

# EXHIBIT 2

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
DETROIT DIVISION**

UNITED STATES STUDENT ASSOCIATION  
FOUNDATION, as an organization and  
representative of its members, AMERICAN CIVIL  
LIBERTIES UNION FUND OF MICHIGAN,  
as an organization and representative of its members,  
AMERICAN CIVIL LIBERTIES UNION OF  
MICHIGAN, as an organization and representative of  
its members,

Plaintiffs,

v.

TERRI LYNN LAND, Michigan Secretary of State,  
and CHRISTOPHER M. THOMAS, Michigan  
Director of Elections, FRANCES MCMULLAN,  
City Clerk for the City of Ypsilanti, Michigan, in  
their official capacities,

Defendants.

CIVIL ACTION NO.

\_\_\_\_:08-CV-\_\_\_\_\_

**DECLARATION OF KARY L. MOSS**

I, Kary L. Moss, being of legal age and sound mind, do hereby depose and state as follows:

1. I am the Executive Director of the ACLU Fund of Michigan ("ACLU Fund") and the ACLU of Michigan (ACLU). The facts to which I am testifying are based upon personal knowledge and are true and correct to the best of my knowledge, information, and belief.
2. The American Civil Liberties Union Foundation ("ACLUF") is a 501(c)(3) organization that educates the public about civil liberties issues and employs lawyers who provide

legal representation free of charge in cases involving civil liberties. The ACLUF sues on its own behalf and on behalf of its staff.

3. The American Civil Liberties Union of Michigan (“ACLU of Michigan”) is a 501(c)(4) non-profit, non-partisan organization that engages in public education and lobbying about civil rights and civil liberties in the state of Michigan. The ACLU of Michigan has approximately 15,000 members with approximately 6,000 members located within the Eastern District of Michigan, most of whom are registered voters. Members of the ACLU of Michigan support its mission which is to protect and defend civil liberties. As such, members are civic activists with a strong interest in voting, efficient and fair elections, and equal access to the ballot. The ACLU of Michigan sues on its own behalf of on behalf of its members.
4. Both the ACLU Fund and ACLU of Michigan are headquartered at 2966 Woodward in Detroit, Michigan.
5. The ACLU Fund is extensively involved in a variety of voter empowerment initiatives throughout Michigan, including voter education, collection and analysis of voting irregularities, advocacy for positive election reform, and – when necessary – litigation to ensure the protection of voters’ rights under the law. The ACLU of Michigan is likewise dedicated to equal protection of the laws, including issues of racial justice and equality.
6. I am actively involved in the planning and implementation of these activities.  
Through our voter empowerment programs, we seek to enhance voter registration

and civic awareness and participation, particularly in communities of color and in youth and economically disadvantaged communities across Michigan.

7. The ACLU of Michigan was actively involved in the campaign to renew the Voting Rights Act in 2006 and 2007 and staff and members personally lobbied Members of Congress to renew.
8. The ACLU Fund has engaged in litigation to protect voting rights of all Michigan voters. In January 2008, the ACLU Fund successfully challenged in federal court a new primary law that required the Michigan Secretary of State to provide party preference declarations solely to the two major political parties of the State. The law, passed in August of 2007, would have made it a misdemeanor for others, including political parties, journalists, academics or historians, to have access or use the lists. The ACLU filed the lawsuit on behalf of the Green Party of Michigan, Libertarian Party of Michigan, the Reform Party of Michigan, the Metro Times and Winning Strategies, a political consulting firm.
9. In 2007, after the state legislature passed a law requiring that voters provide photo identification to vote, the ACLU Fund negotiated an arrangement with the Secretary of State to allow those without photo identification to vote upon the signing of an affidavit at their polling location and proceed to vote a regular ballot. This law could have adversely affect 370,000 of Michigan's seven million registered voters who are estimated to possess neither a driver's license nor a state identification card. Several studies, including a 2001 report from the National

Commission on Federal Election Reform, indicate that minorities, seniors, and with disabilities disproportionately lack photo ID compared to the majority population.

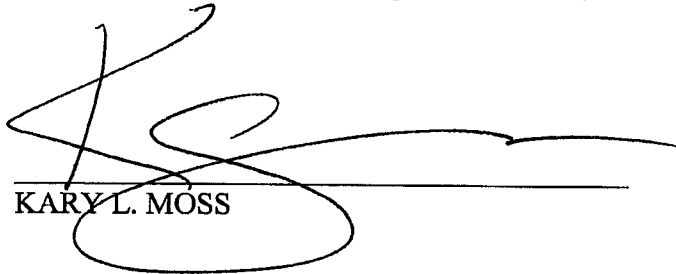
10. Following the negotiation of that agreement, the ACLU Fund has worked to ensure that information about the photo identification requirements are accurately communicated to the public. For example, in July 2008, the ACLU Fund sent a letter to Allen Park officials today to correct misinformation that appeared in the city's newsletter about the new law. To raise awareness and to counter the misperception, the ACLU Fund encouraged Allen Park and other municipalities facing the same challenges to place the corrected information on the homepage of the city's website, ensure that all poll workers receive training on the right of individuals without photo ID with them to vote by signing the affidavit form, and widely publicize before the primary and general election that individuals without acceptable ID may still cast their ballot, by placing this information in the city's newsletter and all local publications.

11. Many of those ACLU of Michigan members who are registered voters will vote November 4, 2008. Due to the purging of voter registrations at issue in this litigation, the ACLU Fund and ACLU of Michigan and its members are fearful that otherwise qualified voters will not be permitted to vote.

12. In addition to the litigation, the ACLU Fund is educating voters about their rights. The ACLU Fund is currently distributing over 70,000 informational pieces to Michigan voters in English and another 5,000 in Arabic and 5,000 in Spanish.
13. The ACLU's student chapters are engaged in campus education campaigns at Michigan State University, Cooley Law School, Northern University, Wayne State University and Michigan Tech..
14. ACLU staff work with the Faith and Community Voter Mobilization Coalition in Washtenaw County to provide information about voting rights, and have distributed voting rights cards at the African American Downtown Festival in Ann Arbor and other fairs and festivals located throughout the state, and are working with faculty at Mott Community College, located in Flint, to provide accurate voting information to students.

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

This 15 day of September, 2008.



KARY L. MOSS