

**IN THE COURT OF COMMON PLEAS
OF FRANKLIN COUNTY**

RACHEL SCHWERDTFEGER, et al.,

Plaintiffs,

v.

**JON HUSTED, in his official capacity as
the Secretary of State for the State of Ohio,
Office of the Ohio Secretary of State,**

Defendant.

Case No. 16-CV-002346

Judge Richard A. Frye

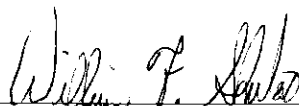
AFFIDAVIT OF WILLIAM F. SHUBAT

I, William F. Shubat, having been duly cautioned and sworn, hereby attest to the following:

1. My name is William F. Shubat and I reside at 55111 Ann St. Bellaire, OH 43906. I am over eighteen years of age and am competent to testify to the matters contained in this Affidavit. The facts set forth in this Affidavit are based upon my personal knowledge.
2. I am presently the Democrat Director of the Belmont County Board of Elections, where I have held the appointed position of Director since July 18, 1994.
3. I have previously served two terms on the Legislative Committee for the OAEO and am currently a trustee for OAEO.
4. During my tenure as Director of the Belmont County Board of Elections, I have managed the local administration of five previous presidential primary elections (1996, 2000, 2004, 2008, 2012 and 2016). Bob Taft was secretary of state during the 1996 and 2000 presidential primary elections; J. Kenneth Blackwell was the Secretary of State during the 2004 presidential primary elections; Jennifer Brunner was the Secretary of State during the 2008 presidential primary elections and Jon Husted was the Secretary of State during the 2012 presidential primary election. The 2016 presidential primary election will be my sixth as a local elections administrator.

5. Based on my experience administering five presidential primary elections at the local level under four different Secretaries of State from both major political parties, and the local administration of the 2016 presidential primary election already underway, I understand the 2015 Election Official Manual by Secretary Husted (issued in directive form) that provided instructions to boards of elections for the proper processing of ballots cast by a 17-year old in that presidential primary, to be consistent with the instructions issued by the previous three secretaries of state governing the administration of the 1996, 2000, 2004, 2008 presidential primary elections.
6. During my tenure as a local elections administrator at the Belmont County Board of Elections, we did not count – and we are not now counting – the vote cast for election of a delegate to a national convention, member of state central committee, county central committee, or ballot question or issue when so marked by a 17-year old voter at a presidential primary election.
7. Boards standard practice is to begin separating absentee ballots from their respective identification envelopes (including absentee ballots cast by 17-year olds) beginning the tenth day before election day (Saturday, March 5, 2016). As a result, a 17-year-old voter who properly marked her ballot consistent with the instructions would have her ballot separated from her envelope and it would be comingled with the other absentee ballots. It could not be retrieved or segregated. Similarly, if the boards were to contact the 17-year-old voter whose ballot had already been cast giving them an opportunity to cast a second ballot (in addition to the ballot that had already been cast, separated from the identification envelope, and scanned through the tabulation system) it would be both an administrative burden and impracticable at late stages in elections.
8. If 17-year olds were permitted to vote on the election of delegate to a national convention at the March 15, 2016 presidential primary election, boards of elections would have to reprint instructions that have already been printed and packed in precinct supply kits and in some cases delivered to the polling places in time for this coming Tuesday's election. They would have to inform precinct election officials, many who have already been trained for this election, that, contrary to their training, 17-year-old voters can indeed vote for election of delegate to the national convention.
9. The weekend before an election is traditionally the busiest time for a local elections administrator.

FURTHER AFFIANT SAYETH NAUGHT.

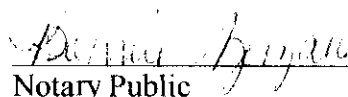


William F. Shubat

Sworn to and subscribed before me, a Notary Public, on this 10th day of March, 2016.



Bonnie Zuzak
Notary Public, State of Ohio
My commission expires February 18, 2021



Notary Public