

IN THE SUPREME COURT OF OHIO

THE STATE OF OHIO <i>ex rel.</i>	:	
RHONDA L. COLVIN, <i>et al.</i>	:	
	:	
Relators,	:	
	:	
vs.	:	Case No. 08-1813
	:	
JENNIFER BRUNNER, SECRETARY OF	:	Original Action in Mandamus
STATE OF OHIO,	:	
	:	Expedited Election Matter
Respondent.	:	Under S.Ct. Prac. R.X. § 9
	:	

**AFFIDAVIT OF SCOTT STILLMAN
IN SUPPORT OF THE MEMORANDUM OF *AMICI CURIAE* THE OHIO AFL-CIO
AND DISTRICT 1199 SEIU IN SUPPORT OF RESPONDENT**

FILED
SEP 24 2008
CLERK OF COURT
SUPREME COURT OF OHIO

AFFIDAVIT OF SCOTT STILLMAN

I, Scott Stillman, depose and state the following under oath:

1. I am a third-year law student at Northeastern University School of Law in Boston, Massachusetts. I am currently working as a law clerk for the law firm of Altshuler Berzon LLP, which is representing *amici curiae* the Ohio AFL-CIO and District 1199 of the Service Employees International Union (SEIU) in this matter.

2. On September 23, 2008, I spoke with Katie Clark, an administrative assistant in the Elections Division of the Nebraska Secretary of State's office. Ms. Clark informed me that during the period of time when absentee ballots have been delivered and voter registration is still available, a person may register to vote and cast an absentee ballot at the same time.

3. On September 23, 2008, I spoke with David Crossman, Elections Administrator in the Vermont Secretary of State's office. He informed me that during the period of time when ballots have been furnished to the clerk of each town and voter registration is still available, a person may simultaneously register to vote and cast an absentee ballot.

4. On September 23, 2008, Kea Warne, Election Supervisor at the South Dakota Secretary of State's office, confirmed via voice-mail that absentee voting has begun in South Dakota today, September 23, 2008 and from today until the voter registration deadline, a person can register to vote and vote absentee in person at the same time in the county auditor's office.

5. On September 23, 2008, I spoke with Nancy Crockett in the Elections Division of the Arkansas Secretary of State's office. She informed me that she believed that during the overlap period from October 2, 2008 through October 6, 2008, a person is able to simultaneously register to vote and vote absentee in person.

6. On September 23, 2008, I spoke with Dave Foster, Election Specialist in the Michigan Secretary of State's office. He informed me that simultaneously registering to vote and voting absentee in person is a well-known process in Michigan that is an understood practice supported by statutory interpretation.

7. On September 23, 2008, I spoke with Bernard Liu who is an attorney in the Legislative, Elections, and Administration Division of the General Counsel's office in the Connecticut Secretary of State's office. He informed me that during the period of time when absentee ballots have been issued and voter registration is still available, a person may register to vote and cast an absentee ballot at the same time.

8. On September 23, 2008, I spoke with Leslie Winslow, Senior Counsel for the Missouri Secretary of State's office. She informed me that during the period of time when absentee ballots have been made available and voter registration is still open, persons can simultaneously register to vote and cast an absentee ballot in person.

Further Affiant sayeth naught.

Dated: September 23, 2008



SCOTT STILLMAN

CALIFORNIA JURAT WITH AFFIANT STATEMENT

- See Attached Document (Notary to cross out lines 1-6 below)
 See Statement Below (Lines 1-5 to be completed only by document signer[s], *not* Notary)

1 _____
2 _____
3 _____
4 _____
5 _____
6 _____

Signature of Document Signer No. 1 _____ Signature of Document Signer No. 2 (if any) _____

State of California

County of SAN FRANCISCO

Subscribed and sworn to (or affirmed) before me on this

23rd day of September, 2008, by
Date Month Year

(1) SCOTT STILLMAN
Name of Signer

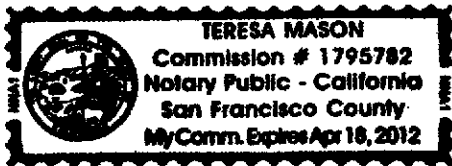
proved to me on the basis of satisfactory evidence to be the person who appeared before me (.) ~~(+)~~

(and

(2) _____
Name of Signer

proved to me on the basis of satisfactory evidence to be the person who appeared before me.)

Signature *Teresa Mason*
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Further Description of Any Attached Document

Title or Type of Document: Affidavit of Scott Stillman

Document Date: 9-23-08 Number of Pages: 3

Signer(s) Other Than Named Above: NONE

RIGHT THUMBPRINT
OF SIGNER #1
Top of thumb here

RIGHT THUMBPRINT
OF SIGNER #2
Top of thumb here

CERTIFICATE OF SERVICE

The undersigned hereby certified that a copy of the foregoing was sent via regular U.S.

Mail Service the 24th day of September, 2008 to the following: *This document was also served by e-mail upon the following:*

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By: *Thomas C. Drabick, Jr.*
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