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

REPUBLICAN PARTY OF OHIO
OF OHIO, et al.,

Plaintiffs,

v.

JENNIFER BRUNNER
Ohio Secretary of State,

Defendant.

Case No. 2:08-cv--00913
Judge Smith
Magistrate Judge King

DECLARATION OF
KEITH CUNNINGHAM
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I, Keith Cunningham, declare and state as follows:

1. I am the Director of the Allen County, Ohio, Board of Elections ("BOE"). I have held this position since March 1998.

2. In my capacity as Director of the BOE, I am responsible for overseeing the registration of voters in Allen County; for maintaining and operating the computer database that contains information on all registered voters in Allen County; and for overseeing the process of voting and then tabulating votes.

3. Through my experience as Director of the BOE, I have become very familiar with the process by which Ohioans register to vote; the process by which registrations are verified (if at all); the database system we use to keep track of all registered voters in Allen County; and the way that the registration system determines who votes, and in what manner, on election days.

4. When someone seeks to register to vote, he or she fills out a registration form on paper. The registration form requires the applicant to provide a variety of information, including (non-exhaustively): name, residence address, birth date, and either the applicant’s Ohio driver’s license number or the last four digits of his or her Social Security number. The applicant is also required to sign and date the form.

5. When a clerk receives a completed registration form, the clerk examines it to make sure all of the required information is present. If the required information is present, the clerk enters the information from the registration form into a computer terminal, and the information is added to the Allen County registration database ("Allen County Database").
Allen County Database contains the registration information for all Allen County registered voters.

6. The Allen County Database has software that helps to ensure that an address on a registration application is real. For example, if the registration application lists “1000 Pacific Coast Highway, Lima, Ohio” as the address, when the clerk enters that address, the computer system will inform the clerk that there is no such address, and the person will not be added to the database of eligible voters until the problem is rectified.

7. The Allen County Database does not perform any sort of verification or check to determine the validity of the driver’s license number or Social Security number supplied by the applicant.

8. The Allen County Database is connected to Ohio’s Statewide Voter Registration Database (“SWVRD”) and, at least once per day, the Allen County Database transfers information regarding new registration applications to the SWVRD. The SWVRD is an aggregation of voter registration information from all of Ohio’s counties and is operated by the Ohio Secretary of State. While my office does not operate or maintain the SWVRD, I am generally familiar with its operation, given my lengthy experience as an Ohio election official and my frequent interaction with the Secretary of State’s office.

9. As far as I am aware, the only check or verification of new registrations that is performed by the SWVRD is a check to determine whether the new registration duplicates any other registration in Ohio. On a frequent basis, the SWVRD sends a notification to the Allen County Database regarding possible duplicate registrations. If the new Allen County registration appears to be a duplicate of an existing Ohio registration, which is determined by examining the
regnant’s name, driver’s license number and birth date against the information provided by other registered voters in Ohio, the SWVRD sends an electronic notice to all counties where the possible duplicate registrant is registered. The counties then determine whether the registration is, in fact, a duplicate and take appropriate action to make sure that the registrant is only registered in the proper county.

10. Allen County does not receive information from the SWVRD about possible discrepancies or inaccuracies regarding the Social Security numbers or driver license numbers that are provided in a registration application. Nor do we receive information from the SWVRD about other discrepancies from a registration application (e.g., if the birth date does not match the name or Social Security number).

11. Nothing in my experience at the Allen County BOE, including my lengthy interaction with the Secretary of State’s Office, suggests to me that the Secretary of State’s Office does any checking or verification of Allen County registration applications against driver’s license or Social Security numbers.

12. The process described above in Paragraphs 4 through 11 of this Declaration has been operating as described from January 2008 through today.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 5th day of October, 2008 in Allen County, Ohio.

KEITH CUNNINGHAM