

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION**

John B. Curley, as Chairman of the Lake County,  
Indiana, Republican Central Committee, and as a  
registered voter, and Jim B. Brown as member of  
the Lake County Board of Elections and  
Registration and as a registered voter,

Plaintiffs,

v.

Case No. 2:08 cv-00287-JVB

Lake County Board of Elections and Registration,  
and the Honorable Thomas Philpot, not  
individually but as Lake County Clerk,

Defendants.

Linda Peterson, Roosevelt Phillips, Mary Aaron,  
Service Employees International Union, and  
Indiana State Conference of National Association  
for the Advancement of Colored People Branches,

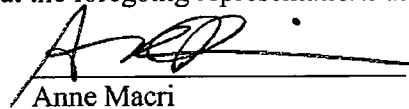
Proposed Intervenor-Defendants.

**DECLARATION OF ANNE MACRI**

Declaration of Anne Macri

1. My name is Anne Macri. I am an attorney with the Service Employees International Union in Washington, DC.
2. On Tuesday, September 23, 2008, I attended a meeting of the Lake County Board of Elections and Registration in Crown Point, Indiana.
3. On the Board's agenda was a proposal to open early voting locations in Gary, Hammond and East Chicago, Indiana, for the upcoming general election, in addition to having early voting at the Board's offices in Crown Point. These locations had all been open for early voting for the 2008 primary in May.
4. Before the Board voted, people were allowed to make comments about the issue of opening early voting locations. Commenters included Rudy Clay, the Mayor of Gary; Thomas McDermott, the Mayor of Hammond; Mara Candelaria, the Representative for the 12<sup>th</sup> District; County Commissioner Roosevelt Allen, and Rev. Asher Harris, among others. All of the commenters spoke in favor of opening more early voting locations.
5. Attached as Exhibit A are letters sent to the Board on this issue.
6. No commenters spoke against opening more early voting locations.
7. After the comments, the Board voted on a draft resolution to establish satellite voting locations in Gary, Hammond and East Chicago, including authorization to provide the necessary staff, ballots and voting machines to permit early voting in those locations. The two Democratic members of the Board voted to pass the resolution, as did the Clerk's proxy. The two Republican members of the Board voted against the resolution.
8. Although the resolution had three votes, the Board understood that to "establish" satellite locations, the resolution had to be unanimously adopted, and therefore it was defeated.
9. After the resolution failed, comments from the Board's two lawyers led to a debate over whether the Board could allow early voting at the circuit court clerk's offices in Gary, Hammond and East Chicago without "establishing" satellite offices. The Democratic members believed the statute permitted such action, whereas the Republicans believed the statute did not.
10. During this debate, the Republicans were asked to explain why they opposed opening early voting locations in Gary, Hammond and East Chicago, as had been done in the primary. One Republican member refused to respond to the question, and the other responded only "no comment."
11. A vote was held on whether to allow early voting at the circuit court clerk's offices in Gary, Hammond and East Chicago. The two Democratic members of the Board voted "aye," as did the Clerk's proxy. The two Republican members of the Board voted "nay." The motion passed, 3 votes to 2 votes.

I affirm, under the penalties for perjury, that the foregoing representations are true.



Anne Macri  
Washington, DC

9-29-08

Date



## International Union of Bricklayers & Allied Craftworkers Local 4 of IN & KY



Local #4 Main Office 2041 N. Broadway • Anderson, IN 46012  
Toll Free: 800-322-2830 • Fax: 765-683-9225

Chapter Office 7985 Marshall Street • Merrillville, IN 46410  
Office: 219-769-3655 • Fax: 219-769-3960

September 22, 2008

**JERRY BROWN**

Lake County Election and Registration Board / Management Committee / Field Representative  
2293 N. Main Street  
Crown Point, IN 46307

**RE: Early Voting**

Dear Lake County Election and Registration Board Members,

We are writing to express our concern that the expected turnout in the November election has the potential to overwhelm the election administration system in Lake County. The voter registration increases recently reported by the Secretary of State suggest that a record number of voters will cast ballots in this election. In the Lake County primary turnout exceeded 50%, it is safe to assume that turnout in November could reach 80%.

It is our understanding that the Lake County Election Board is considering cutting back the number of early voting sites available to Lake County voters. As our Secretary of State Todd Rokita has said in a number of recent interviews, encouraging early voting can go a long way in preventing long lines, ballot shortages and other problems on election day. Lake County saw how successful early voting can be in the primary in May, with 4 sites open for voters in the days leading up to the election. We are concerned that the Election Board is considering reducing access to the polls just as voters are becoming more engaged than ever.

Requiring voters to drive 30 miles or more or wait in long lines on election day is inconsistent with the nation's commitment to participatory democracy. Lake County voters rely on the Election Board to make decisions that will provide meaningful access to all those who wish to make their voice heard. The keen interest in this year's historic election necessitates expanding the capacity of the system through early voting sites.

We strongly encourage you to give Lake County residents the same access to the ballot box as they enjoyed in the primary. We thank you in advance for all of your work to make sure that elections in Lake County run smoothly and that all of the citizens of Lake County are able to exercise their most fundamental right.

Sincerely,

Jerry Brown  
BAC #4, Field Representative



Exhibit A



## International Union of Bricklayers & Allied Craftworkers Local 4 of IN & KY



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Toll Free: 800-322-2830 • Fax: 765-683-9225

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September 22, 2008

Lake County Election and Registration Board  
2293 N. Main Street  
Crown Point, IN 46307

**DALE JOHNSEN**  
Field Representative

**RE: Early Voting**

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Sincerely,

Dale E. Johnsen  
BAC #4, Field Representative



# Northwest Indiana Federation of Labor AFL-CIO

6415 Kennedy Ave.  
Hammond, IN 46323  
Phone 219.989.7927  
Fax 219.989.7925

**JEROME DAVISON**  
President

September 22, 2008

Lake County Election and Registration Board  
2293 N. Main St.  
Crown Point, IN 46307

**RE: Early Voting**

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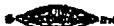
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Sincerely,

Dan Murchek, President



**JAMES A. STRAYER**  
First Vice President

**JEFF CHIDESTER**  
Financial Secretary

**KRIS RICHMOND**  
Treasurer

**DENNIS McCAFFERTY**  
Recording Secretary

**TERRY PARIS**  
Second V.P., Lake County

**AGUSTIN CARREON**  
Second V.P., Porter County

**MICHAEL STAVITZKE**  
Building Trades V.P.

**BILL KALIN**  
Industrial Sector V.P.

**LORENZO CROWELL, JR.**  
Service Sector V.P.

**ANTHONY MALITO**  
Retail/Wholesale V.P.

**DAN MURCHEK**  
Public Employee V.P.

**JIM BROWN**  
Sergeant-at-Arms



**NORTHWESTERN INDIANA BUILDING AND CONSTRUCTION TRADES COUNCIL**  
 AFFILIATED WITH THE  
**BUILDING AND CONSTRUCTION TRADES DEPARTMENT, AFL-CIO**



**CHRIS HERNANDEZ**  
 PRESIDENT

September 22, 2008

**RAY KASMARK**  
 VICE PRESIDENT

Lake County Election and Registration Board  
 2293 N. Main St.

**PAUL MADAY**  
 SECRETARY-TREASURER

Crown Point, IN 46307

**JAMES A. STRAYER**  
 BUSINESS MANAGER

**RE: Early Voting**

**LOUIS D. KETCHUM**  
 SERGEANT-AT-ARMS

Dear Lake County Election and Registration Board Members,

**JOSEPH POZZI**  
 TRUSTEE

We are writing to express our concern that the expected turnout in the November election has the potential to overwhelm the election administration system in Lake County. The voter registration increases recently reported by the Secretary of State suggest that a record number of voters will cast ballots in this election. In the Lake County primary turnout exceeded 50%, it is safe to assume that turnout in November could reach 80%.

**DEREK SANDBERG**  
 TRUSTEE

**HENRY SIERRA**  
 TRUSTEE

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Sincerely,

Chris Hernandez, President

UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA  
INDIANA/KENTUCKY REGIONAL COUNCIL OF CARPENTERS

DAVID C. THARP  
EXECUTIVE SECRETARY-TREASURER  
BUSINESS MANAGER



2635 MADISON AVENUE  
INDIANAPOLIS, IN 46225-2110  
PHONE: (317) 783-1391  
FAX: (317) 781-2549

September 15, 2008

Thomas Philpot, Clerk of the Circuit Court  
Courts Building, 1st Floor, 2293 N. Main Street  
Crown Point, IN 46307

Dear Mr. Philpot:

After the record-setting voter turnout seen in the primary election, we expect turnout on November 4 to substantially exceed previous estimates. On behalf of our Union Council membership within your jurisdiction, we are concerned that this increased turnout will result in long lines at polling places. Our calculations show that given the current allocation of voting machines throughout Lake County there will be lines on Election Day in excess of one hour.

We write to request the following information regarding your plan to ensure that these and other potential problems are addressed prior to Election Day:

1. What is your ratio of registered voters to voting machines in each precinct?
2. What are your current plans to increase the number of machines at your polling locations?
3. What additional steps have you taken to ensure that lines will be no longer than 15 minutes at your polling locations at any point on Election Day?
4. What is the number of poll workers at each voting location?

Thank you for your time and assistance. We look forward to receiving your response no later than **September 25<sup>th</sup>**. If we do not receive the requested information by September 25<sup>th</sup>, we will be compelled to pursue other measures to ensure that appropriate preparations are made in advance of Election Day.

Sincerely,

David C. Tharp  
Executive Secretary-Treasurer

**RECEIVED**

SEP 22 2008

LAKE COUNTY ELECTION  
REGISTRATION BOARD



September 22, 2008

Lake County Election and Registration Board  
2293 North Main Street  
Crown Point, Indiana 46307

**RE: Early Voting**

Dear Lake County Election and Registration Board Members,

We write today to request the authorization of additional absentee voting locations for the General Election on November 4, 2008. We believe this will help ensure that all of the citizens of Lake County are able to exercise their most fundamental right.

Election Day is fast approaching and we are proud that Indiana is poised to play an integral part in this race. With the unprecedented voter turnout for the May Primary Election and the increasing enthusiasm surrounding the upcoming Presidential election, it is appropriate to expect a record number of Lake County voters on November 4<sup>th</sup>. We are concerned that this historic turnout has the potential to overwhelm even the best-laid plans, which could result in long lines, a shortage of ballots, overwhelmed poll workers, judicial intervention, and unsatisfied voters on Election Day.

As Indiana Secretary of State Todd Rokita suggested on August 22, 2008, in a letter to County Election Administrators, expanding access to early voting can greatly "reduce negative impacts ... to the voting process that will occur with the extraordinary turnout on Election Day." Further, the demand for absentee voting options in Lake County was clearly demonstrated by the 10,000 residents who cast their ballots early in the May Primary Election at locations in Gary, East Chicago, Hammond, and Crown Point. Providing equivalent access to early voting is a common sense service we can provide to the residents of Lake County. It simply would not be in the best interest of the voters in Lake County to offer fewer voting locations when we expect significantly more participation in this election.

Early voting can play an essential role in helping to guarantee that every citizen's right to vote is protected, preserved, and peacefully exercised. We appreciate your serious consideration of this matter.

Sincerely,

Peter J. Visclosky  
Member of Congress

David Uran  
Mayor of Crown Point

Joseph Stahura  
Mayor of Whiting

Rudy Clay  
Mayor of Gary

Thomas McDermott  
Mayor of Hammond

**RECEIVED**  
SEP 22 2008  
LAKE COUNTY ELECTION  
REGISTRATION BOARD

**PETE**  
**VISCLOSKY**  
U.S. CONGRESS

www.Viscloskyforcongress.us  
Pete@viscloskyforcongress.us

P.O. Box 10003  
Merrillville, IN 46411-0003

September 18, 2008

Mrs. Sally LaSota  
Director  
Board of Elections and Voters Registration  
Building A205, 2<sup>nd</sup> Floor  
2293 North Main Street  
Crown Point, Indiana 46307

Dear Mrs. LaSota:

I am writing to request that the issue of absentee-in-person voting be placed on the agenda. It would be my request for the Lake County Election Board meeting scheduled for next Tuesday, September 23<sup>rd</sup>.

Voters are expected to participate in this election in unprecedented levels. Early voting can play an essential role in helping to ensure that every citizen's right to vote is peaceably exercised, and we hope to see as many people as possible effectively use this system. I would hope, that the election board would open up the three satellite offices that were used in the primary election, for the same purpose in the upcoming general election. We would like to encourage the Election Board to discuss and determine how best to make early voting a meaningful option for the voters of Lake County.

Sincerely,

*Pete J. Visclosky*  
Peter J. Visclosky

Member of Congress

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L.C. ELECTION &  
REGISTRATION BOARD



Refining the Heart of Community Mayor Joseph M. Stahura

September 15, 2008

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2293 North Main Street  
Crown Point, Indiana 46307

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Sincerely,

*Joseph M. Stahura*  
Joseph M. Stahura  
Mayor

L.C. ELECTION & REGISTRATION BOARD  
2008 SEP 18 PM 1 45