

**AFFIDAVIT OF SUSAN GWINN  
In Support of Plaintiffs'  
Motion for Preliminary Injunction**

I, Susan Gwinn, after being duly sworn, do depose and voluntarily state:

1. I am the current Chair of the Athens County Board of Elections, hereafter ACBOE. I have been a member of the ACBOE since 1998. I have been the Chair of the ACBOE since March 1, 2000.
2. The ACBOE Office is not large enough to handle large numbers of provisional voters on Election Day. In 1996 Ohio University students who wanted to vote provisionally stood in line outside the ACBOE Office in poor weather for about an hour on Election Day and the Board of Elections had no ability to bring them in from the elements. After this happened the ACBOE voted to establish an off-site voting location, which is considered a part of the ACBOE Office. The first off-site voting location was established by the ACBOE in the Athens County Courthouse in the year 1998.
3. Students who attend Ohio University reside all across Athens County. Rather than being required to travel to the precincts in which they resided to vote, students were instructed to utilize the Courthouse polling place and to vote a provisional ballot. Poll workers working the off-site voting location for the ACBOE Office were specifically trained to process provisional ballots. The Courthouse off-site voting location was used for the 1998, and 1999 elections. As a result, few errors were made in the processing of provisional ballots cast by students.
4. In 2000, the ACBOE began its practice of establishing the off-site ACBOE voting location on the Ohio University campus to facilitate the processing of votes cast by students on Election Day. This location is called Baker Center and is the student union at Ohio University. The ACBOE moved to Baker Center because 90% of our provisional voters were Ohio University Students. Since 2000, students have been directed and encouraged to vote at Baker Center. Poll workers working at the Baker Center off site location have been trained to process provisional ballots cast by students. The poll workers at Baker Center do not process any other voters.

5. The off-site ACBOE voting location at Baker Center has a hard T-line wired to the ACBOE Office. The Athens County Board of County Commissioners approved earlier this year the expenditure of additional funds for the ACBOE's budget to purchase additional equipment to ensure the speedy processing of provisional ballots. This equipment could not be used at the individual polling locations at Ohio University. There are 10 student precincts at Ohio University and we would have to purchase the same amount of equipment for all 10 precincts instead of sharing it among precincts at Baker Center.

6. On September 16, 2004, Ohio Secretary of State Kenneth Blackwell issued Directive 2004-33. This directive requires all voters to cast ballots within the precincts in which they reside and prohibits Boards of Elections from distributing provisional ballots to or counting the provisional ballots cast by voters voting in other precincts.

7. As a result of Directive 2004-33, the ACBOE is concerned that it can no longer maintain its off-site office at Baker Center to allow students of Ohio University to cast provisional ballots on Election Day, and that instead, students must be directed to vote at polling places in the precincts in which they reside.

8. If students are required to vote in precincts other than Baker Center, the number of errors in processing student ballots will increase. Poll workers will be processing both regular voters and provisional voters, as opposed to the majority of Ohio University students voting provisionally being processed by poll workers who are trained and have experience handling provisional voting at Baker Center.

9. In past elections some students have voted provisionally at their new polling location as they are permitted to do. However, the number of errors committed by poll workers at those locations is much higher than at Baker Center.

10. Students who must vote at off campus precincts across Athens County but who do not have a means of transportation to get to their polling place will be disenfranchised.

11. In prior elections, poll workers at polling locations other than Baker Center have been trained to inform Athens County voters who appear at the wrong polling place of the location of their correct polling place. Many times a poll worker has taken a provisional ballot at the

wrong polling location. In the past, the ACBOE considered any provisional ballot cast in the wrong precinct to have resulted from poll worker error. This has been true even in cases where the voter has been informed of their correct polling location but has insisted on voting a provisional ballot in the precinct in which the voter appeared. The Board of Elections has always counted provisional ballots cast in the wrong precinct.

12. If a voter appeared at the wrong polling place and cast a provisional ballot, the ACBOE would count the ballot for any race in which the voter was eligible to vote. Provisional ballots would always be counted for any federal, statewide or countywide race provided the voter was registered to vote in Ohio, was a U.S. citizen and was eighteen years of age on Election Day. Ballots would not be counted for those races which affected an area of the county in which the voter did not reside. Since provisional ballots are not counted on election night this has not been a problem.

13. This procedure of counting the provisional ballots of voters who vote in the wrong precinct has been used by the ACBOE since 1998. It would not be burdensome for the ACBOE to utilize this same procedure for the November 2, 2004 election. To do otherwise, would disenfranchise Athens County voters who want to cast a ballot in important federal, statewide and countywide races and who are eligible to do so.

14. If the ACBOE is not permitted to take provisional ballots at the Athens County Board of Elections and Baker Center we will have a difficult time administering provisional voters and likely to lead to more errors than the prior system of counting provisional ballots. The chance of poll worker error will be substantially increased as poll workers will have to quickly determine which ballot a voter is eligible to cast based on their residence and to find a copy of that ballot to provide to voter. Regular voters will have to wait in line with provisional voters while it is determined the voter is at the correct location, holding up all voters. This will lead to long lines and huge delays.

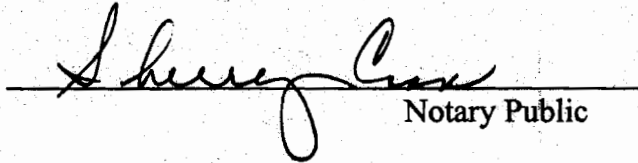
15. The information above is true and accurate to the best of my knowledge and belief.

FURTHER AFFIANT SAYETH NAUGHT



Susan Gwinn

Sworn to and subscribed in my presence this  
30th day of September, 2004.



Notary Public

SHERRY D. COON  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES FEB. 14, 2006  
COMMISSION RECORDED IN ATHENS COUNTY

