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

OHIO REPUBLICAN PARTY, et al.	:	
	:	
Plaintiffs,	:	
	:	**Case No. 2:08CV913**
v.	:	
	:	**JUDGE SMITH**
JENNIFER BRUNNER,	:	
Secretary of State of Ohio,	:	**MAGISTRATE JUDGE KING**
	:	
Defendant	:	

AFFIDAVIT OF DAVID M. FARRELL

I, David M. Farrell, having been duly cautioned and sworn, state the following on personal information and belief.

1. I am over eighteen years of age and am competent to testify to the matters contained in this affidavit.

2. Currently, I serve as the Deputy Assistant Secretary of State and the Director of Elections. In that capacity I oversee the Elections, Campaign Finance, and Field Services sections of the Secretary of State's office.

3. Prior to my employment at the Secretary of State's office, I acquired first-hand knowledge and experience in elections administration by serving as a member of the Clark County Board of Elections from March 2000 until December 2006.

4. During that time I also served as Chair of the Clark County Board of elections. I served as Chair from 2002 until 2006.

5. In my capacity as Deputy Assistant Secretary of State and Director of Elections, and because of my personal knowledge and experience in elections administration, I am responsible for overseeing the administration of elections for the State of Ohio and for ensuring that all efforts are made to keep the State of Ohio in compliance with all relevant state and federal elections laws.

6. Ohio must comply with, among other laws, the Help America Vote Act, which requires, in part, that the State of Ohio have a centralized statewide voter registration database ("SOS SWVRD").

7. Ohio has created that data base: it is centralized in the Secretary of State's office ("SOS"), it allows real-time access by local election officials, and it contains the names and registration information of every legally registered voter in the state.

8. The Secretary of State has entered into an agreement with the Ohio Department of Public Safety, Bureau of Motor Vehicles ("BMV"), to compare the information about Ohio electors in the SOS

SWVRD relevant with the information about the same people in the Bureau of Motor Vehicle's database. The agreement is attached as Exhibit A.

9. The BMV has entered into an agreement with the United State Social Security Administration ("SSA") to compare the information provided to the BMV by the SOS about Ohio electors in the SOS SWVRD with information about those same people in the SSA's database. The agreement is attached as Exhibit B.

10. Although a representative of the Ohio Republican Party did make a request for a copy of the SWVRD Systems Manual, at no time did a representative of the Ohio Republican Party contact the Elections Division, or on information and belief, any other person at the office of the Secretary of State to inquire about the methods employed by this office to implement HAVA requirements concerning the SWVRD or to ask whether computer verification with BMV and SSA databases was occurring.

11. On October 3, 2008 the Secretary received a letter from the Commissioner of the Social Security Administration stating that "Since October 1, 2007, however, we have received over 740,000 requests for verification from your State." The letter is attached as Exhibit C.

12. On October 7, 2008, I advised the county boards of elections directors, deputy directors, and members via email of the filing of the Renewed Motion for Temporary Restraining Order filed in this case and that, if a TRO is granted, "boards of elections will likely be impacted" and advising them to plan as best as they can for the possible issuance of a court order requiring them to take action in regard to their county's voter registration verification procedures and preparation of signature poll books or poll lists. A copy of the email is attached as Exhibit D.

13. The Secretary of State has prepared and distributed a Poll Worker Quick Reference Guide for use by pollworkers throughout the state. Although produced and distributed in flip-chart format for easy reference, a copy of the Guide in 8.5 x 11 inch format is attached as Exhibit E.

14. Secretary of State Brunner related to me that, upon taking office, she inquired of the secretaries of states of the states surrounding Ohio to create an interstate compact for comparing voter databases to prevent just such a scenario, but she did not receive any affirmative responses from the secretaries of state of Indiana and Michigan, and she received statements of interest from Pennsylvania and Kentucky but the concerns that administrative feasibility with the newness of, especially Pennsylvania's, database development necessitated delay in moving forward with these states.

FURTHER, AFFIANT SAYETH NAUGHT.

DAVID M. FARRELL

Sworn to before me and subscribed by David M. Farrell in my presence this 8th day of October, 2008.

BRANDI R. LASER SESKES, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.

Notary Public