

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

STATE OF MICHIGAN
Secretary of State Ruth Johnson
Michigan Department of State
Lansing, MI 48918

Plaintiff,

vs.

UNITED STATES and ATTORNEY GENERAL
ERIC H. HOLDER, JR. in his official capacity
United States Department of Justice
Washington, DC 20530

Defendants.

CIVIL ACTION NO.

Declaration of Christopher M. Thomas

Christopher M. Thomas, being first duly sworn, deposes and says as follows:

1. He brings this Declaration in support of Plaintiff's Complaint for Declaratory Judgment Pursuant to the Provisions of Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c and Application for Three-Judge Court.
2. He has been employed by the Secretary of State as Director of Elections since June 21, 1981 and in such capacity serves as Director of the Bureau of Elections.
3. The Director of Elections is authorized to exercise the powers and duties of the Secretary of State in relation to the supervision and administration of the election laws, including the alignment of the street index component of state's voter registration database, the Qualified Voter File (QVF), to the redistricting plans enacted by the Legislature for Representatives in

Congress and for the Michigan House of Representatives and Senate, as well as the filing requirements for candidates seeking those offices. MCL 168.32, 168.133, 168.163, 168.509o(1), 168.509p(d).

4. He is knowledgeable about the statutes governing the QVF, street index, candidate qualifications, and the procedures developed to implement those provisions.
5. The street index component of the QVF, which is an internal map that identifies every street segment in the State of Michigan and assigns the appropriate districts to each segment, must accurately record each voter's city or township of registration and the precinct to which the voter is assigned. MCL 168.509p(d).
6. The street index ensures that each of Michigan's approximately 7.2 million voters is assigned to the correct districts based on the voter's address.
7. The QVF currently tracks the following sixteen types of districts: Congressional, State Senate, State House of Representatives, Court of Appeals, Circuit Court, Probate Court, District Court, Probate District Court, Municipal Court, County Commissioner, City Wards, Village, Community College, Intermediate School, School, and Library.
8. While not every type of district is subject to decennial redistricting, many are affected by the alteration of precinct boundaries which occurs in the second year following each federal census. MCL 168.661(3).
9. Under Michigan law, city and township election commissions must redraw precinct boundaries, provide notice to the county clerk, and submit copies of the resolution, maps and physical descriptions depicting prior and revised precinct boundaries to the Secretary of State on or before April 9, 2012. *Id.*

10. The county clerk must notify the Secretary of State if a city or township election commission fails to redraw precinct boundaries or if any precincts within the county exceed the legal limit of 2,999 registered voters on or before April 19, 2012; the boundaries of such precincts must be drawn or redrawn by the Secretary of State by May 9, 2012, and no further adjustments are permitted prior to the November 6, 2012 general election. *Id.*
11. After the boundaries of precincts are set, the legislative body of a city, village, or township must designate a suitable polling place for every precinct within the jurisdiction by June 8, 2012. MCL 168.662(4).
12. Additionally, Michigan law requires city, village, and township clerks to “prepare and send a corrected voter identification card to an elector affected by a change in United States representative, state senatorial, state representative, or county commissioner district or precinct.” MCL 168.499(3).
13. On information and belief, currently there are approximately 1,856 local units of government within the State of Michigan, and these cities, villages, and townships are divided into approximately 5,024 precincts.
14. On information and belief, updating the street index portion of the QVF to reflect changes in electoral districts for Representatives in Congress, State Representatives and State Senators will require the Bureau of Elections to review and make any necessary modifications to approximately 320,000 street segments in the street index.
15. This process will require the Bureau of Elections to:
 - a. Add, delete, or adjust existing district codes and names.
 - b. Add, delete, or adjust existing precinct codes.
 - c. Adjust street ranges to ensure assignment to the proper district and precinct codes.

- d. Split and combine street segments as necessary to ensure that each segment is associated with a single distinct set of district and precinct codes.
 - e. Adjust voter records as necessary to ensure assignment to the proper district and precinct codes, with special emphasis placed on street segments that have been split or combined.
 - f. Ensure that each precinct is associated with the correct polling location.
16. This process will also require the input of changes to the boundaries of electoral districts for Representatives in Congress, State Representatives, State Senators and County Commissioners¹ in advance of the August 7, 2012 primary election. Upon information and belief, these changes represent approximately 770 electoral districts in the aggregate.
17. Aligning the QVF street index to the redistricting plans enacted by the Legislature affects thousands of lines of software code, hundreds of electoral districts, over 1,800 cities, villages, and townships, and thousands of precincts.
18. Although many modifications to the street index will be automated, others must be made manually because the QVF software is designed to allow line-by-line modifications to street segments.
19. Considering that the State of Michigan has over 1,800 local units of government for which new electoral district boundaries have been drawn and the speed with which the QVF street index must be brought up to date, there is a significant potential for committing errors.
20. Any errors could result in the inadvertent assignment of voters to the wrong electoral district or precinct.

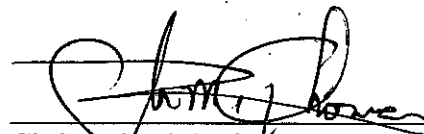
¹ County commission districts are not part of this litigation, but were required to be reapportioned following the 2010 federal census. 1966 PA 261, MCL 46.401 *et seq.* The Bureau of Elections will incorporate the new boundaries of county commission districts when it updates the street index for congressional and state legislative districts.

21. Accuracy is critical because the street index is used to inform voters and election officials of the exact electoral districts, precinct, and polling place to which each voter is assigned.
22. In addition, the QVF assigns the correct form of ballot to each individual voter, which is particularly important in precincts having two or more ballot forms.
23. The street index is also used in conjunction with a different component of the QVF, the Michigan Voter Information Center (MVIC), which informs voters via a dedicated website in advance of an election where to vote, and provides a sample ballot identifying all offices, candidates, and ballot questions that will be presented on the official ballot.
24. Perhaps most importantly, MVIC works in conjunction with the street index to issue ballots to military and overseas voters under the federal Military and Overseas Voter Empowerment (MOVE) Act.
25. Street index accuracy is critical to ensure that the correct ballot is transmitted to MOVE Act voters.
26. Street index updates necessitated by redistricting be completed as early as possible in the 2012 presidential election year given the time it takes to transmit ballots and ballot-related materials to and from MOVE Act voters.
27. In preparation for the August 7, 2012 primary, ballots must be available for use by MOVE Act voters no later than June 23, 2012. MCL 168.759a(5).
28. Because so many other functions of the QVF rely on a complete and accurate street index, the implementation process requires a substantial amount of time to check for errors, troubleshoot, and test the data.

29. The timeline for the Bureau of Elections to complete its work in updating the street index is also driven by the statutory filing deadlines applicable to candidates for Congress, State House and State Senate.
30. State law establishes the following filing deadlines for a candidate who seeks the office of Representative in Congress, State Representative, or State Senator:
- a. By May 15, 2012, a candidate seeking placement on the August 7, 2012 primary ballot must file nominating petitions containing the signatures of the requisite number of qualified and registered electors *residing in the congressional district* that the candidate seeks to represent. MCL 168.133.
 - b. By May 15, 2012, a candidate seeking placement on the August 7, 2012 primary ballot must pay a filing fee or file petitions containing the signatures of the requisite number of qualified and registered electors *residing in the Michigan House of Representatives district* that the candidate seeks to represent. MCL 168.163.
 - c. Members of the Michigan Senate are elected to serve 4-year terms. MI Const. Art. IV, §2. The next general election in which candidates for the Michigan Senate will appear on the ballot will occur on November 4, 2014. Filing deadlines for these candidates will elapse in 2014. MCL 168.163.
31. Candidates for Congress and State House may begin circulating nominating petitions at any time at any time between August 24, 2011, the effective date of 2011 PA 128 and 2011 PA 129, and the date the nominating petitions are required to be filed.
32. The Bureau of Elections and local election officials rely on the QVF in canvassing nominating petitions and ascertaining whether the individuals who signed the petitions were registered to vote in the relevant electoral district.

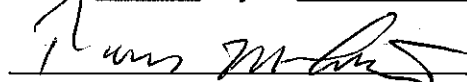
33. The names of qualified candidates for Congress and State House will appear on the August 7, 2012 primary ballot. MCL 168.132, 168.162.
34. Considering the statutory filing deadlines for these candidates, the possibility that nominating petitions are currently in circulation, and the enormity of the task of aligning the QVF street index with the enacted redistricting plans for Representatives in Congress, State Representative and State Senate, the Bureau of Elections estimates that the process of updating the street index will take approximately 5 months.
35. The Bureau of Elections estimates that the street index updates will consume more than 8,200 hours of staff time and must be completed by April 9, 2012.
36. The process of updating the street index has already begun, including testing and training local election officials. Actual data changes will begin in December 2011.
37. Any significant interruption of the process for updating the street index would hinder the ability of the Bureau of Elections to complete its work in time to administer the August 7, 2012 primary election.

I declare that the foregoing statements are true to the best of my knowledge, information, and belief. Further declarant sayeth not.



Christopher M. Thomas
Director of Elections

Subscribed and sworn to before me
on the 31st day of October, 2011



Signature

THOMAS M. LUITJE
Notary Public, Clinton Co., MI
My Comm. Expires Dec 21, 2014

(Printed Name), Notary public
State of Michigan, County of _____
My commission expires: _____/_____/_____

Acting in the county of Ingham