

**AFFIDAVIT OF AKRON CITY COUNCIL PRESIDENT MARCO  
SOMMERVILLE**

**STATE OF OHIO                    )**  
**COUNTY OF SUMMIT            ) SS.**

I, Marco Sommerville, duly elected member and President of the City Council of Akron, Summit County, Ohio having first been duly sworn, and duly warned as to the federal penalties for perjury provided in Title 28, Section 1746, and Title 18, Section 1621, United States Code, hereby depose and say, upon personal knowledge, the following:

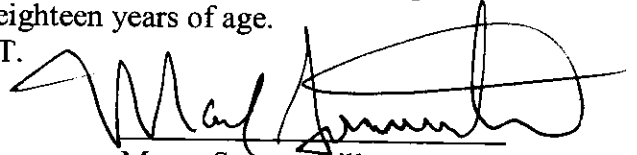
1. I am a fully qualified and registered voter residing at all relevant times in Akron, Summit County, Ohio.
2. I am a duly elected member and the President of the Akron City Council, Akron, Summit County, Ohio.
3. I give this statement freely, knowingly and voluntarily, for use in the instant case challenging the constitutionality of the content and/or application of Ohio Revised Code ("O.R.C.") Section 3505.20 , in which I am an individual Plaintiff.
4. I hereby verify the content and claims within the instant case challenging R.C. 3505.20, as truthful and accurate, upon my personal knowledge.
5. O.R.C. 3505.20 provides a means by which partisan, appointed election officials known as "challengers" and "presiding judges," appointed by interested entities pursuant to R.C. 3505.21, may challenge and take away the right of an individual voter to cast his or her vote, at the polling place, on election day, without prior notice, a hearing and/or a right to review..
6. Neither O.R.C. 3505.20, nor any other Section of O.R.C. Chapter XXXV provides for a hearing, the right of the voter to cast a provisional ballot and/or a process for appealing disenfranchisement occurring at the polling place on election day; and any person denied their right to vote under O.R.C. 3505.20 is without recourse or remedy.
7. As an elected official, a registered Democrat, a qualified voter and as an African American, I am concerned that O.R.C. 3505.20 may be used on election day, November 2, 2004, as a means to prevent or discourage me and/or other qualified voters from exercising our fundamental right to vote.
8. I am also concerned that voters who are successfully challenged at an election day polling place, pursuant to O.R.C. 3505.20 will be treated differently and less favorably than voters challenged *prior to* election day, who receive notice and a



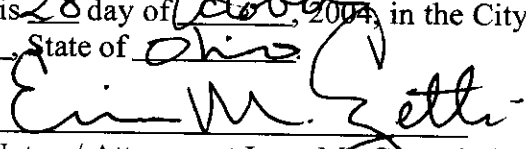
hearing before removal, as well as a potential "second chance" to demonstrate eligibility to vote, at the polling place, pursuant to O.R.C. 3505.19 .

9. As an elected official and a registered, active voter, I believe that the proposed use of O.R.C. 3505.20 during the November 2, 2004 election will result in the unlawful, unwarranted denial and/or discouragement of qualified voters' exercise of their voting rights, and may permit "challengers" and "witnesses" to suppress would-be voters for reasons other than their actual registration status, their citizenship, their residency and/or their status as a person over eighteen years of age.

FURTHER AFFIANT SAYETH NAUGHT.

  
Marco Sommerville

Sworn to and subscribed before me this 28 day of October, 2004, in the City of Akron, County of Summit, State of Ohio

  
Notary/ Attorney at Law. My Commission Expires 7-14-07