

EXHIBIT 15

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

OHIO STATE CONFERENCE OF THE
NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED
PEOPLE, et al.,

Plaintiffs,

v.

JOHN HUSTED, et al.,

Defendants.

Case No. 2:14-cv-00404

Judge Peter C. Economus
Magistrate Norah McCann King

DECLARATION OF KATHLEEN CLYDE

I, Kathleen Clyde, declare under penalty of perjury that the following is true and accurate:

1. I am currently serving as a State Representative in the Ohio House of Representatives. I have served in the House since January, 2011. I am a current member of the House Policy and Legislative Oversight Committee. From 2011 to 2012, I was a member of the House State Government and Elections Committee.
2. During the 128th General Assembly from 2009 until 2010, I served as Deputy Legal Counsel to the House of Representatives Democratic Caucus.
3. Prior to serving as a staffer in the Ohio House of Representatives, I served as Director of the Franklin County Early Voting Center in 2008.
4. As a member of the committee that hears elections bills, I have heard testimony on all of the elections bills in the House.

5. As a State Representative, my duties include participating in the legislative process. This includes serving on legislative committees and initiating and reviewing the merits of proposed legislation.
6. Senate Bill 238 (SB 238) was referred to the House Policy and Legislative Oversight Committee on December 3, 2013 and received its first hearing that same day. It received a second hearing on December 4, 2013, a third hearing on December 10, 2013, a fourth hearing on January 14, 2014 and its final hearing on February 11, 2014. Thirteen Opponents testified against SB 238 during these hearings. Two Interested Parties testified with concerns about the bill. One Interested Party testified to explain the voter registration verification process. Five Proponents testified in favor of the bill but presented no evidence of voter fraud caused by the status quo. SB 238 was passed by the House of Representatives on February 19, 2014 by a vote of 59-37. All 59 votes in favor of the bill were cast by members of the House Republican Majority Caucus.
7. Chairman Mike Dovilla of the House Policy and Legislative Oversight Committee said in committee on at least two occasions that he was open to working with the Democrats in a bipartisan manner on SB 238. Chairman Dovilla and Democratic Ranking Member Ronald V. Gerberry met personally to talk about the bill. However, Chairman Dovilla did not take any Democratic suggestions for SB 238 during the committee hearings.
8. Chairman Mike Dovilla of the House Policy and Legislative Oversight Committee said in committee on at least two occasions that he was open to working with the Democrats in a bipartisan manner on other elections bills being heard

contemporaneously with SB 238. Democrats on the committee submitted two amendments to SB 238, five amendments to SB 205, and four amendment concept descriptions for SB 205 by the February 4, 2014 amendment deadline set by the chairman. However, Chairman Dovilla did not take any of our suggestions for these bills. The amendments that were only submitted in concept form by the deadline were ruled out of order at the next committee hearing. House Republicans held a press conference and used a visual aid to display the timeline of the bills and ridiculed Democrats for only meeting the February 4, 2014 Republican-set deadline by two minutes – one week before the February 11, 2014 vote in committee.

9. On February 11, 2014, I offered an amendment to SB 238 to require online registration to be available to all voters. The amendment was tabled on a party line vote with all Republicans for tabling it and all Democrats opposed.
10. On February 11, 2014, Democrats on the House Policy and Legislative Oversight committee offered amendments to SB 205 and all of the amendments were tabled by a party line vote or were ruled out of order.
11. On February 19, 2014, during third consideration of SB 238 on the House floor, I and other Democratic members were left standing waiting to speak in opposition to the bill, because of its disproportionate impact on minority voters, when debate was cut off by the Speaker Pro Tempore and the Speaker and a vote was taken. Democratic members objected loudly to this maneuver and called for the Speaker to continue debate.
12. On February 19, 2014, Democrats submitted two amendments to the House Clerk to be offered during SB 238 floor debate. The amendments were circulated to all House

members and were uploaded on members' computers at their desks on the floor before debate began. One amendment would have required the Secretary of State to study the impact of early voting cuts on minority voters. The other amendment would have permitted counties to open multiple early voting sites. Both were meant to mitigate the impact of early voting cuts on minority voters. Neither of the amendments were permitted to be brought up and debated before debate was cut off.

13. I along with other Members of the Senate and House of Representatives Democratic Caucuses submitted a letter to Governor Kasich on February 20, 2014 asking him to veto SB 238 because it would disproportionately impact minority voters. The governor signed the bill later that day.
14. I along with other Members of the House of Representatives submitted protest letters to the House of Representatives Clerk's office on Feb. 21, 2014 and included the two SB 238 amendments Democrats had planned to offer. In the protest letters, which were printed in the House Journal as part of the official record, we described the disproportionate impact the bill's cuts to early voting would have on minority voters.
15. During my time as Deputy Legal Counsel of the Ohio House of Representatives in 2009, I was involved in strategic conversations among members and staff concerning House Bill 260. I observed that many working group meetings occurred between Democratic and Republican members from the House and Senate and that the elimination of Golden Week was especially desired by the Republican legislators. Democrats decided to make this concession in House Bill 260 in exchange for many other positive changes in the bill, such as requiring the counting of ballots with technical defects caused by poll worker error. Such ballots are still not counted to

this day and subsequent bills introduced by Democrats to fix the problem have not been advanced by majority legislative leadership.

16. On December 3, 2013, in the Policy and Legislative Oversight Committee in the Ohio House of Representative, I questioned the sponsor of SB 238, Senator Frank LaRose, about the reason he was bringing this bill forward. He stated that election officials do not have time to verify a voter's registration if the voter both registered and voted on the same day. He referred to "live ballots" and said that the ballots were commingled once cast by the voters. I responded by telling him in detail how voter registrations and ballots are actually processed. As the director of the early vote center in Franklin County in 2008, I have firsthand knowledge of how registrations and ballots are treated. I told Senator LaRose that absentee ballots, including those cast in person at the Board of Elections by voters who register on the same day as well as those that are mailed in by voters, are not irretrievably commingled with each other or tabulated until the voter's registration is verified. All absentee ballots must be verified before they are approved for counting by each Board of Elections.

17. Aaron Ockerman, Executive Director of the Ohio Association of Election Officials ("OAE") gave Interested Party testimony to the Senate committee on SB 238. Mr. Ockerman stated that he was aware from multiple sources of multiple invalid ballots being accepted because of the overlap between voting and registration during Golden Week. However, my office received a memo from Cuyahoga County Board of Elections member Sandy McNair describing an email exchange he had with Mr. Ockerman before Mr. Ockerman delivered that testimony to the Ohio Senate committee hearing SB 238. In that exchange, Mr. Ockerman said he had spoken to

one election official, Matt Damschroder, current Director of Elections in Secretary of State Husted's office, about one voter whose vote the Board of Elections had chosen to count in 2008 even though the registration verification process had not been completed. Mr. Ockerman told Mr. McNair that he would change the testimony that he was delivering as an Interested Party on behalf of the OABO to correct the inaccuracy. Instead, Mr. Ockerman delivered the testimony with the inaccuracy still contained in it.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct based on my personal knowledge.

Executed this 1st day of August, 2014 in Portage County, Ohio.



Kathleen Clyde
State Representative, 75th District