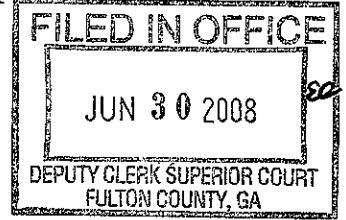


IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA



DEMOCRATIC PARTY OF )  
GEORGIA, INC., a non-profit )  
corporation organized and existing )  
under Georgia law, )

Plaintiff, )

v. )

SONNY PERDUE, in his official )  
capacity as Governor; KAREN )  
HANDEL, in her official capacity as )  
Secretary of State and Chief Election )  
Official of Georgia; STATE )  
ELECTION BOARD; and, MS. )  
GLORIA CHAMPION, )  
Superintendent of Elections for )  
Fulton County, Georgia; MS. )  
JUANITA MARSHALL EBER, )  
Chair of the Fulton County Board of )  
Registration and Elections; MRS. )  
CYNTHIA J. WILLIAMS, MR. )  
HARRY W. MCDONALD, MR. )  
FRANK B. STRICKLAND, and )  
MR. SAMUEL P. )  
WESTMORELAND, )

Defendants. )

CIVIL ACTION  
FILE NO. 2008-CV-151081

VERIFIED ANSWER AND DEFENSES OF GOVERNOR SONNY PERDUE,  
KAREN HANDEL AND STATE ELECTION BOARD TO PLAINTIFF'S  
VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

COME NOW GOVERNOR SONNY PERDUE; KAREN HANDEL, IN HER OFFICIAL CAPACITY AS SECRETARY OF STATE AND CHIEF ELECTION OFFICIAL OF THE STATE OF GEORGIA; AND THE STATE ELECTION BOARD, Defendants in the above-styled case (“State Defendants”), by and through their counsel, the Attorney General of Georgia, and for their Verified Answer and Defenses to Plaintiff’s Verified Complaint for Declaratory and Injunctive Relief (“Plaintiff’s Complaint”) show the Court as follows:

FIRST DEFENSE

Plaintiff’s Complaint fails to state a claim upon which relief can be granted and therefore should be dismissed.

SECOND DEFENSE

Plaintiff lacks standing to bring the claims asserted; therefore, this Court lacks jurisdiction, and Plaintiff’s Complaint should be dismissed.

THIRD DEFENSE

Plaintiff’s claims are barred by collateral estoppel.

FOURTH DEFENSE

Plaintiff’s claims are barred by estoppel, laches and waiver.

FIFTH DEFENSE

The Fulton County Board of Registration and Elections (“the Local Election Defendant”) is not a necessary defendant in that full and complete relief, if

justified, can be awarded in its absence. The Local Election Defendant should therefore be dismissed as a party.

#### SIXTH DEFENSE

Plaintiff's Complaint should be dismissed because it presents a nonjusticiable political dispute, as demonstrated by, among others, Paragraphs 19, 24-25, 30, 33-37, 68, 86 of Plaintiff's Complaint.

#### SEVENTH DEFENSE

To the extent that Plaintiff's Complaint raises claims against the 2005 Photo ID Act, those are moot and should be dismissed.

#### EIGHTH DEFENSE

For their Eighth Defense, State Defendants respond to the individual paragraphs of Plaintiff's Complaint as follows:

The first paragraph of Plaintiff's Complaint, which is unnumbered, is simply Plaintiff's characterization both of this action and its request for relief and therefore requires no response from the State Defendants. However, to the extent that this first paragraph states allegations of fact or conclusions of law and/or a response is deemed necessary, State Defendants admit that Plaintiff's Complaint asserts no claims that arise under the constitution, laws or treaties of the United States. State Defendants deny all remaining allegations set forth in the first unnumbered paragraph of Plaintiff's Complaint. The State Defendants also note

that the Plaintiff's factual allegations throughout the complaint are presented in an argumentative and editorial manner, repeating hearsay statements and inaccurate characterizations of the law and the history of the challenges to the Georgia Photo ID requirements. To the extent that any of those allegations are intended to present grounds for legal relief, the State Defendants deny said allegations and generally assert that the laws of Georgia and the orders of the federal district court which has completely rejected the prior challenges to the Photo ID requirements speak for themselves.

1.

State Defendants admit that the Plaintiff Democratic Party of Georgia, Inc., ("Democratic Party") is a non-profit corporation, organized and existing under Georgia law.

(a) State Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 1(a) of Plaintiff's Complaint and therefore cannot either admit or deny the same.

(b) State Defendants deny the allegations of Paragraph 1(b) of the Plaintiff's Complaint.

2.

State Defendants deny the allegations of Paragraph 2 of the Plaintiff's Complaint.

3.

(a) In response to Paragraph 3(a) of Plaintiff's Complaint, State Defendants admit that Plaintiff named the Honorable Sonny Perdue as a Defendant in his official capacity as the Governor of Georgia.

(b) In response to Paragraph 3(b) of Plaintiff's Complaint, State Defendants admit that Plaintiff named the Honorable Karen Handel as a Defendant in her official capacity as the Secretary of State of Georgia and its Chief Election Official.

(c) State Defendants deny the allegations of Paragraph 2(c) as stated but respond that the State Election Board's duties are found in O.C.G.A. § 21-2-31, which speaks for itself.

(d) State Defendants deny the allegations of Paragraphs 1(d) (i) and (ii) of Plaintiff's Complaint.

### **Jurisdiction and Venue**

4.

State Defendants admit that the Democratic Party has brought this case under the Constitution of the State of Georgia but deny that this case "arises under the . . . laws of the state of Georgia." State Defendants admit that the Court has jurisdiction generally to grant declaratory and injunctive relief under the cited statutory provisions but deny that that the Court has jurisdiction in this

case and deny that Plaintiff's Complaint states a claim for relief under the cited statutory provisions. All remaining allegations of Paragraph 4 of Plaintiff's Complaint are denied.

5.

State Defendants admit the allegations of Paragraph 5 of Plaintiff's Complaint.

6.

Plaintiff's allegations in Paragraph 6 of the Complaint represent legal conclusions not factual assertions, and therefore no further response is required. State Defendants admit that the Georgia Constitution contains Art. II, §1, ¶ 3 and assert that this provision speaks for itself.

7.

State Defendants admit that Paragraph 7 of Plaintiff's Complaint states the text of Ga. Const. Art. II, § 1, ¶ 2 but state that the text of the constitutional provision does not contain boldface type as altered in Paragraph 7 of Plaintiff's Complaint. State Defendants further respond that Ga. Const. Art. II, § 1, ¶ 2 speaks for itself.

8.

State Defendants deny the allegations of Paragraph 8 of Plaintiff's Complaint and further respond that Ga. Const. Art. II, Sec. 1, Par. 3 speaks for itself.

9.

State Defendants admit that Paragraph 9 of Plaintiff's Complaint states the text of Ga. Const. Art. II, § 1, ¶ 3, and further respond that Ga. Const. Art. II, § 1, ¶ 3 speaks for itself.

10.

State Defendants admit that prior to the 1998 elections, voters in Georgia were not required to present identification when voting in person. State Defendants deny the remaining allegations of Paragraph 10 of Plaintiff's Complaint.

11.

State Defendants admit that the General Assembly enacted legislation in 1997 requiring voters identify themselves before voting in person. The language of the statute speaks for itself, and the Plaintiff's characterizations or legal conclusions regarding those statutory provisions do not require further response.

12.

State Defendants deny the allegations set forth in Paragraph 12 of Plaintiff's Complaint as stated and further respond that former O.C.G.A. § 21-2-417 speaks for itself.

13.

State Defendants deny the allegations set forth in Paragraph 13 of Plaintiff's Complaint as stated and further respond that former O.C.G.A. § 21-2-417 speaks for itself. The State Defendants deny that this statute contained any terminology of a "fail safe" provision for voting purposes and again assert that this is a legal characterization and conclusion of the Plaintiff which exceeds the scope of the actual statutory language itself.

14.

State Defendants deny the allegations set forth in Paragraph 14 of Plaintiff's Complaint as stated and further respond that former O.C.G.A. § 21-2-417 speaks for itself.

15.

State Defendants deny the allegations set forth in Paragraph 15 of Plaintiff's Complaint as stated and further state that the unsigned memorandum attached to

Plaintiff's Complaint as Exhibit A has no relevance to this proceeding concerning the constitutionality of O.C.G.A. § 21-2-417.

**The 2005 Photo ID Act**

16.

State Defendants deny the allegations set forth in Paragraph 16 of Plaintiff's Complaint as stated and further respond that former OCGA § 21-2-417 speaks for itself.

**Enactment of the 2005 Photo ID Act**

17.

State Defendants admit that former State Representative Sue Burmeister was one of the sponsors of the 2005 Photo ID Act and was a Republican member of the House of Representatives. While the State Defendants admit that newspaper articles or other documents may make the statements alleged by Plaintiff, the State Defendants deny that the repetition of rank hearsay on the part of Plaintiff represents any proper factual or legal allegation and deny that Plaintiff is entitled to any relief by way of the allegations contained in Paragraph 17.

18.

State Defendants admit that Exhibits C and D attached to Plaintiff's Complaint are, respectively, copies of letters that the former Secretary of State and Chief Election Officer Cathy Cox sent prior to the General Assembly prior to its

passage of and to the Governor prior to his signing of the 2005 Photo ID Act. State Defendants deny the remaining allegations of Paragraph 18 of Plaintiff's Complaint and further state that the letters attached as Exhibits C and D to the Plaintiff's Complaint speak for themselves.

19.

State Defendants admit the allegations of Paragraph 19 of Plaintiff's Complaint.

20.

State Defendants admit the allegations of Paragraph 20 of Plaintiff's Complaint.

21.

State Defendants deny the allegations of Paragraph 21 of Plaintiff's Complaint. While the State Defendants admit that newspaper articles or other documents may make the statements alleged by Plaintiff, the State Defendants deny that the repetition of rank hearsay on the part of Plaintiff represents any proper factual or legal allegation and deny that Plaintiff is entitled to any relief by way of the allegations contained in Paragraph 21.

22.

State Defendants admit that the 2005 Photo ID Act became effective upon preclearance by the United States Attorney General through the Department of Justice on August 26, 2005. State Defendants deny the remaining allegations set forth in Paragraph 22 of Plaintiff's Complaint, which apparently once again are based on nothing more than the repetition of hearsay statements from media sources.

23.

State Defendants deny the allegations of Paragraph 23 of Plaintiff's Complaint.

24.

State Defendants deny the allegations set forth in Paragraph 24 of Plaintiff's Complaint as stated and respond that OCGA §§ 40-5-103(a), 21-2-380, and 21-2-381 speak for themselves.

25.

State Defendants deny the allegations of Paragraph 25 of Plaintiff's Complaint.

26.

State Defendants deny the allegations of Paragraph 26 of Plaintiff's Complaint.

**Preliminary Injunction of the 2005 Photo ID Act**

27.

State Defendants admit that the United States District Court for the Northern District of Georgia issued a preliminary injunction on October 18, 2005 with respect to the 2005 Photo ID Act but respond that the Order speaks for itself. State Defendants deny all remaining allegations of Paragraph 27 of Plaintiff's Complaint, including Plaintiff's characterization of the Court's Order.

28.

State Defendants deny the allegations of Paragraph 28 of Plaintiff's Complaint as stated, including Plaintiff's characterization of the Court's Order. State Defendants admit that the District Court did issue its order, the contents of which speak for themselves.

**Enactment of Georgia's Current Law, the 2006 Photo ID Act**

29.

State Defendants deny the allegations of Paragraph 29 of Plaintiff's Complaint and further respond that O.C.G.A. §§21-2-417, 21-2-417.1 and 40-5-103 speak for themselves.

30.

State Defendants admit that the House Committee on Governmental Affairs of the Georgia House of Representatives approved a substitute version of SB 84 by a 7-3 vote along political party lines on January 9, 2006, which was the first date of the 2006 legislative session. The remaining allegations of Paragraph 30 of Plaintiff's Complaint are denied.

31.

State Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 31 of Plaintiff's Complaint and therefore cannot either admit or deny the same. While the State Defendants admit that newspaper articles or other documents may make the statements alleged by Plaintiff, the State Defendants deny that the repetition of rank hearsay on the part of Plaintiff represents any proper factual or legal allegation and deny that Plaintiff is entitled to any relief by way of the allegations contained in Paragraph 31.

32.

State Defendants deny the allegations of Paragraph 32 of Plaintiff's Complaint.

33.

In response to Paragraph 33 of Plaintiff's Complaint, State Defendants admit that the House Committee Substitute to SB 84 passed the House on January 12, 2006, by a vote of 110-64, with 11 Democrats and 99 Republicans, including two African-Americans, voting in favor of the measure. State Defendants deny that "[e]very attempt to amend SB 84 was voted down by the Republican Majority in the House" and deny all remaining allegations of Paragraph 33 of Plaintiff's Complaint.

34.

State Defendants admit that the House Committee Substitute to SB 84, as amended by the Senate, was passed in the Senate on January 24, 2006, by a vote of 32-22, with 32 Republicans voting in favor of the measure and 21 Democrats and one Republican voting against it. All remaining allegations contained in Paragraph 34 of Plaintiff's Complaint are denied.

35.

State Defendants deny the allegations of Paragraph 35 of Plaintiff's Complaint as stated.

36.

State Defendants deny the allegations of Paragraph 36 of Plaintiff's Complaint as stated but state further that the House agreed to the Senate amendment to the House Substitute to SB 84 on January 25, 2006 by a vote of 111-60, with 12 Democrats and 99 Republicans, including two African-Americans, voting in favor of the measure.

37.

State Defendants deny the allegations of Paragraph 37 of Plaintiff's Complaint as stated, but admit that Exhibit G attached to Plaintiff's Complaint is a true and correct copy of the 2006 Photo ID Act "as passed" by the General Assembly and signed by the Governor on January 26, 2006.

38.

State Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 38 of Plaintiff's Complaint and therefore cannot either admit or deny the same. While the State Defendants admit that newspaper articles or other documents may make the statements alleged by Plaintiff, the State Defendants deny that the repetition of rank hearsay on the part of Plaintiff represents any proper factual or legal allegation and deny that Plaintiff is entitled to any relief by way of the allegations contained in Paragraph 38.

39.

State Defendants deny the allegations of Paragraph 39 of Plaintiff's Complaint.

40.

State Defendants deny the allegations of Paragraph 40 of Plaintiff's Complaint.

41.

State Defendants deny the allegations of Paragraph 41 of Plaintiff's Complaint as stated and further respond that O.C.G.A. § 21-2-417.1(e) speaks for itself.

42.

State Defendants admit that the State Election Board adopted Rule 183-1-20 ("the Rule"), attached as Exhibit I to Plaintiff's Complaint and that one of the purposes of the Rule is to provide guidance to registrars as to the acceptable forms of identification that an elector may present to obtain a Voter Identification Card. State Defendants further admit that voters may present documents to obtain a Voter Identification Card that are not acceptable to prove identification to vote in person. State Defendants further respond that the Rule and O.C.G.A. § 22-2-417

speaking for themselves. State Defendants deny all remaining allegations of Paragraph 42 of Plaintiff's Complaint.

43.

State Defendants admit that a voter registration application is an identifying document that can be used to obtain a Voter Identification Card but further respond that the referenced Rule speaks for itself. State Defendants deny all remaining allegations of Paragraph 43 of Plaintiff's Complaint as stated.

44.

State Defendants deny the allegations of Paragraph 44 of the Plaintiff's Complaint.

45.

State Defendants deny the allegations of Paragraph 43 of Plaintiff's Complaint, including subparts (a)-(d).

46.

State Defendants deny the allegations of Paragraph 46 of Plaintiff's Complaint.

47.

State Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 47 of Plaintiff's Complaint and therefore cannot either admit or deny the same.

48.

State Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 48 of Plaintiff's Complaint and therefore cannot either admit or deny the same.

49.

State Defendants admit that a database comparison was performed between the Secretary of State's voter registration database and the database of the Department of Driver Services (DDS). State Defendants further admit that the summary numbers are reflected accurately on Exhibit L. State Defendants deny the remaining allegations of Paragraph 49 of Plaintiff's Complaint.

50.

State Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 50 of Plaintiff's Complaint and therefore cannot either admit or deny the same. However, State Defendants admit that as January 31, 2008, a total of 7, 582 Georgia Voter Identification Cards had been issued by county registrars.

51.

State Defendants admit that, at the September 20, 2005 special election in Richmond County, 12,813 persons who voted at the polls produced acceptable forms of photo ID and thirteen who did not were permitted to vote provisional

ballots, and further admit that two of the thirteen returned with proper identification. State Defendants deny the remaining allegations of Paragraph 51 of Plaintiff's Complaint.

52.

State Defendants admit that 416 provisional ballots were cast in the state of Georgia during the February 5, 2008 Presidential Preference Primary because the individuals failed to present photo identification and that 120 of those voters returned and presented the required photo identification. State Defendants deny the remaining allegations of Paragraph 52 of Plaintiff's Complaint, including the implication that the voters who failed to present photo identification at the polls did not possess any form of photo identification.

**The act imposes a heavy burden on the poor, the elderly, and the physically handicapped.**

53.

State Defendants deny the allegations of Paragraph 53 of Plaintiff's Complaint.

54.

State Defendants deny the allegations of Paragraph 54 of Plaintiff's Complaint.

55.

State Defendants admit that the State Election Board rules require county registrars to be open for at least eight hours on Monday through Friday of the week prior to the election. State Defendants further admit that State Election Board regulations allow for multiple locations and extended hours and state that Rule 183-1-20-.01 speaks for itself. State Defendants deny the remaining allegations of Paragraph 55 of Plaintiff's Complaint as stated.

56.

State Defendants admit the allegations of Paragraph 56 of Plaintiff's Complaint.

**The 2006 Photo ID Act imposes a severe burden on African-Americans**

57.

State Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 57 of Plaintiff's Complaint and therefore cannot either admit or deny the same.

58.

State Defendants deny the allegations of Paragraph 58 of Plaintiff's Complaint.

59.

State Defendants admit that 597,615 voters stating their race as African-American participated in the Presidential Preference Primary on February 5, 2008. The State Defendants further admit that 585,023 of these voters voted in the Democratic Presidential Preference Primary while 12,592 voted in the Republican Presidential Preference Primary and that Exhibit N represents a printout of the Secretary of State's data on the issue. State Defendants deny the remaining allegations of Paragraph 59 of Plaintiff's Complaint.

60.

State Defendants admit that a portion of the 2006 Photo ID Act applies to in-person voting and further admit that 2006 Photo ID Act did not impose a photo ID requirement on absentee voters. State Defendants deny the remaining allegations of Paragraph 60 of Plaintiff's Complaint.

61.

State Defendants deny the allegations of Paragraph 61 of Plaintiff's Complaint.

62.

State Defendants admit that the 2006 Photo ID Act was preliminarily enjoined by the United States District Court for the Northern District of Georgia, but state that the federal court dismissed the claims for lack of standing and on the

merits, finding the 2006 Photo ID Act imposed no undue burden on voting. State Defendants admit the ruling of the federal court is being appealed.

63.

State Defendants admit the allegations of Paragraph 63 of Plaintiff's Complaint.

64.

State Defendants admit the allegations of Paragraph 64 of Plaintiff's Complaint.

### **Count One**

#### **(Violation of Art. II, § 1, ¶ 2 of the Georgia Constitution)**

65.

State Defendants incorporate their responses to Paragraphs 1 through 64 of Plaintiff's Complaint as if fully set forth herein. Any allegation contained in said paragraphs not specifically admitted or responded to above are hereby denied.

66.

State Defendants deny the allegations of Paragraph 66 of Plaintiff's Complaint.

67.

State Defendants deny the allegations of Paragraph 67 of Plaintiff's Complaint.

68.

State Defendants deny the allegations of Paragraph 68 of Plaintiff's Complaint.

69.

State Defendants deny the allegations of Paragraph 69 of Plaintiff's Complaint.

70.

State Defendants deny the allegations of Paragraph 70 of Plaintiff's Complaint.

## **Count Two**

### **(Denial of Equal Protection of the Law)**

71.

State Defendants incorporate their responses to Paragraphs 1 through 70 of Plaintiff's Complaint as if fully set forth herein. Any allegation contained in said paragraphs not specifically admitted or responded to above are hereby denied.

72.

State Defendants admit that Paragraph 72 of Plaintiff's Complaint states a portion of the text of Ga. Const. Art. I, § 1, ¶ 2 but state that the text of the constitutional provision does not contain the unquoted portions of the allegations. State Defendants further respond that Ga. Const. Art. I, § 1, ¶ 2 speaks for itself.

73.

State Defendants admit that Paragraph 73 of Plaintiff's Complaint states a portion of the text of Ga. Const. Art. I, § 1, ¶ 2 but state that the text of the constitutional provision does not contain the unquoted portions of the allegations. State Defendants further respond that Ga. Const. Art. I, § 1, ¶ 2 speaks for itself.

74.

State Defendants deny the allegations of Paragraph 74 of Plaintiff's Complaint.

75.

State Defendants deny the allegations of Paragraph 75 of Plaintiff's Complaint, including subparagraphs (a) and (b).

76.

State Defendants deny the allegations of Paragraph 76 of Plaintiff's Complaint, including subparagraphs (a)-(c).

77.

State Defendants deny the allegations of Paragraph 77 of Plaintiff's Complaint.

78.

State Defendants deny the allegations of Paragraph 78 of Plaintiff's Complaint.

79.

State Defendants deny the allegations of Paragraph 79 of Plaintiff's Complaint as stated.

80.

State Defendants admit that Exhibit O attached to Plaintiff's Complaint represents a printout of the Secretary of State's summary of both mail-in and in person absentee voting (including advance voting) for the 2004 General Election and further state that the printout attached as Exhibit O to Plaintiff's Complaint speaks for itself. State Defendants deny the remaining allegations of Paragraph 80 of Plaintiff's Complaint as stated.

81.

State Defendants deny the allegations of Paragraph 81 of Plaintiff's Complaint.

### **Count Three**

#### **(Undue Burden on the Right to Vote)**

82.

State Defendants incorporate their responses to Paragraphs 1 through 81 of Plaintiff's Complaint as if fully set forth herein. Any allegation contained in said paragraphs not specifically admitted or responded to above are hereby denied.

83.

State Defendants admit that subparagraphs (a) through (e) contain a partial list of rights secured by the Bill of Rights in the Georgia Constitution. State Defendants deny the remaining allegations of Paragraph 83 of Plaintiff's Complaint.

84.

State Defendants deny the allegations of Paragraph 84 of Plaintiff's Complaint.

**Irreparable Harm/Inadequate Remedy at Law**

85.

State Defendants admit the allegations of Paragraph 85 of Plaintiff's Complaint.

86.

State Defendants deny the allegations of Paragraph 86 of Plaintiff's Complaint.

**EIGHTH DEFENSE**

State Defendants reserve the right to add or amend any additional defenses, which are not now known, but which may become known during the course of discovery. The State Defendants deny each and every allegation of fact and law

contained in the Complaint which is otherwise not specifically admitted, denied or otherwise responded to in this Answer.

In response to the WHEREFORE clause of Plaintiff's Complaint, including subsections (a)–(c), State Defendants deny the allegations set forth therein and deny that Plaintiffs are entitled to the relief requested.

WHEREFORE, having answered Plaintiff's Complaint in its entirety, State Defendants respectfully request that Plaintiff's Complaint be dismissed and that all costs be cast against Plaintiff.

This 30th day of June, 2008.

Respectfully submitted,

THURBERT E. BAKER  
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Georgia Bar No. 033887

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Deputy Attorney General  
Georgia Bar No. 234098

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*Mark H. Cohen / by AWT with  
express permission*

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ANNE W. LEWIS  
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VERIFICATION

STATE OF GEORGIA  
COUNTY OF FULTON

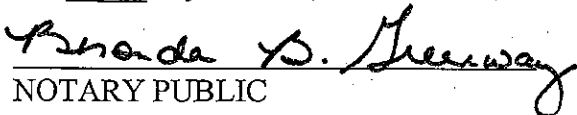
Personally appeared before the undersigned officer duly authorized to administer oaths, George E. Perdue, who, after being duly sworn, deposes and states that he is the Governor of the State of Georgia, and he signs this Verification in that capacity and is duly authorized to do so; that not all of the matters stated in the foregoing Verified Answer and Defenses of Governor Sonny Perdue, Karen Handel and State Election Board to Plaintiffs' Verified Complaint for Declaratory and Injunctive Relief are within his personal knowledge and that there is no single employee of the State of Georgia who has personal knowledge of all such matters; that the facts stated therein are based on information provided by employees of the State of Georgia and on records kept by the State of Georgia; and that he believes that the facts stated therein are true and correct to the best of his knowledge.

This 27 day of June, 2008.

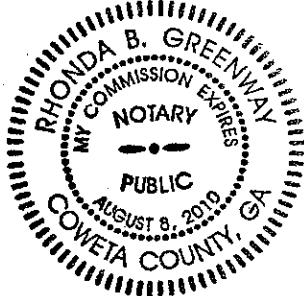
  
\_\_\_\_\_  
Sonny Perdue  
Governor

Sworn to and subscribed before me

this 27 day of June, 2008.

  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: Aug 8, 2010

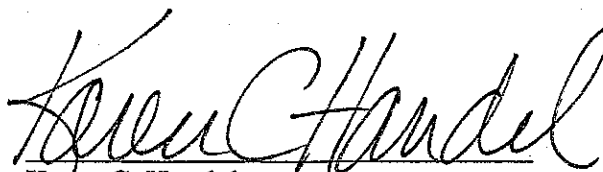


VERIFICATION

STATE OF GEORGIA  
COUNTY OF FULTON

Personally appeared before the undersigned officer duly authorized to administer oaths, Karen C. Handel, who, after being duly sworn, deposes and states that she is the Secretary of State of the State of Georgia and the Chairperson of the State Election Board, and she signs this Verification in those capacities and is duly authorized to do so; that not all of the matters stated in the foregoing Verified Answer and Defenses of Governor Sonny Perdue, Karen Handel and State Election Board to Plaintiffs' Verified Complaint for Declaratory and Injunctive Relief are within her personal knowledge and that there is no single employee of the State of Georgia who has personal knowledge of all such matters; that the facts stated therein are based on information provided by employees of the State of Georgia and on records kept by the State of Georgia; and that she believes that the facts stated therein are true and correct to the best of her knowledge.

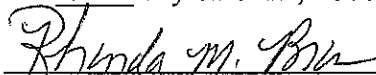
This 27 day of June, 2008.



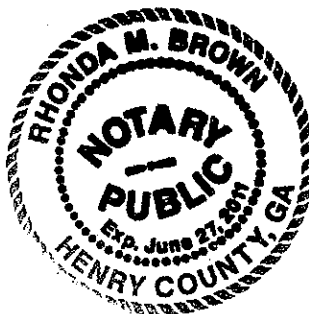
Karen C. Handel  
Secretary of State of Georgia and Chair of  
Georgia State Election Board

Sworn to and subscribed before me

this 27 day of June, 2008.

  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:



## CERTIFICATE OF SERVICE

This is to certify that I have this day served a true and correct copy of the foregoing VERIFIED ANSWER AND DEFENSES OF GOVERNOR SONNY PERDUE, KAREN HANDEL AND STATE ELECTION BOARD TO PLAINTIFFS' VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF upon the following counsel of record via electronic mail and U.S. mail addressed as follows:

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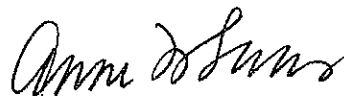
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This 30th day of June, 2008.



---

Anne W. Lewis  
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