

DECLARATION OF MARK L. LEVINE

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. My name is Mark L. Levine. I am a lawyer in private practice who was admitted to the New York State bar in 1969.
2. Since August 18, 2008, I have been retained by Project Vote to advise and assist it in connection with various voter registration and election protection matters.
3. As part of such representation, I have established and operate for Project Vote a program called the Registration Repair Program.
4. The principal purpose of the Registration Repair Program ("Registration Repair") is (i) to identify individuals in selected counties in various states who applied to register to vote but who were not put on a state's voter rolls because of actual or alleged deficiencies in such application and (ii) to contact various such persons to let them know that they may not be on the voter rolls and to assist them in correcting their application so that, if eligible, they might be able to vote.
5. Registration Repair obtains lists containing the names of these individuals by informally, or formally through FOIA-type applications, requesting such lists from the applicable elections office or a related office.
6. Pursuant to one of these requests, Registration Repair obtained such a list in Excel format from the office of the Board of Voter Registration of Marion County, Indiana (the "Marion BOE") on or about October 20, 2008. I have forwarded a copy of such Excel file to a colleague, Teresa James of Project Vote, and asked that she print out a copy of the list contained thereon (the "List") and deliver it to the court on behalf of one Drametra L. Brown, either as an attachment to this declaration or as an exhibit to the complaint in Brown v. Rokita or as a separate document.
7. The computer file so delivered to me has approximately 1295 rows, approximately 200 of which list names of individuals denied registration by the Marion BOE for the reason stated alongside said names in Column G of the same row as "OLD FORM."
8. Upon information and belief, based on conversations I had with Marion BOE Board Members Cindy Mowery and John Riordan, (a) "OLD FORMS" refer to forms that do not comply with the provisions of Indiana Code 3-7-22-5 (3) and (4), and (b) the policies of the election boards or other comparable bodies of the various counties in Indiana are uniform with regard to not accepting OLD FORMS as valid voter registration applications.
9. The person who obtained the file for Registration Repair was one Miguel E. Morales. Following up on a request I had made to him, Mr. Morales told me that he had

been informed by a person at the Marion BOE that the Marion BOE was permitting certain deficiencies in such allegedly deficient applications to be remedied on or before October 27, with the effectiveness of such remediation retroactive to October 6, 2008, the state's deadline for submitting new voter registrations.

10. At my request, Susan E. Morgensztern, a Project Vote Registration Repair volunteer living in Seattle, Washington, arranged for volunteers, including herself, to attempt to contact by telephone persons on the List to apprise them that they were on the List, suggest to them that they immediately contact the Marion BOE before close of business on October 27 to learn whether they would be permitted to correct whatever deficiency might exist in their forms and, if so, to correct them.

11. On or about October 27, 2008, Ms Morgensztern told me that one of the people she had contacted and spoken with in this regard was Drametra L. Brown, 5716 Brandon Way #C, Indianapolis, Indiana, with the reason for rejection of her application listed in Column G alongside her name as "OLD FORM."

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.



Mark L. Levine

Dated: November 3, 2008