

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

STATE OF OHIO, ex rel.	:	
DANA SKAGGS, et al.,	:	
	:	Case No. 2:08 cv 1077
Relators,	:	
	:	Judge Marbley
vs.	:	
	:	Magistrate Judge King
JENNIFER L. BRUNNER	:	
SECRETARY OF THE STATE OF	:	
OHIO, et al.,	:	
	:	
Respondents.	:	

SUPPLEMENTAL AFFIDAVIT OF MATTHEW M. DAMSCHRODER

STATE OF OHIO                    )  
  ) ss:  
COUNTY OF FRANKLIN         )

Matthew M. Damschroder, being duly cautioned and sworn, supplements his original Affidavit in this matter with the following:

1. As I stated previously, I am Deputy Director of the Board of Elections of Franklin County, Ohio (“Board of Elections”), having held the position since March 2008. Previously, I served as Director of the Board of Elections continuously from June 2003 until my appointment as Deputy Director in March 2008. As Director or Deputy Director of the Board of Elections, I have been involved in sixteen elections, each of which involved issues of provisional ballot eligibility, and am personally familiar with the training regime the Franklin County Board of Elections provided to its poll workers for the November 2008 election.

2. The Franklin County Board of Elections used its Precinct Election Official’s Training Manual, prepared specifically for the November 2008 election, to

train precinct poll workers for the November 4, 2008 election. True and accurate copies of the cover page of the Training Manual and the pages instructing poll workers how to complete provisional ballot envelopes (pages 159-166) are attached.

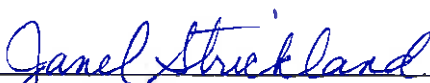
3. The Franklin County Board of Elections provided each poll worker with a copy of its Precinct Election Official's Training Manual as part of their training. Each poll worker received a training session of between two and four hours (depending on their assigned duties) conducted by the Franklin County Board of Elections in which each poll worker was familiarized with, and trained according to, the provisions of the Precinct Election Official's Training Manual.

4. The Poll Worker Quick Reference Guide for the November 2008 election prepared by the Secretary of State (SOS 0541-P (08/08)) was not used by Franklin County to train its poll workers for the November 4, 2008 election.

Futher Affiant sayeth naught.

  
\_\_\_\_\_  
Matthew M. Damschroder

Sworn to before me and subscribed in my presence this 18<sup>th</sup> day of November, 2008.

  
\_\_\_\_\_  
Notary Public



JANEL STRICKLAND  
Notary Public, State of Ohio  
My Commission Expires 07-24-13



**Provisional Voters**

**COMPLETING THE  
PROVISIONAL BALLOT  
APPLICATION ENVELOPE**

All required information **MUST** be completed for the Provisional Ballot to count

**STEP 1: VOTER INFORMATION**

1. VOTER prints his/her name (required)
  
2. VOTER prints **CURRENT (required)** and **FORMER** Addresses, including Apartment #, if applicable, and Zip Code.
  
3. VOTER prints **FORMER NAME** (if applicable) if the former registration is under another name.
  
4. VOTER prints **DATE OF BIRTH (required)**
  
5. VOTER signs and provides date **(required)**

**STEP 1:  
VOTER INFORMATION**

Each blank must be completed by the Voter.

I, \_\_\_\_\_

(CLEARLY PRINT NAME-REQUIRED)

solemnly swear or affirm that I am a registered voter in the precinct in which I am voting this provisional ballot and that I am eligible to vote in this election, for which I am casting this provisional ballot. I am casting this provisional ballot because my name should appear on the official precinct list, but does not, my address has changed, my name has changed, I requested an absentee ballot and/or I am listed in the official precinct list as having requested an absentee ballot or for another reason. I declare under penalty of election falsification I am a citizen of the United States, will have lived in this state for 30 days immediately preceding the next election, and I will be at least 18 years of age at the time of the general election.

**CURRENT ADDRESS**

HOUSE #/STREET \_\_\_\_\_ APT # \_\_\_\_\_

CITY \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

**FORMER ADDRESS:**

STREET: \_\_\_\_\_

CITY: \_\_\_\_\_

COUNTY: \_\_\_\_\_

**FORMER NAME (if applicable)**

\_\_\_\_\_

**DATE OF BIRTH REQUIRED**

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_(MM/DD/YYYY)

I understand that if the information I provide on this provisional ballot application is not fully complete and correct, and/or if the board of elections determines that I am not registered to vote, a resident of this precinct, or eligible to vote in this election, and/or if the board of elections determines that I have already voted in this election, this provisional ballot will not be counted. I further understand that knowingly providing false information is a violation of law and subjects me to possible criminal prosecution. I hereby declare, under penalty of election falsification, that the above statements are true and correct to the best of my knowledge and belief.

X \_\_\_\_\_ Date \_\_\_\_\_

VOTER'S SIGNATURE (REQUIRED)

**STEP 2: VOTER IDENTIFICATION**

- 1. **VOTER** checks which form of Identification he/she is providing to the Paper Ballot Judge. (required, unless no form of ID)

- 2. Only if a voter does not have any form of valid ID **and** does not have a Social Security number, will that voter will sign and date the Identification Affirmation.

If the voter refuses to complete the Identification Affirmation Statement, continue on to Step 3 of the application.

**STEP 2:  
VOTER IDENTIFICATION**  
To be completed by the Voter.

**You must provide one of the following forms of identification documentation**

**NOTE:** If you are unable to provide proof of identity or if your right to vote was challenged and you were unable to provide the necessary documentation to satisfy the challenge, you may provide proof of identity at the Board of Elections within 10 days after the election.

The last four digits of my Social Security Number are: \_\_\_\_\_

My Ohio Driver's License Number OR State Identification Card Number is: \_\_\_\_\_

Other form of photo identification displaying name and current address:  
(specify kind of ID) \_\_\_\_\_

Other (copy of current utility bill, bank statement; government check, paycheck, or other government document that shows my name and current address)  
(specify kind of ID) \_\_\_\_\_

I have no identification documentation and I have **NO** Social Security Number  
(complete Identification Affirmation below if applicable)

**IDENTIFICATION AFFIRMATION**  
**ONLY FOR VOTERS WHO CHECKED "NO ID" ABOVE**  
RC 3505.18(A)(4)

I, \_\_\_\_\_  
(CLEARLY PRINT NAME)

declare under penalty of election falsification that I cannot provide a current and valid photo identification, a military identification, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document showing my name and current address, nor the last four digits of my social security number because I have no social security number and further declare that I am the person named on this application and that I understand I may cast a provisional ballot.

X \_\_\_\_\_ Date \_\_\_\_\_  
VOTER'S SIGNATURE

**STEP 3: POLL WORKER STATEMENT**

The POLL WORKER records the type of identification presented by the voter.

Use the form the Roster Judge filled out at the Roster table and sent with the voter so you know if the voter is a **PROVISIONAL VOTER OR IS VOTING A PAPER BALLOT BY CHOICE.**

**PROVISIONAL = YELLOW**

**DISABLED PROVISIONAL VOTING ON MACHINE = BLUE**

2. PAPER BALLOT JUDGE fills in Voting Precinct and signs

**STEP 3:  
POLL WORKER STATEMENT**

To be completed by a Poll Worker

The preceding Provisional Ballot Application was subscribed and affirmed before me. The following is true concerning the reason necessary to issue a provisional ballot:

- Voter's name is not in the Signature Poll Book
- Voter has a LEGAL NAME CHANGE
- Voter has an ADDRESS CHANGE
- Number '2' is to the left of the signature box (undeliverable 60-day election notice)
- Number '3' is to the left of the signature box (undeliverable registration acknowledgement notice)
- Number '4' is to the left of the signature box (voter requested an ABSENTEE BALLOT)
- " ATTORNEY IN FACT" is printed in signature box. Check here and also check the specific reason for a provisional ballot
- The Voter is unable to provide valid identification
- The Voter refuses to provide valid identification
- Name or address on the Valid Non Photo identification does NOT match the Signature Poll Book
- Voter's name does not match the Signature Poll Book (Signature Poll Book has current legal name but ID does NOT have current legal name)

Precinct/MPL: \_\_\_\_\_

**(Check Location Street Guide for this)**

**X** \_\_\_\_\_  
POLL WORKER'S SIGNATURE

**STEP 4: VOTE!**

- 2) PAPER BALLOT JUDGE records the **BALLOT STYLE** for the voter (**From the Precinct Street/Road Guide**)
- 3) PAPER BALLOT JUDGE locates all pages of the correct paper ballot with the voter's correct ballot style.

- 4) A 5-digit, red number should be **PREPRINTED** on ALL **YELLOW** and **BLUE** Provisional Application envelopes.
- 5) PAPER BALLOT JUDGE gives the voter the completed **YELLOW** application envelope and the **PAPER** ballot.

Voter goes to privacy booth to vote paper ballot. Voter puts all pages of ballot in the application envelope and deposits it into the slot of the Paper Ballot Station Transport Box.

- 6) Paper Ballot Judge gives Provisional voter the two Provisional handouts (Judge Carr notice and Provisional Voter Rights).

**NOTE: A disabled provisional voter can vote provisionally ON THE VOTING MACHINE (BLUE envelope, two handouts, but NO paper ballot)**

DISABLED VOTER completes the **BLUE** Provisional Ballot Application Envelope. The voter takes the envelope to the machine judge and votes on the machine.

**NOTE: A disabled provisional voter seals the Provisional Application Envelope and deposits it in the sealed ballot box, after voting on the voting machine.**

- 7) ALL Paper Ballot Envelopes with voted paper ballots in them (Yellow and TAN) remain in the sealed ballot box ALL DAY. The Blue Envelopes for disabled voters also remain in the sealed ballot box (remember, this voter votes on the machine so the envelope does NOT contain a voted ballot).

**STEP 4:  
VOTE!**

After completing this application in its entirety:

1. POLL WORKER: Using the Precinct Street Listing, find the provisional voter's current address and write the ballot style number for the voter's address here:  
  

---

(Ballot Style Number)
2. POLL WORKER: Locate a provisional ballot packet with the same ballot style number that you wrote above.  
  

58672
3. POLL WORKER; Give the provisional voter the provisional ballot packet and the Provisional Application envelope, and direct the provisional voter to a provisional booth (**UNLESS THE VOTER IS DISABLED AND VOTING ON THE MACHINE**) to mark the **PAPER** ballot.
4. VOTER: Open the provisional ballot packet and carefully read all of the instructions. Once you have completed voting your provisional ballot, fold it in half and place it inside this envelope. Seal the envelope and deposit the envelope in the sealed ballot box.

THIS SPACE FOR OFFICE USE ONLY

# PROVISIONAL VOTER

I

VOTER DOES NOT SIGN SIGNATURE POLL BOOK; DO NOT ISSUE ATV SLIP

Driver's License  
State ID

NAME DOES  
NOT MATCH

Signature Poll Book  
(Name is Different)

**PROVISIONAL**  
Complete Steps 1-4  
on application.

Other Forms of  
Valid Identification

NAME/ADDRESS  
DOES NOT  
MATCH

Signature Poll Book  
(Name and Address)

**PROVISIONAL**  
Complete Steps 1-4  
on Application

Does Not Have  
Identification

**PROVISIONAL**  
Complete Steps 1-4  
on Application  
Voter signs affirmation

Declines to Show or  
Does Not Bring ID

**PROVISIONAL**  
Complete Steps 1-4  
on Application  
Can record last 4 digits  
of SSN

Declines to Sign  
Affirmation Statement

**PROVISIONAL**  
Complete Steps 1-4  
on Application

VOTER DOES NOT SIGN SIGNATURE POLL BOOK; DO NOT ISSUE ATV SLIP

**ATTENTION PRESIDING JUDGES/VOTING LOCATION MANAGERS: YOU MUST POST THIS NOTICE AT BOTH THE MAIN ENTRANCE TO THE BUILDING WHERE YOUR VOTING LOCATION IS, AS WELL AS AT YOUR POLLING STATION WITH THE OTHER PUBLIC LEGAL NOTICES:**

## **NOTICE**

**Your vote, including a vote cast by provisional ballot, will count **ONLY** if you are voting in the precinct in which you reside.**

**If you do not know whether your correct precinct is located at this polling place, please ask a poll worker now for assistance.**

**THIS NOTICE MUST BE PROVIDED TO EACH PROVISIONAL VOTER**

## **NOTICE OF AVAILABILITY OF PROVISIONAL VOTER HOTLINE**

To learn if your provisional ballot was counted in the November 4<sup>th</sup> election, please call the PROVISIONAL VOTER HOTLINE AT 866-OHIO-VOTE from December 19 to December 31.

You may also inquire whether you need to provide further proof of identity for your vote to count at the Franklin County Board of Elections.

You may provide additional proof of identity until Friday, November 14, 2008, to your county board of elections.

Hours to call you Board of elections:  
from 8:00 a.m. – 5:00 p.m. Monday through Friday at 614-462-3100

## **PROVIDING PROOF OF IDENTITY WITHIN 10 DAYS AFTER THE ELECTION**

If you cast a provisional ballot because: 1) you were unable or declined to provide proof of identity, or 2) your right to vote was challenged at the polling place, you may provide required proof of identity within 10 days after the election.

A provisional ballot needs additional verification before it can be counted. A board of elections makes that determination within 10 days after an election. Many times, a voter who has voted a provisional ballot may appear in person at the board of elections during the 10-day period after the election and complete certain steps that will allow his or her ballot to be counted. Here are different situations and what you can do:

1. **You have ID but didn't have it with you at the polls and couldn't supply the last 4 digits of your social security number. The board of elections needs ONE of these items below showing your name and address within 10 days after the election for your vote to count:**
  - a. Current and valid Ohio driver's license (address need not be current on this form of ID),
  - b. Photo identification card issued by the State of Ohio (address need not be current on this form of ID) or the United States government,
  - c. Military ID showing your name and current address,
  - d. Utility bill issued and dated within one year of the election,
  - e. Bank statement issued and dated within one year of the election,
  - f. Paycheck issued and dated within one year of the election,
  - g. Government check issued and dated within one year of the election,
  - h. Another government document dated within one year of the election (e.g. letters; bills for taxes; hunting, fishing and marine equipment operator's licenses; license renewal notices and other notices; court papers; grade reports, transcripts, etc.) "Government office" includes any local (including county, city, township and village governments), state or federal (United States) government office, branch, agency, commission, public college or university or public community college, whether or not in Ohio. The law specifically provides that you cannot use as a "government document" a notice mailed by a board of elections.

If you do not have or wish to provide any of the above forms of ID, you may supply the board of elections with the last four digits of your social security number.

2. **You had ID but didn't want to provide it and didn't want to provide the last 4 digits of your social security number AND you didn't want to execute an affirmation statement. The board of elections needs ONE of the items listed in 1. above showing your name and address. This item must be supplied in person to the board of elections within 10 days after the election for your vote to count.**
3. **You did not have any required form of ID and do not have a social security number AND didn't want to execute an affirmation statement. The board of elections needs ONE of the items listed in 1. above showing your name and address. This item must be supplied in person to the board of elections within 10 days after the election for your vote to count OR you will need to appear at the board of elections and execute the written affirmation statement.**
4. **You were challenged at the polling place by someone who claimed you were not eligible to vote. The board of elections will tell you what identification or other documentation you need to resolve the challenge. (See Revised Code section 3505.20.) You may call the board and supply the needed information in person within 10 days after the election.**

**FRANKLIN COUNTY BOARD OF ELECTIONS  
GENERAL ELECTION, NOVEMBER 4, 2008**

Provisional Voter Transfer Form

- 1. Together, the Paper Ballot Judge and Voter use the County Street Guide to determine the correct voting location.
- 2. In the alphabetic list, first find the voter's street and then house number in the correct range (odd or even or ALL).
- 3. To the far right of the street row is the voter's precinct where he/she **should vote**.
- 4. Toward the end of the County Street Guide (green pages), in alphabetic order, find the voter's precinct identified in #3. Write the voter's correct polling place and address below on this form.
- 5. **Give the voter this form to take to the correct voting precinct.**

\_\_\_\_\_  
Correct Precinct and name of Voting Location where voter **should be** voting.

\_\_\_\_\_  
Address of the Voting Location where you are sending this voter.

By signing below, both the Paper Ballot Judge and Voter agree the information above is correct.

\_\_\_\_\_  
Voter Name (print)

\_\_\_\_\_  
Paper Ballot Judge Name (print)

\_\_\_\_\_  
Voter Signature

\_\_\_\_\_  
Paper Ballot Judge Signature

\_\_\_\_\_  
Voter Name (print)

\_\_\_\_\_  
Paper Ballot Judge Name (print)

\_\_\_\_\_  
Voter Signature

\_\_\_\_\_  
Paper Ballot Judge Signature