

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO

FILED  
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The Ohio Democratic Party,  
Plaintiff,

v.

J. Kenneth Blackwell, et al.  
Defendants.

Case No. C2 04 – 1055  
Judge Marbley  
Magistrate Judge Kemp

U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
EAST. DIV. COLUMBUS

**INTERVENING PLAINTIFF ALLIANCE FOR DEMOCRACY SUPPLEMENT TO  
COMPLAINT, INSTANTER**

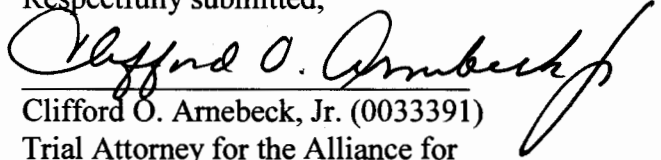
1. The disproportionately long lines experienced and observed in Afro-American voting precincts in Columbus, Ohio, on November 2, 2004, were, upon information and belief, a consequence of a statewide plan executed by Defendants Ohio Secretary of State Kenneth Blackwell and the Ohio Republican Party, acting as agents for the Bush-Cheney Presidential campaign.
2. Such plan and its execution violated the Voting Rights Act and the other provisions of the federal law, including the 14<sup>th</sup> Amendment of the Constitution of the United States.
3. Because such plan was carried out under the auspices of Defendant Ohio Secretary of State Kenneth Blackwell, acting in his dual capacity as Co-Chair of the Bush-Cheney Ohio Presidential campaign, such plan and its execution constituted a conspiracy to violate the constitutional rights of targeted Afro-American Ohio citizens under color of state law in violation of 42 U.S.C. 1983.
4. Defendant Franklin County Board of Elections through its Director Matthew Damschroder, upon information and belief, testified incorrectly before the court that

nothing could be done to alleviate the long lines in Franklin County and the Board failed to carry out the mandate of the Court's November 2, 2004 injunction, because in fact, in accordance with the Board's own records, some 67 voting machines that could have been used were held back from use by voters.

5. Defendant Blackwell and the Ohio Republican Party, acting as agents for the Bush-Cheney Presidential campaign, upon information and belief, engaged in a wide variety of vote suppression techniques and permitted vote manipulation, by which votes cast by voters for Presidential candidate John Kerry were counted, in both the initial count on election day and the recount, as though they had been cast for Presidential candidate George W. Bush.
6. The conduct of the defendants in violation of law resulted in the false reporting of the initial election result in the Ohio Presidential vote, the recount, the certification of Ohio votes by the Congress of the United States and, unless such fraud is exposed before the scheduled Inauguration on January 20, 2004, will result in the second Inauguration of George W. Bush on the basis of an inaccurate vote count.
7. Title 3 of the United States Code establishing procedures for certification of votes of the electoral college is unconstitutional as applied, in this situation where no reasonable and adequate means has been provided for an adjudication of credible allegations of fraud supported by and substantial evidence, which fraud is determinative of the outcome of the election, can be considered and resolved in a public hearing before such certification.
8. The inauguration of a president on the basis of alleged fraud as to which the suspected perpetrators and conspirators have not even been examined under oath, constitutes a

deprivation of an important liberty, namely the franchise to vote, without due process of law.

Respectfully submitted,



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Democracy

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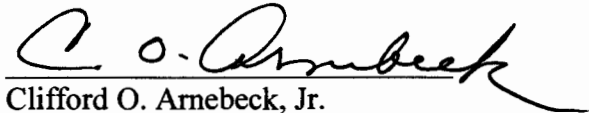
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#### **CERTIFICATE OF SERVICE**

A copy of the foregoing was served by facsimile to the offices of William M. Todd, attorney for intervenor Ohio Republican Party, 1300 Huntington Center, 41 South High Street, Columbus, Ohio 43215 - 6101; Kathleen M. Trafford, attorney for the Ohio Democratic Party, 41 South High Street, Suite 2800, Columbus OH 43215 - 6194; Richard N. Coglianese, Assistant Ohio Attorney General, 30 East Broad Street, 17<sup>th</sup> floor, Columbus, Ohio 43215 attorney for Ohio Secretary of State Kenneth Blackwell; and Peter J. Piccininni, Assistant Prosecuting Attorney, Franklin County, Ohio, 373 South High Street, 13<sup>th</sup> floor, Columbus, Ohio 43215 - 6318, attorney for the Franklin County Board of Elections.



Clifford O. Arnebeck, Jr.