

DECLARATION OF JOHN R. "JAY" OVERBEY, III

I, John R. "Jay" Overbey, III, state and declare as follows:

1. I make this declaration of my own personal knowledge. I am competent to testify. If called to testify as to the truth of the matters stated herein, I could and would do so in accordance with the statements made here.
2. This declaration should not be construed as an endorsement of any candidate.
3. I am the owner and President of Benjamin Franklin Printing Co. ("Benjamin Franklin"). I have been involved in the printing industry, including the printing of ballots, for 30 years.
4. A number of localities in Virginia contract with Benjamin Franklin to print their paper ballots, including ballots used for absentee voting.
5. I was told by the State Board of Elections ("SBE") that, in part because of the timing of both parties' political conventions, although the SBE would like to see registrars receive absentee ballots as soon as possible, the actual deadline for absentee ballots to be received by the registrar's office for each locality was September 30, 2008.
6. Localities to which I sent absentee ballots, and their respective shipping/delivery dates included the following:
 - a. County of Fauquier: Shipped – September 24; Delivered – September 25;
 - b. City of Virginia Beach: Shipped – September 26; Delivered – September 29;
 - c. City of Richmond: Delivered – September 23;
 - d. County of Suffolk: Shipped – September 24; Delivered – September 25;
 - e. County of Arlington: Shipped – September 22; Delivered – September 23;
 - f. County of Chesapeake: Shipped – September 24; Delivered – September 25;
 - g. County of Chesterfield: Delivered – September 20; and

h. County of Loudon: Shipped – September 18; Delivered – September 19.


7. This is a sampling of some of the counties and cities for which I printed absentee ballots. There were other counties and cities for which I printed absentee ballots. Some of their shipment and delivery dates may have been similar.

8. For most of the localities listed in Paragraph 6, all absentee ballots were sent in a single “run” or batch on the dates provided. For those counties with an extremely large number of absentee ballots (for example, Virginia Beach), or those counties that re-ordered absentee ballots (for example, Suffolk) such ballots were shipped in more than one run.

9. For those counties that received more than one run of ballots, although it is impossible to determine exactly when each final run of absentee ballots was delivered (because absentee ballots and back-up ballots are, for most purposes, identical, and Benjamin Franklin continues to deliver back-up ballots to localities up to Election Day), all of the localities for which I provided paper ballots received all of their absentee ballots by or before September 30, 2008.

10. I am also involved in Election Day support for localities around Virginia, and will be in Southwest Virginia on Monday, November 3, 2008. I am therefore unavailable to physically sign this Declaration. In lieu of my written signature, I provide my electronic signature below, together with an e-mail confirmation (attached) from my e-mail account, benjfranklin@aol.com. I will sign an original of this Declaration and fax a copy with my signature to counsel for plaintiff for filing with the Court as soon as I am reasonably able.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge this 2nd day of November, 2008.


JOHN R. "JAY" OVERBEY, III
President
Benjamin Franklin Printing Co.

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