

ORIGINAL

Case No. 2011-1646

**In The
Supreme Court of Ohio**

STATE EX REL. OHIOANS FOR FAIR DISTRICTS, et al.,
Relators,

v.

JON HUSTED, OHIO SECRETARY OF STATE,
Respondent.

Original Action in Mandamus

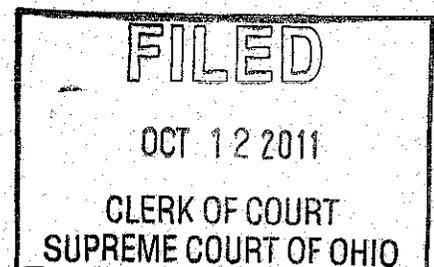
**NOTICE OF ADDITIONAL FACT AND SUPPLEMENT TO
EXHIBIT B TO MERIT BRIEF**

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*Special Counsel for Intervenors The Ohio
General Assembly, Speaker William G.
Batchelder, and Senate President Thomas E.
Niehaus*

This morning the Ohio Secretary of State accepted for filing part-petitions containing the signatures of more than 1,000 qualified electors on the statutorily imposed "summary" petition filed in accordance with Ohio Rev. Code 3519.01(B). Accordingly, Relators represented this fact in their Merit Brief, which has been filed with the Clerk, and appended as Exhibit B a time-stamped copy of the letter of filing with the Secretary of State. [See, Merit Brief, Sec. 2, p. 5.]

At approximately 11:00 a.m. on October 12, 2011, a representative of the Ohio Secretary of State hand-delivered the original part-petitions to the offices of McTigue & McGinnis LLC, along with a letter signed by Assistant Secretary of State Scott Borgemenk, indicating that H.B. 319 is not subject to referendum and that in the absence of a Court order to the contrary, the Secretary of State "will not accept for filing any additional referendum-related materials regarding House Bill No. 319." A copy of Mr. Borgemenke's letter is appended hereto.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark A. McGinnis", with a long horizontal flourish extending to the right.

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CERTIFICATE OF SERVICE

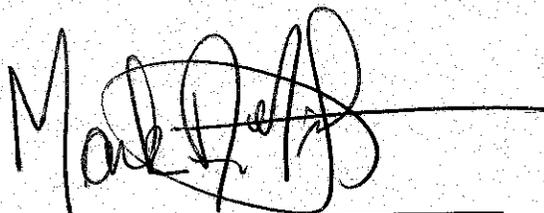
I hereby certify that the foregoing was served via electronic mail upon the following this 17th day of October, 2011:

Counsel for Respondent

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A handwritten signature in black ink, appearing to read "Mark J. Jeffers", written over a horizontal line. The signature is stylized and somewhat cursive.

Attorney at Law



Jon Husted
Ohio Secretary of State

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October 12, 2011

Donald J. McTigue, Esq.
McTigue & McGinnis LLC
550 East Walnut Street
Columbus, Ohio 43215

VIA HAND DELIVERY & ELECTRONIC MAIL TO DMCTIGUE@ELECTIONLAWGROUP.COM

Dear Mr. McTigue,

Please be advised that the referendum petitions and accompanying correspondence dropped off at our office this morning, while time-stamped, have not officially been accepted by the office of the Ohio Secretary of State.

House Bill No. 319 of the 129th General Assembly went into immediate effect after it was signed by the Governor, and, therefore, is not subject to referendum. The General Assembly so declared in Sections 6¹ and 7² of House Bill No. 319.

Accordingly, the office of the Secretary of State hereby returns to your custody the petitions you filed this morning. In the absence of a court order to the contrary, we will not accept for filing any additional referendum-related materials regarding House Bill No. 319.

Sincerely,

Scott Borgemenke

Assistant Secretary of State

¹ SECTION 6. It is the intent of the General Assembly that the Congressional districts established by Sections 1 and 2 of this act take immediate effect, to enable the boards of elections to complete their required remapping and reprecincting of this state so that candidates may file their candidacy petitions in the new districts, the boards may properly verify those petitions, the boards may notify electors of their new districts and, if applicable, voting locations, and elections may be conducted in those districts for the 2012 primary election.

² SECTION 7. The sections and items of law contained in this act are not subject to the referendum under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code and therefore go into immediate effect when this act becomes law.