

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

SERVICE EMPLOYEES	:	Civil Action No. _____
INTERNATIONAL UNION, LOCAL 1199	:	
and THE NORTHEAST OHIO COALITION	:	Judge _____
FOR THE HOMELESS,	:	
	:	
Plaintiffs,	:	<u>DECLARATION OF KEVIN FISHER</u>
	:	
vs.	:	
	:	
J. KENNETH BLACKWELL, in his official	:	
capacity as Secretary of State of Ohio,	:	
	:	
Defendant.	:	

DECLARATION OF KEVIN FISHER

Kevin Fisher makes the following declaration and states that the information contained herein is true to the best of his information, knowledge and belief.

1. My name is Kevin Fisher and I am a registered voter of Stark County Ohio
2. I asked questions to the Stark County Board of Elections regarding the voter identification requirements set forth in House Bill 3 and codified in 3501.01(AA), 3501.19, 3505.18, 3505.181(A)(2), 3505.181(A)(3), 3505.181(A)(4), 3505.181(A)(12), 3505.181(A)(13), 3505.181(B)(6), 3505.181(B)(7), 3505.181(B)(8)(a), portions of 3505.182, 3505.183(B)(3)(d), 3505.183(B)(4)(a)(v), 3505.183(B)(4)(a)(vii), 3509.03(E), portions of 3509.04, portions of 3509.05, portions of 3509.06(D) and portions of 3509.07.
3. Stark County Board of Elections member Jeanette Mullane was consulted regarding my questions.

ABSENTEE BALLOT BY MAIL

4. I was advised by Jeanette Mullane that to vote by absentee ballot by mail, no photo identification was necessary and the only identification requirements are that voters provide their driver's license number, last four digits of their social security number or a copy of a utility bill.

5. I was advised by Jeanette Mullane that a voter's signature is "checked" but that no applications have been rejected as of the date I asked questions regarding the voter identification procedures for Stark County Board of Elections.

6. I was advised by Jeanette Mullane that if there is a problem with a submitted application, the Stark County Board of Elections first tries to reach the voter by phone and then by e-mail and then mail.

7. I was advised by Jeanette Mullane that it is her understanding that a voter can not be informed if there is problem with a submitted ballot because it is sealed.

8. I was advised by Jeanette Mullane that an absentee ballot submitted by mail is not being treated as a provisional ballot subject to all of the scrutiny that entails and the absentee request is checked against the "voter file" and/or BMV record before ballots are mailed. Upon receipt, the Stark County Board of Elections is treating the ballots as they have in the past with a DR check but only for problems.

OHIO DRIVER'S LICENSE NUMBER

9. The statute provides that absentee voters may provide, in lieu of the required identification, their driver's license number when they return their absentee ballot to the Board of Election. This provision is confusing because the Ohio driver's license contains two numbers. One number appears on the left-hand side of the driver's

license under the words LICENSE NO ("License Number" and the other number appears over the photograph ("Photograph Number"). I asked Jeanette Mullane which number would be accepted by the Stark County Board of Elections and will either number be accepted. Jeanette Mullane advised me that the "last four digits of the driver's license" would be accepted.

EARLY VOTING IN PERSON

10. I was advised by the Jeanette Mullane that a voter who appears at the Board of Elections in person prior to November 7, 2006 must provide the same identification as absentee voters by mail.

11. I was advised by the Jeanette Mullane that while a voter was permitted to register and vote on the same day prior to November 7, 2006, the registration ended on October 10, 2006.

12. I was advised by Jeanette Mullane that a ballot from voter who votes in person prior to November 7, 2006 is being treated as a regular ballot and that the ballot is sealed immediately upon being received.

13. I was advised by Jeanette Mullane that the Stark County Board of Elections will require voter's who vote prior to November 7, 2006 to provide the same identification as voters who vote on Election Day.

REQUIRED IDENTIFICATION FOR ELECTION DAY

14. I was advised by Jeanette Mullane that on Election Day the identification required by the Stark County Board of Elections is a driver's license, state identification, or utility bills for "flagged voters."

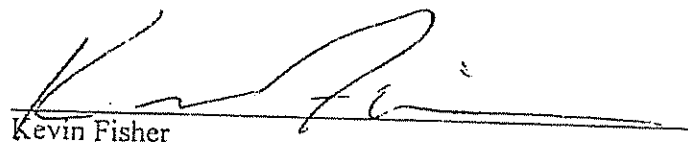
15. I asked Jeanette Mullane how recent must be the utility bill, bank statement, paycheck or government check to be accepted as a proper form of identification and was advised "current" and at discretion of poll worker"

16. I was advised by Jeanette Mullane that the utility bill, bank statement, paycheck or government check will be acceptable if it is received after the Stark County Board of Elections postcard was sent out, mainly October and November 2006. Jeanette Mullane also advised me that she was not absolutely sure and wanted to double verify this requirement.

17. I was advised by Jeanette Mullane that a military identification was acceptable.

18. I was advised by Jeanette Mullane that the Stark County Board of Elections will accept a photo identification without a current address if the identification is a driver's license or state identification card which has not expired but that the information will be "reverified" through the Bureau of Motor Vehicles, but the voter will not vote on a provisional ballot. Jeanette Mullane advised me that the Stark County Board of Elections was "not 100% on how this is supposed to work."

I make this declaration under penalty of perjury pursuant to the laws of the United States. Executed the 21<sup>st</sup> day of October, 2006 in STARK County Ohio.

  
Kevin Fisher