

## AFFIDAVIT OF MARY BERRY

I, Mary Berry, being first duly sworn under oath do hereby swear and affirm as follows:

1. I am over the age of twenty-one (21) and not otherwise disqualified from giving this Affidavit. I reside at 1840 NE Berlin Road, Maysville, Missouri 64469.

2. I currently am and have been since at least 1991, the County Clerk of DeKalb County. In that capacity I am the election authority in DeKalb County and I am in charge of conducting elections in DeKalb County. I am also a member and former President of the Missouri Association of County Clerks.

3. Prior to 1997, section 116.240, RSMo, provided that not later than the eighth Tuesday prior to an election at which a statewide ballot issue is to be voted on, the secretary of state shall send each election authority a certified copy of the legal notice to be published (emphasis added).

4. In 1997, the General Assembly passed House Committee Substitute for Senate Bill No. 132. This bill amended the notice requirement in section 116.240 from eight weeks to ten weeks. The Missouri Association of County Clerks lobbied long and hard in favor of the bill, and as a member of the Association I was aware of the lobbying effort. One reason that clerks requested the extension was because of concerns about getting absentee ballots to overseas voters such as military voters. Section 115.281 requires absentee ballots for statewide measures to be printed and available to voters six weeks before the election, and overseas absentee ballots generally must be mailed six weeks before the election to allow them to be voted and returned by election day. Section 115.293 provides that to be counted, absentee ballots must be received by the election authority prior to the closing of the polls (7:00 p.m.) on election day. It was also difficult to have the ballots printed in time for absentee voting when the notice requirement in section 116.240 was only eight weeks. Allowing ten weeks notice as opposed to eight is much more reasonable because it provides election authorities adequate time to prepare and conduct an orderly election.

*Exhibit 1*

FURTHER AFFIANT SAYETH NOT.

Mary Berry  
MARY BERRY

STATE OF MISSOURI        )  
  ) SS.  
COUNTY OF DEKALB        )

Subscribed and affirmed before me this 26 day of May, 2004.

Illah Marie Pulley  
Notary  
ILLAH MARIE PULLEY, NOTARY PUBLIC  
STATE OF MISSOURI, DEKALB COUNTY  
MY COMMISSION EXPIRES AUG. 30, 2004

