

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

APPEARANCES:

Franklin County Prosecutor's Office
By Mr. Ron O'Brien,
Prosecuting Attorney
and Mr. Harold J. Anderson, III,
Assistant Prosecuting Attorney
373 South High Street
Columbus, Ohio 43215

On behalf of the Board.

ALSO PRESENT:

Ms. Suzanne Brown,
Executive Assistant to the Board.

- - -

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

INDEX

- - -

ITEM	PAGE
Approval of Minutes	4
Selection of Temporary Chairman	5
Appointment of Director	6
Appointment of Deputy Director	6
Swearing in of Director and Deputy Director	7
Appointment of a Chairman	7
Candidate and Issue Protests	7
Candidate Appeals	117
Kids Voting Contract	161
EMCS Contract	163
Personnel Matter	165
Voter Registration Challenge	166
Certify Write-In Candidates	168
Candidate Withdrawals	168
E.E. Ward Contract Extension	170
Adjourn	173

- - -

1 Tuesday Afternoon Session,
2 March 4, 2014.

3 - - -

4 DIRECTOR ANTHONY: Good afternoon,
5 everyone. I would like to call the Franklin County
6 Board of Elections meeting to order. I will do the
7 roll call.

8 Kimberly Marinello.

9 MEMBER MARINELLO: Here.

10 DIRECTOR ANTHONY: Gregory Haas.

11 MEMBER HAAS: Here.

12 DIRECTOR ANTHONY: Douglas Preisse.

13 CHAIRMAN PREISSE: Here.

14 DIRECTOR ANTHONY: Bradley Sinnott.

15 MEMBER SINNOTT: Here.

16 DIRECTOR ANTHONY: Mr. Chairman, we have
17 a -- all are present.

18 The first item on the agenda,
19 Mr. Chairman, is approval of the minutes of the
20 February 18 board meeting -- February 3 and February
21 18, I'm sorry.

22 MEMBER MARINELLO: Mr. Chairman, I move
23 that the Board approve the minutes of the February 3,
24 2014, and February 18, 2014, meetings of the Franklin

1 County Board of Elections as submitted.

2 MEMBER SINNOTT: Second.

3 DIRECTOR ANTHONY: All those in favor.

4 I'll pass this around for you all to
5 sign.

6 All right. As you all know, this is our
7 reorganization meeting. The next order of business
8 would be to appoint a temporary chairman for purposes
9 of the reorganization.

10 MEMBER SINNOTT: Well, I move that the
11 Board appoint Douglas Preisse as the Temporary
12 Chairman for purpose of reorganization.

13 MEMBER HAAS: Second.

14 DIRECTOR ANTHONY: All those in favor.
15 Motion carries.

16 Now, Doug is the temporary chairperson,
17 and the next order of business is hiring Dana and
18 myself.

19 MEMBER SINNOTT: You think.

20 DIRECTOR ANTHONY: Well --

21 MEMBER HAAS: We will have some
22 discussion over that.

23 DEPUTY DIRECTOR WALCH: This is the
24 actual purpose we've called you all here. We're glad

1 to see a good crowd today. Thank you for coming.

2 DIRECTOR ANTHONY: The first order of
3 business is to appoint a director of the Franklin
4 County Board of Elections.

5 MEMBER SINNOTT: I move that the Board
6 appoint William Anthony as the Director of the Board
7 of Elections at a compensation rate of \$56.94 per
8 hour.

9 MEMBER MARINELLO: Second.

10 DIRECTOR ANTHONY: All those in favor.
11 Thank you.

12 MEMBER MARINELLO: Congratulations.

13 DIRECTOR ANTHONY: Thank you. Appreciate
14 it.

15 And the next order of business is to
16 appoint the deputy director.

17 MEMBER SINNOTT: I move that the Board
18 appoint Dana Walch as the Deputy Director of the
19 Board of Elections at a compensation of \$56.94 per
20 hour.

21 DIRECTOR ANTHONY: Is there a second?

22 MEMBER MARINELLO: Second.

23 DIRECTOR ANTHONY: All those in favor.

24 DEPUTY DIRECTOR WALCH: Thank you all.

1 Appreciate it.

2 DIRECTOR ANTHONY: We both appreciate it.

3 And the next item of business is we have
4 to be sworn in, and we have got the Honorable
5 Prosecutor Ron O'Brien to swear us in.

6 MR. O'BRIEN: I think this is the third
7 time around I've done this for both Dana and Bill, so
8 if you'll raise your right hand and state your name
9 and then repeat after me.

10 (Director and Deputy Director sworn in.)

11 MR. O'BRIEN: Congratulations. And if
12 you sign here, I'll swear it.

13 DIRECTOR ANTHONY: Again, thank you.

14 The next item on the agenda is to appoint
15 a permanent chairman, chairperson.

16 MEMBER SINNOTT: I move that the Board
17 appoint Douglas Preisse as Chairman of the Board of
18 Elections.

19 MEMBER HAAS: Second.

20 DIRECTOR ANTHONY: All those in favor.

21 So moved.

22 Congratulations, Mr. Preisse, Chairman of
23 the Board.

24 The next item on the agenda is to hear

1 the protests. And the first one before us today
2 would be the Marco Miller protest for the Ohio Senate
3 District 3. And that's in your packet.

4 DEPUTY DIRECTOR WALCH: Bill, if I
5 remember right -- wait. We usually handle this the
6 protestor or counsel on behalf of the protestor would
7 come forward first to state their case, and then the
8 candidate and/or counsel on behalf of the candidate
9 being protested follows after that, if that makes
10 sense to everybody. I believe that's the way we have
11 done it before.

12 DIRECTOR ANTHONY: Yes, it is.

13 CHAIRMAN PREISSE: Okay. So we'll
14 proceed that way. Welcome, Stuart, and if you would
15 please state your name and address and who you are
16 here for for the record.

17 MR. DORNETTE: Yes. Thank you,
18 Mr. Chairman. I am Stuart Dornette. I'm a lawyer
19 with Taft, Stettinius & Hollister. I am here on
20 behalf of the Protestor Christy Blackburn. If -- I
21 have a written submission, if I may provide it to the
22 Board.

23 CHAIRMAN PREISSE: Sure. Ben, I think
24 there is some feedback. I am not sure if you are in

1 charge of the audio. Maybe you could turn it down,
2 see to it.

3 MR. DORNETTE: What -- as I said, I am
4 here on behalf of Christy Blackburn. Ms. Blackburn
5 is a resident of the 3rd Senate District. She is a
6 registered voter in good standing with the Board of
7 Elections, and she has voted in the Democratic
8 Primaries in 2012, 2010, and several ones before
9 that. So under Ohio Revised Code Section 3513.05,
10 she is an appropriate person to file a protest.

11 She did file a protest to the nominating
12 petitions of Mr. Miller on the 21st of February,
13 2014, which is within the time prescribed in the
14 statute for the filing of such a protest.

15 What I have provided to the Board is a
16 packet that includes her protest letter, copies of
17 the petitions, the report that the Board made, and
18 when the Board reviewed the petitions, the Board --
19 initially the Board found that there were 52 valid
20 signatures on the petitions, 18 invalid signatures on
21 the petitions, and that sent out the Board report.

22 Also attached is a copy of the Directive
23 2014-02 from the Secretary of State that are
24 instructions for how to go through and look at

1 petitions. And then we have the affidavit of Vickie
2 Willard. Vickie Willard is a person who has spent 40
3 years in training and practice looking at handwriting
4 analysis, handwriting identification, and comparison.
5 And we asked her to take a look at some of the
6 signatures that were on the petitions.

7 And then finally is the affidavit of
8 Christy Blackburn herself attesting to her
9 qualifications to be a protestor. And then at the
10 outset is a brief memorandum that outlines the
11 positions that Ms. Blackburn would want this Board to
12 be aware of with respect to this protest.

13 As I said, there were 52 signatures on
14 the petition. The law requires that there be 50, a
15 minimum of 50, and what I would like to talk about
16 here are 6 of those 52 which we believe were not
17 appropriately recognized as signatures on this -- on
18 these petitions. The first one is that of the
19 candidate himself, Marco Miller. His signature is on
20 the last of the petitions. It's the last signature
21 on the last petitions. The 1971 Ohio Supreme Court
22 decision *State, ex rel. Kucinich versus Duffy*
23 provides that under 3513.05 the signature of the
24 candidate himself cannot be counted as one of the

1 minimum number of signatures required in order to
2 validate the petition.

3 The statutory language today, in material
4 parts, remains the same as it did in 1971. I think
5 that issue resolves whether Mr. Miller is properly
6 counted. He should not have been counted. That's
7 our first one.

8 Roger Longfellow, petition No. 0730, line
9 7 is accepted as a signature of Roger Longfellow of
10 Daventry Lane in Gahanna. Ms. Willard has looked at
11 his signature, compared his signature on the petition
12 with his signature on the BOE card, and concludes
13 that those were signed by two different people. And
14 she has a close analysis of what that is. We set out
15 the two signatures on page 4 of our brief. They are
16 also set out in Ms. Willard's affidavit.

17 James Timmons was a signature accepted,
18 petition 0730, line 11 also in Gahanna on Imperial
19 Drive. Mr. Timmons according to the records of the
20 Board is 21 years old, first registered a little over
21 a year ago in December of 2012, and as you can tell
22 at the top of page 5 of our brief, his signatures are
23 very, very different between Mr. Timmons when he
24 registered and indeed Mr. Timmons who signed this

1 petition. Again, Ms. Willard in her affidavit states
2 that the signatures simply do not match. Under 20 --
3 Directive 2014-02 signatures that do not match should
4 not be counted.

5 Tanya Faulk was credited initially by the
6 Board as having signed line 9 of petition 0729. Page
7 5 of our brief we show her signature with the Board
8 of Elections and petition signature. We also have as
9 a tab in the back two mortgages for the property --
10 two mortgages signed by Jamie Faulk and Tanya Faulk,
11 and if you look at the signature on the petition and
12 the signature on the mortgage of Jamie Faulk, the two
13 match. And, again, if you look at the signature on
14 the mortgages of Tanya Faulk, it matches the Board of
15 Elections' signatures. We would submit the signature
16 on the petition is clearly that of Jamie Faulk, not
17 of Tanya Faulk. Jamie Faulk is not a registered
18 voter in Franklin County.

19 Ms. Willard also looked at the signature
20 that was credited to Terrance Allen of Brice Dale
21 Drive in Canal Winchester. There are two registered
22 voters at that address. One is Mr. Allen; one is
23 Evelyn Bailey. Ms. Willard concluded that the
24 signature which is not recognizable on the petition

1 does not match either of those two voters'
2 signatures.

3 Finally, the 5th line of petition 0730 is
4 accepted as that of registered voter Chloe Beyer.
5 The signature, however, on the petition is not
6 Ms. Beyer's name at all. It is Chloe something else
7 that starts with an H. And in State, ex rel. Rogers
8 versus Taft 1992 the Ohio Supreme Court addressed
9 just such circumstance in which the petition's
10 signature was Loretta Sheldon and the signature on
11 file with the board was Loretta Floyd-Sheldon and
12 rejection of that was what the Supreme Court said was
13 appropriate at the petition stage.

14 That is the evidence with 6 invalid
15 signatures out of the 52. Taking those out leaves
16 fewer than 50 required. On behalf of Ms. Blackburn
17 we would ask this Board to reject the nominating
18 petition of Mr. Miller.

19 CHAIRMAN PREISSE: Mr. Dornette.

20 MR. DORNETTE: Yes.

21 CHAIRMAN PREISSE: Before you sit down,
22 thank you, and I think maybe we have some questions
23 from the Board members for you.

24 MR. DORNETTE: Yes.

1 MEMBER SINNOTT: I have some. Thank you,
2 Mr. Dornette. The memorandum in support of the
3 protest and the Willard affidavit, we are seeing
4 these for the first time now, correct?

5 MR. DORNETTE: Yes, your Honor; yes, sir.

6 MEMBER SINNOTT: Have they been served or
7 shared in any respect with the candidate?

8 MR. DORNETTE: They have not.

9 MEMBER SINNOTT: The protest by
10 Ms. Blackburn raises challenge to more than six
11 signatures. Would you ask that we focus our inquiry
12 on the six signatures that you reviewed in your oral
13 presentation?

14 MR. DORNETTE: Yes. There were 14. The
15 6 are included among the 14.

16 MEMBER SINNOTT: Mr. Anderson, when last
17 we gathered, you mentioned the existence of some case
18 law having to do with affidavit evidence and
19 determination of signature validity in the context of
20 protest; am I recalling that correctly?

21 MR. ANDERSON: Completely different
22 issues.

23 MEMBER SINNOTT: Okay.

24 MR. DORNETTE: If I may, Ms. Willard has

1 a shoulder problem, and she is recovering from
2 surgery or she would have driven here, but she was
3 not able to.

4 MEMBER SINNOTT: And the candidate's
5 signature was a part of the Board's count of 52 valid
6 signatures, correct?

7 DEPUTY DIRECTOR WALCH: That's correct.

8 MEMBER SINNOTT: Those are my questions
9 for Mr. Dornette.

10 MEMBER HAAS: I guess I have a question
11 for both our staff and Mr. Dornette. I'm familiar
12 with many cases where candidates have signed their
13 own petition over the years. And this is the first
14 time that I've seen one knocked off. My question is,
15 if I'm not mistaken, Mr. Kucinich in 1971 was running
16 for mayor for the city of Cleveland or perhaps city
17 council of Cleveland. Is this case law specific to
18 Cleveland-specific issues, or does this apply to all
19 races?

20 MR. ANDERSON: Uh-huh.

21 MR. DORNETTE: Did you get -- the answer
22 is it was --

23 MEMBER HAAS: We got the answer.

24 MR. DORNETTE: Yes.

1 CHAIRMAN PREISSE: Any other questions
2 for Mr. Dornette? I think we'll reserve the
3 privilege of calling you back, if we may. And I
4 think perhaps the opposite side is represented here
5 as well.

6 MR. DORNETTE: Thank you.

7 MS. STEWART: Hello. My name is
8 Catherine Stewart, and I am representing the
9 candidate Mr. Marco Miller on our response to the
10 protest on his signatures for the May 6, 2014,
11 Primary Election.

12 First of all, I think it's kind of weird
13 that we were told 14 signatures, and all of a sudden
14 it's knocked down to 6. It kind of, you know, makes
15 it look like it was frivolous claims; and, oh, we
16 found these six. There might be a little bit more.

17 From looking at our things to
18 specifically address the signatures that they brought
19 into question, the first being part petition 729,
20 line 9 which is Tanya Faulk --

21 CHAIRMAN PREISSE: One moment, I'm sorry.
22 Give members an opportunity. I think you are asking
23 us to call our attention to that specific petition.

24 MEMBER HAAS: Page 5.

1 CHAIRMAN PREISSE: Which petition is that
2 again?

3 MS. STEWART: 729, line 9.

4 DIRECTOR ANTHONY: It's on the first page
5 of your.

6 CHAIRMAN PREISSE: Protest?

7 DIRECTOR ANTHONY: Your exhibit.

8 DEPUTY DIRECTOR WALCH: Yeah. If you
9 look at your exhibit toward the back, we've provided
10 each of you with a sort of side-by-side comparison of
11 the signatures that were contained within the
12 original protest.

13 CHAIRMAN PREISSE: So we are looking at
14 the exhibit?

15 DEPUTY DIRECTOR WALCH: Yes.

16 CHAIRMAN PREISSE: And it's not --

17 DEPUTY DIRECTOR WALCH: Look toward the
18 back, Mr. Chairman, of that exhibit.

19 DIRECTOR ANTHONY: First page.

20 CHAIRMAN PREISSE: So we are looking at a
21 side-by-side signature comparison.

22 DEPUTY DIRECTOR WALCH: So the second one
23 on there is the one that she brings up of Tanya
24 Faulk, correct?

1 MS. STEWART: Yes.

2 DEPUTY DIRECTOR WALCH: Are we ready for
3 her to proceed, Mr. Chairman?

4 CHAIRMAN PREISSE: Yes, thank you.

5 MS. STEWART: Thank you, Mr. Chairman.
6 Looking at this there is a little bit of a line from
7 the signature on line 19, I think that was when it
8 was approved, that goes up and strikes through the
9 signature. But if you look at the F and the K, we
10 believe that they were a match. It's also a much
11 smaller area to sign than on the voter registration
12 form, so we believe that that was a match.

13 Mr. Marco Miller gathered the signatures
14 during a snowstorm and below zero windchills on a
15 clipboard outside so this also could have played into
16 the fact why the signatures may not match. And I
17 apologize. We were not provided with the evidence
18 from the other side to look at that and the other
19 evidence that they had gathered for this particular
20 signature so I cannot speak to that.

21 The next signature is on the same part
22 petition, and it is line 14. Again, we had made many
23 efforts to gather that signature, that of Evelyn
24 Bailey. We had made many attempts this past week to

1 go to her house to get an affidavit from her signed,
2 and unfortunately she's out of town.

3 If you look at her signature and the
4 records at the Board of Elections, again, remember it
5 was signed in below zero windchills in the middle of
6 a snowstorm, she signed only her first name and
7 squiggle for the rest of it in Bailey, but if you
8 look at her first name, you can definitely tell that
9 there is evidence that would suggest she did sign
10 that.

11 CHAIRMAN PREISSE: Okay.

12 MS. STEWART: On the next signature on
13 the claim it is on part petition 730, line 5.

14 CHAIRMAN PREISSE: What's the name?

15 MS. STEWART: Chloe Beyers or Beyer. We
16 were told by Board of Elections' employees that if
17 someone gets married and signs under their new name
18 at the time on a petition, that would not be
19 disqualified. She is registered under the name Chloe
20 Beyer, but since that time she got married to the
21 person ahead of her on the list of signatures,
22 Matthew Hirrell. If you look at her signature on the
23 part petition, it matches the records for Chloe's
24 first name completely from the Board of Elections'

1 database of her signatures.

2 The next signature is on the same part
3 petition, line 7, which is that of Roger Longfellow.
4 Again, we think there is enough evidence looking at
5 the signatures that it was from the same hand.
6 Again, please remember that it was below zero
7 windchills and in the middle of a snowstorm when we
8 gathered these signatures.

9 And the next claim is also on that same
10 part petition, line 11, James Timmons. Again, we
11 think that there is enough with how the N and the S
12 and the S in James all fit. If you think about it,
13 the line that is on file with the Board of
14 Elections --

15 MEMBER HAAS: I'm sorry, which signature
16 are we looking at?

17 MS. STEWART: It was the same part
18 petition, line 11.

19 CHAIRMAN PREISSE: Which petition?

20 MS. STEWART: It's the same one, 730.

21 DIRECTOR ANTHONY: Line 11.

22 MS. STEWART: Line 11.

23 DEPUTY DIRECTOR WALCH: James Timmons.

24 MS. STEWART: Yes. We believe there was

1 some characteristics in the lettering that would say
2 it was from the same person. Also looking from the
3 BOE records it was a much larger space in that one
4 for a signature compared to that on the part
5 petition.

6 And then as we responded in our response
7 to the protest, the signature of Marco Miller who is
8 the candidate, we agree he was wrongly advised he may
9 sign his own petitions and that is stated in our
10 answer.

11 Do you have any questions?

12 MEMBER SINNOTT: Ms. Stewart, are you a
13 lawyer?

14 MS. STEWART: I am not. I am just
15 representing Marco.

16 MEMBER SINNOTT: As I understand the
17 protest that has been modified by protestor's counsel
18 today, we are focused on six particular signatures in
19 question. And I understand you have not had the
20 benefit of seeing the memorandum --

21 MS. STEWART: No. We were not provided
22 any information on that.

23 MEMBER SINNOTT: -- that was disclosed.

24 MS. STEWART: And the information I just

1 provided you were directly from those six claims.

2 MEMBER SINNOTT: Ms. Stewart, I would
3 like for you to have an opportunity to offer
4 commentary on the six signatures in question.

5 Dana, could you deliver that to her.

6 MS. STEWART: Thank you.

7 DEPUTY DIRECTOR WALCH: You're welcome.

8 MEMBER HAAS: We as a Board did put
9 Mr. Miller -- based on the advice of staff review,
10 the Board acted to put Mr. Miller on the ballot. And
11 it seems to me that there is some obligation with
12 this, not just with Mr. Miller but with the Board
13 too, I mean, this is actually the approval of the
14 Board of these signatures which is being challenged.
15 So I think that in terms of how we determine these
16 signatures are good, that it's not -- it is not just
17 the campaign and the petitions itself that's being
18 challenged here but our approval.

19 DEPUTY DIRECTOR WALCH: Uh-huh.

20 MEMBER SINNOTT: Ms. Stewart, having had
21 the very brief benefit of seeing the memorandum in
22 support of the protest, is there any additional
23 commentary you would like to offer on the six
24 signatures that are now before us?

1 MS. STEWART: Not at this time.

2 CHAIRMAN PREISSE: Any other questions of
3 Ms. Stewart?

4 Thank you very much.

5 MS. STEWART: Thank you.

6 CHAIRMAN PREISSE: So we are being
7 asked -- Greg, if I'm -- I'm not sure I understood
8 your comment a moment ago.

9 MEMBER HAAS: I think that my comment is
10 primarily on that based on the standard that our
11 staff uses to consider a signature a valid signature,
12 the decision was made in these particular cases that
13 it was close enough that it fit. Otherwise we
14 wouldn't have put Mr. Miller on the ballot in the
15 first place. We wouldn't have approved the
16 petitions.

17 So I think that if we are -- if our
18 standard here is what's being challenged, then we
19 also are in a position of looking at why -- why we
20 signed off on these in the first place and to me, you
21 know, there is certainly some of these where you can
22 see significant difference but not complete
23 difference. And there is at least with -- with each
24 of these some -- I'm assuming staff made the decision

1 that -- that there was enough similarity for us to
2 consider it the correct person.

3 CHAIRMAN PREISSE: I think, as has been
4 in the case in the past, this may be a question of
5 the Board examining these signatures and
6 attempting -- factor in your -- your observations
7 that the Board did act upon certain staff
8 recommendations.

9 Having said that, we have before us a
10 proper protest, and inasmuch as we are all aware of
11 human error before and after approvals, I think baked
12 into the system is the acknowledgment that may
13 happen. That's why we have protests and next stage
14 examinations. So it may be that we -- we ought to
15 look at these signatures one by one --

16 MEMBER HAAS: Absolutely.

17 CHAIRMAN PREISSE: -- and perhaps reach
18 consensus, perhaps we do not.

19 MEMBER HAAS: I concur. My point is
20 largely to do with a -- with what this individual
21 handwriting expert determined is valid versus our
22 policy to determine what's valid. Those may not be
23 the same.

24 CHAIRMAN PREISSE: Okay. So noted.

1 DEPUTY DIRECTOR WALCH: In each of your
2 packets as we discussed is a -- is a side-by-side
3 comparison of what -- of the 14 signatures that were
4 in the original protest and next to them is a copy of
5 the signature that we do have on file here for voter
6 registration purposes for each of the 14 that were
7 in -- in question in the original protest so those
8 are in your packets before you and if we could
9 proceed however obviously the Board feels is
10 required.

11 MEMBER SINNOTT: As to my colleagues, let
12 me make a recommendation and tweak this as you will.
13 We having modified protests before, it seems to call
14 into question only 6 of the 14 signatures identified
15 in the original protest so I think we can focus our
16 attention on those 6 and the determination we'll have
17 to make as to each and I think it makes sense for us
18 to do this on a signature-by-signature basis is
19 whether the signature on the petition is the
20 signature on record with the Board.

21 MEMBER HAAS: Perhaps start with who the
22 six are.

23 CHAIRMAN PREISSE: The six would be --

24 DEPUTY DIRECTOR WALCH: Page 1,

1 Talbert --

2 CHAIRMAN PREISSE: Should we just refer
3 to this document?

4 MEMBER HAAS: Stay with ours. I think if
5 we go with ours.

6 DEPUTY DIRECTOR WALCH: Our documents do
7 contain all 14.

8 MEMBER HAAS: I would like to go through
9 our document because as I look at this, I notice
10 some -- I am sure this is a function of copying but
11 what I would consider some minor discrepancies what
12 we've listed as the signatures on file and what are
13 in the complaint so I would prefer to stick with our
14 document and just run through it and pick the six.

15 DEPUTY DIRECTOR WALCH: And if at any
16 stage of the process I do have -- I do have the
17 actual original petition here with us today if there
18 is any question about a signature that was on the
19 petition, if you want to look at.

20 DIRECTOR ANTHONY: Now --

21 CHAIRMAN PREISSE: I don't have an
22 objection to using --

23 MEMBER HAAS: I don't think we have any
24 objection to Mr. Miller being taken off.

1 CHAIRMAN PREISSE: Let's take your advice
 2 and do it as orderly as we can and start with the
 3 Board exhibit and then which would start us I think
 4 with --

5 MEMBER SINNOTT: I don't believe
 6 Mr. Talbert is any longer at issue.

7 CHAIRMAN PREISSE: Okay. So then I think
 8 we move on so -- I think what you and I are doing is
 9 looking at this protest and Board document on our
 10 right, and when they match, we'll --

11 MEMBER HAAS: Right.

12 CHAIRMAN PREISSE: And so the first --
 13 the next one would be --

14 MEMBER HAAS: Faulk which is in the
 15 protest.

16 DEPUTY DIRECTOR WALCH: Tanya Faulk is in
 17 the six.

18 CHAIRMAN PREISSE: It's one of the six.
 19 And okay. I'm looking at it. We are all, the Board,
 20 looking at it.

21 MEMBER SINNOTT: So we want to act on
 22 Talbert first?

23 MEMBER HAAS: No.

24 CHAIRMAN PREISSE: Talbert is not on it.

1 We are going to Faulk. In the Board's material we
2 see on the left a facsimile of the petition where the
3 No. 9 is, right?

4 DEPUTY DIRECTOR WALCH: That's correct,
5 Mr. Chairman.

6 CHAIRMAN PREISSE: And on the right the
7 signature of Tanya Faulk on file. I believe we heard
8 testimony there is no James Faulk registered?

9 DEPUTY DIRECTOR WALCH: That is correct,
10 Mr. Chairman.

11 CHAIRMAN PREISSE: Okay. Do you want to
12 vote on these?

13 MEMBER SINNOTT: Yeah. I think we need
14 to decide them on an individual basis because they
15 each have entirely different questions.

16 MR. ANDERSON: Mr. Chairman, that has
17 been your practice in the past on each specific
18 signature.

19 CHAIRMAN PREISSE: Then I'll start off.
20 To my eyes there is a James something on the left
21 which I take is Faulk and there's a Tanya on the
22 right and these are not -- appears to me they are not
23 at all the same signature. Irrespective of the
24 commentary I think it was striked from below, that

1 does not materially alter what appears to be James to
2 me on the left. Anybody wish to proffer their
3 opinion?

4 MEMBER SINNOTT: I do. I want to make
5 sure that we are proceeding in a fashion that creates
6 a good record for the Secretary if the Secretary is
7 going to weigh in or perhaps review in court. What
8 is it that -- I'll ask our counsel this. What is it
9 that makes the clearest record as to what the Board
10 is doing? Do you want us to vote individually on
11 striking a signature or including a signature or how?

12 MR. ANDERSON: You are voting on each
13 signature to determine if it's invalid so you're
14 voting on invalidity. Otherwise the presumption
15 would be that the Board's previous action relative to
16 that signature was correct.

17 MEMBER SINNOTT: So it sounds as though
18 the Chairman is moving to find invalid the Faulk
19 signature.

20 CHAIRMAN PREISSE: Yeah. I would put
21 that in the form of a motion. Then I think a
22 discussion of the motion. You can comment on what
23 your opinion is.

24 MR. O'BRIEN: I think I would vote to

1 either uphold or deny the protest as to that
2 particular signature. There is six signatures that
3 they made a protest to.

4 CHAIRMAN PREISSE: Then I would --

5 MR. ANDERSON: And Mr. Miller's signature
6 which we can't -- which is a little bit different
7 issue than this, but we don't want to forget that is
8 still at issue.

9 MEMBER HAAS: Yeah. We will start with
10 that so we can get to this purely.

11 MR. ANDERSON: That might be the cleanest
12 way to proceed with that.

13 MEMBER HAAS: I will make a motion to
14 strike Mr. Miller's signature, to uphold the protest.

15 MEMBER SINNOTT: I would uphold the
16 protest of Mr. Miller as well.

17 CHAIRMAN PREISSE: In favor, yes, I would
18 too.

19 MEMBER MARINELLO: Yes.

20 DIRECTOR ANTHONY: Seconded. All in
21 favor.

22 That's minus 1.

23 MEMBER HAAS: Can we call Ms. Stewart
24 back up?

1 CHAIRMAN PREISSE: I think if you have a
2 question, you can.

3 MEMBER HAAS: Ms. Stewart?

4 CHAIRMAN PREISSE: Dornette or Stewart?

5 MEMBER HAAS: Ms. Stewart.

6 MS. STEWART: Yes.

7 MEMBER HAAS: What is the -- explain the
8 signature the best you can to me in terms of James
9 and Tanya which is clearly a signature of first name.

10 MS. STEWART: It appeared as though in
11 Tanya's case there was enough similarity when we were
12 looking at the computer systems and James Timmons --

13 MEMBER HAAS: Not James Timmons, Faulk.

14 MEMBER MARINELLO: The first name looks
15 like James Faulk.

16 MEMBER HAAS: Okay. You mentioned
17 something about striking the line.

18 MS. STEWART: There is a line from the
19 approval of the signature below that one that went up
20 through the first name if you look on the part
21 petition.

22 DEPUTY DIRECTOR WALCH: I do have an
23 actual copy of the part petition right here. That
24 was the actual petition. There are some lines on

1 there as the petition -- as the folks are checking
2 the petitions, they do make markings in there in red
3 ink, and one of them got up into that signature a
4 little bit.

5 MEMBER HAAS: There's just a James Faulk
6 there so I have to vote to -- I second the upholding
7 the striking of that signature.

8 MEMBER SINNOTT: I would as well. I
9 would vote to uphold the protest.

10 DIRECTOR ANTHONY: Is there a motion?

11 MR. ANDERSON: Mr. Sinnott made the
12 motion.

13 DIRECTOR ANTHONY: Is there a second?

14 MEMBER MARINELLO: Second.

15 DIRECTOR ANTHONY: This is for Tanya
16 Faulk. All those in favor of upholding the protest.

17 That's negative 2 now.

18 CHAIRMAN PREISSE: Proceed in our
19 document. We come to Ashley Magger which I don't
20 think is part of the six.

21 DEPUTY DIRECTOR WALCH: No, it's not part
22 of the six.

23 CHAIRMAN PREISSE: So we'll pass that.
24 And then Terrance Allen which, I think, is part of

1 the six. I would -- I am not sure I understand. I
2 don't -- I do not find any similarity between the
3 signature on the right of line 14 and the Terrance
4 Allen or Evelyn Bailey on the left. So I would move
5 that as there is no similarity, we would uphold the
6 protest.

7 MEMBER SINNOTT: I second that on the
8 ground I can't find any similarity either.

9 DIRECTOR ANTHONY: Which signature are we
10 looking at? Terrance Allen? Petition 749, line 14.

11 MR. ANDERSON: Yes.

12 DIRECTOR ANTHONY: It's been moved and
13 seconded. Are you ready for the vote?

14 CHAIRMAN PREISSE: Yes. I don't know --
15 I don't want to push you if you're thinking.

16 MEMBER HAAS: Could we see the petition?

17 DEPUTY DIRECTOR WALCH: You bet. It's on
18 line 14.

19 MEMBER HAAS: I'll concur.

20 CHAIRMAN PREISSE: So we'll ask for a
21 vote.

22 DIRECTOR ANTHONY: All those in favor of
23 upholding -- upholding the protest say aye.

24 CHAIRMAN PREISSE: The next signature on

1 the Board exhibit, Brad, you absconded with this.

2 MEMBER SINNOTT: Nicholas Swint.

3 CHAIRMAN PREISSE: I don't think that's
4 of the six, is it? So we'll pass by that one.

5 MEMBER SINNOTT: After that would be
6 Matthew Hirrell which I don't believe is any longer
7 at issue.

8 DEPUTY DIRECTOR WALCH: I think that's
9 correct.

10 MEMBER SINNOTT: Chloe Beyer comes next.

11 CHAIRMAN PREISSE: That is one that is in
12 question.

13 MEMBER HAAS: It's at issue, right?

14 CHAIRMAN PREISSE: Right.

15 MEMBER HAAS: Counsel's advice on married
16 name versus the name on file.

17 CHAIRMAN PREISSE: Right. And I am going
18 to --

19 MEMBER HAAS: I would like to hear from
20 counsel.

21 CHAIRMAN PREISSE: Oh, yeah, I'm sorry.
22 I was going to ask the same question. I didn't know
23 you posed a direct question. This is where I think
24 Mr. Dornette referenced the 1992 Rogers versus Taft

1 decision I made note of.

2 MR. O'BRIEN: Could she have updated her
3 Board of Elections up to 30 days before the next
4 election reflecting that married name change?

5 CHAIRMAN PREISSE: Did you say would she
6 or could she?

7 MR. O'BRIEN: Could she have?

8 CHAIRMAN PREISSE: Could she have?

9 DEPUTY DIRECTOR WALCH: She can certainly
10 update her name, a name change, any time she would
11 like. So she, you know, could make -- obviously we
12 get those all the time of somebody changing their
13 name so, you know, if she was still under her old
14 name, she can update it when she goes to vote. Maybe
15 she would have to vote a provisional ballot, but she
16 would be offered a ballot if she went to vote. Chloe
17 Beyer -- Chloe McKenzie Beyer is registered at 348
18 Empire Drive, but she signed as Chloe Hirrell.

19 MR. ANDERSON: She has the ability to
20 update her registration. She should have updated her
21 registration.

22 MEMBER HAAS: First name clearly
23 indicates is the same person.

24 MR. ANDERSON: It looks like it's the

1 same person.

2 MEMBER MARINELLO: Right.

3 MEMBER HAAS: I'm going to make a motion
4 to reject the protest.

5 DIRECTOR ANTHONY: Is there a second?

6 MEMBER MARINELLO: Second.

7 DIRECTOR ANTHONY: Ready for a vote?

8 CHAIRMAN PREISSE: I think we are in
9 discussion stage still as it relates to Brad's
10 contemplation.

11 MEMBER SINNOTT: I think counting the
12 signature would be contrary to the instructions of
13 the Supreme Court in the Rogers case. I offer that
14 by way of discussion.

15 CHAIRMAN PREISSE: How tightly are our
16 hands tied, counselor, by what the court has
17 suggested? Are you looking at that?

18 MR. ANDERSON: I don't have that
19 particular case with me, I'm sorry, Chairman Preisse.

20 MR. O'BRIEN: I'm putting it here in the
21 phone.

22 CHAIRMAN PREISSE: Shall we pause on that
23 one and move on?

24 MEMBER HAAS: I guess I have a logistical

1 question -- have we done six yet?

2 CHAIRMAN PREISSE: Not yet. Did we get
3 to Longfellow yet? Chew on that and we will go onto
4 another?

5 Okay. Brad, did you want to tell us what
6 the next name on the Board's exhibit is? Brad, after
7 Chloe?

8 MEMBER SINNOTT: We are now at Jennifer
9 Miller which is no longer at issue. Then we come to
10 Roger Longfellow that is part of the current protest.

11 CHAIRMAN PREISSE: Roger Longfellow.

12 MEMBER SINNOTT: Dana, are there two
13 voters registered at the Longfellow address?

14 DEPUTY DIRECTOR WALCH: I believe so,
15 Mr. Sinnott. I'm checking that real quick on file
16 but I believe that is why we included another
17 signature in there but I'm going to pull it up real
18 quick on our file to make sure. Mr. Sinnott, at 546
19 there is Dakota M. Gilliam and a Roger D. Longfellow
20 who are registered voters at that address. And both
21 those signatures are in the exhibit provided.

22 MEMBER SINNOTT: It's plainly not the
23 bottom signature.

24 DEPUTY DIRECTOR WALCH: If the members

1 would like, here is the actual petition. On line 7
2 is the signature in question.

3 I have the actual registration brought up
4 here if anybody would like to see it. I'm a little
5 hesitant to move the computer.

6 CHAIRMAN PREISSE: What do you have
7 there?

8 DEPUTY DIRECTOR WALCH: The signature on
9 the last registration card we have does appear to
10 mirror what is on the first line of our signature on
11 file.

12 CHAIRMAN PREISSE: So this was taken from
13 that?

14 DEPUTY DIRECTOR WALCH: That's correct.
15 This is the last voter registration card we have for
16 Roger Longfellow.

17 MEMBER HAAS: For Roger Longfellow. Who
18 was the other person that was registered at that
19 address?

20 DEPUTY DIRECTOR WALCH: Dakota Gilliam
21 and there is the signature that appears to be one
22 that's replicated on your exhibit.

23 MEMBER HAAS: Okay.

24 CHAIRMAN PREISSE: Have the members had

1 enough time to ponder that? I don't find any
2 similarity between either -- I have looked at both
3 signatures of who appears to be registered at that
4 address and neither one of them seems to match the
5 petition to my eyes so I would move we uphold the
6 protest as it relates to petition 0730, line 7.

7 MEMBER SINNOTT: I will second that for
8 reasons stated.

9 DIRECTOR ANTHONY: There was a motion
10 already on the floor for that.

11 CHAIRMAN PREISSE: We passed on that one.

12 MEMBER SINNOTT: I thought we tabled
13 that.

14 DIRECTOR ANTHONY: There was one for
15 Longfellow too.

16 CHAIRMAN PREISSE: That's the one we are
17 doing now.

18 DIRECTOR ANTHONY: Can you read back -- I
19 thought we had a motion for that one and we were
20 waiting.

21 CHAIRMAN PREISSE: I think --

22 DEPUTY DIRECTOR WALCH: There was a
23 motion that was on the Chloe Beyer --

24 DIRECTOR ANTHONY: Yeah, I know.

1 DEPUTY DIRECTOR WALCH: -- the one that
2 was tabled to discuss that issue. And then we passed
3 over Jennifer Miller to then get to Roger Longfellow.

4 DIRECTOR ANTHONY: I thought that Haas
5 moved to accept that and Kim seconded it and then.

6 MEMBER HAAS: That was on Chloe.

7 DEPUTY DIRECTOR WALCH: I believe that
8 was on Chloe.

9 DIRECTOR ANTHONY: There was a motion on
10 the floor for Longfellow to -- properly moved and
11 seconded to uphold the protest.

12 CHAIRMAN PREISSE: Aye.

13 MEMBER SINNOTT: Aye.

14 MEMBER HAAS: No.

15 DIRECTOR ANTHONY: Roll-call vote on that
16 one.

17 Kim Marinello.

18 MEMBER MARINELLO: No.

19 DIRECTOR ANTHONY: Greg Haas.

20 MEMBER HAAS: No.

21 DIRECTOR ANTHONY: Doug Preisse.

22 CHAIRMAN PREISSE: Yes.

23 DIRECTOR ANTHONY: And Bradley Sinnott.

24 MEMBER SINNOTT: Yes.

1 DIRECTOR ANTHONY: We have a tie vote for
2 that one.

3 MEMBER HAAS: The big area you get into
4 no similarity, and I certainly would agree it is not
5 very similar, but it's also -- to me there is a
6 couple of motions in the line that weren't -- justify
7 what the Board itself approved, the signature.

8 MEMBER SINNOTT: The next one up is James
9 Timmons. That is a part of the current protest.

10 MEMBER HAAS: Can we see the petition on
11 that? I don't know if it's the same one or not.

12 MEMBER MARINELLO: Yeah, 730.

13 DEPUTY DIRECTOR WALCH: Line 11 on the
14 petition you have in your hand, Mr. Haas.

15 CHAIRMAN PREISSE: Can I see the -- yeah,
16 I want to see the petition when you are done with it.

17 When did this -- do you have the voter
18 registration card?

19 DEPUTY DIRECTOR WALCH: I do.

20 MEMBER SINNOTT: When was it signed?

21 DEPUTY DIRECTOR WALCH: It was signed on
22 October 23, 2012. October 23, 2012, yes.

23 CHAIRMAN PREISSE: Is anybody else
24 registered at that address?

1 DEPUTY DIRECTOR WALCH: 343 Imperial
2 Drive, there is a Cindy Miller, a Marcy Timmons, and
3 that is all and then James Timmons is also there too.

4 MEMBER HAAS: I think one of the issues
5 here is obviously that the -- again with the
6 signatures being exact versus similarities, and I
7 would point out two things. While these are clearly
8 very different signatures there is what appears
9 almost to be a Z at the end of the name James in both
10 signatures which I think is highly unusual and I
11 think in both of them, if you look at it, you see a Z
12 instead of an S. I think you see a U right before
13 the S in the name Timmons in both signatures.

14 CHAIRMAN PREISSE: I would move to deny
15 the protest on petition -- this petition.

16 DIRECTOR ANTHONY: James Timmons.

17 CHAIRMAN PREISSE: 731, James Timmons.

18 MEMBER SINNOTT: I'll second.

19 DIRECTOR ANTHONY: All those -- all those
20 in favor.

21 MEMBER HAAS: We're talking about this
22 one.

23 MEMBER MARINELLO: James Timmons. You
24 are denying the protest so it's good.

1 CHAIRMAN PREISSE: Yes.

2 DIRECTOR ANTHONY: So we rejected the
3 protest, right?

4 MEMBER SINNOTT: Yes.

5 DEPUTY DIRECTOR WALCH: That's correct.

6 MEMBER SINNOTT: That takes us over to
7 James Mock who is no longer at issue. Christine Mike
8 no longer at issue. Mary Hill no longer an issue.
9 Isn't there someone left?

10 DEPUTY DIRECTOR WALCH: The only one left
11 was the candidate himself.

12 DIRECTOR ANTHONY: We voted on that one.
13 The Board voted on that one.

14 DEPUTY DIRECTOR WALCH: We tabled for a
15 moment petition No. 730, line No. 5.

16 MEMBER SINNOTT: What's the name?

17 DEPUTY DIRECTOR WALCH: That was Chloe.

18 DIRECTOR ANTHONY: Okay.

19 MR. ANDERSON: We've looked. Ron was
20 able to pull the case up, and I am going to quote
21 from the Supreme Court case the protestor brought up
22 with respect to this signature of Chloe Beyer. "The
23 Board invalidated the signature since it has no way
24 of knowing whether Loretta Sheldon and Loretta

1 Floyd-Sheldon are the same person. The relator's
2 affidavit stating that Mary Sheldon said she is the
3 same person registered as Mary Floyd-Sheldon is not
4 only inadmissible hearsay it is not relevant to the
5 issue of Loretta Sheldon's identity. Thus, we hold
6 that the Board did not abuse its discretion or
7 otherwise in refusing to accept the signature."

8 So I think that the clear application to
9 this case is that in the absence of any direct
10 evidence that Chloe Beyer has either legally changed
11 her name or been married and changed her name through
12 marriage to Chloe Hirrell I think the Board proper --
13 the Board has no discretion to accept that as a valid
14 signature.

15 MEMBER HAAS: That case was in 1992?

16 MR. ANDERSON: That case was in 1992.

17 MEMBER HAAS: Has there been anything
18 since?

19 MR. ANDERSON: No.

20 MEMBER HAAS: And the question is -- as I
21 understand it, the question is whether or not -- I
22 think the point that was made is that there was no
23 way to know that the two people were the same in the
24 case.

1 MR. ANDERSON: Correct.

2 MEMBER HAAS: We have two identical first
3 signatures, first names, both the petition and the
4 Board of registration card. To me that's evidence
5 that is the same person.

6 MR. ANDERSON: Well, except they have
7 different surnames so --

8 MEMBER HAAS: We are ruling people off
9 because the name isn't the same, and they are
10 allegedly not the same person. We have identical
11 first names.

12 CHAIRMAN PREISSE: As was the case they
13 were comparing as well.

14 MR. ANDERSON: Correct, it was the same
15 set of circumstances. They are comparing Mary
16 Sheldon or Loretta Sheldon versus Loretta
17 Floyd-Sheldon.

18 CHAIRMAN PREISSE: It wasn't an issue
19 whether they looked or even were very close.

20 MR. ANDERSON: Correct.

21 CHAIRMAN PREISSE: It was an issue --

22 MEMBER HAAS: I still say there is no
23 evidence that it's the same person.

24 MR. ANDERSON: Correct. And --

1 CHAIRMAN PREISSE: Was there an affidavit
2 involved in that?

3 MR. ANDERSON: I believe there was an
4 affidavit -- there was an affidavit involved in that
5 case.

6 CHAIRMAN PREISSE: There was evidence of
7 a sort that deemed inadmissible --

8 MR. ANDERSON: Inadmissible.

9 MEMBER HAAS: We can't see the first name
10 in that case. We don't know in that case there was a
11 similarity or not.

12 MR. O'BRIEN: Well, I think what they
13 said here the name doesn't match. You have got one
14 name on your signature card, one name on the
15 petition. They don't match. We have no way of
16 knowing if they are the same people. And there is no
17 evidence to establish that.

18 I think if Loretta had showed up at that
19 hearing in this case or if Chloe had showed up today,
20 said "I'm Loretta" or "I'm Chloe, I'm here, I got
21 married" or "I use a hyphenated sometimes, sometimes
22 I don't," then I think they would have accepted it
23 because it was the same person and established for
24 the purposes. But they said you have to go just on

1 the names is what -- the way it reads.

2 MS. STEWART: May I add something,
3 Mr. Chairman?

4 MEMBER HAAS: If it's about Chloe. If
5 it's something else --

6 MS. STEWART: It's about Chloe.

7 CHAIRMAN PREISSE: Yeah, go ahead.

8 MS. STEWART: The person that signed the
9 part petition right before her is -- I think it's
10 Matthew Hirrell, and he is at the same address, so it
11 would give more evidence to the fact that they have
12 now become married and are living in the same
13 address. And also we were told it was Board policy
14 on accepting people that got married so wouldn't this
15 bring question to a lot of signatures on other
16 petitions as well if you are going to rule only in
17 this case for that signature to be disqualified?
18 Thank you.

19 CHAIRMAN PREISSE: Thank you.

20 MR. O'BRIEN: At least the Board can't
21 consider that evidence as pointed out by this lady on
22 the face of the petition you have before you. That's
23 not with the material I had from counsel or from the
24 Board, the prior signature. I think -- I suppose you

1 could consider your own records, the petition itself.

2 CHAIRMAN PREISSE: You're suggesting if
3 we look at the signature prior to the signature in
4 question, then it's the same last name, the same
5 address, that constitutes a legal marriage? That's
6 very liberal minded of you, Mr. Prosecutor.

7 MR. O'BRIEN: No. I think it may not
8 constitute evidence of a marriage, but it constitutes
9 evidence that the Board can consider.

10 MEMBER HAAS: At least we can assume that
11 her husband believes her last name is Hirrell.

12 MEMBER SINNOTT: I would move we take the
13 matter off the table.

14 CHAIRMAN PREISSE: That's a good idea.

15 DIRECTOR ANTHONY: Second? Is there a
16 second?

17 MEMBER HAAS: I'll second it.

18 DIRECTOR ANTHONY: All those in favor?
19 We will take that one.

20 MEMBER SINNOTT: I think the motion
21 pending is to uphold the protest with Mr. Preisse so
22 moving and my second; is that correct?

23 MR. ANDERSON: That is correct.

24 DIRECTOR ANTHONY: Say that again so we

1 can all understand. I wasn't following that.

2 MEMBER SINNOTT: The suggestion from
3 Mr. Preisse and me was that we uphold the protest.
4 That's the motion.

5 MR. ANDERSON: That was the motion that
6 was seconded.

7 DIRECTOR ANTHONY: Okay. Was that a
8 clear understanding of that?

9 MEMBER HAAS: That was not my
10 understanding.

11 CHAIRMAN PREISSE: Well, should I restate
12 it?

13 MEMBER HAAS: Yeah.

14 CHAIRMAN PREISSE: In the matter of
15 petition 0730, line 5 where we see a discrepancy
16 between what appears to be Chloe Beyer and Chloe
17 Hirrell, I would move to uphold the protest meaning
18 strike the signature because they are different, and
19 with the input reflected on the Supreme Court case of
20 not too many years ago, maybe I will leave it off the
21 commentary, the best way that was suggested by
22 Theodore Roosevelt to abolish bad law is to enforce
23 it strictly.

24 MEMBER SINNOTT: I second the motion for

1 the reasons described in the Rogers case.

2 DIRECTOR ANTHONY: It was moved and
3 seconded. We will do a roll-call vote. This is to
4 uphold the signature of Chloe Beyer, uphold the
5 protest.

6 Kimberly Marinello.

7 MEMBER MARINELLO: No.

8 DIRECTOR ANTHONY: Greg Haas.

9 MEMBER HAAS: Oppose.

10 DIRECTOR ANTHONY: Doug Preisse.

11 CHAIRMAN PREISSE: Yes.

12 DIRECTOR ANTHONY: Bradley Sinnott.

13 MEMBER SINNOTT: Yes.

14 DIRECTOR ANTHONY: We have another tie
15 vote.

16 DEPUTY DIRECTOR WALCH: Mr. Director, I
17 don't know if you have been keeping score along the
18 way, my tally has that we deemed -- we upheld the
19 protest on three signatures, we tied on two, and
20 denied the protest on the remainder. By my count
21 being that Mr. Miller had 52 valid signatures,
22 upholding the protest on 3 would now take him to 49
23 good signatures.

24 MR. ANDERSON: Does that include

1 Mr. Miller's signature himself?

2 DEPUTY DIRECTOR WALCH: It does,
3 Mr. Anderson.

4 MR. ANDERSON: Okay.

5 DEPUTY DIRECTOR WALCH: That was one of
6 the three that the Board upheld the protest on to
7 deny acceptance of the signature. That's my count
8 that I have.

9 MR. ANDERSON: Wasn't there six?

10 MEMBER SINNOTT: No. There were six.

11 CHAIRMAN PREISSE: Six with him or six
12 without Miller?

13 DIRECTOR ANTHONY: I have the same count.

14 MEMBER HAAS: I wasn't questioning
15 Mr. Miller's right to -- we had 14, I think, in the
16 original complaint signatures, and it was narrowed to
17 6. Six is obviously a much more manageable number in
18 terms of tracking people down and all the things that
19 go into that. There are also signatures that the
20 Board invalidated on the petition.

21 What is Mr. Miller's recourse in terms of
22 reexamining the signatures? We told him he was on
23 the ballot, and now today obviously we have a number
24 falling short. It seems like the question here is

1 does he have 50 valid signatures on this -- on his
2 petition or not? The Board deemed that he did. A
3 protest came in with 14 names. In terms of tracking
4 people down and finding them, that's a pretty major
5 task. There also may be signatures on the petition
6 that he -- he may want -- from the election process
7 the question here is do we have 50 signatures on the
8 petition or not. Based on --

9 MR. ANDERSON: No.

10 MEMBER HAAS: -- you know, our word and
11 what we did in terms of confirming, he was on the
12 ballot until the protests, does he have any recourse
13 in terms of reexamining the petitions?

14 MR. ANDERSON: I believe that his
15 remedies would lie with courts at this point.

16 DEPUTY DIRECTOR WALCH: I believe we
17 actually need a motion by a member of the Board to
18 uphold the protest overall.

19 MR. ANDERSON: And remove --

20 DEPUTY DIRECTOR WALCH: And remove
21 Mr. Miller on the basis of insufficient signatures as
22 a candidate for State Representative if counsel
23 believes that's in order.

24 MR. ANDERSON: That is correct.

1 MEMBER SINNOTT: Well, the numbers are
2 what they are. I move to uphold the protest and
3 remove the candidacy of Marco Miller from the ballot
4 as a candidate for the Ohio Senate 3rd Senate
5 District.

6 CHAIRMAN PREISSE: I'll second the
7 motion.

8 DIRECTOR ANTHONY: Seconded. You had a?

9 MEMBER HAAS: Okay. We are in agreement
10 that the number is 49 at this point, right?

11 DIRECTOR ANTHONY: That's correct.

12 MEMBER HAAS: And if Mr. Miller is to
13 take any kind of action, the Board is right and we
14 are in agreement about the No. 49, okay.

15 CHAIRMAN PREISSE: I seconded the motion.

16 DIRECTOR ANTHONY: The motion has been
17 moved and seconded to uphold the protest of Blackburn
18 so we will do a roll-call vote or is it unanimous?

19 Kimberly Marinello.

20 MEMBER MARINELLO: Yes.

21 DIRECTOR ANTHONY: Greg Haas.

22 MEMBER HAAS: Yes.

23 DIRECTOR ANTHONY: Doug Preisse.

24 CHAIRMAN PREISSE: Yes.

1 DIRECTOR ANTHONY: Brad Sinnott.

2 MEMBER SINNOTT: Yes.

3 DIRECTOR ANTHONY: All right. The motion
4 to oppose the protest stands.

5 The next item on the agenda would be the
6 Chad Monnin.

7 CHAIRMAN PREISSE: Okay. Moving on to
8 Chad, the matter of the 19th Ohio House District.

9 DEPUTY DIRECTOR WALCH: The protest was
10 filed by a Mr. Carl Michael Akers against the
11 candidacy of Chad Monnin. I see Mr. Don Brey. I
12 assume Mr. Brey is here on behalf of Mr. Akers; is
13 that correct?

14 MR. BREY: Yes, I am, sir.

15 DEPUTY DIRECTOR WALCH: Mr. Chairman.

16 CHAIRMAN PREISSE: State your name and
17 purpose for the record, please.

18 MR. BREY: My name is Don Brey. I am
19 with the Taft firm as well. I am here on behalf of
20 the Protestor Mike Akers.

21 I have some handouts if -- although they
22 may duplicate what they have. Since I already killed
23 the trees would it be permissible to hand them?

24 CHAIRMAN PREISSE: Sure.

1 MR. BREY: As the Board noted in the last
2 protest, one of the fundamental requirements of
3 having a valid petition is having a sufficient number
4 of signatures that match signatures of record with
5 those on file with the Board of Elections.

6 This is a matter of statute, of case law,
7 and of records of the Ohio Secretary of State that if
8 the -- a sufficient number of signatures do not
9 match, then you can't have a valid candidacy. And
10 Revised Code 3513.05 part of Mr. Monnin's petition
11 contained at least 25 valid signatures but there are
12 7 signatures that we believe do not match the
13 signatures on file with the -- with the Board of
14 Elections.

15 I understand you may already have a copy
16 of the list of these signatures so you can compare
17 them from your own records which is probably the best
18 way of doing that. We also made copies of those as
19 best we could which are included at pages 2 and 3 of
20 my 3-1/2 page memo. Hopefully it won't take too long
21 to go through it.

22 The first one, Courtney Hodges, just
23 looking at it it's clear these signatures are
24 different signatures. They do not match and for that

1 reason should be rejected.

2 The second -- Revised Code 3501.38(C)
3 requires each signer to place on the petition after
4 their name the date of signing and the location of
5 the voter's address and the signature on the part
6 petition. Janet Lombardi reflected her address as
7 6889 Chiswick Court in New Albany which I understand
8 the signature on file at that address is the first of
9 the two signatures on the left there which clearly
10 does not match. Now, there is another signature and
11 different address that's below that also included for
12 completeness.

13 The third signature, again, if you look
14 at the signature on the right which is the petition
15 signature and compare it with the signature on the
16 left which is that of the Board of Elections, the Ms
17 are very different. There is -- the whole nature of
18 what this is looks quite different than the signature
19 on the right.

20 And the fourth signature of last, very
21 similarly you can see the big L or script on the
22 right which looks very different than anything on the
23 Board of Elections' records.

24 The fifth signature of Shane Moran, the

1 Ss are very different and even in terms of the
2 existence of all the letters that are included in one
3 or not included in the other.

4 The sixth signature of Albert Campbell
5 looks very different than the signature on the Board
6 of Elections' website. Granted the one on the Board
7 of Elections' website is difficult to read and one of
8 the requirements of signatures is that they be
9 legible enough so you can compare the two, and in
10 this case you simply can't. It's not comparable.

11 And, lastly, the signature Peter Horvath
12 or what purports to be his on the right is scribbled
13 compared with -- they are both scribbled, but they
14 are different scribbles as you can see with the lines
15 in one that aren't in the other and vice versa.

16 In any event we believe that the
17 discrepancies between the signatures on the petition
18 and those on record with the Board of Elections were
19 sufficiently of import that the Board itself should
20 review them and make its judgment as to whether or
21 not these are valid signatures or not.

22 CHAIRMAN PREISSE: Questions for
23 Mr. Brey?

24 MEMBER HAAS: Do you have a handwriting

1 expert?

2 MR. BREY: We did not have a handwriting
3 expert look at these.

4 MEMBER SINNOTT: Mr. Brey, has your
5 one-page brief been served or otherwise shared with
6 the candidate?

7 MR. BREY: I shared it with the candidate
8 at the same time I shared it with members of this
9 Board. It was not served prior to this hearing.

10 MEMBER SINNOTT: Very good. Thank you.

11 CHAIRMAN PREISSE: Shall we go through
12 them?

13 DEPUTY DIRECTOR WALCH: I think we need
14 to hear from the candidate.

15 CHAIRMAN PREISSE: I'm sorry. Is the
16 candidate here representing himself, or has he got
17 one?

18 MR. MONNIN: No, it's me.

19 CHAIRMAN PREISSE: Okay. Please tell us
20 your name and what your purpose is.

21 MR. MONNIN: My name is Chad Monnin, my
22 address 4527 Northgate, New Albany, Ohio. I am here
23 to represent myself against this protest regarding
24 the validity of the signatures as just presented.

1 Just like the very first attorney presented today,
2 his protest was valid because the protestor was a
3 member of the same party. Unlike this protest that's
4 being levied against me the person stated, Mr. Akers,
5 in his protest that they are not affiliated with the
6 Libertarian Party. And under Ohio Revised Code
7 3513.05 the person must be of the same party to
8 protest a candidate in the primary just as a
9 Republican cannot protest a Democrat in the Primary
10 Election.

11 There are two court cases, Dukowski
12 versus Brunner holding that a Republican cannot
13 protest a Democrat under 3513.05 because one must be
14 a member of the protested candidate's party. The
15 second case is Barnow versus Winniker. And the Ohio
16 Supreme Court reported that the Brown County Common
17 Pleas Court ruled that an unaffiliated elector could
18 not file a protest against a candidate in the local
19 primary because the protestor was not a member of
20 that party. Though it was dismissed, the appeal, on
21 jurisdictional grounds, the Supreme Court observed
22 the unaffiliated elector's status as nonpartisan may
23 have precluded him from instituting a timely protest
24 anyway under 3513.05.

1 So I would like to make the motion that
2 this protest be dismissed based on those grounds
3 initially before we get to the signatures.

4 CHAIRMAN PREISSE: I don't think you have
5 standing to make a motion for us. But if that's
6 your --

7 MR. MONNIN: Yeah, sorry.

8 CHAIRMAN PREISSE: If that's your
9 statement, you certainly make a strong suggestion.
10 We may have questions. Is that your statement?

11 MR. MONNIN: Correct.

12 CHAIRMAN PREISSE: Okay. Do we have --
13 I'm sorry. Yeah. Mr. Monnin cited at least a couple
14 sections of the code and cases. I wonder if you
15 could -- do we have that?

16 MR. ANDERSON: The Dukowski case actually
17 deals with a registered Republican, I believe,
18 challenging a petition of a Democratic primary
19 candidate. Clearly not applicable here. In this
20 instance what you have --

21 MEMBER HAAS: Why is that?

22 MR. ANDERSON: Because what you have here
23 is an independent voter who is eligible to vote in
24 the Libertarian primary in May. And there is the

1 election officials manual from the Secretary of
2 State's Office which -- which details how you are to
3 look at independent candidates and the ability to
4 lodge protests. The election officials manual
5 dates -- pardon me, the election officials manual
6 states that "for purposes of protesting a candidacy
7 for party nomination, any elector is considered a
8 member of the candidate's political party if the
9 elector voted only in that party's primaries in the
10 current and last two calendar years or did not vote
11 in any other party's primary in the current year in
12 the last two calendar years."

13 I believe staff has confirmed that the
14 protestor in this case has remained an independent,
15 not voted in any party's primary, and as such, he
16 would be eligible to vote in the Libertarian primary
17 in -- in May. Given the guide -- or given the
18 election officials manual we are not comfortable
19 advising you to disregard what the Secretary of
20 State's Office has issued in that manual.

21 CHAIRMAN PREISSE: What was the Brown
22 County situation/case you mentioned, Chad?

23 MR. ANDERSON: I can address that issue
24 as well, if you would like.

1 MR. MONNIN: Well, a person that is
2 unaffiliated may indeed circulate a petition, or they
3 may sign one, but they can't initiate a protest, even
4 though that this person could vote in the Libertarian
5 Primary.

6 CHAIRMAN PREISSE: That, you are saying,
7 is the Brown County case. Can we ask our counsel to
8 illuminate us on that?

9 MR. ANDERSON: The Supreme Court actually
10 did not -- specifically did not rule on that issue.
11 The Brown County -- the Common Pleas Court was
12 overturned on other grounds, and while the court did
13 note that that was part of the Common Pleas Court
14 decision, the court specifically did not rule on that
15 particular issue in that case nor has it ruled on
16 that particular issue in any subsequent case.

17 MR. MONNIN: But this gentleman could
18 vote in the Republican primary. The point is he is
19 not a member of a Libertarian Party right now and,
20 therefore, should not be able to levy a protest
21 against another Libertarian. He is not currently --
22 Ohio chooses its party members by who votes in
23 that -- who votes in the primary and who doesn't. He
24 is not in the Ohio voter database as a Libertarian

1 nor is he on record as a party voting that way. And
2 no matter what the handbook says for the Board of
3 Elections the Ohio Revised Code does clearly state
4 that this member must be a member of the same party
5 for the protest.

6 MR. ANDERSON: I stand with my previous
7 statement.

8 MEMBER HAAS: But no. I didn't hear you
9 talk about Revised Code.

10 MR. ANDERSON: Well, the Secretary of
11 State has an interpretation of the Revised Code. The
12 Revised Code certainly raises a question as to
13 whether or not that -- that argument is allowable.
14 However, in the absence of any defining case law, we
15 are not comfortable telling you to do something that
16 is different than what's contained in the election
17 officials manual. The election officials manual
18 actually can be read sympathetically to the language
19 in the Revised Code.

20 MR. MONNIN: If I could submit, the
21 recommend -- the Board of Elections handbook has the
22 phrase "or," and then it goes into the unaffiliated
23 nature. However, the Ohio Revised Code does not say
24 "or." It says "must be a member of that same party

1 when the protestor filed the protest." I'm saying
2 that there is no standing here by Mr. Akers to levy
3 the protest.

4 CHAIRMAN PREISSE: I wonder if we could
5 move on and take a look at the signatures.

6 MR. MONNIN: Okay.

7 MEMBER HAAS: Well, I guess I would like
8 to make a motion on the standing issue, and I think
9 based on what I've heard from both the witness and
10 from counsel, the Revised Code states that a person
11 must be a member of that party. And so I would like
12 to make a motion that the complainant does not have
13 standing.

14 CHAIRMAN PREISSE: Is that -- is that
15 motion in order when we haven't examined the entirety
16 of the question before us?

17 MEMBER HAAS: It's the initial question
18 whether the person's protest is -- has merit, so it
19 has to be the first question.

20 MR. ANDERSON: It's a valid motion.

21 MR. O'BRIEN: Whether you take the steps
22 to look at those signatures, if he doesn't have
23 standing, there is no reason to go through it.

24 DIRECTOR ANTHONY: Is there a second to

1 the motion?

2 MEMBER MARINELLO: Second.

3 CHAIRMAN PREISSE: I'm not sure -- go
4 ahead. We can have discussion after.

5 DIRECTOR ANTHONY: Now, discussion. I'm
6 sorry.

7 CHAIRMAN PREISSE: So I wasn't clear on
8 Greg's line of questioning. He's pointing to the
9 Code. Refresh me right here.

10 MEMBER HAAS: I heard from both the
11 witness and counsel the Ohio Revised Code states that
12 a -- a petitioner must be a member of that party, and
13 I heard that from both of them.

14 MR. ANDERSON: Not quite, Mr. Haas. The
15 Secretary of State's Office is interpreting the
16 language in the Code to say that --

17 MEMBER HAAS: I am asking you about Code.

18 CHAIRMAN PREISSE: Again, if you were
19 about to read --

20 MR. ANDERSON: I think my -- my answer is
21 that the Secretary of State's Office has issued the
22 election officials manual giving their position
23 vis-a-vis how the Code should be read, and I'm not
24 comfortable at this point telling you to do something

1 that contravenes the Secretary of State's election
2 officials manual.

3 MEMBER HAAS: But you are representing
4 something that contravenes the Ohio Revised Code.

5 MR. ANDERSON: No, because you can read
6 the Secretary of State's position sympathetically to
7 language in the Revised Code. It's not an either/or
8 proposition, in other words, Mr. Haas.

9 CHAIRMAN PREISSE: You are saying the
10 code is not crystal clear.

11 MR. ANDERSON: That is correct.

12 CHAIRMAN PREISSE: And the Secretary of
13 State's manual is the Secretary of State's
14 interpretation of that section.

15 MR. ANDERSON: That is correct,
16 Mr. Preisse.

17 MEMBER HAAS: I think we can all be in
18 agreement what part of is is. In this case what part
19 of must is must is pretty definitive.

20 CHAIRMAN PREISSE: I'm not sure where
21 must came in there.

22 MEMBER HAAS: I think there is -- there
23 is a line -- there is a reference point wherein the
24 Revised Code refers to the person must be a member of

1 the political party.

2 MR. MONNIN: That's exactly what 3513 --

3 CHAIRMAN PREISSE: Must be a member of
4 the political party and membership in the party is --

5 MR. MONNIN: Ohio determines its members
6 by primaries, previous primaries.

7 CHAIRMAN PREISSE: Voting in a primary
8 and then there is -- it seems to me there is all
9 sorts of situations too, whether it's state of mind,
10 whatever somebody does when they are 18 years old
11 never changes. You mentioned, Chad, I think in your
12 comments in -- in the -- the gentleman protesting, he
13 said he is not a member of a party?

14 MR. MONNIN: He said he is unaffiliated
15 with the party. He said he is an unaffiliated
16 member, so he is not -- he is not a Republican --

17 CHAIRMAN PREISSE: Do we have that in
18 front of us?

19 MR. MONNIN: According to the voters'
20 rolls and he is not in the Ohio voter database as a
21 Republican, Democrat, or Libertarian.

22 CHAIRMAN PREISSE: Is that part of the
23 exhibit? Where is that?

24 DEPUTY DIRECTOR WALCH: It's on the back

1 of -- on our exhibit.

2 CHAIRMAN PREISSE: Our exhibit.

3 DEPUTY DIRECTOR WALCH: Mr. Chairman, the
4 first page. It's the actual protest that was filed
5 by Mr. Akers.

6 CHAIRMAN PREISSE: "I am not affiliated
7 with any political party, and, therefore, eligible to
8 vote in the Libertarian."

9 MEMBER SINNOTT: Well --

10 CHAIRMAN PREISSE: Please do.

11 MEMBER SINNOTT: -- I have a couple of
12 questions for the staff about the state of the record
13 as to this Mr. Akers as the protestor. Has he voted
14 in the Libertarian primary in the current or last two
15 calendar years? He has not, correct?

16 DEPUTY DIRECTOR WALCH: He has not.

17 MEMBER SINNOTT: He did not vote in any
18 other party's primary in the current year and last
19 two calendar years, correct?

20 DEPUTY DIRECTOR WALCH: That is correct.

21 MR. ANDERSON: Has there been a
22 Libertarian primary that this gentleman could have
23 voted in in that time period?

24 MEMBER HAAS: There was a Presidential

1 race.

2 MEMBER SINNOTT: Was there a Libertarian
3 party in 2012?

4 MR. ANDERSON: I don't think there was he
5 would have been eligible to vote for.

6 MEMBER HAAS: Well, whether there was or
7 not he states that he is not -- he is not a
8 Libertarian.

9 CHAIRMAN PREISSE: Well, no. I take
10 issue with that because he clearly does not state he
11 is not Libertarian. He is not --

12 MEMBER HAAS: Affiliated with any
13 political party.

14 CHAIRMAN PREISSE: Not affiliated with
15 any political party.

16 MEMBER HAAS: A party is a party.

17 CHAIRMAN PREISSE: He says "I am not
18 affiliated with any political party." My read of
19 that he means he is not --

20 MEMBER HAAS: He is not a Libertarian.

21 CHAIRMAN PREISSE: No, that's not my
22 reading. I will interpret my reading for me. It
23 means -- the way I read this it means I'm not
24 registered as a -- in any of the primaries as a

1 Libertarian. That's what I read in it so.

2 MEMBER SINNOTT: It seems to me if this
3 is going to turn on whether we abide by the
4 instruction from the Secretary of State in the
5 election officials manual for Ohio County Board of
6 Elections or not, I don't know that any additional
7 discussion would be enlightening. Is there a motion?

8 DIRECTOR ANTHONY: There is currently a
9 motion and it's been seconded to not uphold the
10 protest of Mr. Monnin.

11 MEMBER HAAS: Based on the standing.

12 DIRECTOR ANTHONY: Based on the standing.
13 Do you want to do a roll-call vote on that?

14 Kimberly Marinello.

15 MEMBER MARINELLO: Yes.

16 DIRECTOR ANTHONY: Greg Haas.

17 MEMBER HAAS: I must vote yes.

18 DIRECTOR ANTHONY: Doug Preisse.

19 CHAIRMAN PREISSE: No.

20 DIRECTOR ANTHONY: Bradley Sinnott.

21 MEMBER SINNOTT: No.

22 DIRECTOR ANTHONY: So that needs to go to
23 the Secretary of State.

24 CHAIRMAN PREISSE: I guess we should

1 continue the discussion.

2 MR. ANDERSON: No.

3 MEMBER HAAS: Now, we should take a look
4 at the signatures.

5 MR. ANDERSON: No, because you've got a
6 2-2 vote on whether you can proceed with the protest
7 so it's going to have to go to the Secretary of
8 State's Office to break that particular tie. And
9 then if the Secretary believes that the protest
10 should move forward, it would be remanded back here
11 and go through the signatures.

12 MEMBER HAAS: Preliminary call on
13 signatures?

14 MR. ANDERSON: No, no.

15 CHAIRMAN PREISSE: Okay. We are at a tie
16 vote, and it will be submitted to the Secretary of
17 State. Thank you for being here. And thank you,
18 Don.

19 MR. MONNIN: Okay. Thank you.

20 DIRECTOR ANTHONY: The next item on the
21 agenda is the protest filed on Kevin Bacon's Senate
22 seat.

23 CHAIRMAN PREISSE: Okay.

24 MR. SWISHER: Good afternoon. I'm Zach

1 Swisher. I'm an attorney in Columbus, my address 2
2 Miranova Place, Columbus, Ohio. I am here
3 representing Mr. Jeffrey Williams.

4 Given I guess the Board's discussion on
5 the underlying, I guess, legality of the petition
6 before you get to the signatures, we would, I guess,
7 acknowledge the petition that was filed by
8 Mr. Williams was sent on February 27 of 2014. My
9 review of the Ohio Revised Code states that the
10 petition needed to be filed by February 21, 2014. I
11 had a conversation with Mr. Williams. I have just
12 been a recent retention by him.

13 CHAIRMAN PREISSE: It was what?

14 MR. SWISHER: He just retained me
15 recently. He acknowledged that the petition was
16 filed outside of the timeframe needed to file. He
17 got notice that this petition remained on the Board's
18 agenda for purposes of today. He asked that I come
19 before the Board, explain that although he did file
20 outside of the timeframe, he still asked that the
21 Board, if it's in your discretion to do so, review
22 the material that I would be providing to you today
23 which are signatures of Mr. Bacon.

24 CHAIRMAN PREISSE: Okay. Mr. Prosecutor,

1 is it within our discretion --

2 MR. ANDERSON: It is not.

3 CHAIRMAN PREISSE: -- as counsel
4 suggested to consider this?

5 MR. ANDERSON: It is not. The statute --
6 the statute is very clear as to when protests must be
7 filed. It's 74 days before the day -- the date of
8 the primary. This protest was filed outside of that
9 timeframe so, therefore, the Board does not have
10 statutory authority to entertain the protest.

11 MEMBER HAAS: Entertain the protest, all
12 right. Once a Board becomes aware of a potential
13 problem, does the Board have a responsibility to look
14 into a potential problem?

15 MR. ANDERSON: If the Board sua sponte
16 wants to look at -- the majority of the Board sua
17 sponte wants to look at a particular issue, it
18 certainly would have discretion to do that within the
19 restrictions contained in the Revised Code related to
20 ballot preparation.

21 MEMBER MARINELLO: Do we have an
22 obligation to act on things that come before us?

23 MEMBER HAAS: So, I mean, I certainly
24 understand that the Board does not have the authority

1 to specifically act on a protest that comes in late.
2 However, separate from the protest the Board has an
3 obligation when a problem has been brought to its
4 attention to look into it; is that a fair statement?

5 MR. ANDERSON: That's not a legal issue.

6 MEMBER HAAS: Well, let's put it this
7 way, if a member of the Board raises a question about
8 something that we previously acted on, then do we
9 have the authority to discuss and take action on it
10 even though we are outside the protest period?

11 MR. ANDERSON: If a majority of the Board
12 determines that an illegality or irregularity has
13 taken place, it would have, subject to the
14 prescriptions in the Revised Code relative to the
15 ballot preparation, would have the ability to take
16 those issues up.

17 MR. SWISHER: With that in mind, may I
18 approach?

19 CHAIRMAN PREISSE: Yeah.

20 MR. SWISHER: I apologize. I only
21 have --

22 CHAIRMAN PREISSE: What are you handing
23 us?

24 MR. SWISHER: The first document that is

1 there is Mr. Bacon's declaration of candidacy.

2 CHAIRMAN PREISSE: I am not sure we got
3 to the point.

4 MR. SWISHER: I apologize.

5 CHAIRMAN PREISSE: Is there a motion? Is
6 there a motion?

7 MR. ANDERSON: No motion.

8 CHAIRMAN PREISSE: I'm concerned that my
9 colleague to my left is concerned that the Board and
10 its staff may not have examined or considered
11 material in some fashion to his satisfaction and
12 perhaps to ours if we look at it in retrospect. So,
13 therefore, I would suggest -- I would like to suggest
14 that the staff take this particular issue and a
15 sampling of other matters and review it at such time
16 as is convenient so that we can assure that our
17 procedures and policies are in place for proper
18 review.

19 And, I mean, this is not the only issue
20 that's come before us. The other protests have
21 suggested that -- we will never be able to account
22 for human error and squiggly changing signatures and
23 procedures here and changing election law that
24 happens with every year. But I'm -- this is in the

1 form of a motion, I think I will. Given the
2 confusion today -- well, I am not sure it's a motion,
3 no. But I am requesting that the Board -- that
4 rather that the staff get back to us with a
5 suggestion as to how we can improve those kinds of
6 issues that have been raised in the case of the
7 Senate District before us now and the previous
8 filings and protests so we may best assure the public
9 we are continuing to improve and tighten our
10 procedures. I'm not sure that helps.

11 MEMBER HAAS: No, it didn't. I think
12 there is probably an agreement here in terms of the
13 timing of the filing. I think we have properly -- I
14 am assuming that agreement, that filing itself, is
15 too late and can't be heard. But separate from the
16 filing, as a Board member, I see a couple of issues
17 like right here in the signatures, and at that point,
18 you know, I think we do have an obligation and I
19 would like to hear from staff and counsel and I think
20 counsel did say if we have a majority vote, we can
21 take up an issue. And so I guess, first, I would
22 make a motion to reject the appeal based on the fact
23 that it came too late.

24 MEMBER SINNOTT: Second.

1 DIRECTOR ANTHONY: The motion on the
2 floor to object -- to reject the protest as a
3 protest.

4 MEMBER SINNOTT: We are denying the
5 protest.

6 DIRECTOR ANTHONY: To deny the protest
7 filed by Mr. Williams --

8 MEMBER HAAS: Yes.

9 DIRECTOR ANTHONY: -- Jeffrey Williams,
10 as being untimely. Seconded by Bradley Sinnott.

11 All those in favor. Motion carries.

12 MR. SWISHER: Thank you.

13 MEMBER HAAS: Having respond -- having
14 been made aware -- and at this point we do not have
15 obviously an obligation to hear a protest that is
16 untimely. We have -- actually as we've acted, we've
17 thrown it out. But when we do become aware of
18 something that is -- clearly looks like an issue and
19 particularly in a time when voters have been thrown
20 off voting rolls, while we are demanding greater
21 accountability on the part of voters as we have gone
22 to a number of signatures here, when we have an
23 elected official candidate who we see very different
24 signatures on petitions, I think -- I think it rises

1 to the level of we have to ask a question about it.

2 CHAIRMAN PREISSE: Well stated. Okay.

3 MEMBER HAAS: I make a motion that we
4 take a look at -- at these signatures and why they
5 are so completely different.

6 DIRECTOR ANTHONY: So repeat the motion.

7 MEMBER HAAS: The motion is that we take
8 a look particularly at the item regarding Mr. Bacon's
9 signature and the significant difference between the
10 signature on file and the part petition.

11 CHAIRMAN PREISSE: I wonder --

12 MEMBER SINNOTT: Mr. Haas, what would
13 take a look at mean in this context?

14 MEMBER HAAS: Well, I mean, I think
15 certainly a discussion today at minimum and then
16 potential vote on whether -- whether this needs to be
17 looked at by the Prosecutor or Secretary of State.

18 CHAIRMAN PREISSE: I don't think there is
19 a protest in front of us now.

20 MEMBER HAAS: There is not.

21 CHAIRMAN PREISSE: I would like to concur
22 and maybe even -- although I am not going in the
23 direction you are going relative to asking the
24 Prosecutor or Secretary of State to look at this, but

1 I would suggest that I would like to strengthen your
2 suggestion and motion, friendly amendment, if it's
3 accepted as such, to add everything we've looked at
4 today as I mentioned before under the -- under kind
5 of the umbrella of actions the Board staff took as it
6 relates to approving petitions, accepting petitions,
7 once again, we heard evidence here of Board staff
8 giving advice which may or may not have been helpful,
9 hurtful, or erroneous and -- and the confirming or
10 denying the signatures.

11 And I would ask that the Board and
12 staff -- the Board staff get back to us with an
13 analysis and recommendations of all the -- of these
14 matters including the matter you just brought to us.
15 I don't think that that's a matter in my opinion that
16 arises asking the Secretary of State or the
17 Prosecutor to do our job for us.

18 MEMBER HAAS: No. I would agree with
19 that. I guess my point was at least opening the
20 discussion and us beginning that because that's --
21 those are good points that we laid out so I think
22 that we -- we ask staff to digest the concerns that's
23 been raised and that if we concur to that, then I
24 think we can go from there.

1 MEMBER SINNOTT: So you're thinking about
2 a review of the staff's procedures or making
3 recommendations about which signatures are valid?

4 MEMBER HAAS: Well, I think that's part
5 of what I think Doug said, but he said it in addition
6 to, you know, my specific, you know, concern about
7 these two signatures that we have before us in the
8 petition.

9 DIRECTOR ANTHONY: We may need that
10 motion kind of restated.

11 CHAIRMAN PREISSE: Yeah, I added a lot of
12 verbiage too.

13 MEMBER HAAS: Why don't you take a knock
14 at it.

15 CHAIRMAN PREISSE: I would like to
16 memorialize our opinion here by a vote for which I
17 would suggest I would move that the Board direct our
18 staff to take a serious look at our policies,
19 procedures, specifically as it relates to accepting
20 petitions, reviewing of petitions, specifically the
21 examination of signatures, both of -- how petitions
22 are filled out and by the -- by the candidates and
23 circulators and the signatures of the signers and how
24 it is that we are dealing with these issues as it

1 relates to either of the cases before us today
2 including the 3rd Senate District and the House
3 District. So moved.

4 MEMBER HAAS: Second.

5 DIRECTOR ANTHONY: We may need the court
6 reporter to spell it out for us. It's been moved and
7 seconded, and you will provide us with that, make
8 sure that staff will -- staff understands what you
9 guys want.

10 MEMBER SINNOTT: I vote for that motion
11 too. I vote for that motion too. We haven't voted
12 yet.

13 DIRECTOR ANTHONY: You haven't approved.
14 It has been properly moved and seconded. All those
15 in favor.

16 Dana and I will get on that ASAP, have
17 something at our next meeting.

18 DIRECTOR ANTHONY: The next item on
19 the -- next item on the agenda would be the J -- the
20 Perry Township protest, Perry Township.

21 DEPUTY DIRECTOR WALCH: I believe we have
22 counsel here today representing the protestors. If
23 counsel for the protestors would come forward first
24 and present their evidence, I think that would be in

1 order, Mr. Chairman.

2 CHAIRMAN PREISSE: Okay. Welcome.
3 Please state your name and your purpose.

4 MR. HALE: May it please the Board,
5 Chairman Preisse, Ms. Marinello, Mr. Haas, and
6 Mr. Sinnott, my name is Harland Hale. I represent
7 the protestors in this matter along with Gordon
8 Shuler who is seated in the first chair to my left.

9 Before I go into any detail regarding
10 this matter, I would respectfully request that before
11 the Township speaks that also Mr. Shuler be allowed
12 to address this Board on a separate legal matter
13 since we have broken it down, but more importantly I
14 will be brief. I would also respectfully reserve or
15 request that I be given the opportunity to speak in
16 reply since we have the burden of proof in response
17 to the Township's lawyer's comments.

18 We represent three protestors, the first
19 of which is Nicholas Savko & Sons, the second of
20 which is Lincoln Construction, and the third of which
21 is an individual protestor William Lehner. I should
22 indicate that the Chairman of the Board of Savko
23 would have been here. Unfortunately he had business
24 out of town and simply could not be here. The owner

1 and CEO of Lincoln Construction is a gentleman by the
2 name of Kurt Schmitt. Kurt Schmitt along with their
3 general counsel Don Leech was here for a couple of
4 hours and unfortunately had a commitment wherein they
5 had to leave. But more equally important Bill Lehner
6 is here seated to my left here in the white sweater.

7 What we have for your consideration here
8 is a minor matter in the relative scheme of things of
9 the size of Franklin County. I don't know if Perry
10 Township is geographically the smallest political
11 subdivision in Franklin County, but I can assure you
12 if it is not the smallest, it would still make a
13 podium finish.

14 Perry Township survives, and I think
15 that's the proper word, by real estate property
16 taxes. I have been a resident of Perry Township just
17 short of 30 years. In the 30 years that I have been
18 a resident of the unincorporated portion of Perry
19 Township, I don't think there has been a matter that
20 has been brought before the Township of equal
21 importance as this income tax matter is.

22 I want to give you a little bit of
23 background so that you understand why we're here. I
24 found out about this on January 10 when I got a

1 frantic phone call from a business owner in the
2 Township at 4 p.m. on Friday afternoon indicating
3 that the Township Trustees were going to consider
4 putting on the ballot the JEDZ proposal which would
5 by its nature include a 2-1/2 percent income tax on
6 all payrolls designated in the zone which includes 51
7 parcels and also includes among others Savko and
8 Lincoln.

9 I had not known about this until then;
10 and, in fact, over that weekend I called
11 approximately 40 neighbors and not one of the 40 had
12 any idea that this was going on either. So I
13 attended the meeting on Monday, January 13, of the
14 Trustees, and it was -- it became apparent to me or
15 it became obvious to me that they were having a
16 public hearing unbeknownst to anyone on that day on
17 this very matter and intended to go forward
18 immediately after the public hearing and vote on the
19 thing.

20 The public hearing lasted about an hour.
21 At the request of Savko, Lincoln, and others, I
22 requested the Board to simply continue it or table it
23 for a week or two so that at least some of the
24 employers of the township who were going to be

1 subjected to this owner's tax take a look at what it
2 is because they knew nothing about it.

3 I should also introduce LEPD Firearms
4 Range and Training Facility which is owned by Phil
5 Delbet and his son Eric. They are the two gentleman
6 in the last row here. They own the business that is
7 just north of Lincoln Construction. They also have
8 been designated as 1 of the 51 parcels in the JEDZ
9 and, therefore, will be subject to this owner's
10 income tax.

11 To tell you a little more about it, it
12 appears quite frankly that this is nothing more than
13 a money grab. Perry Township is so small it is fully
14 developed. I can honestly tell you I know of no
15 parcels, no acreage, no land that is available for
16 any commercial or industrial development. Everything
17 that's in Perry Township has got a house, a business,
18 or something on it with the exception of some public
19 lands by way of example.

20 For whatever reason they have included in
21 this JEDZ geographical area the retention pond on
22 Billingsley Road. Although it's not directly
23 pertinent to the issue that we are here on I would
24 simply ask what tax revenue does the Township

1 Trustees intend to get from a city retention pond?

2 To get to the matter at hand, we are
3 alleging multiple violations of the Ohio Sunshine
4 Law. This Board has an obligation and indeed a duty
5 to review all election matters to ensure that they
6 were properly prepared and brought before this Board
7 to make it ballotable.

8 In this particular case there were
9 repeated violations of the Ohio Sunshine Law which
10 requires it to be invalidated. It was invalid when
11 it was enacted on January 13, 2014, it was invalid
12 when it was filed with this Board, and it was invalid
13 when this Board certified it to the ballot.

14 Let me run through the Sunshine Law
15 quickly, and then I'll turn it over to Mr. Shuler if
16 he has comments. I attached -- I hope I attached a
17 copy of the Sunshine Law to the memorandums that we
18 submitted, but if you could look at section C which
19 is on page 2 of the exhibit we submitted, you will
20 see in the second sentence -- let me make sure I have
21 got it in the right section here. I apologize, it's
22 (H).

23 CHAIRMAN PREISSE: Is it the brief of the
24 protestors? I see references to the Sunshine Law

1 here.

2 MR. HALE: Yeah. It's subsection (H)
3 which I think is on page 5. Let me read it for you.
4 In the second sentence it provides in relevant part,
5 a resolution, which is what this is, it was a
6 resolution adopted in an open meeting that results
7 from deliberations in a meeting not open to the
8 public is invalid. It goes on to say unless it's in
9 one of the exceptions. There is an exception in this
10 case in which the Township tries to dovetail
11 unsuccessfully into -- that's contained in (G)(8) on
12 page -- it would be page 5 starting about two-thirds
13 of the way down the page. It provides in relevant
14 part that you can go into executive session to
15 consider certain matters including an operating JEDZ
16 which we do not have here.

17 We have absolutely nothing here other
18 than a Township thinking about creating one with
19 another -- where you have to pair with another
20 municipality which in this case they were going to
21 pair with Worthington, but at the time the Township
22 went into the multiple executive sessions there was
23 no JEDZ in place. There was no contract in place.
24 There was nothing in place that allowed them to

1 utilize this exception which must be strictly
2 construed -- construed as you know against allowing
3 executive sessions. It provides confidential
4 information relating to marketing plans, specific
5 business strategies, production techniques, trade
6 secrets, or financial statements of an applicant for
7 economic development assistance. Obviously that
8 doesn't qualify.

9 There was not even an entity to address.
10 You can't get economic development from a JEDZ that
11 doesn't exist and is unfunded so that can't apply
12 factually. It just can't do it.

13 The second clause there says negotiations
14 with other subdivisions respectfully requests for
15 economic development assistance providing that both
16 the following apply: First and foremost, there could
17 not have been as statutorily required a request for
18 economic development assistance because, again, there
19 is no entity, no funding, no anything to even submit
20 the economic development assistance. Simply didn't
21 exist at that time. So that doesn't qualify as well.

22 That as a matter of law violates the Ohio
23 Sunshine Law. You need not go to subsection 1 or
24 subsection 2 because they cannot factually or legally

1 qualify under (G) period.

2 Now, moving on to (G)(1) it provides in
3 the first part that it's directly related to a
4 request for economic development assistance that is
5 administered or provided under Chapter 17 -- 715
6 which is the relevant provision. Again, there is no
7 request for economic development assistance. There
8 could be no request for economic development
9 assistance because there is no entity created to even
10 apply to get assistance.

11 The second clause of 1 provides -- or
12 that involves public infrastructure improvements or
13 the extension of utility services that are directly
14 related to an economic development project. That
15 fails as well for so many reasons. First of all,
16 there is no public infrastructure improvements.
17 Second, there is no extension of utility services.
18 And, finally, there is nothing relating directly to
19 any economic development project since there is none
20 to even have. You can't create that from which is
21 not there. So it doesn't apply.

22 So, again, all four tenants violate the
23 Sunshine Law, and they have to combine not only with
24 the preamble in 8 but also 1 and 2.

1 Let's move on to 2. The unanimous quorum
2 of the public body by roll-call that the executive
3 session is necessary to protect the interests of the
4 applicant or the possible investment -- investment or
5 expenditure of public funds to be made in connection
6 with the economic development project. Again, for
7 similar reasons that I've set forth below there was
8 no JEDZ in place to even apply to anything. There
9 was no possible way that they could discuss
10 investments that don't exist. There is no possible
11 way that they could discuss the expenditure of public
12 funds when, in fact, there are no public funds
13 existing. So that cannot apply.

14 The final one is just above that, the
15 executive session, it's at the bottom of page 5, the
16 executive session is necessary to protect the
17 interests of the applicant. There is no applicant.
18 It doesn't apply as a matter of law. There is nobody
19 applying for anything because nothing yet exists.
20 There is absolutely nothing in (G)(8) where you can
21 attempt no matter how you twist it, no matter how you
22 turn it, no matter how you try to make it dovetail
23 into (G)(1) or (2), it doesn't fit. It can't fit as
24 a matter of law.

1 More importantly or equally important
2 section A requires that the Ohio Sunshine Act be
3 strictly construed in favor of open meetings. By way
4 of example, if I could use this example, if, in fact,
5 this matter was a 50/50 tie, which obviously it's
6 not, then it -- the winner would go to the one that
7 was objecting to the executive session and in this
8 case the protestors. We don't have a tie here.
9 Clearly -- there is a clear and unequivocal violation
10 of the Ohio Sunshine Law repeatedly; and, therefore,
11 it was illegal when it got here. It was unauthorized
12 by law when it got here. It was illegal when it was
13 certified and by law when it got here.

14 I want to just for the record mention a
15 couple of other things. I also want to bring to the
16 attention of the Board two provisions of the Revised
17 Code that are pertinent to this discussion. The
18 first one is 1.11 of the Ohio Revised Code. It
19 requires all remedial laws and other proceedings
20 shall be liberally construed in order to promote
21 their object and assist the parties in obtaining
22 justice.

23 In this case there's no question that the
24 Sunshine Law is legislation requiring open meetings.

1 There is no question that as a matter of law, it has
2 to be construed against the Township and the actions
3 they took.

4 In addition, I've attached 1.42 which
5 indicates that words shall be read in context and
6 construed according to the rules of grammar and
7 common usage. You can't superimpose on the Sunshine
8 Law some kind of implication that when you're having
9 discussions about doing some kind of deal with
10 Worthington down the road and so forth that you can
11 utilize an executive session because it simply
12 doesn't permit it in the statute. It requires and
13 clearly indicates that it's for an existing JEDZ
14 reviewing applicants for economic development.

15 There's an obvious reason between the
16 two. On the one hand you're dealing with imposing an
17 incredibly onerous tax on a whole bunch of people who
18 have no connection with Perry Township except they
19 happen to be running a bulldozer in North Baltimore,
20 Ohio, on a project and are on payroll for Savko.
21 That's their only connection. It's extremely onerous
22 under those circumstances.

23 And when I say that, we're not talking
24 about people of means. We're talking about people

1 making 14 to 18 dollars an hour. We're talking about
2 people who are not now subject to any municipal
3 income tax. They live out in the unincorporated --
4 out in other counties in unincorporated areas. So it
5 subjects these folks to an extremely onerous tax;
6 and, therefore, I will suggest to you that it must be
7 strictly construed against the Trustees to make sure
8 it got validated here. There is nothing here in this
9 statute that requires or allows the exception to come
10 into place.

11 But equally important (H) again provides,
12 and I want to emphasize this, if a resolution is
13 adopted in an open meeting as we have here that
14 resulted from deliberations in a meeting not open to
15 the public, it is invalid as a matter of law and
16 there's no exception to that. That is precisely on
17 all fours what we have here. That concludes my
18 remarks.

19 CHAIRMAN PREISSE: We may have some
20 questions.

21 MEMBER SINNOTT: I do. Mr. Hale, when
22 your clients saw what they believed to be a violation
23 of the Sunshine Law, did they go to the Common Pleas
24 Court complaining of that and looking for the

1 injunctive relief provided for by statute?

2 MR. HALE: No, because the case law
3 suggests you have to come here first and exhaust your
4 administrative remedies before you can go to court.
5 And it's an election matter. It's within this
6 jurisdiction of this Board to consider.

7 MEMBER SINNOTT: What is that case that
8 you refer to?

9 MR. HALE: I don't have it on top of me,
10 but I can assure you that we considered the
11 possibility of lawsuit in lieu of this protest, and
12 we all understood that we would be subjecting -- we
13 thought subjecting ourselves to a meritorious claim
14 failure to exhaust so we came here first.

15 MEMBER SINNOTT: Okay.

16 CHAIRMAN PREISSE: Any other questions
17 from the Board? You suggested you have Mr. Shuler,
18 was it?

19 MR. HALE: Mr. Shuler can briefly address
20 the Board. I appreciate it.

21 CHAIRMAN PREISSE: Okay.

22 MR. HALE: I appreciate your time.

23 MR. SHULER: My name is Gordon Shuler,
24 145 East Rich Street. I also represent the

1 protestors in this matter. I am going to be very
2 brief because I have been taught that one must --
3 shouldn't anticipate the arguments of the other side
4 before we hear them. And most of what I have to say
5 has to do with the question that Mr. Sinnott raised
6 and that is jurisdiction.

7 I can comment on that question and that
8 is in the Sunshine Law which discusses taking the
9 matter to the Common Pleas Court for injunction, it
10 simply states that it may be taken to the Common
11 Pleas Court. There's no requirement that these
12 protestors do that. That may be a course of action
13 that could be followed later but we don't see any
14 reason to pursue an injunction when the matter should
15 not be on the ballot in the first place.

16 We believe that under Title 35 and
17 specifically 3501.11 which gives this Board broad
18 authority to determine that which should be placed on
19 the ballot provides this body with jurisdiction to
20 determine that this matter is invalid, illegal, and
21 should not be on the ballot. Thank you.

22 CHAIRMAN PREISSE: Any questions of
23 Mr. Shuler?

24 MEMBER SINNOTT: Mr. Shuler, your review

1 of the authority suggests to you it is the Franklin
2 County Board of Elections that ought to be
3 adjudicating whether the Perry Township Board of
4 Trustees has complied with the Sunshine Law?

5 MR. SHULER: We believe this is one of
6 the forums where it can be raised, yes. You
7 determine whether it goes on the ballot, and if it's
8 invalid when the resolution is passed, it should not
9 be put on the ballot.

10 MEMBER SINNOTT: Okay.

11 MR. SHULER: Thank you.

12 CHAIRMAN PREISSE: Okay. Let's hear from
13 the other side.

14 MS. BRUNNER: Good afternoon,
15 Mr. Chairman, Members of the Board. My name is
16 Jennifer Brunner. I also appear with co-counsel
17 Christine Martin and Peter Contreras seated here to
18 my right who represents Perry Township in response to
19 the protest filed in this matter.

20 I would direct the Board's attention to
21 the stipulations of the parties that we did file with
22 the Board on Friday, the 28th, and would respectfully
23 request they be made a party of the record of these
24 proceedings as well as the motion to dismiss on

1 behalf of Perry Township so that in the event this
2 goes beyond today that they are included with the
3 court reporter's record of the proceedings today.

4 CHAIRMAN PREISSE: All right. Yes,
5 without objection, if that's sufficient for you.

6 DEPUTY DIRECTOR WALCH: And I've already
7 given a copy of those to the court reporter to
8 include in the transcript of this meeting.

9 MS. BRUNNER: Thank you. We appreciate
10 that.

11 Perry Township couched its brief in a
12 motion to dismiss the protest for the reason that we
13 think that the Board of Elections should first
14 consider its jurisdiction. And looking at the
15 Sunshine Law which is Revised Code 121.22 this is a
16 statutory proceeding that ended up with a court
17 fashioning a remedy which also includes the awarding
18 of attorney's fees. And we searched the statutes,
19 the case law in Ohio high and low to find any cases
20 whatsoever where a Board of Elections ruled an issue
21 that was submitted to it by a resolution of whether
22 it be a city or township or a county off of the
23 ballot because of a violation of the Sunshine Law,
24 and we found no reported case that would provide you

1 with any guidance or any precedence that a board
2 could do that.

3 And the only thing we did find regarding
4 boards of elections and sunshine laws was when the
5 sunshine law was actually applied to the
6 deliberations of a board of elections outside of the
7 requirements of the sunshine law so we would -- we
8 would suggest to you at the outset that you examine
9 whether or not you have jurisdiction to proceed on
10 the basis of a protest. And the sole basis of this
11 protest is that this should not go onto the ballot
12 because of a violation of the Sunshine Law.

13 If you decide that you have jurisdiction,
14 and we believe that it would be a problem for you to
15 do that, the next issue is to look at what actually
16 went forward, and in your stipulations you have
17 minutes of October 7, October 21, and November 18 of
18 the Perry Township Board of Trustees as well as the
19 resolutions that resulted from its meetings. I
20 believe you also -- yeah, there is -- you have got
21 the resolutions that resulted in the adoption of the
22 Joint Economic Development Zone, and those
23 resolutions actually demonstrate to you that it was
24 adopted -- it was actually adopted. It was -- it

1 was -- sorry. Let me start over again.

2 Looking at the minutes of November 18,
3 the Board essentially put the Township on notice that
4 there was a Joint Economic Development Zone Agreement
5 reached and that it would not formally adopt it for
6 30 days, that essentially it would be put on
7 public -- put available at the fiscal officer's
8 office so that members of the public would be able to
9 come in and actually review not only the Joint
10 Economic Development Zone contract but also the
11 Economic Development Plan that's required by statute
12 to be adopted between the Township and the City under
13 Revised Code Section 715.691.

14 So those were -- you've got the
15 stipulations of the parties. You've got the 30 days'
16 notice that was provided, and then on January 13, the
17 Board adopted the Joint Economic Development Zone,
18 for short JEDZ, Agreement and then -- in one
19 resolution, and then by a second resolution, copies
20 of which are both attached to the stipulations of the
21 parties, they suggested ballot language and sending
22 it on to the Board of Elections with that.

23 Now, one of the difficulties in the
24 filings that the protestors have -- the protestors

1 have made in this case is they are taking a look at
2 the Sunshine Law which is 121.22. And, again, this
3 is going -- if you are going to even get into this
4 analysis as a Board -- because I think you have to
5 decide initially whether you have the ability to go
6 forward. But when you -- when you get to Exhibit (H)
7 which Judge Hale cited, there's -- it says a
8 resolution, rule, or formal action of any kind is
9 invalid unless adopted in an open meeting of the
10 public body. A resolution, rule, or formal action
11 adopted in an open meeting that results from
12 deliberations in a meeting not open to the public is
13 invalid unless the deliberations were for a purpose
14 specifically authorized in division (G) or (J) of
15 this section.

16 You were then referred to division (G),
17 specifically subsection (8) which is to consider
18 confidential information relating to a variety of
19 issues or to negotiations with other political
20 subdivisions representing requests for economic
21 development assistance provided that both of the
22 following provisions apply.

23 So to simplify -- we had to get all of
24 that into the record. I apologize for the lengthy

1 diatribe there but. It wasn't really a diatribe; it
2 was just a recitation. Specifically we're talking
3 about negotiations with other political subdivisions
4 so that's Perry Township and the City of Worthington
5 and then this is a request for economic development
6 assistance. Counsel for the protestors argues that
7 there's -- there's nothing that has to do with the
8 JEDZ that regards economic development assistance.

9 And the documents, being the JEDZ
10 Contract and the Economic Development Plan, both
11 reference economic development assistance throughout
12 the contents. For example, both parties which would
13 be the City and the Township, this addresses their
14 contributions to the JEDZ.

15 Additionally, that can be found in the
16 whereas clause, the third whereas clause, on page 1
17 of the contract. We go further Section 2.3 called
18 "Contributions" talks about maintenance of Township
19 roads, snow removal, fire protection, police
20 protection, emergency medical services, and general
21 administration, and that the Township may furnish to
22 the JEDZ such service as allowed by law the Township
23 and Board deem appropriate and agree.

24 Further in Section 2.3 in the second

1 paragraph, there's a discussion in the contract for
2 JEDZ about engaging activities to both compliment and
3 benefit economic development in the JEDZ. And we can
4 go a bit further, and it won't be too much further,
5 there is the discussion in Section 3.2 on page 6 of
6 the agreement about the provision of services within
7 the JEDZ, and then within the Economic Development
8 Agreement itself there is specific language that
9 relates to the Township's comprehensive development
10 strategy including the extension of State Route 161
11 which includes the widening of the roadway to provide
12 improved service and access to existing and future
13 development. And then a portion of the JEDZ revenues
14 will be dedicated to financing and continuing the
15 State Route 161 improvement process.

16 So here you have the requisite language
17 that's needed under Revised Code Section 121.22(G)(8)
18 which is also in subdivision (1) regarding economic
19 development assistance under any provision in Chapter
20 715 which is the provision for the JEDZ.

21 You also had to have a unanimous quorum
22 of the public body determining, by a roll-call vote,
23 that the executive session was necessary to protect
24 the interests of the applicant, and you have that

1 stipulated by the parties with the minutes of the
2 November 18 meeting. And also you have that in the
3 actual resolution for January 13.

4 So it's -- we are having a difficult time
5 seeing where the arguments of the protestors are
6 going, and with all due respect, Judge Hale can make
7 very plaintive arguments that are substantive to
8 whether you vote for it or vote against it, but they
9 really don't apply to whether or not this Board
10 should simply allow the voters to vote on the issue.

11 I want to point out in the memorandum
12 contra that was filed to our motion for the motion to
13 dismiss the recitation on page 3 of the memorandum of
14 the protestors in response to the motion to dismiss
15 seems to misstate the provisions of subsection (G) of
16 the Sunshine Law. So I think you've got to look at
17 where the ors and the ands are there but we -- we
18 frankly are somewhat mystified how the protestors
19 reach the interpretation that they are urging this
20 Board to make.

21 And so for the reasons that we have
22 stated in our motion to dismiss, first, that you
23 don't have jurisdiction to even consider it under the
24 Sunshine Law; second, that even if you started to

1 take a look at that and complied with the Sunshine
2 Law; and, third, that most specifically regarding the
3 Joint Economic Development Zone, we were within the
4 rights and the ability to move into executive session
5 at the time we did and under the circumstances that
6 we did.

7 And those -- those facts and
8 circumstances have been stipulated to by the parties.
9 We see really no other alternative for this Board
10 than to deny the protest.

11 May I answer any questions?

12 MEMBER SINNOTT: Ms. Brunner.

13 MS. BRUNNER: Yes.

14 MEMBER SINNOTT: Is it the Township's
15 position there is never a circumstance under which
16 this Board could examine the process by which a
17 resolution is adopted?

18 MS. BRUNNER: No, because you certainly
19 could examine the process. If, for instance, there
20 was a failure of notice or there was a failure to
21 adopt specifically according to the statute, for
22 instance, in 715.691 -- or actually, I'm sorry, it
23 was in the Sunshine Law section been -- well,
24 actually I think you would have to look in 715.691.

1 It -- if you want to look at the situation of
2 let's -- let me try to draw a comparison. If this
3 Board which I think has attempted in the past to look
4 within -- I should say without the confines of the
5 petition so, for instance, I -- up until about two
6 years ago I had never seen this Board of Elections
7 grant a protest based upon what was told by a
8 circulator to someone who signed a petition. And
9 when this Board did that in the case of Terri Jamison
10 who was running for judge because there was some
11 issue about which petition she was circulating and
12 what she was telling the circ -- telling the signers,
13 the Board was found to have acted outside of its
14 authority by the Court of Appeals.

15 My sense is if you look at the 121.22 and
16 you look at the fact that this is something that a
17 court deals with, that a court fashions the remedies
18 for this, our position in -- is that it goes beyond
19 what this Board is empowered to do.

20 MEMBER SINNOTT: Well, even if the
21 Township concedes that there are times when this
22 Board ought to undertake enforcements of the Sunshine
23 Law, then I'm curious as to how we know this is not
24 such a case.

1 MS. BRUNNER: Oftentimes there are
2 specific steps that have to take place that are
3 evidenced by minutes, by resolutions, and if you find
4 a -- if you find an error or an omission in one of
5 those requisite documents that gets them to the Board
6 and to the ballot, that would be appropriate. But
7 once you start going into -- start going into inside
8 into discussions that led to their reaching of what
9 on its face allows it to go forward to the Board,
10 that's where I think you are stepping into that
11 territory where the Board was corrected on what it
12 did on that candidate petition.

13 I don't know if you are following me or
14 not by the look on your face.

15 MEMBER SINNOTT: I'm trying.

16 MS. BRUNNER: What I am trying to say is
17 you have requisite steps that get you -- that get a
18 township or municipality or a county from a
19 resolution to the ballot. And those requisite steps,
20 if they show on their face that they have been met,
21 the Board does not have the authority to delve into
22 whether or not the votes, the procedures, the
23 discussions that took place to allow that resolution
24 or those minutes to be issued by that body were

1 correct.

2 That doesn't mean that it would never be
3 addressed. It means it's just not addressed at the
4 Board because the Board doesn't have the authority to
5 do it. It would be addressed more appropriately by a
6 judge in Common Pleas Court or in Court of Appeals
7 who would literally be able to -- to weigh the
8 evidence and fashion a remedy.

9 The only remedy that exists under the
10 Sunshine Law is one that's fashioned by a court and
11 that's -- it speaks to it within that statute itself.
12 I just think this Board is really treading on thin ice if
13 not broken ice if it were to move in that direction.

14 MEMBER SINNOTT: That last observation
15 suggests there are instances where the Board should
16 undertake to enforce 122. That is, if we don't find
17 compliance with the statute, we ought to refuse to
18 put a matter on the ballot.

19 MS. BRUNNER: The question though -- I
20 don't think that I was -- that's not what I was
21 saying. If that came across that way, was definitely
22 not intended. If you -- it's an evidentiary question
23 where it would require the testimony of witnesses,
24 and I would -- I would request that the -- I think

1 that it may already be in the Board's records, but if
2 it's not, that the actual JEDZ Agreement and the
3 Economic Development Plan be made a part of these
4 proceedings because these are -- this is what the
5 voters are going to be voting on.

6 MEMBER HAAS: What I understand from what
7 you said is that if it's not our -- certainly not our
8 place to investigate whether or not the Sunshine Law
9 was followed. If there was concurrence it wasn't
10 followed, there was concurrence there was a
11 violation, then we have the authority then to act to
12 rule off it. If there is not concurrence and there
13 is legitimate debate, then we don't have the
14 authority to rule off it. Another body has got to
15 look at -- at that process.

16 MS. BRUNNER: Mr. Chairman, Mr. Haas,
17 that is precisely our point, that there is no
18 agreement that there was a violation of the Sunshine
19 Law and that the determination of whether or not
20 there was belongs in the court of law, not in a board
21 of elections because if they lose today, they can go
22 to Common Pleas Court seeking injunction, or they can
23 try to go in prohibition or mandamus, whatever they
24 decide is appropriate, and they can try to stop this

1 Board from putting it on the ballot. Clearly as
2 Mr. Hale said, as Judge Hale said, they brought it
3 here to exhaust their administrative remedies, and we
4 submit that you should resoundingly stamp a no on the
5 protest and let them go their merry way.

6 MEMBER SINNOTT: Okay.

7 CHAIRMAN PREISSE: Any other questions or
8 any questions? Any more questions for Ms. Brunner?

9 MS. BRUNNER: Thank you, Mr. Chairman,
10 Members of the Board.

11 CHAIRMAN PREISSE: Okay.

12 MR. ANDERSON: Did you want to move the
13 JEDZ and the -- I'm sorry. What did you ask them to
14 put into the record?

15 MS. BRUNNER: The Economic Development --
16 the JEDZ Contract and its development plan. I
17 assume -- I'm sorry we did not have extra copies. It
18 should be part of the resolution, but I want to be
19 sure.

20 MR. HALE: It was included already in the
21 stipulations.

22 MS. BRUNNER: I don't know that it was
23 actually attached to the resolution, to the
24 stipulations.

1 CHAIRMAN PREISSE: It seems to be. It
2 should have been if it wasn't.

3 MS. BRUNNER: So we include these --

4 CHAIRMAN PREISSE: I will move to accept
5 it.

6 MEMBER HAAS: Second.

7 DIRECTOR ANTHONY: All those in favor.

8 MS. BRUNNER: Exhibit D and Exhibit E,
9 the Joint Economic Development Zone Contract and the
10 Economic Development Plan.

11 CHAIRMAN PREISSE: What is the question
12 before us at the moment?

13 MEMBER HAAS: I think Mr. Hale had a
14 point.

15 MR. HALE: May I briefly address the
16 Board?

17 CHAIRMAN PREISSE: Sure.

18 MR. HALE: Saying brief and being a
19 lawyer might be an oxymoron. I will be brief.

20 First of all, those documents have
21 utterly nothing to do with this case. Those are
22 prospective documents that may go into effect years
23 down the road if this thing ever passes. There is
24 nothing in those documents that have any application

1 to this matter at all.

2 Secondly, saying that we have a right to
3 go to court is equally applicable to Perry Township.
4 If this Board invalidates as they are required to do
5 as a matter of law, they can go tomorrow morning and
6 seek a prohibition action like we can seek -- or
7 mandamus action just like we can seek a prohibition
8 action. So there is nothing on either side. Either
9 person can go to court tomorrow depending on what
10 this Board decides.

11 Let me simply say this, to sit here and
12 suggest that this Board can ignore multiple clear
13 violations of the Ohio Sunshine Law and allow a
14 resolution to go on this ballot is contrary to
15 everything this Board stands for. This resolution
16 that was presented to you is clearly unlawful,
17 clearly unlawful. There is no way you can get around
18 the fact there is no authority whatsoever to go into
19 an executive session to discuss any of this.

20 And to sit here and say you should ignore
21 it and let someone else deal with it with you being
22 up -- upholding fair and honest elections I just
23 can't -- I can't see it. You have every right to
24 look at any petition, any resolution.

1 This Board when I represented it 30 years
2 ago would routinely look beyond the four corners of
3 the petition into what occurred and when it got here.
4 As a matter of fact, in the first protest you heard
5 today you did that. You had all this extraneous
6 evidence come in that these signatures were the
7 signatures and so forth, beyond the four corners of
8 the petition.

9 So in any event this Board has the
10 authority to invalidate any resolution that is
11 illegally brought to it, and this one was illegally
12 brought to it.

13 I would like Mr. Shuler, if he would
14 like, to make some comments.

15 MR. SHULER: Once again, being in the
16 august body of Judge Hale and Judge Brunner, I am
17 just a lawyer. This is not a petition. It is not a
18 candidacy. It is a resolution that came from the
19 Township Trustees. This Board has the authority and
20 the obligation to determine whether a valid
21 resolution has come before them. The attorneys for
22 Perry Township state that, sure, you can look at
23 715.691 and determine whether they complied with
24 that.

1 If that's the case, you can certainly
2 look at 121.22 and determine whether they complied
3 with the open meetings law. It's a pretty simple
4 concept. We have a resolution that is invalid, and
5 this Board should not allow it to be placed on the
6 ballot. Thank you.

7 CHAIRMAN PREISSE: I think Brad has a
8 question.

9 MEMBER SINNOTT: Mr. Shuler, are you
10 aware of any instance where a Board of Elections has
11 refused to place a matter on a ballot because it
12 found a violation of a Sunshine Law in the method in
13 which a government body --

14 MR. SHULER: No. And I say that because
15 oftentimes when I am in court, someone would say do
16 you have a case on that. Sometimes we say no. But
17 I've read the statute and that's what the law says.

18 MEMBER SINNOTT: I appreciate your candor
19 and the interruption.

20 CHAIRMAN PREISSE: Ms. Brunner, could I
21 ask you a quick question? Did you suggest in your
22 remarks that you and the opposing counsel agreed in
23 the stipulations that in some part of the agreement
24 that -- rather the proceedings of the executive

1 session were in order?

2 MS. BRUNNER: No, I did not suggest that.

3 CHAIRMAN PREISSE: I thought you
4 suggested in the stipulations they agreed --

5 MS. BRUNNER: In the stipulations there's
6 agreement of the authenticity of the minutes and the
7 resolutions and that there is -- there is no argument
8 on the 30-day notice being -- being provided by the
9 Township of the JEDZ plan and the economic.

10 CHAIRMAN PREISSE: In terms of
11 approaching the Board for ballot access.

12 MS. BRUNNER: Correct. So the steps that
13 had to be taken in the statute to be able to get them
14 from -- from adoption and resolution to this Board,
15 there's no disagreement that those steps were taken.
16 Their disagreement is in the way that the resolution
17 was adopted, that this Board should look into it and
18 decide that that wasn't right.

19 CHAIRMAN PREISSE: Okay. Any other
20 questions?

21 Okay. What's -- do we have --

22 DIRECTOR ANTHONY: We have a protest
23 before you from the -- again the Perry Township --
24 Mr. Chairman, you probably need to ask if there is

1 any other witnesses to be called.

2 CHAIRMAN PREISSE: Are there any other
3 witnesses?

4 Are there any other witnesses? And Brad
5 has made a good suggestion. We may wish to hear from
6 our counsel.

7 MR. ANDERSON: I -- I think it's an
8 interesting and somewhat circular argument that's
9 being made but let me state this simply, the Board
10 does have jurisdiction to determine if there was a
11 violation of one of the requirements relevant to the
12 enactment of an issue that is to be put on the
13 ballot.

14 So, in other words, if you believe that
15 the protestor has demonstrated a clear violation of
16 the Sunshine Law, you have the ability to uphold the
17 protest and -- and take the issue off of the ballot.
18 If you do not believe that the protestor has
19 demonstrated a clear violation of the Sunshine Law,
20 you should deny the protest. But either way you have
21 jurisdiction to make that determination. Is that
22 clear enough?

23 MEMBER SINNOTT: For the purposes of
24 allowing discussion I will move that the Board deny

1 the protest.

2 DIRECTOR ANTHONY: Is there a second?

3 MEMBER MARINELLO: I second it.

4 CHAIRMAN PREISSE: Discussion. I'll
5 offer the reaction to counsel's comments being what I
6 heard and was able to absorb. I don't believe that I
7 heard a clear description of a violation of the
8 Sunshine Law or the application procedure for this
9 Board to consider this issue valid or not.

10 MEMBER HAAS: I would agree with that. I
11 think I heard enough. I understand why you may be
12 pursuing other steps. I think I go back to when in
13 doubt, I think our job is to consider what another
14 government entity has said to us with a great deal of
15 boundary. And, you know, I think that the obligation
16 clearly from our standpoint was very clear, there
17 needs to be an absolute smoking gun, needs to be
18 absolute clarity for us to tell another government
19 entity that they acted inappropriately and that seems
20 like that is -- that belongs -- that fight belongs in
21 another place.

22 DIRECTOR ANTHONY: Okay. So there is a
23 motion on the floor to deny the protest. Do we need
24 a roll-call vote? It has properly been seconded.

1 All those in favor. Motion carries.

2 The next item on the agenda is candidate
3 appeals. The first item on is Zach Scott.

4 CHAIRMAN PREISSE: It has been suggested
5 to me what nature was suggesting to me already, to
6 myself, that we take a 5-minute break or we will take
7 a 5-minute break.

8 MR. SHULER: I want to make an extremely
9 minor correction. The stipulations say there was a
10 resolution passed on November 18, 2014. That was
11 back in 2013. It's in paragraph 7 of the
12 stipulations, very minor.

13 MS. BRUNNER: So agreed.

14 (Recess taken.)

15 DIRECTOR ANTHONY: We will now reconvene
16 the meeting, Mr. Chairman.

17 The next item on the agenda is the Zach
18 Scott appeal.

19 CHAIRMAN PREISSE: I'm sorry. Please,
20 I'm sorry. Sidebar.

21 MS. BRUNNER: Good afternoon,
22 Mr. Chairman, Members of the Board of Elections. My
23 name is Jennifer Brunner of Brunner Quinn. Also with
24 me here today is Peter Contreras, another attorney in

1 my offices. And our client is Zach Scott who was --
2 his petition for Democratic State Central Committee
3 was ruled insufficient with an insufficient number of
4 signatures on February 18, 2014.

5 I have given you several exhibits, one of
6 which is the notice of appearance when I appeared at
7 the Board's meeting on February 18, notice of filing
8 of affidavits of Manasi Chatterji and Tara Patel
9 which is Exhibit 2 -- first Exhibit 1 -- Exhibit 3
10 being the actual petition which this petition
11 required five valid signatures, and Exhibit 4 being
12 something I came to the Board of Elections and
13 obtained from your records which is a copy of the
14 voter registration signature of Tara Patel.

15 Also there is the exhibit -- excuse me,
16 there is the appeal itself when the Board ruled
17 invalid petition on February 18, it gave Mr. Scott 10
18 days to appeal. That appeal was filed on Friday,
19 February 28, electronically when the Board was closed
20 for the day because of an electricity outage and I do
21 have e-mail confirmation and would be happy to supply
22 it to the record where the Deputy Director indicated
23 that the petition was -- the appeal was accepted and
24 this would be heard on today.

1 So those will be the exhibits we will be
2 using. Each of you have a copy, Director, Deputy
3 Director, and your legal counsel and what I would
4 like to do is to unless you want me -- you heard from
5 me the last time. I can do an opening statement, or
6 if you want me to get right into presenting witness
7 testimony for you. What's your pleasure?

8 CHAIRMAN PREISSE: Maybe you can make a
9 summary statement, paragraph, several sentences which
10 brings us up to date and reminds us. But you're
11 right, we did hear quite a bit of information last
12 time.

13 MS. BRUNNER: So if you take a look at
14 Exhibit 3, what's really at issue here five
15 signatures are needed. If we look at the back of the
16 petition and line No. 7 and this -- this is the
17 signature that was found to be not genuine. There is
18 an NG code next to No. 7 in the margin for Tara Patel
19 at 1324 Nantucket, Columbus, as signed on February 4,
20 2014.

21 At the -- incorporated within the notice
22 of appeal are two affidavits, one from the circulator
23 of this petition Manasi Chatterji and the other from
24 the signer at line No. 7 Tara Patel, both of whom

1 testified by affidavit that, No. 1, that Manasi
2 Chatterji witnessed Tara Patel signing the petition
3 and, No. 2, that Tara Patel says this is my signature
4 on the petition.

5 Now, I have them both here as witnesses
6 today to testify before the Board as to what was
7 included within their affidavits. I may be able to
8 give you a little bit more background information
9 through the testimony of Manasi about the
10 circumstances under which this was signed and why it
11 is that Tara signed in script, in cursive rather than
12 printed signature which is what appears in Exhibit
13 No. 4 which is her voter registration and also in
14 Exhibit 3 which is her signature on her affidavit.

15 The argument that we -- that we've
16 deposited in the notice of appeal is that 3501.38 of
17 the Revised Code requires that a person sign the
18 petition and that they also may print their names so
19 as to clearly identify their signature. I would
20 point out to the Board that in light of its decision
21 that it made in the Marco Miller protest of his
22 candidacy when it considered the signature of I
23 believe it was Chloe or Chelsea Beyer, it did not
24 differentiate between the fact that she signed under

1 one name and not under her changed name, and I would
2 deposit to the Board that the fact that if you have
3 the benefit of the individual stating under oath that
4 it is her signature and that she did sign the
5 petition as well as the testimony of the circulator
6 that she witnessed her sign the petition and can
7 explain why she signed it in cursive rather than in
8 print, that under 3501.11(J) this Board has a duty to
9 consider that under its responsibilities and also
10 under (K), and it needs then to go forward, find this
11 signature to be valid with this new information upon
12 investigation and hearing, and place Mr. Scott on the
13 ballot in the Democratic race for State Central
14 Committee.

15 CHAIRMAN PREISSE: What's -- what's (J)?

16 MS. BRUNNER: (J) is administer oaths,
17 issue subpoenas, summon witnesses, and compel the
18 production of books, papers, records, and other
19 evidence in connection with an investigation so --
20 and if you go to the preamble of 3501.11, each board
21 shall exercise by a majority vote all powers granted
22 to the board under Title 35 and shall perform all the
23 duties imposed by laws, and the divisions under that
24 specify specific duties which in this case is the

1 duty to hear this matter and investigate and consider
2 these matters in carrying out its duties under (K) to
3 certify the sufficiency and validity of petitions
4 that come before you that were filed with the Board.

5 MEMBER HAAS: Just as a matter of
6 reference, Ms. Brunner --

7 MS. BRUNNER: It's on page 2 of the
8 appeal.

9 MEMBER HAAS: We've got, I think, got
10 your questions?

11 CHAIRMAN PREISSE: Uh-huh.

12 MEMBER HAAS: This is a matter of -- for
13 the reference to the issue with Chloe whatever her
14 last name was.

15 MS. BRUNNER: Beyer.

16 MEMBER HAAS: Our opinion, it was a split
17 opinion, 2-2 vote, in our opinion Chloe, the first
18 name, was clearly the same signature. That at least
19 was my basis for voting for it. And so they are not
20 the same issue or the same concerns about the
21 signatures. At least from our standpoint the glass
22 was half full and from the other side it was half
23 empty but that was the difference in terms of that
24 was the feeling on that particular signature.

1 MS. BRUNNER: Thank you. And I just --
2 so I am really clear 3501.38(B) in quotes says
3 "signatures shall be affixed in ink. Signer may also
4 print the signer's name so as to clearly identify the
5 signer's signature."

6 MEMBER HAAS: "May also."

7 MS. BRUNNER: That's in 3501.38(B) so if
8 this Board is -- if this Board holds to its --

9 MEMBER HAAS: So that means if you have a
10 hard to read signature, you can print your name
11 underneath that signature. That does not mean that
12 your signature can differ between what's at the Board
13 of Elections and on the petition.

14 MS. BRUNNER: It will be up to this Board
15 to decide how to apply that section.

16 CHAIRMAN PREISSE: Okay. Did you want --
17 were there any other questions?

18 MEMBER SINNOTT: Yes, I do.

19 Ms. Brunner, would you explain whether
20 there was any sort of unusual circumstance that
21 explains the manner in which whoever signed line 7
22 signed in the fashion that he or she did.

23 MS. BRUNNER: Yeah. I believe we will be
24 able to explain that with the testimony of Manasi

1 Chatterji who is the circulator.

2 MEMBER SINNOTT: Would you like to
3 preview that evidence for me?

4 MS. BRUNNER: Certainly. I would be
5 happy to, although the witnesses are here and they
6 can testify to it themselves. But if you would like
7 me to preview it, essentially Manasi was a first-time
8 circulator so she had obtained instructions from an
9 experienced circulator about how to circulate a
10 petition. She had been instructed that when people
11 sign the petition, they have to sign it in cursive.

12 She also looked at the signatures of the
13 two individuals who had signed the petition just
14 previous to Tara Patel, and those signatures were in
15 script, and so she instructed Tara Patel to sign in
16 cursive. And that's what Tara Patel did.

17 MEMBER SINNOTT: Thank you.

18 MS. BRUNNER: Thank you.

19 Are you ready for testimony?

20 CHAIRMAN PREISSE: Yes, I think so.

21 MS. BRUNNER: At this time I would call
22 Manasi. And I'll have you sit in this chair. Before
23 you're seated if you'll raise your right hand so the
24 court reporter may swear you in and if you can face

1 her and she'll deliver you the oath -- administer the
2 oath.

3 (Witness sworn.)

4 MS. BRUNNER: Thank you.

5 - - -

6 MANASI CHATTERJI

7 being first duly sworn, as prescribed by law, was
8 examined and testified as follows:

9 DIRECT EXAMINATION

10 By Ms. Brunner:

11 Q. Please have a seat. Manasi, please state
12 your name for the record.

13 A. Manasi Chatterji.

14 Q. And she pronounces -- I'm sorry I
15 butchered it.

16 A. No. That's okay.

17 Q. And can you please supply the Board and
18 the record with your address.

19 A. 1277 Slade Avenue, Columbus, 43235, Ohio.

20 Q. And I'm going to present to you what's
21 been marked as Exhibit 3.

22 A. Okay.

23 Q. If you could examine that, do you
24 recognize this?

1 A. Yes.

2 Q. And what is this?

3 A. This is a petition that I circulated for
4 Zachary Scott.

5 Q. Okay. Can you also turn this over and
6 look on the back of the petition and focus
7 specifically on line 7 and can you tell me what
8 signature is there at line 7?

9 A. Tara Patel.

10 Q. And did you witness Tara Patel signing
11 here at line 7 on Exhibit 3?

12 A. I did.

13 Q. And I also am going to present you with
14 Exhibit 2, and I'm going to turn to the affidavit
15 that says "Affidavit of Manasi Chatterji."

16 A. That is correct.

17 Q. And is this familiar to you?

18 A. That is correct.

19 Q. Can you look at the second page of this
20 affidavit and can you identify your signature?

21 A. That is correct.

22 Q. And did you sign this affidavit in the
23 presence of a notary public?

24 A. I did.

1 Q. And is everything in this affidavit -- if
2 you were to read through each item, would you be able
3 to testify that these are truly correct statements
4 made in this affidavit?

5 A. Yes.

6 Q. And then if you could -- I think that's
7 all that I need at this point. Let's go back to
8 Exhibit 3, which is the petition, and had you ever
9 circulated a petition before you circulated
10 Exhibit 3?

11 A. I -- never.

12 Q. And did you -- how did you know what to
13 do in circulating this petition?

14 A. Well, I honestly didn't know. I
15 circulated the petition, went to someone who
16 circulated before, asked them exactly what I would
17 need to do, and they said the signatures have to be
18 signed, the address has to be the correct address,
19 and if it is not, it is invalid.

20 And at this bottom portion which says
21 "Circulator's statement" I have to make sure that my
22 first and my last name is correct and I can have up
23 to the number 20 on there but if there are less
24 signatures, then it would be okay for them to take

1 it. And then signed my name, address, and Columbus,
2 Ohio.

3 Q. So you just mentioned you were instructed
4 that whoever you presented the petition to actually
5 had to sign the petition.

6 A. Correct.

7 Q. And what did you take that to mean?

8 A. Well, I followed the first signatures
9 and, you know, I've known my neighbor and she -- I
10 asked her specifically to sign it and she did, but
11 obviously the discrepancy is her signature. So when
12 I did ask her to sign it, she put it in script just
13 to go with the other signatures.

14 Q. Now, when you say your neighbor, which
15 line are you referring to?

16 A. I am referring to line 7 for Tara -- Tara
17 Patel.

18 Q. So -- so what did you tell her when she
19 signed the petition?

20 A. I said sign -- I said when you sign the
21 petition, make sure you sign -- you, you know, sign
22 it like the others. That's what I said to her,
23 that's the verb, and sign it like the others.

24 CHAIRMAN PREISSE: What was her name?

1 Was it a three-part name?

2 THE WITNESS: It's Tara. I mean,
3 everything -- you know, you could call it Tara, but
4 the proper way to say it is Tara Patel.

5 CHAIRMAN PREISSE: Okay. Thank you.

6 Q. (By Ms. Brunner) And so I think you're
7 looking at lines -- look on the front here. So
8 you're looking at lines 4 and 5 and do those appear
9 to be cursive or in print?

10 A. Cursive.

11 MS. BRUNNER: I have no further questions
12 of the witness.

13 MEMBER SINNOTT: If I may.

14 CHAIRMAN PREISSE: Throat clearing
15 question here.

16 - - -

17 EXAMINATION

18 By Member Sinnott:

19 Q. Would you repeat to the best of your
20 memory what you told Ms. Patel about how to sign the
21 petition.

22 A. This is my first time circulating so what
23 I said to her -- because this previous individual
24 told me all of the signatures have to be signed and I

1 took it as, you know, they have to be in scripted
2 manner. So when I told her, I said, you know, look
3 at the previous thing and it's all signed because I
4 know she prints her signature. So that is what my
5 direction was.

6 Q. You told her to use a cursive signature.

7 A. I told her to sign the petition like the
8 others.

9 - - -

10 EXAMINATION

11 By Member Haas:

12 Q. First of all, I would like to say that I
13 think the Board has great respect for everybody that
14 goes out, particularly in a blizzard, and collects
15 names and does the hard work of getting candidates on
16 the ballot.

17 I did have just a curiosity question. In
18 the number of signatures it says 20 on here. Just
19 curious about that.

20 A. Correct.

21 Q. And there are 10.

22 A. That is correct. This -- I -- so that I
23 would be able to know how to fill all this out
24 properly, I specifically asked, you know, what number

1 would go here so the experienced circulator advised
2 me that you should put 20, but if you get underneath
3 20, then that would be okay. At the time of
4 submission --

5 Q. Okay. Just for future reference it's
6 referring to the number of signatures that you got.

7 A. Okay. That was not addressed to me so I
8 did not know that.

9 MEMBER HAAS: Which I think cuts to me to
10 the heart of this issue but if you want to have.

11 MS. BRUNNER: I have a follow-up question
12 to what Mr. Sinnott asked.

13 - - -

14 DIRECT EXAMINATION (Continued)

15 By Ms. Brunner:

16 Q. Manasi, looking at signatures 4 and 5 on
17 the first page, are the individuals who signed at
18 lines 4 and 5 neighbors of yours?

19 A. They're my parents.

20 Q. They're your parents, okay. And then
21 does -- do you know, does Tara Patel know your
22 parents?

23 A. Very well.

24 Q. And is it -- is it fair to say that among

1 your parents, yourself, and Tara Patel, that your
2 national origin is Asian Indian?

3 A. Correct.

4 Q. So is it a sense of community?

5 A. Absolutely.

6 Q. So is it -- if -- in your opinion if Tara
7 saw how your parents signed, would that influence her
8 to sign in the same manner in cursive as opposed to
9 the printing?

10 A. Yes. And the signatures are not so much
11 important. It's what I told her, you know, how to do
12 it just so that I would be correct because this was
13 submitted the day of. It was submitted -- you know,
14 I got these signatures the evening of, I should say.

15 Q. What date was that?

16 A. I can't remember. I mean.

17 Q. Let's look on the first date on the
18 petition.

19 MEMBER HAAS: The 4th.

20 Q. The first date on the petition that
21 somebody signed.

22 A. Yeah. All of these happened on the same
23 day. So on the 4th, February 4, 2014, is when the
24 signature was signed, and I had to turn this in on

1 the 5th of February which would have been the
2 following day.

3 Q. And so you received this in the evening
4 on the 4th?

5 A. Correct.

6 Q. To your recollection do you know what the
7 weather was like the evening of February 4?

8 A. Yes. It was very bad. I mean, it was
9 like -- I can't remember the exact digits, but it was
10 horrible.

11 Q. And what was the -- what was the weather?

12 A. It was heavy snow. Schools closed on
13 that day.

14 MS. BRUNNER: Thank you.

15 Any further questions for this witness
16 from the Board?

17 CHAIRMAN PREISSE: Not from me. Anyone
18 else?

19 Thank you very much for your testimony.

20 MS. BRUNNER: I would like to now call
21 Ms. Tara Patel.

22 (Witness sworn.)

23 MS. BRUNNER: Have a seat. If it's okay
24 with the Board, I would like to have Manasi sit close

1 by Ms. Patel in case there is any issue with
2 language. So Manasi will be here if there is.

3 THE WITNESS: English.

4 - - -

5 TARA PATEL

6 being first duly sworn, as prescribed by law, was
7 examined and testified as follows:

8 DIRECT EXAMINATION

9 By Ms. Brunner:

10 Q. Ms. Patel, I am Jennifer Brunner, and I
11 represent Zach Scott. And if there is any difficulty
12 in -- if I talk too fast, if the Board members talk
13 too fast, will you tell us? If you have any
14 difficulty understanding, will you stop me?

15 A. Yeah, not good English.

16 Q. Thank you. So I am going to give you a
17 petition document, Exhibit 3.

18 A. Yes.

19 Q. And I would like for you to look at line
20 No. 7.

21 A. Yes.

22 Q. And can you tell me --

23 A. That is.

24 Q. -- is that your signature?

1 A. Yes.

2 Q. Okay. And that's your address, 1324
3 Nantucket?

4 A. Yes.

5 Q. Okay. And who gave you this petition?
6 Who presented the petition to you?

7 A. Manasi.

8 Q. Manasi?

9 A. Manasi.

10 Q. And did -- and did she -- was she there
11 when you signed it? Was she with you when you signed
12 it?

13 A. Yeah.

14 Q. Okay. And I'm giving you Exhibit 4. And
15 can you identify is your signature on this document?
16 Is that a yes?

17 A. Yes, yes, I signed it.

18 Q. You signed it, okay. And then I am going
19 to give you Exhibit 2 which -- to which is attached
20 an affidavit, a document that says "Affidavit of Tara
21 Patel."

22 A. Yes.

23 Q. And is this your signature?

24 A. Yes, my signature.

1 Q. On the affidavit which is Exhibit 2. And
2 did you sign this with a notary present?

3 A. Yes.

4 Q. Yes?

5 A. Yes.

6 MS. BRUNNER: Thank you. I have no other
7 questions of the witness.

8 Are there any questions from the Board?

9 MEMBER HAAS: No questions. I'm just
10 making a point again we appreciate very much people
11 who particularly make an effort to come down here
12 today in addition to participating and I have no
13 doubt that this is your name and I don't question
14 that.

15 One thing I hope that you both understand
16 and I hope that you both consider your political
17 activities and continue to have your -- add your
18 voice to this process. This is not about the two of
19 you in my opinion. Committees have a responsibility
20 to get themselves on the ballot. And there is no
21 petition for any office that is more lenient and the
22 bar is lower than the State Central Committee races
23 so, again, this has nothing to do with the two of
24 you.

1 And this -- this has nothing to do with
2 you as a circulator, particularly a first time
3 circulator. Actually you did a great job in my
4 opinion. And but the committee itself and that
5 includes the chair, treasurer, political advisers,
6 anybody involved in this effort, perhaps even the
7 candidate, although oftentimes not, have an
8 obligation, and the bar is minimal, it is walking in
9 here with five signatures that match those on our
10 files.

11 And you made a very honest mistake. I'm
12 guessing I probably made it in the past myself. It's
13 a very clearcut, easy mistake to make --

14 MS. BRUNNER: Mr. Chairman.

15 MEMBER HAAS: -- in terms of asking for a
16 signature. But, again, this isn't about individuals.
17 This is about -- this is about a candidacy on a
18 committee. I have been before this Board making the
19 same appeal --

20 MS. BRUNNER: Mr. Chairman, may the
21 witnesses be dismissed?

22 CHAIRMAN PREISSE: Maybe not.

23 MEMBER HAAS: You asked me. I wanted to
24 explain my position to these two folks because I

1 don't want --

2 MS. BRUNNER: I feel it's intimidating.

3 MEMBER HAAS: They're done. They
4 testified.

5 CHAIRMAN PREISSE: There may be a
6 question. Want to give a minute to -- give a break
7 so she can explain, and we will come right back to
8 you. He's not -- he's addressing generally.

9 Thanks for letting us do that.

10 MEMBER HAAS: I appreciate it because
11 that is the point here and so any responsibility for
12 this does not lay with the two of you and there is no
13 doubt about your efforts or who you are.

14 MEMBER SINNOTT: I do have a question for
15 Ms. Patel. And if you want to cooperate as
16 interpreter, that's fine. I understand her
17 circumstances.

18 MS. CHATTERJI: Sure, sure.

19 - - -

20 EXAMINATION

21 By Member Sinnott:

22 Q. Ms. Patel, can you tell us what Manasi
23 told you about how to sign the petition?

24 A. No, no.

1 CHAIRMAN PREISSE: You better interpret.

2 A. You said -- yeah, you said. You teach
3 me; I sign it.

4 MEMBER SINNOTT: That wasn't clear to me.

5 A. You say signature. I signature. Sorry.
6 I no good English.

7 MEMBER SINNOTT: You're fine.

8 MEMBER HAAS: You're fine.

9 MEMBER SINNOTT: Thank you.

10 MS. BRUNNER: Thank you. May the
11 witnesses be dismissed?

12 CHAIRMAN PREISSE: If there's no more
13 questions.

14 MS. BRUNNER: Thank you both for your
15 testimony today.

16 THE WITNESS: Thank you, everybody. I
17 not good English.

18 MS. BRUNNER: You did beautifully.

19 CHAIRMAN PREISSE: Okay.

20 MS. BRUNNER: Do you want any closing?

21 CHAIRMAN PREISSE: There are no other
22 witnesses. Then, yeah, I think closing remarks. Any
23 other questions from the Board are in order.

24 MS. BRUNNER: I have to -- for the record

1 I have to take specific objection to any
2 characterization of what Manasi Chatterji told Tara
3 Patel as a mistake. When you look at the plain
4 reading of the statute, it does say signature, and
5 printing is something that is optional. Now, if it
6 so happens that Tara Patel has signed previously by
7 printing, it's clear that you -- you've seen she's
8 identified that she signed it in a different way but
9 there's nothing in the statute that says you have to
10 sign exactly the way that you signed when you
11 registered to vote.

12 And the Board now has evidence in front
13 of it that she did sign it, she signed it in the
14 presence of a circulator, that her affidavit was
15 signed in the presence of a notary, and it escapes me
16 how this Board can do anything but find that
17 signature valid and to place Mr. Scott on the ballot.

18 MEMBER HAAS: Since you brought it up
19 again, did you read the section --

20 MS. BRUNNER: I'm sorry?

21 MEMBER HAAS: Can you read the section
22 about the printing again in the section where it says
23 it will allow printing? Because I heard you say
24 additionally that the name could be printed but if

1 you could read that section again.

2 MS. BRUNNER: Certainly. If you look at
3 Exhibit 3, there is both a signature and printing.
4 "Signature shall be affixed in ink. Each signer may
5 also print the signer's name so as to clearly
6 identify the signer's signature." When you take that
7 section of the Revised Code, 3501.38(B), it's
8 actually on page 3 of exhibit -- it's on page 3 of
9 your appeal, if this Board disallows the petition
10 because she signed in cursive and she didn't print,
11 then you're essentially saying that you're going to
12 require that an individual print and not sign a
13 petition when the plain language of the statute says
14 signature. Every bit of testimony you heard today
15 even from Tara Patel herself was signature.

16 MEMBER HAAS: The section you've read
17 twice now clearly says to verify the signature. May
18 also be printed to verify the signature which we've
19 often seen in petitions when somebody has an
20 unreadable signature, that the name will be printed
21 in the box with it.

22 MS. BRUNNER: With all due respect
23 3501.38 is the section of the Revised Code with
24 instructions for how petitions are to be completed

1 and circulated. It's not -- it's not a direct order
2 to the Board of Elections. It is -- it is the
3 requirement of the law for what a circulator and a
4 signer must do in order for a petition to be counted
5 as valid by a Board of Elections.

6 MEMBER HAAS: And, again, the citing
7 about printing is in reference to a clarification on
8 a signature. It is not in lieu of a signature.

9 MS. BRUNNER: That's right. She
10 signed -- exactly. She signed it. She signed it in
11 cursive so even though it didn't match what was in
12 your record --

13 MEMBER HAAS: Which is the point.

14 MS. BRUNNER: -- it complies with the law
15 because the law is not about what is in the Board's
16 records. The law is about what the circulator and
17 signer does in order to qualify a candidate on a
18 petition for the ballot. It has nothing to do with
19 whether or not it matches the signature in the Board
20 of Elections printed. If you have the testimony,
21 which you do, of the signer and the circulator that
22 it is what it is, I don't know how much clearer I can
23 make it.

24 MEMBER HAAS: You can -- you know, we can

1 go on as long as you would like, but the point here
2 is that the bar on these petitions is so low, it is a
3 committee's responsibility to give us five signatures
4 that match those on record. I have been before this
5 Board of Elections defending candidates in the past
6 and losing on this argument as a matter of practice
7 multiple times and I've watched -- I've watched
8 attorneys lose this argument because -- because it is
9 a matter of practice, has been for obvious reasons,
10 that a signature on a petition needs to match that on
11 the file.

12 If we have a million signature petition
13 drive with massive fraud, we could never verify -- we
14 would be tied up forever to verify signatures that
15 don't match and the entire process could be shut down
16 and that's why there was a requirement that the
17 signature matches and that's why we've lost in the
18 past when we made this same argument. And so, you
19 know, the signature on the petition and the signature
20 on record clearly do not match.

21 MS. BRUNNER: Mr. Chairman, Mr. Haas,
22 with all due respect there is no requirement in the
23 law that --

24 MEMBER HAAS: There has been a

1 requirement of practice.

2 MS. BRUNNER: You only need five
3 signatures and there is no value judgment in the Code
4 if you only supply five valid signatures and
5 Mr. Scott did supply five valid signature and we have
6 proved it to you today. Thank you.

7 CHAIRMAN PREISSE: Harold, were you
8 wishing to opine, or are you just listening?

9 MR. ANDERSON: Sorry. I was just
10 listening.

11 CHAIRMAN PREISSE: Kim, did you have a
12 question?

13 MEMBER MARINELLO: No.

14 CHAIRMAN PREISSE: All right.

15 MEMBER SINNOTT: I do have a specific
16 question to the county attorney. We judge the
17 validity of petitions all the time on the basis of
18 comparing the signature on a petition to the
19 signature on record at the Board. Why is that -- is
20 it that we do that?

21 MR. ANDERSON: Because that's what the
22 Revised Code requires you to do to be able to
23 validate the sufficiency of the petition. In other
24 words, the circulator is required to have so many

1 electors eligible to sign or vote for a particular
2 office sign a petition to be placed on the ballot.
3 You're the repository of the records relative to
4 voter registration, so it's your responsibility to
5 make sure that the signatures affixed match the
6 signatures that are in your ballot database of
7 registered electors.

8 MEMBER HAAS: We have spent countless
9 hours comparing signatures for a reason, in this case
10 the comparison of five signatures.

11 MS. BRUNNER: For the record I've handed
12 you a copy of 3501.11 of the Revised Code which is
13 Board duties. And under division (K) on page 2 your
14 duty specifically as set forth in the Revised Code is
15 to review, examine, and certify the sufficiency and
16 validity of petitions and nomination papers. And
17 then it talks about after certification and returning
18 to the Secretary of State. That would be in the case
19 of a statewide petition.

20 In addition, in division (J) which I have
21 read to you at the beginning of the section you are
22 also to investigate irregularity in performance
23 violations and basically hold hearings and
24 investigate.

1 Now, in this case you had additional
2 evidence because clearly what the Board did in
3 examining the signatures they saw that it didn't
4 match, said that it was not genuine because it didn't
5 have any affirmation, but you are a quasi-judicial
6 body. More evidence has been presented to you on
7 appeal which graciously you gave to Mr. Scott.

8 So now that you have the truth and the
9 facts, you can't deny the signature under the law.
10 You have a duty because -- this is different from a
11 situation like we were talking about with Perry
12 Township. In this case this is about what you do.
13 And if you ignore what you just heard in front of
14 you, even if you dislike the fact that somebody only
15 squeaked through with four signatures on their face
16 that matched and the fifth one with additional
17 evidence that matched, it doesn't matter whether you
18 don't like that or not. Five signatures is five
19 signatures, and he's entitled to be on the ballot.

20 MEMBER SINNOTT: Well, Ms. Brunner,
21 fundamentally you are not suggesting because a
22 witness comes before a Board and says something the
23 Board has to believe the witness; that's not your
24 position, right?

1 MS. BRUNNER: If you choose to disbelieve
2 these two witnesses, that is the purview of the
3 Board.

4 MEMBER SINNOTT: Indeed. Ms. Brunner,
5 there is -- a hypothetical comes to mind. It's a
6 simple one that I think strikes at the heart of this.
7 If there was an instance where somebody signed a
8 petition not by offering his or her regular signature
9 but instead perhaps on instruction of the circulator
10 just made an X, and you submitted that petition to
11 the Board, the Board rejected the signature, is it
12 your view that you would be at liberty in a
13 proceeding such as this to come forward and explain
14 that the elector had placed an X instead of his legal
15 signature and the Board would accept that proposition
16 and validate the petition?

17 MS. BRUNNER: There is actually another
18 section of the Revised Code, I believe it's 3505.19,
19 that deals with that particular issue about when a
20 person signs a petition by marking X and that is if
21 they are unable to sign their name. So a person
22 would not have the option to sign their name with an
23 X even upon instruction if they could, in fact, sign
24 their name and that's a separate statute of the

1 Revised Code, so I don't think that analogy really
2 works very respectfully in this particular situation.
3 I can look it up for you if you would like.

4 MEMBER SINNOTT: I think it is
5 important -- and it's not so much the X. Let's not
6 bog down on the X. Perhaps the person puts Y or
7 something else that is not his or her signature. So
8 fill in the blank in the hypothetical as to what is
9 scrawled there so long as it is not the signature of
10 the person as it's registered at the Board.

11 MS. BRUNNER: Well, it's -- I really
12 can't speak because our two witnesses have been
13 dismissed, but you're dealing with two individuals
14 from clearly an immigrant community. And if you look
15 yourselves at the printed version of Tara Patel's
16 signature and the script version of Tara Patel's
17 signature, which one is easier for you to read? I
18 would suggest that any reasonable person would say
19 the printed version is easier to read.

20 I don't -- I don't doubt that she has
21 used the script signature in particular situations
22 where she has been told it needs a signature. But if
23 you look at the fact that someone comes to this
24 country, gains citizenship, attempts to follow the

1 rules, I'm sure she wants people to be able to read
2 the name of who she is. I don't know that anyone
3 before Manasi Chatterji told her she actually had to
4 use a signature as opposed to printing. The bottom
5 line is she testified under oath that it's her
6 signature and she signed it.

7 CHAIRMAN PREISSE: Any other questions?
8 Appreciate your representation,
9 Ms. Brunner.

10 MS. BRUNNER: Appreciate the Board's
11 attention to this matter. Thank you.

12 CHAIRMAN PREISSE: And let's restate what
13 we have before us. We have an appeal, don't we?

14 DIRECTOR ANTHONY: Yes, sir. It's an
15 appeal to Zach -- Zach Scott's petition for State
16 Democratic -- candidate for the Democratic State
17 Central Committee in the 16th Senate District be
18 placed on the ballot.

19 CHAIRMAN PREISSE: One signature.

20 DIRECTOR ANTHONY: Yes.

21 CHAIRMAN PREISSE: Revolves around.

22 DEPUTY DIRECTOR WALCH: Our Board had
23 determined at the last meeting he had four valid
24 signatures and that did not meet the threshold of the

1 five necessary to be on the -- be a candidate. He
2 has now filed an appeal.

3 CHAIRMAN PREISSE: What is the proper
4 motion? Is that to accept the appeal, or are we
5 dealing with one signature? How does that?

6 DIRECTOR ANTHONY: I would think you are
7 dealing with one signature right now, if you are
8 willing to accept that signature or -- or, right now,
9 you have voted not to place this on the ballot.
10 There has been an appeal to place this candidate on
11 the ballot.

12 CHAIRMAN PREISSE: I think a
13 straightforward motion to accept or not accept the
14 appeal.

15 DIRECTOR ANTHONY: Yes.

16 MEMBER HAAS: Based on the fact I do not
17 believe, just as counsel mentioned that X signature,
18 when a -- even if a circulator told them to sign that
19 to be accepted, I think -- I think that along that
20 questioning and along with past practice with this
21 Board, that the obligation of the committees that
22 file a petition on behalf of a candidacy it's the
23 committee's obligation to provide five signatures
24 that match those on the record, and so I would move

1 that we not accept the appeal.

2 DIRECTOR ANTHONY: There is a motion on
3 the floor to not accept the appeal.

4 MEMBER HAAS: That's right. I would make
5 that motion.

6 DIRECTOR ANTHONY: Is there a second?

7 MEMBER SINNOTT: I would second it for
8 this reason: It may be that there was confusion or
9 language barrier or some erroneous instruction. I
10 don't know what prompted the signature that appears
11 on the petition at line 7. In no respect would that
12 be the signature that the Board knows to be the
13 signature of Tara Patel. But there is no match and
14 for that reason I second Mr. Haas's motion.

15 DIRECTOR ANTHONY: Any more comments?

16 CHAIRMAN PREISSE: Let's do roll-call.

17 DIRECTOR ANTHONY: Roll-call. Kim

18 Marinello.

19 MEMBER MARINELLO: Yes.

20 DIRECTOR ANTHONY: Greg Haas.

21 MEMBER HAAS: Yes.

22 DIRECTOR ANTHONY: Douglas Preisse.

23 CHAIRMAN PREISSE: No.

24 DIRECTOR ANTHONY: And --

1 MEMBER SINNOTT: Brad Sinnott.

2 DIRECTOR ANTHONY: Brad Sinnott.

3 MEMBER SINNOTT: Yes.

4 DIRECTOR ANTHONY: The motion carries.

5 The next item on the agenda would be the
6 Selena Miller appeal. She's appealing her candidacy
7 for the 3rd Congressional District and for the
8 candidate for Democratic State Central Committee 15th
9 Senate District.

10 DEPUTY DIRECTOR WALCH: In your packets
11 there is a one pager here. Ms. Miller filed a
12 petition to run as Bill said for 3rd Congressional
13 District in the Democrat primary and also as a
14 candidate in the 15th Ohio Senate District for a seat
15 as a Democratic State Central Committee. Her -- her
16 petitions were filed deficient because on both
17 petitions that she filed the circulator statement was
18 not completed.

19 Ms. Miller is with us today.

20 CHAIRMAN PREISSE: Okay.

21 MS. MILLER: Good evening.

22 CHAIRMAN PREISSE: Thanks for waiting by
23 the way.

24 MS. MILLER: Oh, no problem. I'm here to

1 file an appeal for both of the filings for the
2 Central Board and also for the record into Congress.
3 And the reason for my appeal is that I personally was
4 under the impression that my paperwork was properly
5 filed. I was notified by Columbus Dispatch on the
6 7th of February telling me that I was classified
7 quote-unquote as a running partner for the
8 Representative position. I had no reason to believe
9 at the time that I filed -- that I overlooked the
10 back which would be considered as invalid signatures.

11 I meet the maximum amount of signatures.
12 For the Representative of Congress you needed 50. I
13 had 73. For State Central Committee you needed 5 and
14 I have 24. And the only argument I could see as far
15 as the invalid signature is the one for the
16 circulation on the reverse side.

17 And during that time after it was quoted
18 in the Columbus newspaper, I had to leave so there
19 was no way I could have made up the signature even
20 though I turned it in in enough time. So I would
21 like to be granted some leniency in a remedy to be
22 placed on a ballot or in the event that the
23 Representative to Congress position would be too
24 much, I could still maybe run for State Central

1 Committee which is a -- quoted as an unpaid position.
2 But I am very well -- you know, I am very interested
3 in the both.

4 CHAIRMAN PREISSE: Is that your
5 statement?

6 MS. MILLER: I'm sorry?

7 CHAIRMAN PREISSE: Does that conclude
8 your statement?

9 MS. MILLER: Well, I have the Columbus
10 Dispatch article, and I don't know the rules or the
11 regulations for when you're, you know, kind of in the
12 public eyesight a Democrat, posted as a Democrat.
13 There is a lot of people that's out there rooting on
14 me and I was under the impression and there was the
15 article floating around in Columbus and this
16 particular journalist comes from Washington, D.C.,
17 believe it or not, so and it was posted for
18 February 6.

19 Did you get a copy? I gave it to
20 somebody.

21 CHAIRMAN PREISSE: No. But I think we
22 all saw it.

23 MS. MILLER: Okay.

24 CHAIRMAN PREISSE: Could we have a

1 statement from the Board as to what the Board's
2 action was and the position we're in today?

3 DEPUTY DIRECTOR WALCH: The action of the
4 Board at our last meeting when we considered
5 candidates, issues for the ballot was that the
6 petitions in both these instances, both for the State
7 Central Committee spot and for the Congressional
8 spot, were not valid due to the circulator's
9 statement on all part petitions, on both those
10 petitions, were not completed.

11 CHAIRMAN PREISSE: How were they not
12 completed?

13 DEPUTY DIRECTOR WALCH: As you see, this,
14 for example, was for the Democrat State Central
15 Committee spot. If you see on the back of both of
16 those part petitions, there is no signed circulator
17 statement of anybody attesting to the fact that they
18 witnessed the signatures be placed on this petition.
19 It's the same case for the petition for the 3rd
20 Congressional District also.

21 That has always been -- an incomplete
22 circulator statement has always been reason to
23 invalidate a part petition or a full petition, if it
24 was the case all part petitions contained in the

1 petition.

2 MEMBER MARINELLO: Fatal flaw.

3 DEPUTY DIRECTOR WALCH: That is correct,
4 fatal flaw.

5 CHAIRMAN PREISSE: That was the
6 condition. The mutterings of us up here is fatal
7 flaw. That's my recollection too. Specifically
8 because I did nearly the exact same thing and forgot
9 to sign it several years ago on exactly the same
10 petition, State Senate.

11 DEPUTY DIRECTOR WALCH: Those were the
12 grounds that were brought to your attention at our
13 last meeting as the reason for the staff
14 recommendation to invalidate both of these petitions.

15 MEMBER HAAS: I have to concur. I think
16 everybody here has made the same mistake at least
17 once over the years but also always with the same
18 response, that it's a fatal flaw, that it really
19 can't be -- it can't be adjusted later. And it's --
20 I think all of our experiences have been we've both
21 experienced it and made the same mistake but also
22 with the same outcome.

23 MS. MILLER: Now, did I hear him say that
24 you needed a signature of someone witnessing?

1 DEPUTY DIRECTOR WALCH: Yes, ma'am.

2 MS. MILLER: My understanding the
3 signature just had to be me, the person who was
4 circulating.

5 DEPUTY DIRECTOR WALCH: Well, that is
6 identifying -- Mr. Chairman, if I might, that is
7 identified for our purposes by the person who does
8 fill out the back part of the part petition where it
9 says -- gives a formal statement of who actually
10 circulated the petition.

11 MS. MILLER: Okay.

12 DEPUTY DIRECTOR WALCH: In the case of
13 both of these petitions there was no way for the
14 Board -- because that section had been left blank for
15 us to make a determination who had actually
16 circulated the petition and, thus, that historically
17 has always been a fatal flaw to any part petition for
18 any office that's filed.

19 MS. MILLER: Okay. And is there another
20 step for appeal if I wanted to appeal hereafter?

21 MR. ANDERSON: You can always appeal to
22 the court system.

23 MS. MILLER: To where?

24 MR. ANDERSON: Court system, a legal -- a

1 lawsuit.

2 MS. MILLER: Which court system?

3 MR. ANDERSON: I can't --

4 MS. MILLER: You mean a lawsuit.

5 MR. ANDERSON: Yeah. It's a lawsuit.

6 MS. MILLER: Okay. A lot of people were
7 for me and it was publicized and that gives no
8 bearing, that public announcement?

9 CHAIRMAN PREISSE: If you're talking
10 about the Dispatch story?

11 MS. MILLER: I'm talking about public
12 announcement. The theory is if you never got married
13 but if the public announces you as a married couple,
14 then they would --

15 MEMBER HAAS: There is one individual
16 down the street who may view the Dispatch as a legal
17 document but outside of.

18 MS. MILLER: All right. I was just
19 asking. Thank you.

20 CHAIRMAN PREISSE: We're sorry.

21 DEPUTY DIRECTOR WALCH: I guess if the
22 Board does not want to accept, there is really no
23 action the Board needs to do.

24 MR. ANDERSON: No. That's correct.

1 MEMBER MARINELLO: Sorry.

2 MS. MILLER: No problem. I'll try again
3 next year.

4 MEMBER MARINELLO: Absolutely.

5 CHAIRMAN PREISSE: Have your friends look
6 at it before you file.

7 MS. MILLER: Yeah. I'll make sure I look
8 at the reverse side. That's what it's really about.
9 Thanks.

10 CHAIRMAN PREISSE: We have one more
11 consideration and then a few administrative actions.

12 DIRECTOR ANTHONY: Zachary Zaerr. No, I
13 don't see him in here. Since there is no one here.

14 CHAIRMAN PREISSE: Where is he?

15 DIRECTOR ANTHONY: I don't know. It is
16 an appeal. You already voted him off the ballot.

17 CHAIRMAN PREISSE: Is there substantive
18 material here?

19 DEPUTY DIRECTOR WALCH: Yes. He did file
20 an appeal. We do have a research -- some research we
21 did on this. He was denied access to the ballot due
22 to insufficient signatures as a minor party candidate
23 for the Ohio House. Mr. Zaerr needed 25 valid
24 signatures, he only had 24, and thus not meeting the

1 minimum threshold. We recommended to you and you
2 took action upon denying him access to the ballot.

3 He filed an appeal and some of the
4 research here is in front of you. It really comes
5 down to the back page of this section. He has made
6 an appeal of line 11 on petition 538. This signature
7 was disallowed because it says that that voter --
8 that voter signed stating 1981 Indianola Avenue. We
9 did find the person in question but that person in
10 question is registered at 1980 Indianola Avenue so
11 that person is not registered at the address that
12 they purported to on the part petition; and, thus,
13 the staff invalidated that signature. If that all
14 makes sense to the Board.

15 MEMBER HAAS: That's definitely a 1 and
16 that's definitely a 0.

17 CHAIRMAN PREISSE: So no action
18 necessary?

19 DIRECTOR ANTHONY: I don't believe.

20 DEPUTY DIRECTOR WALCH: If it is the will
21 of the Board to not act upon the appeal, he's not on
22 the ballot currently so if you are not going to take
23 any action to change that.

24 CHAIRMAN PREISSE: Time for talking about

1 kids.

2 DIRECTOR ANTHONY: The next item on the
3 agenda would be the Kids Voting contract. As you all
4 know, we've had a relationship with the Kids Voting
5 for some time. I guess it started with Matt
6 Damschroder when he was the Director here and we
7 have -- Kids Voting offers us an opportunity to do
8 Youth at the Booth where we bring in over a thousand
9 kids during a major election to actually go into each
10 polling location and work our DREs.

11 CHAIRMAN PREISSE: Is this annual --
12 isn't this a bigger figure than we have considered in
13 the past?

14 DIRECTOR ANTHONY: I think --

15 DEPUTY DIRECTOR WALCH: This is what we
16 did the last time.

17 CHAIRMAN PREISSE: Is it?

18 MEMBER SINNOTT: 45?

19 CHAIRMAN PREISSE: I thought it was
20 lower.

21 DIRECTOR ANTHONY: They would love more.

22 DEPUTY DIRECTOR WALCH: I do have to
23 state since you brought his name up that Jeff Cabot,
24 the executive director of Kids Voting Central Ohio,

1 did plan to be here today, but due to our moving the
2 Board meeting to today I inadvertently didn't tell
3 him about it, and so he planned to be here but had a
4 conflict. Due to the length of the meeting probably
5 is actually glad he didn't.

6 CHAIRMAN PREISSE: Okay. How much --
7 they are a central Ohio organization, right?

8 DIRECTOR ANTHONY: Yes and no. They
9 recently became part of Kids Voting America, so they
10 are kind of branching out a little more. Kids Voting
11 America -- Kids Voting Ohio is modeled after Kids
12 Voting America. Kids Voting America is based in
13 Kansas, I believe.

14 DEPUTY DIRECTOR WALCH: Kansas City.

15 DIRECTOR ANTHONY: Kansas City, they can
16 no longer operate due to some funding problems so
17 Kids Voting Ohio or Columbus, and both Dana and I are
18 on the Board, the Kids Voting agreed to take over the
19 national organization so.

20 CHAIRMAN PREISSE: Okay.

21 MEMBER MARINELLO: Okay. I move that the
22 Board authorize the Director and Deputy Director to
23 enter into a contract with Kids Voting of Central
24 Ohio of an amount not to exceed \$45,000 and thank

1 Kids Voting for their continued participation in the
2 Franklin County Board of Elections' Youth at the
3 Booth program.

4 MEMBER SINNOTT: Second.

5 DIRECTOR ANTHONY: All those in favor.

6 Motion carries.

7 The next item on the agenda is the EMCS
8 contract. They are the folks that write our voter
9 registration program. As you all know, we have a
10 stand-alone voter registration program. They wrote
11 this program many, many years ago. They maintain it
12 for us. They keep it running smoothly. We've
13 been -- we are still able to do the bridge with the
14 Secretary of State, and we've had no problems with
15 them maintaining our voter registration system.

16 As a matter of fact, we've looked at big
17 box companies ES&S and some others at their voter
18 registration systems that they sell and because we've
19 managed to tailor our system to our specific needs
20 and none of the big box companies have come close to
21 providing us the type of service and things that we
22 are now becoming used to with our voter registration
23 system.

24 MEMBER SINNOTT: Bill, when does this

1 next come up for bid or some sort of competitive
2 opportunity? I understand right now all we are doing
3 is staying with the original vendor because --

4 DIRECTOR ANTHONY: I think it's three
5 years? I have to look. I'm not sure.

6 DEPUTY DIRECTOR WALCH: I actually think
7 in the past, Mr. Sinnott, we've determined this is
8 really a sole source type situation due to the
9 uniqueness of this company being the ones who
10 actually wrote the program for this. And, thus,
11 there is no other vendor out there capable of
12 servicing this database.

13 MEMBER SINNOTT: Does EMCS then get our
14 business in perpetuity?

15 DIRECTOR ANTHONY: Until we decide to
16 change your voter registration system. You know, and
17 we've -- Mr. Sinnott, we have looked at other voter
18 registration systems. We've brought them into our
19 office and had them explain what they could do and
20 each time -- I've done it twice since I have been
21 here, and each time they've come in and we've had all
22 the staff sit down and tell them what we get out of
23 our current system and ask if they could replicate it
24 and none of the companies that we've -- none of the

1 national companies that are currently in the voter
2 registration business can provide the type of product
3 that we are currently using.

4 MEMBER SINNOTT: I am glad you are
5 regularly looking at that.

6 I'll move that the Board authorize the
7 Director and Deputy Director to enter into a contract
8 with Election Management Consulting Services in the
9 amount of \$48,620.25 for continued support on the
10 Integrity system in calendar year 2014.

11 DIRECTOR ANTHONY: Is there a second?

12 MEMBER MARINELLO: Second.

13 DIRECTOR ANTHONY: All those in favor.
14 Motion carries.

15 The next item is a personnel matter. We
16 have on the Therapak side still another vacancy in
17 the Voter Services Department, and we would like to
18 bring on Nikki Campbell.

19 MEMBER HAAS: I move that the Board hire
20 Nikki Campbell to a position in the Voter Services
21 Department beginning Wednesday, March 5, 2014, at a
22 salary of \$14.67 per hour.

23 DIRECTOR ANTHONY: Is there a second?

24 MEMBER MARINELLO: Second.

1 CHAIRMAN PREISSE: I am going to vote for
 2 it, but just for discussion is Nikki related -- don't
 3 we have another Campbell around here?

4 DIRECTOR ANTHONY: Steve Campbell.

5 CHAIRMAN PREISSE: One of your guys?

6 DIRECTOR ANTHONY: Yeah.

7 CHAIRMAN PREISSE: Related?

8 DIRECTOR ANTHONY: Wife.

9 CHAIRMAN PREISSE: Okay, okay.

10 DIRECTOR ANTHONY: Wife of Steve
 11 Campbell.

12 CHAIRMAN PREISSE: There is a motion on
 13 the floor.

14 DIRECTOR ANTHONY: All those in favor.
 15 Motion carries.

16 The next item on the agenda voter -- we
 17 have a voter registration challenge.

18 DEPUTY DIRECTOR WALCH: If I might, there
 19 was a challenge filed about 10 days ago by a John A.
 20 Guthrie challenging the right to vote of John A.
 21 Guthrie, Jr., who we believe is his son since he says
 22 he does not live at that address any more, 7679
 23 Foxboro Court. Mr. Guthrie, Jr., did vote from that
 24 address in 2012 and 2010.

1 We have no reason to doubt the validity
2 of John A. Guthrie, Sr.'s statement but our
3 recommendation to the Board because there is somebody
4 living at that residence who said he doesn't live
5 there any more to put this voter in what we call a
6 pending status which will not remove them from the
7 list of registered voters but require them to vote in
8 the future from a new address at a residence that is
9 theirs.

10 So this would remove -- putting him in
11 pending status removes them from being in the poll
12 book and if John Guthrie goes to vote in -- on
13 election day, his name will not appear in the poll
14 book, but he will be able to cast a provisional
15 ballot and update his address to a new residence
16 accordingly.

17 MEMBER MARINELLO: I move that the Board
18 place the registration of John A. Guthrie, Jr.,
19 purportedly of 7679 Foxboro Court, Columbus, Ohio, in
20 a pending status.

21 DIRECTOR ANTHONY: Is there a second?

22 MEMBER SINNOTT: There is.

23 DIRECTOR ANTHONY: All those in favor.

24 Motion -- motion carries.

1 MEMBER HAAS: I want to know what
2 Mrs. John A. Guthrie, Sr., has to say about this.

3 DIRECTOR ANTHONY: The next item on the
4 agenda is certify write-in candidates. You have a
5 list Exhibit A in front of you and take a look at
6 them.

7 DEPUTY DIRECTOR WALCH: These are all
8 candidates that the Board staff determined were
9 timely filed and eligible for the races in which they
10 filed to be a write-in candidate.

11 MEMBER SINNOTT: Then I move that the
12 list of electors appearing on Exhibit A be certified
13 as valid write-in candidates for the May 6, 2014,
14 Primary Election.

15 DIRECTOR ANTHONY: Is there a second?

16 MEMBER HAAS: Second.

17 DIRECTOR ANTHONY: All those in favor.
18 Motion carries.

19 Next item is candidate withdrawal. We
20 had Frederick LaMarr, candidate for 26th House
21 District, withdraw his candidacy.

22 MEMBER HAAS: I move that the Board
23 accept the request of Frederick LaMarr to withdraw as
24 a candidate for the 26th Ohio House District and that

1 his name shall not appear on the May 6, 2014, Primary
 2 Election ballot.

3 MEMBER MARINELLO: Second.

4 DIRECTOR ANTHONY: All those in favor.

5 MEMBER MARINELLO: Yes.

6 MEMBER HAAS: Yes.

7 DIRECTOR ANTHONY: I need one more vote.

8 CHAIRMAN PREISSE: Aye.

9 DIRECTOR ANTHONY: Motion carries.

10 The next item on the agenda is Dave
 11 Girves, Democrat for the 24th Ohio House District,
 12 also withdrew.

13 MEMBER MARINELLO: I move that the Board
 14 accept the request of Dave Girves to withdraw as a
 15 candidate for the 24th Ohio House District and that
 16 his name shall not appear on the May 6, 2014, Primary
 17 Election ballot.

18 DIRECTOR ANTHONY: Is there a second?

19 MEMBER HAAS: Second.

20 DIRECTOR ANTHONY: All those in favor say
 21 aye. Motion carries.

22 The next item is a John Gilligan. He is
 23 a candidate for Democrat State Central Committee 16th
 24 Senate District (Man).

1 MEMBER HAAS: I move that the Board
2 accept the request of John Gilligan to withdraw as a
3 candidate for Democrat State Central Committee Man
4 16th Ohio Senate District and that his name shall not
5 appear on the May 6, 2014, Primary Election ballot.

6 DIRECTOR ANTHONY: Is there a second?

7 MEMBER MARINELLO: Second.

8 DIRECTOR ANTHONY: All those in favor.

9 Motion carries.

10 The E.E. Ward contract extension is
11 currently at the Prosecutor's Office so we'll address
12 that at our next Board meeting. And it would be our
13 last extension on this contract. We should have that
14 at the next meeting. I talked to Chris before we
15 started.

16 MR. ANDERSON: Okay. They put stuff in
17 my box.

18 DIRECTOR ANTHONY: Unless there is
19 anything else before the Board.

20 MEMBER SINNOTT: How could there be?

21 DEPUTY DIRECTOR WALCH: If I might, it's
22 not an agenda item but would it be -- would it meet
23 with the approval of the Board to ask the court
24 reporter to do an expedited copy of the transcript of

1 today's proceeding due to the fact we did have a tie
2 vote on a protest filed? My request would be, if you
3 are all in agreement, to go ahead and ask for an
4 expedited copy of the transcript because that is part
5 of what we have to file with the Secretary of State's
6 Office as part of the tie vote.

7 MEMBER HAAS: My question is how
8 important are the tie votes? We did ultimately
9 conclude --

10 MR. ANDERSON: They are tie votes. They
11 should still be sent to the Secretary even though the
12 petition is not -- well, is invalid.

13 MEMBER HAAS: I guess two separate things
14 real quick for the record, I do think that we've got
15 to consider the timeliness of our Board meetings when
16 it comes to the cutoff dates. I mean, the reality
17 was that my view Mr. Miller was kind of in a double
18 kind of a whipsaw today in that we told him he was
19 valid. He had a ton of -- 14 names which in terms of
20 tracking people down for an individual is very
21 difficult and then 6 ultimately filed so, you know,
22 and then he has no appeal process after that.

23 And to me I'm not raising this as a
24 complaint or a challenge to any of our positions but

1 just a thought that we need to consider and that we
2 need to maybe make recommendations. But once a Board
3 has acted to put something on the ballot, for them to
4 lose their position on the ballot with no chance to
5 appeal, you know, had he -- had the Board recognized
6 the flaws in those signatures and had he been ruled
7 off, he would have had the timeframe to prove himself
8 correct, and he very may well have 50 correct
9 signatures on that petition, but we'll never know.

10 And so it's not an issue the Board --
11 what the Board does. We make mistakes at times on
12 signatures because it's very difficult, and we all
13 experience it. But once the Board has acted, it
14 seems to me like there needs to be some kind of
15 process that once we've told somebody they are on the
16 ballot and then we come in and they get hit and
17 they've got no recourse. I mean with the Board.
18 Obviously he's got --

19 MEMBER SINNOTT: One thing that occurs to
20 me it is possible to protest the Board's decision not
21 to include signatures too.

22 MEMBER HAAS: Right. That was my point.

23 MEMBER SINNOTT: Tom Reddy situation,
24 that was what was going on there. Tom would go out

1 and he would challenge through the statutory process
2 our initial decision not to count signatures and that
3 would boost his number as there was a protestor who
4 was trying to reduce his number.

5 MEMBER HAAS: Right, right.

6 MEMBER SINNOTT: Well, thanks to everyone
7 for their patience. We are now at 4.5 hours.

8 MEMBER HAAS: Second quick one in terms
9 of staff, I would like to see some kind of -- you
10 know, the vote that we took on follow-up in terms of
11 the signatures and see something, some kind of
12 summary on that so it's clear we are all on the same
13 page.

14 DIRECTOR ANTHONY: Okay.

15 MEMBER SINNOTT: I move we adjourn.

16 DIRECTOR ANTHONY: All those in favor of
17 adjourning say aye.

18 (Thereupon, the meeting was concluded at
19 6:34 p.m.)

20 - - -

21

22

23

24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Tuesday, March 4, 2014, and carefully compared with my original stenographic notes.

Karen Sue Gibson, Registered
Merit Reporter.

(KSG-5828)

- - -

**PROTEST AGAINST CANDIDACY
OF MARCO J. MILLER
THIRD STATE SENATE DISTRICT**

**Memorandum in
Support of Protest**

**BEFORE THE BOARD OF ELECTIONS
FRANKLIN COUNTY, OHIO**

PROTEST AGAINST CANDIDACY OF	:	MEMORANDUM IN SUPPORT OF
MARCO J. MILLER –	:	PROTEST AGAINST MARCO J.
THIRD STATE SENATE DISTRICT	:	MILLER – STATE SENATE DISTRICT 3
	:	

This protest involves a question of whether a prospective candidate has received enough valid signatures to have his name placed on the ballot for the primary election to be held on May 6, 2014. The requirement is straightforward – 50 valid signatures. R. C. 3513.05. Based on a review of the records of the Franklin County Board of Elections (the “Board”) and the Affidavit of Vickie L. Willard, a Board Certified Forensic Document Examiner (submitted with this memo), the Board has the legal duty to reject Mr. Miller’s attempt to become a candidate for the Ohio Senate because his declaration of candidacy and petition does not have enough signatures.

On February 5, 2014, Mr. Miller filed with the Board a declaration of candidacy and a petition to become a Democratic candidate for the State Senate in the Third District (“Petition”). A copy of the Petition is attached to this brief behind the Petitions tab.

The Board reviewed the signatures contained on the Petition on February 18, 2014. The Board found that 18 signatures were invalid for various reasons, leaving 52 valid signatures. A copy of the Board’s signature verification report is attached behind the Board Report tab. As a result, the Board found that the Petition contained more than the 50 valid signatures required by R.C. 3513.05.

On February 21, 2014, Christy J. Blackburn timely filed a Protest with Board challenging the validity of 14 signatures contained on the Petition. A copy of that Protest Letter is attached.

Ms. Blackburn, is a qualified elector in the State of Ohio. Affidavit of Christy J. Blackburn, March 3, 2014 (“Blackburn Aff.”), at ¶1. She resides at, and is registered to vote at, 5319 Ponderosa Dr., Columbus, Ohio 43231, within Ohio’s Third Senate District. *Id.* at ¶1. And she is a member of the same political party as Mr. Miller. *Id.* at ¶2. As such, she meets all the requirements to present a protest. R. C. 3513.05 (“Protests against the candidacy of any person filing a declaration of candidacy for party nomination ... may be filed by any qualified elector who is a member of the same political party as the candidate and who is eligible to vote at the primary election for the candidate whose declaration of candidacy the elector objects to”).

Based upon the evidence before this Board, at least 6 of the 52 signatures that the Board initially accepted on Mr. Miller’s petitions are not valid. Because that leaves Mr. Miller with 46 valid signatures, under the 50-signature requirement, this Board should determine that his declaration of candidacy and petition is invalid and should reject it.

ARGUMENT

The Board “is the supervisor of elections under the direction of the Secretary of State.” *State ex rel. Donnelly v. Green*, 106 Ohio App. 61, 63, 148 N.E.2d 519, 521 (1958). The Board has the duty to perform all duties imposed by law, R.C. 3501.11, and such other duties prescribed by law or the rules of the Secretary of State, R.C. 3501.11(P). The rules, regulations and instructions of the Secretary of State relating to the conduct of elections must be followed by boards of elections. 1930 Ohio Atty.Gen.Ops. No. 1423.

In its review of the petitions, the Board must follow Secretary of State Directive 2014-02, Instructions Regarding the Examination and Verification of Petitions from Candidates for Statewide Office, providing, among other things, that:

- Each signature must be an original signature of that voter.

- The signature must match the signature on file with the board of elections.

Directive 2014-02, at p.4 (emphasis in original).

Among the 52 signatures the Board initially concluded were valid, one was that of the candidate himself, not permitted to be counted toward the 50-signature minimum, and five others did not match the signature of the voter on file with the Board.

Marco J. Miller. Candidate Marco J. Miller's signature appears on line 7 of petition 0732. Ex. 1. The BOE accepted this signature as valid. Ex. 2. A candidate's own signature cannot be counted towards the minimum number of signatures required under R.C. 3513.05. *State ex rel. Kucinich v. Duffy*, 22 Ohio St.2d 61, 258 N.E.2d 111 (1971). In *Kucinich*, a candidate for office signed his own petition. That signature was used to meet the minimum number of required signatures. After the board of elections had rejected his petitions, the candidate sought mandamus. The Supreme Court held that the language of R.C. 3513.05 contemplated that the signatures on the petition would be from electors *other than* the candidate. *Id.* at 62 (“*The electors signing such petition shall be members of the same political party of which the candidate is a member.*”). The emphasized sentence, quoted above, indicates that the statute contemplates that the signers be persons other than the candidate”). The Court held:

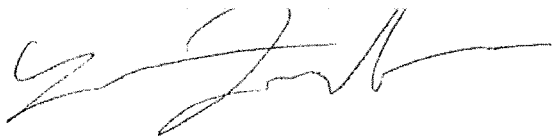
Therefore, we conclude that the signature of a candidate on his own nominating petition, as a signer of that petition, cannot be included in determining whether such petition contains the minimum number of signatures required by law.

Id.

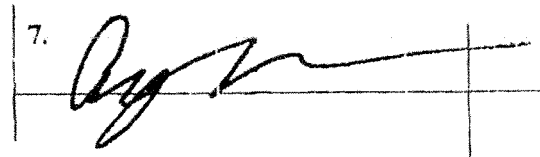
R.C.3513.05 contains the same language today that it did when the Supreme Court construed it in 1971. The result is necessarily the same. The Board cannot count the signature of Mr. Miller in determining whether he has submitted 50 valid signatures.

Roger D. Longfellow. Petition 0730, line 7 was accepted as the signature of Roger Longfellow of 546 Daventry Lane in Gahanna. Both the signature on the Petition and on file with the Board contain illegible patterns, but neither bears any resemblance to the other. Willard Aff., 2.

Roger D. Longfellow, Jr. - BOE Card



Petition (Item 1 - Line 7)

7. 

In the Board signature, the initial movement could be observed as the beginning of a letter “R” and instead of forming the oval portion of the letter “R” moves off in a rightward directed horizontal line. *Id.* The next large pattern could be observed as a formation representing the letter “L”, followed by line dipping downward in the middle of the pattern, which could represent the lower case “g” in Longfellow. *Id.* This is followed by an upward movement possibly representing the letter “f”, which moves slightly down, possibly representing the lower extension of the “f”, then slightly upward in a rightward horizontal line. This is an entirely different movement pattern than is observed in the signature on line 7. *Id.* The signatures do not match as required under Directive 2014-02.

James Timmons. The Board accepted the signature on petition 0730, line 11 as that of James Timmons of 343 Imperial Drive in Gahanna. According to the Board’s records, Mr. Timmons is 21 years old and first registered to vote just over a year ago. However, the signature on the petition plainly does not match the signature in the Board’s records.

James Timmons - BOE Signature

Petition (Item 1 - Line 11)



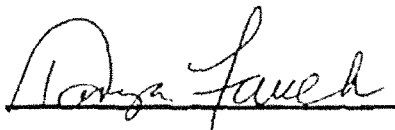
11. James Timmons

The Petition signature exhibits disturbance in the line quality, clearly not present in the James Timmons signature on the Board registration form. Willard Aff., 3. Given Mr. Timmons' young age and the fact that there are only fourteen months between the signing of the petition and the date on the Board of Elections form, there is no reasonable explanation for the differences between the two signatures. *Id.* The signatures do not match as required under Directive 2014-02.

Tanya Faulk. Upon initial review, the Board accepted the signature on Petition 0729, line 9, as that of Tanya Faulk, a registered voter residing at 6392 Brice Dale Drive in Canal Winchester. Upon closer reflection, it is apparent that the person who signed the petition was not Tanya Faulk at all, but her husband Jamie Faulk – based upon the signatures of the two as they appear on mortgage documents they have signed together. Willard Aff., 4-5.

Tanya R. Faulk - BOE Signature

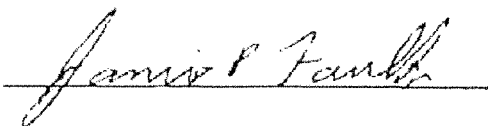
Petition (Item 2-Line 9)



9. Jamie Faulk

Jamie P. Faulk - Mortgage Signature (2001)

Petition (Item 2 - Line 9)




9. Jamie Faulk

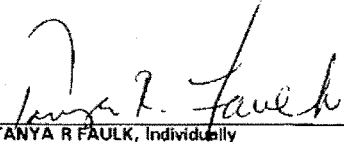
The 2001 Faulk mortgage, from the files of Franklin County Recorder Terry Brown, recorderweb.co.franklin.oh.us, show Tanya Faulk's signature that matches the BOE signature and Jamie Faulk's signature that matches the Petition:

EACH GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MORTGAGE, AND EACH GRANTOR AGREES TO ITS TERMS.

GRANTOR:

x 

JAMIE P FAULK, Individually
Signed, acknowledged and delivered in the presence of:

x 

TANYA R FAULK, Individually
Signed, acknowledged and delivered in the presence of:

And Jamie Faulk is not registered to vote in Franklin County.

Terrance T. Allen. The Board initially accepted the signature on line 14 of petition 0729 as that of Terrance T. Allen of 6456 Brice Dale Drive in Canal Winchester. The Board's records reflect two registered voters at that address, Mr. Allen and Evelyn E. Bailey. It is apparent from a review of their signatures on file with the Board that the illegible writing on line 14 of the petition bears no resemblance to either one. Willard Aff., 5.

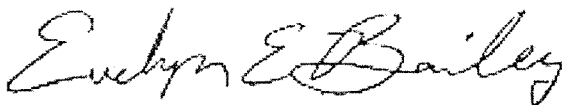
Terrance T. Allen - BOE Signature



Petition (Item 2 - Line 14)

14. 

Evelyn E. Bailey - BOE Signature



Petition (Item 2 - Line 2)

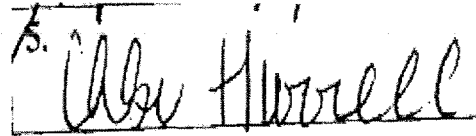

14. 

The Board should have rejected this signature in accordance with Directive 2014-02.

Chloe Beyer. The fifth line of petition 0730 was accepted as that of registered voter Chloe Beyer. But the name on the Petition plainly does not match the name on file with the Board. The last name on file with the Board is “Beyer” while the last name on Petition clearly starts with “H” and does not contain a “y” anywhere in the signature.

Chloe M. Beyer - BOE Signature

Petition (Item 1 - Line 5)



Pursuant to Directive 2014-02, a Board may accept the signature of an elector who signed “using a derivative of his/her **first name**...” Directive 2014-02, at p.4 (emphasis added). The Directive does not permit the Board to accept a signature where the last name contained on the petition does not match the last name on the signature card on file with the BOARD.

In *State ex rel Rogers v. Taft*, 64 Ohio St.3d 193, 594 N.E.2d 576 (1992), the Ohio Supreme Court ruled that a Board of Elections properly rejected a signature because the name on the petition and the name on file with the board of elections did not match. There, the petition signature was “Loretta Sheldon” and the signature on file with the BOARD was “Loretta Floyd-Sheldon.” *Id.* at 197. Rejection of the signature was proper. The present situation is not even as close as the names in *Rogers*. The last name on the Petition is not Beyer. The signatures do not match and should be rejected under the *Rogers* case and Directive 2014-02.

CONCLUSION

The Board should reject the signatures of Mr. Longfellow, Mr. Timmons, Ms. Faulk, Mr. Allen, Chloe Beyer, and Mr. Miller, should determine that Mr. Miller’s declaration of candidacy and petition is invalid, and should reject that declaration of candidacy and petition.

william stuart dornette

W. Stuart Dornette
Taft Stettinius & Hollister LLP
Walnut Street, Suite 1800
Cincinnati, Ohio 45202
Telephone: (513) 381-2838
Facsimile: (513) 381-0205
dornette@taftlaw.com

Attorney For Protestor Christy Blackburn

Protest Letter

February 21, 2014

2014 FEB 21 PM 3:26

William A. Anthony, Jr., Director
Dana Walch, Deputy Director
Franklin County Board of Elections
280 East Broad Street, Room 100
Columbus, Ohio 43215

FRANKLIN COUNTY BOARD OF ELECTIONS

Re: Protest against Candidacy of Marco J. Miller – State Senate District 3

Dear Director Anthony and Deputy Director Walch:

Pursuant to R.C. 3513.05, I hereby formally protest the candidacy of Marco J. Miller as a candidate for the Democratic Party nomination to the office of State Senator for the 3rd State Senate District at the May 6, 2014 primary election.

I am a qualified elector of the State of Ohio, residing and registered at the address listed below. I am eligible to vote at the primary election on May 6, 2014 for Mr. Miller's candidacy for nomination as a member of the Democratic Party to the office of State Senator for the 3rd State Senate District.

On February 5, 2014, Mr. Miller filed a declaration of candidacy and petitions for candidate with the desire to become a candidate for nomination to the office of State Senator as a member of the Democratic Party from the 3rd State Senate District at the May 6, 2014 primary election. On February 18, 2014, the Franklin County Board of Elections found that Mr. Miller submitted a total of fifty-two (52) valid signatures, permitting him to appear on the May 6, 2014 primary ballot. (See attached).

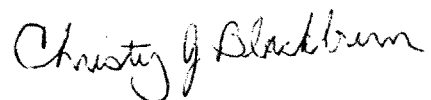
Mr. Miller's declaration of candidacy and petitions for candidate do not include the requisite number of valid signatures. Specifically, the following fourteen (14) signatures are invalid and, therefore, should not be counted for the reasons set forth below:

1. Part Petition #000728, line 14 (see attached) – the signature on the part petition does not match the signature on file with the Franklin County Board of Elections; therefore, the signature should not be counted.
2. Part Petition #000729, line 9 (see attached) – the signature on the part petition does not match the signature of a registered elector at that address on file with the Franklin County Board of Elections; therefore, the signature should not be counted.

3. Part Petition #000729, line 13 (see attached) – the signature on the part petition does not match the signature on file with the Franklin County Board of Elections; therefore, the signature should not be counted.
4. Part Petition #000729, line 14 (see attached) – the signature on the part petition is completely illegible and does not match the signature of any registered elector at that address on file with the Franklin County Board of Elections; therefore, the signature should not be counted.
5. Part Petition #000729, line 18 (see attached) – the signature on the part petition does not match the signature on file with the Franklin County Board of Elections; therefore, the signature should not be counted.
6. Part Petition #000730, line 4 (see attached) – the signature on the part petition does not match the signature on file with the Franklin County Board of Elections; therefore, the signature should not be counted.
7. Part Petition #000730, line 5 (see attached) – the signature on the part petition does not match the signature on file with the Franklin County Board of Elections; therefore, the signature should not be counted.
8. Part Petition #000730, line 6 (see attached) – the signature on the part petition does not match the signature on file for “Jennifer E. Miller” with the Franklin County Board of Elections; therefore, the signature should not be counted.
9. Part Petition #000730, line 7 (see attached) – the signature on the part petition is completely illegible, just as the one at the same address in line 8 is (and was rejected), and does not match the signature on file of any registered voter at that address; therefore, the signature should not be counted.
10. Part Petition #000730, line 11 (see attached) – the signature on the part petition does not match the signature on file with the Franklin County Board of Elections; therefore, the signature should not be counted.
11. Part Petition #000730, line 13 (see attached) – the signature on the part petition does not match the signature of the elector registered at that address on file with the Franklin County Board of Elections; therefore, the signature should not be counted.
12. Part Petition #000732, line 3 (see attached) – the signature on the part petition does not match the signature on file with the Franklin County Board of Elections; therefore, the signature should not be counted.
13. Part Petition #000732, line 4 (see attached) – the signature on the part petition does not match the signature on file with the Franklin County Board of Elections; therefore, the signature should not be counted.
14. Part Petition #000732, line 7 (see attached) – the signature on the part petition is the candidate’s signature; therefore, the signature should not be counted. A candidate’s signature on his/her own petition cannot be counted towards the petition’s signature requirement. See *State ex rel. Kucinich v. Duffy* (1970), 22 Ohio St.2d 61.

In addition to the ground(s) set forth herein, I reserve the right to amend this protest based upon any newly discovered deficiency that is acquired subsequent to filing this protest.

Sincerely,

A handwritten signature in cursive script that reads "Christy J. Blackburn".

Christy J. Blackburn
5319 Ponderosa Drive
Columbus, Ohio 43231

Enclosure

Petitions

V-14
FW-4
RM

NOTICE OF ELECTION COLS. 0189
DECLARATION OF CANDIDACY
PARTY PRIMARY ELECTION FOR DISTRICT OFFICE
000728 **State Senator or State Representative**

2014 FEB -5 PM 3:20
FRANKLIN COUNTY
BOARD OF ELECTIONS

To be filed with the Board of Elections of the most populous county or part county of the district not later than 4 p.m. of the 90th day before the day of the primary election.
Revised Code 3513.05, .07, .08, .09, .10, .191, 3501.38

NOTE - THE CANDIDATE MUST FILL IN, SIGN AND DATE THIS DECLARATION BEFORE PETITIONS ARE CIRCULATED.

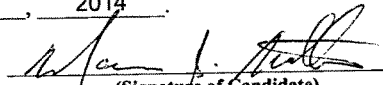
I, MARCO J MILLER, the undersigned, hereby declare under penalty of election falsification that my voting residence address is 6293 BALLMER RD, CANAL WINCHESTER, Ohio 43110, and I am a qualified elector.
(Name of Candidate) (Street and Number, if any, or Rural Route Number) (City or Village) (Zip Code)

I hereby declare that I desire to be a candidate for nomination to the office of STATE SENATOR as a member of the DEMOCRAT Party from the 3RD STATE SENATE District for the:
(Number of District) (State Representative or State Senate)

(check one box and fill in the appropriate date) full term commencing 01/01/2015, or unexpired term ending _____, at the primary election to be held on the 06 day of MAY, 2014.

I hereby declare that, if elected to this office or position, I will qualify therefor, and I will support and abide by the principles enunciated by the DEMOCRAT Party.

Dated this 04 day of FEBRUARY, 2014.

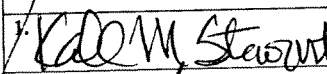

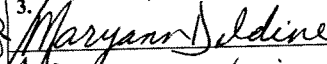
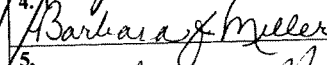
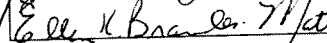

(Signature of Candidate)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE
PETITION FOR CANDIDATE

(This petition shall be circulated only by a member of the same political party as stated above by the candidate)

We, the undersigned qualified electors of the State of Ohio, whose voting residence is in the county, city, village, or township, set opposite our names, and members of the DEMOCRAT Party, hereby certify that MARCO J MILLER, whose declaration of candidacy is filed herewith, is in our opinion, well qualified to perform the duties of the office or position to which the person desires to be elected.
(Name of Candidate)

Signatures on this petition should be from only one county and must be written in ink. Signatures on this petition shall be of persons who are of the same political party as stated above by the candidate.

SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE, OR TOWNSHIP	COUNTY	DATE OF SIGNING
	6344 Winchester Pike	Canal Winchester	Franklin	2/4/14
	4495 KATHERINE COLUMBUS	Madison Twp Franklin	Franklin	2-4-14
	4495 Katherine Columbus, Oh	Madison Twp Franklin	Franklin	2/4/14
	6293 Ballmer Rd.	Canal Winchester	Franklin	2/4/14
	6468 Kelsey Ct	Canal Winchester	Franklin	2/4/14

SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE, OR TOWNSHIP	COUNTY	DATE OF SIGNING
6. <i>Jeffrey Hammond</i>	6476 Kelsey Court Canal Winchester, OH	Canal Winchester OH 43110	Franklin	02/4/14
7. <i>Michael Shank II</i>	6431 Whims Rd Canal Winchester	Canal Winchester OH 43110	Franklin	2-4-14
8. <i>Debra R. Rhoad</i>	6375 Whims Rd Canal Winchester	Canal Winchester Ohio 43110	Franklin	02/04/14
9. <i>St. Thomas</i>	6114 ... Canal Winchester	Canal Winchester OH 43110	Franklin	2/4/14
10. <i>Lynne A. Cito</i>	6114 ... Canal Winchester	Canal Winchester OH 43110	Franklin	2-4-14
11. <i>Ruthie ...</i>	6098 Murphy Rd Canal Winchester	Canal Winchester	Franklin	2/4/14
12. <i>Beverly Jolley</i>	10076 ... Canal Winchester	Canal Winchester	Franklin	2/4/14
13. <i>Edward Stewart</i>	6058 ... Franklin	Franklin	Franklin	2/4/14
14. <i>...</i>	6045 ... Franklin	Franklin	Franklin	2/4/14
15. <i>...</i>	170 Green Ave Groveport	Groveport OH 43125	Franklin	2-4-14
16. <i>...</i>	170 Green Avenue Groveport	Groveport, OH 43125	Franklin	2-4-14
17. <i>Gloria Cunningham</i>	6452 KELSEY CANAL WINCHESTER	CANAL WINCHESTER	FRANKLIN	2/4/14
18. <i>...</i>	6420 KELSEY CT. CANAL WINCHESTER	CANAL WINCHESTER 43110	FRANKLIN	2-4-14

CIRCULATOR STATEMENT – Must be completed and signed by circulator.

I, Mauro Miller, declare under penalty of election falsification that I reside
 (Printed Name of Circulator)
 at the address appearing below my signature; that I am a member of the DEMOCRAT Party;
 that I am the circulator of the foregoing petition containing 18 signatures; that I witnessed
 (Number)
 the affixing of every signature; that all signers were to the best of my knowledge and belief qualified to
 sign; and that every signature is to the best of my knowledge and belief the signature of the person
 whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the
 Revised Code.

Mauro Miller
 (Signature of Circulator)

6293 Ballman Rd
 (Permanent residence address)

Canal Winchester, OH 43110
 (City or Village, State and Zip Code)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE

County Board of Elections
 Form 2-F – Declaration of Candidacy of

Candidate for _____

Filed _____

Certificate of Validity
 REVISED CODE 3501.11

We, the undersigned members of the Board of Elections of this county, certify that we have reviewed and examined the foregoing petition and find it to be sufficient and valid, and caused our signatures and official seal to be

Affixed at _____, Ohio,
 This _____ day of _____,

Chairperson _____

Member _____

Member _____

Member _____

Member _____

Director _____ (seal)

V-15
FW3
JTM

STATE OF OHIO
BOARD OF ELECTIONS
DECLARATION OF CANDIDACY
PARTY PRIMARY ELECTION FOR DISTRICT OFFICE
000729 State Senator or State Representative 2014 FEB -5 PM 3:20

To be filed with the Board of Elections of the most populous county or part county of the district not later than 4 p.m. of the 90th day before the day of the primary election.
Revised Code 3513.05, .07, .08, .09, .10, .191, 3501.38

NOTE - THE CANDIDATE MUST FILL IN, SIGN AND DATE THIS DECLARATION BEFORE PETITIONS ARE CIRCULATED.

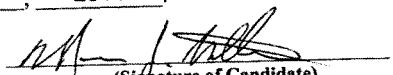
I, MARCO J MILLER, the undersigned, hereby declare under penalty of election falsification that my voting residence address is 6293 BALLMER RD, CANAL WINCHESTER, Ohio 43110, and I am a qualified elector.
(Name of Candidate) (Street and Number, if any, or Rural Route Number) (City or Village) (Zip Code)

I hereby declare that I desire to be a candidate for nomination to the office of STATE SENATOR as a member of the DEMOCRAT Party from the 3RD STATE SENATE District for the:
(Number of District) (State Representative or State Senate)

(check one box and fill in the appropriate date) full term commencing 01/01/2015, or unexpired term ending _____, at the primary election to be held on the 06 day of MAY, 2014.

I hereby declare that, if elected to this office or position, I will qualify therefor, and I will support and abide by the principles enunciated by the DEMOCRAT Party.

Dated this 04 day of FEBRUARY, 2014.

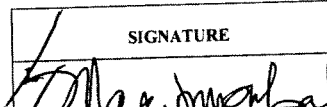
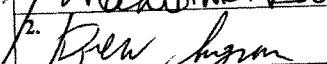

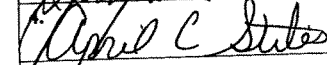


(Signature of Candidate)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE
PETITION FOR CANDIDATE

(This petition shall be circulated only by a member of the same political party as stated above by the candidate)

We, the undersigned qualified electors of the State of Ohio, whose voting residence is in the county, city, village, or township, set opposite our names, and members of the DEMOCRAT Party, hereby certify that MARCO J MILLER, whose declaration of candidacy is filed herewith, is in our opinion, well qualified to perform the duties of the office or position to which the person desires to be elected.
(Name of Candidate)

Signatures on this petition should be from only one county and must be written in ink. Signatures on this petition shall be of persons who are of the same political party as stated above by the candidate.

SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE, OR TOWNSHIP	COUNTY	DATE OF SIGNING
	6396 Kelsey Ct	Canal Winchester	Franklin	2/4/14
	6460 Kelsey Ct.	Canal Winchester	Franklin	2/4/14
	6411 Kelsey Ct	Canal Winchester	Franklin	2/4/14
	6411 Kelsey Ct	Canal Winchester	Franklin	2/4/14
	6451 Kelsey Ct	Canal Winchester	Franklin	2/4/14

SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE, OR TOWNSHIP	COUNTY	DATE OF SIGNING
<i>Pamela Saunders</i>	6285 Ballmer Rd	Canal Winchester	Franklin	2-5-14
<i>Jameson Bol</i>	4984 Brice Meadow	Canal Winchester	Franklin	2-5-14
<i>Beverly Bondar</i>	6360 Brice Walk	Canal Winchester	Franklin	2-5-14
<i>Joni Smith</i>	6392 Brice Dale	Canal Winchester	Franklin	2-5-14
<i>Patricia Holt</i>	6385 Brice Dale	Canal Winchester	Franklin	2/5/14
<i>[Signature]</i>	6401 Brice Dale Dr	Canal Winchester	Franklin	2-5-14
<i>Monterell Payne</i>	6272 Falla	Canal Winchester	Franklin	2-5-14
<i>Ashley Magun</i>	4407 Brice Dale	Canal Winchester	Franklin	2-5-14
<i>[Signature]</i>	6456 Brice Dale	Canal Winchester	Franklin	2-5-14
<i>[Signature]</i>	4926 Brice Cr.	CW	Franklin	2-5-14
<i>[Signature]</i>	4934 Brice Cr.	CW	Franklin	2-5-14
<i>[Signature]</i>	6459 Kelsey Ct	CW	Franklin	2-5-14
<i>[Signature]</i>	6404 Kelsey Ct	CW	Franklin	2-5-14

CIRCULATOR STATEMENT - Must be completed and signed by circulator.

I, Max Miller, declare under penalty of election falsification that I reside
(Printed Name of Circulator)
at the address appearing below my signature; that I am a member of the DEMOCRAT Party;
that I am the circulator of the foregoing petition containing 18 signatures; that I witnessed
(Number)
the affixing of every signature; that all signers were to the best of my knowledge and belief qualified to
sign; and that every signature is to the best of my knowledge and belief the signature of the person
whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the
Revised Code.

[Signature]
(Signature of Circulator)

6293 Ballmer Rd
(Permanent residence address)

Canal Winchester, Ohio 43110
(City or Village, State and Zip Code)

**WHOEVER COMMITS ELECTION
FALSIFICATION IS GUILTY OF A
FELONY OF THE FIFTH DEGREE**

County Board of Elections
Form 2-F - Declaration of Candidacy of

Candidate for _____

Filed _____

Certificate of Validity
REVISED CODE 3501.11

We, the undersigned members of the Board of Elections of this county, certify that we have reviewed and examined the foregoing petition and find it to be sufficient and valid, and caused our signatures and official seal to be

Affixed at _____, Ohio,
This _____ day of _____,

Chairperson _____

Member _____

Member _____

Member _____

Member _____

Member _____

Director _____ (seal)

V-1
IV-6
FM

Ref. No.: 222214020

Form No. 2-F Prescribed by Secretary of State (06-10)

BOARD OF ELECTIONS
COLS., OHIO

DECLARATION OF CANDIDACY

PARTY PRIMARY ELECTION FOR DISTRICT OFFICE FEB -5 PM 3:20
State Senator or State Representative

To be filed with the Board of Elections of the most populous county or part county of the State of Ohio on or before 3:00 p.m. of the 90th day before the day of the primary election.
Revised Code 3513.05, .07, .08, .09, .10, .191, 3501.38

NOTE - THE CANDIDATE MUST FILL IN, SIGN AND DATE THIS DECLARATION BEFORE PETITIONS ARE CIRCULATED.

I, MARCO J MILLER, the undersigned, hereby declare under penalty of election falsification that my voting residence address is 6293 BALLMER RD, CANAL WINCHESTER, Ohio 43110, and I am a qualified elector.
(Name of Candidate) (Street and Number, if any, or Rural Route Number) (City or Village) (Zip Code)

I hereby declare that I desire to be a candidate for nomination to the office of STATE SENATOR as a member of the DEMOCRAT Party from the 3RD STATE SENATE District for the: (Number of District) (State Representative or State Senate)

(check one box and fill in the appropriate date) full term commencing 01/01/2015, or unexpired term ending 06 day of MAY, 2014.

I hereby declare that, if elected to this office or position, I will qualify therefor, and I will support and abide by the principles enunciated by the DEMOCRAT Party.

Dated this 04 day of FEBRUARY, 2014.

[Signature]
(Signature of Candidate)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE
PETITION FOR CANDIDATE

(This petition shall be circulated only by a member of the same political party as stated above by the candidate)

We, the undersigned qualified electors of the State of Ohio, whose voting residence is in the county, city, village, or township, set opposite our names, and members of the DEMOCRAT Party, hereby certify that MARCO J MILLER, whose declaration of candidacy is filed herewith, is in our opinion, well qualified to perform the duties of the office or position to which the person desires to be elected.
(Name of Candidate)

Signatures on this petition should be from only one county and must be written in ink. Signatures on this petition shall be of persons who are of the same political party as stated above by the candidate.

SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE, OR TOWNSHIP	COUNTY	DATE OF SIGNING
1. <u>al effle</u>	<u>438 Coronation</u>	<u>Gahanna</u>	<u>Prkln</u>	<u>2/5/14</u>
2. <u>[Signature]</u>	<u>[Address]</u>	<u>[City]</u>		
<u>[Signature]</u>	<u>512 CORONATION AVE</u>	<u>GAHANNA</u>	<u>FRANKLIN</u>	<u>2/5/14</u>
<u>[Signature]</u>	<u>348 EMPIRE DR</u>	<u>GAHANNA</u>	<u>FRANKLIN</u>	<u>2/5/14</u>
<u>Albu Howell</u>	<u>348 EMPIRE DR.</u>	<u>Gahanna</u>	<u>Franklin</u>	<u>2/5/14</u>

	SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE, OR TOWNSHIP	COUNTY	DATE OF SIGNING
6.	<i>[Signature]</i>	486 Daveney	Gahanna	Franklin	2/5/14
7.	<i>[Signature]</i>	546 Daveney	"	"	2/5/14
8.	<i>[Signature]</i>	546 Daveney	"	"	2/5/14
9.	<i>[Signature]</i>	89 CROWN Hill Ct	GAHANNA	FRANKLIN	2-5-14
10.	<i>[Signature]</i>	275 Imperial Dr	Gahanna	Franklin	2-5-14
11.	<i>[Signature]</i>	313 IMPERIAL DR	GAHANNA	FRANKLIN	2-5-14
12.	<i>[Signature]</i>	271 NECLINTON RD	GAHANNA	FRANKLIN	2-5-14
13.	<i>[Signature]</i>	275 Ausworth Dr	Gahanna	Franklin	2-5-2014
14.	<i>[Signature]</i>	247 Thistlethorn Ave	Gahanna	Franklin	2/5/14
15.	<i>[Signature]</i>	836 Mc Dowell Dr	Gahanna	"	"
16.	<i>[Signature]</i>	910 Ridgeman Rd	Gahanna	"	"
17.	<i>[Signature]</i>	971 Ridgeman Rd	Gahanna	"	"
18.	<i>[Signature]</i>	913 N. Stuyler Rd	Gahanna	Franklin	2-5-14

CIRCULATOR STATEMENT - Must be completed and signed by circulator.

I, RYAN MONELL, declare under penalty of election falsification that I reside
(Printed Name of Circulator)
 at the address appearing below my signature; that I am a member of the DEMOCRAT Party;
 that I am the circulator of the foregoing petition containing 17 signatures; that I witnessed
(Number)
 the affixing of every signature; that all signers were to the best of my knowledge and belief qualified to
 sign; and that every signature is to the best of my knowledge and belief the signature of the person
 whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the
 Revised Code.

[Signature]
(Signature of Circulator)

1278 CARNOUSTIE CIRCLE
(Permanent residence address)

GROVE CITY, OH 43123
(City or Village, State and Zip Code)

**WHOEVER COMMITS ELECTION
 FALSIFICATION IS GUILTY OF A
 FELONY OF THE FIFTH DEGREE**

County Board of Elections
 Form 2-F - Declaration of Candidacy of

Candidate for _____

Filed _____

Certificate of Validity
 REVISED CODE 3501.11

We, the undersigned members of the Board of Elections of this county, certify that we have reviewed and examined the foregoing petition and find it to be sufficient and valid, and caused our signatures and official seal to be

Affixed at _____, Ohio,
 This _____ day of _____

Chairperson _____

Member _____

Member _____

Member _____

Member _____

Member _____

Director _____ (seal)

V-6
IV-4
JAM

DECLARATION OF CANDIDACY
PARTY PRIMARY ELECTION FOR DISTRICT OFFICE
 State Senator or State Representative

To be filed with the Board of Elections of the most populous county or part county of the district not later than 7 p.m. of the 90th day before the day of the primary election.
 Revised Code 3513.05, .07, .08, .09, .10, .191, 3501.38

NOTE - THE CANDIDATE MUST FILL IN, SIGN AND DATE THIS DECLARATION BEFORE PETITIONS ARE CIRCULATED.

I, MARCO J MILLER, the undersigned, hereby declare under penalty of election falsification that my voting residence address is 6293 BALLMER RD, CANAL WINCHESTER, Ohio 43110, and I am a qualified elector.
 (Name of Candidate) (Street and Number, if any, or Rural Route Number) (City or Village) (Zip Code)

I hereby declare that I desire to be a candidate for nomination to the office of STATE SENATOR as a member of the DEMOCRAT Party from the 3RD STATE SENATE District for the: (Number of District) (State Representative or State Senate)

(check one box and fill in the appropriate date) full term commencing 01/01/2015, or unexpired term ending 06 day of MAY, 2014.

I hereby declare that, if elected to this office or position, I will qualify therefor, and I will support and abide by the principles enunciated by the DEMOCRAT Party.

Dated this 04 day of FEBRUARY, 2014.

[Signature]
 (Signature of Candidate)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE
PETITION FOR CANDIDATE

(This petition shall be circulated only by a member of the same political party as stated above by the candidate)

We, the undersigned qualified electors of the State of Ohio, whose voting residence is in the county, city, village, or township, set opposite our names, and members of the DEMOCRAT Party, hereby certify that MARCO J MILLER, whose declaration of candidacy is filed herewith, is in our opinion, well qualified to perform the duties of the office or position to which the person desires to be elected.
 (Name of Candidate)

Signatures on this petition should be from only one county and must be written in ink. Signatures on this petition shall be of persons who are of the same political party as stated above by the candidate.

SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE, OR TOWNSHIP	COUNTY	DATE OF SIGNING
<i>[Signature]</i>	4310 Briar Dale Dr	Canal Winchester 43110	Franklin	2/5/14
<i>[Signature]</i>	275 Green Ave.	Groveport 43125	Franklin	2/5/14
<i>[Signature]</i>	213 Green Ave	Groveport 43125	Franklin	2/5/14
<i>[Signature]</i>	223 Green Ave	Groveport 43125	Franklin	2/5/14
<i>[Signature]</i>	162 Green Ave	Groveport 43125	Franklin	2/5/14

	SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE, OR TOWNSHIP	COUNTY	DATE OF SIGNING
6.	<i>[Signature]</i>	427 TALLMAN ST.	GROVEPORT	FRANKLIN	2/5/14
7.	Diane A. Knode	427 Tallman St	Groveport	Franklin	2/5/14
8.	Robert Justus	4115 Tallman St	Groveport	Franklin	2/5/14
9.	Christina [unclear]	6084 North Bend	Canal Winchester	Franklin	2/5/14
10.	Shannon [unclear]	6091 North Bend	Canal Winchester	Franklin	2/5/14
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					

CIRCULATOR STATEMENT – Must be completed and signed by circulator.

I, Marco Miller, declare under penalty of election falsification that I reside
(Printed Name of Circulator)
 at the address appearing below my signature; that I am a member of the DEMOCRAT Party;
 that I am the circulator of the foregoing petition containing 10 signatures; that I witnessed
(Number)
 the affixing of every signature; that all signers were to the best of my knowledge and belief qualified to
 sign; and that every signature is to the best of my knowledge and belief the signature of the person
 whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the
 Revised Code.

[Signature]
(Signature of Circulator)

6293 Ballman Rd.
(Permanent residence address)

Canal Winchester, Ohio 43110
(City or Village, State and Zip Code)

**WHOEVER COMMITS ELECTION
 FALSIFICATION IS GUILTY OF A
 FELONY OF THE FIFTH DEGREE**

County Board of Elections
 Form 2-F – Declaration of Candidacy of

Candidate for _____

Filed _____

Certificate of Validity
 REVISED CODE 3501.11

We, the undersigned members of the Board of Elections of this county, certify that we have reviewed and examined the foregoing petition and find it to be sufficient and valid, and caused our signatures and official seal to be

Affixed at _____, Ohio,
 This _____ day of _____

Chairperson _____
 Member _____
 Member _____
 Member _____
 Member _____
 Director _____

(seal)

SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE, OR TOWNSHIP	COUNTY	DATE OF SIGNING
<i>[Signature]</i>	2898 Braden Way	Blacklick,	Franklin	2/5/14
<i>[Signature]</i>	6293 Colman rd	Cardwell	Fulton	2/5/14
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				

CIRCULATOR STATEMENT – Must be completed and signed by circulator.

I, *HEARSH BISHOP*, declare under penalty of election falsification that I reside
 (Printed Name of Circulator)
 at the address appearing below my signature; that I am a member of the DEMOCRAT Party;
 that I am the circulator of the foregoing petition containing 7 signatures; that I witnessed
 (Number)
 the affixing of every signature; that all signers were to the best of my knowledge and belief qualified to sign; and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code.

[Signature]
 (Signature of Circulator)

2902 Bremen Way
 (Permanent residence address)

Springville Ohio 43004
 (City or Village, State and Zip Code)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE

County Board of Elections
 Form 2-F – Declaration of Candidacy of

Candidate for _____

Filed _____

Certificate of Validity
 REVISED CODE 3501.11

We, the undersigned members of the Board of Elections of this county, certify that we have reviewed and examined the foregoing petition and find it to be sufficient and valid, and caused our signatures and official seal to be

Affixed at _____, Ohio,
 This _____ day of _____

Chairperson _____

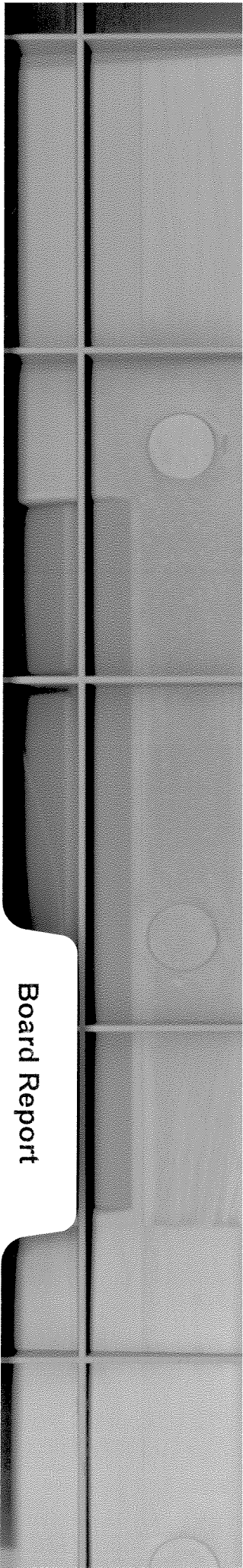
Member _____

Member _____

Member _____

Member _____

Director _____ (seal)



Board Report

FRANKLIN COUNTY BOARD OF ELECTIONS
MILLERFORD - ST SENATE 3RD (D)

NO	PETITION NO	PAGE	LINE NO	STATUS	LOCAL ID	VALIDATION OR LAST SEARCH INFO
244366	00728	1	1	VALID SIGNATURE	03015422	STEWART, KATHERINE M. 6344 WINCHESTER PIKE CANAL WINCHESTER OH 43232
244366	00728	1	2	OC/OD - OUT CNTY/DISTRICT	773499474	DILDINE, EDWARD B. 4495 KATHERINE RD COLUMBUS OH 43232
244366	00728	1	3	OP - OPPOSITE PARTY	910450587	DILDINE, MARY A. 4495 KATHERINE RD COLUMBUS OH 43232
244366	00728	1	4	VALID SIGNATURE	771621221	MILLER, BARBARA J. 6293 BALLMER RD CANAL WINCHESTER OH 43110
244366	00728	1	5	VALID SIGNATURE	921020511	BRANDES MATTINGLY, ELLEN K. 6468 KELSEY CT CANAL WINCHES
244366	00728	1	6	VALID SIGNATURE	05002125	HAMMOND, TIFFANY R. 6476 KELSEY CT CANAL WINCHESTER OH 4
244366	00728	1	7	VALID SIGNATURE	01006707	THORNTON, MICHAEL M. II 6431 WHIMS RD CANAL WINCHESTER OH
244366	00728	1	8	VALID SIGNATURE	97009672	MACK, SHAWNTA R. 6375 WHIMS RD CANAL WINCHESTER OH 4311
244366	00728	1	9	VALID SIGNATURE	07000051	CITRO, WILLIAM 6114 MURPHYS POND RD CANAL WINCHESTER OH
244366	00728	1	10	VALID SIGNATURE	070000504	CITRO, LYNDA A. 6114 MURPHYS POND RD CANAL WINCHESTER OH
244366	00728	1	11	VALID SIGNATURE	80057163	JEFFERS, KATHLEEN M. 6098 MURPHYS POND RD CANAL WINCHES
244366	00728	1	12	VALID SIGNATURE	040254391	JOLLEY, BEVERLY S. 6076 MURPHYS POND RD CANAL WINCHESTE
244366	00728	1	13	NG - NOT GENUINE	772663297	STEWART, EDWARD E. 6058 GREEN BAY CT CANAL WINCHESTER C
244366	00728	1	14	VALID SIGNATURE	81004958	TOLBERT, ROBERT S. 6085 GREEN BAY CT CANAL WINCHESTER OH
244366	00728	1	15	VALID SIGNATURE	890194777	MARBURGER, BRAD A. 170 GREEN AVE GROVEPORT OH 43125
244366	00728	1	16	VALID SIGNATURE	040255794	MARBURGER, AMIE M. 170 GREEN AVE GROVEPORT OH 43125
244366	00728	1	17	VALID SIGNATURE	80057064	CUNNINGHAM, GLORIA L. 6452 KELSEY CT CANAL WINCHESTER OH
244366	00728	1	18	OP - OPPOSITE PARTY	00000089	HERRON, DENNIS J. JR 6420 KELSEY CT CANAL WINCHESTER OH 4
244367	00729	1	1	VALID SIGNATURE	080111711	MBAH, MAXIMUS C. 6396 KELSEY CT CANAL WINCHESTER OH 43111
244367	00729	1	2	VALID SIGNATURE	10001925	INGRAM, DREW M. 6460 KELSEY CT CANAL WINCHESTER OH 43110
244367	00729	1	3	VALID SIGNATURE	04020943	STILES, LARRY D. 6411 KELSEY CT CANAL WINCHESTER OH 43110
244367	00729	1	4	VALID SIGNATURE	04021724	STILES, APRIL C. 6411 KELSEY CT CANAL WINCHESTER OH 43110
244367	00729	1	5	VALID SIGNATURE	930039041	WARD, DARRYL D. 6451 KELSEY CT CANAL WINCHESTER OH 43110
244367	00729	1	6	VALID SIGNATURE	82038895	SAUNDERS, PAMELA A. 6285 BALLMER RD CANAL WINCHESTER OH
244367	00729	1	7	VALID SIGNATURE	13000376	BAH, MAMADOU Y. 4984 BRICE MEADOW DR CANAL WINCHESTER C
244367	00729	1	8	VALID SIGNATURE	910286361	POINDEXTER, BEVERLY A. 6360 BRICE DALE DR CANAL WINCHESTER

FRANKLIN COUNTY BOARD OF ELECTIONS

MILLERF000000 - ST SENATE 3RD (D)

PETITION

NO

PAGE

LINE

NO

STATUS

LOCAL ID VALIDATION OR LAST SEARCH INFO

PETITION NO	PAGE	LINE NO	STATUS	LOCAL ID VALIDATION OR LAST SEARCH INFO	
244367	00729	1	9	VALID SIGNATURE	01007977E FAULK, TANYA R. 6392 BRICE DALE DR CANAL WINCHESTER OH 43
244367	00729	1	10	VALID SIGNATURE	12006492C ORTON, ELGIN 6385 BRICE DALE DR CANAL WINCHESTER OH 4311
244367	00729	1	11	VALID SIGNATURE	080063944 BAUMAN, JENNIFER A. 6401 BRICE DALE DR CANAL WINCHESTER C
244367	00729	1	12	NR - NOT REGISTERED	
244367	00729	1	13	VALID SIGNATURE	130017847 MAGRUM, ASHLEY L. 6401 BRICE DALE DR CANAL WINCHESTER OH
244367	00729	1	14	VALID SIGNATURE	12000666C ALLEN, TERRANCE T. 6456 BRICE DALE DR CANAL WINCHESTER OH
244367	00729	1	15	NR - NOT REGISTERED	4926 BRICE CREEK DR
244367	00729	1	16	NR - NOT REGISTERED	4934 BRICE CREEK DR
244367	00729	1	17	VALID SIGNATURE	82037164E PAYNE, JEFFREY L. SR 6444 KELSEY CT CANAL WINCHESTER OH 4
244367	00729	1	18	VALID SIGNATURE	02010219E SWINT, NICHOLAS J. 6404 KELSEY CT CANAL WINCHESTER OH 431
244368	00730	1	1	VALID SIGNATURE	000003624 EFFLER, ALFRED W. 458 CORONATION AVE GAHANNA OH 43230
244368	00730	1	3	VALID SIGNATURE	04025764I PHARES, SEAN R. 512 CORONATION AVE GAHANNA OH 43230
244368	00730	1	4	VALID SIGNATURE	12001367E HURRELL, MATTHEW C. 348 EMPIRE DR GAHANNA OH 43230
244368	00730	1	5	VALID SIGNATURE	10000323E BEYER, CHLOE M. 348 EMPIRE DR GAHANNA OH 43230
244368	00730	1	6	VALID SIGNATURE	08002697E MILLER, JENNIFER E. 486 DAVENTRY LN GAHANNA OH 43230
244368	00730	1	7	VALID SIGNATURE	00005850E LONGFELLOW, ROGER D. JR 546 DAVENTRY LN GAHANNA OH 4323
244368	00730	1	8	NR - NOT REGISTERED	
244368	00730	1	9	VALID SIGNATURE	96037088E OMERZU, SONJA R. 89 CROWN HILL CT GAHANNA OH 43230
244368	00730	1	10	NR - NOT REGISTERED	275 IMPERIAL DR
244368	00730	1	11	VALID SIGNATURE	12008425C TIMMONS, JAMES A. 343 IMPERIAL DR GAHANNA OH 43230
244368	00730	1	12	OP - OPPOSITE PARTY	960798374 MARKLEY, JERRY M. 271 REGENTS RD GAHANNA OH 43230
244368	00730	1	13	VALID SIGNATURE	80101655C MAUCH, JAMES M. 275 AINSWORTH AVE GAHANNA OH 43230
244368	00730	1	14	OP - OPPOSITE PARTY	03017070E KINDER, AMY S. 299 AINSWORTH AVE GAHANNA OH 43230
244368	00730	1	15	VALID SIGNATURE	77180193E BOYCE, DONNA J. 836 MCDONELL DR GAHANNA OH 43230
244368	00730	1	16	VALID SIGNATURE	88016717E NAROUIZ, CAROLE A. 910 RIDENOUR RD GAHANNA OH 43230
244368	00730	1	17	PS - PRINTED SIGNATURE	10000007E DOMBROWSKI, STEPHANIE N. 971 RIDENOUR RD GAHANNA OH 432

FRANKLIN COUNTY BOARD OF ELECTIONS

MILLER, ROBERTO - ST SENATE 3RD (D)

PETITION NO	PAGE NO	LINE NO	STATUS	LOCAL ID	VALIDATION OR LAST SEARCH INFO
244368	00730	1	18	PS - PRINTED SIGNATURE	04026026C GILBERT, LAUREN R. 918 N STYGLER RD GAHANNA OH 43230
244369	00731	1	1	VALID SIGNATURE	00000415Z IRVINE, TAWANA M. 6360 BRICE DALE DR CANAL WINCHESTER OH
244369	00731	1	2	OP - OPPOSITE PARTY	03014941E WRIGHT, CHRISTINA A. 275 GREEN AVE GROVEPORT OH 43125
244369	00731	1	3	VALID SIGNATURE	91015742I MANTLE, MICHAEL C. 223 GREEN AVE GROVEPORT OH 43125
244369	00731	1	4	VALID SIGNATURE	04022132E ANDERSON, KRISTEN L. 223 GREEN AVE GROVEPORT OH 43125
244369	00731	1	5	VALID SIGNATURE	99014725E SALVA, MARK T. 162 GREEN AVE GROVEPORT OH 43125
244369	00731	1	6	VALID SIGNATURE	82013786C KNODE, ROBERT W. 427 TALLMAN ST GROVEPORT OH 43125
244369	00731	1	7	VALID SIGNATURE	93017329E KNODE, DIANE A. 427 TALLMAN ST GROVEPORT OH 43125
244369	00731	1	8	PS - PRINTED SIGNATURE	88037245I JUSTUS, ROBERT J. 415 TALLMAN ST GROVEPORT OH 43125
244369	00731	1	9	PS - PRINTED SIGNATURE	84013002E KNIGHTSTEP, CHRISTINA L. 6084 NORTHBEND DR CANAL WINCHES
244369	00731	1	10	PS - PRINTED SIGNATURE	920852777 JOHNSON, SHANNON J. 6091 NORTHBEND DR CANAL WINCHESTER
244370	00732	1	1	NG - NOT GENUINE	960427317 BISHOFF, HEATHER M. 2902 BRADEN WAY BLACKLICK OH 43004
244370	00732	1	2	VALID SIGNATURE	96007460C BISHOFF, WILLIAM E. 2902 BRADEN WAY BLACKLICK OH 43004
244370	00732	1	3	VALID SIGNATURE	90018533C WHITE, CHRISTINE L. 1179 POPPY HILLS DR BLACKLICK OH 43004
244370	00732	1	4	VALID SIGNATURE	840607571 HILL, MARY C. 1197 POPPY HILLS DR BLACKLICK OH 43004
244370	00732	1	5	VALID SIGNATURE	81001775C HILL, KENNETH E. 2898 BRADEN WAY BLACKLICK OH 43004
244370	00732	1	6	VALID SIGNATURE	99014546E HILL, ROBIN K. 2898 BRADEN WAY BLACKLICK OH 43004
244370	00732	1	7	VALID SIGNATURE	77162128C MILLER, MARCO J. 6293 BALLMER RD CANAL WINCHESTER OH 43125

Directive 2014-4-02



Jon Husted
Ohio Secretary of State

180 East Broad Street, 16th Floor
Columbus, Ohio 43215
Tel: (877) 767-6446 Fax: (614) 644-0649
www.OhioSecretaryofState.gov

DIRECTIVE 2014-02

January 30, 2014

To: All County Boards of Elections
Directors, Deputy Directors, and Board Members

Re: Instructions Regarding the Examination and Verification of Petitions from Candidates for
Statewide Office

SUMMARY

This Directive provides instructions on the examination and verification of candidate petitions that have been filed with the Ohio Secretary of State for the 2014 Primary Election and transmitted to the county boards of elections for examination and verification.

In lieu of issuing a separate Directive with each candidate's petition, this Directive is intended to apply to each petition that is filed with the Ohio Secretary of State and transmitted to county boards of elections for examination and verification.

Petition examination and verification must be complete, and the certification forms sent to the Secretary of State's Office, not later than 4:00 p.m. on Friday, February 14, 2014. The original part-petitions must be returned to the Secretary of State's Office by a trackable delivery method no later than Friday, February 21, 2014.

DIRECTIONS

Please carefully read this Directive before you start examining the part-petitions sent to you by this office.

INSTRUCTIONS

I. CIRCULATORS

A. Qualifications of Circulators

- A circulator must be at least 18 years of age.¹
- A circulator does not have to be an Ohio elector or an Ohio resident.²

¹ R.C. 3503.06(C)

² *Citizens in Charge v. Husted*, Case No. 2:13-cv-00935 (S.D. Ohio, Nov. 13, 2013).

- **Each circulator must be a member of the political party named in the declaration of candidacy.**

A board of elections will determine a circulator's party affiliation as follows:

- **Not an Ohio Elector:** If the circulator is not an Ohio elector, the board of elections should accept as true the claim of political party membership that is included in the circulator's statement, unless the Board has knowledge to the contrary.
- **Ohio Elector:** An Ohio elector who circulates another person's declaration of candidacy and petition for the nomination or election at a partisan primary must not have voted in any other party's primary election in the preceding two calendar years.³ The board of elections should examine the circulator's Ohio voting history using the statewide voter registration database. If the Board determines that the circulator voted in another political party's primary election during the prior two calendar years, then the part-petition is invalid.
- **Candidate as circulator:** A candidate may circulate his/her part-petition regardless of how he/she may have voted in the prior two calendar years. If the candidate does not hold an elective office, or if the candidate holds an elective office other than one for which candidates are nominated at a party primary, the candidate does not need to file any additional forms. If the candidate holds partisan public office, the candidate can still run for office for a different party, if the candidate has filed a declaration of intent to change political party affiliation (Form 10-Y).⁴
- **Convicted felons:** Some convicted felons are prohibited from circulating petitions.⁵ State law does not require a circulator to provide key data points that constitute "satisfactory evidence" that the person that circulated a petition is the same individual who may be listed in a county's local voter registration database as cancelled due to incarceration of a felony conviction. Thus, when verifying petitions, boards of elections should presume that a circulator is qualified to circulate petitions, unless there is "satisfactory evidence" that the individual is not qualified.

³ R.C. 3513.05, ¶7

⁴ R.C. 3513.191

⁵ Ohio Attorney General Advisory Opinion 2010-02

B. Circulator's Statement on Each Part-Petition

- Must include the circulator's signature, name, address of the circulator's residence, and the name and address of the person employing the circulator to circulate the petition, if any.⁶

Note: If the circulator is a qualified elector of Ohio, there is no requirement that the address of the circulator match the address on file with the board of elections. A Board must not invalidate a part-petition solely because the address of the circulator in the circulator's statement differs from the address on file with the board of elections.

- Must include the number of signatures witnessed by the circulator.
- **If the number of signatures reported in the statement is less than** the total number of uncrossed out signatures submitted on the part-petition, then the Board must reject the entire part-petition.⁷

Example: The circulator's statement indicates 20 signatures witnessed, but there are 22 signatures on the petition, none of which were crossed out prior to the petition being filed.

- **If the number of signatures reported in the statement is equal to or greater than** the total number of signatures not crossed out on the part-petition, then the Board does not reject the part-petition because of the inconsistent signature numbers.⁸ Instead, the Board must review the validity of each signature as usual.

Example: The circulator's statement indicates that the circulator witnessed 22 signatures, but there are only 20 signatures on the petition.

II. SIGNERS

A. Qualifications of Signers

- Must be a qualified elector of Ohio.⁹
- Must be registered to vote at the address provided on the petition as of the date that the petition was filed with the Secretary of State.¹⁰

⁶ R.C. 3501.38(E)(1)

⁷ *Rust v. Lucas Cty. Bd. of Elections*, 108 Ohio St.3d 139 (2005).

⁸ *State ex rel. Citizens for Responsible Taxation v. Scioto Cty. Bd. of Elections*, 65 Ohio St.3d 167 (1992).

⁹ R.C. 3501.38(A)

¹⁰ R.C. 3501.38(A)

- Must be a member of the political party of the candidate named on the declaration of candidacy. For purposes of signing candidate petitions for these parties, the person signing is considered to be a member of a political party if the signer did not vote in any other party's primary election in the preceding two calendar years.¹¹

B. Signatures

- Each signature must be an original signature of that voter.¹²
- The signature must match the signature on file with the board of elections. A Board must not invalidate a signature because an elector signed using a derivative of his/her first name if the Board can confirm the identity of the elector.¹³ Some acceptable examples include Jack for John or Peg for Margaret. Also, inclusion or omission of a voter's middle initial is not a reason to invalidate a signature.
- For identification purposes, the elector may print his or her name on the petition *in addition* to signing in cursive his or her name to the petition. A printed signature alone, with no cursive signature, is allowed only if the elector's signature on file with the Board is also printed.¹⁴
- The signature must be written in ink.¹⁵
- An elector's signature must not be invalidated solely because "non-signature information" was completed by another person (e.g., the elector's printed name, address, county, or the date of signing). Non-signature information may be added by a person other than the elector.¹⁶
- No one may sign a petition more than once. If a person does sign a petition more than once, after the first signature has been marked valid, each successive occurrence of the signature must be invalidated.

C. Address of a Signer

- The petition must contain the elector's voting residence, including the house number and street name or Rural Free Delivery (RFD) number, and the appropriate city, village, or township.
- The elector's ward and precinct are not required.
- A post office box does not qualify as an elector's residence address.

¹¹ R.C. 3513.05, ¶7

¹² R.C. 3501.38(B)

¹³ *State ex rel. Rogers v. Taft*, 64 Ohio St.3d 193 (1992).

¹⁴ R.C. 3501.38(B), R.C. 3501.011

¹⁵ R.C. 3501.38(B)

¹⁶ *State ex rel. Jeffries v. Ryan*, 21 Ohio App.2d 241, 256 N.E.2d 716 (Ohio App. 10 Dist. 1969).

- If an elector's address given on the petition differs from that on file with the Board, then the Board must invalidate that signature unless the signer has provided the elector's residence information in a format that is consistent with postal regulations as opposed to the political subdivision on file with the board of elections (e.g., writing "Columbus" as the city when the elector's political subdivision is "Perry Township"). A Board must not reject a signature solely based on this difference.

D. Attorney in Fact

A registered elector who, by reason of disability, is unable to physically sign his or her name to a petition may authorize a qualified individual as an attorney in fact to sign the elector's name to a petition as provided in law.¹⁷

A qualified person who has been appointed as an elector's attorney in fact may sign that elector's name to the petition paper in the elector's presence and at the elector's direction.¹⁸ The Board must compare the attorney in fact's signature on the petition with the document on file with the board office (Form 10-F or 10-G).

In order to sign a petition on behalf of a registered voter as that person's attorney in fact, the Board must have a completed Form 10-F or 10-G on file. Other types of power of attorney documents, filed with a court or some other agency, will not allow an individual to sign election documents on another's behalf. The proper documentation must be on file with the board of elections.

If a person, who has not been designated the attorney in fact for elections purposes, signs another person's name to a petition, then the Board must, at a minimum, invalidate that signature. If the Board determines that the circulator knowingly allowed someone who they knew was unqualified to sign on another person's behalf, then the entire part-petition must be invalidated.¹⁹

E. Dates

Each signature must be followed by the date it was affixed to the petition paper.²⁰ The Board must not invalidate a signature solely because its date is out of sequence with other signatures on the same part-petition.

F. Illegible Signature

The Board must invalidate illegible signatures. A signature is illegible only if both the signature and address are unreadable, such that it is impossible for board

¹⁷ R.C. 3501.382

¹⁸ R.C. 3501.382

¹⁹ R.C. 3501.38(F)

²⁰ R.C. 3501.38(C)

personnel to query the board's voter registration system to check the signature against a voter registration record.²¹

G. Ditto Marks

Ditto marks may be used to indicate duplicate information, e.g., date, address, or county.²²

H. One County per Part-Petition

Each part-petition should contain signatures of electors of only one county. The Board must invalidate signatures from any other county.²³

If any part-petition contains signatures from more than one county, then the Secretary of State determines the county with the most signatures on the part-petition, and only signatures from that county are to be reviewed. If, upon review by a county board of elections, the Board believes that a part-petition was improperly forwarded to the county, the Director and Deputy Director should contact Laura Pietenpol via email to LPietenp@OhioSecretaryofState.gov for the Secretary of State's Office to review the part-petition again.

I. Non-Genuine Signatures

A board of elections must not invalidate an entire part-petition based solely on the number of non-genuine signatures it contains. Only if a circulator knowingly allows an unqualified person to sign a petition, should the entire petition be invalidated.²⁴

III. MARKING SIGNATURES

If a signature is valid, place a check mark in the margin to the left of the signature on the petition paper.

If a signature is invalid, indicate why it is invalid by writing in the margin to the left of the signature the appropriate code symbol for the reason the signature is invalid (see attached).

It is advisable to use a red ink pen for making marks by the Board.

²¹ *State ex rel. Owens v. Brunner*, 125 Ohio St.3d 130, 926 N.E.2d 617 (Ohio 2010).

²² *State ex rel. Donofrio v. Henderson*, 4 Ohio App.2d 183, 211 N.E.2d 854 (Ohio App. 7 Dist. 1965).

²³ R.C. 3513.05, ¶9

²⁴ R.C. 3501.38(F)

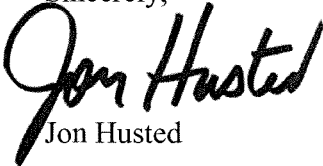
IV. CERTIFICATION

After the board staff has examined all the parts of the candidate petitions, **but no later than 4:00 p.m. on Friday, February 14, 2014**, the Director must certify the Board's findings to the Secretary of State. Once the certification form has been submitted, county boards of elections must promptly return the original part-petitions to the Secretary of State's Office, 180 East Broad Street, 15th Floor, Columbus, 43215, via a trackable delivery method no later than Friday, February 21, 2014.

A blank certification form is attached to this Directive. You must complete separate certification forms for each candidate for each office for which you are reviewing petitions. **Completed certification forms must be sent to Laura Pietenpol via electronic mail to LPietenp@OhioSecretaryofState.gov by 4:00 p.m. on Friday, February 14, 2014.**

If you have any questions concerning this Directive, please contact the Secretary of State's elections attorney assigned to your county at (614) 466-2585.

Sincerely,


Jon Husted

CERTIFICATION FORM

2014 Statewide Candidate Filing

On behalf of the County Board of Elections, I hereby certify that the numbers of valid and invalid signatures on the part-petitions for the candidate named below are as follows:

Name of candidate:

Political party:

Office sought:

	Part-Petitions	Signatures
1. Number of valid part-petitions		
2. Number of valid signatures on valid part-petitions		
3. Number of invalid signatures on valid part-petitions		
4. Number of invalid part-petitions		
5. Number of signatures on invalid part-petitions		
6. Total number of part-petitions received (valid & invalid)		
7. Total number of signatures on part-petitions (valid & invalid)		

Signed: _____

Director

Date

This certification form must be received by Laura Pietenpol via email to LPietenp@ohiosecretaryofstate.gov no later than 4 p.m. on Friday, February 14, 2014.

Please keep a copy of your completed Certification Form for your files.

CODE SYMBOLS FOR INVALIDATING SIGNATURES ON PETITIONS

Each signature must be individually examined. If a signature is valid, please place a red check mark at the left margin beside it. After checking an entire part petition, please **write** on the right side of the front page of each part petition **both the number of valid signatures** and **the initials** of the board employee who checked the part petition under the number.

If a signature is not valid, please indicate the reason for rejecting the signature by using one of the following abbreviations or, if no abbreviation applies, an explanatory notation:

- CIR Circulator signed as an elector the part petition he or she was circulating. (This invalidates the circulator's signature as a signer, but not the entire part petition.)
- DUP "Duplicate." The person has signed more than one part petition or twice on the same part petition.
- ILL "Illegible" applies only if both the signature and address are unreadable, so that it is impossible to check the signature against a voter registration record.
- NA "No address." The signer must have provided his/her complete address: house number and street name or RFD, and the appropriate city, village, or township. Failure to provide the name of the county of residence is not fatal *if* board officials can determine the county from the other information given. Ward and precinct information is not required.
- ND "No Date." The petition does not indicate the date on which the signature was affixed. (However, acceptable are: month-date-year, month-date, date out of sequence with other signers' dates, ditto marks.)
- NG "Not Genuine." The signature on the petition does not appear to be the genuine signature of the person whose signature it purports to be, compared to the signature on file with the board of elections as of the date the board checks the petition.
- NR "Not Registered." The signer is not registered to vote. Each person who signs a petition paper must be a qualified elector **as of the date the board examines the petition.**
- NRA "Not Registered Address." The address provided on the petition paper is not the address on file with the board of elections **as of the date the board examines the petition.**
- OC "Other County." The signer is a resident of some other county. **Do not cross out signature or address; instead, place code at left margin.**
- P "Pencil." The signature was written using a pencil.

If the number of signatures on a part petition is *more than* the number indicated by the circulator, **the entire** part petition is **invalid**.

When invalidating an entire part petition, please indicate the reason for rejection on the front of that part petition and separate it from any valid part petition. **Do not invalidate a part petition for the sole reason that it does not contain any valid signatures; it is a valid part petition, but it contains no ("zero") valid signatures.**

Willard Affidavit

Willard Affidavit

STATE OF OHIO)
) SS
COUNTY OF CUYAHOGA)

AFFIDAVIT

**In the Matter of:
Protest against the Candidacy of
Marco J. Miller**

Board of Elections, Franklin County

I, Vickie L. Willard, first being duly sworn, make the following statements in the matter of the Protest against the Candidacy of Marco J. Miller, Board of Elections, Franklin County, Ohio.

I am engaged in the profession of forensic document examination. I have served the legal community and law enforcement agencies for the past thirty-five years. I have had special training and education in my profession. I am Board Certified through testing by the Board of Forensic Document Examiners and the Association of Forensic Document Examiners. I have testified in state and federal courts as stated on my resume, which is attached to this affidavit as Exhibit 1.

I was retained by W. Stuart Dornette, Taft Stettinius & Hollister (Cincinnati, OH), to examine signatures on petitions. My assignment was to compare the signature on the petitions to the signatures of individuals on file with the Franklin County (OH) Board of Elections, and determine, if possible, whether the individual who signed the voter registration card also signed the petition.

The following documents were submitted for the examination and comparison.

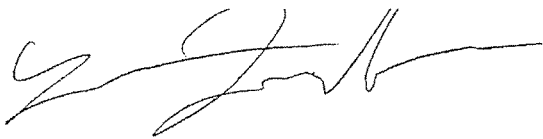
- (1) Declaration of Candidacy, Primary Party Election for District Office, state Senator or State Representative, Candidate: Marco J. Miller, dated February 4, 2014. (Reproduction) (Marked as Exhibit 2)

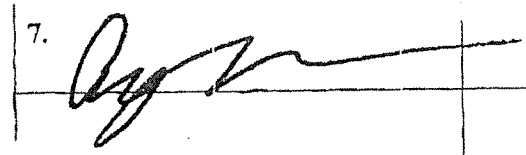
- (2) Second petition. (Reproduction) (Marked as Exhibit 3)
- (3) Signatures represented to be those of Roger D. Longfellow, Jr., Dakota Gilliam, James Timmons, Jennifer E. Miller, Michael A. Miller, Tanya Faulk, Terrance Allen and Evelyn E. Bailey were submitted in a Word file and stated to reproductions of the registration signatures on file with the Franklin County Board of Elections.
- (4) Mortgage documents for Jamie P. Faulk and Tanya R. Faulk on file in Franklin County, OH: Instrument Number 200307160216934 filed on 7/16/2003; Instrument Number 200112170292823 filed on 12/17/2001; Instrument Number 199909030225842 filed on 9/03/1999; Instrument Number 199807010164332 filed on 7/01/1998.

The results of my examination follow.

Roger D. Longfellow, Jr. - BOE Card

Petition (Item 1 - Line 7)



7. 

The illegible writing on line 7 of the petition is not recognizable as the signature of Roger D. Longfellow, Jr., based on the signature specimens on file with the Board of Elections. Both signatures are illegible patterns, but neither bear any resemblance to the other. In the BOE signature, the initial movement could be observed as the beginning of a letter "R" and instead of forming the oval portion of the letter "R" moves off in a rightward directed horizontal line. The next large pattern could be observed as a formation representing the letter "L", followed by line dipping downward in the middle of the pattern, which could represent the lower case "g" in Longfellow. This is followed by an upward movement possibly representing the letter "f", which moves slightly down,

possibly representing the lower extension of the "f", then slightly upward in a rightward horizontal line. This is an entirely different movement pattern than is observed in the signature on line 7. In my opinion, the person who wrote the Roger D. Longfellow, Jr. signature on the BOE registration form did not write the signature on line 7 of the petition.

Dakota Gilliam - BOE Card

Petition (Item 1 - Line 7)

The image shows two handwritten signatures side-by-side. On the left is a signature that appears to read "Dakota Gilliam" written on a BOE registration card. On the right is a signature on a petition line, with the number "7." written above it. The two signatures have different movement patterns, particularly in the way the letters are connected and the overall flow of the writing.

The Dakota Gilliam signature on the Board of Elections registration form contains letters in the first name, but the last name is totally illegible. Clearly, the signature on line 7 does not read "Dakota" and the movement pattern is different from that shown to represent Gilliam on the BOE registration form. In my opinion, the person who wrote the Dakota Gilliam signature on the BOE registration form did not write the signature on line 7 of the petition.

James Timmons - BOE Signature

Petition (Item 1 - Line 11)

The image shows two handwritten signatures side-by-side. On the left is a signature that appears to read "James Timmons" written on a BOE registration card. On the right is a signature on a petition line, with the number "11." written above it. The signature on the petition line shows some irregularities in line quality and spacing compared to the signature on the BOE card.

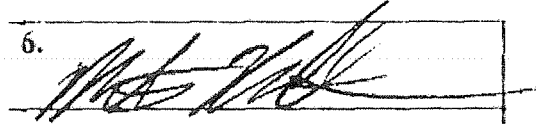
The petition signature exhibits disturbance in the line quality, clearly not present in the James Timmons signature on the BOE registration form. Given the young age of Mr. Timmons and that there is only fourteen months between the signing of the petition and the date on the Board of Elections form, there is no reasonable explanation for the differences observed absent evidence that the subject encountered a medical problem affecting his ability to write in the interim. Absent

such evidence, in my opinion, it is reasonable to conclude that the person who wrote the name James Timmons on the BOE registration form did not write the signature on line 11 of the petition.

Jennifer E. Miller - BOE Signature

Petition (Item 2 - Line 6)

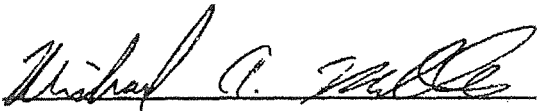


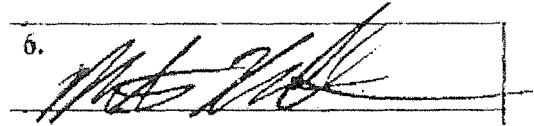
6. 

Obvious differences can be observed between the Jennifer Miller signature in the Board of Elections registration form and the signature on the petition. There is however, similarity between the petition signature and that of Michael A. Miller.

Michael A. Miller - BOE signature

Petition Signature (Item 2 - Line 6)

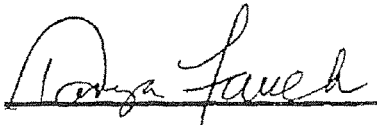


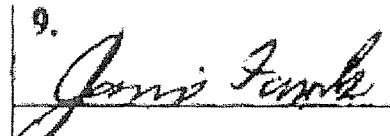
6. 

In my opinion, it is probable that the signature on the petition was written by Michael Miller.

Tanya R. Faulk - BOE Signature

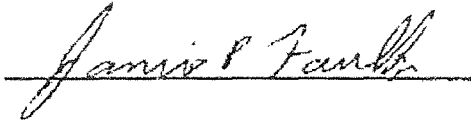
Petition (Item 2-Line 9)



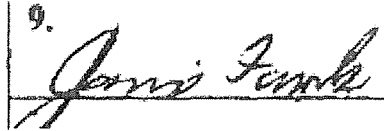
9. 

Differences can clearly be observed between the Tanya Faulk signature on the Board of Elections registration form and the signature on the petition. Although the last name is the same, first name on the petition is not Tanya. In my opinion, the person who wrote the Tanya Faulk signature on the BOA registration form did not write the signature on the petition.

Jamie P. Faulk - Mortgage Signature (2001)



Petition (Item 2 - Line 9)

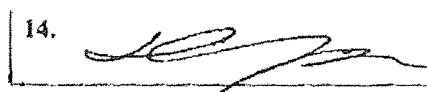


The signature on line 9 of the petition is more consistent with the signature of Jamie P. Faulk, a signer on the mortgage documents. The indications are that this individual signed the petition.

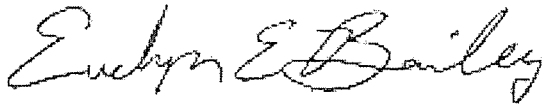
Terrance T. Allen - BOA Signature



Petition (Item 2 - Line 14)



Evelyn E. Bailey - BOA Signature



Petition (Item 2 - Line 2)



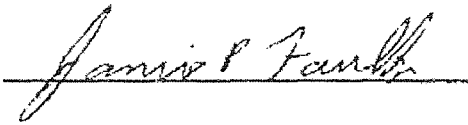
The illegible writing on line 14 of the petition bears no resemblance to the signature of Terrance Allen or Evelyn E Bailey, based on the signature specimens on file with the Board of Elections. It is my understanding that both Mr. Allan and Ms. Bailey registered with the Board in March 2012. Based on my experience, it is not reasonable to expect a signature to evolve from a legible writing to an illegible pattern bearing no resemblance to the prior signature, within such a short time span. In my opinion, the person who write the Terrance Allen and Evelyn E Bailey signature on Board of Election forms did not write the signature on line 14 of the petition.

It must be stated that anyone can write an illegible movement pattern that would not resemble their signature. However, when a signature is placed on a document it is to identify the writer, therefore, a person uses their usual and customary signature unless their intent is to disguise

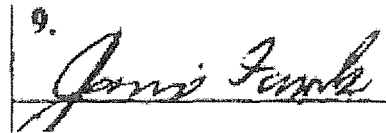
Petition Number 2

SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE, OR TOWNSHIP	COUNTY	DATE OF SIGNING
6. Pamela Saunders	6285 Ballmer Rd	Canal Winchester	Franklin	2-5-14
7. Hammond Bol	4984 Brice Meadow	Canal Winchester	Franklin	2-5-14
8. Beverly Landata	6360 Brice Dale	Canal Winchester	Franklin	2-5-14
9. Janis Foy	6392 Brice Dale	Canal Winchester	Franklin	2-5-14
10. [Signature]	6385 Brice Dale	Canal Winchester	Franklin	2/5/14
11. [Signature]	6401 Brice Dale Dr	Canal Winchester	Franklin	2-5-14
12. Monterrell Payne	6272 Falla	Canal Winchester	Franklin	2-5-14
13. Ashley Magum	6401 Brice Dale	Canal Winchester	Franklin	2-5-14
14. [Signature]	6456 Brice Dale	Canal Winchester	Franklin	2-5-14
15. [Signature]	4926 Brice Cr.	CW	Franklin	2-5-14
16. [Signature]	4934 Brice Cr.	CW	Franklin	2-5-14
17. [Signature]	6499 Kelsey Ct	CW	Franklin	2-5-14
18. [Signature]	6404 Kelsey Ct	CW	Franklin	2-5-14

Jamie P. Faulk - Mortgage Signature (2001)

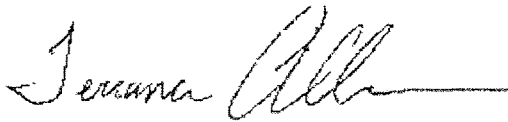


Petition (Item 2 - Line 9)

9. 

The signature on line 9 of the petition is more consistent with the signature of Jamie P. Faulk, a signer on the mortgage documents. The indications are that this individual signed the petition.


Terrance T. Allen - BOA Signature



Petition (Item 2 - Line 14)

14. 

Evelyn E. Bailey - BOA Signature



Petition (Item 2 - Line 2)

14. 

The illegible writing on line 14 of the petition bears no resemblance to the signature of Terrance Allen or Evelyn E Bailey, based on the signature specimens on file with the Board of Elections. It is my understanding that both Mr. Allan and Ms. Bailey registered with the Board in March 2012. Based on my experience, it is not reasonable to expect a signature to evolve from a legible writing to an illegible pattern bearing no resemblance to the prior signature, within such a short time span. In my opinion, the person who write the Terrance Allen and Evelyn E Bailey signature on Board of Election forms did not write the signature on line 14 of the petition.

It must be stated that anyone can write an illegible movement pattern that would not resemble their signature. However, when a signature is placed on a document it is to identify the writer, therefore, a person uses their usual and customary signature unless their intent is to disguise

their writing. Because intent cannot be determined, it is possible that someone chose to write an illegible movement rather than their usual and customary signature. In such a case, the illegible movement pattern can not be traced to its author.

This affidavit consists of 6 pages plus three exhibits.

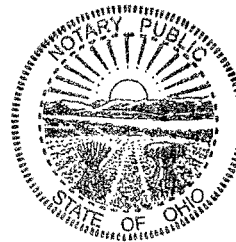
Subscribed and Sworn to on this 1st day of March, 2014.

Vickie L. Willard
Vickie L. Willard

The above named, Vickie L. Willard, personally appeared before me, a Notary Public, and, being duly sworn, signed the foregoing instrument.

In Witness Whereof, I have hereunto set my hand and official seal on this 1st day of March, 2014.

Jason Ensworth
Notary Public



JASON ENSWORTH
Notary Public, State of Ohio
My Commission Expires
November 29, 2016

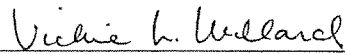
Petition Number 2

SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE, OR TOWNSHIP	COUNTY	DATE OF SIGNING
6. Pamela Saunders	6285 Ballmer Rd	Canal Winchester	Franklin	2-5-14
7. Hammond Bol	4984 Brice Meadow	Canal Winchester	Franklin	2-5-14
8. Beverly Leonard	6310 Brice Dale	Canal Winchester	Franklin	2-5-14
9. Joni Foy	6392 Brice Dale	Canal Winchester	Franklin	2-5-14
10. [Signature]	6385 Brice Dale	Canal Winchester	Franklin	2/5/14
11. [Signature]	6401 Brice Dale Dr	Canal Winchester	Franklin	2-5-14
12. Monterrell Payne	6272 Falla	Canal Winchester	Franklin	2-5-14
13. Ashley Nagum	6401 Brice Dale	Canal Winchester	Franklin	2-5-14
14. [Signature]	6456 Brice Dale	Canal Winchester	Franklin	2-5-14
15. [Signature]	4926 Brice Cr.	CW	Franklin	2-5-14
16. [Signature]	4934 Brice Cr.	CW	Franklin	2-5-14
17. Jeffrey Ray	6499 Kelsey Ct	CW	Franklin	2-5-14
18. [Signature]	6404 Kelsey Ct	CW	Franklin	2-5-14

their writing. Because intent cannot be determined, it is possible that someone chose to write an illegible movement rather than their usual and customary signature. In such a case, the illegible movement pattern can not be traced to its author.

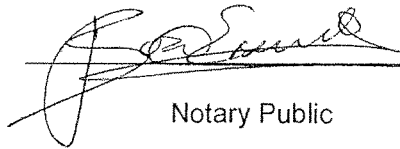
This affidavit consists of 6 pages plus three exhibits.

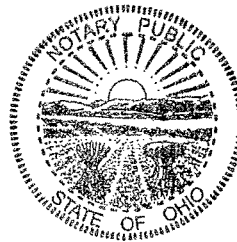
Subscribed and Sworn to on this 1st t day of March, 2014.


Vickie L. Willard

The above named, Vickie L. Willard, personally appeared before me, a Notary Public, and, being duly sworn, signed the foregoing instrument.

In Witness Whereof, I have hereunto set my hand and official seal on this 1st day of March, 2014.


Notary Public

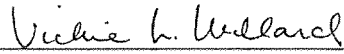


JASON ENSWORTH
Notary Public, State of Ohio
My Commission Expires
November 29, 2016

their writing. Because intent cannot be determined, it is possible that someone chose to write an illegible movement rather than their usual and customary signature. In such a case, the illegible movement pattern can not be traced to its author.

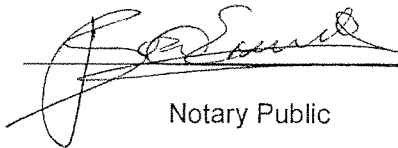
This affidavit consists of 6 pages plus three exhibits.

Subscribed and Sworn to on this 1st t day of March, 2014.


Vickie L. Willard

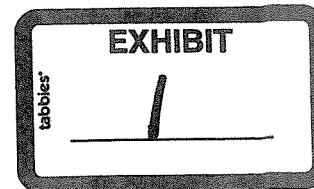
The above named, Vickie L. Willard, personally appeared before me, a Notary Public, and, being duly sworn, signed the foregoing instrument.

In Witness Whereof, I have hereunto set my hand and official seal on this 1st day of March, 2014.


Notary Public



JASON ENSWORTH
Notary Public, State of Ohio
My Commission Expires
November 29, 2016



VICKIE L. WILLARD

Forensic Document Examiner

Office: (216) 520-1520

9516 Brookside Road
Independence, OH 44131

wwillard@roadrunner.com

STATEMENT OF QUALIFICATIONS

TRAINING AND CONTINUING EDUCATION IN FORENSIC DOCUMENT EXAMINATION

Mentored and private study with qualified experienced document examiners [1975-1978]

Technical papers, workshops, classroom instruction and/or laboratory sessions sponsored by:

- Association of Forensic Document Examiners
Independent Association of Questioned Document Examiners
Co-sponsors of IAQDE conferences have included: University of Oklahoma Law Center [Oklahoma],
University of San Diego Law School [California], University of Dayton School of Law [Ohio],
Southern Methodist University School of Law [Texas]
American Academy of Forensic Sciences
FBI (and other organizations)

Presenters and participants included:

- Forensic document examiners
Ink experts
Paper chemists
Forensic photographers
Medical professionals
Attorneys and law professors
Professionals in other related fields
Technical representatives of corporations
Psychologists
Others

Subjects included: handwriting identification and comparison, hand printing examination, laboratory techniques of ink analysis, indented writing examination, detection of alterations, dating of documents, typewriting comparison and identification factors, evidence collection, admissibility of evidence, expert witness testimony, document photography, digital imaging, preparation of demonstrative evidence, and other. Instructional visits to manufacturers of paper, watermark, and rubber stamps production and crime laboratories.

Graduate of the Institute of Applied Science [1975]

Courses in criminal identification including handwriting and typewriting identification.

CERTIFICATION (by testing)

- Board Certification through the Board of Forensic Document Examiners - 2003
(The BFDE is accredited by the Forensic Specialties Accreditation Board — FSAB)
Board Certification through the Association of Forensic Document Examiners - 1991
General Certification through the Association of Forensic Document Examiners - 1987

PROFICIENCY TESTING

Participant in proficiency testing on a biennial basis since 1987.

COURT TESTIMONY

- Ohio: Common Pleas Courts of Cuyahoga Lorain, Medina, Summit, Lake, Ashtabula, Allan, Stark, Portage, Trumbull, Mahoning, Wayne, Columbiana, Huron, Delaware, and Franklin counties.
Pennsylvania: Common Pleas Court of Allegheny and Indiana Counties.
Rhode Island: Superior Court, Providence.
Kentucky: District Courts of Casey and Floyd Counties
Puerto Rico: Labor Arbitration, San Juan.
United States District Courts: Ohio and West Virginia
United States Bankruptcy Court, Northern District of Ohio.
United States Tax Court
(testified: 150+ times)

CLIENTELE

Attorneys and law firms	Insurance companies	Title agencies
County Public Defender	Financial institutions	Legal Aid Societies
Federal Public Defender	Medical institutions	
Defense Attorneys	Corporations	[and others]
Plaintiff Attorneys	Labor unions	
Law enforcement agencies	Universities	
Court appointments for indigents	Investigation and Security firms	

OPINIONS RENDERED

Signatures, handwriting, and hand printing issues on contracts, last wills, deeds, bank documents, security agreements, corporate documents, insurance forms, petitions, credit receipts, medical records, state documents, prescriptions, anonymous letters, graffiti, writer's ability to perform graphic tasks, and other.

Other issues include altered medical records and business records, erasures, obliterated writing, ink comparison, sequence of writing, deciphering illegible writing, fabricated photocopies, and other.

PROFESSIONAL AFFILIATIONS

Board of Forensic Document Examiner (BFDE)

Offices held: immediate past president, current Director

* The BFDE is accredited by the Forensic Specialties Accreditation Board (FSAB)

Association of Forensic Document Examiners (AFDE)

An international organization for document examiners

Admittance testing required

Offices held: President, Vice President, Board Member, Membership Director and chair of various committees.

American Society for Testing and Materials (ASTM)

A standards development organization whose members work to develop standards for use in commercial, legal, forensic and other professions. Member: Forensic Science Committee

Past Affiliation: Forensic Specialties Accreditation Board (FSAB)

An accreditation body that reviews and accredits certification boards in the forensic professions

FSAB board member from 2000-2007.

PRESENTATIONS

Presentations at symposiums sponsored by Association of Forensic Document Examiners. Programs on questioned document examination presented to bar associations [CLE credit], law enforcement officers, crime prevention organizations, bank personnel, criminalistics and law classes and other.

ARTICLES [published in the *Journal of Forensic Document Examination*]

Forensic Document Examination: Guidelines for Evaluating Credentials

Parkinson's Disease and Graphic Disturbance

"Marks" as Signatures [co-author]

Light and Electron Microscopy Approaches to Sequence of Writing Problems [co-author]

Guided Hand Signatures

A Study in Hand Printing

PROFESSIONAL DEVELOPMENT includes regular attendance at continuing education conferences and involvement in professional activities.

LABORATORY

Laboratory facilities for the examination of documents, including stereo microscope, magnifiers, reticles, measuring devices, special lighting, infrared spectral scanning equipment, latent image development equipment, computer digital imaging, photographic equipment for specialized document photography and preparation of court exhibits.

V-1
IV-6
FMI

DECLARATION OF CANDIDACY

PARTY PRIMARY ELECTION FOR DISTRICT OF FRANKLIN COUNTY
State Senator or State Representative

To be filed with the Board of Elections of the most populous county or part county of the State of Ohio not later than 6 p.m. of the 90th day before the day of the primary election.
Revised Code 3513.05, .07, .08, .09, .10, .191, 3501.38

NOTE - THE CANDIDATE MUST FILL IN, SIGN AND DATE THIS DECLARATION BEFORE PETITIONS ARE CIRCULATED.

I, MARCO J MILLER, the undersigned, hereby declare under penalty of election falsification that my voting residence address is 6293 BALLMER RD, CANAL WINCHESTER, Ohio 43110, and I am a qualified elector.
(Name of Candidate) (Street and Number, if any, or Rural Route Number) (City or Village) (Zip Code)

I hereby declare that I desire to be a candidate for nomination to the office of STATE SENATOR as a member of the DEMOCRAT Party from the 3RD STATE SENATE District for the:
(Number of District) (State Representative or State Senate)

(check one box and fill in the appropriate date) full term commencing 01/01/2015, or unexpired term ending _____, at the primary election to be held on the 06 day of MAY, 2014.

I hereby declare that, if elected to this office or position, I will qualify therefor, and I will support and abide by the principles enunciated by the DEMOCRAT Party.

Dated this 04 day of FEBRUARY, 2014.

[Signature]
(Signature of Candidate)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE
PETITION FOR CANDIDATE

(This petition shall be circulated only by a member of the same political party as stated above by the candidate)

We, the undersigned qualified electors of the State of Ohio, whose voting residence is in the county, city, village, or township, set opposite our names, and members of the DEMOCRAT Party, hereby certify that MARCO J MILLER, whose declaration of candidacy is filed herewith, is in our opinion, well qualified to perform the duties of the office or position to which the person desires to be elected.
(Name of Candidate)

Signatures on this petition should be from only one county and must be written in ink. Signatures on this petition shall be of persons who are of the same political party as stated above by the candidate.

SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE, OR TOWNSHIP	COUNTY	DATE OF SIGNING
<i>al effle</i>	458 Coronation	Gahanna	Franklin	2/5/14
<i>[Signature]</i>	107 Coronation	Gahanna		
<i>[Signature]</i>	512 CORONATION AVE	GAHANNA	FRANKLIN	2/5/14
<i>[Signature]</i>	348 EMPIRE DR	GAHANNA	FRANKLIN	2/5/14
<i>Albu Howell</i>	348 Empire Dr.	Gahanna	Franklin	2/5/14

SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE, OR TOWNSHIP	COUNTY	DATE OF SIGNING
<i>[Signature]</i>	486 Davenport	Gahanna	Franklin	2/5/14
<i>[Signature]</i>	396 Davenport	"	"	2/5/14
<i>[Signature]</i>	546 Davenport	"	"	2/5/14
<i>[Signature]</i>	89 Crown Hill Ct	GAHANNA	FRANKLIN	2-5-14
<i>[Signature]</i>	275 Imperial Dr	Gahanna	Franklin	2-5-14
<i>[Signature]</i>	515 IMPERIAL DR	GAHANNA	FRANKLIN	2-5-14
<i>[Signature]</i>	271 REGINIB DR	GAHANNA	FRANKLIN	2-5-14
<i>[Signature]</i>	275 Ascendante	Gahanna	Franklin	2-5-2014
<i>[Signature]</i>	241 Missionaire	Gahanna	Franklin	2/5/14
<i>[Signature]</i>	836 McDaniel Dr	Gahanna	"	"
<i>[Signature]</i>	910 Rickman Rd	Gahanna	"	"
<i>[Signature]</i>	971 Ridenour	Gahanna	"	"
<i>[Signature]</i>	413 N. Strigler Rd	Gahanna	Franklin	2-5-14

CIRCULATOR STATEMENT - Must be completed and signed by circulator.

I, RYAN MONELL, declare under penalty of election falsification that I reside
 (Printed Name of Circulator)
 at the address appearing below my signature; that I am a member of the DEMOCRAT Party;
 that I am the circulator of the foregoing petition containing 17 signatures; that I witnessed
 (Number)
 the affixing of every signature; that all signers were to the best of my knowledge and belief qualified to
 sign; and that every signature is to the best of my knowledge and belief the signature of the person
 whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the
 Revised Code.

[Signature]
 (Signature of Circulator)
 1278 CAENOSTE CIRCLE
 (Permanent residence address)
 GROVE CITY, OH 43123
 (City or Village, State and Zip Code)

WHOEVER COMMITS ELECTION
 FALSIFICATION IS GUILTY OF A
 FELONY OF THE FIFTH DEGREE

County Board of Elections
 Form 2-F - Declaration of Candidacy of

Candidate for _____

Filed _____

Certificate of Validity
 REVISED CODE 3501.11

We, the undersigned members of the Board of
 Elections of this county, certify that we have
 reviewed and examined the foregoing petition and
 find it to be sufficient and valid, and caused our
 signatures and official seal to be

Affixed at _____, Ohio,
 This _____ day of _____

Chairperson _____
 Member _____
 Member _____
 Member _____
 Member _____
 Director _____ (seal)

Petition Number 2

SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE, OR TOWNSHIP	COUNTY	DATE OF SIGNING
6. Pamela Saunders	6285 Ballmer Rd	Canal Winchester	Franklin	2-5-14
7. Hammond Bol	4984 Brice Meadow	Canal Winchester	Franklin	2-5-14
8. Beverly Leonard	6310 Brice Dale	Canal Winchester	Franklin	2-5-14
9. Annis Foy	6392 Brice Dale	Canal Winchester	Franklin	2-5-14
10. [Signature]	6385 Brice Dale	Canal Winchester	Franklin	2/5/14
11. [Signature]	6401 Brice Dale Dr	Canal Winchester	Franklin	2-5-14
12. Monterrell Payne	6272 Falla	Canal Winchester	Franklin	2-5-14
13. Ashley Nagum	6401 Brice Dale	Canal Winchester	Franklin	2-5-14
14. [Signature]	6456 Brice Dale	Canal Winchester	Franklin	2-5-14
15. [Signature]	4926 Brice Cr.	CW	Franklin	2-5-14
16. [Signature]	4934 Brice Cr.	CW	Franklin	2-5-14
17. [Signature]	6499 Kelsey Ct	CW	Franklin	2-5-14
18. [Signature]	6404 Kelsey Ct	CW	Franklin	2-5-14

STATE OF OHIO)
) SS
COUNTY OF CUYAHOGA)

AFFIDAVIT

**In the Matter of:
Protest against the Candidacy of
Marco J. Miller**

Board of Elections, Franklin County

I, Vickie L. Willard, first being duly sworn, make the following statements in the matter of the Protest against the Candidacy of Marco J. Miller, Board of Elections, Franklin County, Ohio.

I am engaged in the profession of forensic document examination. I have served the legal community and law enforcement agencies for the past thirty-five years. I have had special training and education in my profession. I am Board Certified through testing by the Board of Forensic Document Examiners and the Association of Forensic Document Examiners. I have testified in state and federal courts as stated on my resume, which is attached to this affidavit as Exhibit 1.

I was retained by W. Stuart Dornette, Taft Stettinius & Hollister (Cincinnati, OH), to examine signatures on petitions. My assignment was to compare the signature on the petitions to the signatures of individuals on file with the Franklin County (OH) Board of Elections, and determine, if possible, whether the individual who signed the voter registration card also signed the petition.

The following documents were submitted for the examination and comparison.

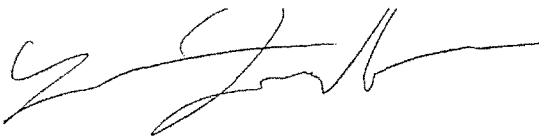
- (1) Declaration of Candidacy, Primary Party Election for District Office, state Senator or State Representative, Candidate: Marco J. Miller, dated February 4, 2014. (Reproduction) (Marked as Exhibit 2)

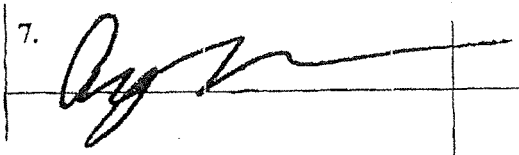
- (2) Second petition. (Reproduction) (Marked as Exhibit 3)
- (3) Signatures represented to be those of Roger D. Longfellow, Jr., Dakota Gilliam, James Timmons, Jennifer E. Miller, Michael A. Miller, Tanya Faulk, Terrance Allen and Evelyn E. Bailey were submitted in a Word file and stated to reproductions of the registration signatures on file with the Franklin County Board of Elections.
- (4) Mortgage documents for Jamie P. Faulk and Tanya R. Faulk on file in Franklin County, OH: Instrument Number 200307160216934 filed on 7/16/2003; Instrument Number 200112170292823 filed on 12/17/2001; Instrument Number 199909030225842 filed on 9/03/1999; Instrument Number 199807010164332 filed on 7/01/1998.

The results of my examination follow.

Roger D. Longfellow, Jr. - BOE Card

Petition (Item 1 - Line 7)



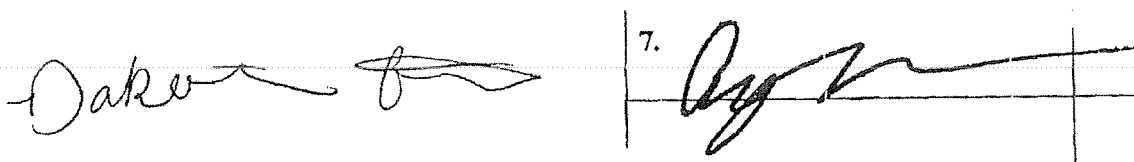
7. 

The illegible writing on line 7 of the petition is not recognizable as the signature of Roger D. Longfellow, Jr., based on the signature specimens on file with the Board of Elections. Both signatures are illegible patterns, but neither bear any resemblance to the other. In the BOE signature, the initial movement could be observed as the beginning of a letter "R" and instead of forming the oval portion of the letter "R" moves off in a rightward directed horizontal line. The next large pattern could be observed as a formation representing the letter "L", followed by line dipping downward in the middle of the pattern, which could represent the lower case "g" in Longfellow. This is followed by an upward movement possibly representing the letter "f", which moves slightly down,

possibly representing the lower extension of the "f", then slightly upward in a rightward horizontal line. This is an entirely different movement pattern than is observed in the signature on line 7. In my opinion, the person who wrote the Roger D. Longfellow, Jr. signature on the BOE registration form did not write the signature on line 7 of the petition.

Dakota Gilliam - BOE Card

Petition (Item 1 - Line 7)

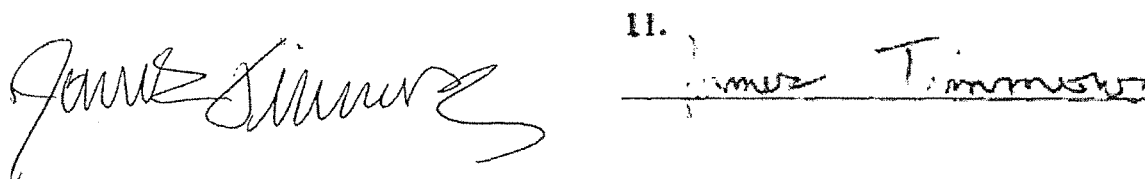


The image shows two handwritten signatures side-by-side. On the left is a signature that appears to read 'Dakota Gilliam'. On the right is a signature on a horizontal line, with the number '7.' written above the line to its left. The signature on the right is more stylized and less legible than the one on the left.

The Dakota Gilliam signature on the Board of Elections registration form contains letters in the first name, but the last name is totally illegible. Clearly, the signature on line 7 does not read "Dakota" and the movement pattern is different from that shown to represent Gilliam on the BOE registration form. In my opinion, the person who wrote the Dakota Gilliam signature on the BOE registration form did not write the signature on line 7 of the petition.

James Timmons - BOE Signature

Petition (Item 1 - Line 11)



The image shows two handwritten signatures side-by-side. On the left is a signature that appears to read 'James Timmons'. On the right is a signature on a horizontal line, with the number '11.' written above the line to its left. The signature on the right is more stylized and less legible than the one on the left.

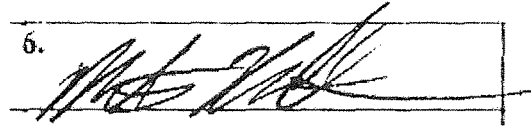
The petition signature exhibits disturbance in the line quality, clearly not present in the James Timmons signature on the BOE registration form. Given the young age of Mr. Timmons and that there is only fourteen months between the signing of the petition and the date on the Board of Elections form, there is no reasonable explanation for the differences observed absent evidence that the subject encountered a medical problem affecting his ability to write in the interim. Absent

such evidence, in my opinion, it is reasonable to conclude that the person who wrote the name James Timmons on the BOE registration form did not write the signature on line 11 of the petition.

Jennifer E. Miller - BOE Signature

Petition (Item 2 - Line 6)




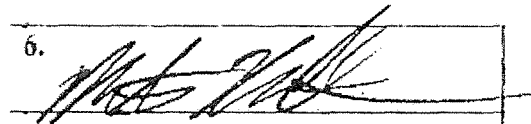
6. 

Obvious differences can be observed between the Jennifer Miller signature in the Board of Elections registration form and the signature on the petition. There is however, similarity between the petition signature and that of Michael A. Miller.

Michael A. Miller - BOE signature

Petition Signature (Item 2 - Line 6)

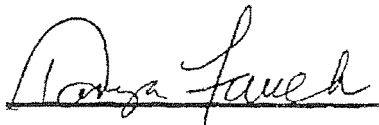


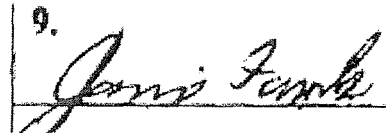
6. 

In my opinion, it is probable that the signature on the petition was written by Michael Miller.

Tanya R. Faulk - BOE Signature

Petition (Item 2-Line 9)



9. 

Differences can clearly be observed between the Tanya Faulk signature on the Board of Elections registration form and the signature on the petition. Although the last name is the same, first name on the petition is not Tanya. In my opinion, the person who wrote the Tanya Faulk signature on the BOA registration form did not write the signature on the petition.

Faulk Mortgages

Mortgages of Jamie and Tanya Faulk
Terry, J. Brown, Franklin County Recorder

Publicly Available at:

<http://recorderweb.co.franklin.oh.us/pax/>

EACH GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MORTGAGE, AND EACH GRANTOR AGREES TO ITS TERMS.

GRANTOR:

X Tanya R. Faulk
TANYA R FAULK, Individually

Signed, acknowledged and delivered in the presence of:

X Lori D. Rhoades (Lori D. Rhoades)
Witness
X Elia G. Farnsworth ELIA G. FARNSWORTH
Witness

X Jamie P. Faulk
JAMIE P FAULK, Individually

Signed, acknowledged and delivered in the presence of:

X Lori D. Rhoades (Lori D. Rhoades)
Witness
X Elia G. Farnsworth ELIA G. FARNSWORTH
Witness

This instrument was prepared by ROMONA HARRIS.

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Ohio)
) SS
COUNTY OF Franklin)



LORI D. RHOADES
Notary Public, State of Ohio
My Commission Expires 09-22-07

On this day before me, the undersigned Notary Public, personally appeared TANYA R FAULK, to me known to be the individual described in and who executed the Mortgage, and acknowledged before me that he or she signed the Mortgage as his or her free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 2 day of July, 2003.
By Lori D. Rhoades Residing at 105 Bank One Franklin
Notary Public in and for the State of Ohio My commission expires 09-22-07

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Ohio)
) SS
COUNTY OF Franklin)



LORI D. RHOADES
Notary Public, State of Ohio
My Commission Expires 09-22-07

On this day before me, the undersigned Notary Public, personally appeared JAMIE P FAULK, to me known to be the individual described in and who executed the Mortgage, and acknowledged before me that he or she signed the Mortgage as his or her free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 2 day of July, 2003.
By Lori D. Rhoades Residing at 105 Bank One Franklin
Notary Public in and for the State of Ohio My commission expires 09-22-07

section of this Mortgage.

Existing Indebtedness. The words "Existing Indebtedness" mean the indebtedness described in the Existing Liens provision of this Mortgage.

Grantor. The word "Grantor" means JAMIE P FAULK and TANYA R FAULK.

Guaranty. The word "Guaranty" means the guaranty from guarantor, endorser, surety, or accommodation party to Lender, including without limitation a guaranty of all or part of the Note.

Hazardous Substances. The words "Hazardous Substances" mean materials that, because of their quantity, concentration or physical, chemical or infectious characteristics, may cause or pose a present or potential hazard to human health or the environment when improperly used, treated, stored, disposed of, generated, manufactured, transported or otherwise handled. The words "Hazardous Substances" are used in their very broadest sense and include without limitation any and all hazardous or toxic substances, materials or waste as defined by or listed under the Environmental Laws. The term "Hazardous Substances" also includes, without limitation, petroleum and petroleum by-products or any fraction thereof and asbestos.

Improvements. The word "Improvements" means all existing and future improvements, buildings, structures, mobile homes affixed on the Real Property, facilities, additions, replacements and other construction on the Real Property.

Indebtedness. The word "Indebtedness" means all principal, interest, and other amounts, costs and expenses payable under the Note or Related Documents, together with all renewals of, extensions of, modifications of, consolidations of and substitutions for the Note or Related Documents and any amounts expended or advanced by Lender to discharge Grantor's obligations or expenses incurred by Lender to enforce Grantor's obligations under this Mortgage, together with interest on such amounts as provided in this Mortgage.

Lender. The word "Lender" means Bank One, N.A., its successors and assigns. The words "successors or assigns" mean any person or company that acquires any interest in the Note.

Mortgage. The word "Mortgage" means this Mortgage between Grantor and Lender.

Note. The word "Note" means the promissory note dated December 1, 2001, in the original principal amount of \$25,505.00 from Grantor to Lender, together with all renewals of, extensions of, modifications of, refinancings of, consolidations of, and substitutions for the promissory note or agreement. The maturity date of the Note is December 6, 2006.

Personal Property. The words "Personal Property" mean all equipment, fixtures, and other articles of personal property now or hereafter owned by Grantor, and now or hereafter attached or affixed to the Real Property; together with all accessions, parts, and additions to, all replacements of, and all substitutions for, any of such property; and together with all proceeds (including without limitation all insurance proceeds and refunds of premiums) from any sale or other disposition of the Property.

Property. The word "Property" means collectively the Real Property and the Personal Property.

Real Property. The words "Real Property" mean the real property, interests and rights, as further described in this Mortgage.

Related Documents. The words "Related Documents" mean all promissory notes, credit agreements, loan agreements, environmental agreements, guaranties, security agreements, mortgages, deeds of trust, security deeds, collateral mortgages, and all other instruments, agreements and documents, whether now or hereafter existing, executed in connection with the Indebtedness.

Rents. The word "Rents" means all present and future rents, revenues, income, issues, royalties, profits, and other benefits derived from the Property.

EACH GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MORTGAGE, AND EACH GRANTOR AGREES TO ITS TERMS.

GRANTOR:

x Jamie P Faulk
JAMIE P FAULK, Individually

x Tanya R Faulk
TANYA R FAULK, Individually

Signed, acknowledged and delivered in the presence of:

Signed, acknowledged and delivered in the presence of:

x Mary M Deal
Witness

x Mary M Deal
Witness

x Nancy E Peters
Witness

x Nancy E Peters
Witness

Nancy E Peters

Nancy E Peters

INDIVIDUAL ACKNOWLEDGMENT

STATE OF OHIO)
) SS
COUNTY OF FRANKLIN)



NANCY E. PETERS
Notary Public, State of Ohio
My Commission Expires Oct. 12, 2002

On this day before me, the undersigned Notary Public, personally appeared JAMIE P FAULK, to me known to be the individual described in and who executed the Mortgage, and acknowledged before me that he or she signed the Mortgage as his or her free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 1st day of December, 2001.

By Nancy E Peters
Notary Public In and for the State of Ohio

Residing at Canada Winkler
My commission expires Oct 12, 2002

**Blackburn
Affidavit**

BEFORE THE BOARD OF ELECTIONS
FRANKLIN COUNTY, OHIO

PROTEST AGAINST CANDIDACY OF :
MARCO J. MILLER – :
 :
STATE SENATE DISTRICT THREE :
 :

AFFIDAVIT OF
CHRISTY J. BLACKBURN,
PROTESTOR

STATE OF OHIO)
) SS:
COUNTY OF FRANKLIN)

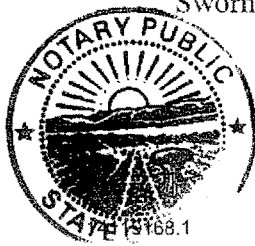
CHRISTY J. BLACKBURN, being first duly cautioned and sworn, deposes and says as follows:

1. I am a qualified elector in Franklin County, Ohio and am a resident of the Third Senate District.
2. I am a member of the same political party as Marco J. Miller, having voted in the 2010 and 2012 Democratic primaries. I filed the protest against Mr. Miller's candidacy on February 21, 2014.
3. I have asked Mr. W. Stuart Dornette to appear on my behalf at the hearing scheduled for March 4, 2014.

Further affiant saith naught.

Christy J. Blackburn
CHRISTY J. BLACKBURN

Sworn to and subscribed before me, a Notary Public, this 3rd day of March, 2014.



MARK A. BROADLEY
Notary Public, State of Ohio
My Commission Expires
January 30, 2017

Mark A. Broadley

FRANKLIN COUNTY BOARD OF ELECTIONS

Re: Protest against the Candidacy of Chad A Monnin

HEARING BRIEF OF PROTESTOR

A fundamental requirement in evaluating each signature on a candidate's petitions is that "[t]he signature must match the signature on file with the board of elections." Secretary of State Directive 2014-02, p. 4. A signature that does not match the signature on file with the board of elections may not be treated as a valid signature.

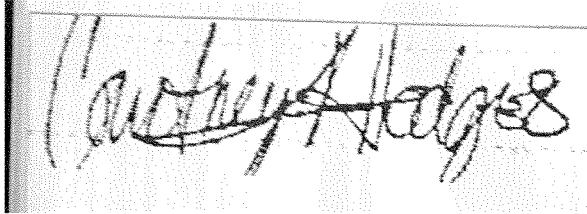
R.C. 3501.11(K) requires each Board of Elections to "[r]eview, examine, and certify the sufficiency and validity of petitions and nomination papers". In *State ex rel. Rogers v. Taft* (1992), 64 Ohio St.3d 193, 196, the Ohio Supreme Court stated that Boards of Elections can fulfil this duty by "check[ing] the signature on the petition against the signature required by R.C. 3503.15 on the registration forms on file at the board of elections."¹

R.C. 3513.05 required Mr. Monnin's Petition to contain at least 25 valid signatures. A copy of Respondent Chad A. Monnin's Petition (consisting of four part petitions) is attached hereto as Exhibit A. The BOE staff initially treated 28 of the submitted signatures as valid. However, all (and certainly four or more) of the seven signatures identified in the Protest herein do not match. Since there are fewer than 25 valid matching signatures, Mr. Monnin's petition should be rejected.

The Board of Elections can and should compare the signatures at issue for itself:

¹ The Supreme Court also stated that filing a subsequent affidavit would not validate a non-matching signature, since such an affidavit would be "inadmissible hearsay." *State ex rel. Rogers v. Taft* (1992), 64 Ohio St.3d 193, 197.

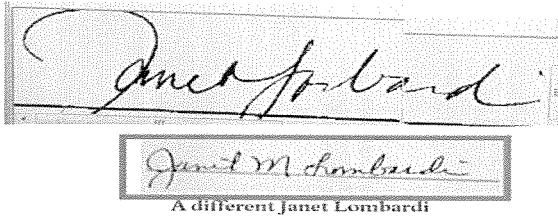
1. Courtney Hodges – BOE Signature



Petition (Part Petition 1 – Line 1)



2. Janet Lombardi – BOE Signature



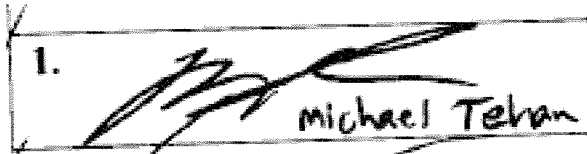
Petition (Part Petition 3 – Line 5)



3. Michael Tehan – BOE Signature



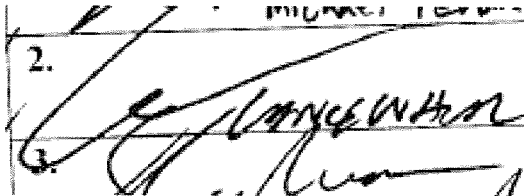
Petition (Part Petition 4 – Line 1)

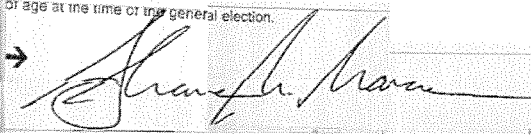
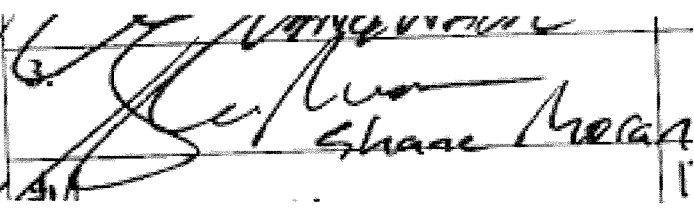


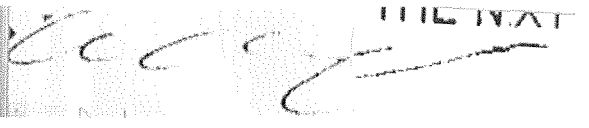

4. Lance White – BOE Signature

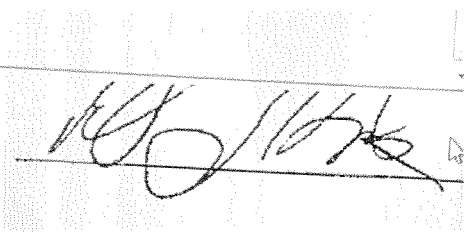
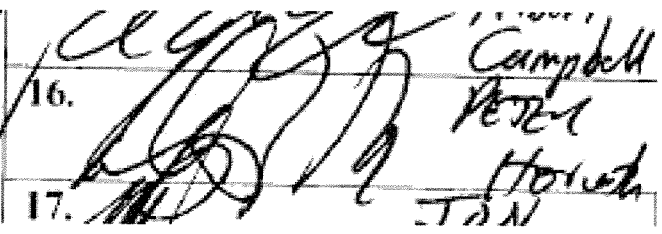



Petition (Part Petition 4 – Line 2)



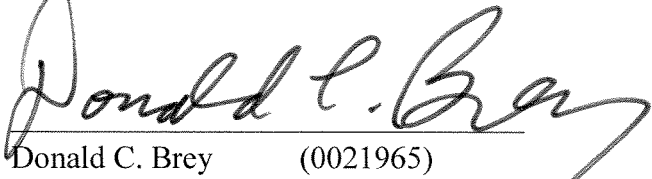
<p>5. <u>Shane Moran – BOE Signature</u></p> <p>or age at the time of the general election.</p> <p>→ </p>	<p><u>Petition</u> (Part Petition 4 – Line 3)</p> <p></p>
---	--

<p>6. <u>Albert Campbell – BOE Signature</u></p> <p></p>	<p><u>Petition</u> (Part Petition 4 – Line 15)</p> <p>15. </p>
--	---

<p>7. <u>Peter Horvath – BOE Signature</u></p> <p></p>	<p><u>Petition</u> (Part Petition 4 – Line 16)</p> <p>16. </p> <p>17. </p>
--	---

Since a sufficient number of signatures on Mr. Monnin’s Petition fail to match the signatures of record with the Board of Elections, Respondent Monnin’s Petition is invalid and should be rejected.

Respectfully submitted,



Donald C. Brey (0021965)

TAFT STETTINIUS & HOLLISTER LLP

65 East State Street, Suite 1000

Columbus, Ohio 43215

Telephone: (614) 221-2838

Telefax: (614) 221-2007

e-mail: dbrey@taftlaw.com

Counsel for Protestor Carl Michael Akers

7-✓
1-1✓

DECLARATION OF CANDIDACY

PARTY PRIMARY ELECTION FOR DISTRICT OF FRANKLIN COUNTY **FEB -5 PM 2:19**
State Senator or State Representative

To be filed with the Board of Elections of the most populous county or part county of the district not later than 4 p.m. of the 90th day before the day of the primary election.
 Revised Code 3513.05, .07, .08, .09, .10, .191, 3501.38

NOTE - THE CANDIDATE MUST FILL IN, SIGN AND DATE THIS DECLARATION BEFORE PETITIONS ARE CIRCULATED.

I, CHAD A. MONNIN, the undersigned, hereby declare under penalty of election falsification that my voting residence address is 4527 NORTHGATE RD, NEW ALBANY, Ohio 43054, and I am a qualified elector.
(Name of Candidate)
(Street and Number, if any, or Rural Route Number)
(City or Village) (Zip Code)

I hereby declare that I desire to be a candidate for nomination to the office of STATE REPRESENTATIVE as a member of the LIBERTARIAN Party from the 19th STATE REPRESENTATIVE District for the: (check one) full term or unexpired term ending _____ at the primary election to be held on the 6th day of MAY, 2014.
(Number of District) (State Representative or State Senate)

unexpired term ending _____ at the primary election to be held on the 6th day of MAY, 2014.

I hereby declare that, if elected to this office or position, I will qualify therefor, and I will support and abide by the principles enunciated by the LIBERTARIAN Party.

Dated this 3rd day of FEBRUARY, 2014
Chad A. Monnin
(Signature of Candidate)

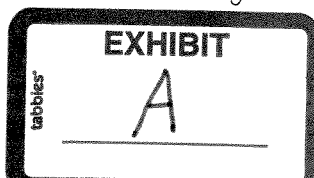
WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE
PETITION FOR CANDIDATE

(This petition shall be circulated only by a member of the same political party as stated above by the candidate)

We, the undersigned qualified electors of the State of Ohio, whose voting residence is in the county, city, village, or township, set opposite our names, and members of the Libertarian Party, hereby certify that Chad A. Monnin, whose declaration of candidacy is filed herewith, is in our opinion, well qualified to perform the duties of the office or position to which the person desires to be elected.
(Name of Candidate)

Signatures on this petition should be from only one county and must be written in ink. Signatures on this petition shall be of persons who are of the same political party as stated above by the candidate.

	SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE, OR TOWNSHIP	COUNTY	DATE OF SIGNING
✓	<u>COOPERMAN A. HODGINS</u>	<u>6292 Hainesburg Dr.</u>	<u>NEW ALBANY / COLUMBUS</u>	<u>Franklin</u>	<u>2/4/13</u>
✓	<u>MARCO D. PETER</u>	<u>6930 Clivdon mews</u>	<u>NEW ALBANY / COLUMBUS</u>	<u>FRANKLIN</u>	<u>2/4/14</u>
✓	<u>Katherine Peter</u>	<u>6930 Clivdon Mews</u>	<u>New Albany / Columbus</u>	<u>Franklin</u>	<u>2/5/14</u>
OP	<u>THOMAS J. HEMMERT</u>	<u>4590 Central College Rd</u>	<u>Western / W. OH</u>	<u>Franklin</u>	<u>2/7/14</u>
✓	<u>JACQUELINE S. HEMMERT</u>	<u>4590 Central College Rd</u>	<u>Western / W. OH</u>	<u>Franklin</u>	<u>2/5/14</u>



PART PETITION
1

SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE, OR TOWNSHIP	COUNTY	DATE OF SIGNING
✓ <i>Andra E. Hemmert</i>	3763 Prestwold Close	New Albany	Franklin	2/5/14
✓ <i>Benjamin Hemmert</i>	3763 Prestwold Close	New Albany	Franklin	2-5-14
✓ <i>John A. Stewart</i>	855 Bryn Mawr Dr	Gahanna	Franklin	2/5/14
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				

CIRCULATOR STATEMENT – Must be completed and signed by circulator.

I, Chad A. Mounin, declare under penalty of election falsification that I reside
(Printed Name of Circulator)
 at the address appearing below my signature; that I am a member of the Libertarian Party;
 that I am the circulator of the foregoing petition containing 8 signatures; that I witnessed
(Number)
 the affixing of every signature; that all signers were to the best of my knowledge and belief qualified to sign; and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code.

Chad A. Mounin
(Signature of Circulator)

4527 NORTHGATE RD
(Permanent residence address)

NEW ALBANY OH 43054
(City or Village, State and Zip Code)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE

<p>County Board of Elections Form 2-F – Declaration of Candidacy of</p> <p>Candidate for _____</p> <p>Filed _____</p>	<p>Certificate of Validity REVISED CODE 3501.11</p> <p>We, the undersigned members of the Board of Elections of this county, certify that we have reviewed and examined the foregoing petition and find it to be sufficient and valid, and caused our signatures and official seal to be</p> <p>Affixed at _____, Ohio.</p> <p>This _____ day of _____,</p>	<p>Chairperson _____</p> <p>Member _____</p> <p>Member _____</p> <p>Member _____</p> <p>Member _____</p> <p>Director _____ (seal)</p>
---	---	---

6-V
1-14

BOARD OF ELECTIONS
COLS., OHIO

DECLARATION OF CANDIDACY
PARTY PRIMARY ELECTION FOR DISTRICT OFFICE
State Senator or State Representative

FEB -5 PM 2:19

000642

Filed with the Board of Elections of the most populous county or part county of the State of Ohio on the _____
p.m. of the 90th day before the day of the primary election.
Revised Code 3513.05, .07, .08, .09, .10, .191, 3501.38

FRANKLIN COUNTY BOARD OF ELECTIONS 4

AK m
2/7/14

NOTE - THE CANDIDATE MUST FILL IN, SIGN AND DATE THIS DECLARATION BEFORE PETITIONS ARE CIRCULATED.

I, CHAD A. MONNIN, the undersigned, hereby declare under penalty
(Name of Candidate)
of election falsification that my voting residence address is 4527 NORTHGATE RD
(Street and Number, if any, or Rural Route Number)
NEW ALBANY, Ohio 43054, and I am a qualified elector.
(City or Village) (Zip Code)

I hereby declare that I desire to be a candidate for nomination to the office of STATE
REPRESENTATIVE as a member of the LIBERTARIAN Party from the
19th STATE REPRESENTATIVE District for the: (check one) full term or
(Number of District) (State Representative or State Senate)

unexpired term ending _____, at the primary election to be held on
the 6th day of MAY, 2014.

I hereby declare that, if elected to this office or position, I will qualify therefor, and I will support and
abide by the principles enunciated by the LIBERTARIAN Party.

Dated this 3rd day of FEBRUARY, 2014

Chad A. Monnin
(Signature of Candidate)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE

PETITION FOR CANDIDATE

(This petition shall be circulated only by a member of the same political party as stated above by the candidate)

We, the undersigned qualified electors of the State of Ohio, whose voting residence is in the county,
city, village, or township, set opposite our names, and members of the Libertarian Party,
hereby certify that Chad A. Monnin, whose declaration of candidacy is filed
(Name of Candidate)
herewith, is in our opinion, well qualified to perform the duties of the office or position to which the
person desires to be elected.

Signatures on this petition should be from only one county and must be written in ink. Signatures on this
petition shall be of persons who are of the same political party as stated above by the candidate.

SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE, OR TOWNSHIP	COUNTY	DATE OF SIGNING
✓ 1. <u>Haren Cenda</u>	<u>823 Hensel Woods</u>	<u>Gahanna</u>	<u>Franklin</u>	<u>2-4-14</u>
✓ 2. <u>Sam Hill</u>	<u>1035 Venetian Way</u>	<u>Gahanna</u>	<u>Franklin</u>	<u>2-4-14</u>
✓ 3. <u>Donna M</u>	<u>633 Antler Ct</u>	<u>Gahanna</u>	<u>Franklin</u>	<u>2/4/14</u>
✓ 4. <u>Carol Vieira</u>	<u>633 Antler Ct</u>	<u>Gahanna</u>	<u>Franklin</u>	<u>2/4/14</u>
✓ 5. <u>Katie Smith</u>	<u>850 Dark Star Ave</u>	<u>Gahanna</u>	<u>Franklin</u>	<u>2/4/14</u>

PART PETITION
2

SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE, OR TOWNSHIP	COUNTY	DATE OF SIGNING
✓ 6. <i>Michael J. ...</i>	850 DARK STAR AVE	GAHANNA OH 43230	Franklin	2/4/14
Cir 7. <i>Chad ...</i>	4527 Northgate Rd	New Albany	Franklin	2/5/14
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				

CIRCULATOR STATEMENT – Must be completed and signed by circulator.

I, John S. Stewart, declare under penalty of election falsification that I reside
(Printed Name of Circulator)
 at the address appearing below my signature; that I am a member of the Libertarian Party;
 that I am the circulator of the foregoing petition containing 7 signatures; that I witnessed
(Number)
 the affixing of every signature; that all signers were to the best of my knowledge and belief qualified to
 sign; and that every signature is to the best of my knowledge and belief the signature of the person
 whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the
 Revised Code.

WHOEVER COMMITS ELECTION
 FALSIFICATION IS GUILTY OF A
 FELONY OF THE FIFTH DEGREE

John S. Stewart
(Signature of Circulator)
855 Bryn Mawr Drive
(Permanent residence address)
Gahanna, OH 43230
(City or Village, State and Zip Code)

County Board of Elections
 Form 2-F – Declaration of Candidacy of

Candidate for _____

Filed _____

Certificate of Validity
 REVISED CODE 3501.11

We, the undersigned members of the Board of
 Elections of this county, certify that we have
 reviewed and examined the foregoing petition and
 find it to be sufficient and valid, and caused our
 signatures and official seal to be

Affixed at _____, Ohio.

This _____ day of _____

Chairperson _____

Member _____

Member _____

Member _____

Member _____

Director _____ (seal)

6-✓

BOARD OF ELECTIONS
COLUMBIA COUNTY, OHIO

DECLARATION OF CANDIDACY
PARTY PRIMARY ELECTION FOR DISTRICT OFFICE
State Senator or State Representative

2014 FEB -5 PM 2:19

000643

FRANKLIN COUNTY
BOARD OF ELECTIONS

To be filed with the Board of Elections of the most populous county or part county of the district
p.m. of the 90th day before the day of the primary election.
Revised Code 3513.05, .07, .08, .09, .10, .191, 3501.38

**NOTE - THE CANDIDATE MUST FILL IN, SIGN AND DATE THIS DECLARATION
BEFORE PETITIONS ARE CIRCULATED.**

ARM
2/7/14

I, CHAD A. MONNIN, the undersigned, hereby declare under penalty
(Name of Candidate)
of election falsification that my voting residence address is 4527 NORTHGATE RD
(Street and Number, if any, or Rural Route Number)
NEW ALBANY, Ohio 43054, and I am a qualified elector.
(City or Village) (Zip Code)

I hereby declare that I desire to be a candidate for nomination to the office of STATE
REPRESENTATIVE as a member of the LIBERTARIAN Party from the
19th STATE REPRESENTATIVE District for the: (check one) full term or
(Number of District) (State Representative or State Senate)

unexpired term ending _____, at the primary election to be held on
the 6th day of MAY, 2014.

I hereby declare that, if elected to this office or position, I will qualify therefor, and I will support and
abide by the principles enunciated by the LIBERTARIAN Party.

Dated this 3rd day of FEBRUARY, 2014

Chad A. Monnin
(Signature of Candidate)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE
PETITION FOR CANDIDATE

(This petition shall be circulated only by a member of the same political party as stated above by the candidate)

We, the undersigned qualified electors of the State of Ohio, whose voting residence is in the county,
city, village, or township, set opposite our names, and members of the Libertarian Party,
hereby certify that Chad A. Monnin, whose declaration of candidacy is filed
(Name of Candidate)
herewith, is in our opinion, well qualified to perform the duties of the office or position to which the
person desires to be elected.

Signatures on this petition should be from only one county and must be written in ink. Signatures on this
petition shall be of persons who are of the same political party as stated above by the candidate.

SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE, OR TOWNSHIP	COUNTY	DATE OF SIGNING
✓ 1. <i>[Signature]</i>	7625 James River Ct	New Albany	Franklin	2/4/14
✓ 2. <i>[Signature]</i>	6601 New Albany cond. rd	New Albany	Franklin	2/4/14
✓ 3. <i>[Signature]</i>	8097 Griswold Drive	New Albany	Franklin	2/4/14
✓ 4. <i>[Signature]</i>	6889 Chiswick Ct	NEW ALBANY	FRANKLIN	2/4/14
✓ 5. <i>[Signature]</i>	6889 Chiswick Ct	New Albany	Franklin	2/4/14

PART PETITION
3

SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE, OR TOWNSHIP	COUNTY	DATE OF SIGNING
<i>David R. Richards</i> David R. Richards	4567 Northgate Rd	New Albany	Franklin	2/4/14
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				

CIRCULATOR STATEMENT – Must be completed and signed by circulator.

I, Chad A. Monnin, declare under penalty of election falsification that I reside
(Printed Name of Circulator)
 at the address appearing below my signature; that I am a member of the LIBERTARIAN Party;
 that I am the circulator of the foregoing petition containing 6 signatures; that I witnessed
(Number)
 the affixing of every signature; that all signers were to the best of my knowledge and belief qualified to
 sign; and that every signature is to the best of my knowledge and belief the signature of the person
 whose signature it purports to be or of an attorney in fact acting pursuant to section 2501.382 of the
 Revised Code.

Chad A. Monnin
(Signature of Circulator)

4527 NORTHGATE RD
(Permanent residence address)

NEW ALBANY OH 43054
(City or Village, State and Zip Code)

**WHOEVER COMMITS ELECTION
 FALSIFICATION IS GUILTY OF A
 FELONY OF THE FIFTH DEGREE**

County Board of Elections
 Form 2-F – Declaration of Candidacy of

Candidate for _____

Filed _____

Certificate of Validity
 REVISED CODE 3501.11

We, the undersigned members of the Board of Elections of this county, certify that we have reviewed and examined the foregoing petition and find it to be sufficient and valid, and caused our signatures and official seal to be

Affixed at _____, Ohio.

This _____ day of _____

Chairperson _____

Member _____

Member _____

Member _____

Member _____

Director _____ (seal)

9-V
8-1V

DECLARATION OF CANDIDACY

PARTY PRIMARY ELECTION FOR DISTRICT OFFICE

2014 FEB -5 PM 2:19

State Senator or State Representative

To be filed with the Board of Elections of the most populous county or part county of the district not later than 5 p.m. of the 90th day before the day of the primary election.
Revised Code 3513.05, .07, .08, .09, .10, .191, 3501.38

NOTE - THE CANDIDATE MUST FILL IN, SIGN AND DATE THIS DECLARATION BEFORE PETITIONS ARE CIRCULATED.

OK
2/7/14

I, CHAD A. MONNIN, the undersigned, hereby declare under penalty of election falsification that my voting residence address is 4527 NORTHGATE RD, NEW ALBANY, Ohio 43054, and I am a qualified elector.
(Name of Candidate) (Street and Number, if any, or Rural Route Number) (City or Village) (Zip Code)

I hereby declare that I desire to be a candidate for nomination to the office of STATE REPRESENTATIVE as a member of the LIBERTARIAN Party from the 19th STATE REPRESENTATIVE District for the: (check one) full term or unexpired term ending _____ at the primary election to be held on the 6th day of MAY, 2014.

I hereby declare that, if elected to this office or position, I will qualify therefor, and I will support and abide by the principles enunciated by the LIBERTARIAN Party.

Dated this 3rd day of FEBRUARY, 2014

Chad A. Monnin
(Signature of Candidate)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE
PETITION FOR CANDIDATE

(This petition shall be circulated only by a member of the same political party as stated above by the candidate)

We, the undersigned qualified electors of the State of Ohio, whose voting residence is in the county, city, village, or township, set opposite our names, and members of the Libertarian Party, hereby certify that Chad A. Monnin, whose declaration of candidacy is filed herewith, is in our opinion, well qualified to perform the duties of the office or position to which the person desires to be elected.

Signatures on this petition should be from only one county and must be written in ink. Signatures on this petition shall be of persons who are of the same political party as stated above by the candidate.

SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE, OR TOWNSHIP	COUNTY	DATE OF SIGNING
✓ 1. <i>Michael Tehran</i>	8097 Griswold Dr	New Albany	Franklin	2/4/14
✓ 2. <i>Constance</i>	4385 Academy	New Albany	Franklin	2/4/14
✓ 3. <i>Shane Moran</i>	6335 Lake Mathias	New Albany	Franklin	2-4-14
✓ 4. <i>Heather Johnson</i>	170 Braeburn Dr Blacklick	Blacklick	Franklin	2-4-14
✓ 5. <i>John Slick</i>	4991 Hundel Dr.	Columbus	Franklin	2-4-14

PART PETITION
4

SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE, OR TOWNSHIP	COUNTY	DATE OF SIGNING
6. <i>[Signature]</i> LESLIE NEVILLE	4607 HERB GARDEN	PLAIN, NEW ALBANY	FRANKLIN	2/4/14
7. <i>[Signature]</i> KEVIN KIFFING	690 Sycamore Dr	Westerville	DELAWARE	2-9-14
8. <i>[Signature]</i> Heather Hughes	5446 Lakota Drive Westerville	Westerville	Franklin	2-4-14
9. <i>[Signature]</i> Whitney Little	6068 Braet Rd.	Westerville	Franklin	2/4/14
10. <i>[Signature]</i> Jennifer Epstein	371 Sycamore Ridge way Gahanna, OH 43230	Gahanna	Franklin	2/4/14
11. <i>[Signature]</i> Nicole Moeller	2813 Peck Ridge Dr. Gahanna, OH 43230	Gahanna	Franklin	2/4/14
12. <i>[Signature]</i> William Smith	6430 Albany Pond New Albany OH 43054	New Albany	Franklin	2/4/14
13. <i>[Signature]</i> Erik Dielschneider	638 Mistletoe Ct	Gahanna	Franklin	2/4/14
14. <i>[Signature]</i> Angela Caviness	730 Parre Ct.	Gahanna	Franklin	2/4/14
15. <i>[Signature]</i> Albert Campbell	7151 Sumpton Dr. New Albany, OH 43054	New Albany	Franklin	2/4/14
16. <i>[Signature]</i> Peter Holush	7000 Greensward Rd	New Albany	Franklin	2/4/14
17. <i>[Signature]</i> JON RICKETZ	2752 COLTS NECK RD B	BLACKLICK	FRANKLIN	2/4/14
<i>[Signature]</i> J Davis Larson	4643 Goodhearts Ct	New Albany	Franklin	2/4/14

CIRCULATOR STATEMENT – Must be completed and signed by circulator.

I, CHAD A. MINNIN, declare under penalty of election falsification that I reside
 (Printed Name of Circulator)
 at the address appearing below my signature; that I am a member of the LIBERTARIAN Party;
 that I am the circulator of the foregoing petition containing 17 signatures; that I witnessed
 (Number)
 the affixing of every signature; that all signers were to the best of my knowledge and belief qualified to
 sign; and that every signature is to the best of my knowledge and belief the signature of the person
 whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the
 Revised Code.

[Signature]
 (Signature of Circulator)

4527 NORTHGATE RD
 (Permanent residence address)

NEW ALBANY OH 43059
 (City or Village, State and Zip Code)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE

County Board of Elections
 Form 2-F – Declaration of Candidacy of

Candidate for _____

Filed _____

Certificate of Validity
 REVISED CODE 3501.11

We, the undersigned members of the Board of Elections of this county, certify that we have reviewed and examined the foregoing petition and find it to be sufficient and valid, and caused our signatures and official seal to be

Affixed at _____ Ohio.

This _____ day of _____

Chairperson _____

Member _____

Member _____

Member _____

Member _____

Director _____ (seal)

**BEFORE THE BOARD OF ELECTIONS
FRANKLIN COUNTY, OHIO**

**In re: Protest of Joint Economic Development Zone for submission to electors of
Perry Township, Franklin County, Ohio**

STIPULATIONS OF THE PARTIES

Pursuant to an Order issued by the Chair of this Board and dated February 24, 2014, the Protestors, Nickolas M. Savko and Sons, Inc., Lincoln construction, Inc. and William E. Lehner, by and through their counsel, Harland H. Hale and Gordon Shuler, enter into stipulations of fact related to the matters at issue for the Board of Elections' hearing of their protest, with the Respondent Board of Trustees of Perry Township, by and through its counsel, Brunner Quinn, by Jennifer L. Brunner and Peter A. Contreras, and Kristen Martin of Brosius, Johnson & Griggs, LLC, as follows:

1. The parties stipulate that Protestor Nickolas M. Savko & Sons, Inc. is a licensed for profit corporation in the State of Ohio whose principal place of business is located in Perry Township, Franklin County, Ohio. The real estate on which Savko operates its business is located in the area of the township that is within the proposed Joint Economic Development Zone that is the subject of the agreement between Perry and the City of Worthington and that is subject to the township's electors' approval.
2. The parties stipulate that Protestor Lincoln Construction, Inc. is a licensed for profit corporation in the State of Ohio whose principal place of business is located in Perry Township, Franklin County, Ohio. The real estate on which Lincoln operates its business is located in the area of the township that is within the proposed Joint Economic Development Zone that is the subject of

the agreement between Perry and the City of Worthington and that is subject to the township's electors' approval.


3. The parties stipulate that Protestor William Lehner is an elector who resides in Perry Township, Franklin County, Ohio, but he does not reside the area of the township that is within the proposed Joint Economic Development Zone that is the subject of the agreement between Perry and the City of Worthington and that is subject to the township's electors' approval.
4. Perry Township ("Perry") is a political subdivision located in Franklin County, Ohio, that is governed by a board of three (3) elected township trustees. Perry is permitted by law to submit to the electors of the township issues requiring their vote by timely submitting a resolution to the Board of Elections ("Board") indicating its intentions and statutorily required information regarding the issue.
5. In the above-captioned matter, Perry's board of trustees caused to be timely submitted to this Board, a resolution to place an agreement with the City of Worthington to create a joint economic development zone ("JEDZ") to be created pursuant to R.C. 715 *et seq.* on the May 6, 2014 primary ballot for the approval of the township's electors. This resolution to place the JEDZ on the ballot was unanimously passed by Perry's board of trustees on January, 13, 2014. This Board thereafter certified the Perry issue to the May 6, 2014 primary election ballot at its meeting held on February 18, 2014.

6. The parties stipulate to the authenticity of the minutes of meetings of the board of trustees of Perry of October 7, 2013, October 21, 2013 and November 18, 2013, as a single document labeled as Joint Exhibit A. At both of these public hearings, the minutes reflect that the board of township trustees, "pursuant to R.C. 121.22(G)(8) recessed its public meeting to move into executive session for the express purpose of "pursuant to Section 121.22(G)(8) of the Ohio Revised Code for the purpose of considering confidential information related to negotiations with other political subdivisions respecting requests for economic development assistance and such information is directly related to a request for economic development assistance that is to be provided or administered under Chapter 715 of the Ohio Revised Code. The executive session is necessary to protect the possible investment of public funds to be made in connection with the economic development project."
7. The parties stipulate to the authenticity of Joint Exhibit B, a copy of Perry Township Resolution 207-13, adopted by the board of trustees of Perry Township on November 18, 2014 and entitled, "A RESOLUTION OF INTENT TO ENTER INTO A JOINT ECONOMIC DEVELOPMENT ZONE CONTRACT DESIGNATING A JOINT ECONOMIC DEVELOPMENT ZONE AND TO ESTABLISH A PUBLIC HEARING."
8. The parties stipulate that the public hearing referenced in Joint Exhibit B occurred on January 13, 2014 as scheduled and that notice of the meeting occurred as directed by Resolution 201-13 (Exhibit B). The parties further

stipulate that, pursuant to Joint Exhibit B, the Township Fiscal Officer maintained in her office for at least 30 days prior to the public hearing held on January 13, 2014, copies of the following documents available for public examination and inspection:

- a. A copy of the Contract designating the Joint Economic Development Zone;
 - b. A description of the area or areas to be included in the Zone, including a map in sufficient detail to denote the specified boundaries of the area or areas; and
 - c. An economic development plan for the Zone that includes a schedule for the provision of any new, expanded, or additional services, facilities, or improvements.
9. The parties stipulate that on January 13, 2014, the Perry Township board of trustees by unanimous vote adopted Resolution No. 051-14 (attached hereto as Joint Exhibit C) adopting the JEDZ agreement between the City of Worthington and Perry Township, authorizing that it be submitted to a vote of the electors at the May 6, 2014 election. The parties further stipulate to the authenticity of Exhibit C.

IT IS SO STIPULATED:


Harland H. Hale
6637 Merwin Road
Columbus, Ohio 43235
614-519-9546
hhale@columbus.rr.com


and

Gordon Shuler
145 East Rich St. 2nd Fl.
Columbus, Ohio 43215
614-221-1795
gshuler@shulerlaw.com
Attorneys for Nickolas M. Savko and
Sons, Inc., Lincoln Construction, Inc.
and William E. Lehner

BRUNNER QUINN

By: Jennifer L. Brunner
Peter A. Contreras
35 North Fourth St., Ste. 200
Columbus, Ohio 43215
614-241-5550
jlb@brunnerlaw.com
Attorneys for Perry Township,
Franklin County, Ohio

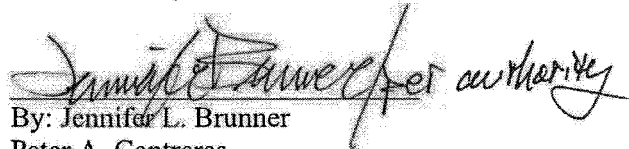
and


Kristen Martin
BROSIUS, JOHNSON & GRIGGS,
LLC
50 West Broad Street, Suite 3300
Columbus, Ohio 43215
Telephone: (614) 464-3563
Fax: (614) 224-6221
Email: kmartin@BJGlaw.net

and

Gordon Shuler
145 East Rich St. 2nd Fl.
Columbus, Ohio 43215
614-221-1795
gshuler@shulerlaw.com
Attorneys for Nickolas M. Savko and
Sons, Inc., Lincoln Construction, Inc.
and William E. Lehner

BRUNNER QUINN


By: Jennifer L. Brunner
Peter A. Contreras
35 North Fourth St., Ste. 200
Columbus, Ohio 43215
614-241-5550
jlb@brunnerlaw.com
Attorneys for Perry Township,
Franklin County, Ohio

and

Kristen Martin
BROSIUS, JOHNSON & GRIGGS,
LLC
50 West Broad Street, Suite 3300
Columbus, Ohio 43215
Telephone: (614) 464-3563
Fax: (614) 224-6221
Email: kmartin@BJGlaw.net

and



Gordon Shuler
145 East Rich St. 2nd Fl.
Columbus, Ohio 43215
614-221-1795

gshuler@shulerlaw.com

Attorneys for Nickolas M. Savko and
Sons, Inc., Lincoln Construction, Inc.
and William E. Lehner

BRUNNER QUINN

By: Jennifer L. Brunner
Peter A. Contreras
35 North Fourth St., Ste. 200
Columbus, Ohio 43215
614-241-5550

jlb@brunnerlaw.com

Attorneys for Perry Township,
Franklin County, Ohio

and

Kristen Martin
BROSIUS, JOHNSON & GRIGGS,
LLC

50 West Broad Street, Suite 3300
Columbus, Ohio 43215

Telephone: (614) 464-3563

Fax: (614) 224-6221

Email: kmartin@BJGlaw.net

MINUTES

**BOARD OF TRUSTEES
PERRY TOWNSHIP
October 7, 2013**

The Board of Trustees convened in regular session at 7:00PM, Monday, October 7, 2013.

THE PLEDGE OF ALLEGIANCE

ROLL CALL:

Chet Chaney, present; Andy English, present, Jim Roper was on an excused absence. The Fiscal Officer was present.

OTHERS IN ATTENDANCE:

Administrator Robert Myers, Chief Oppenheimer, Janet DaPrato; Don Brosius, Kristen Martin, Bob Sheetz, Nancy Cohagan, Matt DeTemple, Owen Cohagan, Ric Oxender, Frank Harmon; Administrative Assistant Beatty.

MINUTES:

Motion by Chet Chaney; seconded by Andy English to approve the minutes of the September 16, 2013 regular session.

ALL VOTED YEA (171-13)

PUBLIC COMMENT:

Brookside

The Hog Roast went well. The Fiscal Officer thanked the Police Department and Road Superintendent for their support.

Henderson Heights

No new business.

Worthington Hills

No new business.

OTHER:

The Snouffer walkway and water district will be discussed at the next meeting.

Frank Harmon with Ohio Insurance Services Agency presented an early renewal health insurance proposal in order to keep cost down for the 2014 year. A health care questionnaire will be distributed to all full time employees and turned into Mr. Harmon by October 15th. This information will be used to secure further cost reductions.

Motion by Chet Chaney; seconded by Andy English to approve the Medical Mutual of Ohio health care renewal for the period of January 1, 2014 – December 31, 2014 at an increase of 9.54% over the current premium.

ALL VOTED YEA (172-13)

Janet DaPrato stated that the developer of the Kempton Run property was required to plant trees as a buffer between the homes and railroad tracks. Several trees have since died and she requested assistance from the Board. Mr. Chaney stated that the Board will contact the Columbus Zoning office to clarify ownership of the piece of property in question.

The Worthington Hills Civic Association submitted a letter of support from the Board of Trustees. The association has applied for 501c(3) status. The Board signed the letter which will be forwarded to the civic association president.

There will be a joint meeting with MORPC October 21st to discuss the 181 traffic / land use study.

A Delaware curbside survey was distributed for review.

The suggestion was made for lone court residents to organize and designate a spokesperson to address concerns about a potential country club throughway.

ADMINISTRATOR:

Mr. Myers stated that construction of the retirement facility at Snouffer and Smokey Row is expected to begin in 3 weeks.

ROAD DEPARTMENT:

The Road Superintendent will attend the fall Franklin County Township Association meeting on November 7th. Nate McCardle and Ian Warren will attend the annual snow fighter's rodeo on October 24th time allowing.

CEMETERY:

No new business.

EXHIBIT

A

**MINUTES
BOARD OF TRUSTEES
PERRY TOWNSHIP**

October 7, 2013

Page 2

ZONING:

Motion by Chet Chaney; seconded by Andy English to appoint Craig Burford as an alternate serving on the Zoning Commission Board, effective October 7, 2013.

ALL VOTED YEA (173-13)

Motion by Chet Chaney; seconded by Andy English to approve the addition of an annual fee of \$50 for services providers/ contractors.

ALL VOTED YEA (174-13)

Training for new Zoning Commission and BZA members will be scheduled. An updated list of the status of ash trees was submitted.

POLICE DEPARTMENT:

Chief Oppenheimer stated that the Department is looking for grants to purchase AED units

Motion by Chet Chaney; seconded by Andy English to approve repairs by Boy-Rad to car 9 in the amount of \$700.15.

ALL VOTED YEA (175-13)

Motion by Chet Chaney; seconded by Andy English to approve air bag sensor repairs to car 2 by Germain Ford in the amount of \$667.26.

ALL VOTED YEA (176-13)

FIRE DISTRICT:

The City of Worthington submitted its September Fire and EMS run report.

FINANCIAL:

Motion by Chet Chaney; seconded by Andy English to approve payroll and disbursements for the stated period.

ALL VOTED YEA (177-13)

A recess was call at 7:36PM

EXECUTIVE SESSION:

Motion by Andy English; seconded by Chet Chaney to recess into executive session pursuant to Section 121.22(G)(8) of the Ohio Revised Code for the purpose of considering confidential information related to negotiations with other political subdivisions respecting requests for economic development assistance and such information is directly related to a request for economic development assistance that is to be provided or administered under Chapter 715 of the Ohio Revised Code. The executive session is necessary to protect the possible investment of public funds to be made in connection with the economic development project.

Chet Chaney, yea; James Roper, yea; Andy English, yea (7:46PM)

ALL VOTED YEA (178-13)

The Board reconvened into regular session at 8:34PM

Motion by James Roper to adjourn at 8:35PM.


JAMES ROPER
Chairman


MICHELE ELLIOTT
Fiscal Officer

MINUTES

**BOARD OF TRUSTEES
PERRY TOWNSHIP
October 21, 2013**

The Board of Trustees convened in regular session at 7:00PM, Monday, October 21, 2013.

THE PLEDGE OF ALLEGIANCE

ROLL CALL:

Chet Chaney, present; Andy English, present; Jim Roper was present. The Fiscal Officer was present.

OTHERS IN ATTENDANCE:

Administrator Robert Myers, Chief Oppenheimer, Superintendent Shonkwiler, Erick Luckage, Patty Vandewalle, Kathy Domer, Dennis Holmes, Carole Evans, Hugh Evans, Ryan O'Keefe, Dean Narsico, Mr. & Mrs. DaPrato, Administrative Assistant Beatty.

MINUTES:

Motion by Chet Chaney; seconded by Andy English to approve the minutes of the October 7, 2013 regular session.

ALL VOTED YEA (179-13)

PUBLIC COMMENT:

Brookside
No new business.

Henderson Heights
No new business.

Worthington Hills
No new business.

OTHER:

Mr. Chaney submitted a status update regarding the 161 traffic land use study. Aqua Water is upgrading its facility. A tour date is tentatively set for January 25th. The Fiscal Officer requested to keep the Medical Mutual early renewal contract on the agenda. Mr. Myers has contacted other entities regarding health care options and pricing. All options will be considered. Ohio Insurance is reviewing the health care questionnaires in an effort to further reduce the township's cost.

Ione Court area residents expressed concerns related to the country club's interest creating a second entrance. The Board provided historical and logistical information. To date, there has been no formal request to rezone the property for this use. The Board will schedule legal counsel to attend the next regular meeting to answer questions.

The cost to install a safe pathway to Brookside school will be shared between Worthington City schools, ODOT and Perry Township.

Motion by Chet Chaney; seconded by Andy English to authorize appropriation of \$15,000 for stage of the safe path project.

ALL VOTED YEA (180-13)

ADMINISTRATOR:
No new business.

ROAD DEPARTMENT:
Leaf collection began today.

CEMETERY:
No new business.

ZONING:

Motion by Chet Chaney; seconded by James Roper to accept the resignation of Zoning Inspector, Kim Cellar effective November 6, 2013.

ALL VOTED YEA (181-13)

Motion by Chet Chaney; seconded by James Roper to hire John Canty as Zoning Inspector, effective October 23, 2013, at a rate of \$15.00 per hour.

ALL VOTED YEA (182-13)

The Zoning Officer submitted an updated list of dead trees in the township.

Motion By Chet Chaney; seconded by Andy English to appoint Beth Beatty as secretary for the Zoning Commission and Board of Zoning Appeals, effective January 1, 2014.

ALL VOTED YEA (183-13)

**MINUTES
BOARD OF TRUSTEES
PERRY TOWNSHIP**

October 21, 2013

Page 2

POLICE DEPARTMENT:

Chief Oppenheimer stated that the Department is looking for grants to purchase AED units. The Department will also submit a grant application for the purpose of purchasing in car cameras.

Motion by James Roper, seconded by Chet Chaney to authorize the purchase of a data reporting system, including training, created by KNL Consulting at a cost of \$3,705.

ALL VOTED YEA (184-13)

Motion by James Roper, seconded by Chet Chaney to authorize the purchase of a used defibrillator from Robert Scheetz at a cost of \$500; plus \$200 for required accessories for a total cost of \$700.00.

ALL VOTED YEA (185-13)

FIRE DISTRICT:
No new business.

FINANCIAL:

Motion by James Roper, seconded by Chet Chaney to approve payroll and disbursements for the stated period.

ALL VOTED YEA (186-13)

EXECUTIVE SESSION:

Motion by James Roper, seconded by Chet Chaney to recess into executive session pursuant to Section 121.22(G)(8) of the Ohio Revised Code for the purpose of considering confidential information related to negotiations with other political subdivisions respecting requests for economic development assistance and such information is directly related to a request for economic development assistance that is to be provided or administered under Chapter 715 of the Ohio Revised Code. The executive session is necessary to protect the possible investment of public funds to be made in connection with the economic development project.

Chet Chaney, yea; James Roper, yea; Andy English, yea 8:05(PM)

ALL VOTED YEA (187-13)

A recess was call at 8:05PM

The Board reconvened into regular session at 9:29PM

Motion by James Roper to adjourn at 9:30PM.



JAMES ROPER
CHAIRMAN



MICHELE ELLIOTT
FISCAL OFFICER

MINUTES

**BOARD OF TRUSTEES
PERRY TOWNSHIP
November 4, 2013**

The Board of Trustees convened in regular session at 7:00PM, Monday, November 4, 2013.

THE PLEDGE OF ALLEGIANCE

ROLL CALL:

Chet Chaney, present; Andy English was on an excused absence; Jim Roper was present. The Fiscal Officer was present.

OTHERS IN ATTENDANCE:

Administrator Robert Myers, Chief Oppenheimer, Zoning Inspector Carty, Legal Council Don Brosius, Patty Vandewalle, Maureen Wooton, Matt Howard, Bob Scheetz, Dennis Holmes, Hugh Evans, Ryan O'Keefe, Bob and Janet DaPrato, Administrative Assistant Beatty.

MINUTES:

Motion by James Roper, seconded by Chet Chaney to approve the minutes of the October 21, 2013 regular session.

ALL VOTED YEA (188-13)

PUBLIC COMMENT:

Brookside

The elementary school will be closed on November 5th. The Fiscal Officer will contact the developer of the assisted living center (Smokey / Snouffer) to determine the construction start date.

Henderson Heights

No new business.

Worthington Hills

The elementary school will be closed on November 6th.

Mrs. DaPrato requested a status update regarding the water district. Mr. Chaney stated that the Board was still collecting information and no decision has been made. Mr. Roper explained the purpose of researching the feasibility of a water district.

OTHER:

Members of the Brookside community were in attendance to discuss issues and concerns related to a potential second Country Club entrance. Mr. Brosius explained the process the country club would need to follow should they decide to pursue a second access point. To date, the country club has not submitted a request to the Board; however, residents will be notified immediately should a formal request be made. A follow up meeting will be scheduled when warranted.

The emergency notification system will be discussed at the next meeting.

Mr. Chaney stated that Aqua has submitted a request to the PUCO to raise its rates approximately 6% for the purpose of recouping the cost of upgrades to the facility. Residents affected by the rate change will be kept up-to-date via e-broadcasts and website posting.

ADMINISTRATOR:

Ohio Insurance is expected to submit a final cost estimate for health insurance within a week.

ROAD DEPARTMENT:

Motion by James Roper, seconded by Chet Chaney to authorize Franklin Heating & Refrigeration to replace the split system heating and cooling unit in the lounge of building #2 at a cost of \$2,648.00.

ALL VOTED YEA (189-13)

Motion by James Roper, seconded by Chet Chaney to authorize the Department to purchase three skids of crack filler from D.J.L. Materials at an estimated cost of \$3,700.00.

ALL VOTED YEA (190-13)

CEMETERY:

No new business.

ZONING:

Motion by Chet Chaney, seconded by James Roper to declare 1375 Candlewood a nuisance due to noxious weeds.

ALL VOTED YEA (191-13)

**MINUTES
BOARD OF TRUSTEES
PERRY TOWNSHIP**

November 4, 2013

Page 2

Motion by Chet Chaney; seconded by James Roper to authorize zoning car repairs performed by Dan Tobin at a cost of \$751.22.

ALL VOTED YEA (192-13)

Mr. Chaney state that a new board member training session is set for November 19th.
Motion by Chet Chaney; seconded by James Roper to authorize legal counsel to send (2) letters to the property owners of 4995 Henderson Heights and 6612 Estel.

ALL VOTED YEA (193-13)

POLICE DEPARTMENT:

Motion by James Roper; seconded by Chet Chaney to authorize the purchase of traffic citations from Stuart & Associates at a cost not to exceed \$1,000.

ALL VOTED YEA (194-13)

FIRE DISTRICT:

The City of Upper Arlington submitted the October 2013 Fire and EMS run report.

FINANCIAL:

Motion by James Roper; seconded by Chet Chaney to approve payroll and disbursements for the stated period.

ALL VOTED YEA (195-13)

Motion by James Roper; seconded by Chet Chaney to authorize the establishment of a UAN Agency Fund related to the fire damaged home located at 1382 Beechlake Drive.

ALL VOTED YEA (196-13)

EXECUTIVE SESSION:

Motion by James Roper; seconded by Chet Chaney to recess into executive session pursuant to Section 121.22(G)(8) of the Ohio Revised Code for the purpose of considering confidential information related to negotiations with other political subdivisions respecting requests for economic development assistance and such information is directly related to a request for economic development assistance that is to be provided or administered under Chapter 715 of the Ohio Revised Code. The executive session is necessary to protect the possible investment of public funds to be made in connection with the economic development project.

Chet Chaney, yea; James Roper, yea; 7:40(PM)

ALL VOTED YEA (197-13)

The Board reconvened into regular session at 8:26PM

Motion by James Roper to adjourn at 8:30PM.


JAMES ROPER
CHAIRMAN


MICHELE ELLIOTT
FISCAL OFFICER

MINUTES

**BOARD OF TRUSTEES
PERRY TOWNSHIP
November 18, 2013**

The Board of Trustees convened in regular session at 7:00PM, Monday, November 18, 2013.

THE PLEDGE OF ALLEGIANCE

ROLL CALL:

Chet Chaney, present; Andy English, present; Jim Roper was present. The Fiscal Officer was on an excused absence.

OTHERS IN ATTENDANCE:

Administrator Robert Myers, Chief Oppenheimer, Road Superintendent Shonkwiler, Legal Counsel Kristen Martin, Eileen Leuby, Frank Harmon, Bob DaPrato, Bob Scheetz; Administrative Assistant Beatty.

MINUTES:

Motion by James Roper, seconded by Chet Chaney to approve the minutes of the November 4, 2013 regular session.

ALL VOTED YEA (198-13)

PUBLIC COMMENT:

Brookside

Construction for the retirement / assisted living center on Smokey Row and Snouffer Road has begun.

Henderson Heights

No new business.

Worthington Hills

The proposed Aqua rate increase was discussed at the recent civic meeting.

OTHER:

Eileen Leuby, MORPC's membership coordinator, explained the benefits of membership and application process.

Frank Harmon (Ohio Insurance Services Agency) submitted annual premium estimates of competing health care carriers.

Motion by Andy English, seconded by Chet Chaney to authorize Anthem to provide the health insurance coverage for the period of December 1, 2013 - December 31, 2014 with the stipulation that Anthem match the Medical Mutual prescription drug plan (\$10/20/30 card, \$20/40/60 Mail-in) and authorize the Administrator to sign related documentation on the Board's behalf.

ALL VOTED YEA (199-13)

Trustee Chaney submitted for review information related to the Olentangy Trail Capital Funding request.

ADMINISTRATOR:

Motion by James Roper, seconded Chet Chaney to approve the 2014 Perry Township Performance manual as submitted.

ALL VOTED YEA (200-13)

Motion by Andy English, seconded Chet Chaney to declare the Whirlpool dehumidifier (Bldg 1) as obsolete.

ALL VOTED YEA (201-13)

ROAD DEPARTMENT:

Motion by Andy English, seconded by Chet Chaney to authorize fuel tank repairs to Truck #1 by Earl's Truck Service at a cost of \$1,971.31.

ALL VOTED YEA (202-13)

CEMETERY:

No new business.

ZONING:

The Road Department will mow the property located at 1375 Candlewood.

Motion by Chet Chaney, seconded by Andy English to accept Zoning Board Secretary, Ginny Shimrock's, resignation effective December 31, 2013.

ALL VOTED YEA (203-13)

**MINUTES
BOARD OF TRUSTEES
PERRY TOWNSHIP**

November 18, 2013

Page 2

POLICE DEPARTMENT:
No new business.

FIRE DISTRICT:
The City of Worthington submitted the October 2013 Fire and EMS run report.

FINANCIAL:
Motion by Chet Chaney; seconded by James Roper to approve payroll and disbursements for the stated period.

ALL VOTED YEA (204-13)

Motion by Chet Chaney; seconded by James Roper to authorize the release of the security deposit (\$10,442.25) to the property owner of the fire damaged home located at 1382 Beechlake Drive.

ALL VOTED YEA (205-13)

The Board recessed at 7:49PM

EXECUTIVE SESSION:

Motion by James Roper; seconded by Chet Chaney to recess into executive session pursuant to Section 121.22(G)(8) of the Ohio Revised Code for the purpose of considering confidential information related to negotiations with other political subdivisions respecting requests for economic development assistance and such information is directly related to a request for economic development assistance that is to be provided or administered under Chapter 715 of the Ohio Revised Code. The executive session is necessary to protect the possible investment of public funds to be made in connection with the economic development project.

Chet Chaney, yea; James Roper, yea; Andy English, yea 7:54(PM)

ALL VOTED YEA (206-13)

The Board reconvened into regular session at 8:21PM

Motion by Chet Chaney; seconded by James Roper to authorize the intent to enter into a Joint Economic Development Zone Contract designating a Joint Economic Development Zoning and to establish a public hearing.

ALL VOTED YEA (207-13)

Motion by James Roper to adjourn at 8:30PM.



JAMES ROPER
CHAIRMAN



MICHAEL ELLIOTT
FISCAL OFFICER

RESOLUTION NO. 207-13

A RESOLUTION OF INTENT TO ENTER INTO A JOINT ECONOMIC DEVELOPMENT ZONE CONTRACT DESIGNATING A JOINT ECONOMIC DEVELOPMENT ZONE AND TO ESTABLISH A PUBLIC HEARING

PREAMBLE

WHEREAS, it is the intention of the Board of Trustees of Perry Township, Franklin County, Ohio, to enter into a Joint Economic Development Zone Contract (the "Contract") with the City of Worthington, Ohio designating a Joint Economic Development Zone (the "Zone") for the purpose of facilitating new and/or expanded growth for commercial and economic development in the State and in the Zone; and

WHEREAS, pursuant to Ohio Revised Code Section 715.691, before enacting a resolution approving the Contract, the legislative authorities of each of the contracting parties shall hold a public hearing concerning the Contract and Zone; and

WHEREAS, the Board of Trustees desires to establish the date of its public hearing and direct that notice be published of the same.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED by the Board of Township Trustees of Perry Township, Franklin County, Ohio, that:

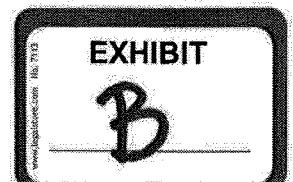
Section 1. Pursuant to Ohio Revised Code Section 715.691, the Board directs that a public hearing on the proposed Contract and Zone shall be held at the Perry Township Hall located at 7125 Sawmill Road, Dublin, Ohio 43016 on January 13, 2014 at 7:00 p.m.

Section 2. The Board further directs that the Township Fiscal Officer publish notice of this public hearing at least 30 days prior to the date thereof. It is also directed that during the 30 day period prior to the public hearing, all of the following documents shall be available for public examination in the office of the Perry Township Fiscal Officer at the times set forth in the published notice:

- (a) A copy of the Contract designating the Zone;
- (b) A description of the area or areas to be included in the Zone, including a map in sufficient detail to denote the specific boundaries of the area or areas; and
- (c) An economic development plan for the Zone that includes a schedule for the provision of any new, expanded, or additional services, facilities, or improvements.

Section 3. This Board finds and determines that all formal actions of this Board concerning and relating to the passage of this Resolution, and that all deliberations of this Board and of any committees that resulted in those formal actions, were in meetings open to the public in compliance with the law.

Section 4. This Resolution shall take effect immediately upon its adoption.



ADOPTED: November 18, 2013

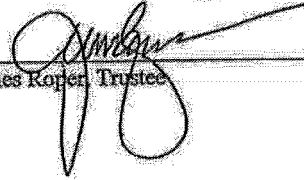
PERRY TOWNSHIP
FRANKLIN COUNTY, OHIO
BOARD OF TRUSTEES

ATTEST:


Michele Elliott, Township Fiscal Officer


Chet J. Chaney, Trustee


Andy English, Trustee


James Roper, Trustee

\\\\SERVERPUBLIC\BDOCS\LOCAL GOVT\PERRY\VEDZ-CED\RESOLUTION OF INTENT TO ENTER INTO A JEDZ PERRY.DOC

RESOLUTION NO. 051-14

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A JOINT ECONOMIC DEVELOPMENT ZONE CONTRACT BY AND BETWEEN THE CITY OF WORTHINGTON, OHIO AND PERRY TOWNSHIP (FRANKLIN COUNTY), OHIO.

WHEREAS, Perry Township (Franklin County), Ohio (the "Township") and the City of Worthington, Ohio (the "City") desire to facilitate new and expanded growth for commercial and economic development in the State of Ohio (the "State") and in the JEDZ (as hereinafter defined); and

WHEREAS, pursuant to Ohio Revised Code Section 715.691, the Township and the City negotiated a Joint Economic Development Zone Contract (the "JEDZ Contract") creating the Perry-Worthington Joint Economic Development Zone (the "JEDZ") encompassing the real property described and depicted in Exhibit A to the JEDZ Contract; and

WHEREAS, pursuant to Ohio Revised Code Section 715.691, the Township and the City each published a notice of the time and place of a public hearing regarding the JEDZ Contract to be held by the Township and the City, respectively, at least 30 days prior to their respective meeting; and

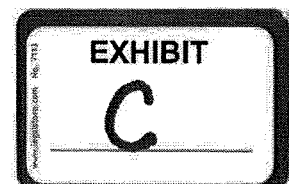
WHEREAS, since the publication of those notices, there has been on file with the Township Fiscal Officer and the City Clerk of Council: (i) a copy of the proposed JEDZ Contract, (ii) a description of the areas to be included in the JEDZ, including a map in sufficient detail to denote the specific boundaries of the JEDZ, and (iii) an economic development plan for the JEDZ that includes a schedule for the provision of any new, expanded, or additional services, facilities, or improvements; and

WHEREAS, on January 6, 2014, the City held its public hearing regarding the proposed JEDZ Contract that allowed public comments and recommendations regarding the JEDZ Contract; and

WHEREAS, in response to the public comments and recommendations provided at the City's public hearing, the City passed an ordinance approving and authorizing the execution and delivery of the JEDZ Contract in the form now on file with this Board; and

WHEREAS, on January 13, 2014, this Board held the Township's public hearing regarding the proposed JEDZ Contract that allowed public comments and recommendations regarding the JEDZ Contract;

NOW, THEREFORE, BE IT RESOLVED by an affirmative vote of the Board of Township Trustees of Perry Township (Franklin County), Ohio, that:



Section 1. The creation of the JEDZ pursuant to the JEDZ Contract approved by the City and now on file with this Board will facilitate new and expanded growth for commercial and industrial development in the State and in the JEDZ.

Section 2. The economic development plan now on file with the Township Fiscal Officer is approved.

Section 3. The JEDZ Contract approved by the City and now on file with this Board is approved and any two members of this Board are authorized to sign and deliver that JEDZ Contract.

Section 4. The members of this Board and the Township Fiscal Officer are authorized to execute and deliver such instruments and certificates, and to take such actions as are necessary to effect the creation of the JEDZ or to effect the provisions of the JEDZ Contract.

Section 5. All formal actions of this Board and any of its committees concerning and relating to the adoption of this resolution, and all deliberations of this Board and of any committees that resulted in those formal actions, occurred in meetings open to the public in accordance with the law.

Section 6. This resolution shall become effective immediately upon approval of this resolution by the electors of the Township at the election to be held on May 6, 2014.

Adopted: January 13, 2014

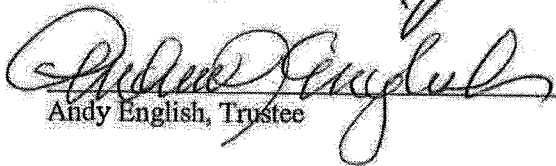
**PERRY TOWNSHIP
BOARD OF TRUSTEES**

ATTEST:


Michele Elliott, Township Fiscal Officer


James Koper, Trustee


Chet J. Chaney, Trustee



Andy English, Trustee

CERTIFICATION

**STATE OF OHIO
COUNTY OF FRANKLIN:**

I, the undersigned Fiscal Officer of Perry Township, Franklin County, Ohio, certify that the foregoing Resolution No. 051-14, which was adopted by the affirmative vote of the Perry Township Board of Trustees on January 13, 2014, is taken and copied from the record of proceedings of Perry Township, and that it has been compared by me with the Resolution on said record and is an exact and true copy of Resolution No. 051-14.

January 13, 2014


Michele Elliott, Fiscal Officer
Perry Township, Franklin County, Ohio

RESOLUTION NO. 052-14

A RESOLUTION TO SUBMIT TO THE ELECTORS OF THE TOWNSHIP THE QUESTION OF APPROVING THE RESOLUTION APPROVING A JOINT ECONOMIC DEVELOPMENT ZONE CONTRACT BY AND BETWEEN THE CITY OF WORTHINGTON, OHIO AND PERRY TOWNSHIP (FRANKLIN COUNTY), OHIO

WHEREAS, pursuant to Ohio Revised Code Section 715.691, this Board adopted Resolution No. 051-14 this day approving a Joint Economic Development Zone Contract by and between the City of Worthington, Ohio (the "City") and Perry Township (Franklin County), Ohio (the "Township"); and

WHEREAS, pursuant to Ohio Revised Code Section 715.691, Resolution No. 051-14 is not effective until approved by the electors of the Township;

NOW, THEREFORE, BE IT RESOLVED by an affirmative vote of the Board of Township Trustees of Perry Township (Franklin County), Ohio, that:

Section 1. The question of approving Resolution No. 051-14 shall be submitted to the electors of the Township at the election to be held on May 6, 2014.

Section 2. The form of the ballot to be used at that election shall be as follows:

Shall the resolution of the board of township trustees of Perry Township (Franklin County), Ohio approving the contract with the City of Worthington, Ohio for the designation of a joint economic development zone be approved?

	FOR THE RESOLUTION AND CONTRACT
	AGAINST THE RESOLUTION AND CONTRACT

Section 3. The Township Fiscal Officer is directed to certify a copy of this resolution and a copy of Resolution No. 051-14 to the Board of Elections of Franklin County, Ohio, prior to 4:00 p.m., February 5, 2014.

Section 4. All formal actions of this Board and any of its committees concerning and relating to the adoption of this resolution, and all deliberations of this Board and of any committees that resulted in those formal actions, occurred in meetings open to the public in accordance with the law.

Section 5. This resolution shall take effect immediately upon its adoption.

Adopted: January 13, 2014

**PERRY TOWNSHIP
BOARD OF TRUSTEES**

ATTEST:



Michele Elliott, Township Fiscal Officer



James Roper, Trustee



Chet J. Chaney, Trustee




Andy English, Trustee

CERTIFICATION

**STATE OF OHIO
COUNTY OF FRANKLIN:**

I, the undersigned Fiscal Officer of Perry Township, Franklin County, Ohio, certify that the foregoing Resolution No. 052-14, which was adopted by the affirmative vote of the Perry Township Board of Trustees on January 13, 2014, is taken and copied from the record of proceedings of Perry Township, and that it has been compared by me with the Resolution on said record and is an exact and true copy of Resolution No. 052-14.

January 13, 2014


Michele Elliott, Fiscal Officer
Perry Township, Franklin County, Ohio

1.42. Common, technical or particular terms.

Ohio Statutes

GENERAL PROVISIONS

Chapter 1. DEFINITIONS; RULES OF CONSTRUCTION

Current with Legislation effective as of 12/1/2013

1.42. Common, technical or particular terms

Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.

Cite as R.C. 1.42

History. Effective Date: 01-03-1972

1.11. Remedial laws liberally construed.

Ohio Statutes

GENERAL PROVISIONS

Chapter 1. DEFINITIONS; RULES OF CONSTRUCTION

Current with Legislation effective as of 12/1/2013

1.11. Remedial laws liberally construed

Remedial laws and all proceedings under them shall be liberally construed in order to promote their object and assist the parties in obtaining justice. The rule of the common law that statutes in derogation of the common law must be strictly construed has no application to remedial laws; but this section does not require a liberal construction of laws affecting personal liberty, relating to amercement, or of a penal nature.

Cite as R.C. 1.11

History. Effective Date: 10-01-1953

EXHIBIT D

JOINT ECONOMIC DEVELOPMENT ZONE CONTRACT

BY AND BETWEEN

CITY OF WORTHINGTON, OHIO

AND

PERRY TOWNSHIP (FRANKLIN COUNTY), OHIO

Dated as of

February 1, 2014

TABLE OF CONTENTS

ARTICLE I DEFINITIONS2
Section 1.1 Definitions.....2
Section 1.2 Interpretations3
Section 1.3 Captions and Headings3

ARTICLE II JOINT ECONOMIC DEVELOPMENT ZONE4
Section 2.1 Creation and Territory.....4
Section 2.2 Purpose.....4
Section 2.3 Contributions.....4

ARTICLE III THE BOARD.....5
Section 3.1 Membership and Governance of the Board5
Section 3.2 Powers of the Board and the JEDZ.....6
Section 3.3 Dissolution6

ARTICLE IV JEDZ INCOME TAX7
Section 4.1 JEDZ Income Tax Agreement7
Section 4.2 Authorization to Levy JEDZ Income Tax7
Section 4.3 Allocation of Proceeds of the JEDZ Income Tax7

ARTICLE V TERM OF CONTRACT8
Section 5.1 Effective Date.8
Section 5.2 Term8
Section 5.3 Extraordinary Terminations8
Section 5.4 Termination of JEDZ Income Tax; Distribution of JEDZ Assets8

ARTICLE VI MISCELLANEOUS10
Section 6.1 Fiscal Year10
Section 6.2 Reports and Records10
Section 6.3 Amendments10
Section 6.4 Support of Contract; Execution of Other Documents; Refunds10
Section 6.5 Binding Effect.....11
Section 6.6 Counterparts.....11
Section 6.7 Severability11
Section 6.8 Governing Law and Choice of Forum11
Section 6.9 Notices and Payments11
Section 6.10 Entire Agreement12

SIGNATURE PAGE13
FISCAL OFFICERS' CERTIFICATIONS14
EXHIBIT A PERRY-WORTHINGTON
JOINT ECONOMIC DEVELOPMENT ZONE..... A-1

JOINT ECONOMIC DEVELOPMENT ZONE CONTRACT

This Joint Economic Development Zone Contract (this "Contract") dated as of February 1, 2014 is entered into by and between the City of Worthington, Ohio (the "City"), a municipal corporation and political subdivision organized and existing pursuant to the Constitution and the laws of the State of Ohio, and Perry Township (Franklin County), Ohio (the "Township"), a township and political subdivision organized and existing under the laws of the State of Ohio. (Capitalized terms and words used, but not otherwise defined, in this Contract have the meanings assigned to them in Article I.)

WITNESSETH:

WHEREAS, Ohio Revised Code Section 715.691 authorizes a municipal corporation and a township to enter into a joint economic development zone contract; and

WHEREAS, the City and the Township desire to facilitate new and expanded growth for commercial and industrial development in the State and in the JEDZ; and

WHEREAS, the City and the Township desire to enter into this Contract pursuant to Ohio Revised Code Section 715.691, the Constitution and laws of the State of Ohio, ordinances of the City and resolutions of the Township to set forth their agreements with respect to the JEDZ, including, but not limited to, their contributions to the JEDZ, the creation of the Board, the powers and duties of the Board, and the distribution of revenues among the City, the Township and the Board of the proceeds of the JEDZ Income Tax.

NOW, THEREFORE, in consideration of the foregoing recitals and the agreements, representations and covenants set forth in this Contract, the City and the Township agree as follows:

(Remainder of Page Intentionally Left Blank)

ARTICLE I DEFINITIONS

Section 1.1 Definitions. In addition to any words and terms defined elsewhere in this Contract, the following capitalized words and terms shall have the following meanings:

“Board” shall mean the Board of Directors established in accordance with Revised Code Section 715.691(G) and this Contract.

“Business” includes each commercial, industrial, professional, educational, governmental, health and medical, service-oriented, and charitable entity that has established or will establish a temporary or permanent location in the JEDZ.

“Contract” means this Joint Economic Development Zone Contract by and between the City and the Township.

“Gross Revenues” means the proceeds of the JEDZ Income Tax, less refunds.

“Net Revenues” means Gross Revenues less the amounts paid by the Board to (i) the City pursuant to the JEDZ Income Tax Agreement; (ii) the Board pursuant to Section 4.2; and (iii) the City and/or the Township pursuant to Section 6.4.

“JEDZ” means the Perry-Worthington Joint Economic Development Zone created pursuant to Ohio Revised Code Section 715.691 and this Contract and includes all the real property described and depicted in Exhibit A to this Contract.

“JEDZ Income” means (i) the income earned by persons employed by a Business and (ii) the net profits, if any, of a Business.

“JEDZ Income Tax” means the tax on JEDZ Income levied by the Board in accordance with the provisions of this Contract.

“JEDZ Income Tax Agreement” means that agreement to be entered into by and between the Board and the City providing for the City to (i) assist the Board with the drafting of rules and regulations for the administration, collection and enforcement of the JEDZ Income Tax, (ii) collect and distribute the proceeds of the JEDZ Income Tax in accordance with the provisions of this Contract and (iii) act as the fiscal agent of the JEDZ and the Board.

“State” means the State of Ohio.

“Township” means Perry Township (Franklin County), Ohio.

“City” means the City of Worthington, Ohio.

Section 1.2 Interpretations. Any reference herein to the City, the Township or the Board or to any officer or employee of the City, the Township or the Board, includes the entities, officers or employees succeeding to their respective functions, duties or responsibilities pursuant to or by operation of law, or the entities, officers or employees lawfully performing their respective functions, duties or responsibilities.

Any reference herein to a section or provision of the Constitution of the State, a section, provision or chapter of the Ohio Revised Code, an ordinance of the City, a resolution of the Township or any statute of the United States of America, includes that section, provision, chapter, ordinance, resolution or statute as amended, modified, revised, supplemented or superseded from time to time; provided, however, that no amendment, modification, revision, supplement or superseding section, provision, chapter, ordinance, resolution or statute shall be applicable to this Contract solely by reason of this Section 1.2 if such amendment, modification, revision, supplement or superseding section, provision, chapter, ordinance, resolution or statute constitutes an impairment of the rights or obligations of the City, the Township or the Board under this Contract.

Unless the context clearly indicates otherwise, words importing the singular number include the plural number and vice versa. The terms "hereof", "hereby", "herein", "hereto", "hereunder" and similar terms refer to this Contract. The term "hereafter" means after, and the term "heretofore" means before, the date of this Contract. Words of any gender include the correlative word of the other genders unless the context clearly indicates otherwise.

Unless the context clearly indicates otherwise, any reference to a "Section" is a reference to a section of this Contract.

Section 1.3 Captions and Headings. The captions and headings in this Contract are solely for convenience of reference and do not define, limit or describe the scope or intent of any Articles, Sections, subsections, paragraphs, subparagraphs or clauses herein.

(End of Article I)

ARTICLE II
JOINT ECONOMIC DEVELOPMENT ZONE

Section 2.1 Creation and Territory. The City and the Township hereby create the “Perry-Worthington Joint Economic Development Zone” and the territory of the zone shall be the real property described and depicted in Exhibit A to this Contract.

Section 2.2 Purpose. The City and the Township are creating the JEDZ for the purpose of facilitating new or expanded growth for commercial and economic development within the JEDZ and the State for the benefit of the City, the Township and the State, and their residents.

Section 2.3 Contributions. The Township shall furnish or cause to be furnished to the JEDZ all usual and customary governmental services furnished by the Township to the other territory of the Township, including, but not limited to maintenance of township roads, snow removal, fire protection, police protection, emergency medical services and general administration and may furnish to the JEDZ such services allowed by law as the Township and the Board deem appropriate and agree.

The City shall, pursuant to the JEDZ Income Tax Agreement, furnish or cause to be furnished the services set forth in the JEDZ Income Tax Agreement and may furnish to the JEDZ such services as allowed by law as the City and the Board deem appropriate and agree. The City will also engage in activities to promote, complement and benefit economic development in the JEDZ as determined in the sole discretion of the City. The City is not expected or required to undertake any such activity to the detriment of economic development in the City. Other than the services to be provided by the City pursuant to the JEDZ Income Tax Agreement and this paragraph, nothing contained herein shall be construed as obligating the City to provide any particular service, level of service, or financial commitment to the JEDZ, and such matters shall be left to the further agreement of the City and the Board.

(End of Article II)

ARTICLE III THE BOARD

Section 3.1 Membership and Governance of the Board. Pursuant to Ohio Revised Code Section 715.691(G)(1), the City and the Township establish the Board to govern the JEDZ. The City and the Township shall each appoint three members of the Board to serve terms of two years. No more than one member of the Board shall be an elected officer of the City or the Township respectively, and an elected official shall not serve as Chair of the Board. The City and the Township, in their sole discretion, may reappoint members of the Board for additional terms on the Board.

Not later than 30 days after the effective date of the JEDZ, (i) the Board of Township Trustees of the Township shall adopt a resolution appointing three initial members of the Board, and (ii) the Council of the City shall appoint three initial members of the Board. The initial term of members of the Board shall commence on the first day of the month in which the initial meeting of the Board occurs. Within 30 days after the effective dates of such appointment, the Board shall hold its initial meeting and elect the member of the Board who will initially serve as Chair of the Board and such other officers as the Board deems advisable until the Board adopts rules governing the Board. The City shall arrange the time and place of the first meeting of the Board and shall give notice of that meeting in accordance with the laws of the State.

The members of the Board shall not receive compensation for such membership or for their attendance at meetings of the Board.

Pursuant to Ohio Revised Code Section 715.691(G)(2), membership on the Board of the JEDZ is not the holding of a public office or employment within the meaning of any section of the Ohio Revised Code or any ordinance prohibiting the holding of other public office or employment. Membership on the Board is not a direct or indirect interest in a contract or expenditure of money by any municipal corporation, township, county, or other political subdivision with which a member of the Board may be affiliated. Notwithstanding any provision of law to the contrary, no member of the Board shall forfeit or be disqualified from holding any public office or employment by reason of membership on the Board.

Actions of the Board shall be taken by a majority vote of all of its members. The Board shall adopt rules and the policies governing the Board, including, without limitation, a policy addressing reimbursement of Board members for incidental expenses related to Board meetings. The rules shall specify a schedule of regular meetings of at least one per each calendar quarter; provided, however, any regular meeting, except the first scheduled meeting in the first quarter of each year, may be cancelled for lack of business on the agenda of the Board. The rules may specify any other matters that the Board deems necessary for the orderly conduct of the Board. The Board shall be considered a public body for purposes of Ohio Revised Code Section 121.22, and Ohio Revised Code Chapter 2744 shall apply to such Board and the JEDZ.

Section 3.2 Powers of the Board and the JEDZ. The JEDZ is a body politic and corporate for the purpose of enjoying and exercising the rights and privileges conferred upon it under this Contract. The JEDZ may sue and be sued, and plead and be impleaded in its own name.

The Board shall have the specific powers set forth in this Contract and, in addition, shall have the power to do all acts that it determines to be necessary and appropriate to carry out its authorized purposes pursuant to Ohio Revised Code Section 715.691.

The Board is hereby authorized to promote, advertise, and publicize the JEDZ and its authorized purposes, and provide information to persons with an interest in establishing or expanding business and employment opportunities within the JEDZ. The Board may establish and collect fees for the provision of any promotional, advertising, and publicity services rendered at the request of a business or landowner within the JEDZ.

The Board may hire legal counsel to provide necessary or appropriate legal advice and to defend any legal action taken against it. The Board may engage an accountant and may purchase directors and officers liability insurance for the Board and such other insurance deemed necessary by the Board, and the cost of the insurance and any deductibles for any claims shall be paid from the Gross Revenues allocated to the Board.

The Board may provide guidance and direction on issues regarding tax abatement, economic development incentives, tax increment financing, zoning, traffic, and infrastructure necessary within the JEDZ and make formal recommendations regarding the same to the appropriate agencies. The Board shall periodically review and recommend any necessary changes to this Contract.

The Board shall have the power to enter into contracts for the provision of services within the JEDZ; provided, however, pursuant to Section 4.2, the Board is allocated 2% of the Gross Revenues for services and obligations each calendar year and the Board may not spend more than the accumulated balance of 2% allocated Gross Revenues for services and obligations. Additional expenditures beyond the accumulated balance require the written approval of the City and the Township. The limitation of the immediately preceding sentence shall not include any amount paid pursuant to a final judgment of a court of competent jurisdiction against the Board or the JEDZ.

Section 3.3 Dissolution. Upon the termination or nonrenewal of this Contract, the Board shall continue to exist following the date of termination of this Contract for the sole purpose of winding up the business affairs of the JEDZ, including discharging outstanding obligations, collecting outstanding JEDZ Income Tax, liquidating any property and assets of the JEDZ, and distributing any funds and assets remaining to the City and the Township in accordance with Section 5.4.

(End of Article III)

**ARTICLE IV
JEDZ INCOME TAX**

Section 4.1 JEDZ Income Tax Agreement. The Board shall enter into the JEDZ Income Tax Agreement with the City. The payments to the City for the services rendered pursuant to the JEDZ Income Tax Agreement shall equal the sum of (i) the reasonable expenses and fees incurred by the City to provide those services, including RITA costs and reasonable attorney fees directly incurred in the collection and enforcement of the JEDZ Income Tax, and (ii) an amount not to exceed 2% of the Gross Revenues collected in any calendar year for such reasonable and necessary additional costs incurred by the City in connection with and directly related to its provision of such services.

Section 4.2 Authorization to Levy JEDZ Income Tax. The Board is hereby authorized to adopt a resolution to (i) levy an income tax on the JEDZ Income at the rate of income tax currently and hereafter levied by the City and (ii) adopt regulations deemed necessary by the Board for the administration, collection and enforcement of the JEDZ Income Tax. The Board shall be allocated 2% of the Gross Revenues each calendar year for the administrative purposes of the Board as described in Section 3.2, above.

Section 4.3 Allocation of Proceeds of the JEDZ Income Tax. The City shall, on behalf of the JEDZ, collect the JEDZ Income Tax. The Net Revenues shall be allocated as follows: (i) 10% to the Township to be used for purposes of the JEDZ; (ii) 20% to the City to be used for the purposes of the City as determined by the City; and (iii) 70% to the Township to be used for purposes of the Township as determined by the Township.

Within 30 days of the last day of March, June, September and December of each year (or if any such date is not a business day, on the immediately succeeding business day), the City shall, on behalf of the JEDZ (i) pay from the Gross Revenues to the City the amount then due pursuant to the JEDZ Income Tax Agreement, (ii) calculate and pay from the Gross Revenues for the prior three months to the Board the amount then due pursuant to the Contract, (iii) calculate and pay the amounts due from the Net Revenues for the prior three months to the City and the Township, and (iv) provide an accounting of the receipts and uses of the proceeds of the JEDZ Income Tax for the prior three months, including, but not limited to, a summary of the amounts of JEDZ Income Tax on individuals withheld by each Business. In the event that any amount due from the Gross Revenues, in the case of the Board, or from the Net Revenues, in the case of either the City or the Township, is a negative amount, then that negative amount shall be set off against the next amount paid. Subject to the approval of the Township, the City may make these distributions on a monthly basis.

(End of Article IV)

ARTICLE V
TERM OF CONTRACT

Section 5.1 Effective Date. If and upon the approval of the Board resolution authorizing this Contract by the electors of the Township at the election held on May 6, 2014 and the execution of the Contract by the City and Township, this Contract and the JEDZ shall become effective. If the electors of the Township do not approve the Township resolution authorizing this Contract at the election held on May 6, 2014, this Contract shall be null and void.

Section 5.2 Term. The term of this Contract shall commence on its effective date and shall terminate on December 31, 2104. Notwithstanding the foregoing, during the thirtieth year of each consecutive 30 year period during the term of this Contract, either the City or Township may, at their respective options and without cause, terminate this Contract upon written notice given to the other party not less than 90 days prior to the expiration of each such 30 year period. Termination of this Contract pursuant to this Section 5.2 shall be effective at the conclusion of the 30 year period in which such notice was given. The term "consecutive 30 year period" shall mean (i) the period beginning January 1, 2015 and ending December 31, 2044, and (ii) the period beginning January 1, 2045 and ending December 31, 2074.

Section 5.3 Extraordinary Terminations. (a) Either the City or the Township may terminate this Contract by written notice to the other if (i) the Board has not adopted a resolution to levy the JEDZ Income Tax within one year after the effective date of this Contract, or (ii) a final order of a court of competent jurisdiction invalidates the levy of the JEDZ Income Tax. The right to terminate this Contract pursuant to subsection (a)(ii) shall commence at the end of the day upon which the time for appeal of the final order invalidating the levy of the JEDZ Income Tax expires, provided no appeal has been filed during such time to a higher court, and the right to terminate this Contract because of a final order invalidating the levy of the JEDZ Income Tax must be exercised within 12 months after such order.

(b) The Township may terminate this Contract by written notice to the City if the City and the Township do not enter into a Cooperative Economic Development Contract or Annexation Agreement pursuant to, respectively, Ohio Revised Code Section 701.07 or Section 709.192 prior to or within one year after the effective date of this Contract.

(c) Termination of this Contract pursuant to this Section 5.3 shall be effective upon the date stated in such notice of termination.

Section 5.4 Termination of JEDZ Income Tax; Distribution of JEDZ Assets. Upon the termination of this Contract, (i) the levy of any JEDZ Income Tax shall cease, (ii) any remaining assets or funds of the JEDZ shall be distributed as follows: 20% to the City and 80% to the Township, and (iii) the City and the Township shall be the successors in interest to any uncollected funds and unliquidated assets of the JEDZ, including the interest of the JEDZ in any legal proceedings, in the proportions set forth above. The books and records of the JEDZ shall be given into the custody of the Township and shall be open for inspection or audit by the City or

the Township. Income tax information contained therein shall be kept confidential in accordance with the provisions of the Ohio Revised Code.

(End of Article V)

**ARTICLE VI
MISCELLANEOUS**

Section 6.1 Fiscal Year. The fiscal year of the JEDZ shall commence on January 1 of each calendar year and shall terminate on December 31 of the same calendar year.

Section 6.2 Reports and Records. Within 30 days of the effective date of this Contract, the Board shall notify the Auditor of the State of Ohio of the creation of the JEDZ and the Board.

Within three months after the end of each fiscal year of the JEDZ, the Board shall compile and distribute to the City and the Township a report setting forth all revenues received by the JEDZ during the preceding fiscal year and all disbursements made during that fiscal year.

Within three months prior to the commencement of each fiscal year of the JEDZ, the Board shall prepare and distribute to the City and the Township a budget for that fiscal year, stating anticipated revenues and expenses of the JEDZ.

All books, records, documentation, and financial information of the JEDZ shall, upon request, be made available to the City and the Township and their agents for review and/or audit. The Board and the JEDZ shall fully cooperate with the City and/or the Township in fulfilling such a request.

Section 6.3 Amendments. Except for any amendment of this Contract or the JEDZ to increase the territory of the JEDZ, this Contract may be amended by the City and the Township pursuant to a written amendment authorized by the respective legislative authorities of the City and the Township. Any real property located within the JEDZ may be removed from the JEDZ pursuant to a written amendment duly authorized by the City and Township. Any such removal shall not be subject to the provisions of Ohio Revised Code Section 715.691 for the creation of a joint economic development zone. Following a duly authorized amendment removing real property from the JEDZ, such property shall be deleted from the territory of the JEDZ and is then no longer subject to the terms of the Contract. Any amendment of this Contract or the JEDZ to increase the territory of the JEDZ shall be subject to the provisions of Ohio Revised Code Section 715.691 for the creation of a joint economic development zone.

Section 6.4 Support of Contract; Execution of Other Documents; Refunds. The City and the Township shall support this Contract and shall defend the same against any lawsuits brought against the JEDZ or the Board or the City or the Township in conjunction with the JEDZ. The expenses and fees of the Board, the City and the Township, including reasonable attorney fees, incurred in any lawsuit brought against the JEDZ or the Board or the City or the Township shall be paid or reimbursed from Gross Revenues. If Gross Revenues are insufficient at any time to pay such expenses and fees, the City and the Township shall initially pay their own such expenses and fees and they shall be reimbursed for the amount of such expenses and fees paid when Gross Revenues are available for that reimbursement.

If Gross Revenues are insufficient at any time to pay a refund to a taxpayer pursuant to a final order of a court of competent jurisdiction, then the City and Township shall, subject to appropriation, pay such refund in the following proportions: 20% by the City and 80% by the Township.

The City and the Township agree to cooperate with one another in the implementation of this Contract and to execute or cause to be executed, in a timely fashion, all necessary documents in order to effectuate the purposes of this Contract.

Section 6.5 Binding Effect. All rights, benefits, and privileges under this Contract shall inure only to the City and the Township, and no third parties shall have any right to claim any rights, benefits, or privileges under this Contract. Each covenant, agreement or obligation of the City or the Township under this Contract is binding on each officer of the City or Township, respectively, who has the authority or duty from time to time under the laws of the State to take any action which may be necessary or advisable to observe or perform that covenant, agreement or obligation.

Section 6.6 Counterparts. This Contract may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute but one and the same Contract.

Section 6.7 Severability. The invalidity or unenforceability of any one or more provision of this Contract shall not affect the validity or enforceability of the remaining provisions of this Contract or any part thereof and the same shall remain in full force and effect.

Section 6.8 Governing Law and Choice of Forum. This Contract shall be governed by and construed in accordance with the laws of the State. All claims, counterclaims, disputes and other matters in question regarding this Contract or its breach will be decided in a court of competent jurisdiction within the State.

Section 6.9 Notices and Payments. All notices, demands, requests, consents or approvals given, required or permitted hereunder shall be in writing and shall be deemed sufficiently given if received or if hand delivered or sent by recognized overnight delivery service or by certified mail, postage prepaid and return receipt requested, addressed to (i) (A) the City at City of Worthington, 6550 North High Street, Worthington, Ohio 43085, Attention: City Manager, (B) the Township at Perry Township, 7125 Sawmill Road, Dublin, Ohio 43016, Attention: Fiscal Officer, and (C) to the Board, at Chair, Board of Directors, Perry-Worthington Joint Economic Development Zone at the business address for the JEDZ in the rules adopted by the Board, or (ii) such other address as the recipient shall have previously notified the sender in writing as provided in this Section 6.9.

All payments shall be made to (i) (A) the City at City of Worthington, 6550 North High Street, Worthington, Ohio 43085, Attention: Director of Finance, (B) the Township at Perry Township, 7125 Sawmill Road, Dublin, Ohio 43016, Attention: Fiscal Officer, and (C) to the Board, at Chair, Board of Directors, Perry-Worthington Joint Economic Development Zone at

the business address for the JEDZ in the rules adopted by the Board, or (ii) such other address as the recipient shall have previously notified the sender in writing as provided in this Section 6.9.

Section 6.10 Entire Agreement. This Contract is the only and entire agreement between the City and the Township regarding the JEDZ.

(End of Article VI)

IN TESTIMONY WHEREOF, the parties have subscribed to this JEDZ Contract by their duly authorized officers.

**PERRY TOWNSHIP
(FRANKLIN COUNTY), OHIO**

Date: _____

By: _____
Trustee

By: _____
Trustee

By: _____
Trustee

CITY OF WORTHINGTON, OHIO

Date: _____

By: _____
City Manager
City of Worthington, Ohio

APPROVED AS TO FORM:

Pamela A. Fox, City of Worthington
Director of Law

FISCAL OFFICERS' CERTIFICATIONS

The Undersigned Fiscal Officer of Perry Township, Franklin County Ohio hereby certifies that the moneys required to meet the obligations of the Township during the calendar year 2014 under the foregoing Joint Economic Development Zone Contract, being zero, have been appropriated lawfully for that purpose, and are in the treasury of the Treasurer or in the process of collection to the credit of an appropriate fund, free from encumbrances. This certification is made in compliance with Ohio Revised Code Sections 5705.41 and 5705.44.

Fiscal Officer
Perry Township

The Undersigned Director of Finance of the City of Worthington (Franklin County), Ohio hereby certifies that the moneys required to meet the obligations of the City during the calendar year 2014 under the foregoing Joint Economic Development Zone Contract, being zero, have been appropriated lawfully for that purpose, and are in the treasury of the City or in the process of collection to the credit of an appropriate fund, free from encumbrances. This certification is made in compliance with Ohio Revised Code Sections 5705.41 and 5705.44.

Director of Finance
City of Worthington

EXHIBIT A
PERRY-WORTHINGTON JOINT ECONOMIC DEVELOPMENT ZONE

The JEDZ consists of the following parcels as numbered and in the records of the County Auditor of Franklin County, Ohio, and as depicted on the map below:

Parcel Numbers				
212-000129-00	212-000427-00	212-000510-00	212-000537-00	212-000562-00
212-000563-00	212-000683-00	212-001257-00	212-001260-00	212-001261-00
212-001262-00	212-001265-00	212-001266-00	212-001267-00	212-001268-00
213-000155-00	213-000156-00	213-000237-00	213-000345-00	213-000402-00
213-000418-00	213-000438-00	213-000439-00	213-000458-00	213-000481-00
213-000486-00	213-000610-00	213-000871-00	213-000872-00	213-001470-00
213-001473-00	213-001572-00	213-001963-00	213-001964-00	213-001965-00
213-002155-00	213-002156-00	213-002326-00	213-002327-00	213-002351-00
213-002650-00	216-151079-00	216-151081-00	216-151082-00	216-151086-00
216-151087-00	216-151091-00	216-151092-00	216-151099-00	216-151102-00
216-151121-00	216-151267-00	216-190918-00		

**PERRY TOWNSHIP – CITY OF WORTHINGTON
JOINT ECONOMIC DEVELOPMENT ZONE**

ECONOMIC DEVELOPMENT PLAN

Perry Township (Franklin County), Ohio, (the “Township”) and the City of Worthington (the “City”) are creating the Perry-Worthington Joint Economic Development Zone (the “JEDZ”) for the purpose of facilitating new or expanded growth for commercial and economic development within the JEDZ.

The economic development plan for the JEDZ (the “Plan”) includes a tax on the income of the persons working within the JEDZ and on net profits of businesses located within the JEDZ. The rate of that tax will be the same as the rate of the tax imposed by the City on its residents and businesses, currently 2.5%. A portion of the proceeds of that tax will be used to administer and collect the tax and to pay certain legal costs of the JEDZ, the Township and the City. The remaining proceeds will be used by the Board of the JEDZ to pay administrative costs for the purposes of the JEDZ as determined by the Board of the JEDZ, used by the Township for the purposes of the JEDZ and for such purposes as determined by the Township, and used by the City for such purposes as determined by the City.

Perry Township is a highly diversified urban township with excellent medical, light industrial, commercial and retail land uses and businesses. A major component of the Township’s economic development strategy will be to seek private and public partners to build upon an already strong commercial base to facilitate additional commercial activity. Those activities are described below.

One of the economic development strengths of the JEDZ area is the location of State Route 161 and the surrounding properties within the JEDZ. The Township’s comprehensive development strategy includes the expansion of State Route 161. Currently, the State Route 161 corridor consists of a two lane road that is rural in nature but serves and provides access to an already highly developed urban population. In an effort to create and improve economic development along this corridor, the Township has spearheaded the formation of a partnership between the City, the City of Columbus, Franklin County and the Ohio Department of Transportation to join in the process of widening the roadway to provide improved service and access to existing and future development. The partnership has authorized a regional traffic study coordinated by the Mid-Ohio Regional Planning Commission which is scheduled to be completed by April 2014. In addition, it is anticipated that a portion of the JEDZ revenues will be dedicated to financing and continuing the State Route 161 improvement process. This plan includes the funding of an engineering study, public meetings, construction and completion of project phases.

Perry Township has adopted the goal of improving water run-off and drainage issues that have arisen as a result of Township development occurring in various phases over time. Specifically, as the Worthington Hills Country Club was developed in the late 1960’s, prior to the development of the Worthington Hills residential community and roadways, rain water run-off from the County Club property into the residential community was not a consideration during the Country Club development. Consequently, the Worthington Hills residential community and the Township roadways serving the area frequently experience water damage during rainy seasons. The Township anticipates that it will use JEDZ funds to assist in forming a partnership with the Worthington Hills Country Club, Worthington Hills Civic Association, Franklin County

Engineer and Franklin County Soil and Water to design a satisfactory drainage system for the roadway area. The Township plans to commit JEDZ funds to help finance a survey of the area.

As part of the Township's comprehensive economic development strategy the Township strives to invest in the improvement and maintenance of its infrastructure. Currently on Bethel Road in the JEDZ area there are several existing commercial establishments that include construction companies, a gun store and shooting range, an eye glass store, and restaurants. Providing high water quality in this area continues to be a goal for the Township. The Township plans to dedicate JEDZ funds to conduct a water quality study and explore reasonable options to improve water quality provided in this area. The Township anticipates that JEDZ funds will not only be used to fund costs associated with the study but also to invest in infrastructure improvements, as permitted, to improve water service in this area.

To aid in the implementation of safe walking access to Worthington City Schools, the Township has partnered with the Worthington City Schools and the Franklin County Engineer to connect and complete pedestrian pathways leading to and from the local school facilities in the Brookside area of the Township. Currently, the pedestrian pathways are incomplete and without improvements and expansion of the pathways, pedestrian access to the schools is unsafe. This year, the Township and the Franklin County Engineer were awarded a grant from the 2013 Safe Routes to Schools Grant Program administered by the Ohio Department of Transportation. The Township anticipates that it will dedicate not only JEDZ revenue, but also, general revenue funds to combine with the grant award and school bond funds in order to fund the completion of the pedestrian pathway construction project. The pedestrian pathway project involves three phases: Phase I improves the walkway along Snouffer Place leading to Brookside Elementary School; Phase II includes the installation of the crosswalk over Snouffer Road; and, Phase III includes placing a multi-use pathway parallel to Snouffer Road that will also connect the nearby middle school with sports facilities.

It is also anticipated that JEDZ funds and other funds available to the Township, will be used by the JEDZ and the Township to provide (1) plans for the redevelopment or the adaptive re-use of vacant or underutilized commercial and industrial buildings, (2) programs for the elimination of blight, including litter and graffiti, and increased code enforcement, (3) improvements of streets in and nearby the JEDZ, potentially including tree plantings, landscaping, entryway features, benches and street lighting, (4) the study of, and funds for, the improvement of access to the JEDZ, (5) planning for the development of the JEDZ and adjacent areas and (6) marketing the JEDZ for economic development.

The Plan is integrated with economic development planning within the entire Township, and is expected to provide the stimulus for the economic revival of the Township and to maintain and create jobs and economic opportunities for the residents of the Township, the City and surrounding areas. The intent of the Plan is that its provisions will be implemented and/or completed within the term of the JEDZ.

BEFORE THE BOARD OF ELECTIONS
FRANKLIN COUNTY, OHIO

FEB 18 2014 2:57

NOTICE OF APPEARANCE OF COUNSEL FOR ZACH SCOTT,
CANDIDATE FOR MEMBER OF STATE CENTRAL COMMITTEE TO BE ELECTED
AT PRIMARY ELECTION MAY 6, 2014

The undersigned counsel hereby gives notice of appearance on behalf of Zach Scott, candidate for member of state central committee to be elected at the primary election to be held on May 6, 2014. It is anticipated that the Franklin County Board will be certifying candidates at its February 18, 2014 public meeting following the petition review process for the May 6, 2014 primary election ballot. Counsel for Zach Scott requests to be heard on any discussion regarding the sufficiency and validity of Sheriff Scott's petition. Further, counsel respectfully requests that all notices, documents, requests and other items of communication regarding Zach Scott's candidacy, as aforesated, should be directed, provided and transmitted to the undersigned counsel at the addresses and/or telephone numbers provided below.

Respectfully submitted,

BRUNNER QUINN

EXHIBIT 1

By:  _____

Jennifer L. Brunner
35 N. Fourth Street, Suite 200
Columbus, Ohio 43215
Telephone: (614) 241-5550
Fax: (614) 453-8141
Email: jlb@brunnerlaw.com

Filed in person this 18th day of February, 2014 with the Franklin County Board of Elections, with copies provided to the members, director and deputy director of the board.

EXHIBIT 2

**BEFORE THE BOARD OF ELECTIONS
FRANKLIN COUNTY, OHIO**

14 FEB 18 PM 2:58

FRANKLIN COUNTY
BOARD OF ELECTIONS

**NOTICE OF FILING OF AFFIDAVITS OF MANASI CHATTERJI AND TARA PATEL
REGARDING PETITION OF ZACH SCOTT,
CANDIDATE FOR MEMBER OF STATE CENTRAL COMMITTEE TO BE ELECTED
AT PRIMARY ELECTION MAY 6, 2014**

The undersigned counsel hereby gives notice on behalf of Zach Scott, candidate for member of state central committee to be elected at the primary election to be held on May 6, 2014, of the filing of the affidavits of Manasi Chatterji and Tara Patel. It is anticipated that the Franklin County Board will be certifying candidates for the ballot at its February 18, 2014 public meeting following its petition review process for the May 6, 2014 primary election. Counsel for Zach Scott requests to be heard on any discussion regarding the validity and sufficiency of Sheriff Scott's petition and for the board to consider in its deliberations of the same, the attached affidavits of Manasi Chatterji and Tara Patel.

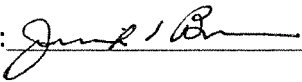
Manasi Chatterji circulated a part petition on which is contained the signature of elector Tara Patel at line 7. Both of them attest by affidavit that the signature of Tara Patel was signed by Tara Patel in the circulator, Manasi Chatterji's presence.

Counsel is prepared to provide Revised Code sections that would require the board to consider the affidavits and to count Tara Patel's signature as a valid signature on Sheriff Scott's petition. Tara Patel is a neighbor of the circulator, and English is not her first language. Because the language of her country of origin (India) does not involve the Roman alphabet, her signature may appear different

from time to time. It is requested that the Board review the attached affidavits and find that the signature of Tara Patel is valid and that Zach Scott has filed at least the minimum requisite number of signatures to entitle his name to be placed on the primary election ballot.

Respectfully submitted,

BRUNNER QUINN

By:  _____

Jennifer L. Brunner
35 N. Fourth Street, Suite 200
Columbus, Ohio 43215
Telephone: (614) 241-5550
Fax: (614) 453-8141
Email: jlb@brunnerlaw.com

Filed in person this 18th day of February, 2014 with the Franklin County Board of Elections, with copies provided to the members, director and deputy director of the board.

**BEFORE THE BOARD OF ELECTIONS
FRANKLIN COUNTY, OHIO**

IN RE: Board of Elections review of declaration of candidacy petition of Zachary Scott for member of state central committee to be elected at Democratic Party primary election on May 6, 2014

State of Ohio :
:
: SS.
:
County of Franklin :

AFFIDAVIT OF TARA PATEL

1. My name is Tara Patel.
2. My address is 1324 Nantucket Avenue, Columbus, Ohio 43235.
3. I make this affidavit based on personal knowledge and observation.
4. I am of sound mind and age to attest to the matters stated within this affidavit.
5. I am a registered voter of Franklin County, Ohio.
6. On February 4, 2014, my neighbor, Manasi Chatterji, appeared at the door of my home with a petition, which was a declaration of candidacy petition of Zachary Scott for member of state central committee.
7. I invited Manasi into my home, and I signed the petition.
8. Manasi was in my presence when I signed my name on the petition.
9. Manasi completed my address for me on the petition, and it appears that she also printed my name.
10. A copy of the petition I signed is attached here to as Exhibit A.

11. My signature appears on line 7 of Exhibit A, and that signature is the one I placed on the petition in Manasi's presence on February 4, 2014.
12. Affiant further sayeth naught.

Tara C. Patel.

Tara Patel

Sworn to and subscribed before me, a Notary Public for the State of Ohio this 14th day of February, 2014.



DEBRA M. BECK
Notary Public, State of Ohio
My Commission Expires 08-03-18

Debra M Beck
Notary Public

My commission expires: 8-3-18

11-5
BL-1
TW

COPY

DECLARATION OF CANDIDACY

FOR MEMBER OF STATE CENTRAL COMMITTEE TO BE ELECTED
PARTY PRIMARY ELECTION

0000659

To be filed with the Board of Elections of the most populous county or part county in the district not later than 4 p.m. of the 90th day before the day of the primary election.
Revised Code 3513.05, .07, .09, .10, .191, 3501.38, 3517.03, 3513.262

The controlling committee of each major political party or organization is the state central committee consisting of two members, one a man and one a woman, representing each senatorial district in the state, as the outgoing committee determines. The candidate must fill in and sign the declaration of candidacy before obtaining signatures on the petition. No less than 5 nor more than 15 signatures must be obtained. Each signer must be a member of the same political party as the candidate and must be a qualified elector of the state senatorial district the candidate wishes to represent on the committee.

NOTE - THE CANDIDATE MUST FILL IN, SIGN AND DATE THIS DECLARATION BEFORE PETITIONS ARE CIRCULATED.

I, ZACHARY SCOTT, the undersigned, hereby declare under penalty of election falsification that my voting residence address is 7784 ROWLES DR of COLUMBUS, Ohio 43235, and I am a qualified elector.

I hereby declare that I desire to be a candidate for election to the office of Member of the State Central Committee as a member of the DEMOCRAT Party from the 16TH SENATE Senatorial District, at the primary election to be held on the 06 day of MAY, 2014.

I further declare that, if elected to said office or position, I will qualify therefor, and I will support and abide by the principles enunciated by the DEMOCRAT Party.

Dated this 31 day of JANUARY, 2014

Zachary Scott
(Signature of Candidate)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE

PETITION FOR CANDIDATE

(This petition shall be circulated only by a member of the same political party as stated above by the candidate)

We, the undersigned qualified electors of the State of Ohio, whose voting residence is in the county, city, village, or township, set opposite our names, and members of the DEMOCRAT Party, hereby certify that ZACHARY SCOTT, whose declaration of candidacy is filed herewith, is in our opinion, well qualified to perform the duties of the office or position to which the person desires to be elected.

Signatures on this petition should be from only one county and must be written in ink. Signatures on this petition shall be of persons who are of the same political party as stated above by the candidate.

SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE, OR TOWNSHIP	COUNTY	DATE OF SIGNING
<u>Brian E. Shinn</u>	<u>137 Morse Road</u>	<u>Columbus</u>	<u>Franklin</u>	<u>2/4/14</u>
<u>Jeffrey H. Hays</u>	<u>1494 Clovestone</u>	<u>Worthington</u>	<u>Franklin</u>	<u>2-4-14</u>
<u>James W. Karst</u>	<u>1021 Larkstone</u>	<u>Columbus</u>	<u>Franklin</u>	<u>2-4-14</u>
<u>Shirley</u>	<u>2277 Slade Ave</u>	<u>Columbus</u>	<u>Franklin</u>	<u>2/4/14</u>
<u>Sybil Challengi</u>	<u>1277 Slade Ave</u>	<u>Columbus</u>	<u>Franklin</u>	<u>2/4/14</u>

30001
1914
1023

EXHIBIT A

BL
 NR
 ✓
 2000
 06-15-14

SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE, OR TOWNSHIP	COUNTY	DATE OF SIGNING
_____	1284	Columbus	FRANKLIN	2-4-14
7. <i>Sarah Kura</i> ^{TARA} TRIS	1524 1286 Nantucket.	Columbus	FRANKLIN	2-4-14
8. <i>Mereda Magey</i>	1331 1331 ^{Stewart Avenue} Columbus, Ohio	Columbus	FRANKLIN	2-4-14
9. <i>Yocela Ormura</i>	1319 1319 ^{Stewart Ave}	Columbus	Franklin	2-4-14
10. <i>Phyllis J. Kemp</i>	7575 7575 ^{Summit Street}	Columbus	Franklin	2-5-14
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				

CIRCULATOR STATEMENT – Must be completed and signed by circulator.

I, Manasi Chattop, declare under penalty of election falsification that I reside
 (Printed Name of Circulator)
 at the address appearing below my signature; that I am a member of the DEMOCRAT Party;
 that I am the circulator of the foregoing petition containing 20 signatures; that I witnessed
 (Number)
 the affixing of every signature; that all signers were to the best of my knowledge and belief qualified to
 sign; and that every signature is to the best of my knowledge and belief the signature of the person
 whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the
 Revised Code.

**WHOEVER COMMITS ELECTION
 FALSIFICATION IS GUILTY OF A
 FELONY OF THE FIFTH DEGREE**

Manasi Chattop
 (Signature of Circulator)
1277 Blad Avenue
 (Permanent residence address)
Columbus OH 43225
 (City or Village, State and Zip Code)

County Board of Elections
 Form 2-J – Declaration of Candidacy of _____
 Candidate for _____
 Filed _____
 Certificate of Validity
 REVISED CODE 3501.11

We, the undersigned members of the Board of Elections of this county, certify that we have reviewed and examined the foregoing petition and find it to be sufficient and valid, and caused our signatures and official seal to be

Affixed at _____ Ohio,
 This _____ day of _____

Chairperson _____
 Member _____
 Member _____
 Member _____
 Member _____
 Director _____ (seal)

**BEFORE THE BOARD OF ELECTIONS
FRANKLIN COUNTY, OHIO**

IN RE: Board of Elections review of declaration of candidacy petition of Zachary Scott for member of state central committee to be elected at Democratic Party primary election on May 6, 2014

State of Ohio :
: :
: SS.
: :
County of Franklin :

AFFIDAVIT OF MANASI CHATTERJI

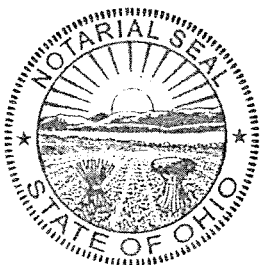
1. My name is Manasi Chatterji.
2. My address is 1277 Slade Avenue, Columbus, Ohio 43235.
3. I make this affidavit based on personal knowledge and observation.
4. I am of sound mind and age to attest to the matters stated within this affidavit.
5. I am a registered voter of Franklin County, Ohio.
6. On February 4, 2014, I circulated a declaration of candidacy petition of Zachary Scott for member of state central committee to be elected at Democratic Party primary election on May 6, 2014.
7. I collected a total of nine (9) signatures on the petition, a copy of which is attached hereto as Exhibit A.
8. This was the first time I had circulated a petition.
9. Upon receiving the petition (Exhibit A), I consulted with an experienced petition circulator, who gave me instructions for correctly circulating it.
10. I personally witnessed the signature of each person who signed the petition.

11. At line 7. on the back of the petition is the name of Tara Patel.
12. Tara Patel is my neighbor.
13. I took the petition to Tara Patel's home around the dinner hour near the start of the big snowfall that evening, and Tara invited me into her home.
14. I explained to Tara Patel what the petition was about and personally witnessed Tara Patel sign her name on the petition.
15. Tara Patel is to my estimate of retirement age, perhaps in her seventies.
16. After Tara Patel signed the petition, I completed her address for her on the petition and also printed her name for legibility.
17. Tara Patel's address contains a strike through to show the correct street number of her home on Nantucket; I completed the language that was stricken through as well as the corrected number that appears at line 7 for her street address.
18. On February 5, 2015 I dropped off the petition to Phyllis Kemp as it appears in Exhibit A, except for the markings placed on it that I am assuming were made by the Franklin County Board of Elections.
19. Affiant further sayeth naught.

Manasi Chatterji

Manasi Chatterji

Sworn to and subscribed before me, a Notary Public for the State of Ohio this 14th day of February, 2014.



Debra M Beck

DEBRA M BECK
Notary Public
Notary Public, State of Ohio
My Commission Expires 08-03-18

My commission expires: 8-3-18

10-5
DL-1
TW
COPY

**DECLARATION OF CANDIDACY
FOR MEMBER OF STATE CENTRAL COMMITTEE TO BE ELECTED
PARTY PRIMARY ELECTION**

000659 To be filed with the Board of Elections of the most populous county or part county in the district not later than 4 p.m. of the 90th day before the day of the primary election.

Revised Code 3513.05, .07, .09, .10, .191, 3501.38, 3517.03, 3513.262

The controlling committee of each major political party or organization is the state central committee consisting of two members, one a man and one a woman, representing each senatorial district in the state, as the outgoing committee determines. The candidate must fill in and sign the declaration of candidacy before obtaining signatures on the petition. No less than 5 nor more than 15 signatures must be obtained. Each signer must be a member of the same political party as the candidate and must be a qualified elector of the state senatorial district the candidate wishes to represent on the committee.

NOTE - THE CANDIDATE MUST FILL IN, SIGN AND DATE THIS DECLARATION BEFORE PETITIONS ARE CIRCULATED.

I, ZACHARY SCOTT, the undersigned, hereby declare under penalty of election falsification that my voting residence address is 7784 ROWLES DR of COLUMBUS, Ohio 43235, and I am a qualified elector.

I hereby declare that I desire to be a candidate for election to the office of Member of the State Central Committee as a member of the DEMOCRAT Party from the 16TH SENATE Senatorial District, at the primary election to be held on the 06 day of MAY, 2014.

I further declare that, if elected to said office or position, I will qualify therefor, and I will support and abide by the principles enunciated by the DEMOCRAT Party.

Dated this 31 day of JANUARY, 2014
Zach Scott
(Signature of Candidate)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE

PETITION FOR CANDIDATE

(This petition shall be circulated only by a member of the same political party as stated above by the candidate)

We, the undersigned qualified electors of the State of Ohio, whose voting residence is in the county, city, village, or township, set opposite our names, and members of the DEMOCRAT Party, hereby certify that ZACHARY SCOTT, whose declaration of candidacy is filed herewith, is in our opinion, well qualified to perform the duties of the office or position to which the person desires to be elected.

Signatures on this petition should be from only one county and must be written in ink. Signatures on this petition shall be of persons who are of the same political party as stated above by the candidate.

SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE, OR TOWNSHIP	COUNTY	DATE OF SIGNING
1. <u>Brian E. Shum</u>	<u>137 Morse Road</u>	<u>Columbus</u>	<u>Franklin</u>	<u>2/4/14</u>
2. <u>[Signature]</u>	<u>1494 cloverstone</u>	<u>Worthington</u>	<u>Franklin</u>	<u>2-4-14</u>
3. <u>James W. Kester</u>	<u>1021 Lankstone</u>	<u>Columbus</u>	<u>Franklin</u>	<u>2-4-14</u>
4. <u>[Signature]</u>	<u>1877 Slade Ave</u>	<u>Columbus</u>	<u>Franklin</u>	<u>2/4/14</u>
5. <u>Sybil Challeney</u>	<u>12-77 Slade Ave</u>	<u>Columbus</u>	<u>Franklin</u>	<u>2/4/14</u>

EXHIBIT A

SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE, OR TOWNSHIP	COUNTY	DATE OF SIGNING
_____	1284 _____	Columbus	FRANKLIN	2-4-14
7. <i>Sara Kura</i> ^{TARA} _____	1524 1286 Nantucket.	Columbus	FRANKLIN	2-4-14
8. <i>Mereda Mages</i>	1331 Sledge Avenue Columbus, Ohio	Columbus	FRANKLIN	2-4-14
9. <i>Yosela Orum</i>	1319 Sledge Ave	Columbus	Franklin	2-4-14
10. <i>Phyllis J Kemp</i>	757 Summit Road	Columbus	Franklin	2-5-14
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				

CIRCULATOR STATEMENT – Must be completed and signed by circulator.

I, Manasi Chatterji, declare under penalty of election falsification that I reside
 (Printed Name of Circulator)
 at the address appearing below my signature; that I am a member of the DEMOCRAT Party;
 that I am the circulator of the foregoing petition containing 20 signatures; that I witnessed
 (Number)

the affixing of every signature; that all signers were to the best of my knowledge and belief qualified to sign; and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code.

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE

Manasi Chatterji
 (Signature of Circulator)
1277 Blade Avenue
 (Permanent residence address)
Columbus OH 43225
 (City or Village, State and Zip Code)

County Board of Elections
 Form 2-J – Declaration of Candidacy of _____
 Candidate for _____
 Filed _____
 Certificate of Validity
 REVISED CODE 3501.11

We, the undersigned members of the Board of Elections of this county, certify that we have reviewed and examined the foregoing petition and find it to be sufficient and valid, and caused our signatures and official seal to be affixed at _____, Ohio,
 This _____ day of _____
 Chairperson _____
 Member _____
 Member _____
 Member _____
 Member _____
 Director _____ (seal)

IV-5
DL-1
TW

COPY

BOARD OF ELECTIONS
COLUMBUS, OHIO

**DECLARATION OF CANDIDACY
FOR MEMBER OF STATE CENTRAL COMMITTEE TO BE ELECTED
PARTY PRIMARY ELECTION**

14 FEB - 5 PM 2:56
BOARD OF ELECTIONS

000653

To be filed with the Board of Elections of the most populous county or part county in the district not later than 4 p.m. of the 90th day before the day of the primary election.
Revised Code 3513.05, .07, .09, .10, .191, 3501.38, 3517.03, 3513.262

The controlling committee of each major political party or organization is the state central committee consisting of two members, one a man and one a woman, representing each senatorial district in the state, as the outgoing committee determines. The candidate must fill in and sign the declaration of candidacy before obtaining signatures on the petition. No less than 5 nor more than 15 signatures must be obtained. Each signer must be a member of the same political party as the candidate and must be a qualified elector of the state senatorial district the candidate wishes to represent on the committee.

NOTE - THE CANDIDATE MUST FILL IN, SIGN AND DATE THIS DECLARATION BEFORE PETITIONS ARE CIRCULATED.

I, ZACHARY SCOTT, the undersigned, hereby declare under penalty of election falsification that my voting residence address is 7784 ROWLES DR, of COLUMBUS, Ohio 43235, and I am a qualified elector.
(Name of Candidate) (Street and Number, if any, or Rural Route Number) (City, Village or post Office) (Zip Code)

I hereby declare that I desire to be a candidate for election to the office of Member of the State Central Committee as a member of the DEMOCRAT Party from the 16TH SENATE Senatorial District, at the primary election to be held on the 06 day of MAY, 2014.
(Number of District)

I further declare that, if elected to said office or position, I will qualify therefor, and I will support and abide by the principles enunciated by the DEMOCRAT Party.

Dated this 31 day of JANUARY, 2014.

Zachary Scott
(Signature of Candidate)

**WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE
PETITION FOR CANDIDATE**

(This petition shall be circulated only by a member of the same political party as stated above by the candidate)

We, the undersigned qualified electors of the State of Ohio, whose voting residence is in the county, city, village, or township, set opposite our names, and members of the DEMOCRAT Party, hereby certify that ZACHARY SCOTT, whose declaration of candidacy is filed herewith, is in our opinion, well qualified to perform the duties of the office or position to which the person desires to be elected.
(Name of Candidate)

Signatures on this petition should be from only one county and must be written in ink. Signatures on this petition shall be of persons who are of the same political party as stated above by the candidate.

SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE, OR TOWNSHIP	COUNTY	DATE OF SIGNING
1. <u>Brian E. Shinn</u>	<u>137 Morse Road</u>	<u>Columbus</u>	<u>Franklin</u>	<u>2/4/14</u>
2. <u>[Signature]</u>	<u>1494 cloverstone</u>	<u>Worthington</u>	<u>Franklin</u>	<u>2-4-14</u>
3. <u>James W. Kester</u>	<u>1021 Lakstone</u>	<u>Columbus</u>	<u>Franklin</u>	<u>2-4-14</u>
4. <u>[Signature]</u>	<u>1277 Slade Ave</u>	<u>Columbus</u>	<u>Franklin</u>	<u>2/4/14</u>
5. <u>Seymour Chatterly</u>	<u>1277 Slade Ave</u>	<u>Columbus</u>	<u>Franklin</u>	<u>2/4/14</u>

✓
OC/OD
✓
✓
✓

19th
1023

SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE, OR TOWNSHIP	COUNTY	DATE OF SIGNING
_____	1284	Columbus	FRANKLIN	2-4-14
7. <i>Sarah Tara</i>	1324 1286 Nantucket.	Columbus	FRANKLIN	2-4-14
8. <i>Mereda Moxey</i>	1331 Slade Avenue Columbus, Ohio	Columbus	FRANKLIN	2-4-14
9. <i>Yogala Ozunwa</i>	1319 Slade Ave	Columbus	Franklin	2-4-14
10. <i>Phyllis J Kemp</i>	757 Summerbrook	Columbus	Franklin	2-5-14
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				

ISL
MOP
✓
MRA
00/100

1474

CIRCULATOR STATEMENT – Must be completed and signed by circulator.

I, Manasi Chatterji, declare under penalty of election falsification that I reside
 (Printed Name of Circulator)
 at the address appearing below my signature; that I am a member of the DEMOCRAT Party;
 that I am the circulator of the foregoing petition containing 20 signatures; that I witnessed
 (Number)
 the affixing of every signature; that all signers were to the best of my knowledge and belief qualified to
 sign; and that every signature is to the best of my knowledge and belief the signature of the person
 whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the
 Revised Code.

**WHOEVER COMMITS ELECTION
 FALSIFICATION IS GUILTY OF A
 FELONY OF THE FIFTH DEGREE**

Manasi Chatterji
 (Signature of Circulator)
1277 Slade Avenue
 (Permanent residence address)
Columbus OH 43225
 (City or Village, State and Zip Code)

County Board of Elections
 Form 2-J – Declaration of Candidacy of _____

Candidate for _____

Filed _____

Certificate of Validity
 REVISED CODE 3501.11

We, the undersigned members of the Board of Elections of this county, certify that we have reviewed and examined the foregoing petition and find it to be sufficient and valid, and caused our signatures and official seal to be

Affixed at _____, Ohio,
 This _____ day of _____

Chairperson _____
 Member _____
 Member _____
 Member _____
 Member _____
 Director _____ (seal)

ALL DOCUMENT TYPES

Anti_256



If I am using the date of this ballot according to:



take to the absentee...

If I am using this Provisional Ballot because my name did not appear in the poll book of the precinct at which I presented myself to vote, I understand that if I cast this Provisional Ballot in a precinct other than the precinct of my residence that no portion of the ballot will be counted.

I understand that the statements above are made under the penalty of election falsification.

Tara Patel 11-3-24
SIGNATURE OF VOTER DATE

50
OFFICIAL USE ONLY

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.

- NEW LIST VIEW INFO REMOVE PRINT

IT	ABSENTEE STATUS	MAILING ADDRESS
	ABSENTEE BALLOTS	POLLWORKERS

RE

EXHIBIT 4

3501.11 Board duties.

Each board of elections shall exercise by a majority vote all powers granted to the board by Title XXXV of the Revised Code, shall perform all the duties imposed by law, and shall do all of the following:

- (A) Establish, define, provide, rearrange, and combine election precincts;
- (B) Fix and provide the places for registration and for holding primaries and elections;
- (C) Provide for the purchase, preservation, and maintenance of booths, ballot boxes, books, maps, flags, blanks, cards of instructions, and other forms, papers, and equipment used in registration, nominations, and elections;
- (D) Appoint and remove its director, deputy director, and employees and all registrars, judges, and other officers of elections, fill vacancies, and designate the ward or district and precinct in which each shall serve;
- (E) Make and issue rules and instructions, not inconsistent with law or the rules, directives, or advisories issued by the secretary of state, as it considers necessary for the guidance of election officers and voters;
- (F) Advertise and contract for the printing of all ballots and other supplies used in registrations and elections;
- (G) Provide for the issuance of all notices, advertisements, and publications concerning elections, except as otherwise provided in division (G) of section 3501.17 and divisions (F) and (G) of section 3505.062 of the Revised Code;
- (H) Provide for the delivery of ballots, pollbooks, and other required papers and material to the polling places;
- (I) Cause the polling places to be suitably provided with voting machines, marking devices, automatic tabulating equipment, stalls, and other required supplies. In fulfilling this duty, each board of a county that uses voting machines, marking devices, or automatic tabulating equipment shall conduct a full vote of the board during a public session of the board on the allocation and distribution of voting machines, marking devices, and automatic tabulating equipment for each precinct in the county.
- (J) Investigate irregularities, nonperformance of duties, or violations of Title XXXV of the Revised Code by election officers and other persons; administer oaths, issue subpoenas, summon witnesses, and compel the production of books, papers, records, and other evidence in connection with any such investigation; and report the facts to the prosecuting attorney or the secretary of state;

Ohio law prohibits any person from voting or attempting to vote more than once at the same election.

Violators are guilty of a felony of the fourth degree and shall be imprisoned and additionally may be fined in accordance with law."

(X) In all cases of a tie vote or a disagreement in the board, if no decision can be arrived at, the director or chairperson shall submit the matter in controversy, not later than fourteen days after the tie vote or the disagreement, to the secretary of state, who shall summarily decide the question, and the secretary of state's decision shall be final.

(Y) Assist each designated agency, deputy registrar of motor vehicles, public high school and vocational school, public library, and office of a county treasurer in the implementation of a program for registering voters at all voter registration locations as prescribed by the secretary of state. Under this program, each board of elections shall direct to the appropriate board of elections any voter registration applications for persons residing outside the county where the board is located within five days after receiving the applications.

(Z) On any day on which an elector may vote in person at the office of the board or at another site designated by the board, consider the board or other designated site a polling place for that day. All requirements or prohibitions of law that apply to a polling place shall apply to the office of the board or other designated site on that day.

(AA) Perform any duties with respect to voter registration and voting by uniformed services and overseas voters that are delegated to the board by law or by the rules, directives, or advisories of the secretary of state.

Amended by 129th General Assembly File No.105,SB 295, §1, eff. 8/15/2012.

Amended by 129th General Assembly File No.40,HB 194, §1 Made subject to referendum in the Nov. 6, 2012 election. The version of this section thus amended was repealed by 129th General Assembly File No.105,SB 295, §1, eff. 8/15/2012.

Amended by 128th General Assembly File No.29,HB 48, §1, eff. 7/2/2010.

Effective Date: 08-28-2001; 05-02-2006; 2007 HB119 09-29-2007

EXHIBIT "A"

Write-In Candidate Petitions Recommended for Board
Certification to the May 6, 2014 Primary Election Ballot

Write-In Candidate Petitions Recommended for Board Certification to the May 6, 2014 Primary
Election Ballot

State Senator: Jeff Brown (Libertarian)
15th Ohio Senate District full term

County Central Committee: Anthony Hunter (Republican)
Columbus Ward 25 full term

County Central Committee: Daniel L. Coleman (Republican)
Columbus Ward 26 full term

County Central Committee: Robert M. Wagner (Republican)
Columbus Ward 36 full term

County Central Committee: William P. Schmidt (Republican)
Columbus Ward 42 full term

County Central Committee: Brian K. Holycross (Republican)
Columbus Ward 44 full term

County Central Committee: John A. Guthrie (Republican)
Columbus Ward 74 full term

County Central Committee: Rita Graham (Republican)
Columbus Ward 85 full term

County Central Committee: Harvey F. Jones (Republican)
Columbus Ward 85 full term

County Central Committee: Nancy Hunter (Republican)
Pleasant Township full term

County Central Committee: Marshall A. Spalding (Republican)
Reynoldsburg Ward 3 full term

County Central Committee: Christopher J. Baer (Republican)
Truro Township full term

3501.11 Board duties.

Each board of elections shall exercise by a majority vote all powers granted to the board by Title XXXV of the Revised Code, shall perform all the duties imposed by law, and shall do all of the following:

- (A) Establish, define, provide, rearrange, and combine election precincts;
- (B) Fix and provide the places for registration and for holding primaries and elections;
- (C) Provide for the purchase, preservation, and maintenance of booths, ballot boxes, books, maps, flags, blanks, cards of instructions, and other forms, papers, and equipment used in registration, nominations, and elections;
- (D) Appoint and remove its director, deputy director, and employees and all registrars, judges, and other officers of elections, fill vacancies, and designate the ward or district and precinct in which each shall serve;
- (E) Make and issue rules and instructions, not inconsistent with law or the rules, directives, or advisories issued by the secretary of state, as it considers necessary for the guidance of election officers and voters;
- (F) Advertise and contract for the printing of all ballots and other supplies used in registrations and elections;
- (G) Provide for the issuance of all notices, advertisements, and publications concerning elections, except as otherwise provided in division (G) of section 3501.17 and divisions (F) and (G) of section 3505.062 of the Revised Code;
- (H) Provide for the delivery of ballots, pollbooks, and other required papers and material to the polling places;
- (I) Cause the polling places to be suitably provided with voting machines, marking devices, automatic tabulating equipment, stalls, and other required supplies. In fulfilling this duty, each board of a county that uses voting machines, marking devices, or automatic tabulating equipment shall conduct a full vote of the board during a public session of the board on the allocation and distribution of voting machines, marking devices, and automatic tabulating equipment for each precinct in the county.
- (J) Investigate irregularities, nonperformance of duties, or violations of Title XXXV of the Revised Code by election officers and other persons; administer oaths, issue subpoenas, summon witnesses, and compel the production of books, papers, records, and other evidence in connection with any such investigation; and report the facts to the prosecuting attorney or the secretary of state;

(K) **Review, examine, and certify the sufficiency and validity of petitions and nomination papers**, and, after certification, return to the secretary of state all petitions and nomination papers that the secretary of state forwarded to the board;

(L) Receive the returns of elections, canvass the returns, make abstracts of them, and transmit those abstracts to the proper authorities;

(M) Issue certificates of election on forms to be prescribed by the secretary of state;

(N) Make an annual report to the secretary of state, on the form prescribed by the secretary of state, containing a statement of the number of voters registered, elections held, votes cast, appropriations received, expenditures made, and other data required by the secretary of state;

(O) Prepare and submit to the proper appropriating officer a budget estimating the cost of elections for the ensuing fiscal year;

(P) Perform other duties as prescribed by law or the rules, directives, or advisories of the secretary of state;

(Q) Investigate and determine the residence qualifications of electors;

(R) Administer oaths in matters pertaining to the administration of the election laws;

(S) Prepare and submit to the secretary of state, whenever the secretary of state requires, a report containing the names and residence addresses of all incumbent county, municipal, township, and board of education officials serving in their respective counties;

(T) Establish and maintain a voter registration database of all qualified electors in the county who offer to register;

(U) Maintain voter registration records, make reports concerning voter registration as required by the secretary of state, and remove ineligible electors from voter registration lists in accordance with law and directives of the secretary of state;

(V) Give approval to ballot language for any local question or issue and transmit the language to the secretary of state for the secretary of state's final approval;

(W) Prepare and cause the following notice to be displayed in a prominent location in every polling place:

"NOTICE

Ohio law prohibits any person from voting or attempting to vote more than once at the same election.

Violators are guilty of a felony of the fourth degree and shall be imprisoned and additionally may be fined in accordance with law."

(X) In all cases of a tie vote or a disagreement in the board, if no decision can be arrived at, the director or chairperson shall submit the matter in controversy, not later than fourteen days after the tie vote or the disagreement, to the secretary of state, who shall summarily decide the question, and the secretary of state's decision shall be final.

(Y) Assist each designated agency, deputy registrar of motor vehicles, public high school and vocational school, public library, and office of a county treasurer in the implementation of a program for registering voters at all voter registration locations as prescribed by the secretary of state. Under this program, each board of elections shall direct to the appropriate board of elections any voter registration applications for persons residing outside the county where the board is located within five days after receiving the applications.

(Z) On any day on which an elector may vote in person at the office of the board or at another site designated by the board, consider the board or other designated site a polling place for that day. All requirements or prohibitions of law that apply to a polling place shall apply to the office of the board or other designated site on that day.

(AA) Perform any duties with respect to voter registration and voting by uniformed services and overseas voters that are delegated to the board by law or by the rules, directives, or advisories of the secretary of state.

Amended by 129th General Assembly File No.105,SB 295, §1, eff. 8/15/2012.

Amended by 129th General Assembly File No.40,HB 194, §1 Made subject to referendum in the Nov. 6, 2012 election. The version of this section thus amended was repealed by 129th General Assembly File No.105,SB 295, §1, eff. 8/15/2012.

Amended by 128th General Assembly File No.29,HB 48, §1, eff. 7/2/2010.

Effective Date: 08-28-2001; 05-02-2006; 2007 HB119 09-29-2007

3501.39 Grounds for rejection of petition or declaration of candidacy.

(A) The secretary of state or a board of elections **shall accept** any petition described in section 3501.38 of the Revised Code unless one of the following occurs:

(1) **A written protest** against the petition or candidacy, naming specific objections, is filed, a hearing is held, and a determination is made by the election officials with whom the protest is filed that the petition is invalid, in accordance with any section of the Revised Code providing a protest procedure.

(2) **A written protest** against the petition or candidacy, naming specific objections, is filed, a hearing is held, and a determination is made by the election officials with whom the protest is filed that the petition violates any requirement established by law.

(3) The candidate's candidacy or the **petition violates the requirements** of this chapter, Chapter 3513. of the Revised Code, or any other requirements **established by law**.

(B) Except as otherwise provided in division (C) of this section or section 3513.052 of the Revised Code, a board of elections shall not invalidate any declaration of candidacy or nominating petition under division (A)(3) of this section after the sixtieth day prior to the election at which the candidate seeks nomination to office, if the candidate filed a declaration of candidacy, or election to office, if the candidate filed a nominating petition.

(C)

(1) If a petition is filed for the nomination or election of a candidate in a charter municipal corporation with a filing deadline that occurs after the ninetieth day before the day of the election, a board of elections may invalidate the petition within fifteen days after the date of that filing deadline.

(2) If a petition for the nomination or election of a candidate is invalidated under division (C)(1) of this section, that person's name shall not appear on the ballots for any office for which the person's petition has been invalidated. If the ballots have already been prepared, the board of elections shall remove the name of that person from the ballots to the extent practicable in the time remaining before the election. If the name is not removed from the ballots before the day of the election, the votes for that person are void and shall not be counted.

Amended by 128th General Assembly File No.29,HB 48, §1, eff. 7/2/2010.

Effective Date: 2002 HB445 12-23-2002; 05-02-2006

EXHIBIT "A"

Write-In Candidate Petitions Recommended for Board
Certification to the May 6, 2014 Primary Election Ballot



Write-In Candidate Petitions Recommended for Board Certification to the May 6, 2014 Primary
Election Ballot

State Senator: Jeff Brown (Libertarian)

15th Ohio Senate District full term

County Central Committee: Anthony Hunter (Republican)

Columbus Ward 25 full term

County Central Committee: Daniel L. Coleman (Republican)

Columbus Ward 26 full term

County Central Committee: Robert M. Wagner (Republican)

Columbus Ward 36 full term

County Central Committee: William P. Schmidt (Republican)

Columbus Ward 42 full term

County Central Committee: Brian K. Holycross (Republican)

Columbus Ward 44 full term

County Central Committee: John A. Guthrie (Republican)

Columbus Ward 74 full term

County Central Committee: Rita Graham (Republican)

Columbus Ward 85 full term

County Central Committee: Harvey F. Jones (Republican)

Columbus Ward 85 full term

County Central Committee: Nancy Hunter (Republican)

Pleasant Township full term

County Central Committee: Marshall A. Spalding (Republican)

Reynoldsburg Ward 3 full term

County Central Committee: Christopher J. Baer (Republican)

Truro Township full term

Write-In Candidate Petitions Recommended for Board Certification to the May 6, 2014 Primary
Election Ballot

County Central Committee: Timothy M. Brown (Republican)

Upper Arlington Ward 6 full term

County Central Committee: Jason M. Rafeld (Republican)

Upper Arlington Ward 6 full term