

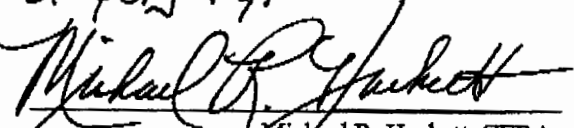
AFFIDAVIT

STATE OF OHIO :
 : SS
COUNTY OF FRANKLIN :

I, Michael R. Hackett, first being duly sworn according to law, depose and state that I have personal knowledge of the matters set forth herein except as specifically noted otherwise, and further state as follows:

- 1. I am a thirty (30) year employee of the Franklin County Board of Elections and am presently employed as its Deputy Director. I have held that position since February 2001;
- 2. I am a Certified Elections and Registrations Administrator fully accredited by The Election Center;
- 3. That the past practice of the Franklin County Board of Elections has been to assist individuals presenting themselves to vote in identifying their correct home precinct so that their provisional ballot may be cast in said precinct, but that if a provisional ballot was issued due to poll worker error or at the insistence of the voter and that voter was found to be a qualified elector of the State of Ohio having cast a provisional ballot out of precinct, then the Board counted those portions of the cast ballot that would have been applicable to the voter's correct precinct;
- 4. That the Franklin County Board of Elections can and is prepared to administer the November 2, 2004 General Election in accordance with all federal and state laws, including, but not limited to, the Help America Vote Act (HAVA) as Ordered by Judge James Carr in *Sandusky County Democrat Party v. Blackwell*;
- 5. That the Franklin County Board of Elections is prepared to fully instruct voters and poll workers on Provisional Voting pursuant to the Judge Carr's Order, to wit: Board produced draft public notice entitled "Your Rights as a Provisional Voter" is attached (Exhibit A).

Signed under the penalties of perjury.



Michael R. Hackett, CERA
Deputy Director, Franklin County Board of Elections
280 East Broad Street; Columbus, Ohio 43215
(614) 462-3100

Further, affiant says naught.

PRESIDING JUDGE: PLEASE POST OFFICIAL NOTICE IN A CONSPICUOUS PLACE

YOUR RIGHTS AS A PROVISIONAL VOTER

AM I ALLOWED TO VOTE A PROVISIONAL BALLOT?

The Help America Vote Act (HAVA) guarantees United States Citizens the right to vote for federal offices (President/Vice-President, United States Senator, Representative to Congress) using a Provisional Ballot if he or she appears at a voting location to vote in his or her current, legal Ohio county of residence and his or her name is not in the poll book for any reason.

Existing Ohio law guarantees every legally registered voter of the State of Ohio the right to vote for all federal, state, county, and local offices and issues using a Provisional Ballot if he or she appears to vote at the voting location in the precinct of his or her current, legal residence and his or her name is not in the poll book for any reason.

WHERE CAN I CAST A PROVISIONAL BALLOT?

It is the recommendation of the Board of Elections that you make every effort to cast your ballot – Provisional or otherwise – at the voting location in the precinct of your current, legal residence so that every vote that you cast on your ballot will be counted under the Law.

The poll workers at this and every voting location are prepared to assist you in identifying the voting location in the precinct of your current, legal residence. You may also obtain this information online at www.FranklinCountyOhio.gov/boe or by calling (614) 462-3100.

If, for whatever reason, you choose to exercise your right to cast a Provisional Ballot at a voting location other than the one in the precinct of your current, legal residence, you are legally permitted to do so.

You may also cast a Provisional Ballot at the main offices of the Franklin County Board of Elections at 280 East Broad Street in downtown Columbus.

WILL MY PROVISIONAL BALLOT BE COUNTED?

If you are a registered voter under the laws of Ohio and cast your Provisional Ballot in the voting location of the precinct of your current, legal residence then every vote on your ballot will be counted.

If you are a registered voter under the laws of Ohio and cast your Provisional Ballot at a voting location other than the one in the precinct of your current, legal residence but in the county of your current, legal residence, then only those votes on your ballot for federal offices (President/Vice-President, United States Senator, Representative to Congress) will be counted.

If you are not a registered voter under the laws of Ohio, then no part of your ballot will be counted. The information provided by you on the Identification Envelope will be used to register you to vote for the next election.

Beginning on the fourteenth (14th) day following the election, you are entitled to call the Board of Elections to determine whether or not your Provisional Ballot was counted, and if not, why it was not counted.

Whoever commits elections falsification is guilty of a fifth degree felony.

EXHIBIT A