

**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 ERIC CLARK, MISSISSIPPI
SECRETARY OF STATE

STATE OF MISSISSIPPI

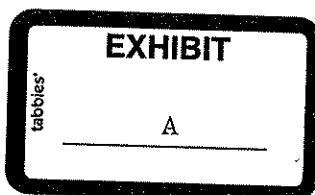
COUNTY OF HINDS

Eric Clark, being fully sworn, deposes and states as follows:

1. My name is Eric Clark. I am the duly elected and currently serving Secretary of State of the State of Mississippi. I have held this position since January 1996. 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 Mississippi and myself.

2. As Mississippi's Secretary of State, I am charged with overseeing election administration within Mississippi.

3. In the above-captioned matter, plaintiffs have sued the State of Mississippi 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 Mississippi'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 Mississippi Secretary of State's office has no offices or agents in the State of New York.

5. As Mississippi's Secretary of State, I have not, either in person or through an agent, transacted any business within the State of New York (other than statutory penalties imposed against New York - based companies doing business in Mississippi pursuant to Mississippi laws and regulations) or, to the best of my knowledge, contracted to supply goods or services within New York. I have not committed any tortuous acts within the State of New York.

6. As Mississippi's Secretary of State, I do not solicit business in New York or derive substantial revenue (other than statutory penalties imposed against New York based companies doing business in Mississippi pursuant to Mississippi laws and regulations) in New York from business conducted there, and I do not expect any of my acts as Mississippi's Secretary of State to have consequences in the State of New York (other than statutory penalties imposed against New York based companies doing business in Mississippi pursuant to Mississippi laws and regulations). Further, as Mississippi's Secretary of State, I do not own, use or possess any real property situated within the State of New

York.

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

8. As Mississippi's Secretary of State, it is my understanding that Mississippi is a sovereign state within the United States of America, having been admitted to the Union on December 10, 1817.

Further affiant says naught.



Eric Clark
Mississippi Secretary of State

Subscribed and sworn to before me, a notary public, on the 11th day of December, 2007.



Notary Public



MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES MAY 4, 2008
BONDED THRU STEGALL NOTARY SERVICE