

Exhibit A

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

MCCAIN-PALIN 2008, INC.,)	
)	
Plaintiff,)	
)	
)	Case No. 3:08CV709
v.)	
)	
JEAN CUNNINGHAM,)	
Chairman, Virginia State Board of Elections;)	
HAROLD PYON,)	
Vic-Chairman, Virginia State Board of Elections;)	
and NANCY RODRIGUES,)	
Secretary, Virginia State Board of Elections,))	
)	
Defendants.)	
)	
)	
)	
)	

DECLARATION OF PAULINE K. BRUNELLI

1. My name is Pauline K. Brunelli, and I am the Director of the Federal Voting Assistance Program ("FVAP" or "the Program") in the United States Department of Defense. I have served in that capacity since June 1999. I make this Declaration under 28 U.S.C. _ 1746.

2. Acting pursuant to the Uniformed and Overseas Citizens Absentee Voting Act of 1986, 42 U.S.C. 1973ff et seq. ("UOCAVA"), the President of the United States on June 8, 1988, in Executive Order 12642, designated the Secretary of Defense to coordinate and facilitate all actions under UOCAVA. The Secretary of Defense, in DoD Directive 1000.4, has assigned this authority under Executive Order 12642 to the Director of the Federal Voting Assistance Program.

3. The Federal Voting Assistance Program, through consultation with the States and the appropriate departments and agencies of the federal government, and through the dissemination of information to potential absentee voters, has sought to assist persons, both

military and civilian, who are protected by UOCAVA and who seek to vote by absentee ballot in federal elections. FVAP obtains information on absentee registration and voting procedures in each State, and every two years publishes that information in a handbook, entitled Voting Assistance Guide, which is distributed to American citizens around the world. FVAP also reviews State procedures to determine if they pose any impediment to UOCAVA voters seeking to vote absentee. FVAP regularly consults with the States and suggests changes that might be made to promote greater participation in elections. On occasion, FVAP has recommended to the Department of Justice that suit be brought to protect the right to vote guaranteed by UOCAVA.

4. On August 19, 2008, the Department of Defense and the Department of Justice sent a letter to all chief state election officials, including Nancy Rodriguez, Secretary of the Virginia State Board of Elections, urging attention to facilitating voting for the Commonwealth's UOCAVA voters in the upcoming election, and asking the State Board of Elections to 'self-monitor' its UOCAVA compliance – i.e., to survey its localities and report to FVAP the dates upon which they had mailed out absentee ballots to UOCAVA voters.

5. On September 10, 2008, Vickie Williams, the Absentee Voting & Voter Education Coordinator for the Virginia State Board of Elections, emailed FVAP and agreed that Virginia would self-monitor its localities' UOCAVA ballot mailing progress.

6. On October 31, 2008, Ms. Williams sent a self-monitoring report to FVAP. However, the report did not include the dates on which the absentee ballots had been requested by UOCAVA voters, or the dates upon which the absentee ballots had been mailed to such voters. Instead, Ms. Williams listed 'October 28, 2008' as the print date for all of the ballot address labels for all UOCAVA voters. Ms. Williams explained that the State's registration system could not access the self-monitoring information FVAP requested.

7. One aspect of state procedure with respect to absentee voting that the Federal Voting Assistance Program reviews is whether state election officials mail absentee ballots out at a point in time sufficiently in advance of election day to permit UOCAVA voters reasonable time in which to receive, vote, and return their ballots before the deadline for receipt.

8. In my capacity as Director of FVAP, I am aware of information obtained by FVAP from the United States Postal Service and the Military Postal Service Agency to assist in determining the round trip mailing time that states should allow overseas absentee voters.

9. In my capacity as Director of the Program, I have become familiar with the operations of the Military Postal Service Agency. The military mail services (known as the Army Post Office, or "APO," and the Fleet Post Office, or "FPO") are utilized almost exclusively by members of the military stationed overseas. These mail services operate as follows: mail originating in the United States that is destined for overseas military post offices travels through the regular domestic mails to a gateway or dispatch center where it enters the APO or FPO system. There it is sorted by ZIP code, packaged in letter trays for overseas delivery, and then flown to a pre-designated overseas commercial airport for transfer to a terminal or center. The terminal or center sorts and distributes the mail to a military post office at an installation or routes the mail to a ship's scheduled port of call or to a deployed unit. Mail originating overseas destined for the United States travels the same route in reverse. The service standards established by the Military Postal Service Agency for one-way mail may be summarized as follows:

a. To high density locations with frequent airlifts (such as most locations in Germany and Japan): 7 to 8 days.

b. To remote locations (areas with infrequent airlifts): 7 to 14 days.

- c. To mobile units and ships: 10 to 14 days.

In my capacity as Director of FVAP, I am further aware of information obtained by former Program Director Henry Valentino from the Military Postal Service Agency that to arrive at a round trip mail transit estimate, it is necessary not only to double the number of days set forth above, but also to add one day for time zone changes and administrative requirements and additional time for mail to be distributed to the individual (one to two days in most cases, up to 14 days in remote locations).

10. I am aware that Military Postal Service Agency policy provides, with respect to the mailing of election material through the military postal services, that it is appropriate to allow at least 30 days for the round trip transit time, from the dispatch center in the United States to the individual located overseas and back to the dispatch center.

11. I am also aware of a survey conducted by the Federal Voting Assistance Program in 1989 concerning mail transit time from U.S. cities to military APO and FPO addresses and to international addresses. This survey indicated a range of a minimum of 11 days round trip transit time to a maximum of 44 days round trip transit time with the average transit time of 18 days.

12. According to information provided to the Federal Voting Assistance Program by the United States Postal Service in May, 1991, pursuant to the request of Henry Valentino, former Director of FVAP, a reasonable benchmark worldwide for one-way mailing time for international mail delivery to non-military addresses is seven to ten days. The Postal Service has not established a service standard for international mail because of the varying regulations and procedures which exist in different foreign countries.

13. I am familiar with an Audit Report published by the Office of the Inspector

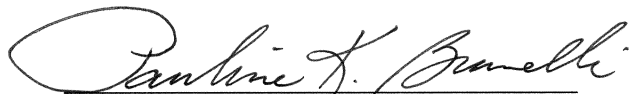
General, Department of Defense, entitled "Overseas Absentee Ballot Handling in DOD" (Report No. D-2001-145, June 22, 2001), and its contents. I am aware that this report confirms a fact on which FVAP has long relied, that 30 days is a reasonable benchmark for round trip transmission of ballot materials from a Mid-Atlantic state to an overseas destination.

14. On the basis of the information set forth above, the Federal Voting Assistance Program recommends that states allow, as an ideal, 45 days for round trip mailing time when sending absentee ballots to such voters. The Program has consulted with states, urging them, where necessary, to change their procedures to permit this mailing time to be achieved.

15. Based on my experience and the information that FVAP has collected on ballot transit times, an interval of fewer than 30 days will almost certainly be insufficient for ballots sent from Virginia to overseas military voters to be received and timely returned.

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

Executed on November *17*, 2008


Pauline K. Brunelli