

IN THE SUPREME COURT OF OHIO

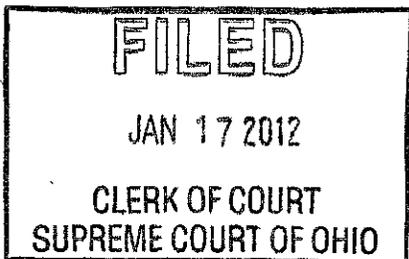
CHARLES E. WILSON, et al.,	:	
	:	Case No. 2012-0019
Relators,	:	
	:	
v.	:	Original Action
	:	
GOVERNOR JOHN KASICH, et al.,	:	
	:	
Respondents.	:	

**RESPONDENT SECRETARY OF STATE JON HUSTED'S
SUBMISSION OF EVIDENCE**

LLOYD PIERRE-LOUIS (0068068)
**Counsel of Record*
 Wesp/Barwell/Pierre-Louis Co., LLC
 6400 Riverside Drive, Suite D
 Columbus, Ohio 43017
 (614) 341-7576 (ext. 4)
 (614) 388-5963 – fax
 lpl@wesplaw.com

DENNIS E. MURRAY, JR. (0038509)
 Murray & Murray Co., LPA
 111 East Shoreline Dr.
 Sandusky, Ohio 44870
 (419) 624-3000
 (419) 624-0707 – fax
 DMJ@murrayandmurray.com

Attorneys for Plaintiffs



MICHAEL DeWINE
 Ohio Attorney General

RICHARD N. COGLIANESE (0066830)
**Counsel of Record*

MICHAEL J. SCHULER (0082390)
 ERIN BUTCHER-LYDEN (0087278)
 Assistant Attorneys General
 Constitutional Offices Section
 30 East Broad Street, 16th Floor
 Columbus, Ohio 43215
 (614) 466-2872
 (614) 728-7592 – fax
 richard.coglianese@ohioattorneygeneral.gov
 michael.schuler@ohioattorneygeneral.gov
 erin.butcher-lyden@ohioattorneygeneral.gov
*Attorneys for Respondent Ohio Secretary of
 State Jon Husted*

E. MARK BRADEN (0024987)
**Counsel of Record*

Baker & Hostetler, LLP
 65 E. State Street
 Columbus, Ohio 43215
 (614) 228-1541
 (614) 462-2616 – fax
 mbraden@bakerlaw.com

*Attorney for Respondents Governor John
 Kasich, Senator Thomas Niehaus and Auditor
 David Yost*

RESPONDENT SECRETARY OF STATE JON HUSTED'S
SUBMISSION OF EVIDENCE

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

Respondent's Evidence, Volume I: Exhibit A – Affidavit of Matthew Damschroder

Respectfully Submitted,

MICHAEL DeWINE
Ohio Attorney General



RICHARD N. COGLIANESE (0066830)

**Counsel of Record*

MICHAEL J. SCHULER (0082390)

ERIN BUTCHER-LYDEN (0087278)

Assistant Attorneys General

Constitutional Offices Section

30 East Broad Street, 16th Floor

Columbus, Ohio 43215

(614) 466-2872

(614) 728-7592 – fax

richard.coglianesse@ohioattorneygeneral.gov

michael.schuler@ohioattorneygeneral.gov

erin.butcher-lyden@ohioattorneygeneral.gov

*Attorneys for Respondent Ohio Secretary of
State Jon Husted*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing *Submission of Evidence of Respondent Ohio Secretary of State Jon Husted* was served on this 17th day of January 2012, by electronic mail and U.S. mail, postage prepaid, to:

Lloyd Pierre-Louis
Wesp/Barwell/Pierre-Louis Co., LLC
6400 Riverside Drive, Suite D
Columbus, Ohio 43017
lpl@wesplaw.com

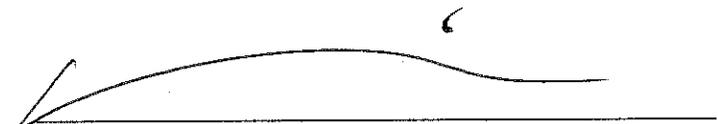
Counsel of Record for Relators

Dennis E. Murray, Jr.
Murray & Murray Co., LPA
111 East Shoreline Dr.
Sandusky, Ohio 44870
DMJ@murrayandmurray.com

Counsel for Relators

E. Mark Braden
Baker & Hostetler, LLP
65 E. State Street
Columbus, Ohio 43215
mbraden@bakerlaw.com

Attorney for Respondents Governor John Kasich, Senator Thomas Niehaus and Auditor David Yost



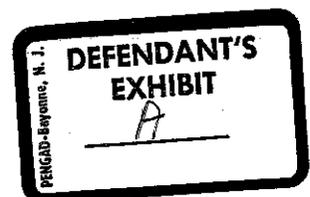
RICHARD N. COGLIANESE (0066830)
Assistant Attorney General

State of Ohio)
)
County of Franklin) ss:

AFFIDAVIT OF MATTHEW M. DAMSCHRODER

Now comes MATTHEW M. DAMSCHRODER, first being duly cautioned and sworn, attesting as follows:

1. From June 2003 to January 2011, I was employed by the Franklin 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 relating to the administration and conduct of elections in Franklin County.
2. On January 10, 2011, I was appointed by Secretary of State Jon Husted to the position of Deputy Assistant Secretary of State and State Elections Director in the Elections Division of the Ohio Secretary of State's Office, where I am responsible for developing and implementing policies, procedures and guidelines for the administration of federal, state and local elections to assist county boards of elections in the fulfillment of their statutory duties as well as having oversight of the statewide voter registration database, the receipt, review and distribution of statewide candidate and issue petition filings and campaign finance regulations and related filings.
3. In 2005, I became a Certified Elections Registration Administrator ("CERA"), the nation's sole professional designation for local elections administrators, offered through the Election Center and Auburn University (Alabama).
4. Based on my years of employment at the Franklin County Board of Elections, my professional training and accreditation, and my responsibilities at the Secretary of State's office, I have first-hand knowledge of the responsibilities and tasks of the eighty-eight county boards of elections and the Secretary of State's Elections Division when a new apportionment plan needs to be implemented.
5. On September 30, 2011, the Ohio Apportionment Board approved the new districts for the Ohio House of Representatives and Senate.
6. Sixty-eight (68) days elapsed between the September 30, 2011 approval of the new districts and the December 7, 2011 filing deadline for partisan candidates.
7. During that time period, boards of elections were aware that they needed to have the new boundaries programmed by December 7, 2011, a deadline established through Directive 2011-32. The process to program a new map is not simple.



- a. First, the county boards of elections receive the legal descriptions, maps, and in some instances, geographic information systems (“GIS”) “shape” files for the new districts;
 - b. Next, the county boards of elections must analyze the impact of the changes on their county, reprogram the central tabulator of their voting system, and reprogram their voter registration database/election management system:
 - i. For counties with a “GIS” system that is integrated with the voter registration database/election management system, the shape files should be sufficient to load and influence the updates.
 - ii. For counties with street range indexes or tables, changes can be made to groups of addresses.
 - iii. For counties without “GIS” or street range indexes, changes will have to be made on a voter-by-voter basis within the database.
8. Partisan candidates for the Ohio House of Representatives and Senate seeking nomination at the March 6, 2012 primary election were required to file their declarations of candidacy and petitions no later than 4 p.m. on December 7, 2011.
 9. After the December 7, 2011 filing deadline, boards of elections began the process of examining and determining the validity of or invalidity of the declarations of candidacy and petitions filed. Boards of elections were required to certify the validity and sufficiency of partisan candidate petitions by December 19, 2011.
 10. The deadline for protests against partisan candidates was 4 p.m. December 23, 2011.
 11. Those wishing to file as write-in candidates needed to file a declaration of intent to be a write-in candidate by 4 p.m. on December 27, 2011.
 12. Substitute House Bill No. 369 of the 129th General Assembly (HB 369) combined the June primary election for presidential delegates with the March primary election for nominating party candidates for the Ohio House of Representatives and Senate and set a December 30, 2011 deadline for the filing of paperwork for presidential delegates and congressional candidates.
 13. To allow time for boards of elections to review congressional candidate petitions and to allow due process for protests against congressional candidates, the Secretary of State issued Directive 2011-41 on December 16, 2011 and certified the final official form of ballot on January 11, 2012. This gave county boards of elections only nine calendar days to finalize, proof, and send the final ballot layouts for 2 major and four minor parties to Ohio-based printers who had to print, perforate (for easy stub removal), pad, package, and ship ballots back to the county all before the January 21 deadline discussed in #15 below.

14. Under codified law, as opposed to uncodified law in HB 369, the Secretary would have been required to certify the form of the ballot seventy days before the election, giving boards twenty-five days between the Secretary of State's certification of official form of ballot and the issuing absentee ballot to military and overseas voters.
15. Boards of elections are required to issue absentee ballots to military and overseas voters on January 21, 2012. To do so, those county boards of elections without ballot-on-demand printing capabilities must receive from their printing vendor the entire quantity of ordered absentee ballots to satisfy the requirement.
16. Boards of elections are required to have absentee ballots for all other voters prepared by January 31, 2012 for both in person and by mail absentee ballots.
17. All of the above statements are true to the best of my knowledge, information and belief.

Further Affiant sayeth naught.



Matthew M. Damschroder
Deputy Assistant Secretary of State
and State Elections Director

Sworn to and Subscribed before me this 17th day of January, 2012, in the City of Columbus, County of Franklin, State of Ohio. In testimony whereof, I set my hand and official seal:



NOTARY INFORMATION

CHRISTOPHER R. SHEA
ATTORNEY AT LAW
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 R.C.

