

ORIGINAL

In the
Supreme Court of Ohio

THE STATE OF OHIO ex rel.
SCIOTO DOWNS, INC., et al,

Relators,

vs.

JENNIFER BRUNNER, SECRETARY
OF STATE OF OHIO, et al.,

Respondents.

Case No. 2009-1294

Original Action in Mandamus
and under Section 1g, Article II
of the Ohio Constitution

**RESPONDENT JENNIFER BRUNNER, SECRETARY OF STATE'S
SUBMISSION OF EVIDENCE**

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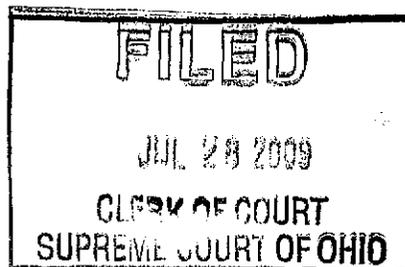
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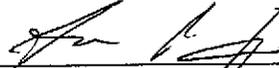
SUBMISSION OF EVIDENCE

Pursuant to S. Ct. Prac. R. X, Section 7, Respondent Secretary of State Jennifer Brunner submits the following evidence in support of her arguments in this case.

- 1.) Exhibit 1 – Affidavit of Patricia A. Wolfe
- 2.) Exhibit 2 – Affidavit of Eleanor L. Speelman
- 3.) Exhibit 2-A – June 17, 2009 Letter
- 4.) Exhibit 2-B – June 25, 2009 Letter
- 5.) Exhibit 2-C – Bricker & Eckler Sign-In Sheets
- 6.) Exhibit 2-D – June 26, 2009 Letter
- 7.) Exhibit 2-E – June 29, 2009 Letter
- 8.) Exhibit 2-F – June 30, 2009 Letter
- 9.) Exhibit 2-G – July 13, 2009 Letter
- 10.) Exhibit 2-H – July 14, 2009 Letter
- 11.) Exhibit 2-I – July 16, 2009 Letter
- 12.) Exhibit 2-J – July 13, 2009 Electronic Mail from Defiance County Election Officials
- 13.) Exhibit 3 – Affidavit of David M. Farrell
- 14.) Exhibit 3-A – Secretary of State Directive 2009-10
- 15.) Exhibit 3-B – Secretary of State Advisory 2009-06
- 16.) Exhibit 3-C – Secretary of State Advisory 2009-07
- 17.) Exhibit 3-D – Secretary of State Advisory 2009-08
- 18.) Exhibit 4 – Affidavit of Melanie Poole
- 19.) Exhibit 4-A – June 26, 2009 Letter

Respectfully submitted,

Richard Cordray (0038034)
Attorney General of Ohio



Aaron D. Epstein (0063286)

Attorney of Record

Michael J. Schuler (0082390)

Richard N. Coglianesse (0066830)

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*Attorneys for Respondent Jennifer Brunner
Secretary Of State*

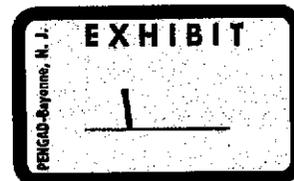
IN THE SUPREME COURT OF OHIO

THE STATE OF OHIO ex rel.	:	
SCIOTO DOWNS, INC., et al,	:	
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JENNIFER BRUNNER, SECRETARY	:	Original Action in Mandamus
OF STATE OF OHIO, et al.,	:	and under Section 1g, Article II
	:	of the Ohio Constitution
Respondents.	:	
	:	

AFFIDAVIT OF PATRICIA A. WOLFE

I, Patricia A. Wolfe, having been duly sworn and cautioned according to law, hereby state that I am over the age of eighteen years and am competent to testify to the facts set forth below based upon my personal knowledge.

1. From 1984 to March 1992, I was employed by the Coshocton County, Ohio Board of Elections, where I served in the positions of Director and Deputy Director, performing the statutory duties of those offices, and such other duties as assigned to me by the board, relative to the administration and conduct of elections in that county.
2. I have been employed in the Elections Division of the Ohio Secretary of State's Office since March 1992, during which time I have served in the positions of Assistant Elections Administrator, Elections Administrator, and Director of Elections. I currently am the Elections Administrator for the Office of Ohio Secretary of State Jennifer Brunner.
3. I am, and since 1997 have been, a Certified Elections Registration Administrator ("CERA"). To retain my CERA certification, I must successfully complete specified continuing education courses offered by the Elections Center and Auburn University (Alabama).
4. Based upon my years of employment at the Secretary of State's office, I have first-hand knowledge of the duties and responsibilities of the Secretary of State and her staff in processing an initiative petition proposing a constitutional amendment that is filed with the Secretary of State's office in accordance with the provisions of Article II, Sections 1 through 1g of the Ohio Constitution and Chapter 3519. of the Revised Code.

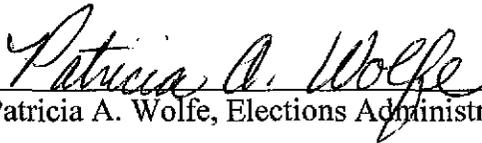


5. An initiative petition proposing an amendment to the constitution must satisfy two signature requirements. It must contain a number of valid signatures equal to ten per cent of the electors who voted in the most recent gubernatorial election. Additionally, part-petitions must be filed from at least 44 of Ohio's 88 counties bearing the signatures of not less than five per cent of the electors of each such county in the most recent gubernatorial election.
6. When an initiative petition proposing a constitutional amendment is presented to the Secretary of State's office for filing, the Secretary of State's staff asks the person(s) filing the petition to provide information to demonstrate that the petition purports to contain at least the minimum number of signatures required for the submission of the amendment to the electors.
7. The Secretary of State's office accepts an initiative petition proposing a constitutional amendment only if the petition purports to contain at least the minimum number of signatures required for the submission of the amendment to be submitted under the initiative or referendum power and gives a receipt to the person(s) filing the petition.
8. If, at the time of filing the petition, the person(s) filing the petition present completed voter registration forms, the Secretary of State's office accepts the voter registration forms, as well.
9. After the petition has been filed, the Secretary of State's staff sorts the part-petitions by county. If a part-petition contains signatures of electors from more than one county, the Secretary of State's staff determines the county from which the majority of signatures came, and only signatures from such county shall be counted, in accordance with R.C. 3519.10.
10. Voter registration forms that are filed contemporaneously with the petition also are sorted by county.
11. After sorting the part-petitions by county, the Secretary of State's staff affix a Bates stamp number to each part-petition and keep a list of the range of Bates stamp numbers on the part-petitions to be transmitted to each board of elections.
12. After affixing the Bates stamp, the number of signatures attested by the circulator for each part-petition for each individual county is added and this number is placed on the county's cover sheet.
13. The cover sheets completed by the Secretary of State's staff for each county's part-petitions list the total number of part-petitions transmitted to each county and the total number of valid signatures purportedly contained thereon.
14. The Secretary of State issues a directive instructing the boards on the procedures for verifying the part-petitions and signatures thereon and advising the boards of the deadline by which they must complete their examination and verification of the part-petitions, report their findings to the Secretary of State, and return the part-petitions to the Secretary of State's office.

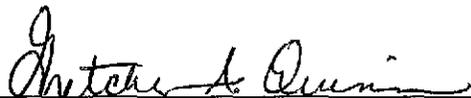
15. The Secretary of State issues instructions on requirements for the examination of the part-petitions which accompanies the directive referred to in Paragraph 14, above.
16. The Secretary of State's office prepares a report form for each board of elections to which part-petitions are transmitted. Each board receiving part-petitions must use that form to report the total number of the part-petitions it received, the number of part-petitions that are valid and the number that are invalid, and the number of valid and invalid signatures contained on the part-petitions.
17. The Secretary of State's staff prepares the part-petitions, directives, instructions, report forms, and voter registration forms for transmittal to the appropriate boards of elections. The materials then are transmitted to the boards via a trackable delivery method.
18. One or more of the boards may contact the Secretary of State's office with questions regarding the verification process. The Secretary of State's staff responds to such questions as quickly as possible.
19. After a board completes its verification of all the part-petitions that had been transmitted to the board, the board records its findings on the report form and transmits the completed report to the Secretary of State's office. The board then returns the part-petitions to the Secretary of State's office.
20. The Secretary of State's staff exams each board's reports of its findings and records those findings along with the findings of all the boards reporting.
21. The Secretary of State reviews the findings reported by the boards of elections. If the Secretary of State determines that those findings indicate that the petition contains sufficient valid signatures to satisfy both the total signature requirement and the 44 county distribution requirement, the Secretary of State notifies the committee for the petitioners in writing that the petition is sufficient. Conversely, if the Secretary determines that the findings reported by the boards of elections indicate that the petition contains insufficient valid signatures to satisfy either the total signature requirement or the 44 county distribution requirement, the Secretary of State notifies the committee for the petitioners in writing that the petition is insufficient, the nature of the insufficiency, and that petitioners have 10 days in which to file additional signatures to overcome the insufficiency.

22. All of the above statements are true to the best of my knowledge, information and belief.

Further Affiant sayeth naught.


Patricia A. Wolfe, Elections Administrator

Sworn to before me, a notary public in and for said county and state, and subscribed in my presence, by the above-named Patricia A. Wolfe, who acknowledged that she did sign the foregoing instrument and that the same is hers and its free act and deed, this 28th day of July 2009, in the City of Columbus, County of Franklin, State of Ohio, in testimony whereof, I set my hand and official seal.


Gretchen A. Quinn, Elections Counsel
Notary Public, State of Ohio
My commission has no expiration date. R.C. 147.03.

IN THE SUPREME COURT OF OHIO

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SCIOTO DOWNS, INC., et al,	:	
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Relators,	:	
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JENNIFER BRUNNER, SECRETARY	:	Original Action in Mandamus
OF STATE OF OHIO, et al.,	:	and under Section 1g, Article II
	:	of the Ohio Constitution
Respondents.	:	
	:	

AFFIDAVIT OF ELEANOR L. SPEELMAN

I, Eleanor L. Speelman, having been duly sworn and cautioned according to law, hereby state that I am over the age of eighteen years and am competent to testify to the facts set forth below based upon my personal knowledge.

1. I have been employed in the Ohio Secretary of State's office since January 8, 2007, in the position of General Counsel.
2. In my position as General Counsel I have personal knowledge concerning public records requests submitted by the law firm of Bricker & Eckler and attorney Donald J. McTigue relative to an initiative petition to amend the Ohio Constitution filed by the Ohio Jobs and Growth Committee. I also have personal knowledge of the responses to these requests made on behalf of the Secretary by her office.
3. Bricker and Eckler submitted its initial public records request to this office by letter dated June 17, 2009. A true and accurate copy of said letter is attached hereto as "Exhibit A."
4. At approximately 1:30 p.m. on June 25, 2009, The Ohio Jobs & Growth Committee delivered to this office 214 banker's boxes of part-petitions. The Committee estimated that their petition filing contained 49,162 part-petitions containing over 850,000 signatures. Each part-petition was 16 pages in length in booklet form bound together by two center staples.



5. At approximately 3:15 p.m. on June 25, 2009, David M. Farrell, Deputy Assistant Secretary of State and Director of Elections, and I met with Luther Liggett and Christopher Slagle, attorneys associated with Bricker & Eckler, to discuss the means by which the Secretary would satisfy her legal duty to respond to the June 17 public records request within a reasonable time as required by law.
6. In the early evening of June 25, 2009, I wrote and delivered by electronic mail a letter to Mr. Liggett offering Bricker and Eckler access the following day, and continuing thereafter, to inspect part-petitions submitted that day by the Ohio Jobs and Growth Committee. A true and accurate copy of said letter is attached hereto as "Exhibit B."
7. Beginning in the morning hours of June 26, 2009 Bricker & Eckler staff members, ranging in number from several to up to 13-14 individuals at one time, were provided access during regular business hours to inspect the part-petitions within the Secretary's office prior to delivery of the part-petitions to the counties for verification. Documentation of the access provided to Bricker and Eckler staff members is contained in the sign-in sheets maintained by this office, attached hereto as "Exhibit C."
8. On June 26, 2009, I wrote and delivered by electronic mail a letter to Faith Williams of Bricker & Eckler further describing the Secretary's continuing response to pending public records requests made on behalf of Scioto Downs. A true and accurate copy of said letter is attached hereto as "Exhibit D."
9. The Secretary afforded Bricker & Eckler the opportunity to conduct in-person physical inspections of part-petitions in the Secretary's office on a daily basis until all part-petitions had been distributed to the counties for verification and analysis of petition signatures.
10. On July 1, 2009 the Secretary's office received from Donald McTigue, counsel for the Ohio Jobs & Growth Committee, a public records request for documents and communications concerning the initiative petition and part-petitions.
11. On June 29, 2009, I wrote and delivered by electronic mail a letter to Faith Williams of Bricker & Eckler further describing the Secretary's response to pending public records requests made on behalf of Scioto Downs. A true and accurate copy of said letter is attached hereto as "Exhibit E."
12. On June 30, 2009, the Secretary's office received by electronic mail a letter from Faith Williams acknowledging that the actions and timelines set forth in the Secretary's June 29, 2009 letter constituted an acceptable response to their request for public records. A true and accurate copy of said letter is attached hereto as "Exhibit F."

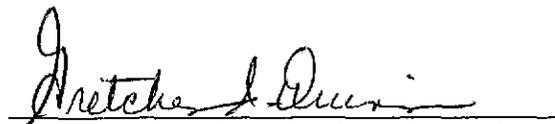
13. On July 13, 2009, I wrote and delivered by electronic mail a letter to Faith Williams of Bricker & Eckler describing the Secretary's response to a public records request of the same date requesting electronic copies of all part-petitions returned to the Secretary's office from twenty identified counties. A true and accurate copy of said letter is attached hereto as "Exhibit G."
14. On July 14, 2009, I wrote and delivered by electronic mail a letter to Faith Williams of Bricker & Eckler describing the Secretary's response to a public records request of the same date requesting electronic copies of all part-petitions returned to the Secretary's office from all counties. A true and accurate copy of said letter is attached hereto as "Exhibit H."
15. On July 16, 2009, I wrote and delivered by electronic mail a letter to Luther Liggett of Bricker & Eckler responding to his contentions that the county boards of elections should invalidate certain part-petitions identified by him, including part-petitions circulated by an individual named Waco Day. A true and accurate copy of said letter is attached hereto as "Exhibit I."
16. On July 13, 2009, members of the Secretary's staff received a copy of an email from Defiance County election officials retracting an email sent earlier the same day that identified Mr. Day as a convicted felon. In their second email the Defiance County election officials noted that the circulator Waco Day was a different person than a convicted felon also named Waco Day. Copies of the relevant emails chain are attached as "Exhibit J."
17. All representations of fact made by me in the letters attached to this affidavit as Exhibits are truthful to the best of my knowledge and belief.
18. Since at least July 7, 2009, copies of all responsive documents, emails, letters and other public records relative to the Ohio Jobs & Growth Committee initiative filing have been transmitted via email or CD to attorneys from both Bricker & Eckler and McTigue & McGinnis on a daily or near-daily basis.

Affiant further sayeth naught.



Eleanor L. Speelman, General Counsel, Ohio Secretary of State

Sworn to before me, a notary public in and for said county and state, and subscribed in my presence, by the above-named Eleanor Speelman, who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed, this 28th day of July 2009, in the City of Columbus, County of Franklin, State of Ohio, in testimony whereof, I set my hand and official seal.



Gretchen A. Quinn, Elections Counsel

Notary Public, State of Ohio

My commission has no expiration date. R.C. 147.03.



Bricker & Eckler
ATTORNEYS AT LAW

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Gregory J. Lestini
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glestini@bricker.com

June 17, 2009

BY HAND DELIVERY

The Honorable Jennifer Brunner
Ohio Secretary of State
180 East Broad Street, 15th Floor
Columbus, OH 43215

Subject: Public Records Request & Inspection of Part Petitions

Dear Secretary Brunner:

Pursuant to Ohio Revised Code §149.43, please accept this letter as a formal request for public records. We request copies of all part-petitions filed with the Ohio Secretary of State by the Ohio Jobs & Growth Committee proposing an Amendment to the Ohio Constitution permitting casino gaming.

Additionally, we request copies of any and all documents that meet, generally, the following descriptions:

- Those records or logs summarizing the number of petition signatures filed for each county in Ohio, created by either the Committee or your office;
- Instructions from your office detailing the procedures for certification of signatures sent or ready to be sent to county Boards of Election accompanying the part petitions; and,
- Any records or notes documenting when part-petitions were, or will be sent to and/or received from each county Board of Elections for certification.

We request a copy of all the documents described above electronically or on CD, if possible. In the alternative, hard copies of the documents will suffice. We will reimburse your office for any reasonable reproduction expenses.

RECEIVED
SECRETARY OF STATE
JUL 1 2009

2009 JUN 17 PM 12:48



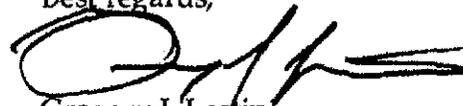
June 17, 2009

Page 2 of 2

Additionally, pursuant to Ohio Revised Code §149.43, we request the opportunity to inspect promptly the filed part-petitions in your office as the part-petitions are being processed and before the part-petitions are sent to county Boards of Election for signature review and certification.

Thank you for your prompt attention to this request. If you have any questions or concerns, please do not hesitate to contact me.

Best regards,



Gregory J. Lesini

cc: Michael Stinziano, Deputy Assistant Secretary of State

GJL/gs



JENNIFER BRUNNER
OHIO SECRETARY OF STATE

180 EAST BROAD STREET, 16TH FLOOR
COLUMBUS, OHIO 43215 USA
TEL: 1-877-767-6446 FAX: 1-614-644-0649
WWW.SOS.STATE.OH.US

June 25, 2009

Via Electronic Mail

Luther L. Liggett, Jr.
Bricker & Eckler, LLP
100 South Third Street
Columbus, OH 43215

Dear Mr. Liggett:

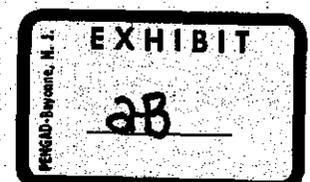
Please consider this letter to be a continuation of our conversations that occurred yesterday and today concerning a public records request filed by Bricker & Eckler on June 17, 2009. You have requested "copies of all part-petitions filed with the Ohio Secretary of State by the Ohio Jobs & Growth Committee proposing an Amendment to the Ohio Constitution permitting casino gaming." In addition you have requested:

"[C]opies of any and all documents that meet, generally, the following descriptions:

- "Those records or logs summarizing the number of petition signatures filed for each county in Ohio, created by either the Committee or your office;
- "Instructions from your office detailing the procedures for certification of signatures sent or ready to be sent to county Boards of Election accompanying the part petitions; and,
- "Any records or notes documenting when part-petitions were, or will be sent to and/or received from each county Board of Elections for certification."

Today, at approximately 1:30 p.m., The Ohio Jobs & Growth Committee delivered to this office 214 banker's boxes of part-petitions relative to a proposed amendment to the Ohio Constitution for an issue known as "Ohio Jobs and Growth Plan (multi-city casinos)" ("the casino issue"). The Committee has estimated that their filing contains 49,162 part-petitions containing over 850,000 signatures.

It is the responsibility of this office, pursuant to R.C. 3519.15, to "forthwith separate the part-petitions by counties and transmit such part-petitions to the boards of elections in the respective counties" for verification of those signatures. Thereafter the part-petitions will be returned by



the boards to this office. Article II of the Ohio Constitution now requires that the "secretary of state shall determine the sufficiency of the signatures not later than one hundred five days before the election," i.e., July 21.

This office has scheduled 10-hour shifts beginning tomorrow during which approximately 20 of our employees, drawn from throughout the agency, will begin to process the part-petitions. Processing part-petitions involves opening the 214 banker's boxes, Bates stamping each part-petition contained in the box, tallying signatures, returning part-petitions to boxes, preparing the boxes for mailing, and delivering the boxes to the secretary's mail room for mailing to the counties. We hope that our staff will be able to complete this processing before the July 3 holiday. The responsibility of verifying the signatures—a labor-intensive, time-consuming process—will then rest with the 88 boards of elections.

David Farrell, Director of Elections and Deputy Assistant Secretary of State, and I met with you and Mr. Slagle at approximately 3:15 this afternoon and provided you with three public records in existence at that time relative to the casino issue (attached). As you asked, we also provided you with a copy of one 16-page part-petition received in this office as part of that filing

In the course of our conversations you have asked this office to provide you with photocopies of all 49,162 part-petitions prior to their distribution to the counties. We are unable to accommodate this request. It is the Secretary's constitutional duty to "determine the sufficiency of the signatures" by July 21. Before the Secretary can make that determination all the part-petitions must be logged in our office, sent to the boards, examined and verified by the boards, and returned to us no later than July 16. Photocopying the petitions involves the manual removal of two staples from each of the 49,162 part-petitions, disassembly of the 16 pages of each part-petition, running the 16 pages through a scanner, and then reassembling and restapling the part-petitions before returning the petitions to their boxes for delivery to the boards. Our office has estimated that an additional 6.25 work days, 10.5 hours in duration, would be required to accomplish such a task, based on the assumption that the office had 10 copying machines available to it. In short, this office and the boards of elections are unable to both satisfy their statutory and Constitutional responsibilities and also provide you with photo- or digital copies of the part-petitions prior to their distribution to the counties.

Our office does plan to scan copies of the part-petitions as they are returned from the counties. We will gladly advise you promptly at the time that scanned digital images are produced, which is likely to begin occurring as early as the second week in July (assuming we do not scan the part-petitions prior to sending them to the board) and well before the Secretary makes her ultimate decision as to the eligibility of this issue for November's ballot. We believe that production of copies of the part-petitions at this time is fully consistent with the requirement of the Public Records Act that records be provided within a "reasonable time."

We therefore are unable to accommodate your request to "inspect promptly the filed part-petitions in your office *as the part-petitions are being processed and before the part-petitions are sent to county Boards of Election*" to the extent that request includes a demand for photocopies or digital scans during that time frame.

We are prepared, however, to accommodate your request for inspection prior to delivery of the part-petitions to the counties, in the following manner.

1. We will create a step in our office procedures relative to delivery of the part-petitions to the counties to allow inspection and photographing of part-petitions by you, as outlined in this letter, and to the extent that inspection and photographing do not unduly delay our processing of the part-petitions.
2. Beginning tomorrow at 8:00 a.m. we will allow one person you designate (the "inspector") to physically inspect in our office the contents of boxes of part-petitions in the manner outlined in this letter.
3. We will provide a cubicle space in our offices on the 15th floor. As our staff members complete their initial count and logging of signatures on a box-by-box basis, each box will be delivered next to the cubicle space.
4. Your inspector may bring a camera to photograph pages of the part-petitions.
5. Your inspector may bring to the area of the cubicle no writing instruments or tools other than a camera. This requirement is necessary to ensure the confidence of the public that the petitions are secure and unaltered.
6. An employee of the Secretary of State will be assigned to monitor the activity of your inspector to ensure that all part-petitions are returned to their boxes in exactly the same condition and order as was the case before the inspector had access to them.

If you wish to take advantage of this opportunity, please have your representative arrive at our office prior to 8:00 a.m. on Friday, July 26, 2009 and identify him- or herself as being your inspector. We will then direct that individual to the appropriate area of this office.

Sincerely yours,



Eleanor Speelman
General Counsel

**REPRESENTATION OF NUMBER OF
SIGNATURES FILED AND RECEIPT
Proposed Constitutional Amendment Part-Petitions**

(\$25.00 fee paid)

Issue known as: Ohio Jobs and Growth Plan (multi-city casinos)

R.C. 3519.14 prohibits the Secretary of State from "accept[ing] for filing any initiative or referendum petition which does not purport to contain at least the minimum number of signatures required for the submission of the amendment, proposed law, or law to be submitted under the initiative or referendum power."

This filing purports to contain the following:

Total number of part-petitions	49,162
Total number of signatures	Over 850,000
Total number of counties represented	88
Total number of counties meeting 5% requirement	80

2009 JUN 25 PM 2:40

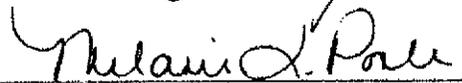
See Attachment for specific county breakdown.

Name of person presenting filing ("Filer") CHARLES J. LUKE

Filer's Address 519 ELIZABETH ST.
CINCINNATI, OHIO 45203

Filer's Telephone Number 614-621-7787

Submitted by:  Date: 6-25-09
Signature of Filer

Received by:  Date: 6.25.09
Signature of Secretary of State's Representative
Elections Administration Officer
Title



The
Ohio
Jobs &
Growth Plan

June 25, 2009

The Honorable Jennifer Brunner
Ohio Secretary of State
180 E. Broad St.
Columbus, Ohio 43215

SECRET
2009 JUN 25 PM 2:40

Dear Secretary Brunner:

On this day, we are pleased to file with your office an initiative petition ("petition") to amend Article XV of the Ohio Constitution, which is The Ohio Jobs and Growth Plan. Each part of the petition is separated by county and organized in a manner to make the process as efficient as possible for your office and the 88 county boards of elections in the State.

Overall, we are filing more than 850,000 signatures. The total number of signatures on the petition greatly exceeds the ten percent (10%) requirement of the total vote cast for the office of governor at the last gubernatorial election. The signatures have been obtained from all 88 counties in Ohio. Out of the 88 counties, at least 80 counties have signatures equal to at least five percent (5%) of the total vote cast for the office of governor in that county at the last gubernatorial election. Enclosed please find the required \$25 filing fee.

This plan would build four world-class casinos in our state's four largest cities which represents a great opportunity for Ohio. The petition would:

- Directly create 20,000 new Ohio jobs;
- Require at least \$1 billion in private investment;
- Require an upfront license fee payments to the state of \$50 million for each casino, for a total of \$200 million; and
- Produce \$651 million in annual casino tax revenue - almost all of which would be distributed among the 88 counties, the state's eight largest cities and every school district in Ohio.

The Honorable Jennifer Brunner

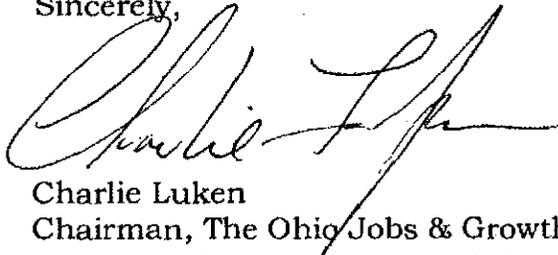
June 25, 2009

Page 2

A soon-to-be-released economic impact study, conducted by the University of Cincinnati's Economics Center for Education and Research on behalf of the Ohio Jobs and Growth Committee, estimates that the proposal will generate nearly \$11 billion in total economic impact and more than \$4 billion in fiscal revenues for the state of Ohio during construction and the first five years of operation.

Thank you for your assistance regarding this matter and please contact me if you have any questions. We look forward to working with your office and the boards of elections throughout the remainder of this process.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charlie Luken".

Charlie Luken

Chairman, The Ohio Jobs & Growth Committee

88 E. Broad St., Suite 1320, Columbus, OH 43215

Paid for by the Ohio Jobs and Growth Committee

William Curlis, Treasurer

865 Macon Alley Columbus, OH 43206

www.ohiojobsandgrowth.org

SECRET

June 25, 2009 Jobs and Growth Committee Filing

2009 JUN 25 PM 2:15

County Name	Box Number-County	Box Number- Overall	Weight
Adams	1 of 1	1	12.8
Allen	1 of 2	2	4.6
Allen	2 of 2	3	36.6
Ashland	1 of 1	4	23.4
Ashtubula	1 of 1	5	20.6
Athens	1 of 1	6	32.2
Auglaize	1 of 1	7	28.6
Belmont	1 of 1	8	8.2
Brown	1 of 1	9	19.6
Butler	1 of 5	10	31
Butler	2 of 5	11	30.8
Butler	3 of 5	12	11.2
Butler	4 of 5	13	27.8
Butler	5 of 5	14	29.2
Carroll	1 of 1	15	10.4
Champaign	1 of 1	16	30
Clark	1 of 3	17	25.4
Clark	2 of 3	18	23.2
Clark	3 of 3	19	28.8
Clermont	1 of 3	20	3.8
Clermont	2 of 3	21	31
Clermont	3 of 3	22	32
Clinton	1 of 1	23	24.2
Columbania	1 of 1	24	13
Coshocton	1 of 1	25	10
Crawford	1 of 1	26	26.6
Cuyahoga	1 of 21	27	26.4
Cuyahoga	2 of 21	28	30.8
Cuyahoga	3 of 21	29	31.4
Cuyahoga	4 of 21	30	35
Cuyahoga	5 of 21	31	30.6
Cuyahoga	6 of 21	32	31.6
Cuyahoga	7 of 21	33	24.6
Cuyahoga	8 of 21	34	24.6
Cuyahoga	9 of 21	35	11.4
Cuyahoga	10 of 21	36	32.4
Cuyahoga	11 of 21	37	32
Cuyahoga	12 of 21	38	25
Cuyahoga	13 of 21	39	26.2
Cuyahoga	14 of 21	40	24.4
Cuyahoga	15 of 21	41	31.8
Cuyahoga	16 of 21	42	32.4
Cuyahoga	17 of 21	43	30.6
Cuyahoga	18 of 21	44	30
Cuyahoga	19 of 21	45	32.4
Cuyahoga	20 of 21	46	19.4
Cuyahoga	21 of 21	47	31.8
Darke	1 of 1	48	32.6
Defiance	1 of 1	49	16

Delaware	1 of 4	50	1.65
Delaware	2 of 4	51	27.2
Delaware	3 of 4	52	29.4
Delaware	4 of 4	53	26.8
Erie	1 of 4	54	32.2
Erie	2 of 4	55	30.8
Erie	3 of 4	56	28.2
Erie	4 of 4	57	13.6
Fairfield	1 of 3	58	34.4
Fairfield	2 of 3	59	23.4
Fairfield	3 of 3	60	15.6
Fayette	1 of 1	61	18.6
Franklin	1 of 16	62	30.8
	2 of 16	63	32
	3 of 16	64	31
	4 of 16	65	29.6
	5 of 16	66	26.4
	6 of 16	67	31
	7 of 16	68	22.2
	8 of 16	69	32.6
	9 of 16	70	25.4
	10 of 16	71	33.6
	11 of 16	72	29.6
	12 of 16	73	29.4
	13 of 16	74	33.2
	14 of 16	75	25.6
	15 of 16	76	31.4
	16 of 16	77	29.6
Fulton	1 of 2	78	4
	2 of 2	79	28.8
Gallia	1 of 1	80	9
Geauga	1 of 2	81	9.4
	2 of 2	82	36.41
Greene	1 of 4	83	1.33
	2 of 4	84	29.2
	3 of 4	85	31.4
	4 of 4	86	28.4
Guernsey	1 of 1	87	15.6
Hamilton	1 of 15	88	27.4
	2 of 15	89	31
	3 of 15	90	36.2
	4 of 15	91	28.2
	5 of 15	92	29.4
	6 of 15	93	31.4
	7 of 15	94	35
	8 of 15	95	9.7
	9 of 15	96	32
	10 of 15	97	26.6
	11 of 15	98	25.8
	12 of 15	99	33.6
	13 of 15	100	25.8
	14 of 15	101	32.6

	15 of 15	102	32.2
Hancock	1 of 2	103	7.9
	2 of 2	104	32.8
Hardin	1 of 1	105	15.8
Harrison	1 of 1	106	5.8
Henry	1 of 1	107	22.4
Highland	1 of 1	108	17
Hocking	1 of 1	109	14.4
Holmes	1 of 1	110	6.2
Huron	1 of 2	111	22.8
	2 of 2	112	29.6
Jackson	1 of 1	113	13.2
Jefferson	1 of 1	114	8.8
Knox	1 of 1	115	23.4
Lake	1 of 3	116	28.8
	2 of 3	117	31.6
	3 of 3	118	27.6
Lawrence	1 of 1	119	10.6
Licking	1 of 3	120	11.6
	2 of 3	121	30.4
	3 of 3	122	31
Logan	1 of 1	123	24
Lorain	1 of 5	124	12.4
	2 of 5	125	34.2
	3 of 5	126	0.8
	4 of 5	127	36
	5 of 5	128	34.8
Lucas	1 of 10	129	20.8
	2 of 10	130	34.4
	3 of 10	131	39.2
	4 of 10	132	36.2
	5 of 10	133	31.6
	6 of 10	134	5.6
	7 of 10	135	38.6
	8 of 10	136	33.6
	9 of 10	137	35
	10 of 10	138	35.8
Madison	1 of 1	139	25.8
Mahoning	1 of 2	140	23.2
	2 of 2	141	33.6
Marion	1 of 1	142	34
Medina	1 of 3	143	12.8
	2 of 3	144	34.4
	3 of 3	145	30.2
Meigs	1 of 1	146	9.2
Mercer	1 of 1	147	17.6
Miami	1 of 2	148	26.4
	2 of 2	149	28.4
Monroe	1 of 1	150	4.8
Montgomery	1 of 11	151	31.2
	2 of 11	152	32.35
	3 of 11	153	35.9

	4 of 11	154	32
	5 of 11	155	29.8
	6 of 11	156	29.1
	7 of 11	157	29.61
	8 of 11	158	10.2
	9 of 11	159	29.65
	10 of 11	160	28
	11 of 11	161	28.6
Morgan	1 of 1	162	11
Morrow	1 of 2	163	28.8
	2 of 2	164	4.9
Muskingum	1 of 1	165	29.4
Noble	1 of 1	166	9.8
Ottawa	1 of 2	167	32.8
	2 of 2	168	18.2
Paulding	1 of 1	169	8.2
Perry	1 of 1	170	23
Pickaway	1 of 2	171	1.81
	2 of 2	172	35.4
Pike	1 of 1	173	13.6
Portage	1 of 3	174	25.6
	2 of 3	175	34
	3 of 3	176	12.6
Preble	1 of 1	177	26
Putnam	1 of 1	178	20
Richland	1 of 2	179	20.8
	2 of 2	180	28.6
Ross	1 of 2	181	2.89
	2 of 2	182	34
Sandusky	1 of 2	183	32.2
	2 of 2	184	21
Scioto	1 of 1	185	20
Seneca	1 of 2	186	32.4
	2 of 2	187	9.2
Shelby	1 of 1	188	20.2
Stark	1 of 3	189	16
	2 of 3	190	37.6
	3 of 3	191	34
Summit	1 of 5	192	30.6
	2 of 5	193	26.8
	3 of 5	194	33
	4 of 5	195	35.2
	5 of 5	196	25.8
Trumbull	1 of 2	197	25.6
	2 of 2	198	30.8
Tuscarawas	1 of 1	199	15.2
Union	1 of 1	200	29.6
Van Wert	1 of 1	201	10.8
Vinton	1 of 1	202	9.8
Warren	1 of 4	203	29.8
	2 of 4	204	3.3
	3 of 4	205	22.8

	4 of 4	206	32.2
Washington	1 of 1	207	23.2
Wayne	1 of 2	208	4.5
	2 of 2	209	21
Williams	1 of 1	210	7
Wood	1 of 3	211	33.8
	2 of 3	212	36
	3 of 3	213	31.4
Wyandot	1 of 1	214	<u>16</u>
Total Weight			5223.8



JENNIFER BRUNNER
OHIO SECRETARY OF STATE

180 EAST BROAD STREET, 16TH FLOOR
COLUMBUS, OHIO 43215 USA
TEL: 1-877-767-6446 FAX: 1-614-644-0649
WWW.SOS.STATE.OH.US

June 26, 2009

Via Electronic Mail

Faith M. Williams
Bricker & Eckler, LLP
100 South Third Street
Columbus, OH 43215

Re: Your Pending Public Records Request

Dear Ms. Williams:

I am in receipt of your letter bearing today's date, and its attachment, and delivered to my email inbox at 1:29 p.m. In your letter you renew your request for certain documents as described in yesterday's letter from Mr. Liggett and you state the following proposal:

"In an effort to accommodate your office, Scioto Downs, Inc. will accept a narrower response to its June 17, 2009 request, as follows: we would receive copies of only the part-petitions from the 44 counties on the attached list [identifying 44 counties and a total of 50 boxes] and then, on an 'as needed' basis, we would submit requests for public records to selected boards of election, if you would direct the remaining boards of election who receive such requests to immediately provide copies to us, before they begin their review of the petitions. We may or may not request the remaining documents from the boards of election, depending on our review of the documents produced by your office. We believe that this revised request, which asks for copies of part-petitions only on 50 of the more than 200 boxes, is reasonable.

"We reiterate our willingness to reimburse your office and the local boards of election for the actual (non-personnel) expense of reproduction as a matter of law; we also are willing to work out providing additional resources, such as copiers and contracted staff, to assist in complying with this request."

Let me first update you concerning the progress of the four Bricker & Eckler attorneys who initially were provided access to our office. These individuals are inspecting the contents of part-petition boxes as they are processed by our staff. At Mr. Slagle's request we are providing copies of worksheets completed and included in each box by the Secretary's staff. The worksheet includes information concerning the contents of the box, such as the name of the



county, number of petitions, number of signatures, and the range of Bates stamp numbers shown on the petitions. I am attaching a copied example of one such worksheet.

We are also in the process of accommodating Mr. Slagle's request made at approximately 4:15 p.m. that more Bricker and Eckler staff, in addition to the four staff member for whom we had already willingly provided accommodation, be given access to the part-petitions. This request was made based on Mr. Slagle's representation that the four inspectors currently reviewing part-petitions were having trouble keeping up with the pace our staff has established for processing of the petitions. In response, we have agreed to allocate another 10 spaces for an additional 10 inspectors, for a total of 14 Bricker and Eckler staff members. We are prepared to accommodate this number until the end of today's shift at 8:00 p.m., when our staff will be leaving the building, and during Saturday's shift beginning at 9:00 a.m. and ending at 4 p.m. We cannot guarantee that this number of inspectors will be accommodated when regular business hours resume on Monday, June 29, but we will make every effort to accommodate them if possible.

In addition, as previously communicated to you by email, we have agreed that we will not send out to counties any boxes containing any part-petitions prior to 2:30 p.m., Monday, June 29, 2009.

Let me reiterate that we are processing 49,162 part-petitions contained in 214 banker's boxes. It is the Secretary's intent that this processing occur in a manner allowing both the Secretary and the boards of elections to meet their constitutional and statutory deadlines relative to the verification of signatures on initiative part-petitions. As I discussed with Mr. Leggett in one of our earliest phone conversations, we intend to treat both proponents and opponents of the casino issue fairly and equally. Moreover, it is of foremost importance to the secretary that the actions taken by this office do not provide one side or the other any advantage in terms of the ultimate critical issue here: whether the casino issue will appear on the November ballot. As the casino issue is the first initiative process undertaken since the Ohio Constitution was amended late last year it is unclear to what extent delay in meeting the current Constitutional timeframe may favor one side or the other.

Deputy Assistant Secretary of State David Farrell and I have had an opportunity to consult with Secretary Brunner and are now able to provide a response to your suggestions as reproduced above. Please consider this response in the context of our statement yesterday that we plan to scan copies of the part-petitions as they are returned from the counties and will provide you with digital copies of part-petitions at that time in response to your public records request.

1. Your Proposal for the Issuance of a Directive to the Counties. You propose that the Secretary issue a directive to 44 counties to whom you may issue additional public records requests. You suggest that the directive should instruct the boards who receive such a request to "immediately provide copies to us, before they begin their review of the petitions."

Response: The Secretary has no constitutional or statutory authority to direct the boards on the proper response to a public records request, particularly one that has not yet been

made. Rather, it has been, and continues to be, the policy of this office, that when boards seek our advice concerning public records requests, we refer the boards to their county prosecutors for legal advice. Consistent with that policy, the Secretary stands ready to issue an Advisory to the boards notifying them that this office has become aware that public records requests may be made of them relative to the casino issue part-petitions. The Secretary will, in the Advisory, urge the boards to consult with their county prosecutors concerning their obligations under the public records act and to follow the advice they are given.

2. Your Proposal for the Copying of Part-Petitions Using Copiers Provided at Your Expense.

Response. We are prepared to accommodate the use of up to four photocopiers provided by you and at your expense (including the expense of paper and toner cartridges, if applicable) in a conference room located in the general area where the current examination by your staff is occurring. As we have earlier discussed with Mr. Liggett and Mr. Slagle, our collective bargaining agreement with the bargaining unit employees on the Secretary's staff preclude our using outside contractors or other individuals to perform the work of making copies. In addition, the conference room space we propose to use is wired only for standard electrical purposes—not for network connectivity. We understand this would preclude the use of digital scanners.

Our offer is made contingent on the following conditions:

- A. You understand and agree that we intend to, and will, no later than 3:00 p.m. on Monday, June 29, 2009, ship to the following 5 counties their full number of boxes of part-petitions: Cuyahoga, Franklin, Hamilton, Montgomery, and Lucas (a total of 73 boxes). These large counties need as much time as we can reasonably afford them in order to complete verification of the great number of signatures appearing on those part-petitions. We will not delay shipment of those boxes in the event that our staff has been unable to first obtain copies of the part-petitions contained in those boxes using the equipment you provide.
- B. You understand and agree that we intend to, and will, no later than 3:00 p.m. on Wednesday, July 1, 2009, ship to the following 16 counties their full number of boxes of part-petitions: Butler, Delaware, Erie, Lorain, Summit, Greene, Warren, Clark, Clermont, Fairfield, Lake, Licking, Medina, Portage, Stark and Wood (a total of 58 boxes). These medium-size counties need delivery of the part-petitions consistent with that mailing date in order to allow them a reasonable amount of time to complete their signature verifications. We will not delay shipment of those boxes in the event that our staff has been unable to first obtain copies of the part-petitions contained in those counties' boxes using the equipment you provide.
- C. You understand and agree that we intend to, and will, no later than 3:00 p.m. on Monday, July 6, 2009, ship to the remaining 67 counties their full number of boxes of

part-petitions (a total of 83 boxes). We believe that all remaining counties will be able to conduct the signature verification required of them if shipment of the part-petitions occurs at that time. We will not delay shipment of those boxes in the event that our staff has been unable to first obtain copies of the part-petitions contained in those boxes using the equipment you provide.

These conditions are necessary to ensure that processing of the casino issue part-petitions occur in a manner allowing both the Secretary and the boards of elections to meet their constitutional and statutory deadlines relative to the verification of signatures on initiative part-petitions.

Should you wish to make arrangements to deliver photocopying equipment to our offices as described in this letter, please contact me via email at my Secretary of State email address, espeelma@sos.state.oh.us. I will be monitoring my email account throughout the weekend. In addition, we expect that Mr. Slagle may be present in our offices this evening and tomorrow and we are prepared to further discuss with him the logistics of implementing the procedures described in this letter.

Sincerely,

A handwritten signature in cursive script that reads "Eleanor Speelman".

Eleanor Speelman
General Counsel

WORKSHEET

Date Filed – June 25, 2009

Date Sent to BOE: _____

ISSUE: OHIO JOBS AND GROWTH PLAN (MULTI-CITY CASINOS)

County Franklin

Petition #'s 058670 to 058984
(Subtract the petition #'s and add one to get your total number of petitions)

Number of Petitions 315

Number of Signatures 4875

Preparer's Initials GED

Date 6/24/09

(For Secretary of State use only)



JENNIFER BRUNNER
OHIO SECRETARY OF STATE

180 EAST BROAD STREET, 16TH FLOOR
COLUMBUS, OHIO 43215 USA
TEL: 1-877-767-6446 FAX: 1-614-644-0649
WWW.SOS.STATE.OH.US

June 29, 2009

Via Electronic Mail

Faith M. Williams
Bricker & Eckler, LLP
100 South Third Street
Columbus, OH 43215

Re: Your Pending Public Records Request

Dear Ms. Williams:

This letter is in response to our earlier phone discussions today concerning your pending public records request on behalf of Scioto Downs. I will restate the substance of several key elements of those conversations as reflected in my notes and then, as appropriate, provide our response.

1. You indicated that you spoke today with a vendor about the possibility of providing to our office four photocopiers to scan casino issue part-petitions. The earliest delivery date for those photocopiers would be Wednesday morning, July 2.
2. In light of an expected delivery date of photocopiers provided at your expense no earlier than July 2, you asked whether our office could today begin copying part-petitions of 51 counties (list attached) using existing secretary of state equipment. You added seven counties to the list presented to our office on Friday of 44 counties for which you still seek copies of part-petitions.
3. You agreed to pay the standard fees our office charges for copies of public records.
4. You stated that you believed that, by 2:30 p.m. today (the time we stated in our letter of June 26 that we would be shipping those boxes) your staff will have had an acceptable opportunity to inspect and make notes concerning the part-petitions originating in the following five large Ohio counties: Cuyahoga, Franklin, Hamilton, Montgomery, and Lucas counties. Therefore, you stated that your public records request no longer included a request for copies of the part-petitions of these five large counties.

Response: Based on your representation and consistent with our letter of June 26 we will today be shipping or making available for pickup, without first scanning or copying, part-



petitions that originated in the following five counties: Cuyahoga, Franklin, Hamilton, Montgomery, and Lucas.

5. In our letter of June 26 we identified 16 medium-sized counties to whom we intend to ship part-petitions on Wednesday, July 1, 2009. Of those counties you revised your public records request to include copies only as to part-petitions originating in Lake County. You stated that you still wanted an opportunity to inspect part-petitions from the remaining 15 counties.

Response: Based on your representation, and consistent with our letter of June 26, we will on Wednesday, July 1, 2009, ship or make available for pickup, without first scanning or copying, part-petitions that originated in the following 15 counties: Butler, Delaware, Erie, Lorain, Summit, Greene, Warren, Clark, Clermont, Fairfield, Licking, Medina, Portage, Stark and Wood. In addition, we will ship the part-petitions originating in Lake County on Wednesday July 1. However, the Lake County part-petitions will first have been digitally scanned.

We will provide access for your staff to inspect part-petitions from the 15 counties identified in the previous paragraph. This inspection must be completed, however, on or before the Wednesday, July 1 shipping date.

6. As noted above, you have asked whether our office could today begin copying part-petitions of 51 counties (list attached) using existing secretary of state equipment. This list includes the 44 counties presented by you to the office in list form on Friday plus the additional seven counties you identified today.

Response: Our office agrees to dedicate our staff, beginning today and throughout this week and weekend, to unstapling, scanning and restapling copies of the part-petitions originating in the 51 counties enumerated on the attached list. We have consolidated on the 15th floor of our offices all six available SOS scanners, thereby removing several from regular business operations in other divisions. These scanners will be employed by SOS staff to scan the identified part-petitions in a digital format. We will then reproduce on a CD-ROM those digital images you seek and deliver the CD-ROM to you.

Our administrators believe that scanning of the part-petitions of the 51 counties, most of which are counties of relatively small size, will be completed by 3:00 p.m. on Monday, July 6, and perhaps earlier. Please note, however that we stand by our position stated on June 26, insofar as we continue to intend, and will, no later than 3:00 p.m. on Monday, July 6, 2009, ship to all remaining counties their full number of boxes of part-petitions, even if the unstapling, scanning and restapling process we have agreed to undertake has not been entirely completed.

7. You have asked that your staff be allowed continued access to inspect any remaining counties not identified above.

Response: We will continue to allow access during the hours (including overtime hours) our staff is working on this scanning project. However, we again reiterate that we will make available for pickup, or ship, all casino issue part-petitions by July 6 at 3:00 p.m.

As before, if you may have questions or concerns you may direct them to me at espeelma@columbus.rr.com or (614) 752-8110. In the event that I am not available, please call our main Elections Division phone number at (614) 466-2585 and inform the receptionist that you are calling from Bricker and Eckler concerning your public records request. They will then obtain an election administrator to assist you.

Sincerely yours,

A handwritten signature in cursive script that reads "Eleanor Speelman". The signature is written in dark ink and is positioned above the typed name and title.

Eleanor Speelman
General Counsel

Bricker & Eckler Public Records Request

Request for Scanned Copies of Part-Petitions (By County)

6/29/2009

1 Adams	26 Jefferson	51 Wyandot
2 Ashtabula	27 Knox	
3 Belmont	28 Lake	
4 Brown	29 Lawrence	
5 Carroll	30 Logan	
6 Champaign	31 Mahoning	
7 Clinton	32 Meigs	
8 Columbiana	33 Mercer	
9 Crawford	34 Monroe	
10 Fulton	35 Morgan	
11 Jackson	36 Muskingum	
12 Madison	37 Noble	
13 Marion	38 Paulding	
14 Preble	39 Perry	
15 Coshocton	40 Pike	
16 Defiance	41 Putnam	
17 Fayette	42 Scioto	
18 Gallia	43 Shelby	
19 Geauga	44 Trumbull	
20 Guernsey	45 Tuscarawas	
21 Hardin	46 Van Wert	
22 Harrison	47 Vinton	
23 Henry	48 Washington	
24 Hocking	49 Wayne	
25 Holmes	50 Williams	



Bricker & Eckler
ATTORNEYS AT LAW
COLUMBUS | CLEVELAND
CINCINNATI-DAYTON

BRICKER & ECKLER LLP
100 South Third Street
Columbus, Ohio 43215-4291
MAIN: 614.227.2300
FAX: 614.227.2390

www.bricker.com
info@bricker.com

Faith M. Williams
814.227.2374
fwilliams@bricker.com

June 30, 2009

BY HAND DELIVERY AND ELECTRONIC MAIL

The Honorable Jennifer Brunner
Ohio Secretary of State
180 East Broad Street, 15th Floor
Columbus, OH 43215

Subject: June 17, 2009 Public Records Request & Inspection of
Part Petitions

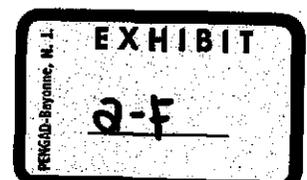
Dear Secretary Brunner:

This letter is in response to correspondence dated June 29, 2009 from your General Counsel. That letter was the most recent response to our June 17, 2009 request for public records, sent on behalf of our client, Scioto Downs, Inc.

The letter accurately documents the discussion that I had with your General Counsel on June 29, 2009. The actions and timelines set forth in that letter constitute an acceptable response to our request for public records.

We would ask that you provide the scanned information to us on a rolling basis (perhaps each morning providing data scanned on the previous day). If that is acceptable, we will make arrangements to have the disk picked up from your office.

We also acknowledge the receipt of two directives dated this week and issued to the Boards of Election, as well as a copy of a chart summarizing the number of petitions and signatures submitted to your office.



Public Records Request/Inspection of Part Petitions

June 30, 2009

Page 2

Thank you for your prompt attention to this request. If you have any questions or concerns, please do not hesitate to contact me.

Best regards,



Faith M. Williams

Attachment

cc: Eleanor Speelman, General Counsel
Michael Stinziano, Deputy Assistant Secretary of State
Richard Coglianesse, Assistant Attorney General



JENNIFER BRUNNER
OHIO SECRETARY OF STATE

180 EAST BROAD STREET, 16TH FLOOR
COLUMBUS, OHIO 43215 USA
TEL: 1-877-767-6446 FAX: 1-614-644-0649
WWW.SOS.STATE.OH.US

July 13, 2009

Via Electronic Mail

Faith M. Williams
Bricker & Eckler, LLP
100 South Third Street
Columbus, OH 43215

Re: Your Public Records Request of July 13, 2009

Dear Ms. Williams:

Our office has received your public records request of today's date. In your letter you have stated the following:

"We request the ability to inspect promptly all part-petitions returned to the Ohio Secretary of State following certification by county Boards of Election regarding an amendment to the Ohio Constitution permitting casino gaming."

Your letter specifies twenty counties that have already completed their review and verification of signatures. By phone message you have asked that our office provide access beginning tomorrow morning, July 14, 2009, to up to four individuals to inspect the part-petitions from those twenty counties. Your letter furthers requests access to inspect "any and all part petitions returned by county Boards of Election going forward."

Our office will accommodate your request as follows:

1. Beginning tomorrow morning, Tuesday, July 14, 2009, at 9:00 a.m., four Bricker & Eckler staff members ("inspectors") will be given access to part-petitions received in our office from the counties.
2. Your inspectors will be provided use of two of the cubicles that were earlier used by your staff to inspect part-petitions prior to delivery of the part-petitions to the counties.
3. The inspectors will be allowed an opportunity to physically examine the part-petitions after the part-petitions have been unstapled and scanned by SOS staff members.
4. Each inspector must sign in before being provided access to the petitions and sign out at the conclusion of their inspections each day, as occurred previously.
5. The inspectors will be monitored.



As before, if you have questions or concerns you may direct them to me at espeelma@sos.state.oh.us or (614) 752-8110. In the event that I am not available, please call our main Elections Division phone number at (614) 466-2585 and inform the receptionist that you are calling from Bricker and Eckler concerning your public records request. They will then obtain an election administrator to assist you.

Sincerely yours,

A handwritten signature in cursive script that reads "Eleanor Speelman". The signature is written in black ink and is positioned above the typed name and title.

Eleanor Speelman
General Counsel



JENNIFER BRUNNER
OHIO SECRETARY OF STATE

180 EAST BROAD STREET, 16TH FLOOR
COLUMBUS, OHIO 43215 USA
TEL: 1-877-767-6446 FAX: 1-614-644-0649
WWW.SOS.STATE.OH.US

July 14, 2009

Via Electronic Mail

Faith M. Williams
Bricker & Eckler, LLP
100 South Third Street
Columbus, OH 43215

Re: Your Public Records Request of July 14, 2009

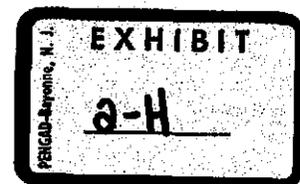
Dear Ms. Williams:

Our office has received your public records request of today's date. In your letter you have stated the following:

"We request copies of all part-petitions returned to the Ohio Secretary of State following certification by county Boards of Election regarding an amendment to the Ohio constitution permitting casino gaming. Electronic copies (on a CD or sent electronically to us as PDFs) would be preferable."

Our office will accommodate your request as follows:

1. Tomorrow afternoon, Wednesday, July 15, 2009, our staff will make available to you a CD or CDs that contain the scanned images of returned part-petitions that have been scanned through close of business on Tuesday, July 14. The scanned images will be collected and reproduced on the CDs on a county by county basis. You may pick up those CDs between 4 and 5 p.m. on Wednesday, July 15.
2. Beginning on Thursday, July 16, 2009, our staff will make available to you on a daily basis a CD or CDs that contain the images of returned part-petitions that have been scanned through approximately 3:00 p.m. of the previous day. The scanned images will be provided on a county by county basis. We will include a county's images on each day's CD only if our staff has completed scanning all of the part-petitions from that county. You may pick up these CDs each day between 4 and 5 p.m.



As before, if you have questions or concerns you may direct them to me at espeelma@sos.state.oh.us or (614) 752-8110. In the event that I am not available, please call our main Elections Division phone number at (614) 466-2585 and inform the receptionist that you are calling from Bricker and Eckler concerning your public records request. They will then obtain an election administrator to assist you.

Sincerely yours,

A handwritten signature in cursive script that reads "Eleanor Speelman". The signature is written in black ink and is positioned above the typed name and title.

Eleanor Speelman
General Counsel



JENNIFER BRUNNER
OHIO SECRETARY OF STATE

180 EAST BROAD STREET, 16TH FLOOR
COLUMBUS, OHIO 43215 USA
TEL: 1-877-767-6446 FAX: 1-614-644-0649
WWW.SOS.STATE.OH.US

July 16, 2009

Via Electronic Mail

Luther L. Liggett, Jr.
Bricker & Eckler, LLP
100 South Third Street
Columbus, OH 43215

Re: Proposed Casino Gambling Initiative

Dear Mr. Liggett:

I am in receipt of your letters of July 14 and 15 which Secretary Brunner has forwarded to me for response.

Your letter of July 14 asserts that an individual named Waco Day has circulated part-petitions in multiple Ohio counties. You ask that the Secretary "ensure that the part-petitions circulated by [Mr. Day and another individual, Melissa Smith] be invalidated," citing the Secretary's Directive 2009-10 instructing boards to "invalidate any part-petition which was circulated by a person who has been convicted of a felony whose right to serve as a circulator has not been restored by a court of record."

As your letter acknowledges, the Secretary has provided the county boards of elections instruction concerning the board's responsibilities regarding circulators who have a felony record. Directive 2009-10 (issued June 29) contains four pages of detailed instructions to guide the boards in carrying out their responsibility to determine the number of valid signatures on the part-petitions. The Secretary issued additional advice concerning that responsibility in Advisory 2009-06 (issued July 8) and Advisory 2009-07 (issued July 9).

If you are not already aware, the July 13 Defiance County email stating that "Waco Day is a convicted felon from Defiance County" was retracted by Defiance County later that same day. Perhaps this illustrates the danger in jumping too quickly to a conclusion, in the absence of evidence, that any particular part-petition should be invalidated. Concerning Ms. Smith, you did not in your letter identify any part-petitions circulated by Ms. Smith. Nor have you suggested that you provided the boards any evidence to suggest whether any court has restored the right of Ms. Smith to serve as a circulator if, in fact, she is a convicted felon.



Your letter to the Secretary dated July 15 reiterates arguments that you have previously communicated to the boards. That argument posits that the part-petitions sent to the counties for verification and validation of signatures reveal irregularities concerning circulators' addresses. You have provided over 300 pages of spreadsheets containing names and addresses of circulators and petition numbers you believe to be questionable. You ask this office to "investigate all part-petitions that contain suspect circulator names and addresses on their face" and "invalidate all such part-petitions where warranted."

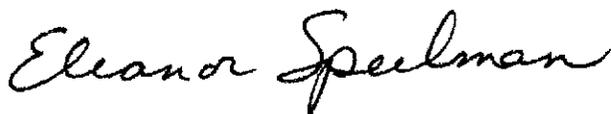
It is the Secretary's responsibility to transmit part-petitions to the county boards of elections for verification and determination of the number of valid signatures present on the part-petitions. R.C. 3519.15. The statute then requires that the county boards of elections

"ascertain whether each part-petition is properly verified, and whether the names on each part-petition are on the registration lists of such county, or whether the persons whose names appear on each part-petition are eligible to vote in such county, and to determine any repetition or duplication of signatures, the number of illegal signatures, and the omission of any necessary details required by law."
R.C. 3519.15.

In issuing Directive 2009-10, Advisory 2009-06 and Advisory 2009-07, the Secretary provided instruction to guide the boards in their duties. After each county board verifies the part-petitions, determines the number of valid signatures obtained in that county and returns them to this office, it is then the Secretary's responsibility to determine the sufficiency of signatures statewide, i.e., whether the number of valid signatures verified by the county boards is sufficient to warrant submission of the issue to Ohio electors. Article 22, Section 1g, Ohio Constitution. The Constitution provides an aggressive deadline that the Secretary must meet in making this determination.

The fact that on July 6 and 9 you sent letters raising your concerns directly to all 88 boards illustrates that you understand that it is the responsibility of county boards to determine the validity of part-petitions and signatures. This office is not aware of any statute or constitutional provision empowering the Secretary to review or alter the findings of the boards concerning the validity of part-petitions and signatures. To the contrary, Article II, Section 1g of the Ohio Constitution, as amended by a vote of the people last November, now vests "original, exclusive jurisdiction over all challenges made to [initiative] petitions and signatures" in the Supreme Court of Ohio.

Sincerely yours,



Eleanor Speelman
General Counsel

Walter, Kirk

From: Clinton Co SOS Email [clinton@sos.state.oh.us]
Sent: Monday, July 13, 2009 4:00 PM
To: Walter, Kirk; Wolfe, Pat
Subject: [Junk released by User action] FW: Petition solicitor
Importance: High

Disregard my earlier email re: circulator Waco Day. Defiance County said they have the wrong person.

-----Original Message-----

From: Defiance County BOE [mailto:defiance@sos.state.oh.us]
Sent: Monday, July 13, 2009 3:14 PM
To: All Counties (E-mail)
Subject: Petition solicitor

The petition solicitor IS NOT the convicted Defiance County resident.
The former Defiance County resident is serving time in a state institution and the petition solicitor is 8 years younger and living in Cincinnati. We at the Defiance County Board of Elections (along with the Defiance County Sheriff's Department) apologize for any inconvenience this has caused you in your petition process.
Thanks,
Pam & Wayne

Defiance County Board of Elections
1300 East Second Street, Suite 103
Defiance, OH 43512-2483
Phone Nos. 419.782.2906 and 419.782.8543 Fax No. 419.782.5773 Wayne Olsson, Director Pam Schroeder,
Deputy Director



Williams, Faith

From: Clinton Co SOS Email [clinton@sos.state.oh.us]
Sent: Monday, July 13, 2009 12:35 PM
To: Walter, Kirk; Wolfe, Pat
Cc: Shekar Jayaraman; Joy Ames
Subject: [Junk released by User action] FW: Petition solicitor
Importance: High

Clinton County had 3 part petitions from Waco Day, total 6 signatures, only 1 valid signature; however, we returned our petitions last week. Should we revise our certification or will the SOS address this issue since we no longer have the petitions? Thank you.

-----Original Message-----

From: Defiance County BOE [mailto:defiance@sos.state.oh.us]
Sent: Monday, July 13, 2009 10:17 AM
To: All Counties (E-mail)
Subject: Petition solicitor

The petition solicitor:
Waco Day
Martin Luther King
Cincinnati, OH 45224

A Waco Day is a convicted felon from Defiance County. For further details, please call Defiance County Board of Elections.

Thanks,
Pam & Wayne

Defiance County Board of Elections
1300 East Second Street, Suite 103
Defiance, OH 43512-2483
Phone Nos. 419.782.2906 and 419.782.8543
Fax No. 419.782.5773
Wayne Olsson, Director
Pam Schroeder, Deputy Director

7/14/2009

IN THE SUPREME COURT OF OHIO

THE STATE OF OHIO ex rel.	:	
SCIOTO DOWNS, INC., et al,	:	
	:	
Relators,	:	
vs.	:	Case No. 2009-1294
	:	
JENNIFER BRUNNER, SECRETARY	:	Original Action in Mandamus
OF STATE OF OHIO, et al.,	:	and under Section 1g, Article II
	:	of the Ohio Constitution
Respondents.	:	
	:	

AFFIDAVIT OF DAVID M. FARRELL

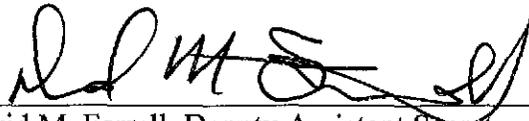
I, David M. Farrell, having been duly sworn and cautioned according to law, hereby state that I am over the age of eighteen years and am competent to testify to the facts set forth below based upon my personal knowledge.

1. I have been employed in the Ohio Secretary of State's office since January 8, 2007, in the position of Deputy Assistant Secretary of State and Director of Elections.
2. In my position as Deputy Assistant Secretary of State and Director of Elections, I am responsible for transmitting directives, advisories, and memoranda issued by the Ohio Secretary of State Jennifer Brunner pursuant to her statutory authority in R.C. 3501.05(B).
3. On June 29, 2009, Secretary of State Brunner issued Directive 2009-10 to the Ohio Boards of Elections providing instructions for examining and determining the validity and sufficiency of the part-petitions for the proposed Ohio Jobs and Growth Plan constitutional amendment. A true and accurate copy of Directive 2009-10 is attached hereto as "Exhibit A."
4. On July 8, 2009, Secretary of State Brunner issued Advisory 2009-06 to the Ohio Boards of Elections clarifying circulator requirements under Ohio law and providing additional instructions for reviewing circulator statements for the petitions for the proposed Ohio Jobs and Growth Plan constitutional amendment. A true and accurate copy of Advisory 2009-06 is attached hereto as "Exhibit B."



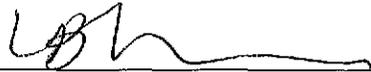
5. On July 9, 2009, Secretary of State Brunner issued Advisory 2009-07 to the Ohio Boards of Elections providing additional instructions regarding verification of signatures and circulator statements under Ohio law for the petitions for the proposed Ohio Jobs and Growth Plan constitutional amendment. A true and accurate copy of Advisory 2009-07 is attached hereto as "Exhibit C."
6. On July 20, 2009, Secretary of State Brunner issued Advisory 2009-08 to the Ohio Boards of Elections informing them that the secretary of state is investigating allegations of fraud related to the petitions for the proposed Ohio Jobs and Growth Plan constitutional amendment and requesting the cooperation of the boards of elections. A true and accurate copy of Advisory 2009-08 is attached hereto as "Exhibit D."

Affiant further sayeth naught.



David M. Farrell, Deputy Assistant Secretary of State and
Director of Elections

Sworn to before me, a notary public in and for said county and state, and subscribed in my presence, by the above-named David M. Farrell, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed, this 27th day of July 2009, in the City of Columbus, County of Franklin, State of Ohio, in testimony whereof, I set my hand and official seal.



Brandi Laser Seskes, Attorney at Law
Notary Public - State of Ohio
My commission has no expiration date. R.C.147.03.



BRANDI R. LASER SESKES, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.

Important - Because no person may sign a petition more than once, it is imperative that boards maintain the names of those persons who signed the original part-petitions in order to properly verify the signatures on any potential supplemental part-petitions.

It may be prudent to create a database list of the petition signers (both valid and invalid signatures), creating the following fields:

1. Last name.
2. First name and middle initial (if any).
3. Street address (house number and street name).
4. City, village or township.
5. Date of signing.

Challenges/Protests

Article II, Section 1 of the Ohio Constitution was amended in 2008 to give the Ohio Supreme Court original, exclusive jurisdiction over all challenges to state issue petitions and the signatures on the petitions. Any challenge to a petition or a signature on a petition shall be filed with Ohio Supreme Court not later than ninety-five days before the day of the election. With respect to this petition, that deadline is July 31, 2009.

No protests may be filed with county boards of elections concerning state issue petitions. However, the boards still have the statutory authority to investigate irregularities, nonperformance of duties, or violations of the election laws relative to this petition; administer oaths, issue subpoenas, summon witnesses, and compel the production evidence in connection with any such investigation; and report the facts to the prosecuting attorney or the secretary of state. R.C. 3501.11(J).

Returning Certification and Petitions

You must determine the validity and sufficiency of these part-petitions and submit a copy of your certification form to Denise Sherrod **no later than July 16, 2009**, via one of the following two methods:

Fax: 614-485-7697

Email: dsherrod@sos.state.oh.us

You then must return the part-petitions and original certification form to the Secretary of State's office no later than July 20, 2009 either in person or by using a trackable, third-party delivery service such as certified U.S. Mail, U.S. Post Office Express Mail, UPS or FedEx.

If you have any questions concerning the handling of part petitions or the procedures set forth in this directive, please contact the elections attorney assigned to your county at (614) 466-2585. Thank you for your prompt assistance.

Sincerely,



Jennifer Brunner

**Ohio Secretary of State's Instructions
to County Boards of Elections regarding
Examination of State Issue Petitions**

(Ohio Constitution Art. II §§ 1-1g; Revised Code Chapters 3501, 3503, and 3519.)

CIRCULATORS

A. Qualifications

A federal court has ruled that the circulator residency requirement set forth in R.C. 3503.06(B) is unconstitutional. Consequently, a circulator of an initiative or referendum petition governed by state law need not be either an Ohio elector or an Ohio resident.

No individual who has been convicted of a felony under the laws of this state, any other state or the United States may circulate a declaration of candidacy and petition or a nominating, initiative, referendum or recall petition. (see R.C. 2961.01(B), 2967.17(B)). To verify whether a circulator has been convicted of a felony, you may seek the assistance of your county clerk of courts. If you determine that a felon circulated any part-petition you are examining, please provide the felon's name and address to the Elections Division promptly, so that the Elections Division may share that information with the other boards of elections examining parts of the petition.

B. Circulator's Statement

Each part-petition must contain circulator's statement that is completed as required by law. (The circulator's statement may be identified on the part-petition as the "statement of the solicitor.") The circulator's statement must include the following information:

1. The number of signatures witnessed by that circulator,
2. The signature of the circulator,
3. The circulator's permanent residence address (does **not** have to be an address in Ohio), and
4. The name *and* address -- e.g., street name and number, city, and state; or post office box number, city, and state; or street name and number, and zip code; or post office box number and zip code -- of the employer of the circulator who has employed the circulator to circulate the part-petition, but only if the circulator is being employed to circulate the petition. **In the absence of inconsistencies on the circulator statements circulated by the same individual or a protest being filed regarding paid circulators, the board accepts the part-petition at face value.**

When the number of signatures on a part-petition appears to differ from the number reported in the circulator's statement, the board must examine that part-petition to determine the nature of the inconsistency. If the number of signatures reported as being witnessed by the circulator in the circulator's statement is:

- **Equal to or greater than** the total number of signatures not crossed out on the part-petition, do not reject the part-petition because of the inconsistent signature numbers.

Example: The circulator's statement indicates that the circulator witnessed 22 signatures, but there are only 20 signatures on the petition.

- **Less than** the total number of uncrossed out signatures submitted on the part-petition, reject the *entire* part-petition.

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.

SIGNERS

A. Generally

Signers of a state issue petition must satisfy the requirements R.C. 3519.10:

Each signer of any initiative or referendum petition must be a qualified elector of the state. He shall place on such petition after his name the date of signing and the location of his voting residence, including the street and number in which such voting residence is located, *** Each signer may also print his name so as to clearly identify his signature. ***

It is acceptable for a signer to allow another person to complete the date of signing and the location of the signer's voting residence on the petition. However, one individual may not sign another person's name to a petition without having first been designated that person's attorney in fact in accordance with the provisions of R.C. 3501.382. If a person who has not been designated the attorney in fact signs another person's name to a petition, the entire part-petition must be invalidated, because the circulator's statement is untrue.

B. Qualifications

Each person who signs a petition must be:

- A qualified elector of Ohio, and
- Registered to vote at the address provided on the petition as of the date the state issue part-petition is *examined* by the board. **NOTE WELL:** New voter registrations or changes of name or address filed with the Secretary of State at the time of the filing of the petition are enclosed with the petitions. These registrations are effective as of the date filed with the Secretary of State, and you **must process all of them before** you verify signatures on the petitions.
(R.C. 3501.38(A), 3519.10, and 3519.15)

C. Signatures

Except as provided in R.C. 3501.382 (elector's name signed by an attorney in fact), each signature of an elector who signs an initiative or referendum petition must be an original signature of that voter and must be written in ink. (R.C. 3501.38(B), 3519.051)

Authority to Appoint an Attorney in Fact – R.C. 3501.382:

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 that elector's name to a petition, in accordance with the specific procedures required by that statute.

1. One county per part-petition:

Each part-petition should contain signatures of electors of only one county. If any part-petition contains signatures from more than one county, the Secretary of State determines the county from which the majority of signatures came, and only signatures from that county are to be counted; signatures from any other county are invalid. (R.C. 3519.10) When certifying the signatures, please include the out-of-county signatures in the list of invalid signatures for a petition that you are certifying as valid.

2. Signature requirements:

- a. The signature must match the signature on file with the board of elections. A board should 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. For identification purposes, the elector may print his/her name on the petition *in addition to* signing in cursive his/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. (R.C. 3501.011, 3501.38)
- b. The signature must be written in ink. (R.C. 3519.05; 3519.051)
- c. The petition must contain the location of the elector's voting residence, which must:
 - Include the house number and street name or RFD, and the appropriate city, village, or township. A post office box does NOT qualify as an elector's residence address.
 - Match the elector's voting residence address on file with the board when the board examines the part-petition. If an elector's address given on the petition differs from that on file with the board, then the board must invalidate the signature.

Note: The boards must process all new, valid voter registrations and changes of names and/or address to existing registrations before verifying the signatures on the part-petitions.)

- The petition should indicate the county in which the elector's address is located, but an elector's signature will not be invalidated if election officials can determine the proper county from other information provided on the petition paper. The elector's ward and precinct are **not** required.

3. Dates

R.C. 3501.38(C) and 3519.10 require that each signature be followed by the date it was affixed to the petition paper. Do **not** invalidate a signature solely because its date is out of sequence with other signatures.

4. Illegible Signature

A signature is illegible only if *both* the signature and address are unreadable, such that it is impossible for board personnel to check the signature against a voter registration record.

5. Restrictions on signing the name of another person

- a. Although a person having an elector's standard power of attorney cannot sign the elector's name to a petition, a qualified person who has been appointed as an elector's *attorney in fact* under R.C. 3501.382 may sign that elector's name to the petition paper in the elector's presence and at the elector's direction. You must compare the name signed on the petition by the attorney in fact to the document evidencing the attorney in fact status on file with your office.
- b. In each case where a person, other than a duly-authorized attorney in fact under R.C. 3501.382, signs a name other than his or her own to a petition, the board must invalidate the *entire* part-petition.
- c. An elector's "non-signature information" – e.g., the elector's address, county, or the date of signing – may be added by a person other than the elector, with the elector's permission.

6. Ditto marks

Ditto marks may be used to indicate duplicate information (e.g., date, address or county).

7. Marking valid signatures:

- a. If a signature is **valid**, please place a red check mark in the margin to the left of the signature on the petition paper.
- b. If a signature is **invalid**, please indicate why it is invalid, using the appropriate code symbol contained in these instructions (see below).
- c. No one may sign a petition more than once. Please place an identifying mark or insert a computer code on the elector's registration record to ensure that the elector's signature is not counted toward the same petition (such as a supplemental petition) more than once.
- d. It may be prudent for you to create a database list of the petition signers (both valid and invalid signatures), creating the following fields:
 - Last name
 - First name and middle initial
 - Street address (house number and street name)
 - City, village or township
 - Date of signing

CERTIFICATION

After the board staff has examined all the parts of the state issue petition circulated in your county, you must certify your findings to the Secretary of State using the enclosed certification form.

Please return the original completed certification form and part-petitions to this office by a trackable method; e.g., in person or by certified U.S. Mail, U.S. Post Office Express Mail, UPS, or Fed EX. Please return the documents no later than July 20, 2009, to:

Ohio Secretary of State
Elections Division
180 E Broad St - 15th Floor
Columbus OH 43215

Once all certification forms have been transmitted by boards of elections, the Secretary of State will determine the validity and sufficiency of the petition and provide the constitutionally and statutorily required notices to the committee for the petitioners. If the Secretary of State determines that the petition is insufficient, the committee will have ten (10) additional days after notification to file additional signatures.

CHALLENGES/PROTESTS

The Ohio Constitution as amended in 2008 provides that the Ohio Supreme Court has original, exclusive jurisdiction over all challenges to state issue petitions and signatures on those petitions. Any challenge to a petition or signature shall be filed with Ohio supreme court not later than ninety-five days before the day of the election; with respect to this petition, the deadline is July 31, 2009.

No protests may be filed with county boards of elections concerning state issue petitions.

CODE SYMBOLS FOR VALIDATING 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 signers and the initials** of the board employee who checked the part-petition under the number.

If a signature is not valid, please indicate the problem with it by using the following initials or, if no set of initials 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 "Duplication." 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.**

PROPOSED CONSTITUTIONAL AMENDMENT
Ohio Jobs and Growth Plan (Multi-City Casinos)
 Received by the Secretary of State on June 25, 2009

County	Number of Part Petitions Being Sent to BOE	Number of Signatures Being Sent to BOE
Adams	137	1,259
Allen	445	5,411
Ashland	236	2,005
Ashtabula	205	1,488
Athens	324	4,622
Auglaize	290	2,245
Belmont	75	201
Brown	226	2,661
Butler	1,336	23,150
Carroll	97	523
Champaign	305	1,907
Clark	784	12,152
Clermont	682	9,121
Clinton	248	2,144
Columbiana	134	587
Coshocton	96	1,087
Crawford	272	1,973
Cuyahoga	6,116	160,958
Darke	333	2,384
Defiance	158	1,568
Delaware	847	8,053
Erie	1,059	17,735
Fairfield	716	5,862
Fayette	182	1,695
Franklin	4,848	117,496
Fulton	324	2,003
Gallia	83	1,105
Geauga	462	3,633
Greene	934	11,976
Guernsey	149	1,775
Hamilton	4,474	133,198
Hancock	351	2,785
Hardin	155	1,197
Harrison	47	814
Henry	223	1,401
Highland	171	1,989
Hocking	172	1,161
Holmes	48	256
Huron	527	4,590
Jackson	130	1,286
Jefferson	80	222
Knox	236	2,447
Lake	906	12,652

County	Number of Part Petitions Being Sent to BOE	Number of Signatures Being Sent to BOE
Lawrence	97	2,014
Licking	734	8,955
Logan	229	2,072
Lorain	1,526	29,755
Lucas	3,193	90,574
Madison	269	1,837
Mahoning	583	11,656
Marion	344	2,330
Medina	641	6,705
Meigs	87	1,268
Mercer	169	1,790
Miami	562	4,905
Monroe	40	704
Montgomery	3,258	83,187
Morgan	105	745
Morrow	297	1,563
Muskingum	297	3,131
Noble	87	665
Ottawa	513	3,205
Paulding	74	893
Perry	231	1,620
Pickaway	368	2,864
Pike	133	911
Portage	724	6,159
Preble	266	1,974
Putnam	148	1,805
Richland	589	8,829
Ross	362	3,312
Sandusky	539	4,554
Scioto	196	2,854
Seneca	414	3,919
Shelby	226	2,168
Stark	900	14,557
Summit	1,554	21,678
Trumbull	574	10,955
Tuscarawas	151	1,167
Union	299	2,346
Van Wert	104	1,060
Vinton	90	769
Warren	868	11,237
Washington	230	3,552
Wayne	215	1,056
Williams	88	456
Wood	1,034	6,675
Wyandot	155	1,045
Grand Total	53,186	948,253



JENNIFER BRUNNER
OHIO SECRETARY OF STATE

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ADVISORY 2009-06

July 8, 2009

To: All County Boards of Elections

Re: Circulator Requirements for State Initiative Petitions

The purpose of this advisory is to address questions that have been raised by Ohio boards of elections regarding (1) whether a person whose permanent address is outside of Ohio may circulate part-petitions for a state initiative petition and (2) actions that the boards of elections must take in reviewing circulator statements.

(1) Out-of-State Circulators. In *Nader v. Blackwell*, 545 F.3d 459 (C.A.6 2008), the U.S. Court of Appeals for the Sixth Circuit held that the requirements of R.C. 3503.06 that circulators of candidate petitions be Ohio electors and Ohio residents were unconstitutional. In Advisory 2009-04, the Secretary of State applied the *Nader* decision to R.C. 3503.06(B) and concluded that the requirement that circulators of initiative and referendum petitions be Ohio residents is also unconstitutional. Thus, in Directive 2009-10 and in the instructions provided with the directive, Ohio boards of elections were instructed not to invalidate any part-petition because a circulator listed a permanent residence address outside the state of Ohio.

The form for a constitutional amendment initiative petition is provided in R.C. 3519.05. That form instructs circulators to provide their "permanent residence in this state." However, given the *Nader* decision, Advisory 2009-04, and the instructions given with Directive 2009-10, **circulators may list on a part-petition a permanent residence outside of the state of Ohio.**

(2) Issues Concerning A Circulator's Address. Several boards have sought advice from this office concerning a letter received by them from the law firm of Bricker and Eckler, a law firm that represents opponents of the proposed constitutional amendment. The letter suggests that certain casino issue part-petition circulators, whose names are included on lists attached to the letter, did not provide on the circulator statement their actual permanent residence addresses.

Clearly, if the board of elections discovers as part of its process of determining validity of a part-petition as provided in R.C. 3519.05 that it is facially invalid, the board must not verify that the part-petition is valid. Similarly, if the board determines as part of its process of determining validity that fraud exists in connection with a part-petition (such as a circulator listing a permanent address in your county that does not exist) the board must not verify that the part-petition is valid.

R.C. 3519.06 identifies circumstances that preclude verification of validity for an initiative or referendum part-petition (including part-petitions to place a constitutional amendment on the ballot). Under R.C. 3519.06(D), a board of elections may not verify the validity of a part-petition if "satisfactory evidence" is presented to the board of elections "[t]hat the statement is false in any respect."



In Ohio all circulator statements are signed under penalty of election falsification. In accordance with R.C. 3519.05 the statement "Whoever commits election falsification is guilty of a felony of the fifth degree" appears prominently on the casino issue part-petitions directly below the circulator statement signature line. Under R.C. 3519.06 and the instructions provided with Directive 2009-10, and in light of the fact that circulators provide their permanent residence address under penalty of law for misrepresenting their address, a board of elections may generally presume that the permanent residence address provided by a circulator is valid if such an address exists in the county. This presumption of validity is overcome where "satisfactory evidence" exists that a circulator falsely represented his or her permanent address. To overcome the presumption of validity, an individual questioning the validity of the permanent residence address of a circulator has the burden of providing to the board "satisfactory evidence" that the listed address is false.

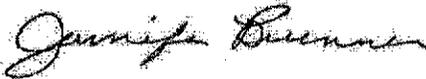
An example of "satisfactory evidence" of a false address includes (but is not limited to) an affidavit of an individual with personal knowledge that the circulator did not live at the residence address listed on the part-petition. **An unsworn document or written assertion that speculates that a circulator may have listed a false permanent address does not, standing alone, constitute "satisfactory evidence" of a false permanent address precluding verification by a board.**

Of course, the board is fully empowered, pursuant to R.C. 3501.11(J) to investigate irregularities or violations of Title XXXV of the Revised Code and report its findings to the prosecuting attorney or the secretary of state. Pursuant to Directive 2009-10, however, **every Ohio board must complete its review of the part-petitions according to the instructions given with Directive 2009-10 and submit a copy of its certification form to this office no later than July 16, 2009.** This deadline is necessary to enable the secretary to meet her July 21 constitutional deadline for determining the sufficiency of part-petition signatures.

Boards are also reminded that, pursuant to Article II, Section 1 of the Ohio Constitution, as amended in 2008, the Supreme Court of Ohio has original and exclusive jurisdiction over all challenges to state issue petitions and the signatures on the petitions.

If you have any questions, please contact your assigned elections attorney at 614-466-2585.

Sincerely,



Jennifer Brunner



JENNIFER BRUNNER
OHIO SECRETARY OF STATE

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ADVISORY 2009-07
July 9, 2009

TO: All County Boards of Elections

RE: Clarification of Instructions in Directive 2009-10 re: Verification of a State Issue Petition; Invalidation of Entire Part-petitions versus Invalidation of Particular Signatures on Part-petitions

The purpose of this Advisory is to clarify the instructions contained in Directive 2009-10 for verifying the parts of a state issue petition and the individual signatures contained thereon. In determining the validity and sufficiency of these signatures and part-petitions, a board of elections applies the general provisions of R.C. 3501.38, in addition to the specific provisions for state issue petitions forth in Revised Code Chapter 3519.

R.C. 3501.38(D) provides in pertinent part that, except as authorized by R.C. 3501.382 (the attorney in fact statute), no person shall write any name other than the person's own on any petition, nor authorize another to sign for the person.

RC 3501.38(F) provides that, except as authorized by R.C. 3501.382, "*if a circulator knowingly permits an unqualified person to sign a petition paper or permits a person to write a name other than the person's own on a petition paper, that petition paper is invalid; otherwise, the signature of a person not qualified to sign shall be rejected but shall not invalidate the other valid signatures on the paper.*"

Thus, a board of elections will reject an *entire* part-petition if the circulator either *knowingly* permitted an unqualified person to sign or *knowingly* permitted a person to sign a name other than the person's own, except as permitted by law.

Examples:

- A circulator allows a woman to sign both the woman's own name and her husband's name to the petition paper. The woman does not have attorney in fact authority to sign for her husband. Because the circulator knowingly allowed one person to sign the names of two people to the part-petition, the board must invalidate the *entire* part-petition.
- A circulator allows a woman to sign the woman's own name to one petition paper and then to sign her husband's name to a different petition paper. The woman does not have attorney in fact authority to sign for her husband. Because the circulator knowingly allowed the woman to sign a name not her own to the second part-petition, the board must invalidate the *entire* second part-petition.



- A circulator is witnessing a man sign the petition paper. A friend of the man signing the petition tells the man to sign the friend's name to the petition, too, and the man does so. The man does not have attorney in fact authority to sign for his friend. Again, the board must invalidate the entire part-petition because the circulator knowingly allowed one person to sign the names of two people to the petition paper.

It is possible, however, that a person may improperly sign only one name – another person's name – in violation of R.C. 3501.38(D), without the circulator knowing that the name signed to the petition was not the name of the person who signed it. A violation of this nature may not be discovered until a board of elections determines that the signature on the petition paper does not comport with the signature the board has on file for the elector. The circulator may therefore have signed in good faith the circulator statement declaring that the signatures on the part-petition "are the signatures of the persons whose names they purport to be." In the situation where a circulator did not have knowledge of the improper signing by another, R.C. 35081.38(F) instructs the board of elections to reject the non-genuine signature, *but not to reject the entire part-petition.*

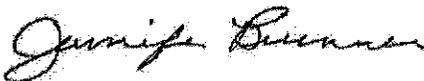
Example:

- A circulator witnesses a man signing one name to the petition paper. Unknown to the circulator, the man is signing the name of a friend, instead of his own name, to the petition paper. The man does not have attorney in fact authority to sign for his friend. The circulator does not know either the man who signed the petition paper or the man's friend. If a board of elections examining that petition paper determines that the signature is not genuine, the board rejects only the invalid signature in the absence of additional evidence that the circulator *knowingly* allowed the man to sign someone else's name to the petition paper.

Further, the fact that there is some difference in handwriting between an elector's signature on the petition and the signature on file with the board does not necessarily prove that someone other than the elector signed the elector's name, let alone that the circulator knew it. **A board must have evidence that indicates the circulator *knowingly* permitted a person to sign the name of another person in violation of R.C. 3501.38(F) before it invalidates the entire part-petition under that section of law.**

If you have any questions, please contact your assigned elections attorney at 614-466-2585.

Sincerely,



Jennifer Brunner



JENNIFER BRUNNER
OHIO SECRETARY OF STATE

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ADVISORY 2009-08

July 20, 2009

To: All County Boards of Elections

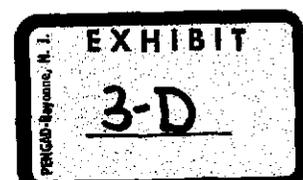
RE: Investigation pursuant to R.C. 3501.05(N)(1)

During the recent signature verification process conducted by Ohio Boards of Elections on the Ohio Jobs and Growth Plan constitutional amendment petition, attorneys representing a racetrack owner opposed to the constitutional amendment raised questions concerning alleged fraud committed by some petition circulators. Attorneys for and against the constitutional amendment may have contacted your board concerning these allegations.

The Secretary of State's office provided boards of elections with instructions for verifying the validity of signatures and circulator statements on the petition in Directive 2009-10 issued June 29, 2009, and thereafter provided further clarification regarding issues relating to circulators in Advisory 2009-06 issued July 8, 2009, and in Advisory 2009-07 issued July 9, 2009. Under Article II Section 1g of the Ohio Constitution and R.C. 3501.05(K), the Secretary of State's role in the statewide petition process is limited to determining the overall sufficiency of the petition by calculating the number of valid signatures determined by Ohio boards of elections.

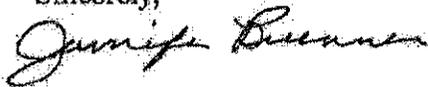
While the Secretary of State has no legal authority to determine the validity of signatures on petitions or to invalidate part petitions, the Secretary of State has the independent statutory authority under R.C. 3501.05(N)(1) to "investigate the administration of election laws, frauds, and irregularities in elections in any county, and report violations of election laws to the attorney general or prosecuting attorney, or both, for prosecution." Consequently, I have directed my legal staff to investigate alleged violations of Ohio election law, fraud, and irregularities related to the Ohio Jobs and Growth Plan petition, which, if appearing to exist, are intended to be referred for criminal prosecution. Elections Counsel Joshua Kimsey will be overseeing the investigation. I respectfully request your cooperation as we engage in this process if information or documents are needed.

Further, if your board of elections or your county prosecutor has already commenced or completed an investigation regarding the petition in question, we would appreciate knowing about it so as to work cooperatively and without redundancy. Finally, please report the results of any such investigation when completed to the Secretary of State's office pursuant to R.C. 3501.11(J) and Directive 2008-96.



Thank you in advance for your cooperation. If you have any questions, please contact the elections attorney assigned to your county at 614-466-2585.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Brunner".

Jennifer Brunner

IN THE SUPREME COURT OF OHIO

THE STATE OF OHIO ex rel. :
SCIOTO DOWNS, INC., et al, :
 :
 :
 : Relators, :
 vs. : Case No. 2009-1294
 :
 :
 JENNIFER BRUNNER, SECRETARY OF : Original Action in Mandamus
 STATE OF OHIO, et al., : and under Section 1g, Article II
 : of the Ohio Constitution
 :
 Respondents. :
 :

AFFIDAVIT OF MELANIE POOLE

I, Melanie Poole, having been duly sworn and cautioned according to law, hereby state that I am over the age of eighteen years and am competent to testify to the facts set forth below based upon my personal knowledge.

1. From December 1994 to May 2008, I was employed by the Knox County (Ohio) Board of Elections, where I served in the positions of Elections Clerk and Poll Worker Recruiter/Trainer. My duties in these positions included, but were not limited to, the following: verifying statewide initiative and referendum part-petitions and signatures, voter registration; tracking and checking petitions; preparation of ballots and proofing of ballot layout; recruiting poll workers; developing the poll worker training curriculum, instruction, and retention program.
2. I have been employed in the Elections Division of the Ohio Secretary of State's Office since May 19, 2008, in the position of Elections Administration Officer.
3. I hold a Bachelor of Science in Human Resource Management from Excelsior College, Albany, New York.
4. In my position as Elections Administration Officer, I am responsible for overseeing the receipt and processing of any statewide initiative and referendum petitions that are filed with the Office of the Ohio Secretary of State.
5. On June 25, 2009, the Ohio Jobs and Growth Plan Committee filed an initiative petition proposing a constitutional amendment. Charles J. Luken, Chairperson of the Ohio Jobs and Growth Plan Committee, stated on the petition receipt that he was submitting 49,162 part-petitions, containing over 850,000 signatures from 88 Ohio counties, 80 of which counties met the five percent signature requirement.

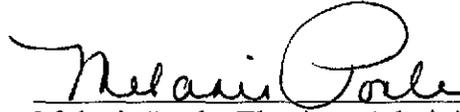


6. The part-petitions were submitted in a total of 214 boxes, which were separated by county.
7. Beginning June 26, 2009, the staff of the Office of Ohio Secretary of State began processing the part-petitions. The staff affixed a Bates stamp number to each part-petition, beginning with the county with the largest number of part-petitions, Cuyahoga. A work sheet(s) or cover sheet(s) was completed for each county, stating the number of part-petitions received for that county and the number of signatures contained within as attested to in the circulators' statements.
8. The Ohio Jobs and Growth Plan Committee did not submit formally any completed voter registration forms at the time of filing. However, staff for the Ohio Secretary of State discovered several completed voter registration forms within the pages of the part-petitions. These completed voter registration forms were shipped to the appropriate counties with instructions to process the registrations prior to checking the part-petitions.
9. Due to time constraints imposed by Article II, Section 1g of the Ohio Constitution, the Ohio Secretary of State's Office did not intend to scan any part-petitions prior to shipping them to the counties.
10. By letter dated June 26, 2009, the law firm of Bricker & Eckler narrowed an earlier public records request dated June 17, 2009, by requesting electronic copies of the part-petitions from the following counties: Adams, Ashtabula, Belmont, Brown, Carroll, Champaign, Clinton, Columbiana, Coshocton, Crawford, Defiance, Fayette, Fulton, Gallia, Geauga, Guernsey, Hardin, Harrison, Henry, Hocking, Holmes, Jackson, Jefferson, Knox, Lake, Lawrence, Logan, Mahoning, Madison, Marion, Meigs, Mercer, Monroe, Morgan, Muskingum, Noble, Paulding, Perry, Pike, Preble, Putnam, Scioto, Shelby, Trumbull, Tuscarawas, Van Wert, Vinton, Washington, Wayne and Williams. Accordingly, an electronic copy of these part-petitions was provided to the law firm. A copy of the June 26 letter is attached as Exhibit A.
11. On or about June 26, 2009, the law firm of Bricker & Eckler made an additional request to the Secretary of State's office to physically inspect the part-petitions from the following counties: Cuyahoga, Franklin, Montgomery, Hamilton and Lucas. Thereafter, on June 26, 27, and 29, 2009, the Secretary of State's office permitted several attorneys from Bricker & Eckler to inspect those part-petitions under the supervision of staff from the Secretary of State's Office.
12. By June 29, 2009, election officials from the five largest counties (Cuyahoga, Franklin, Hamilton, Montgomery and Lucas) had either picked up their county's part-petitions or the part-petitions had been shipped by the Secretary of State's office to the boards of elections via trackable delivery.

13. By July 1, 2009, part-petitions had been shipped by the Secretary of State's office to the following boards of elections via trackable delivery: Butler, Clark, Clermont, Delaware, Erie, Fairfield, Greene, Lake, Licking, Lorain, Portage, Stark, Summit, and Wood.
14. By July 2, 2009, the part-petitions from all of the remaining counties had been shipped by the Secretary of State's office to the boards of elections via a trackable delivery.
15. All part-petitions were accompanied by a copy of Directive 2009-10. This Directive instructed county boards of elections on the proper procedures for verifying signatures and the deadline for completing the county's certification form. The certification form lists the number of valid part-petitions received; the number of valid and invalid signatures on those part-petitions; the number of invalid part-petitions; and the number of signatures on those invalid part-petitions; the total number of part-petitions received; and the total number of signatures on both the valid and invalid part-petitions.
16. On July 13, 2009, the law firm of Bricker & Eckler made a public records request to inspect the part-petitions as returned from the following counties: Adams, Clinton, Coshocton, Defiance, Fulton, Harrison, Hocking, Jackson, Jefferson, Knox, Madison, Mercer, Monroe, Muskingum, Perry, Pickaway, Ross, Vinton, Williams and Wood. Accordingly, attorneys from Bricker & Eckler were permitted to inspect the part-petitions under the supervision of staff of the Ohio Secretary of State's Office.
17. On July 14, 2009, the law firm of Bricker & Eckler made a public records request for electronic copies of all part-petitions returned to the Secretary of State following certification by a county board of elections. On July 15, 2009, and thereafter on a daily basis, an electronic copy of the part-petitions was provided to the law firm.
18. The law firm of McTigue & McGinnis made the same public records request and was provided the same.
19. As copies of the certification forms were faxed to the Secretary of State's office, the numbers were entered into a work log that was updated on a daily basis. The work log provided numbers in the following categories by county: number of part-petitions sent to the boards of elections; number of valid part-petitions; number of valid signatures; number of invalid signatures; number of invalid part-petitions; number of signatures on invalid part-petitions; the number of signatures sent, five per cent of 2006 vote for governor; and the counties that met the five percent requirement. By July 16, 2009, each county board of elections had faxed a copy of its completed certification form to the Secretary of State's Office.
20. Based on the numbers submitted by the county boards of elections, the proposed constitutional amendment had 452,956 valid signatures, exceeding the required number of 402,276 by over 50,000 signatures. On July 21, 2009 Secretary of State Jennifer Brunner certified the issue to the ballot..

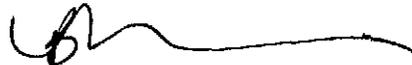
21. The counties were to return the part-petitions to the Secretary of State's office by July 20, 2009 with their original certification form.
22. Upon their return, the part-petitions were unstapled, scanned, and placed in a box for storage and shipment to the storage facility.

Further Affiant sayeth naught.



Melanie Poole, Elections Administration Officer

Sworn to before me, a notary public in and for said county and state, and subscribed in my presence, by the above-named Melanie Poole, who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed, this ___ day of July, 2009, in the City of Columbus, County of Franklin, State of Ohio, in testimony whereof, I set my hand and official seal.



Brandi Laser-Seskes, Attorney at Law

Notary Public – State of Ohio

My commission has no expiration. R.C.147.03.



BRANDI R. LASER SESKES, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.



Bricker & Eckler
ATTORNEYS AT LAW

COLUMBUS | CLEVELAND
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www.bricker.com
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Faith M. Williams
614.227.2374
fwilliams@bricker.com

June 26, 2009

BY HAND DELIVERY

The Honorable Jennifer Brunner
Ohio Secretary of State
180 East Broad Street, 15th Floor
Columbus, OH 43215

Subject: June 17, 2009 Public Records Request & Inspection of
Part Petitions

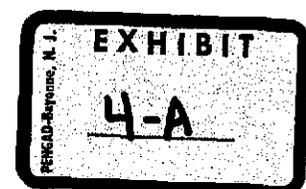
Dear Secretary Brunner:

This letter is in response to correspondence dated June 25, 2009 from your General Counsel. That letter responded to our June 17, 2009 request for public records, sent on behalf of our client, Scioto Downs, Inc.

We acknowledge receipt of: the one-page cover sheet submitted by the Filer of the Petition in support of the issue known as "Ohio Jobs and Growth Plan"; the cover letter dated June 25, 2009 from Mr. Luken to you; the list identifying the number and weight of the boxes filed; and a copy of one part-petition. We also acknowledge that we will be allowed some opportunity to inspect part-petitions in your offices, beginning today, after your staff prepares them for mailing.

However, the opportunity to conduct a limited inspection of more than 49,000 part-petitions, as outlined in the June 25, 2009 letter, is not by itself an acceptable response to our request for copies of the part-petitions. It limits our review both in scope and in a timely manner.

In an effort to accommodate your office, Scioto Downs, Inc. will accept a narrower response to its June 17, 2009 request, as follows: we would receive copies of only the part-petitions from the 44 counties on the attached list and then, on an "as needed" basis, we would



submit requests for public records to selected boards of election, if you would direct the remaining boards of election who receive such requests to immediately provide copies to us, before they begin their review of the petitions. We may or may not request the remaining documents from the boards of election, depending on our review of the documents produced by your office. We believe that this revised request, which asks for copies of part-petitions in only 50 of the more than 200 boxes, is reasonable.

We reiterate our willingness to reimburse your office and the local boards of election for the actual (non-personnel) expense of reproduction as a matter of law; we also are willing to work out providing additional resources, such as copiers and contracted staff, to assist in complying with this request.

Additionally, we renew our request for copies of any and all documents that meet, generally, the following descriptions:

- Those records or logs summarizing the number of petition signatures filed for each county in Ohio, created by your office;
- Instructions from your office detailing the procedures for certification of signatures sent or ready to be sent to county Boards of Election accompanying the part petitions; and,
- Any records or notes documenting when part-petitions were, or will be sent to and/or received from each county Board of Elections for certification.

We request a copy of all the documents described above electronically or on CD, if possible. In the alternative, hard copies of the documents will suffice.

June 26, 2009

Page 3

Thank you for your prompt attention to this request. If you have any questions or concerns, please do not hesitate to contact me.

Best regards,



Faith M. Williams

Attachment

cc: Michael Stinziano, Deputy Assistant Secretary of State
Richard Coglianesse, Assistant Attorney General

Ohio Casino Petitions

	County	Boxes
1	Adams	1
2	Ashtabula	1
3	Belmont	1
4	Brown	1
5	Carroll	1
6	Clinton	1
7	Columbiana	1
8	Coshocton	1
9	Defiance	1
10	Fayette	1
11	Gallia	1
12	Geauga	2
13	Guernsey	1
14	Hardin	2
15	Harrison	1
16	Henry	1
17	Hocking	1
18	Holmes	1
19	Jefferson	2
20	Knox	1
21	Lake	1
22	Lawrence	1
23	Logan	1
24	Mahoning	2
25	Meigs	1
26	Mercer	1
27	Monroe	1
28	Morgan	1
29	Muskingum	1
30	Noble	1
31	Paulding	1
32	Perry	1
33	Pike	1
34	Putnam	1
35	Scioto	1
36	Shelby	1
37	Trumbull	2
38	Tuscarawas	1
39	Van Wert	1
40	Vinton	1
41	Washington	1
42	Wayne	2
43	Williams	1
44	Wyandot	1
	Requested:	<u>50</u>
	Total Boxes:	<u>214</u> 23%

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing *Respondent's Submission of Evidence* was served upon the following, on this 28th day of July 2009, by electronic mail, facsimile transmission and ordinary, postage prepaid U.S. mail to:

Luther L. Liggett, Jr. (0004683)
Attorney of Record
Anne Marie Sferra (0030855)
Vladimir P. Belo (0071334)
Bricker & Eckler LLP
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Columbus, Ohio 43215
614-227-2300
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lliggett@bricker.com
asferra@bricker.com
vbelo@bricker.com

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dmhaddox@muskingumcounty.org

*Attorney for Respondent
Muskingum County Board of Elections*

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