

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

ROBERT L. SCHULZ, et al.,

Plaintiffs,

v.

STATE OF NEW YORK, et al.,

Defendants.

Case No. 07-CV-0943 LEK/DRH

**AFFIDAVIT OF JOHN A. GALE,  
NEBRASKA SECRETARY OF STATE**

STATE OF NEBRASKA

COUNTY OF LANCASTER

**JOHN A. GALE**, being first duly sworn, deposes and states as follows:

1. My name is John A. Gale. I am the duly-elected and currently serving Secretary of State of the State of Nebraska. I have held this position since December 2000. I am making this affidavit based on my own personal knowledge and in support of the motion to dismiss being filed in the above-captioned matter on behalf of the State of Nebraska and myself.

2. As Nebraska's Secretary of State I am charged with enforcing the election laws of Nebraska and supervising the conduct of primary and general elections within Nebraska. I also have authority to decide disputed points of election law, and my decisions have the force of law until changed by the courts.

3. In the above-captioned matter plaintiffs have sued the State of Nebraska and me, in both my official and individual capacities, based upon their contentions that the manner in which primary and general elections are carried out in all fifty states violates plaintiffs' right to vote and "contract rights" and that the Constitution requires

that all ballots be hand-counted, without the use of any "machines." Plaintiffs have filed their action in the United States District Court for the Northern District of New York.

4. As Nebraska's Secretary of State I have no authority or duties in connection with primary and general elections conducted in the State of New York; and I have never played any role whatsoever in elections held in the State of New York. I will play no role in any future primary or general elections to be held in that state. I am not a resident of the State of New York and am not registered to vote in that state. The Nebraska Secretary of State's office has no offices or agents in the State of New York.

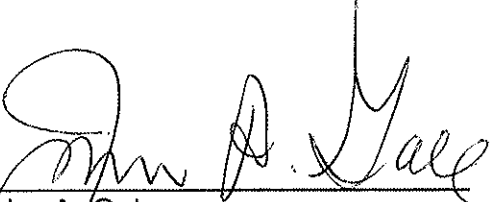
5. As Nebraska's Secretary of State I have not, either in person or through an agent, transacted any business within the State of New York or contracted to supply goods or services within New York. I have not committed any tortious acts within the State of New York.

6. As Nebraska's Secretary of State I do not solicit business in New York or derive substantial revenue in New York from business conducted there; and I do not expect any of my acts as Nebraska's Secretary of State to have consequences in the State of New York. Further, as Nebraska's Secretary of State I do not own, use or possess any real property situated within the State of New York.

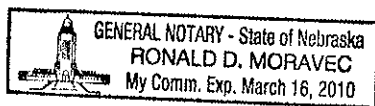
7. As Nebraska's Secretary of State I have no control or authority over any primary or general elections held outside of the boundaries of the State of Nebraska.


8. As Nebraska's Secretary of State it is my understanding that Nebraska is a sovereign state within the United States of America, having been admitted to the Union on March 1, 1867.

Further affiant says naught.

  
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John A. Gale  
Nebraska Secretary of State

Subscribed and sworn to before me, a notary public, on this 16<sup>th</sup> day of  
November, 2007.



  
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Notary Public