

Exhibit D

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

MCCAIN-PALIN 2008, INC.,)
)
 Plaintiff;)
)
)
 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.)
)
)
)

Case No. 3:08CV709

DECLARATION OF LEMA BASHIR

1. My name is Lema Bashir. I am a trial attorney in the Voting Section, Civil Rights Division, United States Department of Justice. I live in Virginia, and am a member of the District of Columbia and Maryland bars. I make this declaration under 28 U.S.C. § 1746.

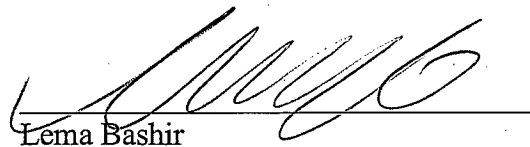
2. On September 30, 2008, I spoke with Vickie Williams, the Absentee Voting & Voter Education Coordinator for the Virginia State Board of Elections, to determine whether Virginia localities had mailed their absentee ballots to military and overseas voters in a timely manner. Ms. Williams assured me that all of Virginia's localities had sent absentee ballots to all the UOCAVA voters who had requested an absentee ballot up until that date. She told me that she would send a follow-up email to FVAP with the specific dates when each locality had mailed such ballots.

3. On November 14, 2008, I received a forwarded email that Ms. Williams had sent

to FVAP on October 31, 2008, which was the first self-monitoring report FVAP had received from the Virginia State Board of Elections. In her email, Ms. Williams indicated that the Board's computer system could not provide the information requested by FVAP, including the specific dates when each locality in Virginia had mailed such ballots. A copy of that email is attached as Exhibit I.

5. On November 12, 2008, the Virginia State Board of Elections sent the Justice Department a list of absentee ballot data for UOCAVA voters from the November 4, 2008 election, which included the names of UOCAVA voters, in what locality they were registered to vote, when their requests for absentee ballots were processed by the localities, the dates the absentee ballot envelope labels were printed, and the date, if any, the voted absentee ballot was processed by the local electoral board or registrar. This data indicated that hundreds of UOCAVA voters who had requested their absentee ballots in a timely manner were sent their ballots long after Ms. Williams assured me that their ballots had been mailed. The Virginia State Board of Elections had not made this information available to us prior to November 12, 2008.

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


Lema Bashir

Dated: November 14, 2008