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**RELATORS' COMBINED REQUEST FOR ORAL ARGUMENT
AND MOTION FOR PARTIAL PEREMPTORY WRIT**

Relators request that this Court schedule oral argument on the merits of this case for no later than August 6, 2009. Relators make this request pursuant to S.Ct.Prac.R. IX, Section 2.

In addition, Relators move this Court for a partial peremptory writ, pursuant to R.C. 2503.40, ordering Respondent-Secretary to immediately send the part-petitions back to the respective county boards of elections while this case is pending.

I. Request for Oral Argument

Under S.Ct.Prac.R. IX, Section 2(A), this Court may order oral argument on the merits in an original action, either *sua sponte* or in response to a request by any party. This matter involves election issues of statewide importance and of first impression. Indeed, to Relators' knowledge, this is the first case that has been brought before the Court under the new procedures set forth in Section 1g, Article II of the Ohio Constitution, voted last November 4, 2008, which grants this Court exclusive, original jurisdiction over challenges to initiative petitions. As such, good cause exists to set this matter for oral argument.

Relators also request, should oral argument be set, that it be scheduled for no later than August 6, 2009. The need for such expedition is outlined in detail in Relators' July 17, 2009 Motion for Expedited Consideration. As set forth in that Motion, Section 1g, Article II of the Ohio Constitution requires this Court to rule upon Relators' challenge by August 10, 2009 (the 85th day before the November 3, 2009 General Election). Oral argument will be the last opportunity for the parties to present their positions to the Court before the matter is submitted for a final ruling.

II. Partial Peremptory Writ Ordering Part-Petitions Be Sent to County Boards Immediately

Relators also request that a partial peremptory, or interim, writ be issued immediately (prior to oral argument,) ordering Respondent-Secretary to immediately send the part-petitions back to the county boards of elections, based on the Secretary's Answer that she has no authority to invalidate part-petitions. Those part-petitions today sit idly in the Secretary of State's Office.

Relators seek the invalidation of part-petitions containing false addresses listed by circulators and part-petitions that were circulated by felons.

The Secretary admitted that it is the obligation of the county boards of elections to determine the validity of part-petitions. (Secretary's Answer, at ¶28, 37.)

Should this Court ultimately agree that the county boards are obligated to investigate irregularities made to appear on certain part-petitions, then any such relief will be truly meaningful only if the county boards have actual possession of the part-petitions, as soon as possible, in order to perform their investigations and review.

This Court's authority to issue such a writ is found in R.C. 2503.40, which provides for other writs not specially provided for and not prohibited by law, when necessary to enforce the administration of justice. See also, *Smith v. Granville Twp. Bd. of Trustees* (1996), 77 Ohio St.3d 1215 (granting "other writ" commanding specific action pending the Court's disposition of a discretionary appeal).

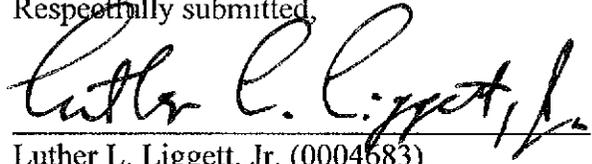
No harm will result if the part-petitions are sent back immediately to the county boards. Indeed, Respondent-Secretary made it clear in her Answer that she has no reason to retain custody of the part-petitions while this case is pending.

III. Conclusion

For the forgoing reasons, Relators respectfully request that oral argument be scheduled in

this matter for no later than August 6, 2009. Relators also request that a partial peremptory writ be issued immediately to Respondent-Secretary, ordering her to send the part-petitions back to the respective county boards of elections forthwith.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served via e-mail or facsimile (as indicated) on Friday, July 24, 2009, upon:

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