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.
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 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 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 5,772 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.

[Signature]
NORMAN ROBBINS, M.D., Ph.D.
SWORN TO and subscribed in my presence this 25th day of October, 2004.

SHERYL S. FRIEDMAN, Attorney At Law
Notary Public - State of Ohio
The 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*

<table>
<thead>
<tr>
<th>Category</th>
<th>September study, # votes in each category</th>
<th>% total error</th>
<th>% error</th>
<th>projected # of votes lost</th>
<th>More instances of the same errors in October sample</th>
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<td>New registrations never entered</td>
<td>13</td>
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<td>0.3</td>
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<td>70</td>
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<td>Address updates never entered</td>
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<td>1.1</td>
<td>0.4</td>
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<td>134</td>
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<tr>
<td>Addresses entered incorrectly</td>
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<td>1.9</td>
<td>0.6</td>
<td>5772</td>
<td>52</td>
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<tr>
<td>Totals</td>
<td>78</td>
<td>3.6</td>
<td>0.9</td>
<td>10720</td>
<td>256</td>
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