

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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

AMENDED  
VERIFIED COMPLAINT

No. 07cv-0943  
LEK / DRH

JURY TRIAL  
REQUESTED

SKAPINSKY (Massachusetts); TONY DEMOTT )  
(Michigan); KENNETH COOPER (Michigan); PAT )  
FOSTER (Michigan); JOHN MARSHALL (Minnesota); )  
SHAWN WAYNE JUNIOR DAVIS (Minnesota); JOHN )  
HANSVICK (Minnesota); MARK G. BUSHMAN )  
(Mississippi); CHRISTOPHER J.M. CUMMINS )  
(Mississippi); JONATHAN D. MEADOWS (Mississippi); )  
KEVIN HALPIN (Missouri); JOSEPH GOODMAN )  
(Missouri); BRIAN THOMPSON II (Missouri); )  
STANLEY JONES (Montana); ELENA GAGLIANO )  
(Montana); JOSEPH KASUN (Nebraska); ERIC )  
MILLER (Nebraska); JAY PETERSON (Nebraska); )  
CHRISTOPHER H. HANSEN (Nevada); JUANITA )  
COX (Nevada); GUY PAGE FELTON III (Nevada); )  
DOUGLAS A. BERSAW (New Hampshire); DIANNE )  
GILBERT (New Hampshire); ROBERT SURPRENANT )  
(New Hampshire); EDWARD HELMSTETTER (New )  
Jersey); GARY BERNER (New Jersey); PANKAJ )  
ANAND (New Jersey); CHARLES RANALLI (New )  
Mexico); JAMES GENZLING (New Mexico); )  
WILLIAM RITCH (New Mexico); ARTHUR BERG )  
(New York); JOHN LIGGETT (New York); STEVE )  
HARRIS (North Carolina); BETTE GERMAN SMITH )  
(North Carolina); CARL JAY ZIETLOW (North )  
Carolina); CHARLES CARTIER (North Dakota); )  
CATHY CARTIER (North Dakota); JAMES J. )  
CONDIT JR. (Ohio); MICHAEL DISALVO (Ohio); )  
GREGORY TEKAUTZ (Ohio); STEVEN M. BEESON )  
(Oklahoma); CRAIG F HOLGUIN (Oklahoma); )  
JENNIFER L. WATERS (Oklahoma); MARY D. )  
FARRELL (Oregon); LEE HAMEL (Oregon); RUBIE )  
O'DELL (Oregon); EDGAR STEPHAN (Pennsylvania); )  
SAMUEL ANTHONY ETTARO (Pennsylvania); )  
JOSEPH THOMPSON (Pennsylvania); )  
CHRISTOPHER J. MAYNARD (Rhode Island); )  
THOMAS BERETTA (Rhode Island); SUSAN R. )  
BERGE (Rhode Island); JOSHUA DAVID. BRANNON )  
(South Carolina); ILONA URBAN BLAKELEY (South )  
Carolina); AMANDA MOORE (South Carolina); )  
WILLIAM STEGMEIER (South Dakota); ELVIS )  
HANES (South Dakota); EUGENE PAULSON (South )  
Dakota); WILLIAM. HARDIN (Tennessee); JOHN )  
FARRAR (Tennessee); WILLIAM KELLER )  
(Tennessee); GARY W. GIUFFRE (Texas); EDDIE )  
CRAIG (Texas); GREGORY GOREY (Texas); )  
RONALD J. KELLER (Texas); ROBERT K. DALTON )

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

Plaintiffs )

-against- )

STATE OF NEW YORK, Neil Kelleher, Douglas )  
Kellner, Evelyn Aquilaand Helena Moses Donahue, State )  
Board of Elections; STATE OF ALABAMA, Beth )  
Chapman, Secretary of State and Chief Election Official; )  
STATE OF ALASKA, Sean Parnell, Lt. Governor and )  
Chief Election Official; STATE OF ARIZONA, Jan )  
Brewer, Secretary of State and Chief Election Official; )  
STATE OF ARKANSAS, Charlie Daniels, Secretary of )  
State and Chief Election Official; STATE OF )  
CALIFORNIA, Debra Bowen, Secretary of State and )  
Chief Election Official; STATE OF COLORADO, Mike )  
Coffman, Secretary of State and Chief Election Official; )  
STATE OF CONNECTICUT, Susan Bysiewicz, )  
Secretary of State and Chief Election Official; STATE )  
OF DELAWARE, Elaine Manlove, Commissioner of )  
Elections; STATE OF FLORIDA, Kurt Browning, )  
Secretary of State and Chief Election Official; STATE )  
OF GEORGIA, Karen Handel, Secretary of State and )  
Chief Election Official; STATE OF HAWAII, Rex M. )  
Quidilla, Chief Election Officer; STATE OF IDAHO, Ben )  
Ysursa, Secretary of State and Chief Election Official; )  
STATE OF ILLINOIS, Albert Porter, Bryan Schneider, )  
Jesse Smart, Wanda Rednour, Robert Walters, Patrick )  
Brady, William McGuffageand John Keith, State Board )  
of Elections; STATE OF INDIANA, Todd Rokita, )  
Secretary of State and Chief Election Official; STATE )  
OF IOWA, Michael Mauro, Secretary of Stateand Chief )  
Election Official; STATE OF KANSAS, Ron )

Thornburgh, Secretary of State and Chief Election )  
Official; STATE OF KENTUCKY, Trey Grayson, )  
Secretary of State and Chief Election Official; STATE )  
OF LOUISIANA, Jay Dardenne, Secretary of State and )  
Chief Election Official; STATE OF MAINE, Matthew )  
Dunlap, Secretary of State and Chief Election Official; )  
STATE OF MARYLAND, Robert Walker, Bobbie )  
Mack, Andrew Jezic, David McManusand Charles )  
Thomann, State Board of Elections; STATE OF )  
MASSACHUSETTS, William Francis Galvin, Secretary )  
of the Commonwealth and Chief Election Official; )  
STATE OF MICHIGAN, Terri Lynn Land, Secretary of )  
State and Chief Election Official; STATE OF )  
MINNESOTA, Mark Ritchie, Secretary of State and )  
Chief Election Official; STATE OF MISSISSIPPI, Eric )  
Clark, Secretary of State and Chief Election Official; )  
STATE OF MISSOURI, Robin Carnahan, Secretary of )  
State and Chief Election Official; STATE OF )  
MONTANA, Brad Johnson, Secretary of State and Chief )  
Election Official; STATE OF NEBRASKA, John Gale, )  
Secretary of State and Chief Election Official; STATE )  
OF NEVADA, Ross Miller, Secretary of State and Chief )  
Election Official; STATE OF NEW HAMPSHIRE, )  
William Gardner, Secretary of State and Chief Election )  
Official; STATE OF NEW JERSEY, Anne Milgram, )  
Attorney General and Chief Election Official; STATE )  
OF NEW MEXICO, Mary Herrera, Secretary of State )  
and Chief Election Official; STATE OF NORTH )  
CAROLINA, Larry Leake, Lorraine Shinn, Charles )  
Winfree, Genevieve Simsand Robert Cordle, State Board )  
of Elections; STATE OF NORTH DAKOTA, Alvin )  
Jaeger, Secretary of Stateand Chief Election Official; )  
STATE OF OHIO, Jennifer Brunner, Secretary of State )  
and Chief Election Official; STATE OF OKLAHOMA, )  
Thomas Prince, Susan Turpenand Ramon Watkins, )  
State Election Board; STATE OF OREGON, Bill )  
Bradbury, Secretary of State and Chief Election Official; )  
STATE OF PENNSYLVANIA, Pedro Cortés, Secretary )  
of the Commonwealth and Chief Election Official; )  
STATE OF RHODE ISLAND, A. Ralph Mollis, )  
Secretary of State and Chief Election Official; STATE )  
OF SOUTH CAROLINA, John Hudgens III, Cynthiz )  
Bensch, Tracey Green, Pamella Pinsonand Edward )  
Pritchard, Jr., State Election Commission; )  
STATE OF SOUTH DAKOTA, Chris Nelson, Secretary )  
of Stateand Chief Election Official; STATE OF )

**TENNESSEE, Riley Darnell, Secretary of State and Chief** )  
**Election Official; STATE OF TEXAS, Phil Wilson,** )  
**Secretary of State and Chief Election Official; STATE** )  
**OF UTAH, Gary Herbert, Lt. Governor and Chief** )  
**Election Official; STATE OF VERMONT, Deborah** )  
**Markowitz, Secretary of State and Chief Election** )  
**Official; STATE OF VIRGINIA, Jean Cunningham,** )  
**Harold Pyon and Nancy Rodriques, State Board of** )  
**Elections; STATE OF WASHINGTON, Sam Reed,** )  
**Secretary of State and Chief Election Official; STATE** )  
**OF WEST VIRGINIA, Betty Ireland, Secretary of State** )  
**and Chief Election Official; STATE OF WISCONSIN,** )  
**John Schober, Shane Falk, David Anstaett, Kirby Brant,** )  
**Donald Goldberg, Carl Holborn, Patrick Hodan, Robert** )  
**Kasieta and Jon Savage, State Elections Board; STATE** )  
**OF WYOMING, Max Maxfield, Secretary of State and** )  
**Chief Election Official;** )  
) )  
) )  
**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 of the Constitution, 28 U.S.C. Sections 1331 and 1343(3), and 42 U.S.C. Section 1983.
2. The lead Plaintiff resides in this judicial district. The principal offices of the lead Defendant are located in this judicial district.
3. Each Plaintiff is suing his or her State among others.
4. All Plaintiffs assert a Right to relief jointly and severally, in respect of and arising out of the same series of occurrences and common questions of law and fact.

5. All Plaintiffs assert against all Defendants jointly and severally a right to relief, in respect of and arising out of the same series of occurrences and common questions of law and fact.

### **DEFINITIONS**

6. The word “state” means State or Commonwealth of the United States of America.
7. The word “county” means county, parish, city, town or municipality within the States of the Union.
8. The word “primary” means primary or caucus.

### **PARTIES**

9. This case arises out of questions of law and fact that are common to all Plaintiffs and all Defendants.
10. 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 election to be held during the 2008 Presidential Election cycle, to be counted accurately.
11. 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 fraud and confusion, deception and frustration.
12. In this action, each Plaintiff is suing the state where he or she resides as a registered voter and each of the other 49 states.
13. 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, Queensbury NY 12804.

14. 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., LeesburgAL 35983.
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., tuscaloosaAL 35404.
16. 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., LeesburgAL 35983.
17. 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 P.O. Box 312, CraigAK 99921.
18. 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, AnchorageAK 99503.
19. 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., SoldotnaAK 99669.
20. 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., PeoriaAZ 85345.

21. STUART KEVIN 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., FlagstaffAZ 86001.
22. 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., PhoenixAZ 85029.
23. 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, FayettevilleAR 72701.
24. 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., Heber SpringsAR 72543.
25. 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, FayettevilleAR 72701.
26. 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., Palm DesertCA 92260.
27. 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, san joseCA 95148.



28. 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., BurbankCA 91504.
29. 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, LakewoodCO 80226.
30. 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, Colorado SpringsCO 80907.
31. 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, Colorado SpringsCO 80921.
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, WestonCT 06883.
33. 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., WatertownCT 06795.
34. HEATHER WILSON 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 68 Chestnut Hill Rd, WiltonCT 06897.

35. 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., WilmingtonDE 19804.
36. 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, WimingtonDE 19809.
37. 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, WilmingtonDE 19808.
38. 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, SarasotaFL 34240.
39. 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, Tarpon SpringsFL 34688.
40. 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, SarasotaFL 34236.
41. 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, AlpharettaGA 30004.

42. 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, WaleskaGA 30183.
43. 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, MariettaGA 30062.
44. KA`IMI PELEKAI 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 1750 Kalakaua Ave #3250, HonoluluHI 96826.
45. 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, KeaauHI 96749.
46. 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, KealakekuaHI 96750.
47. 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, Dalton GardensID 83815.
48. SUSAN K. 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., ParmaID 83660.

49. PAUL T. VENABLE III 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., ParmaID 83660.
50. 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., EvanstonIL 60201.
51. 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, BerwynIL 60402.
52. 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, ChicagoIL 60625.
53. 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, ValparaisoIN 46383.
54. 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, MonticelloIN 47960.
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., ValparaisoIN 46383.

56. 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, Des MoinesIA 50321.
57. 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, HomesteadIA 52236.
58. 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., StratfordIA 50249.
59. 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, WichataKS 67212.
60. 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, StocktonKS 67669.
61. 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, GrangeKY 40031.
62. 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, RichmondKY 40475.

63. 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, ElizabethtownKY 42701.
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, DelcambreLA 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., St. FrancisvilleLA 70775.
66. 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, New OrleansLA 70119.
67. 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, LewistonME 04240.
68. 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, LewistonME 04240.
69. 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., BowdoinME 04287.

70. 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., ElktonMD 21921.
71. 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, RockvilleMD 20853.
72. 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, Valley LeeMD 20692.
73. 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, MarlboroughMA 01752.
74. 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, EverettMA 02149.
75. 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, HolbrookMA 02343.
76. 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, YpsilantiMI 48198.

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, HollandMI 49424.
78. 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, FennvilleMI 49408.
79. 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, MonticelloMN 55362.
80. SHAWN WAYNE JUNIOR 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., DuluthMN 55811.
81. 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, HendersonMN 56044.
82. 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 4911 Old Conton Road #134, JacksonMS 39211.
83. CHRISTOPHER J.M. 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, Blue MountainMS 38610.



84. 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., RipleyMS 38663.
85. 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., Saint LouisMO 63123.
86. 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, Kansas CityMO 64131.
87. 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., Saint LouisMO 63123.
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, BozemanMT 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, PhilipsburgMT 59858.
90. 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, OmahaNE 68107.

91. 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., OmahaNE 68025.
92. 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, FremontNE 68025.
93. 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, HendersonNV 89074.
94. 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 1088 McCarran Ranch Road, McCarranNV 89434.
95. 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, RenoNV 89509.
96. 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, RichmondNH 03470.
97. 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, EppingNH 03042.

98. 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, SurreyNH 03431.
99. 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, CranfordNJ 07016.
100. 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, LyndhurstNJ 07071.
101. PANKAJ ANAND 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 506 Washington Road, ParllinNJ 8859.
102. 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, albuquerqueNM 87123.
103. 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 P.O. Box 192, LakewoodNM 88254.
104. 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, CuchilloNM 87901.

105. ARTHUR BERG 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 1441 US Route 11, TullyNY 13159.
106. 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, New YorkNY 10022.
107. STEVE HARRIS 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, CharlotteNC 28226.
108. BETTE GERMAN 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, Chapel HillNC 27516.
109. 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, BurnsvilleNC 28714.
110. 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, WillistonND 58801.
111. 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, WillistonND 58801.

112. 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, Cincinnati OH 45247.
113. 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, West Chester OH 45069.
114. 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, Rittman OH 44270.
115. STEVEN 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., Broken Arrow OK 74012.
116. CRAIG F HOLGUIN 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 1533 N. Bradley Ave., Oklahoma City OK 73127.
117. 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., Bethany OK 73008.
118. 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., Portland OR 97212.

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, HillsboroOR 97124.
120. 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, Cave JunctionOR 97523.
121. 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, Ford CityPA 16226.
122. 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, CurwensvillePA 16833.
123. 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, BethlehemPA 18018.
124. 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, LincolnRI 02865.
125. 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., WarwickRI 02888.

126. 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, HarrisvilleRI 02830.
127. JOSHUA DAVID. 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, Boiling SpringsSC 29316.
128. 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, PaulineSC 29374.
129. 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, CharlestonSC 29414.
130. 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, TeaSD 57064.
131. 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, TeaSD 57064.
132. 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, Rosholt,SD 57260.

133. WILLIAM. 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, HendersonvilleTN 37075.
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, BethpageTN 37022.
135. 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, DecherdTN 37324.
136. GARY W. 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, BellvilleTX 77418.
137. 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., NacogdochesTX 75965.
138. GREGORY 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, AustinTX 78749.
139. RONALD J. 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 5127 Hwy 36 South, RosenbegTX 77471.



140. 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, Cedar CityUT 84720.
141. 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, Cedar CityUT 84720.
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., ProvoUT 84606.
143. 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, ArlingtonVT 05250.
144. 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, BrattleboroVT 05301.
145. 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, BurlingtonVT 05401.
146. 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, ProspectVA 23960.

147. 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, RichmondVA 23228.
148. 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., SuffolkVA 23434.
149. RON MOSS 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 5115 208th St. E., SpanawayWA 98387.
150. 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., WashougalWA 98671.
151. 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, CamasWA 98607.
152. 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, RangerWV 25557.
153. 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., HuntingtonWV 25701.

154. 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, Ranger WV 25557.
155. 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, Evansville WI 53536.
156. 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, La Farge WI 54639.
157. 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, Casper WY 82604.
158. 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, Grover WY 83122.
159. 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, Lander WY 82520.
160. STATE OF NEW YORK is one of the 50 States of the United States of America; Neil Kelleher, Douglas Kellner, Evelyn Aquila and Helena Moses Donahue, State Board of Elections.
161. STATE OF ALABAMA is one of the 50 States of the United States of America; Beth Chapman, Secretary of State and Chief Election Official.

162. STATE OF ALASKA is one of the 50 States of the United States of America; Sean Parnell, Lt. Governor and Chief Election Official.
163. STATE OF ARIZONA is one of the 50 States of the United States of America; Jan Brewer, Secretary of State and Chief Election Official.
164. STATE OF ARKANSAS is one of the 50 States of the United States of America; Charlie Daniels, Secretary of State and Chief Election Official.
165. STATE OF CALIFORNIA is one of the 50 States of the United States of America; Debra Bowen, Secretary of State and Chief Election Official.
166. STATE OF COLORADO is one of the 50 States of the United States of America; Mike Coffman, Secretary of State and Chief Election Official.
167. STATE OF CONNECTICUT is one of the 50 States of the United States of America; Susan Bysiewicz, Secretary of State and Chief Election Official.
168. STATE OF DELAWARE is one of the 50 States of the United States of America; Elaine Manlove, Commissioner of Elections.
169. STATE OF FLORIDA is one of the 50 States of the United States of America; Kurt Browning, Secretary of State and Chief Election Official.
170. STATE OF GEORGIA is one of the 50 States of the United States of America; Karen Handel, Secretary of State and Chief Election Official.
171. STATE OF HAWAII is one of the 50 States of the United States of America; Rex M. Quidilla, Chief Election Officer.
172. STATE OF IDAHO is one of the 50 States of the United States of America; Ben Ysursa, Secretary of State and Chief Election Official.

173. STATE OF ILLINOIS is one of the 50 States of the United States of America; Albert Porter, Bryan Schneider, Jesse Smart, Wanda Rednour, Robert Walters, Patrick Brady, William McGuffageand John Keith, State Board of Elections.
174. STATE OF INDIANA is one of the 50 States of the United States of America; Todd Rokita, Secretary of State and Chief Election Official.
175. STATE OF IOWA is one of the 50 States of the United States of America; Michael Mauro, Secretary of Stateand Chief Election Official.
176. STATE OF KANSAS is one of the 50 States of the United States of America; Ron Thornburgh, Secretary of State and Chief Election Official.
177. STATE OF KENTUCKY is one of the 50 States of the United States of America; Trey Grayson, Secretary of State and Chief Election Official.
178. STATE OF LOUISIANA is one of the 50 States of the United States of America; Jay Dardenne, Secretary of State and Chief Election Official.
179. STATE OF MAINE is one of the 50 States of the United States of America; Matthew Dunlap, Secretary of State and Chief Election Official.
180. STATE OF MARYLAND is one of the 50 States of the United States of America; Robert Walker, Bobbie Mack, Andrew Jezic, David McManusand Charles Thomann, State Board of Elections.
181. STATE OF MASSACHUSETTS is one of the 50 States of the United States of America; William Francis Galvin, Secretary of the Commonwealth and Chief Election Official.
182. STATE OF MICHIGAN is one of the 50 States of the United States of America; Terri Lynn Land, Secretary of State and Chief Election Official.

183. STATE OF MINNESOTA is one of the 50 States of the United States of America; Mark Ritchie, Secretary of State and Chief Election Official.
184. STATE OF MISSISSIPPI is one of the 50 States of the United States of America; Eric Clark, Secretary of State and Chief Election Official.
185. STATE OF MISSOURI is one of the 50 States of the United States of America; Robin Carnahan, Secretary of State and Chief Election Official.
186. STATE OF MONTANA is one of the 50 States of the United States of America; Brad Johnson, Secretary of State and Chief Election Official.
187. STATE OF NEBRASKA is one of the 50 States of the United States of America; John Gale, Secretary of State and Chief Election Official.
188. STATE OF NEVADA is one of the 50 States of the United States of America; Ross Miller, Secretary of State and Chief Election Official.
189. STATE OF NEW HAMPSHIRE is one of the 50 States of the United States of America; William Gardner, Secretary of State and Chief Election Official.
190. STATE OF NEW JERSEY is one of the 50 States of the United States of America; Anne Milgram, Attorney General and Chief Election Official.
191. STATE OF NEW MEXICO is one of the 50 States of the United States of America; Mary Herrera, Secretary of State and Chief Election Official.
192. STATE OF NORTH CAROLINA is one of the 50 States of the United States of America; Larry Leake, Lorraine Shinn, Charles Winfree, Genevieve Sims and Robert Cordle, State Board of Elections.
193. STATE OF NORTH DAKOTA is one of the 50 States of the United States of America; Alvin Jaeger, Secretary of State and Chief Election Official.

194. STATE OF OHIO is one of the 50 States of the United States of America; Jennifer Brunner, Secretary of State and Chief Election Official.
195. STATE OF OKLAHOMA is one of the 50 States of the United States of America; Thomas Prince, Susan Turpen and Ramon Watkins, State Election Board.
196. STATE OF OREGON is one of the 50 States of the United States of America; Bill Bradbury, Secretary of State and Chief Election Official.
197. STATE OF PENNSYLVANIA is one of the 50 States of the United States of America; Pedro Cortés, Secretary of the Commonwealth and Chief Election Official.
198. STATE OF RHODE ISLAND is one of the 50 States of the United States of America; A. Ralph Mollis, Secretary of State and Chief Election Official.
199. STATE OF SOUTH CAROLINA is one of the 50 States of the United States of America; John Hudgens III, Cynthia Bensch, Tracey Green, Pamela Pinson and Edward Pritchard, Jr., State Election Commission.
200. STATE OF SOUTH DAKOTA is one of the 50 States of the United States of America; Chris Nelson, Secretary of State and Chief Election Official.
201. STATE OF TENNESSEE is one of the 50 States of the United States of America; Riley Darnell, Secretary of State and Chief Election Official.
202. STATE OF TEXAS is one of the 50 States of the United States of America; Phil Wilson, Secretary of State and Chief Election Official.
203. STATE OF UTAH is one of the 50 States of the United States of America; Gary Herbert, Lt. Governor and Chief Election Official.
204. STATE OF VERMONT is one of the 50 States of the United States of America; Deborah Markowitz, Secretary of State and Chief Election Official.

205. STATE OF VIRGINIA is one of the 50 States of the United States of America; Jean Cunningham, Harold Pyonand Nancy Rodriques, State Board of Elections.
206. STATE OF WASHINGTON is one of the 50 States of the United States of America; Sam Reed, Secretary of State and Chief Election Official.
207. STATE OF WEST VIRGINIA is one of the 50 States of the United States of America; Betty Ireland, Secretary of State and Chief Election Official.
208. STATE OF WISCONSIN is one of the 50 States of the United States of America; John Schober, Shane Falk, David Anstaett, Kirby Brant, Donald Goldberg, Carl Holborn, Patrick Hodan, Robert Kasieta and Jon Savage, State Elections Board.
209. STATE OF WYOMING is one of the 50 States of the United States of America; Max Maxfield, Secretary of State and Chief Election Official.

#### **FACTS**

210. Beginning in December of 2007 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.
211. 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.
212. If, at the end of each Primary Day, more votes are published for candidate A than candidate B, candidate A receives a significant and substantial amount of national attention, making it 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.

213. 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, or in some states the state's delegates to the Party's national convention are pledged to the candidate who receives the most votes in each congressional districts, or some similar setup, according to each state's laws.
214. It is critical, therefore, that all votes are accurately counted and no votes be 'stolen' from any candidate in each State primary or transferred en masse by accident in the case of an honest machine programming error.
215. Each Plaintiff will be affected by the vote count for his or her candidate of choice in each State primary.
216. 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.
217. During the primary and general elections, the voting process in each of the Defendant States will not be open, verifiable or transparent with the exception of 45% of the jurisdictions in New Hampshire, and perhaps a few very small districts in a few of the other states.
218. During the primary and general elections, Defendant States will use machines and/or computers for vote casting and counting in most if not all of their counties.

219. Therefore, during the primary and general elections, the ballots will not remain in public view or in the public custody until the votes are counted and publicly posted at each and every voting station in each and every State.
220. During the primary and general elections, the votes will not be hand counted at each and every voting station in each and every State.
221. 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 kept in the custody and sight of the people and 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.
222. 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 polling place.
223. For instance, at many of Defendants' vote stations the voters will receive a paper ballot. They will pencil in or hand mark 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 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, either in the polling place or after the machine has been removed to a central counting place in the county. In response, the machine will eject a slip of paper showing the number of votes purportedly recorded by a computer in that machine for each candidate. The numbers will ultimately be communicated to government officials or their designated agents in a

centralized “tabulation” room. The door to the tabulation room will then often be completely closed to the public. When the door to the tabulation room is not completely closed to the public, then some of the public are allowed to watch the computers from a distance, without being able to observe anything about what the software programs in the computers are doing in the processing of the votes. Then at intervals or at the end of the process, the purported results will then be publicly announced.

224. 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.

225. Each study has concluded that the machines, computers, and software studied should not be used for elections.

226. 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.

227. In addition, such university studies were preceded by this 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**

228. Failure to provide the People with a continuous public viewing – a People’s “Chain of Custody”— of all ballots as contained in the ballot box or boxes during the voting period, and a manual allocation and count of all ballots in full public view promptly as the voting period ends, at each voting station, before those ballots are ever removed from public view violates the voting rights of Plaintiffs.

229. 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

230. 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

231. The State has a compelling interest in protecting the integrity of the political process. *Storer v. Brown*, 415 U.S. 724, 732 (1974).
232. 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).
233. 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.
234. “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).
235. 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).
236. 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. Takushi*, 112 S. Ct. at 2063.
237. 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).

238. "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).

239. "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](#).

240. “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](#).
241. "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).
242. 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).
243. 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).

244. 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. Trebuca*, 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).

245. 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).
246. 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).
247. Defendants’ voting procedures impose an impermissible burden upon fundamental rights under the First and Fourteenth Amendments. *Burdick v. Takusi*, 112 S. Ct. at 2063.

248. 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).
249. 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).
250. 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).
251. 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**

252. Formally registering with the State to vote, as well as to register 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.
253. **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.
254. **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.
255. 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.

256. 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.
257. The execution of a Voter Registration Card is the execution of the contract between Defendants and those participating as voters.
258. 265. The Voter Registration contract contains not only the Right to cast a vote, but the corollary Right to have the votes counted accurately.
259. 266. 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.
260. Where the public cannot even access the evidence, i.e., the ballots, the public cannot visually examine the evidence, i.e., the ballots, and therefore the People cannot determine what the evidence, i.e., the ballots says. On election day in jurisdictions with every state, often in all the jurisdictions within a given state, the voters are prevented from accessing the ballots for the purpose of counting from the time the voting period ends until the alleged results are publicly announced, and usually the voters are prevented from accessing the ballots for weeks thereafter. Such a system leaves the voters in a position of having to accept the announced results on blind faith on election night. Indeed, when the People are

allowed to visually examine some of the ballots at a later date, there is no reasonable assurance that some or all of the ballots haven't been altered or switched. 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.

261. 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**

262. The following ten step voting procedure is practical and available for adoption by all Defendant States; a comparable system is now used in 45% the jurisdictions in the state of New Hampshire. 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 or the ballot box they are deposited in by the voters shall never be out of the view of the public.
3. Each completed paper ballot is to be deposited into a numbered, transparent container (ballot box) that is in clear public view throughout the voting period. The numbers are to be at least 4 inches high, black on white. Each polling place must have a sufficient number of ballots to be cast at that polling station.
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, each ballot box should be opened, emptied onto the table, and hand counted and tallied.
9. Any and all official state or local election ballot counters may be observed by representatives of any candidate or party on the ballot, as well as the general public, from a distance of at least 6 feet from the counting tables. Any potential inaccuracies may be noted by the candidate representatives. Recounts of any particular numbered ballot box or polling station may be requested by any candidate on the ballot for a reasonable fee commensurate with the actual cost of such a recount and according to state law. The tally from each ballot box shall then be announced publicly. The ballots (along with a copy of the tally sheet for that box signed by each of the counters, under penalty of perjury,) shall then be placed back in their original container, sealed according to state law, and transported to the place of safekeeping designated by state law. A copy of each tally sheet for every box at each polling place shall be kept in the possession of the designated local election official or Town/City/County Clerk under whose auspices the election was operated. The tally of each box and polling station shall then be publicly announced and copies posted at the polling station. If after three counts of the ballots, all counters do not agree, then the written objection of those disagreeing must be noted and included with the ballots. All the vote tallies for each candidate at each precinct will be publicly posted before the ballots leave the local polling place, -- on the wall for public inspection. The final tally sheet shall remain publicly posted for 72 hours after the count at each polling place is completed. A copy of this tally sheet will also be kept by the top election official of each polling place, and also at the local county Board of Election. Thus,

candidate representatives, the press, and citizens would be afforded the opportunity to view and manually record the results at each polling place.

10. The certified vote totals are to be immediately communicated from each numbered container (ballot box) and the totals of each polling station (if more than one ballot box is used) to a central tabulation center 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.
11. As each certified vote total arrives at the central tabulation center, 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.
12. 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 election officials as well as party and/or 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

263. Only a manual count of the ballots that have not been out of public view so conducted in each polling place, with the results posted publicly before the ballots leave the Peoples' custody or the public view in each precinct, will prevent the centralized rigging of elections. Such a system, with numerous individual voters and state-designated representatives (counters) signing on to, and/or agreeing with the results, provides 100% assurance, as far as is humanly possible, 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.
264. Only paper ballots, hand-marked and hand-counted in public view can provide the 100% assurance as far as is humanly possible that the votes will be accurately counted. Likewise, only paper ballots, hand-marked and hand-counted in public view at each local polling place, can make the centralized rigging of elections impossible, whether such centralized rigging of elections is contemplated by anyone on either a county, state or national level.
265. 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.

266. 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.
267. A constitutionally compliant voting procedure is available.
268. WHEREFORE, based on the above, plaintiffs respectfully request a final order:
- a) Permanently enjoining Defendants from conducting any caucus, primary, special, general or any other election in the 2008 election cycle and beyond in a manner which is not open, verifiable, transparent, machine-free, and computer-free, and
  - b) Permanently enjoining Defendants from conducting any caucus, primary, special, general or any other election in the 2008 election cycle and beyond that does not rely exclusively on paper ballots, hand marked and hand counted, and
  - c) Permanently enjoining Defendants from conducting any caucus, primary, special, general or any other election in the 2008 election cycle and beyond, during which said paper ballots do not remain in full public view until the results of the hand counting is publicly announced at that vote station, and
  - d) For such other and further relief as to the Court may seem just and proper.

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Respectfully submitted,

ROBERT L. SCHULZ  
2458 Ridge Road  
Queensbury, NY 12804 - Phone: 518-656-3578

BRIAN L. ROBERTS  
755 Roberts St.  
Leesburg, AL 35983 - Phone: 256-526-6883

JEAN C. ALLEN  
4140 hillsboro dr.  
tuscaloosa, AL 35404 - Phone: 205-556-3690

CHARLES D. ROBERTS  
755 Roberts St.  
Leesburg, AL 35983 - Phone: 256-526-6883

BRENT COLE SR.  
P.O. Box 312  
Craig, AK 99921 - Phone: 907 826 3566

DUANE F. ANDRESS  
1504 W. 47th Ave. Unit B  
Anchorage, AK 99503 - Phone: 907-563-1646

HENRY AYRE  
398 West Redoubt Ave.  
Soldotna, AK 99669 - Phone: 907-260-6719

DAVID JOHNSON  
11649 N. 86th Ln.  
Peoria, AZ 85345 - Phone: 6233328000

STUART KEVIN COLE  
545 E. Bennett Dr.  
Flagstaff, AZ 86001 - Phone: 928-255-1418

MARK J. YANNONE  
2 W Pershing Ave.  
Phoenix, AZ 85029 - Phone: 602-548-7123

TOM MAYFIELD  
10258 Thunder Rd, WC46  
Fayetteville, AR 72701 - Phone: 479.790.6457

LYNNE BAKER  
120 E. Main St.  
Heber Springs, AR 72543 - Phone: 501 2064073

GLENDIA MIDDLEBROOK  
17025 Becton Lane  
Fayetteville, AR 72701 - Phone: 479-530-1162

SUSAN MARIE WEBER  
43-041 Buttonwood Dr.  
Palm Desert, CA 92260 - Phone: (760)340-2213

MATTHEW PITAGORA  
3263 Janelle Dr  
san jose, CA 95148 - Phone: 4082236688

MYCHAL R. SCHILLACI  
1221 East Ave.  
Burbank, CA 91504 - Phone: (818) 845-1944

LORRAINE LUNNON

540 Vance Street  
Lakewood, CO 80226 - Phone: 303-237-1645

LOTUS

3725 Interpark Dr, Ste D  
Colorado Springs, CO 80907 - Phone: 719-337-0029

BETTY WIES

14424 Timberedge Lane  
Colorado Springs, CO 80921 - Phone: 719 332-1067

WALTER B. REDDY III

16 Briar Oak Drive  
Weston, CT 06883 - Phone: 203 858-2677

CHARLES PRICE

7 Greenwood St.  
Watertown, CT 06795 - Phone: 203-981-0007

HEATHER WILSON

68 Chestnut Hill Rd  
Wilton, CT 06897 - Phone: 203-210-5627

STEVEN BACHMAN

331 Forest Dr.  
Wilmington, DE 19804 - Phone: 302-766-0898

JEAN MATESON

1202 River Rd  
Wilmington, DE 19809 - Phone: 215-370-3533

MARCUS RIEGO

2606 Belaire dr  
Wilmington, DE 19808 - Phone: 3024944565

ARTHUR GROVEMAN

4521 Hidden River Road  
Sarasota, FL 34240 - Phone: 941-322-2408

NOVA A. MONTGOMERY

3037 Arbor Oaks Drive  
Tarpon Springs, FL 34688 - Phone: 727-422-8986

JANINE L. DEAN WINTER

850 S. Tamiami Trail  
Sarasota, FL 34236 - Phone: 941-364-5784

JOHN J. FELS0  
5135 Christopher Holw  
Alpharetta, GA 30004 - Phone: 770-330-7214

CLAY DALTON  
P.O. Box 275  
Waleska, GA 30183 - Phone: 770-815-5451

ROGER PATRICK  
4854 Creekland Trace  
Marietta, GA 30062 - Phone: 678 352 1558

KA`IMI PELEKAI  
1750 Kalakaua Ave #3250  
Honolulu, HI 96826 - Phone: 808-366-7288

CHARLES W. ABEL  
PMB 102 16-540 Keaau-Pahoa Rd. Suite #2  
Keaau, HI 96749 - Phone: 808-990-4468

MICHAEL MARSOUN  
P.O. Box 650  
Kealahou, HI 96750 - Phone: 808-345-2356

GARY CONWAY  
6575 N. 16th Street  
Dalton Gardens, ID 83815 - Phone: 208 755-0055

SUSAN K. VENABLE  
1002 North D St.  
Parma, ID 83660 - Phone: 208-412-0284

PAUL T. VENABLE III  
1002 North D St.  
Parma, ID 83660 - Phone: 208-412-0284

FRED SMART  
3242 Harrison St.  
Evanston, IL 60201 - Phone: 302-602-2508

ANTHONY LEONARDO  
1636 Ridgeland Avenue  
Berwyn, IL 60402 - Phone: 630-433-7133

CHARLES NADOLSKI  
4847 N. Hamilton Ave. #2  
Chicago, IL 60625 - Phone: 312-799-9412

GERALD B. HÉBERT  
45 East U.S. Highway 6  
Valparaiso, IN 46383 - Phone: 219-926-7576

WILLIAM HATHAWAY  
12059 N Upper Lakeshore Dr  
Monticello, IN 47960 - Phone: 574-583-5190

CHARLIE KOCHENASH  
306 Beech St.  
Valparaiso, IN 46383 - Phone: 2192415456

TROY D. REHA  
2525 Countyline Rd. 356  
Des Moines, IA 50321 - Phone: 515-554-3418

PAMELA J. SCHULTE-WAGNER  
2556 Johnson Iowa Road, NW  
Homestead, IA 52236 - Phone: 319-530-7171

DAVE WARD  
3539 Washington ave.  
Stratford, IA 50249 - Phone: 515-835-2912

JAMES GRAGG  
1835 Holland Lane  
Wichata, KS 67212 - Phone: (316) 200-3071

ROBIN A. BAILEY  
1130 U.S. Hwy 24  
Stockton, KS 67669 - Phone: 1-785-425-7057

TODD METALLO  
3511 Arrowwood Ct. La  
Grange, KY 40031 - Phone: 502-777-7882

ROBERT ADAMS  
200 Brittany Circle  
Richmond, KY 40475 - Phone: 859-623-4188

PATRICK CONWAY  
520 Myers Lane  
Elizabethtown, KY 42701 - Phone: 270-737-9229

ASHLEY WADE GARY  
703 Paula Drive  
Delcambre, LA 70528 - Phone: 337 523 4479

COREY MICHAEL GRAHAM  
12019 Indigo Dr.  
St. Francisville, LA 70775 - Phone: 225-245-0106

CLARENCE EDWARD WARD III  
3223 Canal St  
New Orleans, LA 70119 - Phone: 832-428-3222

KEITH CASTONGUAY  
9 Mountain ave. apt3  
Lewiston, ME 04240 - Phone: 1(207)7831832

MARIE CASTONGUAY  
9 Mountain ave. apt3  
Lewiston, ME 04240 - Phone: 1(207)7831832

BEVERLY DURAND  
27 Schwanger Dr.  
Bowdoin, ME 04287 - Phone: 207-514-7585

HAROLD POOLE  
2308 Pebble Beach Dr.  
Elkton, MD 21921 - Phone: 410-398-3414

WALTER AUGUSTINE  
4317 Flower Valley Drive  
Rockville, MD 20853 - Phone: 2023337403 X111

CYNTHIA L. JONES  
46241 Usher Lane  
Valley Lee, MD 20692 - Phone: 301-994-0074

DONALD WILLIAMSON  
245 E Main St  
Marlborough, MA 01752 - Phone: 774-249-1630

PAUL DIONNE  
43 Bucknam Street Apt 1  
Everett, MA 02149 - Phone: 617-645-5824

DANIEL SKAPINSKY  
201 Plymouth St  
Holbrook, MA 02343 - Phone: 781-767-5487

TONY DEMOTT  
301 E. Cross St. Apt 2  
Ypsilanti, MI 48198 - Phone: 7347178599

KENNETH COOPER  
3876 140th Ave  
Holland, MI 49424 - Phone: (616) 786-0829

PAT FOSTER  
6079 Mallard Dr  
Fennville, MI 49408 - Phone: 269-561-5268

JOHN MARSHALL  
7131 Cameron Ave  
Monticello, MN 55362 - Phone: 763.295.2910

SHAWN WAYNE JUNIOR DAVIS  
1130 N. Robin Ave.  
Duluth, MN 55811 - Phone: 218-726-1172

JOHN HANSVICK  
700 Ridge Road  
Henderson, MN 56044 - Phone: 507-248-3238

MARK G. BUSHMAN  
4911 Old Conton Road #134  
Jackson, MS 39211 - Phone: 601-362-2923

CHRISTOPHER J.M. CUMMINS  
81 CR 849  
Blue Mountain, MS 38610 - Phone: 662-796-1298

JONATHAN D. MEADOWS  
254 Cotten Gin Rd.  
Ripley, MS 38663 - Phone: 662-512-8654

KEVIN HALPIN  
6921 Aerovista Ct.  
Saint Louis, MO 63123 - Phone: 573-587-9728

JOSEPH GOODMAN  
10924 Hasrrison Street  
Kansas City, MO 64131 - Phone: 816-941-7077

BRIAN THOMPSON II  
6921 Aerovista Ct.  
Saint Louis, MO 63123 - Phone: 573-768-0109

STANLEY JONES  
P.O. Box 6202  
Bozeman, MT 59771 - Phone: 406-570-5080



ELENA GAGLIANO  
13 John Long Rd  
Philipsburg, MT 59858 - Phone: 406 859 5016

JOSEPH KASUN  
4390 J Street  
Omaha, NE 68107 - Phone: 402-612-4172

ERIC MILLER  
7121 S. 176th Ave.  
Omaha, NE 68025 - Phone: 402-740-2518

JAY PETERSON  
1024 E.1st Street  
Fremont, NE 68025 - Phone: 402-459-1223

CHRISTOPHER H. HANSEN  
2657 Windmill Pky. #107  
Henderson, NV 89074 - Phone: 702-336-2212

JUANITA COX  
1088 McCarran Ranch Road  
McCarran, NV 89434 - Phone: 775-848-1190

GUY PAGE FELTON III  
1220 Salem Place #5  
Reno, NV 89509 - Phone: 775-828-6282

DOUGLAS A. BERSAW  
139 Tully Brook Road  
Richmond, NH 03470 - Phone: 603-239-8827

DIANNE GILBERT  
28 Harvey Lane  
Epping, NH 03042 - Phone: 603-679-2444

ROBERT SURPRENANT  
429 Mine Ledge Road  
Surrey, NH 03431 - Phone: 603-357-5656

EDWARD HELMSTETTER  
70 burnside ave  
Cranford, NJ 07016 - Phone: 908 276 5177

GARY BERNER  
442 Wilson Avenue  
Lyndhurst, NJ 07071 - Phone: 201-893-8385

PANKAJ ANAND  
506 Washington Road  
Parlin, NJ 8859 - Phone: 732-841-3806

CHARLES RANALLI  
14225 copper ave ne #508  
albuquerque, NM 87123 - Phone: 5052931140

JAMES GENZLING  
P.O. Box 192  
Lakewood, NM 88254 - Phone: 575-457-2508

WILLIAM RITCH  
HC 30 Box 8  
Cuchillo, NM 87901 - Phone: (505) 743-3201

ARTHUR BERG  
1441 US Route 11  
Tully, NY 13159 - Phone: 315-696-5425

JOHN LIGGETT  
1040 1st Ave #351  
New York, NY 10022 - Phone: 6463356088

STEVE HARRIS  
7421 Innisfree Place  
Charlotte, NC 28226 - Phone: 704-309-6572

BETTE GERMAN SMITH  
2506 Hwy 54 W #07  
Chapel Hill, NC 27516 - Phone: 919-967-4102

CARL JAY ZIETLOW  
508 Hannah Branch Road  
Burnsville, NC 28714 - Phone: 828-2844882

CHARLES CARTIER  
13532 62nd Street NW  
Williston, ND 58801 - Phone: 701-826-4121

CATHY CARTIER  
13532 62nd Street NW  
Williston, ND 58801 - Phone: 701-826-4121

JAMES J. CONDIT JR.  
4575 Farview Lane  
Cincinnati, OH 45247 - Phone: 513-602-0627

MICHAEL DISALVO  
6854 Founders Row #114  
West Chester, OH 45069 - Phone: 5139399033

GREGORY TEKAUTZ  
244 Baker Drive  
Rittman, OH 44270 - Phone: 330-927-0904

STEVEN M. BEESON  
317 S. 6th St.  
Broken Arrow, OK 74012 - Phone: 918-527-5584

CRAIG F HOLGUIN  
1533 N. Bradley Ave.  
Oklahoma City, OK 73127 - Phone: 405/495-4093

JENNIFER L. WATERS  
6415 NW 19th St.  
Bethany, OK 73008 - Phone: 405-603-4286

MARY D. FARRELL  
1117 NE Hancock St.  
Portland, OR 97212 - Phone: (503)288-5846

LEE HAMEL  
3120 NW John Olsen Ave #4-105  
Hillsboro, OR 97124 - Phone: 480-215-7595

RUBIE O'DELL  
P.O. Box 733  
Cave Junction, OR 97523 - Phone: 541-592-2856

EDGAR STEPHAN  
266 Limeplant Rd  
Ford City, PA 16226 - Phone: 724-289-8209

SAMUEL ANTHONY ETTARO  
513 Thompson Street  
Curwensville, PA 16833 - Phone: 814-553-9372

JOSEPH THOMPSON  
1805-B Schoenersville Road  
Bethlehem, PA 18018 - Phone: 610 997 3899

CHRISTOPHER J. MAYNARD  
18 Eagle Nest Drive  
Lincoln, RI 02865 - Phone: 401-301-7433

THOMAS BERETTA  
1015 Warwick Ave.  
Warwick, RI 02888 - Phone: 401-230-3682

SUSAN R. BERGE  
50 Benedict Road  
Harrisville, RI 02830 - Phone: 401-439-7604

JOSHUA DAVID. BRANNON  
709 Silkwood Ct  
Boiling Springs, SC 29316 - Phone: 864-909-3729

ILONA URBAN BLAKELEY  
General Delivery  
Pauline, SC 29374 - Phone: 864-253-0330

AMANDA MOORE  
2117 Savannah Hwy  
Charleston, SC 29414 - Phone: 843-345-5632

WILLIAM STEGMEIER  
27116 Grummand Avenue  
Tea, SD 57064 - Phone: 605-231-1220

ELVIS HANES  
P.O. Box 412  
Tea, SD 57064 - Phone: 605-201-3960

EUGENE PAULSON  
10454 1st St  
Rosholt,, SD 57260 - Phone: 701-866-0322

WILLIAM. HARDIN  
112 Bradford Circle  
Hendersonville, TN 37075 - Phone: 615-426-2314

JOHN FARRAR  
365 Whitson RD  
Bethpage, TN 37022 - Phone: 615-415-2223

WILLIAM KELLER  
108 Old Winchester Road  
Decherd, TN 37324 - Phone: 931-808-6748

GARY W. GIUFFRE  
130 Briarwood Lane  
Bellville, TX 77418 - Phone: 979-865-3215

EDDIE CRAIG  
4502 North St.  
Nacogdoches, TX 75965 - Phone: 936-558-8949

GREGORY GOREY  
3828 Arrow Drive  
Austin, TX 78749 - Phone: 512-626-5133

RONALD J. KELLER  
5127 Hwy 36 South  
Rosenbeg, TX 77471 - Phone: 281-633-9751

ROBERT K. DALTON  
312 N 100 E  
Cedar City, UT 84720 - Phone: 435-327-3000

TED ARSENAULT  
2305N 2300W  
Cedar City, UT 84720 - Phone: 4355902135

SHAUN A. KNAPP  
345 S. 1450 E.  
Provo, UT 84606 - Phone: 801 374-1255

DAVID COLE  
643 Cedar Rock Road  
Arlington, VT 05250 - Phone: 802-375-5923

GARY L. GALE  
126 Mountain Home Park  
Brattleboro, VT 05301 - Phone: 802-254-9059

OWEN MULLIGAN  
305 S. Union St. Apt. #3  
Burlington, VT 05401 - Phone: 802-355-5247

WILLIAM CLARK DELASHMUTT  
4237 Hardtimes Road, Box 406  
Prospect, VA 23960 - Phone: 434-603-2881

CAROLYN WILLIAMS  
2410 Edenbrook Drive  
Richmond, VA 23228 - Phone: 804-690-9297

JUDITH SHARPE  
600 W. Riverview Dr.  
Suffolk, VA 23434 - Phone: 7576360529

RON MOSS  
5115 208th St. E.  
Spanaway, WA 98387 - Phone: 253-304-4634

LARRY K. BURNS  
2716 G St.  
Washougal, WA 98671 - Phone: 360-335-0728

DAVID KNIGHT  
4002 NE 272nd Ave  
Camas, WA 98607 - Phone: 360-834-0448

WILLIAM SISEMORE  
122 Ranger Bottom Road  
Ranger, WV 25557 - Phone: 304-634-1870

DORRIS PONSTINGL  
3950 Mt. Union Rd.  
Huntington, WV 25701 - Phone: 304 522 1106

ZABRINA SISEMORE  
122 Ranger Bottom Road  
Ranger, WV 25557 - Phone: 304-778-7878

FRANCINE ARNOLD  
16523 West Porter Road  
Evansville, WI 53536 - Phone: 608-882-9980

ANITA ZIBTON  
e9566 smart hollow  
La Farge, WI 54639 - Phone: 608-634-3863

LANCE CRAIN  
2033 Grass Creek Road  
Casper, WY 82604 - Phone: 307-262-3799

MAURICE W. JONES  
P.O. Box 117  
Grover, WY 83122 - Phone: 307-886-3356

JOE R. SLACK JR.  
P.O. Box 273  
Lander, WY 82520 - Phone: 307 349 8584