

EXHIBIT A

and for Republicans and that the line for Democrats was extremely long but the line for Republicans was considerably shorter. Mrs. Booker requested curbside voting assistance. The man walked away from the car and entered the polling place. Although Mrs. Booker waited for 20 minutes for him to return, he did not return to their vehicle and no curbside assistance was provided. Mrs. Booker left the polling place without voting and due to her illness, she was unable to make a return trip to vote. On information and belief, the burdens on voters and likelihood of being disenfranchised were materially greater in Mrs. Booker's precinct than in others in Ohio. Mrs. Booker has a reasonable basis to believe that, absent injunctive relief, she will be disenfranchised or severely burdened in exercising her fundamental right to vote in future elections.

26A. Plaintiff Jeanne White is a registered voter residing in Youngstown, Ohio. Ms. White was eligible to vote in the November 2004 election. Due to Defendants' maintenance of Ohio's constitutionally defective voting system, she believes that she may have been disenfranchised in November 2004 through systemic failures involving direct recording electronic (DRE) voting machines. Ms. White cast a vote for president in the November 2, 2004 election at her appropriate polling precinct in Mahoning County, Ohio. White cast her vote on a DRE voting machine, sometimes referred to as a touchscreen voting machine. When she attempted to make her selection, the wrong candidate's name appeared on the screen; the machine "jumped" from her candidate of choice to another. This problem occurred several times. The vote cast by Ms. White may have counted for the wrong candidate. She has not been able to verify her vote or correct the error. On information and belief, significant numbers of voters in Mahoning County and

elsewhere in Ohio were disenfranchised by the "jumping" voting machines, and due to the promulgation and maintenance of non-uniform rules, standards, procedures, and training of election personnel throughout Ohio, and the inadequate and inequitable allocation of funds, facilities, and election personnel, the burdens on voters and likelihood of such voters being disenfranchised were materially greater for voters in Ms. White's county than in certain others in Ohio. Ms. White has a reasonable basis to believe that, absent injunctive relief, she will be disenfranchised or severely burdened in exercising her fundamental right to vote in future elections.

C. DEFENDANTS

27. Defendant J. Kenneth Blackwell is the Secretary of State for the State of Ohio ("the Secretary") and is the Chief Elections Officer for Ohio. Ohio Rev. Code Ann. § 3501.04. The Secretary is sued in his official capacity for actions taken under color of law.

28. As Ohio's chief election officer, the Secretary is responsible for the entirety of the voting process in each of Ohio's 88 counties and is empowered with broad authority to carry out that responsibility.

29. The county boards of elections are the designees of the Secretary of State, act under the direction of the Secretary of State, must obey the lawful orders of the Secretary, and may not issue rules or instructions that are inconsistent with direction from the Secretary. Ohio R. C. § 3501.11.

30. Directives issued by the Secretary have the same weight as law when applied in election-related matters and issues. 1930 Ohio Atty. Gen. Ops. No. 1423.

212. Defendants, acting under of color of state law, have implemented a computerized statewide voter registration list that violates the Help America Vote Act.

X. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment:

1. Declaring that Ohio's voting system violates Plaintiffs' right to Equal Protection under the Fourteenth Amendment to the U.S. Constitution;
2. Declaring that Ohio's voting system violates Plaintiffs' substantive Due Process rights under the Fourteenth Amendment to the U.S. Constitution;
3. Declaring that Ohio's voting system violates Plaintiffs' procedural Due Process rights under the Fourteenth Amendment to the U.S. Constitution;
4. Declaring that defendants are administering Ohio's statewide voter registration list in violation of the Help America Vote Act.
5. Preliminarily and permanently enjoining Defendants prior to the next statewide general election:
 - a) To promulgate, adopt, and enforce uniform standards and processes to ensure the accurate and timely processing by the counties of all voter registration and absentee ballot requests in Ohio consistent with applicable Ohio and federal law with respect to voter registration and absentee ballot requests;
 - b) To promulgate, adopt, and enforce uniform standards and processes to ensure that each county has and deploys to each precinct on election day an adequate and reasonable number of accurately calibrated and functioning voting machines, **including but not limited to requiring pre-election and parallel (election day) testing, independent access to computer programs used in the election**

- process, and backup technology plans in the event of equipment or software failure, and** ballots, signage and all other materials or tools necessary for voting;
- c) To promulgate, adopt, and enforce uniform standards and processes to ensure that all registered voters in a precinct are able to vote without unreasonable delay or hardship on election day;
 - d) To promulgate, adopt and enforce a uniform and comprehensive set of requirements to ensure that each county timely recruits and hires poll workers in advance of each election in numbers adequate to ensure proper staffing on election day, **including but not limited to requirements that poll workers be adequately trained to independently address all matters regarding voting equipment;**
 - e) To promulgate, adopt and enforce a uniform and comprehensive set of requirements for the timely and systematic training of poll workers prior to every election, including a comprehensive statewide curriculum to be used in such training;
 - f) To promulgate, adopt and enforce uniform standards and processes to ensure that each polling place has sufficient and clearly marked means for disabled voters to vote (whether in the polling place or curbside) and a sufficient number of trained, designated poll workers available to assist disabled voters in voting without undue delay;
 - g) To promulgate, adopt and enforce uniform standards and requirements to ensure that polling places that have multiple precincts are able to adequately service the number of voters assigned to that polling place;

- h) To promulgate, adopt and enforce a uniform and comprehensive set of requirements to ensure that each county has adequate materials, training, and support for all elections officials and poll workers to fairly and reasonably administer elections in accordance with federal law;
- i) To establish and maintain requirements and processes for periodic reports from and audits of county boards of elections activities to ensure that the foregoing standards, processes, and requirements are adhered to and that the individual counties have in place good and sufficient procedures, policies, and staff to ensure the efficient, just and fair conduct of elections, such periodic reports and audits to be made public at or about the same time that they are received by the Defendants;
- j) To promulgate, adopt and enforce standards and processes to ensure timely, adequate, and meaningful process before Ohio residents are deprived of the right to vote and timely, adequate, and meaningful processes for Ohio residents to remedy erroneous deprivations of the right to vote, including with respect to voter registration, eligibility to vote, and the casting of provisional ballots;
- k) To promulgate, adopt and enforce standards to ensure that Ohio's statewide voter registration list is administered in accordance with the Help America Vote Act;
and
- l) To ensure that each county within Ohio conducts efficient, just and fair conduct of elections.
- m) To promulgate, adopt, and enforce uniform standards and processes to ensure the transparency of post-election procedures, including but not**

limited to requiring mandatory audits, equipment audit logs and redundant system data, and requiring each of them to be made promptly publicly available.

6. Awarding Plaintiffs their reasonable attorneys' fees and costs in bringing this action; and

7. Providing such other and further relief as the Court may deem just and proper.
July 28, 2005.

Dated: October 4, 2005

Respectfully submitted,

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