

**In The United States District Court
For The Northern District of Ohio
Eastern Division**

OBAMA FOR AMERICA,	:	
	:	
Plaintiff,	:	CASE NO. 1:08CV00562
	:	
vs.	:	JUDGE GAUGHAN
	:	
CUYAHOGA COUNTY BOARD OF ELECTIONS,	:	
	:	
Defendant	:	

Affidavit of Jane M. Platten

Now comes affiant, Jane M. Platten, and, being first duly sworn deposes and states upon her own personal knowledge and information as follows:

1. I am the Director of the Cuyahoga County Board of Elections.
2. I am submitting this affidavit for the limited purpose of providing information for the Court’s telephonic conference scheduled for March 20, 2008, in Obama For America v. Cuyahoga County Board of Elections, USDC Case No. 08-0562 (N.D. Ohio).
3. The two subjects that this affidavit addresses are:
 - (a) refutation of the statement in the handwritten portion of the federal court’s Order issued sometime after 8:00 p.m. on the night of March 4, 2008 that the Order was “based in part” upon representations to the Court that the voting locations that the Court ordered reopened “ran out of ballots and that voters may have been deprived of the opportunity to vote as a result thereof”; and

(b) information concerning the status of provisional ballots that were cast as a result of the Court's Order that the Defendant has, presented in light of the fact that pursuant to Ohio law, the Defendant will begin its official canvass of ballots on March 25, 2008, and that the Defendant must complete the official canvass no later than April 4, 2008.

4. When the polling places in Cuyahoga County closed at 7:30 p.m. pursuant R.C. 3501.32 on March 4, 2008, all of the polling places listed in the Court's March 4, 2008 Order or on the Docket of this lawsuit still had ballots on hand of all types – Democrat, Republican, and Issues Only.

5. Of the polling places listed in the Court's March 4, 2008 Order or on the Docket of this lawsuit as being required to reopen, the polling places listed below were notified and reopened as a result: Cleveland 3-C, Cleveland 3-D, Cleveland 3-Q, Cleveland 5-A, Cleveland 5-K, Cleveland 6-L, Cleveland 6-M, Cleveland 10-A, Cleveland 10-B, Cleveland 10-C, Cleveland 10-I, Cleveland 10-D, Cleveland 18-P.

6. None of the polling places listed above in Paragraph 5 ran out of ballots on March 4, 2008.

7. Of the remaining polling places listed in the Court's March 4, 2008 Order or on the Docket of this lawsuit as being required to reopen, only one: Cleveland 5-D, ran out of ballots at any point for any period of time on March 4, 2008. Cleveland 5-D advised at approximately 2:55 p.m. that it had run out of Democratic ballots. The polling location was resupplied with 41 Democratic ballots about 30 minutes later. According to the presiding judge of this precinct, no voter was turned away. The polling location received two additional deliveries of 150 Democratic ballots and 100 Democratic ballots. The

polling location had sufficient ballots for the remainder of the election and had 156 Democratic ballots left over when they closed the location.

8. I provided all of the election Observer groups, including Obama For America, with my contact information and encouraged them several times to communicate with me concerning any problems, including telling them in emails: "I have my blackberry with me at all times so if anything critical arises that needs my attention, please let me know on email." The lead Observers for the Obama For American campaign, Steven Dettelbach and Thomas Warren, did communicate with me in this manner on February 29 and March 1, 2008, with requests for documents, information and to make a request. I received no messages, inquiries, or notices from the Plaintiff on March 4, 2008 concerning ballot supplies or the Plaintiff's intention to file this lawsuit.

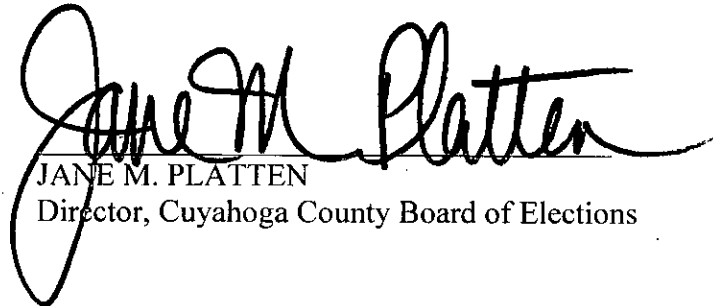
9. Of the 13 polling locations listed above in Paragraph 5, only 6 of the polling locations had voters after reopening following the Court's Order: Cleveland 3-Q, Cleveland 5-A, Cleveland 5-K, Cleveland 10-B, Cleveland 10-I, and Cleveland 18-P.

10. With respect to those voters' ballots, I have information that from one to four voters cast regular ballots, which means that the ballot was not placed in a provisional ballot envelope before being placed in the ballot box; and that approximately 10 voters cast provisional ballots. The election materials supplied to polling locations do not include devices for the purpose of permitting poll workers to segregate provisional ballots cast after the polling location has closed.

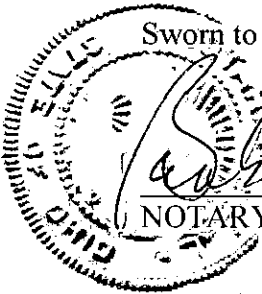
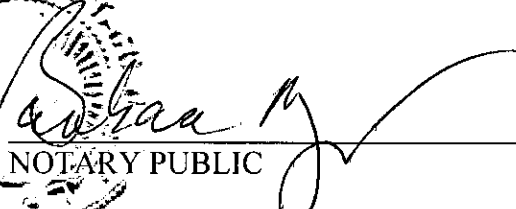
11. At two polling locations, the poll workers segregated the provisional ballots cast after the polling place reopened by writing on the provisional ballot envelope itself, totaling three provisional ballot envelopes. Out of those, there is one provisional ballot

envelope containing a ballot that would be counted had it been cast in the ordinary course. At this point, I am advised that in the normal operations of ballot delivery and processing, any provisional ballots that were cast after a polling place reopened that had been segregated by any other method cannot be reliably distinguished from provisional ballots that were cast during normal voting hours.

FURTHER Affiant sayeth naught.


JANE M. PLATTEN
Director, Cuyahoga County Board of Elections

Sworn to and subscribed before me this 20th day of March, 2008.



NOTARY PUBLIC

Barbara Rhodes Marburger, Attorney
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date.
Section 147.03 R. C.