

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

OHIO REPUBLICAN PARTY, et al. :

Plaintiffs,

v.

**JENNIFER BRUNNER,
Secretary of State of Ohio,**

Defendant

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Case No. 2:08CV913

JUDGE SMITH

MAGISTRATE JUDGE KING

AFFIDAVIT OF GUS MARAGOS

I, Gus Maragos, having been duly cautioned and sworn, state the following on personal information and belief.

1. I am over eighteen years of age and am competent to testify to the matters contained in this affidavit.
2. Currently, I serve as the Statewide Voter Database Coordinator for the Ohio Secretary of State. I have served in this position since July 23, 2007.
3. In my capacity as Statewide Voter Database Coordinator I am responsible for working with the 88 county boards of elections and their voter registration system vendors to help ensure the integrity of the Statewide Voter Registration Database (“SWVRD”).
4. Ohio must comply with, among other laws, the Help America Vote Act, which requires, in part, that the State of Ohio have a centralized statewide voter registration database.
5. Ohio has created that database: it is centralized in the Secretary of State’s office (“SOS”), it allows immediate electronic access by local election officials, and it contains, among other information, the names and registration information of every legally registered voter in the state as submitted to the SOS by local election officials. The SOS has also prepared a Manual that describes the operations and procedures of the SWVRD. The most recent current version of that Manual, published January, 2008, is attached as Exhibit A.
6. The SOS SWVRD allows local election officials to enter data electronically from individual voter registration systems into the state computerized SWVRD. When local election officials input voter registration data into their voter registration systems, that data is automatically uploaded to the SOS SWVRD.
7. The Secretary of State has entered into an agreement with the Ohio Department of Public Safety, Bureau of Motor Vehicles (“BMV”), to compare information about Ohio electors provided by the counties and uploaded to SOS SWVRD with information about individuals that may be contained in the Bureau of Motor Vehicle’s database.

8. The BMV has entered into an agreement with the federal Social Security Administration (“SSA”) to electronically compare certain information about Ohio electors with information in databases maintained by the SSA.
9. When the SOS SWVRD receives a new registration from local election officials it automatically sends the following pertinent information to the BMV: (1) the first name; (2) middle name (if provided); (3) last name; (4) name suffix (if provided); (5) the date of birth; (4) the driver’s license number; and (5) the last four numbers of the social security number (if provided).
10. The BMV system then compares the data provided by the SOS SWVRD to the data in its own database to determine if the BMV database produces a match with the driver’s license number (“DLN”).
11. If no DLN match is found (or if a DLN was not provided in the original registration record) the BMV will electronically search for a matching First Name, Last Name and DOB (all three conditions).
12. If the data provided by the SOS produces a match in the BMV database, the record is returned to the SOS, and the voter is considered validated. Once the record is returned from the BMV, the SOS then assigns a number to serve as unique identifier of the voter.
13. If no matching DLN or no matching First Name, Last Name, and DOB is found in the BMV database, the BMV will then verify if the final four numbers of the social security number (“SSN4”) was provided. If so, the BMV will electronically send the record to the SSA for additional validation of SSN4 in the SSA database. The SSA will check the record on a variety of criteria, report the results, and return finding to the BMV.
14. The BMV then automatically returns a record to the SOS SWVRD containing the information that was matched or indicates if no match was found in the BMV or SSA databases for that particular person. If a match is determined to belong to a deceased record it is noted and returned to the SOS SWVRD and the SOS SWVRD sends a message to the local elections official indicating that the voter may be deceased.
15. The SOS SWVRD then completes a validation of either the Zip Code or the DOB depending on how the record was matched.
16. During my tenure as Statewide Voter Database Coordinator the computerized matching between SOS and BMV and between BMV and SSA has never been intentionally “turned off” but rather has operated without intentional interruption.
17. The SOS SWVRD registered 363 SSN4 mismatches for Allen County voters from September 2006 to September 2008. The spreadsheet is attached as Exhibit B.
18. The SOS SWVRD matching process detected nine instances in which an Allen County registrant’s Social Security number belonged to someone of “DEAD” status. The spreadsheet is attached as Exhibit C.
19. The SOS SWVRD registered another Allen County deceased registrant in 2008. The spreadsheet is attached as Exhibit D.

20. The SSA has advised that its system will be off-line from October 10 to October 13, 2008 for maintenance and/or upgrading.

FURTHER, AFFIANT SAYETH NAUGHT.


GUS MARAGOS

Sworn to before me and subscribed by Gus Maragos in my presence this 8th day of October, 2008.


Notary Public
ADA LANGDON MARGINEAN
Notary Public, State of Ohio
My Commission Expires 04-01-2012