

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

---

ROBERT L. SCHULZ (New York); DUANE F. ANDRESS (Alaska); HENRY AYRE (Alaska); BRENT COLE SR. (Alaska); JEAN C. ALLEN (Alabama); BRIAN L. ROBERTS (Alabama); CHARLES D. ROBERTS (Alabama); LYNNE BAKER (Arkansas); TOM MAYFIELD (Arkansas); GLENDA MIDDLEBROOK (Arkansas); MARK J. YANNONE (Arizona); DAVID JOHNSON (Arizona); STUART K. COLE (Arizona); MYCHAL R. SCHILLACI (California); SUSAN MARIE WEBER (California); MATTHEW PITAGORA (California); LORRAINE LUNNON (Colorado); LOTUS (Colorado); BETTY WIES (Colorado); CHARLES PRICE (Connecticut); BENNETT THOMAS (Connecticut); WALTER B. REDDY III (Connecticut); STEVEN BACHMAN (Delaware); MARCUS RIEGO (Delaware); JEAN MATESON (Delaware); JANINE L. DEAN WINTER (Florida); ARTHUR GROVEMAN (Florida); NOVA A. MONTGOMERY (Florida); JOHN J. FELSO (Georgia); ROGER PATRICK (Georgia); CLAY DALTON (Georgia); ISHMAEL WORTH STAGNER, II (Hawaii); CHARLES W. ABEL (Hawaii); MICHAEL MARSOUN (Hawaii); DAVE WARD (Iowa); TROY D. REHA (Iowa); PAMELA J. SCHULTE-WAGNER (Iowa); SUSAN VENABLE (Idaho); LARRY L. KELLEY (Idaho); GARY CONWAY (Idaho); FRED SMART (Illinois); ANTHONY LEONARDO (Illinois); CHARLES NADOLSKI (Illinois); GERALD B. HÉBERT (Indiana); CHARLIE KOCHENASH (Indiana); WILLIAM HATHAWAY (Indiana); JAMES GRAGG (Kansas); CHRIS POWERS (Kansas); ROBIN A. BAILEY (Kansas); TODD METALLO (Kentucky); ROBERT ADAMS (Kentucky); PATRICK CONWAY (Kentucky); CLARENCE EDWARD WARD III (Louisiana); ASHLEY WADE GARY (Louisiana); COREY MICHAEL GRAHAM (Louisiana); DONALD WILLIAMSON (Massachusetts); PAUL DIONNE (Massachusetts); DANIEL SKAPINSKY (Massachusetts); CYNTHIA L. JONES (Maryland); WALTER AUGUSTINE (Maryland); HAROLD POOLE (Maryland); KEITH CASTONGUAY (Maine);

AMENDED  
VERIFIED COMPLAINT

No. 07CV-0943  
LEK / DRH

MARIE CASTONGUAY (Maine); BEVERLY DURAND )  
(Maine); TONY DEMOTT (Michigan); PAT FOSTER )  
(Michigan); KENNETH COOPER (Michigan); JOHN )  
MARSHALL (Minnesota); SHAWN DAVIS )  
(Minnesota); JOHN HANSVICK (Minnesota); KEVIN )  
HALPIN (Missouri); BRIAN THOMPSON II )  
(Missouri); JOSEPH GOODMAN (Missouri); )  
CHRISTOPHER JM CUMMINS (Mississippi); )  
JONATHAN D. MEADOWS (Mississippi); MARK G. )  
BUSHMAN (Mississippi); RICHARD GOAN )  
(Montana); STANLEY JONES (Montana); ELENA )  
GAGLIANO (Montana); BETTE G SMITH (North )  
Carolina); STEVE HARIS (North Carolina); CARL )  
JAY ZIETLOW (North Carolina); KEVIN PULLEY )  
(North Dakota); CATHY CARTIER (North Dakota); )  
CHARLES CARTIER (North Dakota); JAY )  
PETERSON (Nebraska); ERIC MILLER (Nebraska); )  
JOSEPH KASUN (Nebraska); DIANNE GILBERT )  
(New Hampshire); ROBERT SURPRENANT (New )  
Hampshire); DOUGLAS A. BERSAW (New )  
Hampshire); EDWARD HELMSTETTER (New Jersey); )  
GARY BERNER (New Jersey); TIMOTHY )  
SCHULTHEIS (New Jersey); CHARLES RANALLI )  
(New Mexico); WILLIAM RITCH (New Mexico); )  
JAMES GENZLING (New Mexico); CHRISTOPHER H. )  
HANSEN (Nevada); JUANITA COX (Nevada); GUY )  
PAGE FELTON III (Nevada); JOHN LIGGETT (New )  
York); RAYMOND L. MASSE SR. (New York); )  
GREGORY TEKAUTZ (Ohio); MICHAEL DISALVO )  
(Ohio); JAMES J. CONDIT JR. (Ohio); JENNIFER L. )  
WATERS (Oklahoma); STEPHEN M. BEESON )  
(Oklahoma); MICHAEL THOMAS (Oklahoma); LEE )  
HAMEL (Oregon); MARY D. FARRELL (Oregon); )  
RUBIE O'DELL (Oregon); EDGAR STEPHAN )  
(Pennsylvania); SAMUEL ANTHONY ETTARO )  
(Pennsylvania); JOSEPH THOMPSON (Pennsylvania); )  
SUSAN R. BERGE (Rhode Island); CHRISTOPHER J. )  
MAYNARD (Rhode Island); THOMAS BERETTA )  
(Rhode Island); JOSHUA BRANNON (South Carolina); )  
ILONA URBAN BLAKELEY (South Carolina); )  
AMANDA MOORE (South Carolina); WILLIAM )  
STEGMEIER (South Dakota); ELVIS HANES (South )  
Dakota); EUGENE PAULSON (South Dakota); JOHN )  
FARRAR (Tennessee); BILL HARDIN (Tennessee); )  
WILLIAM KELLER (Tennessee); EDDIE CRAIG )  
(Texas); GARY GIUFFRE (Texas); RON KELLER )

(Texas); GREGOREY GOREY (Texas); SHAUN A. )  
KNAPP (Utah); ROBERT K. DALTON (Utah); TED )  
ARSENAULT (Utah); CAROLYN WILLIAMS )  
(Virginia); JUDITH SHARPE (Virginia); WILLIAM )  
CLARK DELASHMUTT (Virginia); DAVID COLE )  
(Vermont); GARY L. GALE (Vermont); OWEN )  
MULLIGAN (Vermont); FRANKLIN DARE )  
(Washington); DAVID KNIGHT (Washington); LARRY )  
K. BURNS (Washington); FRANCINE ARNOLD )  
(Wisconsin); ANITA ZIBTON (Wisconsin); CHARLES )  
DOEMEL (Wisconsin); WILLIAM SISEMORE (West )  
Virginia); ZABRINA SISEMORE (West Virginia); )  
DORRIS PONSTINGL (West Virginia); JOE R. SLACK )  
JR. (Wyoming); LANCE CRAIN (Wyoming); )  
MAURICE W. JONES (Wyoming); )

Plaintiffs )

-against- )

STATE OF NEW YORK, Executive Director, State )  
Board of Elections Stanley L. Zalen; STATE OF )  
ALASKA, Lt. Governor Sean Parnell; STATE OF )  
ALABAMA, Secretary of State Beth Chapman; STATE )  
OF ARKANSAS, Secretary of State Charlie Daniels; )  
STATE OF ARIZONA, Secretary of State Jan Brewer; )  
STATE OF CALIFORNIA, Secretary of State Debra )  
Bowen; STATE OF OKLAHOMA, State Election Board )  
Michael Clingman, Secretary; STATE OF )  
COLORADO, Secretary of State Mike Coffman; )  
STATE OF CONNECTICUT, Secretary of State Susan )  
Bysiewicz; STATE OF DELAWARE, Commissioner of )  
Elections Elaine Manlove; STATE OF FLORIDA, )  
Secretary of State Kurt Browning; STATE OF )  
GEORGIA, Secretary of State Karen Handel; STATE )  
OF HAWAII, Chief Election Officer Rex M. Quidilla; )  
STATE OF IOWA, Secretary of State Michael Mauro; )  
STATE OF IDAHO, Secretary of State Ben Ysursa; )  
STATE OF ILLINOIS, State Board of Elections Daniel )  
W. White, Executive Director; STATE OF INDIANA, )  
Secretary of State Todd Rokita; STATE OF KANSAS, )  
Secretary of State Ron Thornburgh; STATE OF )  
KENTUCKY, Secretary of State Trey Grayson; STATE )  
OF LOUISIANA, Secretary of State Jay Dardenne; )  
STATE OF MASSACHUSETTS, Secretary of the )  
Commonwealth William Francis Galvin; STATE OF )

MARYLAND, State Board of Elections Linda Lamone; )  
STATE OF MAINE, Secretary of State Matthew )  
Dunlap; STATE OF MICHIGAN, Secretary of State )  
Terri Lynn Land; STATE OF MINNESOTA, Secretary )  
of State Mark Ritchie; STATE OF MISSOURI, )  
Secretary of State Robin Carnahan; STATE OF )  
MISSISSIPPI, Secretary of State Eric Clark; STATE )  
OF MONTANA, Secretary of State Brad Johnson; )  
STATE OF NORTH CAROLINA, State Board of )  
Elections Gary Bartlett, Executive Director )  
; STATE OF NEVADA, Secretary of State Ross Miller; )  
STATE OF NORTH DAKOTA, Secretary of State Alvin )  
Jaeger; STATE OF NEBRASKA, Secretary of State )  
John Gale; STATE OF NEW HAMPSHIRE, Secretary )  
of State William Gardner; STATE OF NEW JERSEY, )  
Attorney General Anne Milgram ande Maria Del Valle )  
Koch, Acting Director of the Division of Elections; )  
STATE OF NEW MEXICO, Secretary of State Mary )  
Herrera; STATE OF OHIO, Secretary of State Jennifer )  
Brunner; STATE OF OREGON, Secretary of State Bill )  
Bradbury; STATE OF PENNSYLVANIA, Secretary of )  
the Commonwealth Pedro Cortés; STATE OF RHODE )  
ISLAND, Secretary of State A. Ralph Mollis; STATE )  
OF SOUTH CAROLINA, Executive Director, )  
Deputy Executive Director Marci Andino or Donna )  
Royson; STATE OF SOUTH DAKOTA, Secretary of )  
State Chris Nelson; STATE OF TENNESSEE, Secretary )  
of State Riley Darnell; STATE OF TEXAS, Secretary of )  
State Phil Wilson; STATE OF UTAH, Lt. Governor )  
Gary Herbert; STATE OF VIRGINIA, State Board of )  
Elections Jean Cunningham, Chairman; STATE OF )  
VERMONT, Secretary of State Deborah Markowitz; )  
STATE OF WASHINGTON, Secretary of State Sam )  
Reed; STATE OF WISCONSIN, State Elections Board )  
Kevin J. Kennedy, Executive Director; STATE OF )  
WEST VIRGINIA, Secretary of State Betty Ireland; )  
STATE OF WYOMING, Secretary of State Max )  
Maxfield;

**Defendants**

## **JURISDICTION AND VENUE**

1. The claims arise under the Constitution of the United States of America; this court has jurisdiction under Article III, Section 2 and the Fifth and Fourteenth Amendments of the Constitution of the United States of America and, in turn, under 28 U.S.C. Sections 1331, and 1343(3), and 42 U.S.C. Section 1983.
2. This action is timely commenced.
3. The lead Plaintiff and lead Defendant reside in this judicial district.

## **DEFINITIONS**

4. The word "State" means State or Commonwealth of the United States of America.
5. The word "County" means county, parish, City or Town within the States of the Union.
6. The word "Primary" means primary or caucus.

## **PARTIES**

7. This case arises out of questions of law and fact that are common to all Plaintiffs and all Defendants.
8. All Plaintiffs assert jointly and severally their Right to have all votes cast for President of the United States in each and every State primary, caucus and general elections to be held during the 2008 Presidential Election cycle, to be counted accurately.
9. All Plaintiffs assert jointly and severally their Right to have each and every State of the Union follow a voting procedure that requires paper ballots, hand-marked and hand-counted and that otherwise minimizes the probability of wholesale fraud and confusion, deception and frustration.
10. In this action, each Plaintiff is suing the Chief Election official in the state where he or she resides as a registered voter and the Chief Election officials in all other states

11. ROBERT L. SCHULZ is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the New York State 2008 primary and general election and resides at 2458 Ridge Road, NY 12804.
12. DUANE F. ANDRESS is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Alaska State 2008 primary and general election and resides at 1504 W. 47th Ave. Unit B, AK 99503.
13. HENRY AYRE is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Alaska State 2008 primary and general election and resides at 398 West Redoubt Ave., AK 99669.
14. BRENT COLE SR. is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Alaska State 2008 primary and general election and resides at PO Box 312, AK 99921.
15. JEAN C. ALLEN is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Alabama State 2008 primary and general election and resides at 4140 hillsboro dr., AL 35404.
16. BRIAN L. ROBERTS is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Alabama State 2008 primary and general election and resides at 755 Roberts St., AL 35983.
17. CHARLES D. ROBERTS is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Alabama State 2008 primary and general election and resides at 755 Roberts St., AL 35983.

18. LYNNE BAKER is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Arkansas State 2008 primary and general election and resides at 120 E. Main St., AR 72543.
19. TOM MAYFIELD is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Arkansas State 2008 primary and general election and resides at 10258 Thunder Rd, WC46, AR 72701.
20. GLENDA MIDDLEBROOK is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Arkansas State 2008 primary and general election and resides at 17025 Becton Lane, AR 72701.
21. MARK J. YANNONE is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Arizona State 2008 primary and general election and resides at 2 W Pershing Ave., AZ 85029.
22. DAVID JOHNSON is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Arizona State 2008 primary and general election and resides at 11649 N. 86th Ln., AZ 85345.
23. STUART K. COLE is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Arizona State 2008 primary and general election and resides at 545 E. Bennett Dr., AZ 86001.
24. MYCHAL R. SCHILLACI is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the California State 2008 primary and general election and resides at 1221 East Ave., CA 91504.

25. SUSAN MARIE WEBER is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the California State 2008 primary and general election and resides at 43-041 Buttonwood Dr., CA 92260.
26. MATTHEW PITAGORA is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the California State 2008 primary and general election and resides at 3263 Janelle Dr, CA 95148.
27. LORRAINE LUNNON is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Colorado State 2008 primary and general election and resides at 540 Vance Street, CO 80226.
28. LOTUS is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Colorado State 2008 primary and general election and resides at 3725 Interpark Dr, Ste D, CO 80907.
29. BETTY WIES is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Colorado State 2008 primary and general election and resides at 14424 Timberedge Lane, CO 80921.
30. CHARLES PRICE is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Connecticut State 2008 primary and general election and resides at 7 Greenwood St., CT 06795.
31. BENNETT THOMAS is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Connecticut State 2008 primary and general election and resides at 86 Candlewood Mobil Park - Butternut Lane, CT 06811.



32. WALTER B. REDDY III is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Connecticut State 2008 primary and general election and resides at 16 Briar Oak Drive, CT 06883.
33. STEVEN BACHMAN is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Delaware State 2008 primary and general election and resides at 331 Forest Dr., DE 19804.
34. MARCUS RIEGO is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Delaware State 2008 primary and general election and resides at 2606 Belaire dr, DE 19808.
35. JEAN MATESON is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Delaware State 2008 primary and general election and resides at 1202 River Rd, DE 19809.
36. JANINE L. DEAN WINTER is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Florida State 2008 primary and general election and resides at 850 S. Tamiami Trail, FL 34236.
37. ARTHUR GROVEMAN is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Florida State 2008 primary and general election and resides at 4521 Hidden River Road, FL 34240.
38. NOVA A. MONTGOMERY is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Florida State 2008 primary and general election and resides at 3037 Arbor Oaks Drive, FL 34688.

39. JOHN J. FELSO is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Georgia State 2008 primary and general election and resides at 5135 Christopher Holw, GA 30004.
40. ROGER PATRICK is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Georgia State 2008 primary and general election and resides at 4854 Creekland Trace, GA 30062.
41. CLAY DALTON is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Georgia State 2008 primary and general election and resides at P.O. Box 275, GA 30183.
42. ISHMAEL WORTH STAGNER, II is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Hawaii State 2008 primary and general election and resides at 45-824 Paleka Place, HI 96744.
43. CHARLES W. ABEL is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Hawaii State 2008 primary and general election and resides at PMB 102 16-540 Keaau-Pahoa Rd. Suite #2, HI 96749.
44. MICHAEL MARSOUN is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Hawaii State 2008 primary and general election and resides at P.O. Box 650, HI 96750.
45. DAVE WARD is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Iowa State 2008 primary and general election and resides at 3539 Washington ave., IA 50249.

46. TROY D. REHA is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Iowa State 2008 primary and general election and resides at 2525 Countyline Rd. 356, IA 50321.
47. PAMELA J. SCHULTE-WAGNER is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Iowa State 2008 primary and general election and resides at 2556 Johnson Iowa Road, NW, IA 52236.
48. SUSAN VENABLE is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Idaho State 2008 primary and general election and resides at 1002 North D St., ID 83660.
49. LARRY L. KELLEY is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Idaho State 2008 primary and general election and resides at 7010 Rosewood Dr., ID 83709.
50. GARY CONWAY is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Idaho State 2008 primary and general election and resides at 6575 N. 16th Street, ID 83815.
51. FRED SMART is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Illinois State 2008 primary and general election and resides at 3242 Harrison St., IL 60201.
52. ANTHONY LEONARDO is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Illinois State 2008 primary and general election and resides at 1636 Ridgeland Avenue, IL 60402.

53. CHARLES NADOLSKI is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Illinois State 2008 primary and general election and resides at 4847 N. Hamilton Ave. #2, IL 60625.
54. GERALD B. HÉBERT is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Indiana State 2008 primary and general election and resides at 45 East U.S. Highway 6, IN 46383.
55. CHARLIE KOCHENASH is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Indiana State 2008 primary and general election and resides at 306 Beech St., IN 46383.
56. WILLIAM HATHAWAY is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Indiana State 2008 primary and general election and resides at 12059 N Upper Lakeshore Dr, IN 47960.
57. JAMES GRAGG is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Kansas State 2008 primary and general election and resides at 1835 Holland Lane, KS 67212.
58. CHRIS POWERS is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Kansas State 2008 primary and general election and resides at 425 East 5th Ave, KS 67501.
59. ROBIN A. BAILEY is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Kansas State 2008 primary and general election and resides at 1130 U.S. Hwy 24, KS 67669.

60. TODD METALLO is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Kentucky State 2008 primary and general election and resides at 3511 Arrowwood Ct. La, KY 40031.
61. ROBERT ADAMS is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Kentucky State 2008 primary and general election and resides at 200 BRITTANY CIRCLE, KY 40475.
62. PATRICK CONWAY is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Kentucky State 2008 primary and general election and resides at 520 Myers Lane, KY 42701.
63. CLARENCE EDWARD WARD III is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Louisiana State 2008 primary and general election and resides at 3223 Canal St, LA 70119.
64. ASHLEY WADE GARY is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Louisiana State 2008 primary and general election and resides at 703 Paula Drive, LA 70528.
65. COREY MICHAEL GRAHAM is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Louisiana State 2008 primary and general election and resides at 12019 Indigo Dr., LA 70775.
66. DONALD WILLIAMSON is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Massachusetts State 2008 primary and general election and resides at 245 E Main St, MA 01752.

67. PAUL DIONNE is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Massachusetts State 2008 primary and general election and resides at 43 Bucknam Street Apt 1, MA 02149.
68. DANIEL SKAPINSKY is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Massachusetts State 2008 primary and general election and resides at 201 Plymouth St, MA 02343.
69. CYNTHIA L. JONES is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Maryland State 2008 primary and general election and resides at 46241 Usher Lane, MD 20692.
70. WALTER AUGUSTINE is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Maryland State 2008 primary and general election and resides at 4317 Flower Valley Drive, MD 20853.
71. HAROLD POOLE is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Maryland State 2008 primary and general election and resides at 2308 Pebble Beach Dr., MD 21921.
72. KEITH CASTONGUAY is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Maine State 2008 primary and general election and resides at 9 Mountain ave. apt3, ME 04240.
73. MARIE CASTONGUAY is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Maine State 2008 primary and general election and resides at 9 Mountain ave. apt3, ME 04240.

74. BEVERLY DURAND is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Maine State 2008 primary and general election and resides at 27 Schwanger Dr., ME 04287.
75. TONY DEMOTT is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Michigan State 2008 primary and general election and resides at 301 E. Cross St. Apt 2, MI 48198.
76. PAT FOSTER is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Michigan State 2008 primary and general election and resides at 6079 Mallard Dr, MI 49408.
77. KENNETH COOPER is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Michigan State 2008 primary and general election and resides at 3876 140th Ave, MI 49424.
78. JOHN MARSHALL is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Minnesota State 2008 primary and general election and resides at 7131 Cameron Ave, MN 55362.
79. SHAWN DAVIS is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Minnesota State 2008 primary and general election and resides at 1130 N. Robin Ave., MN 55811.
80. JOHN HANSVICK is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Minnesota State 2008 primary and general election and resides at 700 Ridge Road, MN 56044.

81. KEVIN HALPIN is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Missouri State 2008 primary and general election and resides at 6921 Aerovista Ct., MO 63123.
82. BRIAN THOMPSON II is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Missouri State 2008 primary and general election and resides at 6921 Aerovista Ct., MO 63123.
83. JOSEPH GOODMAN is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Missouri State 2008 primary and general election and resides at 10924 Hasrrison Street, MO 64131.
84. CHRISTOPHER JM CUMMINS is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Mississippi State 2008 primary and general election and resides at 81 CR 849, MS 38610.
85. JONATHAN D. MEADOWS is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Mississippi State 2008 primary and general election and resides at 254 Cotten Gin Rd., MS 38663.
86. MARK G. BUSHMAN is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Mississippi State 2008 primary and general election and resides at 1625 e.county line rd 200 -144, MS 39211.
87. RICHARD GOAN is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Montana State 2008 primary and general election and resides at P.O. Box 20334, MT 59104.



88. STANLEY JONES is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Montana State 2008 primary and general election and resides at P.O. Box 6202, MT 59771.
89. ELENA GAGLIANO is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Montana State 2008 primary and general election and resides at 13 John Long Rd, MT 59858.
90. BETTE G SMITH is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the North Carolina State 2008 primary and general election and resides at 2506 Hwy 54 W #07, NC 27516.
91. STEVE HARIS is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the North Carolina State 2008 primary and general election and resides at 7421 Innisfree Place, NC 28226.
92. CARL JAY ZIETLOW is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the North Carolina State 2008 primary and general election and resides at 508 Hannah Branch Road, NC 28714.
93. KEVIN PULLEY is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the North Dakota State 2008 primary and general election and resides at 1775 Holly Drive Unit B, ND 58204.
94. CATHY CARTIER is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the North Dakota State 2008 primary and general election and resides at 13532 62nd Street NW, ND 58801.

95. CHARLES CARTIER is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the North Dakota State 2008 primary and general election and resides at 13532 62nd Street NW, ND 58801.
96. JAY PETERSON is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Nebraska State 2008 primary and general election and resides at 1024 E.1st Street, NE 68025.
97. ERIC MILLER is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Nebraska State 2008 primary and general election and resides at 7121 S. 176th Ave., NE 68025.
98. JOSEPH KASUN is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Nebraska State 2008 primary and general election and resides at 4390 J Street, NE 68107.
99. DIANNE GILBERT is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the New Hampshire State 2008 primary and general election and resides at 28 Harvey Lane, NH 03042.
100. ROBERT SURPRENANT is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the New Hampshire State 2008 primary and general election and resides at 429 Mine Ledge Road, NH 03431.
101. DOUGLAS A. BERSAW is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the New Hampshire State 2008 primary and general election and resides at 139 Tully Brook Road, NH 03470.

102. EDWARD HELMSTETTER is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the New Jersey State 2008 primary and general election and resides at 70 burnside ave, NJ 07016.
103. GARY BERNER is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the New Jersey State 2008 primary and general election and resides at 442 Wilson Avenue, NJ 07071.
104. TIMOTHY SCHULTHEIS is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the New Jersey State 2008 primary and general election and resides at 180 Carr Av, NJ 07734.
105. CHARLES RANALLI is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the New Mexico State 2008 primary and general election and resides at 14225 copper ave ne #508, NM 87123.
106. WILLIAM RITCH is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the New Mexico State 2008 primary and general election and resides at HC 30 Box 8, NM 87901.
107. JAMES GENZLING is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the New Mexico State 2008 primary and general election and resides at PO Box 192, NM 88254.
108. CHRISTOPHER H. HANSEN is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Nevada State 2008 primary and general election and resides at 2657 Windmill Pky. #107, NV 89074.

109. JUANITA COX is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Nevada State 2008 primary and general election and resides at P O Box 51450, NV 89435.
110. GUY PAGE FELTON III is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Nevada State 2008 primary and general election and resides at 1220 Salem Place #5, NV 89509.
111. JOHN LIGGETT is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the New York State 2008 primary and general election and resides at 1040 1st Ave #351, NY 10022.
112. RAYMOND L. MASSE SR. is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the New York State 2008 primary and general election and resides at c/o 1204 County Rd #13, NY 12136.
113. GREGORY TEKAUTZ is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Ohio State 2008 primary and general election and resides at 244 Baker Drive, OH 44270.
114. MICHAEL DISALVO is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Ohio State 2008 primary and general election and resides at 6854 Founders Row #114, OH 45069.
115. JAMES J. CONDIT JR. is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Ohio State 2008 primary and general election and resides at 4575 Farview Lane, OH 45247.

116. JENNIFER L. WATERS is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Oklahoma State 2008 primary and general election and resides at 6415 NW 19th St., OK 73008.
117. STEPHEN M. BEESON is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Oklahoma State 2008 primary and general election and resides at 317 S. 6th St., OK 74012.
118. MICHAEL THOMAS is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Oklahoma State 2008 primary and general election and resides at 8151 CR 20, OK 74630.
119. LEE HAMEL is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Oregon State 2008 primary and general election and resides at 3120 NW John Olsen Ave #4-105, OR 97124.
120. MARY D. FARRELL is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Oregon State 2008 primary and general election and resides at 1117 NE Hancock St., OR 97212.
121. RUBIE O'DELL is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Oregon State 2008 primary and general election and resides at P.O. Box 733, OR 97523.
122. EDGAR STEPHAN is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Pennsylvania State 2008 primary and general election and resides at 266 Limeplant Rd, PA 16226.
123. SAMUEL ANTHONY ETTARO is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the

- Pennsylvania State 2008 primary and general election and resides at 513 Thompson Street, PA 16833.
124. JOSEPH THOMPSON is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Pennsylvania State 2008 primary and general election and resides at 1805-B Schoenersville Road, PA 18018.
125. SUSAN R. BERGE is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Rhode Island State 2008 primary and general election and resides at 50 Benedict Road, RI 02830.
126. CHRISTOPHER J. MAYNARD is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Rhode Island State 2008 primary and general election and resides at 18 Eagle Nest Drive, RI 02865.
127. THOMAS BERETTA is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Rhode Island State 2008 primary and general election and resides at 1015 Warwick Ave., RI 02888.
128. JOSHUA BRANNON is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the South Carolina State 2008 primary and general election and resides at 709 Silkwood Ct, SC 29316.
129. ILONA URBAN BLAKELEY is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the South Carolina State 2008 primary and general election and resides at General Delivery, SC 29374.
130. AMANDA MOORE is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the South Carolina State 2008 primary and general election and resides at 2117 Savannah Hwy, SC 29414.

131. WILLIAM STEGMEIER is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the South Dakota State 2008 primary and general election and resides at 27116 Grummand Avenue, SD 57064.
132. ELVIS HANES is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the South Dakota State 2008 primary and general election and resides at P.O. Box 412, SD 57064.
133. EUGENE PAULSON is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the South Dakota State 2008 primary and general election and resides at 10454 1st St, SD 57260.
134. JOHN FARRAR is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Tennessee State 2008 primary and general election and resides at 365 Whitson RD, TN 37022.
135. JOHN FARRAR is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Tennessee State 2008 primary and general election and resides at 365 Whitson RD, TN 37022.
136. BILL HARDIN is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Tennessee State 2008 primary and general election and resides at 112 Bradford Circle, TN 37075.
137. WILLIAM KELLER is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Tennessee State 2008 primary and general election and resides at 108 Old Winchester Road, TN 37324.

138. EDDIE CRAIG is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Texas State 2008 primary and general election and resides at 4502 North St., TX 75965.
139. GARY GIUFFRE is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Texas State 2008 primary and general election and resides at 130 Briarwood Lane, TX 77418.
140. RON KELLER is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Texas State 2008 primary and general election and resides at 1907 Westwood Dr., TX 77477.
141. GREGOREY GOREY is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Texas State 2008 primary and general election and resides at 3828 Arrow Drive, TX 78749.
142. SHAUN A. KNAPP is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Utah State 2008 primary and general election and resides at 345 S. 1450 E., UT 84606.
143. ROBERT K. DALTON is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Utah State 2008 primary and general election and resides at 312 N 100 E, UT 84720.
144. TED ARSENAULT is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Utah State 2008 primary and general election and resides at 2305N 2300W, UT 84720.



145. CAROLYN WILLIAMS is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Virginia State 2008 primary and general election and resides at 2410 Edenbrook Drive, VA 23228.
146. JUDITH SHARPE is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Virginia State 2008 primary and general election and resides at 600 W. Riverview Dr., VA 23434.
147. WILLIAM CLARK DELASHMUTT is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Virginia State 2008 primary and general election and resides at 4237 Hardtimes Road, Box 406, VA 23960.
148. DAVID COLE is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Vermont State 2008 primary and general election and resides at 643 Cedar Rock Road, VT 05250.
149. GARY L. GALE is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Vermont State 2008 primary and general election and resides at 126 Mountain Home Park, VT 05301.
150. OWEN MULLIGAN is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Vermont State 2008 primary and general election and resides at 305 S. Union St. Apt. #3, VT 05401.
151. FRANKLIN DARE is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Washington State 2008 primary and general election and resides at 2738 Madrona Beach Rd., WA 98502.

152. DAVID KNIGHT is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Washington State 2008 primary and general election and resides at 4002 NE 272nd Ave, WA 98607.
153. LARRY K. BURNS is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Washington State 2008 primary and general election and resides at 2716 G St., WA 98671.
154. FRANCINE ARNOLD is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Wisconsin State 2008 primary and general election and resides at 16523 West Porter Road, WI 53536.
155. ANITA ZIBTON is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Wisconsin State 2008 primary and general election and resides at e9566 smart hollow, WI 54639.
156. CHARLES DOEMEL is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Wisconsin State 2008 primary and general election and resides at 928 Windward Court, WI 54901.
157. WILLIAM SISEMORE is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the West Virginia State 2008 primary and general election and resides at 122 Ranger Bottom Road, WV 25557.
158. ZABRINA SISEMORE is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the West Virginia State 2008 primary and general election and resides at 122 Ranger Bottom Road, WV 25557.

159. DORRIS PONSTINGL is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the West Virginia State 2008 primary and general election and resides at 3950 Mt. Union Rd., WV 25701.
160. JOE R. SLACK JR. is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Wyoming State 2008 primary and general election and resides at P.O. Box 273, WY 82520.
161. LANCE CRAIN is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Wyoming State 2008 primary and general election and resides at 2033 Grass Creek Road, WY 82604.
162. MAURICE W. JONES is a citizen and registered voter who is qualified and intends to vote for President of the United States of America in the Wyoming State 2008 primary and general election and resides at P.O. Box 117, WY 83122.
163. STATE OF NEW YORK is one of the 50 States of the United States of America; Stanley L. Zalen is the Executive Director, State Board of Elections and Chief Election Official.
164. STATE OF ALASKA is one of the 50 States of the United States of America; Sean Parnell is the Lt. Governor and Chief Election Official.
165. STATE OF ALABAMA is one of the 50 States of the United States of America; Beth Chapman is the Secretary of State and Chief Election Official.
166. STATE OF ARKANSAS is one of the 50 States of the United States of America; Charlie Daniels is the Secretary of State and Chief Election Official.
167. STATE OF ARIZONA is one of the 50 States of the United States of America; Jan Brewer is the Secretary of State and Chief Election Official.

168. STATE OF CALIFORNIA is one of the 50 States of the United States of America; Debra Bowen is the Secretary of State and Chief Election Official.
169. STATE OF OKLAHOMA is one of the 50 States of the United States of America; Michael Clingman, Secretary is the State Election Board and Chief Election Official.
170. STATE OF COLORADO is one of the 50 States of the United States of America; Mike Coffman is the Secretary of State and Chief Election Official.
171. STATE OF CONNECTICUT is one of the 50 States of the United States of America; Susan Bysiewicz is the Secretary of State and Chief Election Official.
172. STATE OF DELAWARE is one of the 50 States of the United States of America; Elaine Manlove is the Commissioner of Elections and Chief Election Official.
173. STATE OF FLORIDA is one of the 50 States of the United States of America; Kurt Browning is the Secretary of State and Chief Election Official.
174. STATE OF GEORGIA is one of the 50 States of the United States of America; Karen Handel is the Secretary of State and Chief Election Official.
175. STATE OF HAWAII is one of the 50 States of the United States of America; Rex M. Quidilla is the Chief Election Officer and Chief Election Official.
176. STATE OF IOWA is one of the 50 States of the United States of America; Michael Mauro is the Secretary of State and Chief Election Official.
177. STATE OF IDAHO is one of the 50 States of the United States of America; Ben Ysursa is the Secretary of State and Chief Election Official.
178. STATE OF ILLINOIS is one of the 50 States of the United States of America; Daniel W. White, Executive Director is the State Board of Elections and Chief Election Official.

179. STATE OF INDIANA is one of the 50 States of the United States of America;  
Todd Rokita is the Secretary of State and Chief Election Official.
180. STATE OF KANSAS is one of the 50 States of the United States of America;  
Ron Thornburgh is the Secretary of State and Chief Election Official.
181. STATE OF KENTUCKY is one of the 50 States of the United States of America;  
Trey Grayson is the Secretary of State and Chief Election Official.
182. STATE OF LOUISIANA is one of the 50 States of the United States of America;  
Jay Dardenne is the Secretary of State and Chief Election Official.
183. STATE OF MASSACHUSETTS is one of the 50 States of the United States of  
America; William Francis Galvin is the Secretary of the Commonwealth and Chief  
Election Official.
184. STATE OF MARYLAND is one of the 50 States of the United States of America;  
Linda Lamone is the State Board of Elections and Chief Election Official.
185. STATE OF MAINE is one of the 50 States of the United States of America;  
Matthew Dunlap is the Secretary of State and Chief Election Official.
186. STATE OF MICHIGAN is one of the 50 States of the United States of America;  
Terri Lynn Land is the Secretary of State and Chief Election Official.
187. STATE OF MINNESOTA is one of the 50 States of the United States of  
America; Mark Ritchie is the Secretary of State and Chief Election Official.
188. STATE OF MISSOURI is one of the 50 States of the United States of America;  
Robin Carnahan is the Secretary of State and Chief Election Official.
189. STATE OF MISSISSIPPI is one of the 50 States of the United States of America;  
Eric Clark is the Secretary of State and Chief Election Official.

190. STATE OF MONTANA is one of the 50 States of the United States of America;  
Brad Johnson is the Secretary of State and Chief Election Official.
191. STATE OF NORTH CAROLINA is one of the 50 States of the United States of  
America; Gary Bartlett, Executive Director  
192. is the State Board of Elections and Chief Election Official.
193. STATE OF NEVADA is one of the 50 States of the United States of America;  
Ross Miller is the Secretary of State and Chief Election Official.
194. STATE OF NORTH DAKOTA is one of the 50 States of the United States of  
America; Alvin Jaeger is the Secretary of State and Chief Election Official.
195. STATE OF NEBRASKA is one of the 50 States of the United States of America;  
John Gale is the Secretary of State and Chief Election Official.
196. STATE OF NEW HAMPSHIRE is one of the 50 States of the United States of  
America; William Gardner is the Secretary of State and Chief Election Official.
197. STATE OF NEW JERSEY is one of the 50 States of the United States of  
America; Anne Milgram ande Maria Del Valle Koch, Acting Director of the Division of  
Elections is the Attorney General and Chief Election Official.
198. STATE OF NEW MEXICO is one of the 50 States of the United States of  
America; Mary Herrera is the Secretary of State and Chief Election Official.
199. STATE OF OHIO is one of the 50 States of the United States of America;  
Jennifer Brunner is the Secretary of State and Chief Election Official.
200. STATE OF OREGON is one of the 50 States of the United States of America;  
Bill Bradbury is the Secretary of State and Chief Election Official.

201. STATE OF PENNSYLVANIA is one of the 50 States of the United States of America; Pedro Cortés is the Secretary of the Commonwealth and Chief Election Official.
202. STATE OF RHODE ISLAND is one of the 50 States of the United States of America; A. Ralph Mollis is the Secretary of State and Chief Election Official.
203. STATE OF SOUTH CAROLINA is one of the 50 States of the United States of America; Marci Andino or Donna Royson is the Executive Director, Deputy Executive Director and Chief Election Official.
204. STATE OF SOUTH DAKOTA is one of the 50 States of the United States of America; Chris Nelson is the Secretary of State and Chief Election Official.
205. STATE OF TENNESSEE is one of the 50 States of the United States of America; Riley Darnell is the Secretary of State and Chief Election Official.
206. STATE OF TEXAS is one of the 50 States of the United States of America; Phil Wilson is the Secretary of State and Chief Election Official.
207. STATE OF UTAH is one of the 50 States of the United States of America; Gary Herbert is the Lt. Governor and Chief Election Official.
208. STATE OF VIRGINIA is one of the 50 States of the United States of America; Jean Cunningham, Chairman is the State Board of Elections and Chief Election Official.
209. STATE OF VERMONT is one of the 50 States of the United States of America; Deborah Markowitz is the Secretary of State and Chief Election Official.
210. STATE OF WASHINGTON is one of the 50 States of the United States of America; Sam Reed is the Secretary of State and Chief Election Official.

211. STATE OF WISCONSIN is one of the 50 States of the United States of America; Kevin J. Kennedy, Executive Director is the State Elections Board and Chief Election Official.

212. STATE OF WEST VIRGINIA is one of the 50 States of the United States of America; Betty Ireland is the Secretary of State and Chief Election Official.

**213.** STATE OF WYOMING is one of the 50 States of the United States of America; Max Maxfield is the Secretary of State and Chief Election Official.

### **PRELIMINARY STATEMENT**

214. This action challenges the constitutionality of Defendants' voting processes to be used during the primary and general elections in 2008. The processes unnecessarily and unreasonably heighten the possibility of confusion, deception, frustration and fraud.

215. An accurate vote count is of critical importance. Everything reasonable must be done to eliminate the potential for confusion, deception, frustration and fraud.

216. The voting processes to be used by Defendants will not be open, verifiable or transparent, and will rely on machines and computers for vote counting, all of which means the possibility for error and human fraud will be unnecessarily and unreasonably heightened.

217. If the primary and general election voting processes are to pass constitutional muster, there can be no substitute for paper ballots, hand-marked and hand-counted, and a People's "chain of custody" with all ballots in full public view through the manual allocation and counting of all ballots at each voting station and a public announcement of the results, before those ballots are ever removed from public view.



## FACTS

218. Beginning in December or January of 2008, Defendant States will begin conducting primary or caucus elections for each major party, including the Republican Party and the Democrat Party.
219. On “Primary Day,” in each State, each registered voter will have the opportunity to cast a vote for a person, from a list of candidates, as that voter’s choice to represent the voter’s Party during the general election in November for the position of President of the United States of America.
220. If, at the end of each Primary Day, more votes are counted for candidate A than candidate B, candidate A receives a significant and substantial amount of national attention, making it somewhat more difficult for candidate B to continue raising the money necessary to meet the costs of funding a national campaign and getting his or her message out to the general public.
221. In addition, a State’s Delegates to the Party’s national convention are pledged to the candidate who records the most votes in the Party’s State Primary.
222. It is critical, therefore, that all votes are accurately counted and no votes be “stolen” from any candidate in each State primary.
223. Each Plaintiff will be affected by the vote count for his or her candidate in each State primary.
224. In November of 2008, Defendant States will participate in the nation-wide general election during which registered voters will have the opportunity to cast their vote from among the Party favorites for President of the United States of America.

225. During the primary and general elections, the voting process in each of the Defendant States will not be open, verifiable or transparent.
226. During the primary and general elections, Defendant States will use machines and/or computers for vote casting and counting in some or all of their counties.
227. herefore, during the primary and general elections, the ballots will not remain in public view before the votes are counted at each and every voting station in each and every State.
228. During the primary and general elections, the votes will not be hand counted at each and every voting station in each and every State.
229. During the primary and general elections, the number of votes cast for each candidate at each and every voting station in each and every State will not be publicly announced at each voting station before the total number of votes cast in that State for each candidate has been tabulated, totaled and publicly announced from some centralized counting room.
230. During the primary and general elections, the number of votes counted for each candidate at each and every voting station will not be publicly announced at each and every voting station before the ballots are removed from each and every voting station.
231. For instance, at some of Defendants' vote stations the voters will receive a paper ballot. They will pencil in an oval next to the candidate of their choice. They will enter the paper ballot into a machine that will scan the entire ballot and record the vote. After scanning each ballot the machine will deposit the ballot into a "black box" out of public view.

232. At the end of the voting period, the ballots will NOT be removed from their machines or counted. Instead, a button on the machine will be pressed. In response, the machine will eject a slip of paper showing the number of votes purportedly recorded by that machine for each candidate. The numbers will be communicated to government officials in a centralized “tabulation” room. The door to the tabulation room will be closed to the public. The results will then be publicly announced.
233. There have been a number of comprehensive, university level studies in the last several years regarding the accuracy, reliability, security and accessibility of the “high-tech” machines and computers that Defendant States now have been positioned, or are on their way to positioning in their municipalities for use in the 2008 primary and general elections.
234. Each study has concluded that the machines, computers, and software studied should not be used for elections.
235. Some of these studies are as follows:
- 2007 The study by the University of California, done for the State of California, under a contract authorized by the Secretary of State of California, Debra Bowen. The results of the study caused Secretary of State Bowen to decertify the four major companies providing computers, machine, and software to the state of California. See [http://www.sos.ca.gov/elections/elections\\_vsr.htm](http://www.sos.ca.gov/elections/elections_vsr.htm)
  - 2006 The study by Princeton University’s Center for Information Technology Policy and Department of Computer Science, entitled, “Security Analysis of the Diebold Accuvote-TS Voting Machine.” This full paper can be seen here: <http://itpolicy.princeton.edu/voting/ts-paper.pdf>
  - 2001 Caltech-MIT Voting Technology Project (2001) [Voting - What Is, What Could Be?](#) - July 2001 Report of the Caltech-MIT Voting Technology Project.

236. In addition, such university studies were preceded by this important government sponsored study:

1988 Roy G . Saltman, Accuracy, Integrity, and Security in Computerized Vote-Tallying, preprint, (Washington, D.C.: U.S. Department of Commerce, National Institute of Standards and Technology [formerly National Bureau of Standards], NBS Special Publication 500-158, 1988)

**PLAINTIFFS' FIRST CAUSE OF ACTION:**

**FAILURE TO PROVIDE THE VOTERS WITH A VERIFIABLE "CHAIN OF CUSTODY" AND THE MANUAL ALLOCATION AND COUNTING OF ALL BALLOTS IN FULL PUBLIC VIEW, AT EACH VOTING STATION, BEFORE THOSE BALLOTS ARE EVER REMOVED FROM PUBLIC VIEW VIOLATES THE VOTING RIGHTS OF PLAINTIFFS**

237. Failure to provide the People with a public viewing – a People’s “Chain of Custody”— of all ballots, and a manual allocation and count of all ballots in full public view, at each voting station, before those ballots are ever removed from public view violates the voting rights of Plaintiffs.

238. The federal Constitution assigns to the states the initial responsibility for setting the rules and governing elections. The power given to the states in the federal Constitution to regulate elections is necessary as a way to insure orderly operation of the voting (democratic) process. State regulations of elections has been derived (*Burdick v Takushi*, 112 S. Ct. at 2603) from Article I, Section 4, cl. 1 of the federal Constitution which reads:

*“The Times, Places and Manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof.”*

Article I, Section 4, cl. 1  
Federal Constitution

239. State regulation of elections has also been derived (*Storer v Brown*, 415 U.S. at 729-30, 1974), from Article I, Section 2, cl. 1 of the Federal Constitution, which reads:

*“The House of Representatives shall be composed of members chosen every second year by the People of the several states, and the Electors in each state shall have qualifications requisite for Electors of the most numerous branch of the State Legislature.”*

Article I, Section 2, cl. 1,  
Federal Constitution

240. The State has a compelling interest in protecting the integrity of the political process. *Storer v. Brown*, 415 U.S. 724, 732 (1974).
241. States have a compelling interest, not just a legitimate interest, in structuring elections in a way that avoids confusion, deception and even frustration of the democratic process. *Larouche v. Kezer*, 990 F.2d at 442 (2d Cir. 1993).
242. To prevail on the constitutional transgressions alleged in this complaint, Plaintiffs know that they need show beyond a reasonable doubt that the administration, by the State and County Boards of Elections will severely burden or prevent the exercise of a substantial constitutional voting right.
243. “No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live.” *Burdick v. Takushi*, 112 S. Ct. 2059, 2067 (1992).
244. The Supreme Court has derived a number of constitutional voting rights from the First and Fourteenth Amendments, including: the right to associate for the advancement of political purposes, *NAACP v Alabama*, 357 U.S. 449, 460 (1958); the right to cast an effective vote, *Williams v Rhodes*, 393 U.S. 23, 30 (1968); and the right to create and develop new political parties, *Norman v. Reed*, 112 S. Ct. 698, 705 (1992).

245. The Supreme Court has clarified “the right to vote” to mean “the right to participate in an electoral process that is necessarily structured [by state regulations] to maintain the integrity of the democratic system.” *Burdick v. Takusi*, 112 S. Ct. at 2063.
246. Notwithstanding this recognition by the Supreme Court of the need for state regulations to protect the democratic (voting) process, the Supreme Court has held that a state cannot violate a right encompassed within the Equal Protection Clause of the Fourteenth Amendment. *Williams v. Rhodes*, 393 U.S. 23, 29 (1968).
247. "Undeniably the Constitution of the United States protects the right of all qualified citizens to vote, in state as well as in federal elections. A consistent line of decisions by this Court in cases involving attempts to deny or restrict the right of suffrage has made this indelibly clear. It has been repeatedly recognized that all qualified voters have a constitutionally protected right to vote, *Ex parte Yarbrough*, [110 U.S. 651](#), and to have their votes counted, *United States v. Mosley*, [238 U.S. 383](#). In *Mosley* the Court stated that it is **‘as equally unquestionable that the right to have one's vote counted is as open to protection . . . as the right to put a ballot in a box.’** 238 U.S. at 386. The right to vote can neither be denied outright, *Guinn v. United States*, [238 U.S. 347](#), *Lane v. Wilson*, [307 U.S. 268](#), nor destroyed by alteration of ballots, see *United States v. Classic*, [313 U.S. 299, 315](#), nor diluted by ballot-box stuffing, *Ex parte Siebold*, [100 U.S. 371](#), *United States v. Saylor*, [322 U.S. 385](#). As the Court stated in *Classic*, ‘Obviously included within the right to choose, secured by the Constitution, is the right of qualified voters within a state to cast their ballots **and have them counted . . .**’ (313 U.S., at 315).” *Reynolds v. Sims*, 377 U.S. 533, 555 (1964).

248. “And history has seen a continuing expansion of the scope of the right of suffrage in this country. The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government. And the right of suffrage can be denied by a debasement or dilution of the weight of a citizen's vote just as effectively as by wholly prohibiting the free exercise of the franchise.” [377 U.S. 533, 556](#).
249. “Almost a century ago, in *Yick Wo v. Hopkins*, [118 U.S. 356](#), the Court referred to “the political franchise of voting’ as ‘a fundamental political right, because it is preservative of all rights.’ [118 U.S., at 370](#).” [377 U.S. 533, 562](#).
250. "We regard it as equally unquestionable that the right to have one's vote counted is as open to protection by Congress as the right to put a ballot in a box." *U. S. v. Mosley*, 238 U.S. 383, 386 (1915).
251. In the *KU KLUX CASES*, 110 U.S. 651 (1884), the Supreme Court said: "It is as essential to the successful working of this government that the great organisms of its executive and legislative branches should be the free choice of the people, as that the original form of it should be so. In absolute governments, where the monarch is the source of all power, it is still held to be important that the exercise of that power shall be free from the influence of extraneous violence and internal corruption. **In a republican government, like ours, where political power is reposed in representatives of the entire body of the people, chosen at short intervals by popular elections, the temptations to control these elections by violence and by corruption is a constant source of danger. Such has been the history of all republics, and, though ours [110 U.S. 651, 667] has been**

**comparatively free from both these evils in the past, no lover of his country can shut his eyes to the fear of future danger from both sources.**" (Plaintiffs' emphasis).

252. In *United States v. Saylor*, 322 U.S. 385 (1944), the Supreme Court said, "In *United States v. Mosley*, [238 U.S. 383](#), 35 S.Ct. 904, 905, this court reversed a judgment sustaining a demurrer to an indictment which charged a conspiracy of election officers to render false returns by disregarding certain precinct returns and thus falsifying the count of the vote cast. After stating that 19 is constitutional and validly extends 'some protection, at least, to the right to vote for Members of Congress,' the court added: 'We regard it as equally unquestionable that the right to have one's vote counted is as open to protection by Congress as the right to put a ballot in a box.' The court then traced the history of 19 from its origin as one section of the Enforcement Act of May 31, 1870,<sup>3</sup> which contained other sections more specifically aimed at election frauds, and the survival of 19 as a statute of the United States notwithstanding the repeal of those other sections. The conclusion was that 19 protected personal rights of a citizen including the right to cast his ballot, and held that to re- [322 U.S. 385, 388] fuse to count and return the vote as cast was as much an infringement of that personal right as to exclude the voter from the polling place. The case affirms that the elector's right intended to be protected is not only that to cast his ballot but that **to have it honestly counted.**" (Plaintiffs' emphasis).

253. In *U. S. v. Classic*, 313 U.S. 299 (1941), the Supreme Court said,

"Pursuant to the authority given by 2 of Article I of the Constitution, and subject to the legislative power of Congress under 4 of Article I, and other pertinent provisions of the Constitution, the states are given, and in fact exercise a wide discretion in the formulation of a system for the choice by the people of representatives in Congress. In common with many other states Louisiana has exercised that discretion by setting



up machinery for the effective choice of party candidates for representative in Congress by primary elections and by its laws it eliminates or seriously restricts the candidacy at the general election of all those who are defeated at the primary. All political parties, which are defined as those that have cast at least 5 per cent of the total vote at specified preceding elections, are required to nominate their candidates for representative by direct primary elections. Louisiana Act No. 46, Regular Session, 1940, 1 and 3.

“The primary is conducted by the state at public expense. Act No. 46, supra, 35. The primary, as is the general election, is subject to numerous statutory regulations as to the time, place and manner of conducting the election, **including provisions to insure that the ballots cast at the primary are correctly counted**, and the results of the count correctly recorded and certified to the Secretary of State, whose duty it is to place the names of the successful candidates of each party on the official [313 U.S. 299, 312] ballot. The Secretary of State is prohibited from placing on the official ballot the name of any person as a candidate for any political party not nominated in accordance with the provisions of the Act. Act 46, 1...

“The right to vote for a representative in Congress at the general election is, as a matter of law, thus restricted to the successful party candidate at the primary, to those not candidates at the primary who file nomination papers, and those whose names may be lawfully written into the ballot by the electors. Even if, as appellees argue, contrary to the decision in *Serpas v. Trebuq*, supra, voters may lawfully write into their ballots, cast at the general election, the name of a candidate rejected at the primary and have their ballots counted, the practical operation of the primary law in otherwise excluding from the ballot on the general election the names of candidates rejected at the primary is such as to impose serious restrictions upon the choice of candidates by the voters save by voting at the primary election. In fact, as alleged in the indictment, the practical operation of the primary in Louisiana, is and has been since the primary election was established in 1900 to secure the election of the Democratic primary [313 U.S. 299, 314] nominee for the Second Congressional District of Louisiana.

“Interference with the right to vote in the Congressional primary in the Second Congressional District for the choice of Democratic candidate for Congress is thus as a matter of law and in fact an interference with the effective choice of the voters at the only stage of the election procedure when their choice is of significance, since it is at the only stage when such interference could have any practical effect on the ultimate result, the choice of the Congressman to represent the district. **The primary in Louisiana is an integral part of the procedure for the popular choice of Congressman. The right of qualified voters to vote at the Congressional primary in Louisiana and to have their ballots counted is thus the right to participate in that choice. ...**

“Obviously included within the right to choose, secured by the Constitution, is the right of qualified voters within a state to cast their ballots **and have them counted** at

Congressional elections. This Court has consistently held that this is a right secured by the Constitution. *Ex parte Yarbrough*, supra; *Wiley v. Sinkler*, supra; *Swafford v. Templeton*, supra; *United States v. Mosley*, supra; see *Ex parte Siebold*, supra; In re Coy, [127 U.S. 731](#), 8 S.Ct. 1263; *Logan v. United States*, [144 U.S. 263](#), 12 S.Ct. 617. And since the constitutional command is without restriction or limitation, the right unlike those guaranteed by the Fourteenth and Fifteenth Amendments, is secured **against the action of individuals** as well as of states. *Ex parte Yarbrough*, supra; *Logan v. United States*, supra. ...

“...Moreover, we cannot close our eyes to the fact already mentioned that **the practical influence of the choice of candidates at the primary may be so great as to affect profoundly the choice at the general election even though there is no effective legal prohibition upon the rejection at the election of the choice made at the primary and may thus operate to deprive the voter of his constitutional right of choice.** This was noted and extensively commented upon by the concurring Justices in *Newberry v. United States*, supra, [256 U.S. 263](#) -269, 285, 287, 41 S.Ct. 476-478, 484.

“**Unless the constitutional protection of the integrity of 'elections' extends to primary elections, Congress is left powerless to effect the constitutional purpose, and the popular choice of representatives is stripped of its constitutional protection** save only as Congress, by taking over the control of state elections, may exclude from them the influence of the state primaries. 3 Such an expedient would end that state autonomy with respect to elections which the Constitution contemplated that Congress should be free to leave undisturbed, subject only to such minimum regulation as it should find necessary to insure the freedom [[313 U.S. 299, 320](#)] and integrity of the choice. **Words, especially those of a constitution, are not to be read with such stultifying narrowness.** The words of 2 and 4 of Article I, read in the sense which is plainly permissible and in the light of the constitutional purpose, require us to hold that a primary election which involves a necessary step in the choice of candidates for election as representatives in Congress, and which in the circumstances of this case controls that choice, is an election within the meaning of the constitutional provision and is subject to congressional regulation as to the manner of holding it. ...

“Conspiracy to prevent the official count of a citizen's ballot, held in *United States v. Mosley*, supra, to be a violation of 19 in the case of a congressional election, is equally a conspiracy to injure and oppress the citizen when the ballots are cast in a primary election prerequisite to the choice of party candidates for a congressional election. **In both cases the right infringed is one secured by the Constitution.** The injury suffered by the citizen in the exercise of the right is an injury which the statute describes and to which it applies in the one case as in the other...

"The right of the voters at the primary to have their votes counted is, as we have stated, a right or privilege secured by the Constitution..." (Plaintiffs' emphasis).

254. The federal Constitution condemns state restrictions such as those to be implemented by Defendant States “that, without justification [no compelling state interest], significantly encroach upon the rights to vote [and have the vote counted] and to associate for political purposes.” *Unity Party v. Wallace*, 707 F. 2d 59, 62 (2d Cir. 1983), or that enhance rather than prevent voter confusion, deception, frustration and fraud. *Storer v. Brown*, 415 U.S. 724, 732 (1974).
255. Voting procedures that are not open, verifiable, transparent and machine and computer free, with paper ballots that are hand marked and hand counted, abridge the right to cast an effective vote. *Williams v. Rhodes*, 393 U.S. 23, 30 (1968).
256. Defendants’ voting procedures impose an impermissible burden upon fundamental rights under the First and Fourteenth Amendments. *Burdick v. Takusi*, 112 S. Ct. at 2063.
257. Defendants’ voting procedures violate a right encompassed within the Equal Protection Clause of the Fourteenth Amendment. *Williams v. Rhodes*, 393 U.S. 23, 29 (1968).
258. Defendants’ voting procedures heavily burden the right to vote; due to the inevitability of machine error (intentional and unintentional) and human fraud, they will result in votes being cast only for party favorites at a time when party insurgents are clamoring for a place on the ballot. *Williams v. Rhodes*, 393 U.S. 23, 41 (1968).
259. Due to the enhanced probability and inevitability of machine error and human fraud, Defendants’ voting procedures will deprive one or more party insurgents of the right to have his or her voice heard and his or her views considered. *Williams v. Rhodes*, 393 U.S. 23, 41 (1968).

260. Due to the enhanced probability and inevitability of machine error and human fraud during the primaries, Defendants' voting procedures will restrict real as opposed to theoretical votes, ballot access and voter choice in the general election. *American Party v. White*, 415 U.S. 767, 783 (1974).

### **PLAINTIFFS' SECOND CAUSE OF ACTION:**

#### **FAILURE TO PROVIDE THE VOTERS WITH A VERIFIABLE "CHAIN OF CUSTODY" AND THE MANUAL ALLOCATION AND COUNTING OF ALL BALLOTS IN FULL PUBLIC VIEW, AT EACH VOTING STATION, BEFORE THOSE BALLOTS ARE EVER REMOVED FROM PUBLIC VIEW VIOLATES THE CONTRACT RIGHTS OF PLAINTIFFS**

261. Formally registering with the State to vote and as a member of a political party is a contract. On the one hand the registrant agrees to be listed as a voter and a member of that party with eligibility to vote in that political party's primary election. On the other hand the State and the political party agree that the votes will be counted accurately.

262. **Offer and Acceptance.** A contract is based upon an agreement. An agreement arises when one person, the offeror, makes an offer and the person to whom the offer is made, the offeree, accepts. An offer may be made to a particular person or it may be made to the public at large.

263. **Agreement.** In law, a concord of understanding and intention between two or more parties with respect to the effect upon their relative rights and duties, of certain past or future facts or performances.

264. Article 1, Section 10 of the Constitution reads as follows:

#### **Section 10 - Powers prohibited of States**

No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, **or Law impairing the Obligation of Contracts**, or grant any Title of Nobility.

265. All contracts must contain mutual assent. *Anderson*, 540 N.W.2d at 285. This assent is usually given through an offer and acceptance. An offer is a "manifestation of willingness to enter into a bargain, so made as to justify another person in understanding that his assent to that bargain is invited and will conclude it." *Id.* (quoting Restatement (Second) of Contracts § 24). An offer also must be certain as to its terms and requirements. See *Audus v. Sabre Communications Corp.*, 554 N.W.2d 868, 871 (Iowa 1996); 17A Am. Jur.2d Contracts § 192, at 202.
266. The execution of a Voter Registration Card is the execution of the contract between Defendants and those participating as voters.
267. The Voter Registration contract contains not only the Right to cast a vote, but the corollary Right to have the votes counted accurately.
268. Plaintiff registered voters in no way, would willfully consent to this contract if they even suspected the votes could be compromised or the vote counting process was ripe for fraud or machine failure -- or even sabotage.
269. Indeed, lacking the integrity of an open, verifiable, transparent, machine and computer free election with hand counting of all votes and a "People's chain of custody," Defendants' voting procedures have the appearance of a rigged gambling table or game show where the "house" determines who wins. Unfortunately for the Plaintiffs, and the balance of America, the outcome of the upcoming series of primary elections poses a

very real threat affecting the choices of the American voters in 2008 and potentially altering the future of the nation itself.

270. That Defendant States have lent their imprimatur and assistance to this contract fraud is indefensible and unconstitutional.

### **THIRD CAUSE OF ACTION**

#### **IF THE CONSTITUTION REQUIRES EVERYTHING POSSIBLE BE DONE TO ASSURE ALL VOTES ARE EFFECTIVE, THE CONSTITUTION REQUIRES UTILIZATION OF ANY AVAILABLE VOTING PROCEDURE THAT IS OPEN, VERIFIABLE AND TRANSPARENT, I.E., NO MACHINE OR COMPUTERIZED VOTE COUNTING**

271. The following eleven step voting procedure is practical and available for adoption by all Defendant States. If the Constitution requires everything possible to done to assure all votes are counted and effective, and there is no compelling state interest that would argue against the adoption of the following voting procedure, the procedure must be adopted and followed by each Defendant during the 2008 primary and general elections.

1. All votes are to be marked by hand on paper ballots.
2. From the time the voter votes to the time the results of the vote are publicly announced, all paper ballots shall never be out of the view of the public.
3. Each completed paper ballot is to be deposited into a numbered, transparent container that is in clear public view throughout the voting period. The numbers are to be at least 4 inches high, black on white.
4. Each candidate on the ballot shall have the Right to have a representative present for an inspection of each container ten minutes before the voting period begins.
5. A rope shall surround each vote station at a distance of 6-10 feet from the numbered transparent container, beyond which any person can quietly stand to quietly observe and record by video recording device the transparent containers and the number of voters.

6. As the voting period ends, each ballot box is to be set on one of several 6-8 foot long cafeteria-style tables that have been set up at each of the voting stations. There, the ballots are to be separated and hand-counted.
7. Aside from two representatives of the State Defendants, each candidate on the ballot may have a representative participate in the vote counting process. All State and candidate Vote Counters must agree on the candidate allocation of each vote and the count. Once the Vote Counters are in agreement on the allocation and the count of the votes, the result of the count is to be read aloud for public consumption. After tallying the ballots for each candidate, the appropriate State Vote Counters will then each certify, under penalty of perjury, the vote totals for each candidate cast at their vote station.
8. The paper ballots at each vote station are to be returned to the numbered, transparent containers immediately after the vote are counted. The containers are to be sealed pursuant to State law and transported to a central warehouse according to State law, along with the certifications of the vote station's totals. A copy of the certified tally sheets shall be kept at the local precinct, ward, or polling station.
9. The certified vote totals are to be immediately communicated from each vote station to a central tabulation location where the totals from each vote station are to be publicly announced and tabulated as they are received. The central location shall be open to the public during the entire process.
10. As each certified vote total arrives at the central warehouse, the identification number of the voting station, the ballot container number and the results of the hand-counted vote will be read aloud by the State and manually entered into a paper spreadsheet by one person, then entered into a computer spreadsheet by another person for live video projection onto public viewing screens within the room. Both manual and computer spreadsheets will consist of one (1) column for each candidate or item, one (1) row for each voting station, and the signatures and addresses of the persons making entries. The manual spreadsheet rows and columns shall be totaled manually. The computer spreadsheet will contain automated total fields for each row and column that will update automatically as vote data is entered. Immediately after the entry of computer data from each voting station, a separate, individually and sequentially named copy of the master spreadsheet file will be saved to the computer's hard drive and to a separate CD-ROM disc. Additionally, a hard-copy of the computer spreadsheet will be printed out following the entry of each vote station's data, compared to the manual spreadsheet and both the manual and computer generated spreadsheets shall be signed by a State Auditor with the time/date noted after all discrepancies, if any, are lawfully recorded and resolved. Both the manual and computer spreadsheets will be preserved as part of the official election record.

11. After the results of the vote from each of the vote stations are received, entered and read aloud, and the cumulative (grand) totals from the hand-counts are agreed to by the State and candidate representatives, the final totals will then be immediately certified by the State, publicly read aloud and pronounced as the final election result. Copies of the final vote spreadsheet in both manual and electronic format and hard copy will then be made immediately available to Candidate representatives and those interested members of the public and/or media within the room. The manual and computer spreadsheets shall be published by the State in the newspaper with the most numerous subscription at the State capitol. Following the election, the ballots, certifications, totals and manual and computer spreadsheet will be turned over to the custody of the State for secure storage, pursuant to State law for General Elections. The State will make copies of the vote certifications and spreadsheet(s) available to the public for a nominal copying fee. The State will post the manual and computer generated vote spreadsheets and appropriate certifications of the totals on its websites as soon as is practicable.

## CONCLUSION

272. Only a manual count of the ballots that have not been out of public view will provide 100% assurance that all voters have cast an effective vote – that is, that all votes have been properly and legally counted. The vote is the cornerstone of our democratic, constitutional republic. If every person should vote and one vote can make a difference, then any system that heightens the possibility of error and fraud must be avoided. The Constitution demands it.

273. Only paper ballots, hand-marked and hand-counted in public view can provide the 100% assurance that the votes will be accurately counted.

274. Defendants' intended voting procedures will place a severe burden upon or deny the Fundamental Rights of the Plaintiffs by conducting what is in scale, form, substance and practical effect, a *sham* Election without any of the procedural controls or legal safeguards that are otherwise mandated by the Constitution and state law.



275. Beyond the discredited voting equipment that Defendants intend to use for the primary and general elections, the Defendants' voting procedures are so deficient and inviting of fraud and corruption as to be unconscionable.

276. A constitutionally compliant voting procedure is available.

277. WHEREFORE, based on the above, plaintiffs respectfully request a final order:

- a) Permanently enjoining Defendants from conducting any caucus, primary, special, general or other election in 2008 unless such election is open, verifiable, transparent, machine-free, and computer-free, and

For such other and further relief as to the Court may seem just and proper.