

Exhibit 12

STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

AFFIDAVIT OF VOTER PROBLEM OR COMPLAINT

I, Kim A. Griffith, being first duly sworn upon my oath, depose and state:

1. I am a New Mexico voter who is over the age of majority. I live in Bernalillo County and my address is 2825 Don Pancho Road, N.W., Albuquerque, New Mexico 87104.

2. I have been registered to vote in Bernalillo County since approximately 1978.

3. I have voted in more than 20 previous general elections in Bernalillo County.

4. On October 21, 2004, I voted in person by early voting at the Valle Del Norte Community Center located at 1812 Candelaria, N.W., Albuquerque 87102.

5. I experienced the following problems in the process of casting my lawful vote: The voting machine I used was a push-screen electronic machine. On my first vote, which was for Senator Kerry, I pushed his name but the green check mark popped up next to President Bush's name, rather than Senator Kerry's. I had been instructed by a poll worker when I checked in that if I made a mistake while voting, I should push the green check mark to make it disappear and then vote again. Accordingly, I cleared the check mark by pressing on it, and then when I tried to push Senator Kerry's name again, the same thing happened. It took 3 push/clear/push sequences before my vote for Senator Kerry actually registered with a green check mark by his name. I encountered the same problem on approximately five other races. I cannot recall the names of the candidates,



but in each instance I pushed the name of the Democratic candidate but the green check mark appeared by the Republican candidate. In each instance, I went through the push/clear/push sequence at least twice, and in one instance several more times before I could get the check mark to appear by the candidate for whom I wanted to vote. I also encountered the problem in connection with one of the propositions on the ballot. I cannot recall if the proposition involved a constitutional amendment or a bond proposal – what I do recall is that I pushed the “Yes” button but the green check mark appeared by the “No” box, so I had to clear the green check mark and try again. I ultimately was able to get the green check mark to appear by each of the candidates for whom I wished to vote and in the appropriate place to reflect my desired vote on each of the propositions on the ballot. The last screen to appear before I pushed the master button that actually recorded my vote contained a summary listing of my choice in each race and with respect to each proposition on the ballot, so I was able to carefully review that list to ensure that it accurately reflected my vote. When I finished voting I went to a poll worker and described the problems I had encountered. She and one other poll worker asked me which machine I had voted on. Because I had had to turn away from the machine to find the poll worker, I wasn’t certain when I turned around again which of the long line of machines I had used, but I was able to narrow it down to two possible machines and I pointed those machines out to the poll workers. I do not know what the poll workers did after I pointed out the machine to them and gave them the “keycard” that I had used to activate the machine.

6. As a result of the above events, it is my hope and belief that my vote registered and will be counted. I called the Secretary of State’s Office to report the

problem and was told by that office that they were going to call the polling place and direct that the machine I voted on be located and pulled so that it could be checked.

7. There were other voters standing in line who may have heard me complain to the poll workers but I did not obtain any of their names.

8. I am registered to vote as a Democrat.

FURTHER AFFIANT SAYETH NOT.

Ann A. Stupich
Signature of Affiant

Subscribed and sworn to before me this 22nd day of October, 2004.

Mardaly Stucia
Notary Public

My Commission Expires:

4/10/06