

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED
2004 OCT 25 PM 4:49
CLAYTON, OHIO

1:04CV2147
JUDGE MATIA

CITIZENS ALLIANCE FOR)
SECURE ELECTIONS, et al.,)
Plaintiffs,)

-vs-)

MICHAEL VU, et al.,)
Defendants.)

PLAINTIFFS' MOTION
FOR TEMPORARY
RESTRAINING ORDER

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, plaintiffs, by and through counsel, moves the Court for an Order temporarily restraining the defendants, their agents, employees and all persons acting independently or in concert with them to:

1. To order the Defendants to correct errors made when data was transcribed from registration applications to the County's official voting list, for the persons to be identified from evidence to be presented.
2. To order the Defendants to add persons whose applications were timely submitted as registered voters, but whose applications were never processed by the Board, for the persons to be identified from evidence to be presented.
3. To appoint a Special Master, at Defendants' expense, to review the so-called Fatal Pending List, to add names to the official voting list upon presentation of reasonably accurate proof that their names have been omitted from the official voting list either because of transcription errors (see Par. 1, above) or processing errors (see par. 2 above).

4. To take steps reasonably calculated to notify persons on the Fatal Pending List of the need to cure errors and omissions in the transcription and processing of their registration applications, for inclusion on the official voting list on or before November 2, 2004.


This motion is made for good cause and for the additional reasons as set forth in the verified complaint, the accompanying memorandum in support and supporting exhibits to the verified complaint and memorandum in support of this motion.



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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED
2004 OCT 25 PM 4:50
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION
CLEVELAND, OHIO

CITIZENS ALLIANCE FOR)
SECURE ELECTIONS, et al.,)
Plaintiffs,)

1 : 04 CV 2147
JUDGE MATIA

-vs-)

PLAINTIFFS' MEMORANDUM
IN SUPPORT OF THEIR
MOTION FOR A TEMPORARY
RESTRAINING ORDER

MICHAEL VU, et al.,)
Defendants.)
_____)

I. INTRODUCTION

Without immediate intervention by this Court, the Cuyahoga County Board of Elections (hereinafter referred to as "defendant CCBOE") and Ohio Secretary of State Kenneth Blackwell will illegally disenfranchise thousands of individuals who timely registered to vote for the November 2, 2004 election.

Plaintiffs seek emergency relief because accompanying the verified complaint is irrefutable evidence that:

1. 240 voters, who timely filed registration applications or change of addresses, were not processed by defendant CCBOE; and,
2. 94 voters, who timely filed registration applications, were disenfranchised based on defendant CCBOE's clerical entry errors.

Scientific extrapolation by Dr. Norman Robbins of Case Western Reserve University, whose affidavit accompanies the Verified Complaint, concludes that roughly 10,720 Cuyahoga county voters, most of whom live in zip codes of low income minority areas will be disenfranchised unless immediate relief is granted. See, Affidavit Norman

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Robbins attached hereto as Exhibit A. See also, Affidavits of Livingston, Gallo, McGraw, McCoy, Robinson, Coulton, Farmer, Dimmings, Smith, Marrero, Wieser, Price, Harwell, Oglesby, Meredith attached hereto as Exhibit B which are incorporated herein as if restated.

Plaintiffs timely registered to vote for the November 2, 2004 election by the October 4, 2004 deadline, and they bring this action for themselves and as representatives of classes of persons who also have applied but been similarly disenfranchised. Despite a legal duty to do so, defendant CCBOE failed, refused and neglected to (a) process the voter registration applications of plaintiffs and other classes of persons whom they represent; (b) inform plaintiffs and other classes of persons whom they represent of the disposition of their voter registration applications; and (c) allow plaintiffs and other classes of persons whom they represent an opportunity to cure any deficiency(ies) in their voter registration applications. Defendants' actions and omissions constitute separate violations under the the National Voter Registration Act of 1993 ("NVRA"), 42 U.S.C. §1973 *gg, et seq.*; Civil Rights Act of 1957 and 1960, 42 U.S.C. §1971(a)(1), (a)(2)(A) and §1971(a)(2)(B); and, 42 U.S.C. §1983.

II. FACTUAL BACKGROUND

On or about September 14, 2004, defendant CCBOE published its "Fatal Pending List", which listed approximately 14,000 individuals identified as ineligible voters for the November 2, 2004 election. All individuals on the Fatal Pending List will not be allowed to vote by defendant CCBOE on November 2, 2004. See Verified Complaint.

The Greater Cleveland Voter Registration Coalition (hereinafter "Coalition") received a copy of the Fatal Pending List and provided it to Dr. Norman Robbins of Case

Western Reserve University for analysis. See Verified Complaint. Dr. Robbins sampled nearly 2,500 applications of deemed ineligible voters on the Fatal Pending List as well as the voter eligibility list and found that:

1. 240 voters, who timely filed registration applications or change of addresses, were not processed by defendant CCBOE; and,
2. 94 voters, who timely filed registration applications, were disenfranchised based on defendant CCBOE's clerical entry errors. See Robbins Affidavit.

Dr. Robbins estimates to a reasonable degree of statistical certainty that approximately 10,720 individuals will be wrongfully disenfranchised on November 2, 2004. See Robbins Affidavit.

On September 17, 2004, Dr. Robbins met with defendant Michael Vu, Director of CCBOE and notified him that defendant CCBOE was wrongfully disenfranchising individuals (a) listed on the Fatal Pending List; and, (b) not on either the eligible registered voters list or the Fatal Pending List. See Verified Complaint. Defendants Vu and CCBOE failed, refused and neglected to review the matter to identify persons who had legally registered by October 4, 2004 and who were determined to be ineligible voters. Id. Shortly thereafter, Members of the Coalition and defendant Vu met initially with the Cuyahoga County Commissioners (hereinafter "Commissioners") to discuss the Commissioners providing additional monies to defendant CCBOE to hire more employees to review the Fatal Pending List, identify legally eligible voters and take affirmative action to allow said persons to vote on November 2, 2004. Id.

On October 14, 2004 defendant CCBOE provided the Coalition and Dr. Robbins an Updated Fatal Pending List. Id. Dr. Robbins reviewed the Updated Fatal Pending List

and made a determination that (a) some clerical errors had been corrected; and, (b) the same percentage of errors existed. Id. See Robbins Affidavit. Defendant Vu was again offered monies when the Commissioners met on October 19, 2004 meeting to fund personnel to review the Fatal Pending List, identify legally eligible voters and take affirmative action to allow said persons to vote on November 2, 2004. See Verified Complaint. Defendant Vu refused. Id.

III. LAW AND ARGUMENT

A. LEGAL STANDARD

The trial court, in its discretion, may grant a temporary restraining order to avoid irreparable injury. Gresham v. Windrush Partners, Ltd., 730 F.2d 1417, 1424 (11th Cir. 1984), cert. denied, 469 U.S. 892, 105 S.Ct. 249, 83 L.Ed 2d 187 (1984); Levine v. C&W Mining Co., 465 F. Supp. 690 (N.D. Ohio 1978), aff'd in relevant part, 610 F.2d 432, 435 (6th Cir. 1979). Merrill Lynch, Pierce, Penner & Smith v. Barnett, 1990 U.S. Dist. LEXIS 14081 (W.D. Mich. Oct. 23, 1990).

Verification of the complaint is the first prerequisite. Notice, where appropriate, should be provided to the adverse party and, in the instant case, said notice has been given to the defendants as attested to in the affidavit filed by Avery S. Friedman in accordance with Federal Rule of Civil Procedure 65. Marathon Oil Co. v. Mobil Corp., 530 F. Supp. 315 (N.D. Ohio 1981), aff'd 669 F.2d 378 (6th Cir. 1981). See, e.g., National City Bank v. Battisti, 581 F.2d 565 (6th Cir. 1977).

In determining whether to issue a temporary restraining order, the court must balance the following factors:

[1] Whether plaintiffs can show inadequacy of legal remedies or irreparable harm;

[2] Whether plaintiffs can show likelihood of future injury.

First, the court determines whether plaintiffs have proven that legal remedies are inadequate with the plaintiffs remaining in danger of sustaining substantial and immediate injury if the injunction does not issue. City of Los Angeles v. Lyons, 461 U.S. 95, 101-102, (1983); Allee v. Medrano 416 U.S. 802, 814 (1974). The first requirement has also been recognized by courts as the expressed need to demonstrate irreparable harm. Allee, supra, at 814.

In analyzing the second factor, plaintiffs need show that a “credible threat” exists and that the future injury is not merely “conjectural.” Kolender v. Lawson, 461 U.S. 352, 355 n.3 (1983). Further, the court can consider other factors including but not limited to “the likelihood of success on the merits, the harm to the non-moving party and the public interest.” Merrill Lynch, Pierce, Penner & Smith v. Barnett, 1990 U.S. Dist. LEXIS 14081 (W.D. Mich. Oct. 23, 1990).

As will be demonstrated herein, all temporary injunctive relief requirements have been met.

B. PLAINTIFFS AND THOSE SIMILARLY SITUATED HAVE SUFFERED AND WILL CONTINUE TO SUFFER IRREPARABLE HARM WITHOUT INTERVENTION BY THIS COURT.

As of today, October 25, 2004, plaintiffs and all other persons similarly situated (a) timely registered to vote in the November 2, 2004 election; and (b) have been placed on a Fatal Pending List as ineligible voters by defendants; or (c) have not been placed on the eligible voter list or Fatal Pending List by defendants apparently because their applications have been misplaced. See Verified Complaint. Defendants’ actions caused

plaintiffs and other persons similarly situated to be labeled ineligible to vote for the November 2, 2004 election. Id.

Courts recognize that denial of one's right to participate in an election constitutes irreparable injury. In Charles H. Wesley Educ. Foundation, Inc. v. Cox, 324 F.Supp.2d 1358 (N.D. Ga. 2004), the court stated "no monetary remedy can correct the fact that the [voter registration] applications submitted on June 12 were improperly rejected nor will a monetary remedy prevent the state from rejecting similar applications in the future." Similarly, in U.S. v. Berks County, Pennsylvania, 277 F.Supp.2d 570 (E.D. Pa. 2003) the court noted, "[t]he impact of the discouragement of equal participation in the democratic system cannot be redressed by money or any other remedy and constitutes irreparable harm."

Defendants' act to disenfranchise plaintiffs' right to vote constitutes irreparable harm and serves as a basis for injunctive relief under Fed. R. Civ. Pro. 65(b).

C. PLAINTIFFS' STAND TO SUFFER A LIKELIHOOD OF FUTURE INJURY.

Plaintiffs and all others similarly situated stand to be disenfranchised on November 2, 2004. See Verified Complaint. As verified by Dr. Robbins, despite having received plaintiffs' timely and properly registrations for the November 2, 2004 election, defendants either designated plaintiffs and the class of persons they represent ineligible or failed to place them on either the eligibility list or the Fatal Pending List. See Robbins Affidavit. As a direct and proximate consequence of defendants' actions, all plaintiffs and the class of persons they represent cannot cast valid votes on November 2, 2004 and will be disenfranchised. See Verified Complaint. As the right to participate in an

election through voting constitutes irreparable injury and all plaintiffs and the class they represent cannot so participate, this case presents a future injury that is a concrete and credible threat, not baseless conjecture. Consequently, temporary injunctive relief is proper.

D. PLAINTIFFS LIKELIHOOD TO SUCCEED ON THE MERITS SERVES AS AN ADDITIONAL BASIS FOR THE ISSUANCE OF TEMPORARY INJUNCTIVE RELIEF.

1. Plaintiffs have standing under the National Voters Registration Act of 1993, 42 U.S.C. §1973, et seq. and as a derivative 42 U.S.C. §1983 action under the Voting Rights Act of 1957 and 1960.

The plaintiffs have standing to bring this action under the NVRA pursuant to 42 U.S.C. §1973 gg-9(b), which allows a private action to redress a NVRA violation. If a violation occurs within 30 days of an election, there is no need under the statute to notify the Secretary of State of Ohio in writing before commencing the action. 42 U.S.C. §1973 gg-9. This grant of a private right to sue is contained within Subchapter I-H of Chapter 146 of Title 42 of the United States Code. In addition, 42 U.S.C. §1973 gg-6(b)(1), also found within Subchapter I-H of Chapter 146 of Title 42 of the United States Code, requires that state voter registration rolls shall be “uniform, nondiscriminatory and in compliance with the Voting Rights Act of 1965 (42 U.S.C. §1973, et seq.).” As a result, all of the requirements of 42 U.S.C. §1973 are subject to a private right of action under 42 U.S.C. §1973 gg-9(B), even if there are no direct private rights of action under 42 U.S.C. §1973. However, it is clear that implied private rights of action are available under all of the federal statutes identified in this motion under 42 U.S.C. §1983, for deprivation of rights secured by the Constitution and laws of the United States of America, under color of state law.

2. Defendants violated the National Voter Registration Act of 1993, 42 U.S.C. §1973 et seq. by failing, neglecting and refusing (a) to properly process registration applications of plaintiffs and the class of persons they represent; and, (b) to notify plaintiffs and the class of persons they represent of the disposition of their voter registration applications.

As the Sixth Circuit recognized in Community Organizations for Reform Now v. Miller, 129 F.3d 833 (6th Cir. 1997), “the right to vote has long been recognized as central to the protection and exercise of the other rights guaranteed in our society. Id. at 835. In Bell v. Marinko, 367 F.3d 588 (6th Cir. 2004), the court stated in pertinent part, that,

The National Voter Registration Act protects only “eligible” voters from unauthorized removal. Eligible voters, at a minimum, are those who qualify as bona fide residents of the precinct in which they are registered or wish to register to vote. [citations omitted] Id. at 592.

This lawsuit seeks to prevent the disenfranchisement of “eligible” voters who timely submitted their voter registration applications.

Congress enacted the NVRA “to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office.” 42 U.S.C. §1973 gg(b)(1). The NVRA constitutes a valid exercise of Congress’ power to regulate federal elections. Ass’n of Cmty Orgs. For Reform Now v. Miller, 129 F.3d 833, 836-37 (6th Cir. 1997).

Pursuant to the National Voter Registration Act of 1993, 42 U.S.C. §1973gg(6) (hereinafter “NVRA”), a state must:

- ensure that any eligible applicant is registered to vote in an election; [42 U.S.C. §1973 gg-6(a)(1)]
- provide that the name of a registrant may not be removed from the official list of eligible voters [except at the registrant’s request or as provided by

State law, by reason of criminal conviction or mental incapacity or as prescribed under a program removing ineligible voters by reason of death or change in the registrant's residence in accordance with §1973 gg-6(b)(c)&(d); [42 U.S.C. §1973gg-6(a)(3)].

In Charles H. Wesley Educ. Foundation, Inc. v. Cox, 324 F.Supp.2d 1358 (N.D. Ga. 2004), the court noted that the broad language of §1973 gg-6(a)(1)(D) "would have required the state to process the [voter registration] applications." The court held,

The court finds that plaintiffs have a substantial likelihood of prevailing on the merits of their claim that the applications sent by the Wesley Foundation and received by the Georgia Secretary of state on June 14, 2004 were improperly rejected in violation of the NVRA. Id. at 1368.

The case at bar presents two main classes of disenfranchised eligible voters: (a) those never processed by defendant CCBOE; and, (b) those improperly processed as ineligible by defendant CCBOE due to clerical errors by defendant CCBOE. See, Robbins Affidavit. According to the irrefutable testimony of Dr. Robbins, 334 voters (from his sample of 2,500) who timely registered with defendant CCBOE were either not processed by defendant CCBOE or were placed on defendant CCBOE's Fatal Pending List as ineligible voters due to clerical errors by defendant CCBOE. Id. Based upon Dr. Robbins scientific statistical analysis, plaintiffs represent a class of approximately 10,720 eligible voters who defendants have disenfranchised. Id.

Given that courts have issued injunctive relief to enforce state and local election officials to satisfy their NAVA obligation to process voter applications that had been timely received, plaintiffs have a substantial likelihood of prevailing on the merits in this case. Charles H. Wesley Educ. Foundation, Inc. v. Cox, 324 F.Supp.2d 1358 (N.D. Ga. 2004).

3. Defendants violated 42 U.S.C. §1983 by depriving plaintiffs and the class of persons they represent their right to have their voter registration applications processed under Voting Rights Act of 1957 and 1960, 42 U.S.C. §1971 (a)(2)(B) so as to allow them the right to vote on November 2, 2004.

In Maine v. Thiboutot, 448 U.S. 1, 100 S.Ct. 2502, 65 L.Ed.2d 555 (1980), the Supreme Court held that §1983 was available to enforce violations of federal statutes by agents of a state. However, a §1983 claim will not arise if Congress foreclosed such enforcement within the statute upon which the violation rests or in the event the statute did not create enforceable rights within the meaning of §1983¹. Pennhurst State School and Hospital v. Halderman, 451 U.S. 1, 101 S.Ct. 1531, 67 L.Ed.2d 694 (1981). A private right of action under 42 U.S.C. §1983 can be asserted under the Voting Rights Act of 1957 and 1960, 42 U.S.C. §1971 *et seq.*. See, e.g., Allen v. State Board of Elections, 393 U.S. 544, 89 S.Ct. 817, 22 L.Ed.2d 1 (1969); Morse v. Republican Party of Virginia, 517 U.S. 186, 116 S.Ct. 1186, 134 L.Ed.2d 347 (1996); Schwier v. Cox, 340 F.3d 1284 (11th Cir. 2003); Sandusky County Democratic Party v. Blackwell, ___ F.Supp. ___, 2004 WL 2308862, rev'd on other grounds, ___ F.3d ___, ___ WL ___ (2004) (holding an individual has standing under 42 U.S.C. §1983 to state a private action for violations under the Help America Vote Act, 42 U.S.C. §15301 *et seq.*).

¹ In McKay v. Thompson, 226 F.3d 752 (6th Cir. 2000) the Court decided that there is no private right of action under 42 U.S.C. §1971, but did not reach the issue as to whether a derivative 42 U.S.C. §1983 action can be made for a violation of the Voting Rights Act, 42 U.S.C. §1971.

Under 42 U.S.C. §1971(a)(2)(B) of the VRA,

No person acting under color of law shall –

(B) deny the right of any individual to vote in any election because of an error or omission on any record or paper relating to any application, registration, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under State law to vote in such election.

Defendant CCBOE and Defendant Vu placed plaintiffs and the class of persons they represent on a Fatal Pending List as “ineligible” voters or did not place them on either the eligible voting list or Fatal Pending List. See, Robbins Affidavit. Said action constitutes disenfranchisement of plaintiffs and the class of persons they represent for the November 2, 2004 election. Id. Notably, defendant CCBOE’s disenfranchisement of plaintiffs was based solely upon defendant CCBOE’s actions and/or omissions and is not based upon plaintiffs having not provided necessary information on their voter registration cards. Id.

Based on plaintiffs strong likelihood of success under this 42 U.S.C. §1983 action for violation of the Voting Rights Act, 42 U.S.C. §1971(a), injunctive relief must issue.

E. DEFENDANTS DO NOT STAND TO BE SIGNIFICANTLY HARMED BY THE ISSUANCE OF A TEMPORARY RESTRAINING ORDER.

Courts have continuously recognized that issuance of injunctive relief to ensure a citizen’s right to vote does not significantly harm named defendants in a federal voting rights action. As the Court in U.S. v. Berks County, Pennsylvania, 277 F.Supp.2d 570 (E.D. Pa. 2003) noted,

[a]ny small additional monetary expense to defendants to conduct the election in compliance with the Voting Rights Act is far outweighed by the important fundamental right involved in this case....[o]rdering defendants to conduct elections in compliance with the Voting Rights Act so that all citizens may participate equally in the electoral process serves the public interest by reinforcing the core principles of our democracy..... (internal citations omitted).

Similarly, in Johnson v. Halifax County, 594 F.Supp. 161, 171 (E.D.N.C. 1984) the Court found that the administrative and financial burdens on defendant were not undue in light of the irreparable harm caused by unequal opportunity to participate in an election.

The District Court in Bishop v. Lomenzo, 350 F.Supp. 576, 587-88 (D.C.N.Y. 1972) observed that,

[w]ithout minimizing the administrative burden upon the Boards of Elections, we must not lose sight of the fact that we are here dealing with a most fundamental aspect of our free and democratic society – the citizen’s right to vote.....[w]hen that is weighed in the balance against clerical inconvenience, the latter must give way.....[t]he state may not deny a voter the right to register [and hence to vote] because of clerical deficiencies.....[t]he remedy lies in providing more clerks rather than in registering fewer voters (internal citation omitted).

Based on the common recognition that issuance of injunctive relief to preserve federal voting rights does not cause significant harm to nullify the injunctive order, a temporary restraining order must issue to ensure that plaintiffs and the class of persons they represent in this action are not disenfranchised November 2, 2004.

F. THE PUBLIC INTEREST WOULD BE SERVED BY GRANTING THE INJUNCTIVE RELIEF SOUGHT BY PLAINTIFFS.

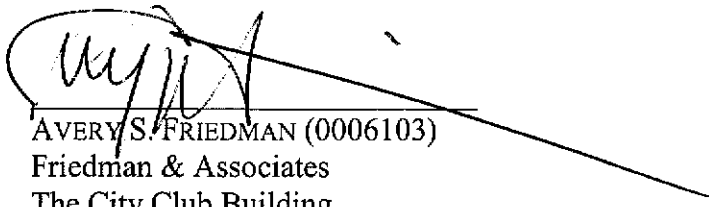
Courts recognize the strong public interest that attaches to ensuring that states comply with federal voting laws to safeguard fundamental voting rights, and routinely declare that this interest greatly outweighs the public interest in minimizing administrative expenses. See Shapiro v. Thompson, 394 U.S. 618, 633, 89 S.Ct. 1322, 22 L.Ed.2d 600 (1969); Charles H. Wesley Educ. Foundation Inc. v. Cox, 324 F.Supp.2d 1358, 1368-9 (N.D. Ga. 2004) (observing that “the court easily concludes that an injunction would not be contrary to the public interest” because “[t]he public has an interest in seeing that the State of Georgia complies with federal law, especially in the

important area of voter registration,” because “[o]rdering the state to comply with a valid federal statute is most assuredly in the public interest.”). Clearly, it is in the public interest to issue temporary injunctive relief to the plaintiffs and the class they represent to allow them to vote on November 2, 2004.

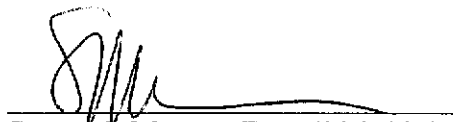
IV. CONCLUSION

For all of the foregoing reasons, plaintiffs respectfully request that this Court issue the following immediate temporary injunctive relief in the form identified in plaintiffs’ motion for temporary restraining order.

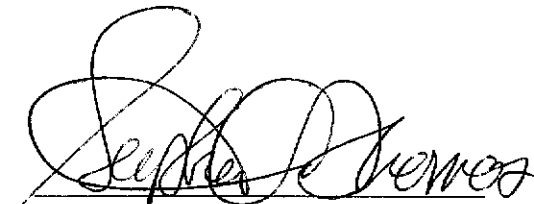
Respectfully submitted,



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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF OHIO

EASTERN DIVISION

CITIZENS ALLIANCE FOR SECURE
ELECTIONS, et al.,

Plaintiffs,

-vs-

CUYAHOGA COUNTY, OHIO BOARD
OF ELECTIONS, et al.,

Defendants.)

:

Case No.:

AFFIDAVIT

CUYAHOGA COUNTY:

ss:

THE STATE OF OHIO

I, NORMAN ROBBINS, M.D, Ph.D., first having been duly sworn do solemnly swear and affirm:

1. I received an MD from Harvard Medical School in 1959, and a PhD in Biology from Rockefeller University in 1965, was a full time research faculty member in the Dept. of Neurosciences at Case Western Reserve University from 1970 until I retired and was given Emeritus status in 2002.
2. I have conducted biological and other research from 1965 until 2004.
3. I have been personally involved in numerous registration drives from Jan. 2004 until Oct. 4, 2004.
4. In the spring of 2004, I and others doing registration began hearing from citizens that they had registered but had heard no confirmation card from the Cuyahoga County Board of Elections.
5. Pearl Livingstone, an official with the Cleveland Voter Registration Coalition ("GCVRC"), also learned the same thing and had her volunteers call about 75 people they had registered, of which 5 (nearly 7% of the 75) had difficulties in registering.
6. This motivated me to ask volunteers to call about 200 people registered by the GCVRC, and again about 6-7% had various registration problems.

7. We realized that if the same problems applied to some 180,000 registration/change of address applications (hereafter called "applications") that had been sent as of that time to the Board of election, 7% would be 12,600 voters.
8. This in turn motivated the larger study described hereinafter.
9. First study of 2,451 submitted applications presented Sept. 15, 2004: We studied the fate of 2,451 registration/change of address cards ("applications") which GCVRC had submitted to the Board of Elections on a regular weekly basis since August 2003.
10. Most of our registration activity was in the Cities of Cleveland and East Cleveland, because one of the GCVRC goals was to register previously lower income minorities who have traditionally been under-represented in the electoral process.
11. Except for a small number, most applications had been received 4 months to a year before the completion of the study in early September, so that backlog at the Board of Elections was not be a factor.
12. We first determined those "not found" and discovered, by going to the Board of Elections computers, that 59 had been purged for legitimate reasons (moving out of county, death, and imprisonment) or were duplicates.
13. We next traced the fate of the remaining problem submissions and found that that about 7% of the 2183 remaining registrations were not on the rolls at all, incorrectly entered, not updated for address change, or suffered from voter errors (See detail below.).
14. In most of these cases, the voter would have no way of knowing they were not registered or were registered with errors until election day, unless they happened to check with the Board of Elections.
15. There were 3 very important categories of errors:
 - A. New applications submitted by GCVRC but never entered (13, or 0.6%);
 - B. Address updates submitted by GCVRC but never entered (23, or 1.1%); and
 - C. Clerical errors in transcribing addresses (42, or 1.9%).
16. Since the completion of that study, we have taken action to notify voters of potential errors in their registrations, and therefore at present, some of those originally included in the study now have active and completed registrations.
17. The Cuyahoga County Board of Elections received our information as of Sept. 13, 2004 but we received neither confirmation nor follow-up. (We did not send the final list, which had a few more entries to the Board).
18. Second study on registration errors: In the course of developing a data base for a mailing, the GCVRC had a second occasion to investigate, after the close of registration on Oct. 4, the fate of 258 applications that had similar errors to those found in the first study.
19. Although the total number of applications from which these were drawn was about 3-4 times that of the first study, as yet we can only accurately report the numbers, rather than the errors as a percentage of the whole sample size;
 - A. 70 new registrations were never entered;
 - B. 134 address updates were never entered; and
 - C. 52 applications had clerical errors in transcription of addresses.
20. Significance of the findings of these errors: Projection of the results of the earlier study to the approximately 300,000 applications received by the BOE (not including

duplications) since January 2004, leads me to infer that a total of about 10,720 voters could be disenfranchised or compromised in their ability to vote.

21. If new registrations were never entered, the disenfranchisement (1,787 voters) is absolute.

22. If address updates are not entered, then 3,161 voters, even if still listed as active, could go to the wrong polling place, and even if they went to the correct polling place, would be forced to vote a provisional ballot, which could be subject to challenge and is fraught with a higher potential for voter error than a regular ballot.

23. Finally, some 5772 voters have address errors which in many cases could or do render mail undeliverable and put the voter on "inactive" status.

24. Although the relative proportions of the errors were somewhat different in the October 2004 study, the 258 total number of errors corresponds to the probable increase of 3-4 times in the sample size.

25. This indicates that the finding is not a statistical fluke.

26. Combining both studies, we found 96 instances in which BOE personnel had made clerical errors in transcribing the address of the registration or change of address applicant.

27. Of this number, in only 4 cases was the error so minor that we were willing to assume that a response from the BOE to the voter would possibly have been deliverable by the Post Office.

28. In the remaining 92 cases, the transcription error was so significant that a response from BOE to the voter would not have been deliverable by the Post Office.

29. In 14 of the 96 cases, in fact, a response from the BOE to the voter appeared to have been returned by the Post Office as 'undeliverable'.

30. Moreover, in 33 instances, the error was so significant that the BOE had classified the application as either 'STX' (Street Exception) or 'Fatal Pending' (for invalid address).

31. In at least 21 cases, the BOE transcription error consisted of the simple failure to type the duly entered and completely legible "East" or "West" designation or type it in the right place, and/or an apartment number or zip code.

32. Both studies were carried out by volunteers, and there is a possibility of innocent errors as well as issues of interpretation as to classification of problems with the applications.

33. However, the overall findings of very significant clerical errors disenfranchising or compromising a large number of voters would still be valid.

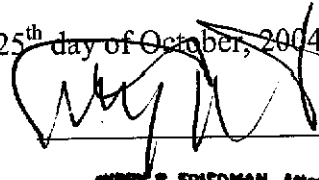
34. There is no reason to believe that the BOE would not have made these types of errors at the same rates in the larger universe of all new registration and change of address applications filed over the past year.

35. Thus, voters who are entitled to be on the list of registered voters are not in fact on the list, and thus, at least absent the relief requested herein, will not or may not be able to cast a valid ballot in the upcoming election.

36. FURTHER THE AFFIANT SAYETH NAUGHT.


NORMAN ROBBINS, M.D., Ph.D.

SWORN TO and subscribed in my presence this 25th day of October, 2004.



ROBERT S. FRIEDMAN, Attorney At Law
Notary Public - State of Ohio
My commission has no expiration date
Section 147.03 R. C.

FROM JANUARY 1 TO OCT. 4, 2004. ALSO, ADDITIONAL CASES OF THESE ERRORS DISCOVERED IN OCTOBER, 2004*

	September study, # votes in each category	% total	% error	projected # of votes lost	More instances of the same errors in October sample
New registrations never entered	13	0.6	0.3	1787	70
Address updates never entered	23	1.1	0.4	3161	134
Addresses entered incorrectly	42	1.9	0.6	5772	52
Totals	78	3.6	0.9	10720	256

AFFIDAVIT OF CLAUDIA COULTON

1. My name is Claudia Coulton. I have a PhD from Case Western Reserve University in Social Welfare.

2. I have published over 70 articles in professional journals on social science and social policy. Some of the more relevant articles that I have recently authored are: one which is entitled "Metropolitan Inequalities and the Ecology of Work" which was published in the Social Service Review in 2003, and a second article which was entitled "Geographic Concentration of Affluence and Poverty" which was published in Urban Affairs Review in 1996 (which was based on the Census).

3. I've been doing research for the past 15 years on minority and low income communities in Northeast Ohio.

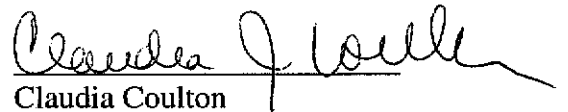
4. I am a professor at Case Western Reserve University's Mandel School of Applied Social Sciences.

5. I also co-direct the Center on Urban Poverty and Social Change. I do research on poverty and economic disadvantage, which in Ohio is concentrated among African Americans.

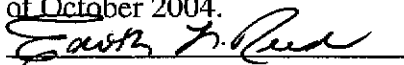
6. Based on my research, readings, and review of the relevant literature, I can say with complete confidence that African Americans and Latinos in Cuyahoga County change addresses at a more frequent rate than white residents within the county. Among other things, one can see this by reviewing the year 2000 census data for Cuyahoga County and looking at the percentage of household heads that moved within the previous year. The proportion of the population that moved within the year was 15% for whites, 22% for blacks and 32% for Hispanics. Another measure of residential relocation from the 2000 census is the population that lived in a different house in 1995. This data is used to estimate the percentage of the population that has moved at least once in the previous 5 years. The percentages are as follows: Whites, 37%; Blacks, 46%; and Hispanics, 57%.

7. I work also a consultant for various national foundations that are trying to improve conditions in African-American, Hispanic and low income neighborhoods. My experience working with these foundations has made me realize that many of these communities are concerned about low rates of voter registration within their communities.

FURTHER AFFIANT SAYETH NAUGHT.


Claudia Coulton

Sworn to before me this 25 day
of October 2004.


Notary Public

EDITH L. REED
Notary Public, State of Ohio, Cuy. Cty.
My commission expires June 3, 2007

- a. Commencing on September 20, 2003, each weekend until the close of registration for the general election on October 4, 2003.
 - b. The Saturday and Sunday before Thanksgiving, 2003.
 - c. Commencing on January 3, 2004, every weekend until the close of registration for the primaries on February 2, 2004 .
 - d. The weekend of March 13-14, 2004.
 - e. Commencing with April 3-4, 2004, the first or second weekend of each month until the Labor Day weekend and thereafter on every weekend until the close of registration for the general election on October 4, 2004.
4. The following are the locations at which affiant's group assisted individuals:
- a. Tops Market – E.115th & Buckeye
 - b. Dave's Supermarket – E.74th & Harvard
 - c. Tops Market – Harvard & Lee
 - d. Tops Market – Turney Rd. in Garfield Heights
 - e. Tops Market – Northfield & Rockside
 - f. Dave's Supermarket – Lakeshore Blvd.
5. Attached as Exhibit B1-18 are copies of emails to volunteers regarding scheduling.
6. The week before the March, 2004 primary election, members of affiant's group called or attempted to call or contact all the applicants whom they had assisted to determine whether they had been notified of the confirmation or rejection of their registration application. Almost immediately affiant was notified by her callers that cards had not been received notifying the applicants of their acceptance.
- a. She checked with the BOE and was advised that the all the cards confirming registration or change of name or address would be mailed by first class bulk mail on the Thursday before the election.
 - b. A conference call was arranged among Director Vu, Marcia McCoy and affiant in which affiant and Marcia McCoy expressed concern that voters who had applied months in advance were not being advised of their registration or polling location until the last minute. Director Vu assured his callers that the cards would certainly be received by Friday or Saturday before election and in the future cards would be sent out within two weeks after application for registration was received. Affiant suggested that the telephone lines be open on Saturday to answer inquiries concerning voting confirmation and polling location.

- c. Affiant's group called a number of individuals whom they had assisted on Saturday and Sunday before the primary election and found that no registration confirmation cards had been received.
 - d. Near the end of March, members of affiant's group called a number of applicants whom they had assisted and found that some individuals had just received their notification cards from the BOE.
7. From time to time during April through late August, 2004 affiant's group called the applicants they had assisted to determine whether they had received confirmation from the BOE and if not, affiant's group either called the BOE or faxed lists to them of applicants not having received confirmation.
- a. On April 9, 2004 affiant spoke with Michael DeFranco at the BOE who is supervisor of registration and mentioned a list of applicants who had not received confirmation of registration or rejection and, at his request, faxed the list attached as Exhibit B to him. Mr. DeFranco responded.
 - b. Subsequently in April, after again checking with the applicants, the list attached as Exhibit C was faxed to Mr. DeFranko.
 - c. On or about June 15, 2004 affiant faxed the list attached as Exhibit C-1 to the BOE and received a faxed response attached as Exhibit C-2.
8. During September, 2004, various persons advised members of affiant's group that they had not received confirmation of registration even though they had attempted to register more than once. After several calls to the BOE regarding these persons, on October 4, 2004, affiant faxed the list attached as Exhibit D to the BOE to which there was no response.
9. The voter registration lists were certified on or about October 13, 2004. 47 members of affiant's group thereupon commenced calling the applicants whom they had assisted. As of October 15, 2004 affiant and members of her group doing calling reported to affiant.
- a. If such applicants had not received confirmation of registration, affiant and other group members attempted to verify through calling the BOE or checking the BOE's computer data base whether such applicants were registered. If they were reported as rejected or not in the system, affiant checked the copy of such applicant's card and found the following:
 - I. In the 6/6/04 batch of applicants:
 - 1. Harold Smith was reported "not in system". Affiant understands that to mean that there is no record of such application either on the voter registration list or on the Fatal Pending List. Other applicants in that batch were registered.

II. In the 9/11/04 batch:

1. Stephen Perkins, Jr. – A copy of the registration form which the Coalition assisted applicant to complete and deliver to the BOE is attached as Exhibit E-1. Affiant notes that the street name on card could be read as “Colt” but actually is Coit . The zip code is correct for Coit Rd. This was pointed out to the BOE, but an employee in the registration department said there was no such address and therefore he couldn’t vote.
2. Orlando Reilly – A copy of the registration form which the Coalition assisted applicant to complete and deliver to the BOE is attached as Exhibit E-2. BOE advises that he is not in system currently.
3. LaTanya Farmer – A copy of the registration form which the Coalition assisted applicant to complete and deliver to the BOE is attached as Exhibit E-3. BOE advises she is not in the system.
4. Michael Goins – A copy of the registration form which the Coalition assisted applicant to complete and deliver to the BOE is attached as Exhibit E-4. On October 19, 2004 affiant was advised by Eileen at the BOE that applicant was not in the system and that “they are done entering into the system. He can’t vote. All has been entered”.
5. Nathaniel Lockhart – A copy of the registration form which the Coalition assisted applicant to complete and deliver to the BOE is attached as Exhibit E-5. Affiant was told by the BOE that there was a Nathaniel Lockhart in the system but inactive at another address. The new registration is not in the system and therefore he cannot vote. The birth date on their inactive records and on the attached exhibit are the same.
6. Donald McCain - A copy of the registration form which the Coalition assisted applicant to complete and deliver to the BOE is attached as Exhibit E-6. Affiant was advised by the BOE that his name is in the system at a former address. The BOE advised he could vote a provisional ballot.
7. Joseph McDaniel - A copy of the registration form which the Coalition assisted applicant to complete and deliver to the BOE is attached as Exhibit E-7. The BOE advises that he is to vote in Cleveland Heights at Severance Tower rather than a precinct near his address.
8. Theresa Matteson - A copy of the change of address form which the Coalition assisted applicant to complete and deliver to the BOE

is attached as Exhibit E-8. The BOE advised that she was listed at an old address on Storer and that she should vote a provisional ballot.

9. Verna Craighead Green - A copy of the registration form which the Coalition assisted applicant to complete and deliver to the BOE is attached as Exhibit E-9. The BOE advised that there is a Verna Green but not a Verna Craighead Green on its records at a Lafayette address at which she had lived and that she should bring identification and vote a provisional ballot.

III. In the 9/12/04 batch:

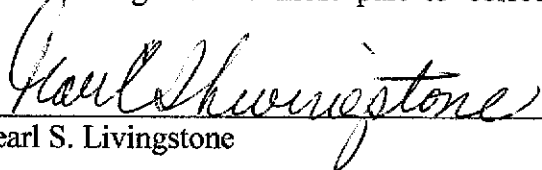
1. Michael Allen - A copy of the registration form which the Coalition assisted applicant to complete and deliver to the BOE is attached as Exhibit F. The BOE advised that he was listed on Washington Blvd. in Cleveland Heights and not on Washington Park Dr. in Cleveland with the 44105 zip code.

IV. In the October 2, 3, 2004 batch, Volunteer Debbie Paris reached some 28 out of 67 applicants. Of those reached, 10 had not heard from the BOE including the following:

1. Jonathan Cunningham – A copy of the registration form which the Coalition assisted applicant to complete and deliver to the BOE is attached as Exhibit G-1. Valerie at the BOE said he was on the Fatal Pending List, that is, the list of rejected applications, for the reason that the BOE read his address as 14607 instead of 19607. She said she would try to correct.
2. Norrita Evans - A copy of the registration form which the Coalition assisted applicant to complete and deliver to the BOE is attached as Exhibit G-2. Valerie at the BOE said that she was registered at 11107 not 11101. She said she would be unable to change.
3. Kathy Dozier - A copy of the registration form which the Coalition assisted applicant to complete and deliver to the BOE is attached as Exhibit G-3. The BOE said it could not find the application.


10. On or about October 17, 2004 affiant's group started calling the applicants they had assisted in completing applications to determine whether they had been notified by the BOE of their registration and polling location. The callers were to follow the instructions attached as Exhibit H. Of the 47 callers with roughly the same number of applicants to call, some 25 have reported the answers received and the names listed on the attached Exhibit I are those who did not receive notification. Copies of their applications are attached as Exhibit J.

11. Affiant and other members of her group have received misinformation from employees of the Board concerning registered voters who have attempted to change their address. When such names were checked with the BOE they were found not to have the address change. The BOE advised that the voter should vote a provisional ballot at his/her new precinct. It is my understanding that Ohio law permits such voters to change their registration at the polling place and to vote a regular, not a provisional ballot. The following are the names of some of the voters about whom the misinformation was given:
- a. Daniel McCain
 - b. Renitae Chambliss
 - c. Theresa Matteson
12. Affiant's experience indicates that the BOE has made numerous errors in inputting names and addresses both for new applications for registration and for change of address or name applications. It also has apparently lost numerous applications submitted to them, not provided adequate access to the records for telephone callers, has furnished misleading information and has been unwilling for the most part to correct errors demonstrated to them.



Pearl S. Livingstone

SWORN TO AND SUBSCRIBED IN MY PRESENCE, on October 25, 2004, at
Cleveland, Ohio.



Fred J. Livingstone - Notary Public
My Commission has no expiration date

AFFIDAVIT OF MICHAEL HARWELL

County of Cuyahoga)

ss:

State of Ohio)

MICHAEL HARWELL, having been duly sworn, hereby declares the following as true:

1. I am a United States citizen.
2. I am 18 years of age.
3. I reside at 1754 Rosedale Avenue, East Cleveland, Ohio.
4. In 2000, I submitted a voter registration form to the Cuyahoga County Board of Elections. I have not voted since that time.
5. I have been advised that an electronic search of the Board of Elections records indicated that I am on a list of persons ineligible to vote, apparently for the reason that the Board's records indicate an invalid address for me.
6. It is possible that the voter registration form I filed may have erroneously indicated my street address as 1756, rather than 1754, Rosedale Avenue, East Cleveland.
7. I strongly wish to vote in the upcoming Presidential election on November 2, 2004.

FURTHER AFFIANT SAYETH NAUGHT.


MICHAEL HARWELL

Sworn to before me this 29 day
of October 2004.


Notary Public

AFFIDAVIT OF JOLENA OGLESBY

County of Cuyahoga)

ss:

State of Ohio)

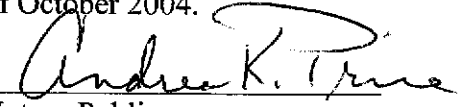
JOLENA OGLESBY, having been duly sworn, hereby declares the following as true:

1. I am a United States citizen.
2. I am 25 years of age.
3. I reside at 11319 Durant Avenue, Cleveland, Ohio, 44108.
4. I strongly wish to vote in the November 2, 2004 presidential election.
5. On September 7, 2004 or September 9, 2004, in the vicinity of Cleveland Justice Center in downtown Cleveland, I filled out a voter registration form and submitted it to a volunteer from the Greater Cleveland Voter Registration Coalition who was signing up people to vote.
6. On October 2, 2004, to be safe, I filled out a second registration form and submitted it to a volunteer with the Greater Cleveland Voter Registration Coalition near a Tops supermarket on Superior Avenue.
7. A copy of the registration form which I filled out and signed is attached to this Affidavit.
8. Since I was moving at the time I filled out the voter registration forms, I entered my mother's address, 2548 Park Midway, Suite C, Cleveland, Ohio, 44104, as a temporary address.
9. I have never received a voter registration card, or any other communication from the Cuyahoga County Board of Elections ("BOE") indicating whether or not I am now a registered voter.
10. To my knowledge, I am still not registered so that I can vote in the November 2, 2004 election.

FURTHER AFFIANT SAYETH NAUGHT.


 Jolena Oglesby

Sworn to before me this 24th day of October 2004.


 Notary Public

ANDREA K. PRICE, ATTY.
 NOTARY PUBLIC, STATE OF OHIO
 My Comm. Expires 10/31/05
 167.03 Q&P

ARE YOU A U.S. CITIZEN? YES NO
 WILL YOU BE 18 YEARS OF AGE ON OR BEFORE THE NEXT GENERAL ELECTION? YES NO
 IF YOU ANSWERED NO TO EITHER OF THE QUESTIONS, DO NOT COMPLETE THIS FORM.

Last Name: **GLFSBY** First Name: **JOLENA** Middle Name or Initial: **Jr., II, etc.**

House Number and Street (Enter new address if changed): **2548 PARKMIDWAY** Apt. or Lot #: **Suite C** City Post Office: **Cleve** Zip Code: **44104**

Additional Rural or Mailing Address (if necessary):

Birthdate (MO-DAY-YR): **1-03-79** 10. Ohio driver's license No. OR last 4 digits of Social Security No. (required): **6704** 11. Phone No. (voluntary): **216-324-0917**

ADDRESS CHANGE ONLY - PREVIOUS ADDRESS: Previous House Number and Street: Previous City or Post Office:

FOR BOARD USE ONLY
 SEC 4010 (REV. 10/03)
 City, Village, Twp. Ward Precinct School Dist. Cong. Dist. Senate Dist. House Dist.

CHANGE OF NAME ONLY: Former Legal Name: Former Signature: State: County: Former Signature:

Signature of Applicant: *Jolena G. Glsby*
 Date signed: **10/02/04** MO DAY YR

uyahoga County Board of Elections

Not in system

in system, but fatal pending info no apparent problems
 invalid address -> street # doesn't exist

NEVER COMMITTS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.

AFFIDAVIT OF VENITE MEREDITH

County of Cuyahoga)

SS:


State of Ohio)

VM
Alep

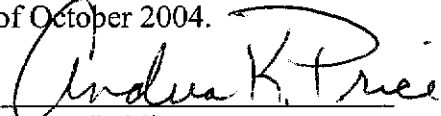
~~VANITA~~
VENITE MEREDITH, having been duly sworn, hereby declares the following as true:

1. I am a United States citizen.
2. I am 18 years of age.
3. I reside at 551 Helper Drive, Bedford, Ohio.
4. I first completed a voter registration form in September 2004. I gave my completed voter registration form to a volunteer from the Greater Cleveland Voter Registration Coalition who was signing up people to vote
5. I completed another voter registration form later in September 2004 just to be sure that I would make it on the voter rolls. I gave that completed voter registration form as well to a volunteer from the Greater Cleveland Voter Registration Coalition who was signing up people to vote
6. I have never received any communication from the Cuyahoga County Board of Elections ("BOE") indicating whether or not I am a registered voter.
7. On or about October 2, 2004, I went to the BOE office to check whether I was on the voter rolls.
8. While I was at the BOE office, a BOE employee I spoke with told me that I was not registered to vote. That employee told me to "wait a couple of weeks."
9. While I was at the BOE on or about October 2, 2004, I submitted yet a third voter registration form.
10. To my knowledge, I am still not on the voter rolls. I do not know why I am not on the voter rolls.
11. I strongly wish to vote in the upcoming presidential election on November 2, 2004.

FURTHER AFFIANT SAYETH NAUGHT.


Venite Meredith
VANITA

Sworn to before me this 23rd day
of October 2004.



Notary Public
ANDREA K. PRICE, APN
NOTARY PUBLIC • STATE OF OHIO
-My Commission Has No Expiration Date-
Section 147.03 O.R.C.

Please read instructions on reverse side

Please type or print clearly with black pen

1. Are you a U.S. citizen? Yes No (Required)

2. Will you be 18 years of age on or before the next general election? Yes No (Required)

If you answered NO to either of the questions, do not complete this form.

3. Last Name: Medved First Name: Uroic Middle Name or Initial: Jr., II, etc.

4. House Number and Street (Enter new address if changed): 501 HELPER DR * Apt. or Lot #: 5 City or Post Office: BEAVER CREEK Zip Code: OH 44115

5. Additional Rural or Mailing Address (if necessary):

6. Birthdate (Required): 1-22-86 10. Ohio driver's license No. OR last 4 digits of Social Security No. (required): 5181 11. Phone No. (voluntary): (414) 786-8555

7. ADDRESS CHANGE ONLY - PREVIOUS ADDRESS: Previous house Number and Street: _____ Previous City or Post Office: _____ County: _____ State: _____

8. County where you live: CUYAHOGA

9. Signature of Applicant: [Signature]

10. Date signed: 10/21/04 MO DAY YR (Required)

11. Former Legal Name: _____ Former Signature: _____

12. FOR BOARD USE ONLY: CITY: _____ WARD: _____ PRECINCT: _____ ID Number: _____

WHOMEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE. Rev. 4/04

Cuyahoga County Board of Elections, 2925 Euclid Avenue, Cleveland, Ohio 44115-2497

10/18 NOT in system

D

AFFIDAVIT OF LATANYA TERESE FARMER

County of Cuyahoga)

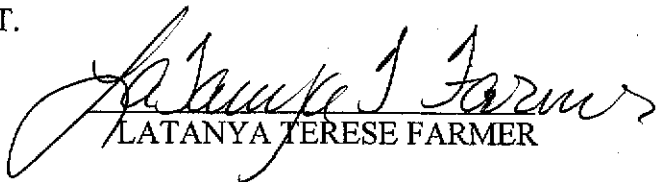
ss:

State of Ohio)

LATANYA TERESE FARMER, having been duly sworn, hereby declares the following as true:

1. I am a United States citizen.
2. I am 18 years of age.
3. I reside at 4160 East 144th Street, Cleveland, Ohio 44128
4. On or about September 11, 2004, I filled out a voter registration form with the assistance of a volunteer from the Greater Cleveland Voter Registration Coalition who arranged to deliver it to the Cuyahoga County Board of Elections. A copy of the voter registration form that I filled out and signed is annexed hereto as an exhibit.
5. I have not has received notification that I am registered to vote. Thus, to my knowledge, I am not listed as a registered voter with the Board of Elections.
6. I strongly wish to vote in the upcoming Presidential election on November 2, 2004.

FURTHER AFFIANT SAYETH NAUGHT.


LATANYA TERESE FARMER

Sworn to before me this 23rd day
of October 2004.


Notary Public

MICHAEL V. HEFFERNAN, ATTY.
NOTARY PUBLIC - STATE OF OHIO
My commission expires on expiration date
Section 147.03 C.R.C.

Please read instructions on reverse side

Please type or print clearly with black pen

1. Are you a U.S. citizen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Required)			
2. Will you be 18 years of age on or before the next general election? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Required)			
If you answered NO to either of the questions, do not complete this form.			
3. Last Name Drake	First Name Geneva	Middle Name or Initial	Jr., II, etc.
4. House Number and Street (Enter new address if changed) 3385 East 147 St.	* Apt. or Lot #	5. City or Post Office Cleveland	6. Zip Code 44120
7. Additional Rural or Mailing Address (if necessary)		8. County where you live Cuyahoga	FOR BOARD USE ONLY
9. Birthdate (Required) 09/19/1930	10. Ohio driver's license No. OR last 4 digits of Social Security No. (required) 1820-152-23-01	11. Phone No. (voluntary) 991 0114	
12. ADDRESS CHANGE ONLY - PREVIOUS ADDRESS Previous House Number and Street			
Previous City or Post Office		County	
13. CHANGE OF NAME ONLY		Former Legal Name	Former Signature
I declare under penalty of election falsification I am a citizen of the United States, will have lived in this state for 30 days immediately preceding the next election, and I will be at least 18 years of age at the time of the general election.			PRECINCT
14. Signature of Applicant Geneva Drake		Date signed 7/11/04 (Required) MO DAY YR	
			ID Number

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.

Rev. 4/04

Cuyahoga County Board of Elections, 2925 Euclid Avenue, Cleveland, Ohio 44115-2497

Please read instructions on reverse side

Please type or print clearly with black pen

1. Are you a U.S. citizen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
2. Will you be 18 years of age on or before the next general election? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If you answered NO to either of the questions, do not complete this form.			
3. Last Name Farmer	First Name LATANYA	Middle Name or Initial TERESE	Jr., II, etc.
4. House Number and Street (Enter new address if changed) 4160 E. 144th St	* Apt. or Lot #	5. City or Post Office DH	6. Zip Code 44128
7. Additional Rural or Mailing Address (if necessary)		8. County where you live Cuyahoga	FOR BOARD USE ONLY SEC4010 (Rev. 10/03)
9. Birthdate (MO-DAY-YR) 07-31-80	10. Ohio driver's license No. OR last 4 digits of Social Security No. (required) 277-80-1179	11. Phone No. (voluntary) 0161751-0319	
12. ADDRESS CHANGE ONLY - PREVIOUS ADDRESS Previous House Number and Street			
Previous City or Post Office		County	
13. CHANGE OF NAME ONLY		Former Legal Name	Former Signature
I declare under penalty of election falsification I am a citizen of the United States, will have lived in this state for 30 days immediately preceding the next election, and I will be at least 18 years of age at the time of the general election.			Ward
14. Signature of Applicant LATANYA FARMER		Date signed 09/11/04 (Required) MO DAY YR	
			Precinct
			School Dist.
			Cong. Dist.
			Senate Dist.
			House Dist.

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.

Cuyahoga County Board of Elections

AFFIDAVIT OF CHAUNTIA MARIE DIMMINGS

County of Cuyahoga)

ss:

State of Ohio)

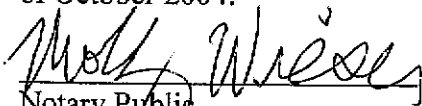
CHAUNTIA MARIE DIMMINGS, having been duly sworn, hereby declares the following as true:

1. I am a United States citizen.
2. I am 20 years of age.
3. I reside at 11212 Ada Avenue, Cleveland, Ohio.
4. On October 3, 2004, I filled out a voter registration form and gave it to a volunteer from the Greater Cleveland Voter Registration Coalition. A copy of the registration form which I filled out is attached to this Affidavit.
5. I have never received any communication from the Cuyahoga County Board of Elections ("BOE") indicating whether or not I am a registered voter.
6. After waiting a reasonable time to hear back from the Board, I attempted to call them. I placed the call about noontime on a weekday. No one answered the phone.
7. I wish to vote in the upcoming November 2, 2004 presidential election.
8. To my knowledge, I am still not registered to vote so that I can vote in the November 2, 2004 election.

FURTHER AFFIANT SAYETH NAUGHT.


Chauntia M. Dimmings

Sworn to before me this 23 day
of October 2004.


Notary Public

Please type or print clearly with black pen

Are you a U.S. citizen? Yes No (Required)

Will you be 18 years of age on or before the next general election? Yes No (Required)

If you answered NO to either of the questions, do not complete this form.

First Name Chauntia		Middle Name or Initial MARIE	Jr., II, etc.
Last Name Dimminings			
House Number and Street (Enter new address if changed) 11212 Ada Ave			
Apt. or Lot #			
City or Post Office Cleveland		Zip Code 44108	
County where you live Cuyahoga			
Ohio driver's license No. OR last 4 digits of Social Security No. (required) 1784 1301		Phone No. (voluntary) 216-681-5819	
Previous House Number and Street		City	
State		WARD	
Former Legal Name		PRECINCT	
Former Signature <i>Chauntia Dimminings</i>		ID Number	

Rev. 4/04

EVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.

Cuyahoga County Board of Elections, 2925 Euclid Avenue, Cleveland, Ohio 44115-2497

Active, not in system as DIMMININGS

AFFIDAVIT OF HAROLD F. SMITH

County of Cuyahoga)

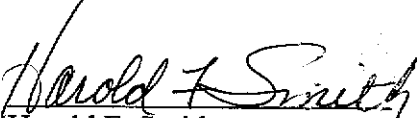
ss:

State of Ohio)

HAROLD F. SMITH, having been duly sworn, hereby declares the following as true:

1. I am a United States citizen.
2. I am 59 years old.
3. I reside at 9416 Garfield Boulevard, Garfield Heights, Ohio, 44125.
4. On June 6, 2004, in front of Dave's Supermarket on Harvard Avenue, Cleveland, I filled out a voter registration form, and gave it to a volunteer from the Greater Cleveland Voter Registration Coalition who was signing up people to vote.
5. I have never received any written communication from the Cuyahoga County Board of Elections about my voter registration form.
6. To my knowledge, I am not on the list of registered voters. I don't know why I am not on the list of registered voters.
7. A copy of the voter registration form that I filled out and signed is annexed hereto as Exhibit A.
8. I strongly wish to vote in the upcoming presidential election on November 2, 2004.

FURTHER AFFIANT SAYETH NAUGHT.


Harold F. Smith

Sworn to before me this 23rd day
of October 2004.


Notary Public

MICHAEL V. HOFFERT, ATTY.
NOTARY PUBLIC • STATE OF OHIO
My commission has no expiration date
Section 147.03 O.R.C.

AFFIDAVIT OF ANDREA K. PRICE

County of Cuyahoga)

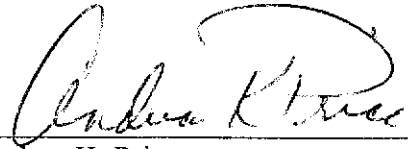
ss:

State of Ohio)

ANDREA K. PRICE, having been duly sworn, hereby declares the following as true:

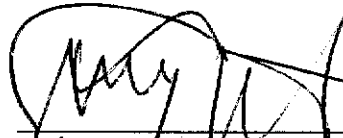
1. I am a United States citizen.
2. I am over 18 years of age.
3. I reside at 18706 Invermere Road, Cleveland, Ohio 44122.
4. On October 23, 2004 I spoke with Vanita Meredith in person.
5. On October 24, 2004 I spoke with Jolena Oblesby in person.
6. Both Vanita Meredith and Jolena Oglesby are African American.

FURTHER AFFIANT SAYETH NAUGHT.



 Andrea K. Price

Sworn to before me this 26th day of October, 2004.



 Notary Public
~~ANDREA K. PRICE~~
 Attorney at Law
 My commission has
 no expiration date.

AFFIDAVIT OF ROBERTO MARRERO

County of Cuyahoga)

ss:

State of Ohio)

ROBERTO MARRERO, having been duly sworn, hereby declares the following as true:

1. I am a United States citizen.
2. I am 18 years of age.
3. I reside at 3519 West 98th Street, Cleveland, Ohio 44102
4. On January 3, 2002, I submitted a voter registration form while I was at the Department of Motor Vehicles to get my driver's license.
5. Just to make sure I was registered, in August 2004, I again filled out and submitted a voter registration form to the Cuyahoga County Board of Elections.
6. I have not has received notification that I am registered to vote. Thus, to my knowledge, I am not listed as a registered voter with the Board of Elections.
7. I strongly wish to vote in the upcoming Presidential election on November 2, 2004.

FURTHER AFFIANT SAYETH NAUGHT.


ROBERTO MARRERO

Sworn to before me this 24 day
of October 2004.


Notary Public

MOLLY WIESER, ATTY.
NOTARY PUBLIC • STATE OF OHIO
My Commission Has No Expiration Date
Section 147.03 O.R.C.