

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ROBERT L. SCHULZ, et al.,)	Case No. 07-CV-0943 LEK/DRH
)	
Plaintiffs,)	
)	
v.)	AFFIDAVIT OF CHRIS NELSON,
)	SOUTH DAKOTA SECRETARY OF STATE
STATE OF NEW YORK, et al.,)	
)	
Defendants.)	

State of South Dakota)
) ss.
County of Hughes)

Chris Nelson, being first duly sworn, deposes and states as follows:

1. My name is Chris Nelson. I am the duly elected, qualified, and currently serving Secretary of State of the State of South Dakota. I have held this position since January 2003. I am making this affidavit based on my own personal knowledge and in support of the Motion to Dismiss being filed in the above-captioned matter on behalf of the State of South Dakota and myself.
2. The Secretary of State is the state's chief election official and is charged with various ministerial duties for the conduct of primary and general elections in the state.
3. In the above-captioned matter Plaintiffs have sued the State of South Dakota and me, in both my official and individual capacities, based upon their contentions that the manner in which primary and general elections are carried out in all fifty states violates Plaintiffs' right to vote and "contract rights" and that the Constitution requires that all ballots be hand-counted,

without the use of any “machines.” Plaintiffs have filed their action in the United States District Court for the Northern District of New York.

4. As South Dakota’s Secretary of State, I have no authority or duties in connection with primary and general elections conducted in the state of New York; and I have never played any role whatsoever in elections held in the state of New York. I will play no role in any future primary or general elections to be held in that state. I am not a resident of the state of New York and am not registered to vote in that state. The South Dakota Secretary of State’s office has no offices or agents in the state of New York.

5. As South Dakota’s Secretary of State, I have not, either in person or through an agent, transacted any business within the state of New York or contracted to supply goods or services within New York. I have not committed any tortious acts within the state of New York.

6. As South Dakota’s Secretary of State, I do not solicit business in New York or derive substantial revenue in New York from business conducted there; and I do not expect any of my acts as South Dakota’s Secretary of State to have consequences in the state of New York. Further, as South Dakota’s Secretary of State, I do not own, use or possess any real property situated within the state of New York.

7. As South Dakota’s Secretary of State, I have no control or authority over any primary or general elections held outside of the boundaries of the state of South Dakota.

8. As South Dakota's Secretary of State, it is my understanding that South Dakota is a sovereign state within the United States of America, having been admitted to the Union on November 2, 1889.

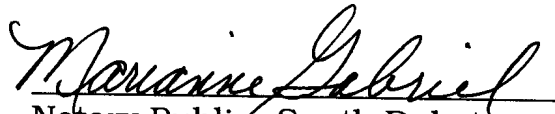
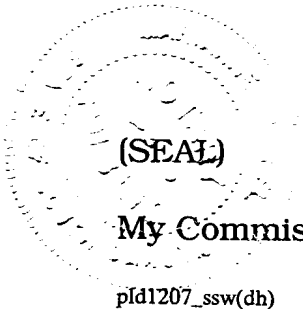
9. Further, affiant says naught.

Dated this 10th day of December, 2007.



Chris Nelson
South Dakota Secretary of State

Subscribed and sworn to before me, a notary public, this 10th day of December, 2007.


Notary Public--South Dakota

My Commission expires: 8/17/2011