. 2012). If the literal text leads to absurd results, it does not control. *U.S. v.*
15 *Lazarenko*, 624 F.3d 1247, 1251 (9th Cir. 2010).

16 In this case, the plain meaning of the statute is that failing to check either box constitutes a
17 declination to register to vote. Subparagraph B of 42 U.S.C. § 1973-gg5(6) expressly states that failure
18 to mark either box is deemed to be a “declination *to register*” for purposes of Subparagraph C, and also
19 requires a statement to be printed on the form close to the boxes that says: “IF YOU DO NOT CHECK
20 EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED **NOT TO REGISTER TO**
21 **VOTE AT THIS TIME.**” 42 U.S.C. § 1973-gg5(6)(B)(iii) (emphasis added). Contrary to the court’s
22 decision in *Valdez*, both of these parts of the statute unambiguously state that failure to check a box is a
23 declination *to register*. Nowhere does the statute state that failure to check a box is merely a declination
24 *to receive assistance*. Thus it is this latter interpretation, adopted by *Valdez*, that is directly contrary to
25 the plain language of the statute.

26 In *Valdez*, the defendants argued that those two provisions of Subparagraph B essentially
27 defined the term “in writing.” 676 F.3d at 946. The court rejected that argument, stating that “in
28 writing” should be given its plain meaning, and that there was no evidence Congress intended any other

1 meaning. *Id.* But contrary to the *Valdez* court's reasoning, there obviously is evidence that Congress
2 intended "in writing" to have a particular meaning – the very text of the statute says that failing to
3 check a box is "deemed" a declination *to register*, not a declination to receive assistance. Thus the
4 language of the statute directly contradicts the notion that failing to check a box is anything but a
5 declination to register. Accordingly, the term "in writing," if not clearly defined by the statute to
6 include failure to check either box, is at least rendered ambiguous, in which case the "plain meaning"
7 rule cannot be used to determine the import of "in writing." *Johnson*, 680 F.3d at 1144 (plain meaning
8 rule applies where text is unambiguous).

9 Second, the *Valdez* court's reasoning is unsound because construing the failure to check either
10 box as a declination does not render the phrase "at this time" superfluous. *See Valdez*, 676 F.3d at 946.
11 The court stated: "As plaintiffs suggest, it is conceivable that an applicant who chooses not to register
12 to vote 'at that time' might still be interested in receiving a mail voter registration form and completing
13 it at another time and/or location." *Id.* However, this interpretation should be rejected because that
14 conclusion does not follow from the statute, and it leads to absurd results.

15 The NVRA requires the agencies to provide a registration application with every renewal,
16 recertification, or change of address, unless the client declines in writing. Therefore the next time the
17 client comes in to renew, recertify, or change addresses, the agency must ask again whether the client
18 wishes to register to vote. 42 U.S.C. § 1973gg-5(6)(B). Declining to register by failing to check either
19 box is not treated as a declination to register to vote *forever*. The client will be asked again the next
20 time he or she engages in a covered transaction (just as if he has checked "No"). It Thus, treating a
21 blank form as a declination does not render the term "at this time" superfluous. Instead it gives that
22 term its obvious meaning: the client does not want to register to vote during this particular transaction,
23 but might the next time he comes in. When he does, he will be asked again if he wishes to register.

24 The *Valdez* court's reasoning creates an absurd result, because carrying this reasoning to its
25 logical conclusion would mean that even when a client affirmatively checks "No" on the form, the
26 agency must still provide the client with the registration form, since even by checking "No" he has only
27 declined to register "at this time." *See Valdez*, 676 F.3d at 496. Under the *Valdez* court's reasoning, it is
28 equally conceivable that a client who checks "No" to the question "would you like to apply to register

1 to vote *here today*?" is still "interested in receiving a mail voter registration form and completing it at
2 another time and/or location." *See id.* No court has held that this is actually required, since that does not
3 comport with the statute, which demonstrates the error of the reasoning in *Valdez*.

4 But more importantly, the *Valdez* decision leads to absurd results because it transforms a simple.
5 straightforward notice into a misleading falsehood. This is illustrated by the practical issue of training.
6 In all-capital letters, the form itself states (as mandated by the law) that failure to check either box is
7 deemed a declination *to register to vote*. Staff must be specially trained to ignore this statement,
8 because, under *Valdez* anyway, it is entirely false. Staff *cannot* treat it as a declination to register.
9 because if they do, it is a violation of federal law that could subject them to costly litigation and
10 attorneys fees. This cannot be the result Congress intended.

11 Third, the *Valdez* court erred in finding that, under the parenthetical of 42 U.S.C. § 1973gg-
12 5(6)(B)(iii), "an applicant's failure to check either box on the declination form *must only* be 'deemed to
13 constitute a declination to register for purposes of subparagraph (C),' i.e., it relieves the agency from its
14 duty to provide the applicant with assistance in completing a voter registration form." *Id.* at 946
15 (emphasis added). The Subparagraph B states that the form must include:

16 boxes for the applicant to check to indicate whether the applicant would
17 like to register or declines to register to vote (*failure to check either box*
18 *being deemed to constitute a declination to register for purposes of*
19 *subparagraph (C)*), together with the statement (in close proximity to the
boxes and in prominent type), "IF YOU DO NOT CHECK EITHER
BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO
REGISTER TO VOTE AT THIS TIME."

20 42 U.S.C. § 1973gg-5(6)(B)(iii) (emphasis added).

21 In turn, Subparagraph C requires agencies to:

22 provide to each applicant *who does not decline to register to vote* the
23 same degree of assistance with regard to the completion of the
24 registration application form as is provided by the office with regard to
the completion of its own forms, unless the applicant refuses such
assistance

25 42 U.S.C. § 1973gg-5(6)(C) (emphasis added).

26 Contrary to the *Valdez* court's conclusion, Subparagraph B does not deem a failure to check a
27 box as a declination "only" "for purposes of Subparagraph C." *See Valdez*, 676 F.3d at 946. Instead,
28 Subparagraph B clarifies that failure to check either box is *additionally* deemed a declination to register

1 for purposes of Subparagraph C. There is nothing in the language of Subparagraph B that supports the
 2 *Valdez* court's surprising interpretation that failure to check either box is "only" a declination to receive
 3 assistance, and not a declination to register to vote, as the plain language of the statute states.

4 Instead, the statute should be read according to its obvious intent: that failure to check either box
 5 is deemed a declination to register to vote, not merely a declination to receive assistance filling out the
 6 form. Both clients and the states should be permitted to rely on the statutorily-mandated instructions on
 7 the form regarding how to treat declinations. Had Congress intended otherwise, it could have easily
 8 provided that all clients must receive a form, and must be asked if they would like *assistance* in
 9 registering to vote. But neither the statute, nor the mandated form, are framed this way. Both clearly
 10 state that failing to mark either box is a declination "*to register.*" 42 U.S.C. § 1973gg-5(6)(B)(iii). Thus
 11 the plain language of the statute is directly at odds with the conclusion in *Valdez*, its reasoning is not
 12 sound, and it creates absurd results. Therefore it should not be followed by this Court.

13 Finally, even if this Court follows *Valdez*, it should not issue a preliminary injunction on that
 14 basis. The SNAP / TANF policy in this case was apparently last revised in July 2010. *Valdez* was
 15 decided in February, 2012. Further, the conclusion in that case is such a departure from the seemingly
 16 clear language of the statute that the Defendants could not have possibly anticipated that it would be
 17 unlawful to treat failure to mark either box as a declination. Instead, this is a prime example of an area
 18 where, had Defendants been permitted the statutory time to cure any alleged violations, the matter could
 19 have been corrected without resort to litigation.

20 **IV. Plaintiffs have not shown a likelihood that they will suffer irreparable harm.**

21 **1. Individual citizens.**

22 Each of the Plaintiffs brings this action on their own behalf. *See* Complaint, ¶¶ 17-19. It appears
 23 that they are all also purporting to bring it on behalf of their members. *Id.* In the case of La Raza, it is
 24 alleged that La Raza's "constituency" includes people who have or who may receive public assistance.
 25 Complaint, ¶ 17, ll. 9-14. However, the Complaint does not allege that La Raza has any "members," or
 26 that any of them would have standing to sue on their own behalf. Therefore, without some showing that
 27 it has members, or is the functional equivalent of a membership organization, La Raza cannot have
 28 associational standing. *See Fund Democracy, LLC v. S.E.C.*, 278 F.3d 21, 25 (D.C. Cir. 2002) (denying

1 associational standing where organization had no members and was not the equivalent of a membership
2 organization).

3 With regard to the Las Vegas NAACP, it alleged that some of its members have received or will
4 receive or apply to receive public assistance. Complaint, ¶ 18. The Reno NAACP alleges upon
5 information and belief that some of those members receive, have received, or will apply to receive
6 public assistance. Complaint, ¶ 19.

7 However, there is no individual that is a plaintiff to this suit, and the Complaint does not
8 identify any individuals who are members of the Plaintiff organizations who have allegedly been denied
9 the opportunity to register under Section 7 of the NVRA. Because Plaintiffs have not shown that at least
10 one of their members would have standing to sue in their own right, Plaintiffs lack associational
11 standing to bring these claims on behalf of such persons. *See Doe v. Stincer*, 175 F.3d 879, 887 (11th
12 Cir. 1999) (denying associational standing where association failed to show that at least one of its
13 members had Article III standing); *Fleck and Associates, Inc. v. Phoenix, City of, an Arizona Mun.*
14 *Corp.*, 471 F.3d 1100, 1105-06 (9th Cir. 2006) (organization must show that at least one of its members
15 would have standing to sue on his or her own behalf); *Arizonans for Official English v. Arizona*, 520
16 U.S. 43, 66 (1997) (“An association has standing to sue or defend in such capacity, however, only if its
17 members would have standing in their own right.”).

18 This showing is necessary because, even assuming Nevada was not complying with the NVRA
19 (which Defendants very much dispute), this does not constitute irreparable harm that can be redressed
20 by the preliminary injunction sought by Plaintiffs. Even if a violation of the NVRA were shown, there
21 is no evidence that this will actually prevent some unknown person who is not a party to this lawsuit
22 from voting. Without this showing on the part of an individual who is a member of one of the Plaintiff
23 organizations, Plaintiffs cannot show irreparable harm to any person whose rights they would have
24 standing to enforce. *Arizonans for Official English*, 520 U.S. at 66.

25 Finally, issuance of a preliminary injunction will not avoid the alleged irreparable harm. As
26 Plaintiffs themselves point out, some people who receive public assistance only renew their benefits
27 once every six months. The Motion was filed July 6, 2012, approximately 3 months before the close of

1 registration for the general election.⁶ Thus, even if a preliminary injunction were issued the day the
 2 motion was filed, it would “miss” a large number of people who would not need to recertify or renew
 3 their benefits during that three-month window.

4 2. The Plaintiff Organizations.

5 The Plaintiffs also claim standing in their own right, and allege that they will suffer irreparable
 6 harm because they will have to divert resources to voter registration drives that would be unnecessary if
 7 Nevada fully complied with the NVRA. *See* Memo., p. 18, ll. 13-26; p. 19, ll. 1-7. However, this does
 8 not constitute irreparable harm.

9 First, the cases Plaintiffs cite does not stand for the proposition that the organizational Plaintiffs
 10 will suffer irreparable harm by running more voter registration drives. In *Florida State Conference of*
 11 *N.A.A.C.P. v. Browning*, 522 F.3d 1153, 1165-66 (11th Cir., 2008), the Eleventh Circuit held that the
 12 NAACP’s allegations regarding diversion of resources was sufficient for *standing* purposes, which it
 13 characterized as requiring “only a minimal showing of injury.” The court did not reach the issue of
 14 irreparable harm. *Id.* at 1167. In *Georgia State Conference of N.A.A.C.P. v. Kemp*, 841 F.Supp.2d 1320,
 15 1324 (N.D.Ga. 2012), the district court was ruling on the defendant’s motion to dismiss, not on a
 16 preliminary injunction. Like in *Browning*, the court found that the plaintiffs had standing; it did not find
 17 that they suffered irreparable harm. *Id.* at 1337.

18 Second, irreparable harm is a type of harm that cannot be compensated by monetary damages.
 19 *Rent-A-Center, Inc. v. Canyon Television and Appliance Rental, Inc.*, 944 F.2d 597, 603 (9th Cir. 1991).
 20 Generally, “injuries in terms of money, time and energy, however substantial, do not constitute
 21 irreparable injury.” *Arcamuzi v. Continental Air Lines, Inc.*, 819 F.2d 935, 938 (9th Cir. 1987). Plaintiffs
 22 have only alleged harm that is monetary in nature.

23 Third, Plaintiffs have not actually provided any evidence of their alleged harm. For purposes of
 24 a preliminary injunction, the Plaintiffs bear the burden of making a “clear showing” of each of the
 25 *Winter* factors. *Lopez*, 680 F.3d at 1072. The Court does not simply accept their allegations as true.

26 The allegations in the Complaint indicate that each of the Plaintiffs regularly conducts voter
 27 registration drives in Nevada. *See* Complaint ¶¶ 17-19; 49-56. For example, the Complaint states that

28 _____
⁶ October 7, 2012 is the last day to register by mail; October 16, 2012 is the last day to register in person. *See* NRS 293.560.

1 National Council of La Raza (NCLR) “regularly has conducted and continues to conduct” voter
2 registration drives. Complaint ¶ 50. The Las Vegas NAACP “organizes and conducts numerous voter
3 registration drives in Nevada (including, for example, conducting approximately four or five major and
4 ten to twelve smaller voter registration drives in Nevada in the last three years).” Complaint ¶ 53. The
5 Reno-Sparks NAACP “organizes and conducts numerous voter registration drives in Nevada
6 (including, for example, conducting substantial registration efforts in Washoe County during each
7 election cycle since 2004).” Complaint ¶ 56.

8 These allegations indicate that Plaintiffs conduct voter registration drives as a normal and on-
9 going part of their activities. However, they have not produced any evidence that they are actually
10 *diverting* resources to registration drives that would not have already been spent on such activities. Nor
11 have they shown that any such diversion of funds is more than de minimus or that it is actually
12 interfering with the Plaintiffs’ ability to carry out other aspects of their mission. Accordingly, there is
13 no basis to find that there is any irreparable harm to the Plaintiffs as organizations.

14 3. The balance of the hardships does not favor an injunction.

15 The balance of the hardships does not favor an injunction. As discussed above, Plaintiffs’
16 evidence does not show any violation of the NVRA at all, let alone that there is any major, systemic
17 failure to offer voter registration services at public assistance agencies. The State has presented
18 evidence that it is offering voter registration at public assistance agencies, and will continue to do so.
19 Plaintiffs have not presented any evidence of the alleged harm to the organizations themselves. Thus
20 there is little or no hardship to Plaintiffs or their members if an injunction does not issue.

21 The purpose of preliminary injunctions is usually to preserve the status quo *pendente lite*. For
22 this reason, mandatory preliminary injunctions are particularly disfavored. *Stanley v. University of*
23 *Southern California*, 13 F.3d 1313, 1320 (9th Cir. 1994). “When a mandatory preliminary injunction is
24 requested, the district court should deny such relief ‘unless the facts and law clearly favor the moving
25 party.’” *Id.* (quoting *Anderson v. United States*, 612 F.2d 1112, 1114 (9th Cir.1979)). Here, Plaintiffs
26 request an injunction that would require on-going monitoring and reporting by both this Court and
27 Defendants. *See* Complaint, p. 22. It would also require development of new policies and guidelines,
28 and continuing jurisdiction by the Court to ensure compliance. *Id.* at pp. 22-23.

1 Thus the injunction would be very burdensome to the Defendants, while not clearly benefitting
2 the Plaintiffs or anyone else, since it is not apparent that anyone is being denied any rights under the
3 NVRA. This is not like the cases Plaintiffs cite to, where the defendants were refusing to comply with
4 the law. *See e.g., Charles H. Wesley Educ. Foundation, Inc. v. Cox*, 324 F.Supp.2d 1358, 1367-68
5 (N.D.Ga. 2004) (balance of hardships favored plaintiffs where state refused to accept voter registration
6 forms mailed in a bundle, and voter was therefore not registered and would not be able to vote).

7 3. The public interest does not favor the granting of an injunction.

8 As discussed above, there is no evidence that even suggests there is widespread noncompliance
9 with the NVRA. Assuming it is not simply a reporting error, the highest number of voter registration
10 applications ever received from public assistance agencies in Nevada was 39,444 over a two-year
11 period. Therefore, the Court should reject Plaintiffs' assertion that "hundreds of thousands" of
12 Nevadans' right to vote is at stake. *See Memo*, p. 19, ll. 11-13. That exaggerates both the evidence and
13 the impact, even if one were to assume that the State was refusing to comply with the NVRA altogether
14 (which obviously is not the case). Instead, an injunction would not be in the public interest because it
15 would be burdensome and unnecessary, and would cause DHHS to spend less time and resources
16 actually helping clients and more time monitoring and reporting statistics.

17 4. The Plaintiffs do not meet the "alternative test" for a preliminary injunction.

18 As discussed above in Section II of this brief, the NVRA does not mandate that an injunction
19 must issue in every case. Therefore Plaintiffs under the NVRA are always required to meet the
20 traditional equitable requirements for a preliminary injunction.

21 To the extent the Ninth Circuit has previously allowed an alternative test that required showing
22 *only* "serious questions" on the merits and that the balance of hardships tips sharply in the plaintiff's
23 favor, those cases have been expressly overruled. *Cottrell*, 632 F.3d at 1132. Instead, all four *Winter*
24 factors must be met. *Id.* Additionally, the Ninth Circuit's "relaxed" standard which required only a
25 "possibility" of irreparable harm, instead of a "likelihood," has also been overruled. *Id.* at 1131.
26 However, the "sliding scale" test – serious questions on the merits, plus a balance of hardships that
27 sharply favors the plaintiffs – is still permissible, so long as it is used as part of the four-part *Winter*
28 test. *Id.* at 1134-35. This preserves the preliminary injunction as a drastic and extraordinary remedy that

1 is never awarded as of right. *Winter*, 555 U.S. at 24.

2 As discussed above, the balance of hardships does not tip toward Plaintiffs at all. Plaintiffs have
3 not shown that there is a single person – let alone “hundreds of thousands” – who has been deprived of
4 the right to vote by Defendants’ alleged noncompliance with the NVRA. Nor is there any evidence
5 describing the resources and efforts of Plaintiffs spent on voter registration activities that were allegedly
6 diverted from other activities. Thus it is impossible to say that the balance of hardships tips sharply in
7 Plaintiffs’ favor.

8 Finally, Plaintiffs have failed to show even serious questions as to the merits. Plaintiffs’
9 evidence involves mostly issues that are not required under the NVRA. At the very most, Plaintiffs
10 have shown only two or three people who might not have received a voter registration application at the
11 time they applied or renewed their benefits. And in those cases, the evidence is conflicting. This is
12 insufficient to warrant issuance of a preliminary injunction, even under the sliding scale test.

13 **CONCLUSION**

14 For the foregoing reasons, Defendants respectfully request that this Court DENY the Plaintiffs’ Motion
15 for Preliminary Injunction.

16 DATED this 23rd day of July, 2012.

17 CATHERINE CORTEZ MASTO
18 Attorney General

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28 and MICHAEL J. WILLDEN, Director
of the Department of Health and
Human Services

1 CERTIFICATE OF SERVICE

2 I declare that I am an employee of the State of Nevada and on this 23rd day of July , 2012, I
3 served a copy of the foregoing Defendants' Opposition to Motion for Preliminary Injunction, by U.S.
4 District Court CM/ECF Electronic filing to:

5 W. Chris Wicker, Esq.
6 Woodburn and Wedge
7 Post Office Box 2311
8 Reno, Nevada 89511
9 Email: cwicker@woodburnandwedge.com

10 I further declare that I am an employee of the State of Nevada and on this 23rd day of July, 2012,
11 I served a copy of the foregoing Defendants' Opposition to Motion for Preliminary Injunction, by
12 mailing the foregoing document via United States Postal Service to the following:

13 **Anson Asaka**
14 National Association for the Advancement of Colored People
15 NAACP National Office
16 4805 Mount Hope Drive
17 Baltimore, MD 21215

18 **Sarah Brannon**
19 Project Vote
20 1350 Eye Street, NW
21 Ste 1250
22 Washington DC. 20005

23 **Jamie Halavais**
24 Dechert LLP
25 1095 Avenue of the Americas
26 New York, NY 10036

27 **Kim Keenan**
28 National Association for the Advancement of Colored People,
NAACP National Office
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Baltimore, MD 21215

Bob Kengle
Lawyers' Committee for Civil Rights Under Law
1401 New York Avenue, NW
Ste 400
Washington DC, 20005

1 **Alan Martinson**

2 Lawyers' Committee for Civil Rights Under Law
3 1401 New York Avenue NW
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6 **David Rubino**

7 Demos
8 220 Fifth Avenue
9 2d Floor
10 New York, NY 10001

11 **Michelle Rupp**

12 Project Vote
13 1350 Eye Street, NW
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16 **Neil Steiner**

17 Dechert LLP
18 1095 Avenue of the Americas
19 New York, NY 10036

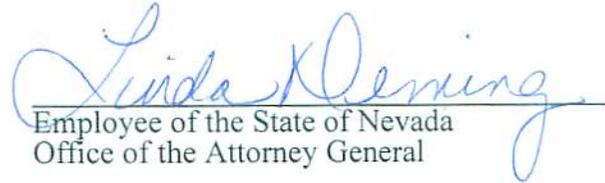
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Employee of the State of Nevada
Office of the Attorney General

EXHIBIT 1

EXHIBIT 1

Table 7. Reported Voting and Registration of Family Members, by Age and Family Income: November 2010
(Population 18 years and older, in thousands)

Age and family income	Total Population	US Citizen												Total Population			
		Total Citizen Population	Reported registered		Reported not registered		No response to registration ¹		Reported voted		Reported did not vote		No response to voting ²		Reported registered	Reported voted	
			Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Percent	Percent	
18 YEARS AND OVER																	
Total	168,548	154,410	102,996	66.7	26,573	17.2	24,841	16.1	73,628	47.7	56,462	36.6	24,321	15.8	61.1	43.7	
Under \$10,000	6,679	5,496	2,857	52.0	1,945	35.4	695	12.6	1,465	26.7	3,406	62.0	625	11.4	42.8	21.9	
\$10,000 to \$14,999	6,017	5,069	2,781	54.9	1,665	32.8	623	12.3	1,512	29.8	3,013	59.4	544	10.7	46.2	25.1	
\$15,000 to \$19,999	5,626	4,549	2,644	58.1	1,389	30.5	516	11.3	1,518	33.4	2,552	56.1	478	10.5	47.0	27.0	
\$20,000 to \$29,999	14,930	12,632	7,878	62.4	3,367	26.7	1,387	11.0	5,103	40.4	6,237	49.4	1,291	10.2	52.8	34.2	
\$30,000 to \$39,999	15,002	13,182	8,692	65.9	3,040	23.1	1,450	11.0	5,845	44.3	5,979	45.4	1,357	10.3	57.9	39.0	
\$40,000 to \$49,999	11,825	10,807	7,393	68.4	2,422	22.4	992	9.2	5,300	49.0	4,576	42.3	931	8.6	62.5	44.8	
\$50,000 to \$74,999	27,168	25,516	18,641	73.1	4,179	16.4	2,695	10.6	13,252	51.9	9,680	37.9	2,583	10.1	68.6	48.8	
\$75,000 to \$99,999	18,392	17,597	13,558	77.0	2,360	13.4	1,680	9.5	10,164	57.8	5,756	32.7	1,677	9.5	73.7	55.3	
\$100,000 to \$149,999	17,236	16,586	13,257	79.9	1,635	10.2	1,635	9.9	10,121	61.0	4,777	28.8	1,688	10.2	76.9	58.7	
\$150,000 and over	12,629	12,102	9,716	80.3	1,126	9.3	1,260	10.4	7,454	61.6	3,353	27.7	1,295	10.7	76.9	59.0	
Income not reported	33,044	30,875	15,580	50.5	3,386	11.0	11,909	38.6	11,893	38.5	7,132	23.1	11,850	38.4	47.1	36.0	
18 to 24 years																	
Total	21,198	19,697	8,855	45.0	6,743	34.2	4,098	20.8	4,382	22.2	11,386	57.8	3,929	19.9	41.8	20.7	
Under \$10,000	1,434	1,292	482	37.3	627	48.5	183	14.2	161	12.5	966	74.7	166	12.8	33.6	11.2	
\$10,000 to \$14,999	1,151	994	403	40.5	466	46.9	124	12.5	168	16.9	718	72.3	108	10.8	35.0	14.6	
\$15,000 to \$19,999	824	686	284	41.4	292	42.6	110	16.0	97	14.1	474	69.0	116	16.9	34.5	11.7	
\$20,000 to \$29,999	2,165	1,885	795	42.2	804	42.7	286	15.2	355	18.8	1,286	68.3	243	12.9	36.7	16.4	
\$30,000 to \$39,999	2,073	1,851	848	45.8	737	39.8	265	14.3	453	24.5	1,156	62.5	242	13.1	40.9	21.8	
\$40,000 to \$49,999	1,488	1,351	557	41.2	571	42.3	223	16.5	258	19.1	897	66.4	196	14.5	37.4	17.3	
\$50,000 to \$74,999	3,191	3,037	1,460	48.1	1,073	35.3	504	16.6	728	24.0	1,850	60.9	459	15.1	45.7	22.8	
\$75,000 to \$99,999	2,085	2,047	1,153	56.5	582	28.5	307	15.0	695	34.0	1,060	51.9	288	14.1	55.3	33.3	
\$100,000 to \$149,999	1,923	1,899	1,111	58.5	474	24.9	315	16.6	545	28.7	1,007	53.0	347	18.3	57.8	28.3	
\$150,000 and over	1,280	1,262	733	58.1	329	26.1	200	15.9	404	32.0	650	51.5	209	16.5	57.3	31.6	
Income not reported	3,584	3,396	1,028	30.3	788	23.2	1,581	46.5	519	15.3	1,322	38.9	1,555	45.8	28.7	14.5	
25 to 44 years																	
Total	60,812	52,876	33,980	64.3	10,384	19.6	8,512	16.1	20,980	39.7	23,586	44.6	8,309	15.7	55.9	34.5	
Under \$10,000	2,896	2,144	1,114	52.0	778	36.3	252	11.8	515	24.0	1,410	65.8	218	10.2	38.5	17.8	
\$10,000 to \$14,999	2,319	1,830	963	52.6	630	34.4	237	12.9	442	24.2	1,176	64.3	211	11.6	41.5	19.1	
\$15,000 to \$19,999	2,018	1,413	749	53.0	471	33.4	193	13.7	311	22.0	925	65.4	178	12.6	37.1	15.4	
\$20,000 to \$29,999	5,341	4,028	2,282	56.6	1,254	31.1	492	12.2	1,124	27.9	2,434	60.4	470	11.7	42.7	21.0	
\$30,000 to \$39,999	5,383	4,414	2,728	61.8	1,187	26.9	498	11.3	1,548	35.1	2,407	54.5	458	10.4	50.7	28.8	
\$40,000 to \$49,999	4,317	3,791	2,436	64.2	1,012	26.7	344	9.1	1,446	38.1	2,015	53.2	330	8.7	56.4	33.5	
\$50,000 to \$74,999	10,662	9,727	6,925	71.2	1,794	18.4	1,008	10.4	4,202	43.2	4,576	47.0	948	9.8	64.9	39.4	
\$75,000 to \$99,999	7,176	6,680	5,087	76.2	928	13.9	665	9.9	3,341	50.0	2,654	39.7	684	10.2	70.9	46.6	
\$100,000 to \$149,999	6,406	5,996	4,702	78.4	733	12.2	561	9.4	3,273	54.6	2,148	35.8	575	9.6	73.4	51.1	
\$150,000 and over	4,434	4,156	3,250	78.2	455	11.0	451	10.8	2,248	54.1	1,458	35.1	450	10.8	73.3	50.7	
Income not reported	9,860	8,697	3,745	43.1	1,141	13.1	3,811	43.8	2,529	29.1	2,382	27.4	3,786	43.5	38.0	25.7	
45 to 64 years																	
Total	61,264	57,485	41,547	72.3	7,003	12.2	8,935	15.5	32,700	56.9	15,941	27.7	8,844	15.4	67.8	53.4	
Under \$10,000	1,765	1,538	931	60.6	442	28.7	165	10.7	554	36.0	821	53.4	163	10.6	52.8	31.4	
\$10,000 to \$14,999	1,662	1,436	852	59.4	396	27.6	187	13.0	552	38.4	728	50.7	156	10.8	51.3	33.2	
\$15,000 to \$19,999	1,649	1,374	821	59.7	398	29.0	155	11.3	537	39.1	695	50.6	142	10.3	49.8	32.6	
\$20,000 to \$29,999	4,301	3,740	2,474	66.2	863	23.1	403	10.8	1,818	48.6	1,542	41.2	380	10.2	57.5	42.3	
\$30,000 to \$39,999	4,637	4,131	2,874	69.6	812	19.6	445	10.8	1,988	48.1	1,720	41.6	423	10.2	62.0	42.9	
\$40,000 to \$49,999	3,969	3,689	2,752	74.6	636	17.2	302	8.2	2,144	58.1	1,256	34.0	289	7.8	69.3	54.0	
\$50,000 to \$74,999	9,735	9,267	7,298	78.8	1,049	11.3	919	9.9	5,737	61.9	2,620	28.3	909	9.8	75.0	58.9	
\$75,000 to \$99,999	7,355	7,153	5,847	81.7	726	10.1	580	8.1	4,782	66.8	1,798	25.1	573	8.0	79.5	65.0	
\$100,000 to \$149,999	7,564	7,392	6,324	85.6	416	5.6	652	8.8	5,272	71.3	1,461	19.8	659	8.9	83.6	69.7	
\$150,000 and over	5,754	5,564	4,770	85.7	281	5.1	512	9.2	3,978	71.5	1,044	18.8	541	9.7	82.9	69.1	
Income not reported	12,874	12,202	6,603	54.1	984	8.1	4,615	37.8	5,337	43.7	2,256	18.5	4,609	37.8	51.3	41.5	

Table 7

Table 7. Reported Voting and Registration of Family Members, by Age and Family Income: November 2010
(Population 18 years and older, in thousands)

Age and family income	Total Population	US Citizen												Total Population			
		Total Citizen Population	Reported registered		Reported not registered		No response to registration ¹		Reported voted		Reported did not vote		No response to voting ²		Reported registered	Reported voted	
			Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Percent	Percent	
65 to 74 years																	
Total	15,155	14,540	11,047	76.0	1,426	9.8	2,067	14.2	9,386	64.6	3,101	21.3	2,053	14.1	72.9	61.9	
Under \$10,000	331	290	176	60.6	59	20.3	55	19.1	134	46.2	117	40.2	39	13.5	53.1	40.6	
\$10,000 to \$14,999	505	442	278	62.9	110	24.9	54	12.2	181	40.9	211	47.7	50	11.4	55.1	35.9	
\$15,000 to \$19,999	524	489	340	69.5	116	23.8	33	6.7	226	46.1	233	47.6	31	6.2	64.9	43.0	
\$20,000 to \$29,999	1,706	1,601	1,247	77.9	242	15.1	113	7.1	973	60.8	520	32.5	108	6.8	73.1	57.1	
\$30,000 to \$39,999	1,628	1,552	1,216	78.4	195	12.6	141	9.1	1,027	66.2	388	25.0	137	8.8	74.7	63.1	
\$40,000 to \$49,999	1,318	1,275	1,062	83.3	131	10.3	82	6.4	937	73.5	261	20.5	77	6.1	80.5	71.1	
\$50,000 to \$74,999	2,254	2,198	1,874	85.2	163	7.4	161	7.3	1,655	75.3	373	17.0	170	7.7	83.1	73.4	
\$75,000 to \$99,999	1,208	1,173	1,015	86.5	66	5.6	93	7.9	921	78.5	157	13.3	96	8.2	84.0	76.2	
\$100,000 to \$149,999	914	881	782	88.7	31	3.6	68	7.8	724	82.1	90	10.2	68	7.7	85.5	79.1	
\$150,000 and over	809	785	671	85.4	32	4.1	82	10.5	568	72.3	136	17.4	81	10.3	82.9	70.1	
Income not reported	3,957	3,853	2,387	62.0	281	7.3	1,185	30.7	2,041	53.0	616	16.0	1,197	31.1	60.3	51.6	
75 years and over																	
Total	10,119	9,812	7,567	77.1	1,017	10.4	1,228	12.5	6,180	63.0	2,447	24.9	1,186	12.1	74.8	61.1	
Under \$10,000	254	232	154	66.2	39	16.8	39	17.0	101	43.3	93	39.9	39	16.8	60.5	39.6	
\$10,000 to \$14,999	380	367	285	77.6	62	16.8	20	5.5	169	46.0	179	48.9	19	5.2	74.9	44.3	
\$15,000 to \$19,999	611	586	450	76.8	111	19.0	24	4.2	348	59.5	225	38.5	12	2.1	73.7	57.0	
\$20,000 to \$29,999	1,417	1,378	1,080	78.4	205	14.8	93	6.8	833	60.4	455	33.0	90	6.5	76.3	58.8	
\$30,000 to \$39,999	1,282	1,235	1,026	83.0	109	8.9	100	8.1	830	67.2	308	25.0	97	7.9	80.0	64.7	
\$40,000 to \$49,999	733	700	587	83.8	72	10.3	41	5.9	515	73.5	147	21.0	38	5.5	80.1	70.3	
\$50,000 to \$74,999	1,325	1,287	1,084	84.3	100	7.7	103	8.0	930	72.3	260	20.2	97	7.6	81.8	70.2	
\$75,000 to \$99,999	568	549	456	83.0	58	10.5	35	6.5	426	77.6	87	15.9	36	6.5	80.3	75.0	
\$100,000 to \$149,999	428	417	338	80.9	40	9.7	39	9.4	307	73.5	72	17.2	39	9.4	79.0	71.7	
\$150,000 and over	352	335	292	87.1	28	8.4	15	4.5	256	76.4	64	19.1	15	4.5	82.9	72.7	
Income not reported	2,770	2,726	1,816	66.6	193	7.1	717	26.3	1,467	53.8	556	20.4	703	25.8	65.6	52.9	

¹ 'No response to registration' includes those who were not asked if they were registered as well as those who responded 'Don't Know,' and 'Refused.'

² 'No response to voting' includes those who were not asked if they voted as well as those who responded 'Don't Know,' and 'Refused.'

Family income is limited to persons who report income or refuse to answer the income question. Respondents who report not knowing their income are not included in this table, which includes only the reference person with relatives in the household or people with the following relationship to the householder: spouse, child, grandchild, parent, sibling, or other relative. This table excludes foster children, unmarried partners, non-relatives, and roommates.

Source: U.S. Census Bureau, Current Population Survey, November 2010.

EXHIBIT 2

EXHIBIT 2

2010 Election Administration and Voting Survey
Table 2a. Application Sources: Total Forms Received

State	Election Juris. in Survey	Total Applications Received 2008 to 2010	Cases	Applications Received From Individual Voters								
				Mail Registration Applications			In-Person Registration Applications			Internet Registration Applications		
				Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.
Alabama	67	616,497	67	117,227	66	18.1	262,585	66	40.6	0	67	0.0
Alaska	1	234,426	1	44,282	1	18.9	101,628	1	43.4	0	0	0.0
Arizona	15	1,786,304	15	317,592	15	17.8	16,879	13	0.9	435,720	15	24.4
Arkansas	75	254,074	75	67,604	75	26.6	92,338	75	36.3	0	75	0.0
California	58	4,448,407	57	1,105,160	51	24.8	661,975	42	14.9	0	21	0.0
Colorado	64	3,910,236	64	1,579,730	64	40.4	1,071,830	64	27.4	47,426	64	1.2
Connecticut	169	522,318	169	99,699	169	19.1	69,244	169	17.1	0	0	0.0
Delaware	3	193,211	3	13,018	3	6.7	4,976	3	2.6	0	0	0.0
District of Columbia	1	392,470	1	48,256	1	12.3	22,668	1	5.8	11,137	1	2.8
Florida	67	2,235,362	67	237,791	67	10.6	0	0.0	0	67	0.0	
Georgia	159	1,796,700	159	994,137	159	55.3	91,976	159	5.1	0	159	0.0
Hawaii	4	150,718	4	21,899	4	14.5	21,546	4	14.3	0	1	0.0
Idaho*	44	264,107	44	0	0	0.0	0	0.0	0	0	0.0	
Illinois	110	1,348,127	109	275,143	108	20.4	366,594	106	27.2	0	0	0.0
Indiana	92	1,210,015	92	7,752	7	0.6	2,722	4	0.2	29,090	92	2.4
Iowa	99	621,914	99	0	0	0.0	0	0.0	0	0	0.0	
Kansas	105	721,670	105	114,857	105	15.9	40,366	105	5.6	48,316	105	6.7
Kentucky	120	1,226,309	120	19,579	120	1.6	477,312	120	38.9	0	0	0.0
Louisiana	64	532,735	64	103,998	64	19.5	113,466	64	21.3	7,839	64	1.5
Maine	505	223,472	505	6,770	505	3.0	148,679	505	66.5	0	0	0.0
Maryland	24	1,364,361	24	58,341	24	4.3	2,694	24	0.2	0	0	0.0
Massachusetts	351	681,575	351	5,083	3	0.7	844	2	0.1	0	0	0.0
Michigan	83	2,500,011	83	111,376	83	4.5	185,577	83	7.4	0	83	0.0
Minnesota*	87	545,093	87	28,965	87	5.3	334,027	87	61.3	0	0	0.0
Mississippi	82	203,740	62	55,281	57	27.1	84,011	56	41.2	4	40	0.0
Missouri	116	1,006,502	116	154,900	116	15.4	71,010	115	7.1	9,775	54	1.0
Montana	56	174,587	56	31,414	56	18.0	35,703	56	20.4	0	56	0.0
Nebraska	93	358,732	93	73,501	93	20.5	57,502	93	16.0	0	0	0.0
Nevada	17	307,456	14	34,677	10	11.3	9,646	10	3.1	2,793	8	0.9
New Hampshire*	323	0	0	0	0	0.0	0	0	0	0	0	0.0
New Jersey	21	359,791	21	167,040	21	46.4	34,284	21	9.5	0	0	0.0
New Mexico	33	333,909	33	23,302	25	7.0	55,037	25	16.5	0	5	0.0
New York	62	1,006,392	53	314,180	50	31.2	51,679	46	5.2	0	0	0.0
North Carolina	100	1,332,210	100	201,085	100	15.1	401,067	100	30.1	0	0	0.0
North Dakota*	53	0	0	0	0	0.0	0	0	0	0	0	0.0
Ohio	88	2,296,612	88	401,748	86	17.5	495,217	85	21.6	5	88	0.0
Oklahoma	77	299,788	77	74,910	77	25.0	69,180	77	23.1	0	0	0.0
Oregon	36	537,029	36	139,447	36	28.0	147,567	36	27.5	61,049	36	11.4
Pennsylvania	67	2,660,751	67	245,846	67	9.2	49,387	67	1.9	568	67	0.0
Rhode Island	39	77,253	39	11,740	39	15.2	10,906	39	14.1	0	0	0.0
South Carolina	46	247,325	46	47,181	46	19.1	16,123	46	6.5	0	46	0.0
South Dakota	66	103,475	66	13,111	66	12.7	38,797	66	37.5	99	66	0.1
Tennessee	95	933,734	95	287,016	95	30.7	154,424	93	16.5	0	0	0.0
Texas	254	3,159,260	254	1,142,077	254	36.2	310,059	254	9.8	0	0	0.0
Utah	29	511,022	29	186,393	29	36.5	0	0.0	4,782	29	0.9	
Vermont	233	57,484	202	25,344	167	44.1	13,028	176	22.7	56	127	0.1
Virginia	134	416,020	134	294,009	134	70.7	153,867	134	37.0	0	0	0.0
Washington	39	726,386	39	186,643	39	25.7	96,867	39	13.3	109,421	39	15.1
West Virginia	55	66,051	14	1,975	3	3.0	4,673	4	7.1	131	3	0.2
Wisconsin*	72	427,749	72	10,777	72	2.5	74,641	72	17.4	0	0	0.0
Wyoming*	23	63,536	23	908	23	1.4	62,628	23	98.6	0	0	0.0
American Samoa*	1	5,282	1	10	1	0.2	5,272	1	99.8	0	1	0.0
Guam*	1	0	0	0	0	0.0	2,000	1	0	0	1	0.0
Puerto Rico*	0	0	0	0	0	0.0	0	0	0	0	0	0.0
Virgin Islands*	0	0	0	0	0	0.0	0	0	0	0	0	0.0
Sum of Above	4,678	45,482,188	4,195	9,502,774	3,543	20.9	6,614,701	3,432	14.5	768,211	1,480	1.7
States Included		50		48			47		17			
Question		A5a		A6a			A6b		A6c			

2010 Election Administration and Voting Survey
Table 2a. Application Sources: Total Forms Received

State	Applications Received From Different Voter Registration Agencies														
	Motor Vehicle Offices			Public Assistance Offices			Disability Services Offices			Armed Forces Recruitment Offices			Other State Agencies		
	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.	Total	Cases	Pct.
Alabama	14,232	65	2.2	19,059	66	2.9	1,707	64	0.3	572	64	0.1	4,637	66	0.7
Alaska	75,458	1	32.2	392	1	0.2	316	1	0.1	860	1	0.4	1,680	1	0.7
Arizona	704,035	15	39.4	16,694	15	0.9	3,725	13	0.2	4,040	14	0.2	70,495	11	3.9
Arkansas	67,648	75	26.6	4,078	75	1.6	598	75	0.2	86	75	0.0	3,459	75	1.4
California	608,765	56	13.7	46,630	57	1.0	3,311	44	0.1	1,678	38	0.0	107,003	38	2.4
Colorado	642,975	64	16.4	37,898	64	1.0	157	64	0.0	65	64	0.0	19,531	64	0.5
Connecticut	20,317	169	3.9	7,324	169	1.4	99	169	0.0	513	169	0.1	9,784	169	1.9
Delaware	164,523	3	85.2	1,741	3	0.9	56	3	0.0	0	3	0.0	584	3	0.3
District of Columbia	117,897	1	30.0	792	1	0.2	0	1	0.0	170	1	0.0	93,810	1	23.9
Florida	1,596,518	67	71.4	13,707	67	0.6	667	67	0.0	241	67	0.0	3,325	67	0.1
Georgia	684,880	159	38.1	279	159	0.0	19	159	0.0	35	159	0.0	569	159	0.0
Hawaii	64,528	4	42.8	436	4	0.3	86	2	0.1	485	2	0.3	4,724	3	3.1
Idaho*	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
Illinois	655,019	108	48.6	54,071	97	4.0	7,965	78	0.6	421	82	0.0	32,824	81	2.4
Indiana	620,096	92	51.2	20,489	92	1.7	1,693	92	0.1	266	92	0.0	79	92	0.0
Iowa	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
Kansas	217,458	105	30.1	7,966	105	1.1	380	105	0.1	105	105	0.0	0	105	0.0
Kentucky	635,044	120	51.8	39,020	120	3.2	2,542	120	0.2	229	120	0.0	4,405	120	0.4
Louisiana	284,432	64	53.4	6,037	64	1.1	1,214	64	0.2	1,534	64	0.3	0	64	0.0
Maine	25,791	505	11.5	7,112	505	3.2	0	0	0.0	0	0	0.0	0	0	0.0
Maryland	143,839	24	10.5	5,784	24	0.4	44	24	0.0	23	24	0.0	1,108	24	0.1
Massachusetts	3,299	3	0.5	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
Michigan	2,177,470	83	87.1	24,262	83	1.0	86	83	0.0	1,240	83	0.0	0	83	0.0
Minnesota*	99,117	87	18.2	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
Mississippi	19,827	54	9.7	8,378	51	4.1	1,111	43	0.5	375	45	0.2	2,754	33	1.4
Missouri	244,438	116	24.3	121,037	116	12.0	575	106	0.1	308	95	0.0	198	81	0.0
Montana	28,198	56	16.2	6,564	56	3.8	18	56	0.0	175	56	0.1	8	56	0.0
Nebraska	130,711	93	36.4	785	64	0.2	228	38	0.1	449	47	0.1	36	10	0.0
Nevada	39,061	11	12.7	1,677	9	0.5	43	7	0.0	41	7	0.0	0	4	0.0
New Hampshire*	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
New Jersey	132,352	21	35.8	409	21	0.1	0	0	0.0	0	21	0.0	0	0	0.0
New Mexico	3,393	23	1.0	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
New York	578,320	62	57.5	150,526	62	15.0	15,436	62	1.5	0	62	0.0	1,885	62	0.2
North Carolina	506,698	100	38.0	72,128	100	5.4	2,066	100	0.2	37	100	0.0	1,442	100	0.1
North Dakota*	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
Ohio	376,664	88	16.4	246,923	88	10.8	19,307	86	0.8	569	86	0.0	190,080	78	8.3
Oklahoma	94,443	77	31.5	11,525	77	3.8	33	77	0.0	8	77	0.0	497	77	0.2
Oregon	164,716	36	30.7	9,956	36	1.9	5,050	36	0.9	0	0	0.0	9,244	36	1.7
Pennsylvania	2,141,288	67	80.5	4,179	67	0.2	877	67	0.0	197	67	0.0	4,140	67	0.2
Rhode Island	46,938	39	60.8	707	39	0.9	0	0	0.0	0	0	0.0	0	0	0.0
South Carolina	177,455	46	71.8	6,466	46	2.6	87	46	0.0	12	46	0.0	0	46	0.0
South Dakota	38,618	66	37.3	4,405	66	4.3	239	66	0.2	178	66	0.2	759	66	0.7
Tennessee	268,878	94	28.8	124,709	93	13.4	2,983	48	0.3	2,669	85	0.3	34,745	89	3.7
Texas	926,278	254	29.3	16,239	254	0.5	16,216	254	0.5	10,299	254	0.3	543,578	254	17.2
Utah	227,986	29	44.6	2,930	29	0.6	1,505	29	0.3	719	29	0.1	89,274	29	17.5
Vermont	10,999	187	19.1	461	123	0.8	257	122	0.4	29	117	0.1	93	112	0.2
Virginia	301,568	134	216.7	32,368	134	7.8	292	134	0.1	66	134	0.0	69,657	134	16.7
Washington	194,951	39	26.8	6,612	37	0.9	168	14	0.0	2,968	31	0.4	1,122	15	0.2
West Virginia	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
Wisconsin*	0	0	0.0	0	0	0.0	0	0	0.0	50	72	0.0	0	0	0.0
Wyoming*	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
American Samoa*	0	1	0.0	0	1	0.0	0	1	0.0	0	1	0.0	0	1	0.0
Guam*	0	1	0.0	0	0	0.0	0	0	0.0	0	1	0.0	0	1	0.0
Puerto Rico*	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
Virgin Islands*	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
Sum of Above	16,877,022	3,564	37.1	1,142,755	3,340	2.5	91,156	2,620	0.2	31,712	2,726	0.1	1,307,529	2,577	2.9
States Included	44			41			37			36			33		
Question	A6d			A6e			A6f			A6g			A6h		

THE IMPACT OF THE NATIONAL VOTER REGISTRATION ACT, 2005-2010

2010 Election Administration and Voting Survey
Table 2a. Application Sources: Total Forms Received

State	Difference Agencies (continued)						Not Categorized	
	Registration Drives from Advocacy Groups or Parties			Other Sources			Balance* (See Notes)	
	Total	Cases	Pct.	Total	Cases	Pct.	Total	Pct.
Alabama	34,385	66	5.3	60,983	66	9.4	131,110	20.3
Alaska	9,810	1	4.2		0	0.0	0	0.0
Arizona	131,568	13	7.4	81,664	9	4.6	3,892	0.2
Arkansas	12,713	75	5.0	5,550	75	2.2	0	0.0
California	130,735	30	2.9	1,716,099	30	38.6	67,051	1.5
Colorado	191,237	64	4.9	319,387	64	8.2	0	0.0
Connecticut		0	0.0	4,408	189	8.5	250,930	-8.0
Delaware	332	3	0.2	7,981	3	4.1	0	0.0
District of Columbia		0	0.0	97,740	1	24.9	0	0.0
Florida	0	67	0.0	382,634	67	17.1	479	0.0
Georgia	0	159	0.0	1,283,453	159	71.4	(1,283,518)	(70.1)
Hawaii	478	1	0.3	36,536	2	24.2	0	0.0
Idaho		0	0.0		0	0.0	264,107	100.0
Illinois	57,492	73	4.3		0	0.0	(57,492)	(7.5)
Indiana	2,914	3	0.2	199,037	92	16.4	325,877	26.9
Iowa		0	0.0		0	0.0	621,914	100.0
Kansas	16,757	105	2.3	275,465	105	38.2	0	0.0
Kentucky		0	0.0	85,102	120	6.9	(36,924)	(3.0)
Louisiana	14,215	64	2.7	0	64	0.0	0	0.0
Maine	3,075	505	1.4	32,045	505	14.3	0	0.0
Maryland		0	0.0	1,152,528	24	84.5	0	0.0
Massachusetts	4,011	1	0.6	813	2	0.1	667,525	97.9
Michigan	0	83	0.0	0	83	0.0	0	0.0
Minnesota*	8,526	87	1.6	74,458	87	13.7	0	0.0
Mississippi	1,021	20	0.5	2,953	20	1.4	28,025	13.8
Missouri	0	33	0.0	144,312	25	14.3	259,949	25.8
Montana	4,717	55	2.7	67,790	56	38.8	0	0.0
Nebraska		0	0.0	14,049	85	3.9	81,471	22.7
Nevada	3,871	3	1.3	211,296	7	68.7	4,351	1.4
New Hampshire*		0			0		0	
New Jersey		0	0.0	25,706	21	7.1	0	0.0
New Mexico		0	0.0		0	0.0	252,187	75.5
New York		0	0.0	92,113	47	9.2	(97,547)	(10.7)
North Carolina		0	0.0	147,777	100	11.1	0	0.0
North Dakota*		0			0		0	
Ohio	123,353	51	5.4	437,266	88	19.0	5,480	0.2
Oklahoma		0	0.0	47,656	77	15.9	1,536	0.5
Oregon		0	0.0		0	0.0	0	0.0
Pennsylvania	71,276	67	2.7	142,930	67	5.4	63	0.0
Rhode Island	6,962	39	9.0	0	39	0.0	0	0.0
South Carolina		0	0.0		0	0.0	0	0.0
South Dakota	4,019	65	3.9	929	66	0.9	2,321	2.2
Tennessee		0	0.0	20,296	12	2.2	38,014	4.1
Texas		0	0.0		0	0.0	194,514	6.2
Utah		9	0.0		0	0.0	(2,567)	(0.5)
Vermont	1,112	122	1.9	1,329	31	2.3	4,776	8.3
Virginia		0	0.0	579,826	134	139.4	(1,619,633)	(383.4)
Washington	32,569	30	4.5	95,065	26	13.1	0	0.0
West Virginia		0	0.0		0	0.0	59,272	89.7
Wisconsin*	335	72	0.1	341,946	72	79.9	0	0.0
Wyoming*		0	0.0		0	0.0	0	0.0
American Samoa*	0	1	0.0	0	1	0.0	0	0.0
Guam*		0			0		0	
Puerto Rico*								
Virgin Islands*								
Sum of Above	867,483	1,959	1.9	8,229,122	2,701	18.1	49,723	0.1
States Included	25			35			28	
Question	A6i			A6j-o			calc	

TABLE 2A. APPLICATION SOURCES: TOTAL FORMS RECEIVED

Questions A5 and A6. Registration applications: total forms received during the two-year period by means and source

General note: The Balance/Not Categorized column on the table compares the sum of all the categorical responses with the total indicated. If the balance is a positive number, the difference is treated as uncategorized responses. If the balance is a negative number (indicated by a red number in parentheses) the difference indicates that the sum of the responses is greater than the total indicated; this could occur by an error in data entry or by the inability to correctly categorize some responses, resulting in some over-counting.

Notes from States:

Responses to A5 are included in several tables including Tables 2a, 2b, 2c, 2d, and 3. EAC included comments presented in A5 with the notes from the table that includes the relevant data without duplication, but in some cases repeating the comment for two tables was necessary to explain the data included in the table.

Arizona	Two counties reported that countywide ZIP code changes by the U.S. Postal Service affected all or several registration records in the county.
California	One county commented that there is no option to register via the Internet in California. Another county indicated that the breakdown for A6 only reflects counts from January 2010 when they upgraded the voter registration system and for A6b in-person registrations were not tracked until February 2010. One county indicated that its system does not distinguish between these means and sources while another indicated that further breakdown was not available. Another county reported that A6b includes voters registering through the Records office, city halls, libraries and some schools. One county reported that it does not track the numbers from registration drives and from political parties.
Connecticut	Address changes that cross jurisdiction borders are by law considered a new registration in the new jurisdiction.
Delaware	Delaware does not have the capability to track the number of forms. Delaware tracks the number and type of transactions. It is possible that one form may have up to three transactions.
Guam	Unfortunately, the GEC does not track these data.
Idaho	The Idaho Statewide Voter Registration System does not track how the registration forms are received by the County Clerks. In addition, Idaho Code does not allow Registration Cards to be submitted via the Internet or email. Idaho is not covered by the NVRA because it has Election Day Registration. Therefore, there are no cards from any of the agencies that the NVRA requires.
Iowa	For Iowa, the responses to A6 will not match A5a because it does not take into account changes to registrations.
Maine	A5 includes data corrections with no new form. A6e reflects a total of A6e + A6f + A6g + A6h.
Missouri	The statewide database does not report data for A5 in the same manner as requested by these questions. One county reported that total A6 does not agree with A5a because they do not keep track of the source when a change of address has been submitted from other agencies.
Nebraska	The A5a total will be higher than A6a total since the sum of A5b - A5l includes administrative changes that may not have originated from a form.
Nevada	One county reported that all registrations (i.e. mail, in-person and motor vehicles) are combined with no way to separate registrations by categories. Another county commented that it was unsure how to complete A6 and A5f and indicated that the total from A6 will be off because A5f is not added in; this county does not have a breakdown of changes by category. Another county reported that there is no way to distinguish what applications were received by mail or completed in person at the Clerk's office.

North Carolina	A6o provides data on the total number of pre-registration forms. No data is available on the number of pre-registrations by source.
North Dakota	North Dakota does not have voter registration.
Ohio	One county reported that A6f is included in A6e. Another county indicated that their system updates the record for many different reasons other than the ones listed (New/Changes/Duplicates). One county indicated that dates used ranged from 11/04/2008 through 11/02/2010.
Oklahoma	Totals will not match A5a because multiple transactions, such as name, party, and/or address change may be submitted on a single VR application form.
Oregon	The Department of Defense has established procedures independent of those that Oregon has developed for all other agencies in the State. Therefore, Oregon does not have the statistics for the Armed Forces.
South Carolina	A5a - Does not include address updates, name updates, or submissions of duplicate forms for persons already registered in county. Voters previously registered in another SC county are included; these are treated as new registrations in that particular county. Simply put, these numbers are all "new registrations." A6c - No voter registration via the Internet in South Carolina. A6i - Voter Registration organizers typically use the State mail-in form. A6o - There are no agencies meeting this description.
Tennessee	One county indicated that numbers may be inflated as the program includes all transactions of any kind made to any individual voter.
Virginia	Virginia reported that the total number of registration forms received was 416,020 (A5a) but that it received 2,027,046 registration forms in response to A6.
West Virginia	One county reported that A5 is not tracked.
Wisconsin	The period used for these questions is the day after the November 2008 General Election up through and including the day of the November 2010 election.
Wyoming	Changes to name, party and address are captured by the system but are not grouped together with a voter record. If there were three changes made to an existing registration, then that voter would be counted three times.

EXHIBIT 3

EXHIBIT 3

THE IMPACT OF THE NATIONAL VOTER REGISTRATION ACT, 2006-2009

2008 Election Administration and Voting Survey									
Table 2b. Application Sources: New Registrations									
State	Election Juris. in Survey	Total New Applications Received 2006 to 2008	Cases	Applications Received From Individual Voters					
				Mail Registration Applications		In-Person Registration Applications		Internet Registration Applications	
				Total	Pct.	Total	Pct.	Total	Pct.
Alabama	67	400,645	67	152,929	38.2	160,809	40.1	0	0.0
Alaska	1	64,971	1	12,347	19.0	3,644	5.6	0	0.0
Arizona	15	633,363	15	88,439	14.0	4,671	0.7	234,879	37.1
Arkansas	75	0	0	0	.....	0	.....	0	.....
California	58	2,935,941	48	1,217,330	41.5	638,882	21.8	0	0.0
Colorado	64	607,138	64	0	0.0	0	0.0	0	0.0
Connecticut	169	326,521	169	125,977	38.6	122,189	37.4	0	0.0
Delaware	3	60,264	3	19,383	32.2	4,151	6.9	0	0.0
District of Columbia	1	0	0	20,102	.....	9,590	.....	7,323	.....
Florida	67	1,393,601	67	294,336	21.1	73,296	5.3	99	0.0
Georgia	159	777,890	159	183,370	23.6	106,394	13.7	0	0.0
Hawaii	4	83,652	4	29,375	35.1	38,010	45.4	0	0.0
Idaho*	44	0	0	0	.....	0	.....	0	.....
Illinois	108	1,230,004	101	0	0.0	0	0.0	0	0.0
Indiana	92	541,818	92	38,211	7.1	10,491	1.9	0	0.0
Iowa	99	214,492	99	65,216	30.4	66,364	30.9	0	0.0
Kansas	105	190,540	105	71,155	37.3	22,269	11.7	0	0.0
Kentucky	120	0	0	0	.....	0	.....	0	.....
Louisiana	64	310,331	64	128,069	41.3	49,807	16.0	0	0.0
Maine	499	120,780	499	4,954	4.1	95,294	78.9	0	0.0
Maryland	24	498,619	24	139,574	28.0	13,607	2.7	0	0.0
Massachusetts	351	0	0	0	.....	0	.....	0	.....
Michigan	83	1,690,869	83	84,706	5.0	146,696	8.7	0	0.0
Minnesota*	87	461,874	87	57,976	12.6	342,686	74.2	0	0.0
Mississippi	49	100,107	28	17,413	17.4	15,049	15.0	2	0.0
Missouri	116	729,591	114	221,929	30.4	77,549	10.6	14,417	2.0
Montana	56	93,126	56	19,781	21.2	26,684	28.7	31	0.0
Nebraska	93	155,269	93	24,030	15.5	25,820	16.6	0	0.0
Nevada	17	301,926	16	104,454	34.6	140,645	46.6	0	0.0
New Hampshire*	323	0	0	0	.....	0	.....	0	.....
New Jersey	21	805,716	21	508,684	63.1	95,427	11.8	0	0.0
New Mexico	23	52,471	14	9,482	18.1	14,284	27.2	0	0.0
New York	1	1,484,579	1	0	0.0	0	0.0	0	0.0
North Carolina	100	1,137,607	100	217,448	19.1	285,458	25.1	0	0.0
North Dakota*	0	0	0	0	.....	0	.....	0	.....
Ohio	87	1,066,289	84	169,756	15.9	218,718	20.5	22	0.0
Oklahoma	77	354,166	77	121,102	34.2	81,347	23.0	0	0.0
Oregon	36	295,638	36	91,836	31.1	85,434	28.9	0	0.0
Pennsylvania	67	925,396	67	354,099	38.3	37,800	4.1	7,306	0.8
Rhode Island	39	0	0	9,601	.....	12,457	.....	0	.....
South Carolina	46	544,681	46	229,541	42.1	57,937	10.6	0	0.0
South Dakota	66	54,094	39	5,272	9.7	10,249	18.9	1	0.0
Tennessee	95	670,762	95	0	0.0	0	0.0	0	0.0
Texas	254	2,451,880	254	1,290,457	52.6	0	0.0	0	0.0
Utah	29	181,843	29	43,671	24.0	0	0.0	0	0.0
Vermont	246	79,506	245	8,127	10.2	14,742	18.5	0	0.0
Virginia	134	347,776	134	222,334	63.9	47,052	13.5	0	0.0
Washington	39	0	0	0	.....	0	.....	0	.....
West Virginia	55	88,557	38	40,988	46.3	35,120	39.7	270	0.3
Wisconsin*	72	.....	.....	.....	.....	.....	.....	.....	.....
Wyoming*	23	64,620	23	1,613	2.5	63,007	97.5	0	0.0
American Samoa*	1	3,320	1	224	6.7	3,096	93.3	0	0.0
Guam*	1	2,798	1	0	0.0	2,798	100.0	0	0.0
Puerto Rico*	1	113,055	1	105	0.1	146,870	129.9	0	0.0
Virgin Islands*	1	6,020	1	90	1.5	6,020	100.0	0	0.0
Sum of Above States Included	4,527	24,654,106	3,365	6,445,486	26.1	3,412,413	13.8	264,350	1.1
Question		A5b		A7a		A7b		A7c	

*** indicates jurisdiction is exempt from NVRA.

Applications Received From Different Voter Registration Agencies														Not Categorized	
Motor Vehicle Offices		Public Assistance Offices		Disability Services Offices		Armed Forces Recruitment Offices		Other State Agencies		Registration Drives from Advocacy Groups or Parties		Other Sources		Balance: (See Notes)	
Total	Pct.	Total	Pct.	Total	Pct.	Total	Pct.	Total	Pct.	Total	Pct.	Total	Pct.	Total	Pct.
15,750	3.9	11,587	2.9	1,122	0.3	894	0.2	21,544	5.4	44,099	11.0	0	0.0	(8,089)	(2.0)
31,624	48.7	322	0.5	22	0.0	703	1.1	11,401	17.5	0	0.0	4,908	7.6	0	0.0
184,254	29.1	5,381	0.8	569	0.1	1,894	0.3	16,503	2.6	68,167	10.8	28,606	4.5	0	0.0
0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
312,167	10.6	6,037	0.2	1,895	0.1	2,274	0.1	129,395	4.4	14,037	0.5	509,322	17.3	104,602	3.6
0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	607,138	100.0
9,095	2.8	6,173	1.9	907	0.3	1,204	0.4	6,483	2.0	14,631	4.5	39,862	12.2	0	0.0
42,228	70.1	2,039	3.4	27	0.0	0	0.0	568	0.9	1,633	2.7	2,966	4.9	(12,731)	(21.1)
37,237	0.0	228	0.0	2	0.0	0	0.0	2,118	0.0	0	0.0	0	0.0	0	0.0
521,213	37.4	14,247	1.0	631	0.0	659	0.0	14,650	1.1	10,208	0.7	351,553	25.2	112,709	8.1
435,077	55.9	17,908	2.3	123	0.0	373	0.0	24,431	3.1	0	0.0	10,214	1.3	0	0.0
22,759	27.2	549	0.7	175	0.2	3,466	4.1	0	0.0	0	0.0	1,255	1.5	(11,937)	(14.3)
0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1,230,004	100.0
254,396	47.0	998	0.2	215	0.0	772	0.1	165	0.0	0	0.0	286,384	52.9	(49,814)	(9.2)
78,934	36.8	3,667	1.7	205	0.1	106	0.0	0	0.0	0	0.0	0	0.0	0	0.0
45,579	23.9	4,623	2.4	392	0.2	123	0.1	0	0.0	0	0.0	40,841	21.4	5,558	2.9
0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
137,349	44.3	2,110	0.7	795	0.3	1,949	0.6	0	0.0	10,034	3.2	0	0.0	(19,782)	(6.4)
3,817	3.2	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	16,715	13.8	0	0.0
190,757	38.3	15,540	3.1	215	0.0	0	0.0	105,699	21.2	0	0.0	33,227	6.7	0	0.0
0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
1,452,060	85.9	2,873	0.2	38	0.0	571	0.0	3,925	0.2	0	0.0	0	0.0	0	0.0
50,026	10.8	0	0.0	0	0.0	0	0.0	0	0.0	13,394	2.9	2,473	0.5	(4,681)	(1.0)
3,090	3.1	879	0.9	91	0.1	82	0.1	96	0.1	0	0.0	1,249	1.2	62,156	62.1
161,984	22.2	27,824	3.8	583	0.1	1,049	0.1	348	0.0	15	0.0	4,273	0.6	219,620	30.1
21,607	23.2	4,507	4.8	31	0.0	279	0.3	32	0.0	10,899	11.7	13,876	14.9	(4,601)	(4.9)
80,858	52.1	418	0.3	156	0.1	0	0.0	0	0.0	0	0.0	23,987	15.4	0	0.0
58,523	19.4	2,663	0.9	33	0.0	170	0.1	0	0.0	2,481	0.8	2,305	0.8	(9,348)	(3.1)
0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
195,352	24.2	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	39,101	4.9	(32,846)	(4.1)
530	1.0	824	1.6	625	1.2	0	0.0	168	0.3	5,022	9.6	93	0.2	21,443	40.9
273,399	18.4	88,701	6.0	7,628	0.5	0	0.0	0	0.0	0	0.0	0	0.0	1,114,851	75.1
532,786	46.8	45,908	4.0	2,904	0.3	111	0.0	2,329	0.2	0	0.0	50,663	4.5	0	0.0
0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
293,268	27.5	57,997	5.4	2,079	0.2	591	0.1	69,330	6.5	94,924	8.9	145,470	13.6	14,134	1.3
115,068	32.5	8,371	2.4	21	0.0	22	0.0	779	0.2	0	0.0	27,456	7.8	0	0.0
101,159	34.2	7,499	2.5	2,025	0.7	0	0.0	7,685	2.6	0	0.0	0	0.0	0	0.0
268,860	29.1	3,143	0.3	775	0.1	405	0.0	787	0.1	245,672	26.5	6,549	0.7	0	0.0
0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	4,646	0.0	0	0.0	0	0.0
241,601	44.4	15,320	2.8	0	0.0	0	0.0	0	0.0	0	0.0	282	0.1	0	0.0
10,304	19.0	621	1.1	82	0.2	173	0.3	306	0.6	1,692	3.1	135	0.2	25,259	46.7
0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	670,762	100.0	0	0.0
693,020	28.3	1,476	0.1	11,461	0.5	1,359	0.1	22,031	0.9	0	0.0	432,076	17.6	0	0.0
25,068	13.8	2,382	1.3	10	0.0	132	0.1	3,849	2.1	1,486	0.8	105,245	57.9	0	0.0
7,516	9.5	12,260	15.4	142	0.2	50	0.1	20	0.0	2,272	2.9	0	0.0	34,377	43.2
74,362	21.4	3,785	1.1	81	0.0	56	0.0	106	0.0	0	0.0	0	0.0	0	0.0
0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
981	1.1	0	0.0	0	0.0	0	0.0	0	0.0	120	0.1	2,298	2.6	8,780	9.9
0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	(33,920)	(20.0)
0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	(90)	(1.5)
6,983,658	28.3	378,860	1.5	36,060	0.1	19,467	0.1	444,748	1.8	545,432	2.2	2,854,146	11.6	3,269,486	13.3
38	0.0	34	0.0	33	0.0	26	0.0	26	0.0	19	0.0	30	0.0	24	0.0
A7d		A7e		A7f		A7g		A7h		A7i		A7j-a		calc	

Table 2b. Application Sources: New Registrations^d**Question A7. Registrations applications: new registrations by means and source.**

General note: The Balance/Not Categorized column on the table compares the sum of all the categorical responses with the total indicated. If the balance is a positive number the difference is treated as uncategorized responses. If the balance is a negative number (indicated by the parentheses) the difference indicates the sum of the responses is greater than the total indicated; this could occur by an error in data entry or by the inability to correctly categorize some responses, resulting in some over-counting.

Arizona --- One county could not provide a break down of new registrations accepted by mail or in-person. The registrations by mail number is a combined total of mail and in-person registrations.

California --- One county was unable to report on the original forms received, only on the current status of the forms.

Colorado --- Due to a transition from county voter registration systems to a centralized state system in Colorado and the migration of county data between December 2007 through May 2008, statistics on new registrations by registration source could not be generated over a two year period.

Delaware --- Delaware does not track volunteer/advocacy groups/political party registrations submitted. These are categorized as mail applications.

Florida --- Two counties combined into one number applications submitted to the election office and applications received from registration drives done by advocacy groups/parties.

Minnesota --- County-to-county moves are tracked as a changes.

Missouri --- One county combined registrations from voter registration drives with applications submitted by individuals by mail/fax/email.

Montana --- For privacy reasons, counties do not track which people registered at certain NVRA sites, therefore the new registrations counts some registrations twice

Nevada --- One county entered all applications into the mail/fax/e-mail column. One county only had numbers for 2008. One county provided approximate figures. One county combined mail and in-person forms, and three counties included P-17 (new pre-registrations) voters in their total count.

North Dakota --- North Dakota does not have voter registration.

Ohio --- One county reported the numbers as of January, 2009. Two counties combined new registrations and pre-registrations.

South Carolina --- All registrations are new registrations.

EXHIBIT 4

EXHIBIT 4

TABLE 2
SOURCES OF VOTER REGISTRATION APPLICATIONS
2001-2002

Table 2 - Sources of Voter Registration Applications 2001-2002					
	Number of Applications	Percent of Total Apps	Number of Duplicates	Percent Duplicates	Total New Registrations
ALABAMA					
Motor Vehicle Offices	24,020	8.56%	616	2.56%	
By mail	73,863	26.33%	2,087	2.83%	
Public Assistance Offices	13,621	4.86%	796	5.84%	
Disability services	3,426	1.22%	130	3.79%	
Armed Forces Offices	694	0.25%	15	2.16%	
State Designated Sites	3,414	1.22%	180	5.27%	
All other sources	161,447	57.56%	4,054	2.51%	
TOTAL	280,485		7,878	2.81%	184,106
ALASKA					
Motor Vehicle Offices	46,946	22.33%	1,046	2.23%	
By mail	34,164	16.25%	1,562	4.57%	
Public Assistance Offices	102	0.05%	5	4.90%	
Disability services	38	0.02%	-	0.00%	
Armed Forces Offices	2	0.00%	-	0.00%	
State Designated Sites	6,761	3.22%	156	2.31%	
All other sources	122,229	58.14%	6,636	5.43%	
TOTAL	210,242		9,405	4.47%	54,121
ARIZONA					
Motor Vehicle Offices	88,160	14.23%	2,349	2.66%	
By mail	383,814	61.93%	12,297	3.20%	
Public Assistance Offices	9,351	1.51%	219	2.34%	
Disability services	3,311	0.53%	60	1.81%	
Armed Forces Offices	2,094	0.34%	159	7.59%	
State Designated Sites	27,709	4.47%	755	2.72%	
All other sources	105,295	16.99%	2,804	2.66%	
TOTAL	619,734		18,643	3.01%	267,066
ARKANSAS					
Motor Vehicle Offices	91,471	37.59%	10,289	11.25%	
By mail	63,547	26.12%	4,712	7.41%	
Public Assistance Offices	8,623	3.54%	580	6.73%	
Disability services	812	0.33%	107	13.18%	
Armed Forces Offices	609	0.25%	16	2.63%	
State Designated Sites	8,428	3.46%	212	2.52%	
All other sources	69,826	28.70%	8,201	11.74%	
TOTAL	243,316		24,117	9.91%	132,087

Table 2 - Sources of Voter Registration Applications 2001-2002					
	Number of Applications	Percent of Total Apps	Number of Duplicates	Percent Duplicates	Total New Registrations
CALIFORNIA					
Motor Vehicle Offices	912,085	18.64%	174,075	19.09%	
By mail	2,221,735	45.40%	436,337	19.64%	
Public Assistance Offices	45,976	0.94%	1,719	3.74%	
Disability services	2,998	0.06%	147	4.90%	
Armed Forces Offices	3,278	0.07%	361	11.01%	
State Designated Sites	95,142	1.94%	8,472	8.90%	
All other sources	1,612,579	32.95%	128,234	7.95%	
TOTAL	4,893,793		749,345	15.31%	1,804,686
COLORADO					
Motor Vehicle Offices	634,150	53.11%	56,332	8.88%	
By mail	230,234	19.28%	18,861	8.19%	
Public Assistance Offices	56,801	4.76%	800	1.41%	
Disability services	7,048	0.59%	400	5.68%	
Armed Forces Offices	231	0.02%	11	4.76%	
State Designated Sites	33,506	2.81%	1,114	3.32%	
All other sources	232,061	19.44%	6,907	2.98%	
TOTAL	1,194,031		84,425	7.07%	491,038
CONNECTICUT					
Motor Vehicle Offices	44,160	11.47%	2,283	5.17%	
By mail	141,359	36.72%	3,509	2.48%	
Public Assistance Offices	11,603	3.01%	1,103	9.51%	
Disability services	374	0.10%	14	3.74%	
Armed Forces Offices	1,139	0.30%	8	0.70%	
State Designated Sites	11,825	3.07%	420	3.55%	
All other sources	174,510	45.33%	6,112	3.50%	
TOTAL	384,970		13,449	3.49%	431,417
DELAWARE					
Motor Vehicle Offices	163,159	76.44%	34,595	21.20%	
By mail	45,724	21.42%	1,232	2.69%	
Public Assistance Offices	1,601	0.75%	103	6.43%	
Disability services	53	0.02%	2	3.77%	
Armed Forces Offices	43	0.02%	-	0.00%	
State Designated Sites	-	0.00%	-	0.00%	
All other sources	2,872	1.35%	113	3.93%	
TOTAL	213,452		36,045	16.89%	42,789

Table 2 - Sources of Voter Registration Applications 2001-2002					
	Number of Applications	Percent of Total Apps	Number of Duplicates	Percent Duplicates	Total New Registrations
DISTRICT OF COLUMBIA					
Motor Vehicle Offices	285,958	84.25%	15,550	5.44%	
By mail	29,680	8.74%	7,550	25.44%	
Public Assistance Offices	4,454	1.31%	116	2.60%	
Disability services	166	0.05%	-	0.00%	
Armed Forces Offices	15	0.00%	-	0.00%	
State Designated Sites	152	0.04%	25	16.45%	
All other sources	18,976	5.59%	526	2.77%	
TOTAL	339,401		23,767	7.00%	43,803
FLORIDA					
Motor Vehicle Offices	1,361,439	51.83%	17,871	1.31%	
By mail	615,420	23.43%	14,200	2.31%	
Public Assistance Offices	59,460	2.26%	1,966	3.31%	
Disability services	4,930	0.19%	103	2.09%	
Armed Forces Offices	853	0.03%	8	0.94%	
State Designated Sites	26,962	1.03%	593	2.20%	
All other sources	557,849	21.24%	8,671	1.55%	
TOTAL	2,626,913		43,412	1.55%	1,501,565
GEORGLA					
Motor Vehicle Offices	508,446	44.41%	81,233	15.98%	
By mail	307,865	26.89%	11,312	3.67%	
Public Assistance Offices	35,802	3.13%	2,127	5.94%	
Disability services	-	0.00%	-	0.00%	
Armed Forces Offices	50	0.00%	28	0.00%	
State Designated Sites	61,474	5.37%	3,013	4.90%	
All other sources	231,196	20.19%	16,343	7.07%	
TOTAL	1,144,833		114,056	9.96%	420,635
HAWAII					
Motor Vehicle Offices	47,810	23.90%	9,295	19.44%	
By mail	60,996	30.49%	6,281	10.30%	
Public Assistance Offices	277	0.14%	13	4.69%	
Disability services	465	0.23%	23	4.95%	
Armed Forces Offices	545	0.27%	67	12.29%	
State Designated Sites	1,746	0.87%	218	12.49%	
All other sources	88,236	44.10%	10,256	11.62%	
TOTAL	200,075		26,153	13.07%	53,536

Table 2 - Sources of Voter Registration Applications 2001-2002					
	Number of Applications	Percent of Total Apps	Number of Duplicates	Percent Duplicates	Total New Registrations
IDAHO					
<i>is exempt from the NVRA</i>					
ILLINOIS					
Motor Vehicle Offices	1,006,796	49.41%	71,946	7.15%	
By mail	234,499	11.51%	17,819	7.60%	
Public Assistance Offices	13,891	0.68%	1,792	12.90%	
Disability services	18,510	0.91%	2,093	11.31%	
Armed Forces Offices	371	0.02%	41	11.05%	
State Designated Sites	2,056	0.10%	283	13.76%	
All other sources	761,670	37.38%	49,579	6.51%	
TOTAL	2,037,793		143,553	7.04%	1,123,393
INDIANA					
Motor Vehicle Offices	192,823	38.88%	14,969	7.76%	
By mail	195,224	39.36%	4,796	2.46%	
Public Assistance Offices	13,281	2.68%	752	5.66%	
Disability services	1,183	0.24%	109	9.21%	
Armed Forces Offices	223	0.04%	27	12.11%	
State Designated Sites	15,766	3.18%	925	5.87%	
All other sources	77,464	15.62%	4,539	5.86%	
TOTAL	495,964		26,117	5.27%	257,097
IOWA					
Motor Vehicle Offices	350,738	36.75%	11,055	3.15%	
By mail	282,319	29.58%	2,091	0.74%	
Public Assistance Offices	9,655	1.01%	174	1.80%	
Disability services	955	0.10%	18	1.88%	
Armed Forces Offices	328	0.03%	3	0.91%	
State Designated Sites	1,238	0.13%	5	0.40%	
All other sources	309,265	32.40%	4,182	1.35%	
TOTAL	954,498		17,528	1.84%	269,224
KANSAS					
Motor Vehicle Offices	144,644	42.39%	10,874	7.52%	
By mail	91,714	26.88%	12,848	14.01%	
Public Assistance Offices	4,661	1.37%	382	8.20%	
Disability services	664	0.19%	60	9.04%	
Armed Forces Offices	74	0.02%	20	27.03%	
State Designated Sites	3,555	1.04%	529	14.88%	
All other sources	95,922	28.11%	19,656	20.49%	
TOTAL	341,234		44,369	13.00%	158,425

Table 2 - Sources of Voter Registration Applications 2001-2002					
	Number of Applications	Percent of Total Apps	Number of Duplicates	Percent Duplicates	Total New Registrations
KENTUCKY					
Motor Vehicle Offices	657,798	50.60%	-	0.00%	
By mail	23,541	1.81%	-	0.00%	
Public Assistance Offices	27,269	2.10%	-	0.00%	
Disability services	2,390	0.18%	-	0.00%	
Armed Forces Offices	73	0.01%	-	0.00%	
State Designated Sites	8,340	0.64%	-	0.00%	
All other sources	580,684	44.66%	-	0.00%	
TOTAL	1,300,095			0.00%	220,232
LOUISIANA					
Motor Vehicle Offices	184,739	58.52%	15,245	8.25%	
By mail	65,253	20.67%	2,382	3.65%	
Public Assistance Offices	10,522	3.33%	603	5.73%	
Disability services	1,785	0.57%	57	3.19%	
Armed Forces Offices	124	0.04%	4	3.23%	
State Designated Sites	15,379	4.87%	316	2.05%	
All other sources	37,907	12.01%	116	0.31%	
TOTAL	315,709		18,723	5.93%	283,234
MAINE					
Motor Vehicle Offices	106,294	47.02%	4,040	3.80%	
By mail	36,754	16.26%	920	2.50%	
Public Assistance Offices	7,839	3.47%	-	0.00%	
Disability services	68	0.03%	-	0.00%	
Armed Forces Offices	-	0.00%	-	0.00%	
State Designated Sites	2,668	1.18%	-	0.00%	
All other sources	72,458	32.05%	2,234	3.08%	
TOTAL	226,081		7,194	3.18%	111,452
MARYLAND					
Motor Vehicle Offices	200,030	55.06%	25,995	13.00%	
By mail	85,310	23.48%	4,979	5.84%	
Public Assistance Offices	1,151	0.32%	34	2.95%	
Disability services	255	0.07%	15	5.88%	
Armed Forces Offices	71	0.02%	2	2.82%	
State Designated Sites	41,493	11.42%	2,261	5.45%	
All other sources	34,993	9.63%	1,586	4.53%	
TOTAL	363,303		34,872	9.60%	354,936

Table 2 - Sources of Voter Registration Applications 2001-2002					
	Number of Applications	Percent of Total Apps	Number of Duplicates	Percent Duplicates	Total New Registrations
MASSACHUSETTS					
Motor Vehicle Offices	291,119	49.67%	-	0.00%	
By mail	180,282	30.76%	40,254	22.33%	
Public Assistance Offices	13,521	2.31%	1,108	8.19%	
Disability services	1,129	0.19%	98	8.68%	
Armed Forces Offices	-	0.00%	-	0.00%	
State Designated Sites	985	0.17%	74	7.51%	
All other sources	99,090	16.91%	39,144	39.50%	
TOTAL	586,126		80,678	13.76%	586,126
MICHIGAN					
Motor Vehicle Offices	1,294,133	88.91%	155,359	12.00%	
By mail	40,602	2.79%	5,971	14.71%	
Public Assistance Offices	30,127	2.07%	2,903	9.64%	
Disability services	5,259	0.36%	444	8.44%	
Armed Forces Offices	805	0.06%	165	20.50%	
State Designated Sites	-	0.00%	-	0.00%	
All other sources	84,690	5.82%	8,587	10.14%	
TOTAL	1,455,616		173,429	11.91%	845,092
MINNESOTA	<i>is exempt from the NVRA</i>				
MISSISSIPPI					
Motor Vehicle Offices	14,508	11.16%	2,265	15.61%	
By mail	44,724	34.39%	2,385	6.45%	
Public Assistance Offices	21,242	16.33%	1,682	7.92%	
Disability services	2,022	1.55%	56	0.00%	
Armed Forces Offices	-	0.00%	41		
State Designated Sites	-	0.00%	-	0.00%	
All other sources	47,550	36.56%	5,101	10.73%	
TOTAL	130,046		12,030	9.25%	156,754
MISSOURI					
Motor Vehicle Offices	409,746	50.05%	17,247	4.21%	
By mail	90,631	11.07%	5,947	6.56%	
Public Assistance Offices	34,923	4.27%	1,617	4.63%	
Disability services	544	0.07%	16	2.94%	
Armed Forces Offices	462	0.06%	23	4.98%	
State Designated Sites	1,359	0.17%	111	8.17%	
All other sources	280,979	34.32%	31,855	11.34%	
TOTAL	818,644		56,816	6.94%	435,953

Table 2 - Sources of Voter Registration Applications 2001-2002					
	Number of Applications	Percent of Total Apps	Number of Duplicates	Percent Duplicates	Total New Registrations
MONTANA					
Motor Vehicle Offices	28,184	61.10%	366	1.30%	
By mail	9,996	21.67%	142	1.42%	
Public Assistance Offices	3,207	6.95%	105	3.27%	
Disability services	327	0.71%	44	13.46%	
Armed Forces Offices	41	0.09%	2	4.88%	
State Designated Sites	1,884	4.08%	65	3.45%	
All other sources	2,485	5.39%	346	13.92%	
TOTAL	46,124		1,070	2.32%	49,008
NEBRASKA					
Motor Vehicle Offices	114,287	45.77%	5,535	4.84%	
By mail	30,154	12.08%	861	2.86%	
Public Assistance Offices	2,527	1.01%	344	13.61%	
Disability services	668	0.27%	32	4.79%	
Armed Forces Offices	217	0.09%	55	25.35%	
State Designated Sites	57	0.02%	-	0.00%	
All other sources	101,770	40.76%	802	0.79%	
TOTAL	249,680		7,629	3.06%	122,485
NEVADA					
Motor Vehicle Offices	49,630	24.25%	-	0.00%	
By mail	37,589	18.37%	-	0.00%	
Public Assistance Offices	39,444	19.28%	-	0.00%	
Disability services	-	0.00%	-	0.00%	
Armed Forces Offices	28,268	13.81%	-	0.00%	
State Designated Sites	-	0.00%	-	0.00%	
All other sources	49,707	24.29%	-	0.00%	
TOTAL	204,638		-	0.00%	163,031
NEW HAMPSHIRE <i>is exempt from the NVRA</i>					
NEW JERSEY					
Motor Vehicle Offices	71,318	10.36%	8,288	11.62%	
By mail	47,403	6.89%	7,971	16.82%	
Public Assistance Offices	11,611	1.69%	928	7.99%	
Disability services	1,344	0.20%	213	15.85%	
Armed Forces Offices	1,327	0.19%	11	0.83%	
State Designated Sites	339,156	49.29%	31,513	9.29%	
All other sources	215,962	31.38%	5,734	2.66%	
TOTAL	688,121		54,658	7.94%	481,846

Table 2 - Sources of Voter Registration Applications 2001-2002					
	Number of Applications	Percent of Total Apps	Number of Duplicates	Percent Duplicates	Total New Registrations
NEW MEXICO					
Motor Vehicle Offices	5,731	3.02%	122	2.13%	
By mail	69,889	36.87%	9,471	13.55%	
Public Assistance Offices	3,719	1.96%	14	0.38%	
Disability services	480	0.25%	4	0.83%	
Armed Forces Offices	264	0.14%	4	1.52%	
State Designated Sites	4,456	2.35%	20	0.45%	
All other sources	105,016	55.40%	24,637	23.46%	
TOTAL	189,555		34,272	18.08%	128,736
NEW YORK					
Motor Vehicle Offices	738,044	28.48%	128,955	17.47%	
By mail	1,546,170	59.67%	-	0.00%	
Public Assistance Offices	164,924	6.36%	31,354	19.01%	
Disability services	9,137	0.35%	1,068	11.69%	
Armed Forces Offices	81	0.00%	4	4.94%	
State Designated Sites	26,169	1.01%	2,613	9.99%	
All other sources	106,585	4.11%	301,086	282.48%	
TOTAL	2,591,110		465,080	17.95%	1,140,922
NORTH CAROLINA					
Motor Vehicle Offices	430,541	59.20%	11,885	2.76%	
By mail	75,574	10.39%	16,044	21.23%	
Public Assistance Offices	23,781	3.27%	21	0.09%	
Disability services	2,557	0.35%	75	2.93%	
Armed Forces Offices	336	0.05%	19	5.65%	
State Designated Sites	9,453	1.30%	203	2.15%	
All other sources	184,989	25.44%	13,120	7.09%	
TOTAL	727,231		41,367	5.69%	727,231
NORTH DAKOTA	<i>is exempt from the NVRA</i>				
OHIO					
Motor Vehicle Offices	454,598	31.33%	39,396	8.67%	
By mail	284,332	19.60%	37,441	13.17%	
Public Assistance Offices	24,391	1.68%	2,304	9.45%	
Disability services	1,122	0.08%	144	12.83%	
Armed Forces Offices	247	0.02%	45	18.22%	
State Designated Sites	100,911	6.96%	4,580	4.54%	
All other sources	585,208	40.34%	43,126	7.37%	
TOTAL	1,450,809		127,036	8.76%	698,309

Table 2 - Sources of Voter Registration Applications 2001-2002					
	Number of Applications	Percent of Total Apps	Number of Duplicates	Percent Duplicates	Total New Registrations
OKLAHOMA					
Motor Vehicle Offices	135,417	25.78%	552	0.41%	
By mail	148,136	28.20%	1,088	0.73%	
Public Assistance Offices	9,633	1.83%	102	1.06%	
Disability services	89	0.02%	1	1.12%	
Armed Forces Offices	5	0.00%	-	0.00%	
State Designated Sites	1,443	0.27%	5	0.35%	
All other sources	230,529	43.89%	1,779	0.77%	
TOTAL	525,252		3,527	0.67%	244,103
OREGON					
Motor Vehicle Offices	192,810	24.18%	13,169	6.83%	
By mail	267,930	33.60%	19,838	7.40%	
Public Assistance Offices	53,538	6.71%	4,914	9.18%	
Disability services	1,928	0.24%	702	36.41%	
Armed Forces Offices	-	0.00%	39		
State Designated Sites	2,010	0.25%	1,222	60.80%	
All other sources	279,081	35.00%	2,405	0.86%	
TOTAL	797,297		42,289	5.30%	278,707
PENNSYLVANIA					
Motor Vehicle Offices	610,879	53.06%	102,705	16.81%	
By mail	302,504	26.27%	11,226	3.71%	
Public Assistance Offices	16,207	1.41%	1,496	9.23%	
Disability services	1,640	0.14%	124	0.00%	
Armed Forces Offices	860	0.07%	76	8.84%	
State Designated Sites	7,922	0.69%	248	0.00%	
All other sources	211,334	18.36%	15,206	7.20%	
TOTAL	1,151,346		131,081	11.39%	1,047,162
RHODE ISLAND					
Motor Vehicle Offices	18,907	18.59%	239	1.26%	
By mail	8,741	8.59%	164	1.88%	
Public Assistance Offices	2,240	2.20%	28	1.25%	
Disability services	684	0.67%	3	0.44%	
Armed Forces Offices	-	0.00%	-	0.00%	
State Designated Sites	-	0.00%	-	0.00%	
All other sources	71,158	69.95%	573	0.81%	
TOTAL	101,730		1,007	0.99%	48,632

Table 2 - Sources of Voter Registration Applications 2001-2002					
	Number of Applications	Percent of Total Apps	Number of Duplicates	Percent Duplicates	Total New Registrations
SOUTH CAROLINA					
Motor Vehicle Offices	113,649	47.21%	-	0.00%	
By mail	83,926	34.86%	-	0.00%	
Public Assistance Offices	16,253	6.75%	-	0.00%	
Disability services	2,946	1.22%	-	0.00%	
Armed Forces Offices	77	0.03%	-	0.00%	
State Designated Sites	-	0.00%	-	0.00%	
All other sources	23,882	9.92%	-	0.00%	
TOTAL	240,733			0.00%	241,087
SOUTH DAKOTA					
Motor Vehicle Offices	4,755	3.86%	164	3.45%	
By mail	26,342	21.38%	554	2.10%	
Public Assistance Offices	9,020	7.32%	882	9.78%	
Disability services	664	0.54%	115	17.32%	
Armed Forces Offices	264	0.21%	19	7.20%	
State Designated Sites	3,021	2.45%	51	1.69%	
All other sources	79,147	64.24%	6,801	8.59%	
TOTAL	123,213		8,586	6.97%	69,043
TENNESSEE					
Motor Vehicle Offices	158,151	25.86%	6,627	4.19%	
By mail	230,632	37.71%	6,549	2.84%	
Public Assistance Offices	52,373	8.56%	2,450	4.68%	
Disability services	-	0.00%	-	0.00%	
Armed Forces Offices	1,446	0.24%	49	3.39%	
State Designated Sites	24,264	3.97%	714	2.94%	
All other sources	144,682	23.66%	1,900	1.31%	
TOTAL	611,548		18,289	2.99%	412,384
TEXAS					
Motor Vehicle Offices	2,530,120	58.30%	254,049	10.04%	
By mail	1,246,686	28.73%	69,439	5.57%	
Public Assistance Offices	97,644	2.25%	6,807	6.97%	
Disability services	8,618	0.20%	542	6.29%	
Armed Forces Offices	7,211	0.17%	1,031	14.30%	
State Designated Sites	109,703	2.53%	6,359	5.80%	
All other sources	339,931	7.83%	23,113	6.80%	
TOTAL	4,339,913		361,340	8.33%	2,165,586

Table 2 - Sources of Voter Registration Applications 2001-2002					
	Number of Applications	Percent of Total Apps	Number of Duplicates	Percent Duplicates	Total New Registrations
UTAH					
Motor Vehicle Offices	134,096	40.56%	11,024	8.22%	
By mail	54,664	16.53%	2,992	5.47%	
Public Assistance Offices	3,750	1.13%	93	2.48%	
Disability services	520	0.16%	31	5.96%	
Armed Forces Offices	315	0.10%	67	21.27%	
State Designated Sites	30,493	9.22%	611	2.00%	
All other sources	106,775	32.30%	8,840	8.28%	
TOTAL	330,613		23,658	7.16%	147,655
VERMONT					
Motor Vehicle Offices	3,482	22.37%	689	19.79%	
By mail	3,642	23.40%	-	0.00%	
Public Assistance Offices	143	0.92%	-	0.00%	
Disability services	3	0.02%	-	0.00%	
Armed Forces Offices	62	0.40%	-	0.00%	
State Designated Sites	626	4.02%	-	0.00%	
All other sources	7,607	48.87%	-	0.00%	
TOTAL	15,565		689		22,119
VIRGINIA					
Motor Vehicle Offices	998,948	81.08%	138,279	13.84%	
By mail	111,533	9.05%	6,681	5.99%	
Public Assistance Offices	15,817	1.28%	1,836	11.61%	
Disability services	1,048	0.09%	67	6.39%	
Armed Forces Offices	825	0.07%	55	6.67%	
State Designated Sites	6,083	0.49%	986	16.21%	
All other sources	97,775	7.94%	4,505	4.61%	
TOTAL	1,232,029		152,409	12.37%	792,923
WASHINGTON					
Motor Vehicle Offices	171,688	35.71%	12,029	7.01%	
By mail	192,187	39.97%	15,155	7.89%	
Public Assistance Offices	13,067	2.72%	613	4.69%	
Disability services	157	0.03%	7	4.46%	
Armed Forces Offices	94	0.02%	55	58.51%	
State Designated Sites	660	0.14%	33	5.00%	
All other sources	102,980	21.42%	8,441	8.20%	
TOTAL	480,833		36,333	7.56%	440,887

Table 2 - Sources of Voter Registration Applications 2001-2002					
	Number of Applications	Percent of Total Apps	Number of Duplicates	Percent Duplicates	Total New Registrations
WEST VIRGINIA					
Motor Vehicle Offices	-	0.00%	-	0.00%	
By mail	-	0.00%	-	0.00%	
Public Assistance Offices	-	0.00%	-	0.00%	
Disability services	-	0.00%	-	0.00%	
Armed Forces Offices	-	0.00%	-	0.00%	
State Designated Sites	-	0.00%	-	0.00%	
All other sources	-	0.00%	-	0.00%	
TOTAL	-	0.00%	-	0.00%	53,289
WISCONSIN	<i>is exempt from the NVRA</i>				
WYOMING	<i>is exempt from the NVRA</i>				
UNITED STATES					
Motor Vehicle Offices	16,026,407	42.77%	1,468,602	9.16%	
By mail	10,357,284	27.64%	826,448	7.98%	
Public Assistance Offices	999,042	2.67%	74,885	7.50%	
Disability services	92,317	0.25%	7,124	7.72%	
Armed Forces Offices	54,024	0.14%	2,530	4.68%	
State Designated Sites	1,038,269	2.77%	68,885	6.63%	
All other sources	8,906,351	23.77%	827,850	9.30%	
TOTAL	37,473,694		3,276,324	8.74%	19,703,912

EXHIBIT 5

EXHIBIT 5

TABLE 4
COMPLETENESS OF NUMERICAL DATA REPORTED
2001-2002

Table 4 - Completeness of Numerical Data Reported 2001-2002

ALABAMA	Data are incomplete because, though all counties reported data during the covered time period, not all counties reported all of their data for the covered time period.
ALASKA	Data are complete
ARIZONA	Data are complete
ARKANSAS	Data are incomplete because there is no automated process provided to the counties to obtain data on confirmation notices and responses. While all counties reported, several counties integrated new voter registration systems and in some cases are unable to extract all the requested information for specific timeframes. Also, some systems do not allow retrieval of specific information, such as the source of duplicated registrations. Some counties have not tracked the number of deletions and some systems will not allow for the retrieval of the requested information.
CALIFORNIA	
COLORADO	Data are complete
CONNECTICUT	Data are incomplete because the town of Shelton, CT did not respond to written request or follow-up telephone calls.
DELAWARE	Data are complete
DISTRICT OF COLUMBIA	Data are complete
FLORIDA	Data are complete
GEORGIA	Data are complete
HAWAII	Data are complete

Table 4 - Completeness of Numerical Data Reported 2001-2002

IDAHO	<i>is exempt from the NVRA.</i>
ILLINOIS	Data are incomplete because Washington County experienced severe problems with running the report. GVS is the vendor and at the time of this report, they were still working on the problem.
INDIANA	Data are incomplete because Benton County and Union County, Indiana, reported total numbers of voter registration applications processed, but due to computer software problems were unable to retrieve data to report the numbers of applications received from each type of voter registration agency or other source.
IOWA	Data are complete
KANSAS	Data are complete
KENTUCKY	Data are complete
LOUISIANA	Data are incomplete because the statewide computer system counts all changes made to a record regardless of the reason or source. At this time the system cannot distinguish between active and inactive voters one they have been cancelled due to other various reasons.
MAINE	Data are incomplete because two of the 519 jurisdictions, Brighton Twp. and Connon Twp., failed to report their data. The Municipal Registrars are unable to identify duplicate registrations from specific sources because, except for DMVs, the same State form is used for all registration venues in order to protect the confidentiality of applicants who receive some form of assistance. The State does not ask municipalities to distinguish between "active list" and "inactive list" deletions.
MARYLAND	Data are incomplete because the local election boards in Maryland do not report deletions or removals from the "Active" or "Inactive" rolls. The data is simply reported as a deletion on the monthly voter registration activity report.
MASSACHUSETTS	Data are incomplete because the system used for processing voter registrations from motor vehicle offices does not specify the number of duplicates. The State did not receive voter registration information from Armed Forces recruiting offices.

Table 4 - Completeness of Numerical Data Reported 2001-2002

MICHIGAN	Data are incomplete because 567 of the 1,514 jurisdictions did not report information.
MINNESOTA	<i>is exempt from the NVRA.</i>
MISSISSIPPI	Data are incomplete because 81 of 82 counties provided either incomplete data or none at all.
MISSOURI	Data are complete Data are incomplete because 4 of the 56 counties did not report. A number of the counties indicated that they could not find the data requested. Some jurisdictions that reported indicated that their numbers were incomplete, generally due to turnover in office personnel.
MONTANA	
NEBRASKA	Data are complete Data are incomplete because one of the 16 jurisdictions, Lureka County, was unable to report data as all voter registration records were seized from their office by the Federal Bureau of Investigation on November 18, 2002. As of March 28, 2003, those records had not been returned to the County Clerk's office. Due to software problems, thirteen jurisdictions were unable to report the numbers of new valid registrations, the number of responses received by mail and the number of registrants deleted from the list.
NEVADA	
NEW HAMPSHIRE	<i>is exempt from the NVRA.</i>
NEW JERSEY	Data are complete
NEW MEXICO	Data are complete
NEW YORK	Data are complete
NORTH CAROLINA	Data are complete

Table 4 - Completeness of Numerical Data Reported 2001-2002

NORTH DAKOTA	<i>is exempt from the NVRA.</i>
OHIO	Data are complete
OKLAHOMA	Data are complete Data are incomplete because one of the 10 jurisdictions did not report data. The State cited a difference in procedures for being unable to process information available from the Armed Forces recruiting offices. Also, the number of new registrations listed in question #5 is based on Oregon's "sweeps week" surveys from each county - 4 weeks spaced out over the year
OREGON	and the total is extrapolated from these figures.
PENNSYLVANIA	Data are complete
RHODE ISLAND	Data are incomplete because one jurisdiction did not submit a report for each month as required by the State of Rhode Island.
SOUTH CAROLINA	Data are complete
SOUTH DAKOTA	Data are incomplete because all jurisdictions reported but some were missing one or more of the requested data elements.
TENNESSEE	Data are complete
TEXAS	Data are incomplete because 4 of 254 jurisdictions consistently fail to report. The total voter registration for these counties is less than 1 percent of the total registered voters of the state. Data are incomplete because several counties have experienced technical difficulties transmitting the data to the state. A few others converted to new systems and were unable to input data due to training issues. In addition, only eight counties in the state report active voters and the remaining 21 counties do not distinguish between active and inactive voters. Therefore, the number of active voters is skewed.
UTAH	
VERMONT	Data are incomplete because 105 of the 246 jurisdictions did not submit information survey by the required date.

Table 4 - Completeness of Numerical Data Reported 2001-2002

VIRGINIA	Data are complete
WASHINGTON	Data are complete. (Note: The "duplicates" data provided for public assistance agencies, agencies serving persons with disabilities, and other agencies designated by the State are computed by percentage of total applications.)
WEST VIRGINIA	Data are incomplete because voter registration totals were not separated by active and inactive voters for reporting purposes. Due to data conversion issues, accurate application totals from each agency was not available. The State has 55 counties and all 55 are included in the total registration figures. However, some counties did not report the numbers of new valid registrations, the number of responses received by mail and the number of registrants deleted from the list.
WISCONSIN	<i>is exempt from the NVRA.</i>
WYOMING	<i>is exempt from the NVRA.</i>

EXHIBIT 6

EXHIBIT 6

AFFIDAVIT OF MIKI ALLARD

STATE OF NEVADA)
) ss
CITY OF CARSON)

I, MIKI ALLARD, do hereby swear under penalty of perjury that the assertions of this affidavit are true.

I am an employee of the Division of Welfare and Supportive Services (DWSS) and have been designated as the agency National Voters Right Act (NVRA) coordinator. I am responsible for monitoring for compliance with the NVRA. Local coordinators have been designated at the multiple offices of DWSS including: Carson City, Customer Service Center, Elko, Ely, Energy Assistance Program, Fallon, Hawthorne, Reno, Lewis Complex, Yerington, and the seven offices in Clark County which include Belrose, Catholic Charities at Fritata Center (CAC), Cambridge, Flamingo, Henderson, Nellis, and Owens. DWSS also contracts with offices of the Children's Cabinet in Reno and Carson City and Las Vegas Urban League at Owens and Belrose in Las Vegas and has designated local coordinators for those locations.

Upon information and belief, at the writing of this affidavit, all offices listed above have voter registration applications available and signs concerning voter registration posted in Spanish and English are posted in the lobby except for the Lewis Complex which does not have a lobby. DWSS uses standardized forms which include the requisite inquiry about whether the applicant would like to register to vote today. It is the policy of DWSS that a voter registration application is provided and assistance is offered to every applicant who is applying for benefits, seeking a renewal or recertification, or reporting a change of address in person unless the applicant declines in writing on the application. The DWSS offices transmit any completed applications that they receive to the local county clerk's office but at this time, DWSS does not further track voter registration applications which have been mailed to a client or when the client takes the voter registration application with them.

I reviewed the declaration of Kendra Hulbert which was provided in the pleadings. According to our records and upon information and belief, Kendra Hubert was in the Carson City office on June 20, 2012 to report a change of employment. On the form, she clearly marked that she was not reporting a change of address. Therefore, the transaction did not trigger an inquiry from staff as to whether she

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1 wanted assistance in registering to vote. DWSS has mailed her a voter registration application in
2 response to this declaration.

3 I reviewed the declaration of Denisha Phillips provided with the pleadings. According to our
4 records and upon information and belief, Denisha Davis, who married in 2010, had a prior name of
5 Denisha Phillips. Our lobby management system does not indicate that Ms. Davis was in the Owens
6 office in June of 2012 nor do our mail room logs indicate that any correspondence was mailed or
7 submitted through the drop box in June of 2012. According to our computer system, the last contact
8 with the client was in a telephone interview in April of 2012 and her benefits were processed at that
9 time. On her Review of Eligibility form that she submitted in April of 2012, the client checked "no" in
10 response to the inquiry about registering to vote which she signed on April 9, 2012. DWSS has mailed
11 the client a voter registration application in response to her declaration.

12 I also investigated the allegations contained in the Affidavit of Ms. Khan which identified two
13 additional clients. The first client is Anna Roe who allegedly visited the Belrose DWSS office on
14 December 8, 2011 According to our records and upon information and belief, Anna Roe submitted an
15 application on July 1, 2011 and elected "NO" on the voter registration form. On December 5, 2011,
16 DWSS received a bank statement from the client but there were no documents submitted with a voter's
17 registration at that time. An application was submitted by Anna Roe on January 9, 2012 and again she
18 selected "NO" in response to the inquiry about registering to vote. DWSS could not find any records
19 which indicate that Anna Roe submitted any type of application or paperwork to the Belrose office on
20 December 8, 2011 which included an inquiry about voter registration.

21 The second client identified in Ms. Khan's affidavit is Damita Williams who allegedly visited
22 the Nellis DWSS office on December 8, 2011. According to our records and upon information and
23 belief, Damita Williams submitted an application dated December 7, 2011 and "NO" was marked in
24 response to the inquiry about registering to vote. Damita Williams initially signed the inquiry without
25 marking a box "YES" or "NO" but her case worker asked her which box she wanted to mark, was told
26 "no" and then marked the appropriate box, initialed it and dated it December 19, 2011.

27 Client records are confidential according to 42 C.F.R. § 431.301 and 431.302 (2007), NRS
28 422.290 and Section 601 of the Welfare Administration Manual. NRS 422.290 protects all records in the

1 possession of the DWSS that pertain to applicants for or recipients of public assistance, unless the use of
2 the records is directly connected to the administration of that chapter. Therefore, the DWSS would need a
3 signed release or court order to produce any records to verify my description of DWSS records.

4 Dated: July 23, 2012

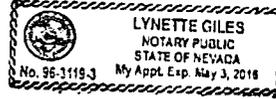
5 
MIKI ALLARD

7 Subscribed and sworn to

8 before me this 23rd day of July, 2012.

9 By: MIKI ALLARD.

10 
11 Notary Public



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Attorney General's Office
555 E. Washington, Suite 1900
Las Vegas, Nevada 89101

EXHIBIT 7

EXHIBIT 7

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AFFIDAVIT OF MICHELLE WALKER

STATE OF NEVADA)
) ss
CITY OF CARSON)

I, MICHELLE WALKER, do hereby swear under penalty of perjury that the assertions of this affidavit are true.

I am an employee of the Health Division which operates the Women, Infants and Children program (WIC). I have been designated at the agency National Voters Right Act (NVRA) coordinator. I am responsible for monitoring compliance with the NVRA. Local coordinators have been designated for the eighteen offices of WIC including: Battle Mountain, Carson City Health and Human Services, Catholic Charities (Henderson and Las Vegas), Consolidated Agencies of Human Services (Hawthorne), Family Resource Centers of Northern Nevada (Elko), Clark County Urban League, Lincoln County, Little People Head Start (Ely), Lyon County Human Services, Nevada Health Centers (Las Vegas), Nye County, Pershing County (Winnemucca and Fallon), Ron Wood Family Resource Center (Carson City), St. Mary's (Reno), St. Rose (Henderson and Las Vegas), Sunrise Children's Foundation (Las Vegas and Mesquite) and Washoe County Health District. Some offices use state employees and the others provide the services through a contractual arrangement. Although we communicate and collaborate with the Inter Agency Tribal Council of Nevada on relevant issues, WIC does not have a contractual relationship with that entity.

Upon information and belief, at the writing of this affidavit, all offices have voter registration applications available and signs concerning voter registration in both Spanish and English are posted in the lobbies. WIC uses standardized forms which include the requisite inquiry about whether the applicant would like to register to vote today. It is the policy of WIC that a voter registration application is provided and assistance is offered to every applicant who is applying for benefits, seeking a renewal or recertification, or reports a change of address in person unless they decline in writing on the application. The WIC offices transmit any completed applications that they receive to the local county clerk's office but at this time, they do not track applications which have been mailed or when the client takes the voter registration application with them.

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Las Vegas, Nevada 89101

1 I reviewed the declaration of Sheila Confer provided in these pleadings and requested staff to
2 investigate. Upon information and belief, our records indicate that the client signed the rights and
3 responsibilities form on both February 14, 2008 and June 19, 2012 and both reflected a check mark in
4 the "No" field where it asked if she "would like to register to vote here today?". WIC has mailed her an
5 application to vote in response to the declaration.

6 Client records are confidential according to 7 CFR 246.21(b) and 246.26. Therefore, WIC
7 would need a signed release or court order to produce any records to verify my description of WIC records.

8 Dated: July 20, 2012

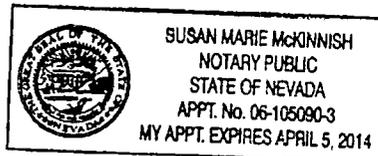
9 Michelle Walker
10 MICHELLE WALKER

11 Subscribed and sworn to

12 before me this 20th day of July, 2012.

13 By: MICHELLE WALKER.

14 [Signature]
15 Notary Public



Attorney General's Office
555 E. Washington, Suite 3900
Las Vegas, Nevada 89101

EXHIBIT 8

EXHIBIT 8

1 which I obtained from the EAC website on July 20, 2012.

2 5. The document attached to the Defendants' Opposition as Exhibit 4 is a true and
3 correct copy of excerpts, specifically Table 2, from "The Impact of the National Voter
4 Registration Act of 1993 on the Administration of Elections for Federal Office 2001-2002,"
5 which I obtained from the EAC website on July 13, 2012.

6 6. The document attached to the Defendants' Opposition as Exhibit 2 is a true and
7 correct copy of excerpts, specifically Table 4, from "The Impact of the National Voter
8 Registration Act of 1993 on the Administration of Elections for Federal Office 2001-2002,"
9 which I obtained from the EAC website on July 13, 2012.
10

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

12 Dated this 23 day of July, 2012.
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16 KEVIN BENSON
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