

IN THE SUPREME COURT OF OHIO

STATE EX REL. MARK H. CURTIS,) Supreme Court Case No. 2015-1426
10472 Woodchuck Ct.)
Twinsburg, OH 44087)
)
Relator,) **ORIGINAL ACTION IN**
) **MANDAMUS – Expedited Election**
v.) **Case Under S.Ct. Prac. R. 12.08**
)
SUMMIT COUNTY BOARD OF)
ELECTIONS,)
470 Grant Street)
Akron, OH 44311)
)
Respondent.

RELATOR' S EVIDENCE

David T. Andrews (0062064)
(COUNSEL OF RECORD)
581 Boston Mills Road, Suite 400
Hudson, Ohio 44236
Phone: 330-463-3660
Fax: 330-463-3661
Email: dandrews@dayketterer.com

COUNSEL FOR RELATOR

Sherri Bevan Walsh (0030038)
Summit County Prosecutor

Colleen Sims (0069790)
Summit County Prosecutor's Office
53 University Avenue, Seventh Floor
Akron, OH 44308

Phone: 330-643-8138

Fax: 330-643-2137

E-mail: simsc@prosecutor.summitoh.net

COUNSEL FOR RESPONDENT

Now comes Relator, Mark H. Curtis and submits the following evidence for consideration in this matter:

1. Affidavit of Mark H. Curtis.

A-1 through A-12 - Nominating Petitions and Statement of Candidacy for Member of the Board of Education of the Twinsburg City School District.

B - August 19, 2015 letter to the Summit County Board of Elections.

2. Affidavit of Earl Shaffer.

3. Partial Transcript of the August 28, 2015 meeting of the Summit County Board of Elections.¹

Respectfully submitted,

/s David T. Andrews

David T. Andrews (0062064)

581 Boston Mills Rd., Suite 400

Hudson, Ohio 44236

Phone: 330-463-3660

Fax: 330-463-3661

Email: dandrews@dayketterer.com

COUNSEL FOR RELATOR

¹ The full, certified transcript of the August 28, 2015 meeting is not available for filing. The parties stipulate that the attached partial transcript is a true and accurate transcription of Curtis' presentation to the Board of Elections on August 28, 2015.

CERTIFICATE OF SERVICE

A copy of Relator's Evidence has been served by operation of this Court's electronic filing system and by electronic mail to counsel for Respondent at simsc@prosecutor.summitoh.net on this 10th day of September, 2015.

/s David T. Andrews _____
Counsel for Relator

registered in the near future. Another individual later signed within line 7 of Petition 1, below the crossed out signature of Shaffer.

5. After all twenty lines on Petition 1 were filled, I completed the "Circulator's Statement" and attested that I was the circulator of the petition containing 20 signatures and that I witnessed the affixing of every signature and that all signers were to the best of my knowledge and belief qualified to sign. I did not include Mr. Shaffer's signature within the signature count because I did not believe him to be a qualified elector and he had stricken his signature from the top portion of line 7 on Petition 1.

6. On June 26, 2015 I filed with the Summit County Board of Elections my Nominating Petition and Statement of Candidacy for Member of the Twinsburg City School District, which consisted of six part petitions, including Petition 1. (Exhibit A-1 to A-2).

7. On August 17, 2015, the Summit County Board of Elections, at its regularly scheduled meeting, voted to refuse to certify my candidacy, determining that my nominating petitions fell short of the required 75 signatures of qualified electors.

8. On the evening of August 17, 2015 I was informed of the Board of Election's action. I was told that Petition 1 was invalidated in its entirety and none of the signatures affixed thereto would be counted or validated. I was further informed that that Petition 1 was invalidated in its entirety because I had stated the incorrect number of signatures on Petition 1. The Board of Elections representative stated that I had written that there were 20 signatures from qualified electors on Petition 1 and that the Board of Elections had determined there were 21 signatures on Petition 1.

9. On August 19, 2015, a letter was submitted on my behalf requesting reconsideration of the Board of Election's decision to refuse to certify my candidacy. (Attached hereto as Exhibit B).

10. In response to the August 19, 2015 request, I was informed that the Board of Elections would consider the matter at their August 28, 2015 meeting and I could attend and present my arguments.

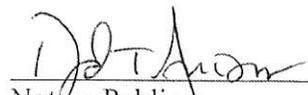
11. On August 28, 2015, I attended the Board of Elections meeting and I, along with my attorney, presented my argument to the Board of Elections. After approximately 20 minutes of discussion and debate the Board of Elections declined to reconsider its August 17, 2015 decision to refuse to consider Petition 1.

I have carefully read the foregoing statement and swear that is true and correct to the best of my knowledge and belief.



Mark H. Curtis

SWORN TO AND SUBSCRIBED BEFORE ME this 31st day of August, 2015.



Notary Public

DAVID T. ANDREWS, Attorney At Law
Notary Public • State of Ohio
My commission has no expiration date.
Section 147.03 R.C.

150707

**NOMINATING PETITION AND STATEMENT OF CANDIDACY
FOR MEMBER OF THE BOARD OF EDUCATION
CITY, LOCAL OR EXEMPTED VILLAGE SCHOOL DISTRICT**

To be filed with the Board of Elections not later than 4 p.m. of the 90th day before the general election.
Revised Code 3501.38, 3513.254, 3513.261, 3513.263

**NOTE - THE CANDIDATE MUST FILL IN, SIGN AND DATE THIS STATEMENT OF CANDIDACY
BEFORE PETITIONS ARE CIRCULATED.**

STATEMENT OF CANDIDACY

I, MARK H. CURTIS, the undersigned, hereby declare under penalty of election falsification that my voting residence address is 10472 WOODHUCK CT., TWINSBURG, Ohio 44087; and I am a qualified elector in the school district.

I further declare that I desire to be a candidate for election to the office of Member of the Board of Education of the TWINSBURG CITY School District in Summit County, Ohio, for the: (check one) full term, or unexpired term ending _____, at the general election to be held the 3rd day of November, 2015.

I further declare that I am an elector qualified to vote for the office I seek.

Dated this 6th day of APRIL, 2015.
[Signature]
(Signature of Candidate)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.

I, _____, hereby designate the persons named below as a committee to represent me:

NAME	RESIDENCE

2015 JUN 26 PM : 37
BOARD OF ELECTIONS
AKRON, OHIO

3450 CB [Signature]

NOMINATING PETITION

We, the undersigned, qualified electors of the State of Ohio, whose voting residence is in the county, city, village, or township set opposite our names, hereby nominate MARK H. CURTIS as a candidate for election to the office of Member of the Board of Education of the TWINSBURG CITY School District for the: (check one) full term, or unexpired term ending _____, to be voted for at the next general election, and certify said person is, in our opinion, well qualified to perform the duties of the office or position to which the person desires to be elected.

Signatures on this petition must be from only one county and must be written in ink.

	SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE OR TOWNSHIP	COUNTY	DATE OF SIGNING
1.	[Signature]	10472 Woodhuck Ct.	Twinsburg	Summit	4/11/15
2.	[Signature]	3515 Nautilus Tr	Reminderville	Summit	4/11/15
3.	[Signature]	11254 Heritage Dr	Twinsburg	Summit	4/11/15
4.	[Signature]	9791 Firelands Dr	Twinsburg	Summit	4/11/15
5.	[Signature]	2930 Embury St	Twinsburg	Summit	4/11/15

EXHIBIT
A-1

	SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE OR TOWNSHIP	COUNTY	DATE OF SIGNING
6.	<i>[Signature]</i>	1571 Woodchuck Ct	Twinsburg	Summit	4-13-15
7.	<i>[Signature]</i>	10460 Woodchuck	Twinsburg	Summit	4-13-15
8.	<i>[Signature]</i>	2891 Salling Drive	Twinsburg	Summit	4-13-15
9.	<i>[Signature]</i>	1495 Iris Glen Dr	Twinsburg	Summit	4-13-15
10.	<i>[Signature]</i>	10326 Smugglers	Reminderville	Summit	4/15/15
11.	<i>[Signature]</i>	1282 Waldo Way	Twinsburg	Summit	4/15/15
12.	<i>[Signature]</i>	10418 Bodeneadow Dr.	Twinsburg	Summit	4/15/15
13.	<i>[Signature]</i>	10258 Setmeadow Dr.	Twins	Summit	4/15/15
14.	<i>[Signature]</i>	1771 Lockwood Ave	Twinsburg	Summit	4/17/15
15.	<i>[Signature]</i>	11327 Heritage	Twinsburg	Summit	4-18-15
16.	<i>[Signature]</i>	11254 Heritage Dr	Twinsburg	Summit	4-22-15
17.	<i>[Signature]</i>	9586 Greenway	Twinsburg	Summit	4/22/15
18.	<i>[Signature]</i>	3006 Country Club	Twinsburg	Summit	
19.	<i>[Signature]</i>	9888 Sutherland	Twinsburg	Summit	4/22/15
20.	<i>[Signature]</i>	1111 Meadwood	Twinsburg	Summit	4/22/15

Bm

[Handwritten mark]

3450 Bm-1
C3

CIRCULATOR STATEMENT – Must be completed and signed by circulator
 I, MARK H CURTIS, declare under penalty of election falsification that I
 (Printed Name of Circulator)
 reside at the address appearing below my signature; that I am the circulator of the foregoing petition
 containing 20 signatures; that I witnessed the affixing of every signature; that all signers were to
 (Number)
 the best of my knowledge and belief qualified to sign; and that every signature is to the best of my
 knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact
 acting pursuant to section 3501.382 of the Revised Code.

2015 APR 23 11:37 AM
 BOARD OF ELECTIONS
 AKRON, OHIO

[Signature]
 (Signature of Circulator)
 10472 WOODCHUCK CT
 (Permanent residence address)
 TWINSBURG, OH 44087
 (City or Village, State and Zip Code)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.

County Board of Elections
 Form 3-T Nominating Petition For Board of Education

Statement of Candidacy of _____
 Candidate for _____
 Filed _____

Certificate of Validity
 REVISED CODE 3501.11

We, the undersigned members of the Board of Elections of this county, certify that we have reviewed and examined the foregoing petition and find it to be sufficient and valid, and caused our signatures and official seal to be affixed at _____, Ohio, This _____ day of _____, 2015.

Chairperson _____
 Member _____
 Member _____
 Member _____
 Member _____
 Director _____ (seal)

EXHIBIT
 A-2

150707
2
10/16/15
10/16/15

**NOMINATING PETITION AND STATEMENT OF CANDIDACY
FOR MEMBER OF THE BOARD OF EDUCATION
CITY, LOCAL OR EXEMPTED VILLAGE SCHOOL DISTRICT**

To be filed with the Board of Elections not later than 4 p.m. of the 90th day before the general election.
Revised Code 3501.38, 3513.254, 3513.261, 3513.263

**NOTE - THE CANDIDATE MUST FILL IN, SIGN AND DATE THIS STATEMENT OF CANDIDACY
BEFORE PETITIONS ARE CIRCULATED.**

STATEMENT OF CANDIDACY

10/16/15
O INH

I, MARK H. CURTIS, the undersigned, hereby declare under penalty of election falsification that my voting residence address is 10472 WOODCHUCK CT.
(Name of Candidate) (Street and Number, if any, or Rural Route Number)
TWINSBURG, Ohio 44087; and I am a qualified elector in the school district.
(City or Village) (Zip Code)

I further declare that I desire to be a candidate for election to the office of Member of the Board of Education of the TWINSBURG CITY School District in SUMMIT County, Ohio, for the: (check one) full term, or unexpired term ending _____, at the general election to be held the 3 day of November, 2015.
(Fill in the appropriate date)

I further declare that I am an elector qualified to vote for the office I seek.

Dated this 2nd day of APRIL, 2015.
(Signature of Candidate)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.

I, _____, hereby designate the persons named below as a committee to represent me:
(Name of Candidate)

NAME	RESIDENCE

2015 JUN 26 PM 1:37
BOARD OF ELECTIONS
AKRON, OHIO
3450
SS/DM

NOMINATING PETITION

We, the undersigned, qualified electors of the State of Ohio, whose voting residence is in the county, city, village, or township set opposite our names, hereby nominate MARK H. CURTIS as a candidate for election to the office of Member of the Board of Education of the TWINSBURG CITY School District for the: (check one) full term, or unexpired term ending _____, to be voted for at the next general election, and certify said person is, in our opinion, well qualified to perform the duties of the office or position to which the person desires to be elected.
(Fill in the appropriate date)

Signatures on this petition must be from only one county and must be written in ink.

	SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE OR TOWNSHIP	COUNTY	DATE OF SIGNING
1.	Ronald E. Stuver <i>Ronald E. Stuver</i>	1987 Trailwood Dr.	Twinsburg	Summit	4/2/15
2.	Warr A Andrews <i>Warr A Andrews</i>	3161 Nellie Ln	Twinsburg	Summit	4-18-15
3.	Debra Anderson <i>Debra Anderson</i>	2702 Myrick	Twinsburg	Summit	4-24-15
4.	Paul Nass <i>Paul Nass</i>	2702 Myrick	Twinsburg	Summit	4-24-15
5.	Matthew Andrews <i>Matthew Andrews</i>	3161 Nellie Ln	Twinsburg	Summit	5-23-15

EXHIBIT
tabbles
A-3

	SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE OR TOWNSHIP	COUNTY	DATE OF SIGNING
6.	PAV VARRICCHIO PAV VARRICCHIO	3171 Neville Ln.	Twinsburg	Summit	6/20/15
7.	Tom Whitney Tom Whitney	10012 Forest Lake	Twinsburg	Summit	6/21/15
8.	Anita Whitney Anita Whitney	10011 Forest Lake	Twinsburg	Summit	6/21/15
9.	Marcelle Foster Marcelle Foster	1285 Bridget Ln	Twinsburg	Summit	6/24/15
10.	Michael Varricchio Michael Varricchio	3171 Neville Ln.	Twinsburg	Summit	6/24/15
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					
19.					
20.					

I, DAVID ANDREWS, declare under penalty of election falsification that I

reside at the address appearing below my signature; that I am the circulator of the foregoing petition containing 10 signatures; that I witnessed the affixing of every signature; that all signers were to

the best of my knowledge and belief qualified to sign; and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code.

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.

David T. Andrews
(Signature of Circulator)
3161 Neville Ln.
(Permanent residence address)
Twinsburg OH 44089
(City or Village, State and Zip Code)

2015 JUN 26 PM 1:37
BOARD OF ELECTIONS
AKRON, OHIO

2450
mm/SS

County Board of Elections
Form 3-T Nominating Petition For Board of Education

Statement of Candidacy of _____
Candidate for _____
Filed _____

Certificate of Validity
REVISED CODE 3501.11

We, the undersigned members of the Board of Elections of this county, certify that we have reviewed and examined the foregoing petition and find it to be sufficient and valid, and caused our signatures and official seal to be affixed at _____, Ohio, This _____ day of _____, _____

Chairperson _____
Member _____
Member _____
Member _____
Member _____
Director _____ (seal)

EXHIBIT
tabbles
A-4

150707
3

**NOMINATING PETITION AND STATEMENT OF CANDIDACY
FOR MEMBER OF THE BOARD OF EDUCATION
CITY, LOCAL OR EXEMPTED VILLAGE SCHOOL DISTRICT**

13 votes
0 votes

To be filed with the Board of Elections not later than 4 p.m. of the 90th day before the general election.
Revised Code 3501.38, 3513.254, 3513.261, 3513.263

NOTE - THE CANDIDATE MUST FILL IN, SIGN AND DATE THIS STATEMENT OF CANDIDACY BEFORE PETITIONS ARE CIRCULATED.

STATEMENT OF CANDIDACY

I, MARK H. CURTIS, the undersigned, hereby declare under penalty of election falsification that my voting residence address is 10472 WOODCHUCK CT, TWINSBURG, Ohio 44087; and I am a qualified elector in the school district.

I further declare that I desire to be a candidate for election to the office of Member of the Board of Education of the TWINSBURG CITY School District in SUMMIT County, Ohio, for the: (check one) full term, or unexpired term ending _____, at the general election to be held the 3 day of November, 2015.

I further declare that I am an elector qualified to vote for the office I seek.

Dated this 2 day of APRIL, 2015.
(Signature of Candidate)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.

I, _____, hereby designate the persons named below as a committee to represent me:

NAME	RESIDENCE

2015 JUN 26 PM 1:37
BOARD OF ELECTIONS
AKRON OHIO

3450
S/PM

NOMINATING PETITION

We, the undersigned, qualified electors of the State of Ohio, whose voting residence is in the county, city, village, or township set opposite our names, hereby nominate MARK H. CURTIS as a candidate for election to the office of Member of the Board of Education of the TWINSBURG CITY School District for the: (check one) full term, or unexpired term ending _____, to be voted for at the next general election, and certify said person is, in our opinion, well qualified to perform the duties of the office or position to which the person desires to be elected.

Signatures on this petition must be from only one county and must be written in ink.

	SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE OR TOWNSHIP	COUNTY	DATE OF SIGNING
1.	<u>David Andrews</u>	<u>3161 NEILLE LN</u>	<u>Twinsburg</u>	<u>Summit</u>	<u>4/2/15</u>
2.	<u>Jeanne K. Shannon</u>	<u>1987 Trailwood Dr</u>	<u>Twinsburg</u>	<u>Summit</u>	<u>4/3/15</u>
3.	<u>William L. Shannon</u>	<u>1987 Trailwood Dr</u>	<u>Twinsburg</u>	<u>Summit</u>	<u>4/3/15</u>
4.	<u>Jeanne C. Shannon</u>	<u>1987 Trailwood Dr</u>	<u>Twinsburg</u>	<u>Summit</u>	<u>4/3/15</u>
5.	<u>Diane Willard</u>	<u>1979 Trailwood</u>	<u>Twinsburg</u>	<u>Summit</u>	<u>4/15/15</u>

EXHIBIT
tabbles
A-5

	SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE OR TOWNSHIP	COUNTY	DATE OF SIGNING
6.	<i>[Signature]</i>	9657 STERLING CT	TWINSBURG	SUMMIT	04/07/2015
7.	<i>Mary Beth Williams</i>	9615 Windsor Way	Twinsburg	Summit	4/11/2015
8.	<i>[Signature]</i>	9615 Windsor Way	Twinsburg	Summit	4/11/2015
9.	<i>[Signature]</i>	10100 Andover	Twinsburg	Summit	7/9/15
10.	<i>Tina Davis</i>	10265 Luman Ln.	Twinsburg	Summit	4/15/15
11.	<i>[Signature]</i>	1749 MORRIS DR	Twinsburg	Summit	4/15/15
12.	<i>[Signature]</i>	10351 Kerwick Ct	Reminderville	Summit	4/15/15
13.	<i>[Signature]</i>	3108 Darien Lane	Twinsburg	Summit	4/20/15
14.					
15.					
16.					
17.					
18.					
19.					
20.					

I, Ronald E. Stover, declare under penalty of election falsification that I reside at the address appearing below my signature; that I am the circulator of the foregoing petition containing 13 signatures; that I witnessed the affixing of every signature; that all signers were to the best of my knowledge and belief qualified to sign; and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code.

Ronald E. Stover
 (Signature of Circulator)
RBT Trailwood Drive
 (Permanent residence address)
Twinsburg, OH 44087
 (City or Village, State and Zip Code)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.

County Board of Elections
 Form 3-T Nominating Petition For Board of Education

Statement of Candidacy of _____
 Candidate for _____
 Filed _____

Certificate of Validity
 REVISED CODE 3501.11

We, the undersigned members of the Board of Elections of this county, certify that we have reviewed and examined the foregoing petition and find it to be sufficient and valid, and caused our signatures and official seal to be affixed at _____, Ohio, This _____ day of _____, 2015.

Chairperson _____
 Member _____
 Member _____
 Member _____
 Member _____
 Director _____ (seal)

2015 JUN 6 PM 11:30
 AKRON OHIO
 3450
 [Signature]

EXHIBIT
 A-6

150707
4

**NOMINATING PETITION AND STATEMENT OF CANDIDACY
FOR MEMBER OF THE BOARD OF EDUCATION
CITY, LOCAL OR EXEMPTED VILLAGE SCHOOL DISTRICT**

To be filed with the Board of Elections not later than 4 p.m. of the 90th day before the general election.
Revised Code 3501.38, 3513.254, 3513.261, 3513.263

NOTE - THE CANDIDATE MUST FILL IN, SIGN AND DATE THIS STATEMENT OF CANDIDACY BEFORE PETITIONS ARE CIRCULATED.

STATEMENT OF CANDIDACY

I, MARK H. CURTIS, the undersigned, hereby declare under penalty of election falsification that my voting residence address is 10472 WOODCHUCK CT, TWINSBURG, Ohio OHIO; and I am a qualified elector in the school district.

I further declare that I desire to be a candidate for election to the office of Member of the Board of Education of the TWINSBURG CITY School District in SUMMIT County, Ohio, for the: (check one) full term, or unexpired term ending _____, at the general election to be held the _____ day of November, 2015.

I further declare that I am an elector qualified to vote for the office I seek.

Dated this 18th day of APRIL, 2015.
[Signature]
(Signature of Candidate)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.

I, _____, hereby designate the persons named below as a committee to represent me:

NAME	RESIDENCE

2015 JUN 25 PM 1:36
BOARD OF ELECTIONS
AKRON, OHIO

3450 SS / M

NOMINATING PETITION

We, the undersigned, qualified electors of the State of Ohio, whose voting residence is in the county, city, village, or township set opposite our names, hereby nominate MARK H. CURTIS as a candidate for election to the office of Member of the Board of Education of the TWINSBURG CITY School District for the: (check one) full term, or unexpired term ending _____, to be voted for at the next general election, and certify said person is, in our opinion, well qualified to perform the duties of the office or position to which the person desires to be elected.

Signatures on this petition must be from only one county and must be written in ink.

	SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE OR TOWNSHIP	COUNTY	DATE OF SIGNING
1.	Jennifer Charlton	1723 Lockwood Oval	Twinsburg	Summit	4/19/15
2.	[Signature]	1830 Pecker Lane	Twinsburg	Summit	5/12/15
3.	[Signature]	4081 Ravenna Rd	Twinsburg	Summit	5/12/15
4.	Margaret Delgado-Chance	9423 Gettysburg Dr	Twinsburg	Summit	5/12/15
5.	Frederick J. King	1128 Starbrock Dr	Twinsburg	Summit	6/5/15

EXHIBIT
tabbles
A-7

	SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE OR TOWNSHIP	COUNTY	DATE OF SIGNING
6.	<i>[Signature]</i>	1128 SHALONBROOK DR	TWINSBURG	Summit	6/5/15
7.	<i>[Signature]</i>	10338 Anchor Dr	Twinsburg	Summit	6/20/15
8.	<i>[Signature]</i>	1494 Jennifer Dr	Twinsburg	Summit	6-20-15
9.	<i>[Signature]</i> BRANK HANAK	9220 GEORGE DR.	Twinsburg	Summit	6/20/15
10.	<i>[Signature]</i>	8904 JAKKINOK CIR	Twinsburg	Summit	6/20/15
11.	<i>[Signature]</i>	156 McCAUSLAND	TWINSBURG	Summit	6/20/15
12.	<i>[Signature]</i>	10366 BELPAUD	Twinsburg	Summit	6/20/15
13.	<i>[Signature]</i>	7464 BAITER LN	Twinsburg	Summit	6/20/15
14.	<i>[Signature]</i>	7503 W. DRALES LN	Hudson	Summit	6-20-15
15.	<i>[Signature]</i> LARRY L. DONN	9719 E. IDLEWOOD	T-burg	Summit	6-20-15
16.	<i>[Signature]</i>	10253 Forest Lake	T-burg	Sum	6-20-15
17.	<i>[Signature]</i>	10008 Forest Lake	T-burg	Summit	6-20-15
18.	<i>[Signature]</i>	2901 Collins Dr.	T-burg	"	"
19.	<i>[Signature]</i>	2904 ALLEN DR	T-burg	Summit	6/20/15
20.	<i>[Signature]</i>	2844 Alling Dr	T-burg	Summit	6-20-15

I, MARK H. CURTIS, declare under penalty of election falsification that I reside at the address appearing below my signature; that I am the circulator of the foregoing petition containing 20 signatures; that I witnessed the affixing of every signature; that all signers were to the best of my knowledge and belief qualified to sign; and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be or of an attorney acting pursuant to section 3501.382 of the Revised Code.

2015 JUN 25 PM 6
 BOARD OF ELECTIONS
 AERON OHIO
 3150
 6

[Signature]
 (Signature of Circulator)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.

10472 WOODCHUCK CT. ~~Twinsburg~~
 (Permanent residence address)

TWINSBURG, OH 44087
 (City or Village, State and Zip Code)

County Board of Elections
 Form 3-T Nominating Petition For Board of Education

Statement of Candidacy of _____
 Candidate for _____
 Filed _____

Certificate of Validity
 REVISED CODE 3501.11

We, the undersigned members of the Board of Elections of this county, certify that we have reviewed and examined the foregoing petition and find it to be sufficient and valid, and caused our signatures and official seal to be affixed at _____, Ohio, This _____ day of _____

Chairperson _____
 Member _____
 Member _____
 Member _____
 Member _____
 Director _____ (seal)

EXHIBIT
 A-8

150707
5

**NOMINATING PETITION AND STATEMENT OF CANDIDACY
FOR MEMBER OF THE BOARD OF EDUCATION
CITY, LOCAL OR EXEMPTED VILLAGE SCHOOL DISTRICT**

To be filed with the Board of Elections not later than 4 p.m. of the 90th day before the general election.
Revised Code 3501.38, 3513.254, 3513.261, 3513.263

**NOTE - THE CANDIDATE MUST FILL IN, SIGN AND DATE THIS STATEMENT OF CANDIDACY
BEFORE PETITIONS ARE CIRCULATED.**

STATEMENT OF CANDIDACY

I, MARK H. CURTIS, the undersigned, hereby declare under penalty of election falsification that my voting residence address is 10472 WOODCHUCK CT, TWINSBURG, Ohio 44087; and I am a qualified elector in the school district.

11 VAL
9 INV

I further declare that I desire to be a candidate for election to the office of Member of the Board of Education of the TWINSBURG CITY School District in Summit County, Ohio, for the: (check one) full term, or unexpired term ending _____, at the general election to be held the _____ day of November, 2015.

I further declare that I am an elector qualified to vote for the office I seek.

Dated this 18th day of APRIL, 2015.
[Signature]
(Signature of Candidate)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.

I, _____, hereby designate the persons named below as a committee to represent me:

NAME	RESIDENCE

2015 JUN 25 PM 1:36
BOARD OF ELECTIONS
AKRON, OHIO
3 USD 55/100

NOMINATING PETITION

We, the undersigned, qualified electors of the State of Ohio, whose voting residence is in the county, city, village, or township set opposite our names, hereby nominate MARK H. CURTIS as a candidate for election to the office of Member of the Board of Education of the TWINSBURG CITY School District for the: (check one) full term, or unexpired term ending _____, to be voted for at the next general election, and certify said person is, in our opinion, well qualified to perform the duties of the office or position to which the person desires to be elected.

Signatures on this petition must be from only one county and must be written in ink.

	SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE OR TOWNSHIP	COUNTY	DATE OF SIGNING
1.	<u>Kenneth P. [Signature]</u>	<u>1771 Lockwood Oval</u>	<u>Twinsburg</u>	<u>Summit</u>	<u>4/18/15</u>
2.	<u>Wilson Lemery</u>	<u>1044 Bellaway Drive</u>	<u>Twinsburg</u>	<u>Summit</u>	<u>4/18/15</u>
3.	<u>[Signature]</u>	<u>1795 Lockwood Dr</u>	<u>Twinsburg</u>	<u>Summit</u>	<u>4/18/15</u>
4.	<u>Robert W. Pher Jr</u>	<u>1795 Lockwood Oval</u>	<u>Twinsburg</u>	<u>Summit</u>	<u>4/18/15</u>
5.	<u>RICHARD CHARLTON</u>	<u>1223 LOCKWOOD OVAL</u>	<u>TWINSBURG</u>	<u>Summit</u>	<u>4/19/15</u>

EXHIBIT
A-9

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**NOMINATING PETITION AND STATEMENT OF CANDIDACY
FOR MEMBER OF THE BOARD OF EDUCATION
CITY, LOCAL OR EXEMPTED VILLAGE SCHOOL DISTRICT**

To be filed with the Board of Elections not later than 4 p.m. of the 90th day before the general election.
Revised Code 3501.38, 3513.254, 3513.261, 3513.263

**NOTE - THE CANDIDATE MUST FILL IN, SIGN AND DATE THIS STATEMENT OF CANDIDACY
BEFORE PETITIONS ARE CIRCULATED.**

STATEMENT OF CANDIDACY

I, MARK H. CURTIS, the undersigned, hereby declare under penalty of election falsification that my voting residence address is 10472 WOODCHECK CT, TWINSBURG, Ohio 44687; and I am a qualified elector in the school district.

16 JUN
4 INV

I further declare that I desire to be a candidate for election to the office of Member of the Board of Education of the TWINSBURG CITY School District in SUMMIT County, Ohio, for the: (check one) full term, or unexpired term ending _____, at the general election to be held the _____ day of November, _____.

I further declare that I am an elector qualified to vote for the office I seek.

Dated this 21ST day of APRIL, 2015.

[Signature]
(Signature of Candidate)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.

I, _____, hereby designate the persons named below as a committee to represent me:

NAME	RESIDENCE

2015 JUN 26 PM 1:36
BOARD OF ELECTIONS
AKRON, OHIO

3-150-0/bm

NOMINATING PETITION

We, the undersigned, qualified electors of the State of Ohio, whose voting residence is in the county, city, village, or township set opposite our names, hereby nominate MARK H. CURTIS as a candidate for election to the office of Member of the Board of Education of the TWINSBURG CITY School District for the: (check one) full term, or unexpired term ending _____, to be voted for at the next general election, and certify said person is, in our opinion, well qualified to perform the duties of the office or position to which the person desires to be elected.

Signatures on this petition must be from only one county and must be written in ink.

	SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE OR TOWNSHIP	COUNTY	DATE OF SIGNING
1.	<u>[Signature]</u>	<u>10157 LUMAN LANE</u>	<u>Twinsburg</u>	<u>Summit</u>	<u>4/22/15</u>
2.	<u>[Signature]</u>	<u>10265 Luman Lane</u>	<u>Twinsburg</u>	<u>Summit</u>	<u>4/22/15</u>
3.	<u>[Signature]</u>	<u>2150 Nautibus Tr</u>	<u>Amersville</u>	<u>Summit</u>	<u>4/22/15</u>
4.	<u>[Signature]</u>	<u>10383 Hill</u>	<u>Twinsburg</u>	<u>Summit</u>	<u>5/18/15</u>
5.	<u>[Signature]</u>	<u>1399 Silverdale Circle</u>	<u>Twinsburg</u>	<u>Summit</u>	<u>5/18/15</u>

EXHIBIT
tabbler
A-11

	SIGNATURE	VOTING RESIDENCE ADDRESS STREET AND NUMBER	CITY, VILLAGE OR TOWNSHIP	COUNTY	DATE OF SIGNING
6.	<i>[Signature]</i>	1727 Maple Grove	Twinsburg	Summit	5/18
7.	<i>[Signature]</i>	10326 Smugglers	Twinsburg	Summit	5/20
8.	<i>[Signature]</i>	10366 Belleau Dr.	Twinsburg	Summit	5/19
9.	<i>[Signature]</i>	9398 Monticello	Twinsburg	Summit	5/20
10.	<i>[Signature]</i>	4398 Monticello Dr	Twinsburg	Summit	5/20
11.	<i>[Signature]</i>	3071 Darin Ln.	Twinsburg	Summit	5-26
12.	<i>[Signature]</i>	3071 DARLEN LN	Twinsburg	Summit	5-20
13.	<i>[Signature]</i>	10471 Woodchuck Ct	Twinsburg	Summit	5-24
14.	<i>[Signature]</i>	9719 East Hillcrest	Twinsburg	Summit	5-26
15.	<i>[Signature]</i>	3143 Liberty Ledges	Twinsburg	Summit	5/27
16.	<i>[Signature]</i>	2995 Pirates Cove	Twinsburg	Summit	6/3
17.	<i>[Signature]</i>	10147 Pirates Trail	Twinsburg	Summit	6/3
18.	<i>[Signature]</i>	10147 Pirates Trail	Twinsburg	Summit	6/3
19.	<i>[Signature]</i>	10147 PIRATES TRAIL	Twinsburg	Summit	6/3
20.	<i>[Signature]</i>	8033 Magn Meadow Dr	Twinsburg	Summit	6/3

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CIRCULATOR STATEMENT - Must be completed and signed by circulator.

I, MARK H. CURTIS, declare under penalty of election falsification that I
(Printed Name of Circulator)

reside at the address appearing below my signature; that I am the circulator of the foregoing petition containing 20 signatures; that I witnessed the affixing of every signature; that all signers were
(Number)

the best of my knowledge and belief qualified to sign; and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code.

[Signature]

(Signature of Circulator)

10472 WOODCHUCK CT.

(Permanent residence address)

Twinsburg, OH 44087

(City or Village, State and Zip Code)

BOARD OF ELECTIONS
AKRON, OHIO
JUN 11 11:36 AM '08

M/CS 3750

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.

County Board of Elections
Form 3-T Nominating Petition For Board of Education

Statement of Candidacy of _____
Candidate for _____

Filed _____

Certificate of Validity
REVISED CODE 3501.11

We, the undersigned members of the Board of Elections of this county, certify that we have reviewed and examined the foregoing petition and find it to be sufficient and valid, and caused our signatures and official seal to be affixed at _____, Ohio,
This _____ day of _____

Chairperson _____
Member _____
Member _____
Member _____
Member _____
Director _____ (seal)

EXHIBIT
A-12



THE LAW OFFICE OF
Dianne M. Curtis, LLC

August 19, 2015

SUMMIT COUNTY BOARD OF ELECTIONS
470 Grant Street
Akron, Ohio 44311

2015 AUG 19 PM 1:07
BOARD OF ELECTIONS
AKRON, OHIO

RE: Twinsburg School Board Candidacy of Mark H. Curtis

Dear Sir or Madam,

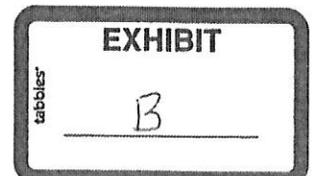
On June 26, 2015, Mark H. Curtis filed his Nominating Petitions and Statement of Candidacy with this Board seeking certification as a candidate for the Twinsburg School Board. On August 17, 2015, Mr. Curtis received a call that the Board, after review of his petitions, determined that he could not be certified as a candidate. Various signature issues were cited.

Please accept this filing as notice of Mr. Curtis's challenge to that decision and request for a hearing on the matter. Mr. Curtis acknowledges, after further review, that certain signatures were invalid as duplicates or non-registered voters. However, Mr. Curtis believes that his petitions meet the statutory minimum requirements for certification and respectfully requests to be heard on the matter.

You can reach me at my office at 234-738-4414 or Mr. Curtis directly at 216-701-5861. Thank you for your prompt attention to this very discerning matter.

Sincerely,

Dianne M. Curtis, Esq.
(#0088120)



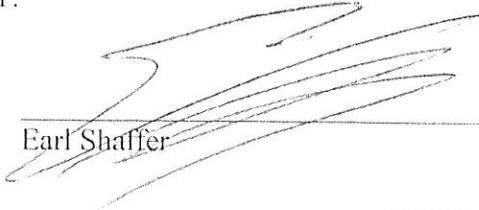
BOARD OF ELECTIONS
SUMMIT COUNTY, OHIO

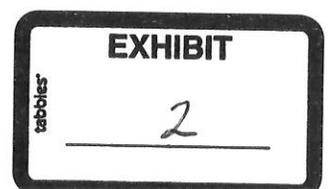
STATE OF OHIO)
) SS
COUNTY OF SUMMIT)

I, EARL SHAFFER, first being duly cautioned and sworn deposes and states as follows:

1. I am Earl Shaffer and I reside at 10460 Woodchuck Court, Twinsburg Ohio 44087.
2. On April 13, 2015, I was approached by my neighbor, Mark Curtis, to sign his Nominating Petition for Twinsburg School Board. I signed the Nominating Petition and started to write my address on the petition as well.
3. Mr. Curtis explained that I need to be a registered voter to sign the petition. I am not a registered voter at my current address in Summit County.
4. I struck through my name in an effort to remove it for consideration on the petition. Mr. Curtis and I had a mutual understanding that my signature would not be counted on the petition and that I should contact him if my voting status changes.

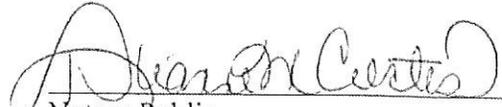
FURTHER AFFIANT SAYETH NAUGHT.


Earl Shaffer



Before me, a Notary Public in and for said county and state, personally appeared the above-named Earl Shaffer, who acknowledged that he did sign the foregoing instrument, and that the same is his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal at Twinstubg, Ohio, this 26th day of August, 2015.


Notary Public

Dianna M. Curtis
Resident Summit County
Notary Public, State of Ohio
My Commission Expires: 10/16/2016

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- - -
SUMMIT COUNTY BOARD OF ELECTIONS
BOARD MEETING
AUGUST 28, 2015
DRAFT
- - -

BE IT REMEMBERED, that upon the hearing of the above-entitled matters, held at the Summit County Board of Elections, 470 Grant Street, Akron, Ohio, before the Summit County Board of Elections, and commencing on Friday, the 28th day of August 2015, commencing at 10:15 o'clock a.m., at which time the following excerpt of the proceedings were had.

- - -

APPEARANCES:

- Timothy N. Gorbach, Chairman
- Wayne Jones, Member
- Alex R. Arshinkoff, Member
- Bryan C. Williams, Member
- Joseph P. Masich, Director
- Paula A. Sauter, Deputy Director
- John Galonski, Assistant Prosecuting Attorney
- Sharon Boykin, Secretary

‡

1 *****



2 (Beginning of Excerpt)

3 MR. GORBACH: Okay. we'll move
4 forward.

5 Before we get to recess, we do have some
6 individuals that signed up to -- for public
7 speaking.

8 Mr. Simon, you signed up, I imagine, to --
9 for the --

10 MR. SIMON: I have nothing to say.

11 MR. GORBACH: Okay. Just signed in.
12 Okay.

13 Mr. Curtis, Twinsburg School Board
14 candidate.

15 MR. ANDREWS: If I may just quickly
16 introduce myself. My name is David Andrews. I'm
17 attorney for Mr. Curtis.

18 MR. GORBACH: Sure.

19 MR. ANDREWS: we're here to address the
20 August 17th meeting. His candidacy for the
21 Twinsburg City School District Board of Education --

22 MR. GORBACH: Okay.

23 MR. ANDREWS: -- was denied based on
24 insufficient signatures. Mr. Curtis is going to
25 address that first, and then, if you don't mind, I

♀

3

1 will -- I'll follow up with some --

2 MR. GORBACH: Sure.

3 MR. ANDREWS: -- additional legal

4 points.

5 MR. GORBACH: Good morning, Mr. Curtis.

6 MR. CURTIS: Good morning.

7 MR. GORBACH: Closing in on afternoon.

8 MR. CURTIS: I appreciate the --

9 MR. GORBACH: Thank you for being
10 patient.

11 MR. CURTIS: well, I appreciate the
12 opportunity and the time that you guys have given me
13 to address you as a board.

14 MR. GORBACH: Absolutely.

15 MR. CURTIS: My name is Mark Curtis
16 and I'm here to discuss a petition that I submitted
17 in my attempt to become certified on the -- on the
18 November ballot for Twinsburg City School Board.

19 I was informed the evening of August 17th
20 that I could not be certified due to various issues
21 concerning my petitions that were submitted. One
22 particular petition was thrown out altogether due to
23 the appearance of two signatures being -- being in
24 one space.

25 As such, the total number of signatures --

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4

1 the number of signatures would total 21, which is
2 one more than what I signed as having witnessed;
3 however, I signed the petition knowing I had 20
4 valid signatures and asked the person who had begun
5 to sign to stop after having found that they were
6 not a registered voter. This person's information

7 is incomplete and I witnessed him drawing a line
8 through their name acknowledging their intent to
9 strike their name from the petition.

10 I felt at the time that this would be
11 sufficient and I had done my due diligence in
12 ensuring I had enough valid signatures prior to
13 submitting them for official consideration. I,
14 along with two other representatives from the board,
15 reviewed all petitions for completeness and
16 signature totals prior to them being time stamped.
17 And I understand that these individuals are not
18 responsible for ensuring compliance; however, I
19 appreciate --

20 MR. GORBACH: I'm sorry to interrupt,
21 but when you said the board, you meant this board --
22 the employees at this board?

23 MR. CURTIS: Right, yeah.

24 MR. GORBACH: Okay.

25 MR. CURTIS: I'm sorry.

‡

5

1 MR. GORBACH: That's okay.

2 MR. CURTIS: I didn't -- didn't
3 distinguish.

4 I understand that they're not responsible
5 for ensuring compliance, and I appreciate their
6 willingness to assist and making sure that all Is
7 were dotted and all Ts were crossed.

8 I also had extensive conversations with

9 Paula. I appreciate -- she's been very patient and
10 understanding and actually helped us, you know,
11 understand the logic behind negating the ballot.

12 This action was one of the primary reasons
13 causing me to fall short of the minimum required
14 amount of signatures to become certified for the
15 November ballot. My intentions at the time and now
16 were not to deceive anyone but follow the rules.

17 On August 19th I submitted an official
18 request to be heard by the board of elections
19 regarding this issue, and I stand before you today
20 in hopes that you may assist in rectifying what has
21 been for me a nightmare.

22 I'm also accompanied by one of my
23 attorneys, Mr. David Andrews, which he spoke to you
24 earlier, and I humbly seek your assistance in
25 finding a reasonable solution allowing me -- a

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6

1 reasonable resolution allowing me to count the
2 remaining signatures on the petition in question.

3 I understand and I appreciate that it's
4 always your goal to want -- and want -- of wanting
5 candidates to appear on the ballot, and I greatly
6 respect your role -- the role that you play in the
7 Democratic process.

8 Thank you for your time and attention to
9 this matter as I hope to fulfill my candidacy for
10 Twinsburg City School Board.

11 MR. GORBACH: All right. Thank you,

12 Mr. Curtis.

13 So what had happened, if I may, before you
14 speak, Mr. Andrews, there -- one of his parts was
15 invalidated in total because there was one complete
16 signature in a space, above that there was another
17 signature -- the signature -- I -- I can't really
18 tell, it's scribbled, but we have a --

19 MR. MASICH: We have -- we have the
20 original.

21 MR. GORBACH: -- copy of that.

22 MS. SAUTER: They have the original --
23 Sandy and Nancy have the original petitions as well.

24 MR. ARSHINKOFF: I think so.
25 They threw out the petition.

‡

7

1 MR. GORBACH: But it -- the -- the
2 signature -- the signature was there, the address --
3 was the address filled out?

4 MS. SAUTER: Mm-hmm. There were two
5 addresses.

6 MR. GORBACH: You indicated,
7 Mr. Curtis, that you witnessed the individual --

8 MR. CURTIS: One address is complete.

9 MR. GORBACH: -- strike it out.

10 MR. CURTIS: And he started writing,
11 and I -- and I was -- it's a neighbor two doors
12 down. At the -- as -- as he was writing I says,
13 "Are you a registered voter?" because he moved in a

150828BOE EXCERPT MARK CURTIS revised
14 couple years ago because of the death of his father.
15 So he is now living there. He hadn't always been
16 living there. So when I realized that, it was then
17 that I asked him, "Are you" -- "Are you registered
18 to vote?" He says, "You know what? I don't" -- "I
19 don't think so.

20 So he stopped. And I thought that -- that
21 I was doing what I needed to do knowing that he
22 wasn't a registered voter. So the person that
23 signed underneath, they completed all the way
24 through.

25 MR. GORBACH: The person below

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8

1 completed the whole address information.

2 MR. CURTIS: All the way through. So
3 he was -- yes, it was -- it was chronological. It
4 wasn't -- it wasn't after the fact as I was -- I was
5 collecting signatures for -- for -- for my petition.

6 MR. GORBACH: Right. It's --

7 MR. WILLIAMS: So there's --

8 MR. GORBACH: If it --

9 MR. ANDREWS: If I may, Mr. Gorbach.

10 MR. GORBACH: Just -- I just want to
11 clear a thought.

12 MR. ANDREWS: Sure.

13 MR. GORBACH: If -- let me ask this
14 question: If -- the issue is he wrote down 20 that
15 he witnessed and there's 21 on the petition.

16 MR. CURTIS: Right.

17 MR. GORBACH: Meaning one of them he
18 didn't witness, which by law he's saying he
19 witnessed them all, and I think you understand that
20 issue with discussions with us.

21 MR. CURTIS: Right.

22 MR. GORBACH: But would we count a
23 signature that there's just the signature but not
24 the rest of the address? would we even have counted
25 that as a signature?

♀

9

1 MS. SAUTER: Yes.

2 MR. GORBACH: How would we know where
3 the person -- we would -- so --

4 MS. SAUTER: Because you can --

5 MR. GORBACH: what I'm saying is could
6 someone turn in a petition with all the signatures
7 and no addresses and we would count it?

8 MR. MASICH: we would -- we would
9 count the lines and see if it correlated with the --

10 MR. GORBACH: But would the signatures
11 be valid?

12 MR. MASICH: No.

13 MR. WILLIAMS: Because they don't have
14 the other information.

15 MR. MASICH: They don't have the other
16 information.

17 MR. GORBACH: He is saying he witnessed
18 20 valid signatures.

150828BOE EXCERPT MARK CURTIS revised
19 MR. MASICH: He is saying that now.
20 On its face it says 20 and the signatures amount to
21 whatever it is, 21 or whatever.
22 MR. GORBACH: But is that a valid
23 signature if it was just signed with no address?
24 MR. WILLIAMS: For purposes of what
25 Joe --

‡

10

1 MR. MASICH: For purposes of counting
2 the lines. Nancy, right?
3 MS. LARIA: There -- there are two
4 addresses.
5 MS. SAUTER: There are two addresses
6 on the line.
7 MR. WILLIAMS: They just didn't put the
8 county.
9 MS. SAUTER: They didn't put the
10 county in the --
11 MR. WILLIAMS: It's -- it's --
12 MR. GORBACH: Oh, I'm sorry.
13 MR. WILLIAMS: It's a mostly complete
14 address but --
15 MR. GORBACH: Okay. So they --
16 MR. MASICH: Even if it's just a name
17 and it's an extra line it unfortunately --
18 MR. WILLIAMS: Clearly signed by another
19 person.
20 MS. SAUTER: Yeah.
21 MR. MASICH: -- invalidates the

22 petition.

23 MR. GORBACH: Okay. So --

24 MR. ARSHINKOFF: There's nothing we can

25 do.

♀

11

1 MR. GORBACH: -- if he wrote 21 --

2 MR. WILLIAMS: That would have been a
3 whole different ball game.

4 MS. SAUTER: Yes.

5 MR. GORBACH: Right. And if we wrote
6 21, the address of your neighbor that hadn't
7 established voting yet --

8 MR. WILLIAMS: It would have been not
9 registered.

10 MR. GORBACH: That would have been not
11 registered, we would have counted the rest of the --

12 MR. WILLIAMS: valid.

13 MR. GORBACH: -- signatures. But since
14 the number -- and I -- petitions are confusing and
15 we've -- we've talked about it. We've circulated
16 them and -- in the past, and we've had people that
17 have circulated thousands of petitions and will
18 still make a mistake. And --

19 MR. ARSHINKOFF: I move we reject the
20 petition.

21 MR. WILLIAMS: well, it's already --
22 already has.

23 MR. MASICH: It's already been --

150828BOE EXCERPT MARK CURTIS revised
24 MR. GORBACH: It's been rejected.
25 Mr. Andrews --

♀

12

1 MR. ANDREWS: May -- may I address
2 another point?
3 MR. GORBACH: You may.
4 MR. ANDREWS: The individual who
5 attempted to sign there, his name is Earl Shaffer,
6 he provided an affidavit indicating that he had
7 crossed out. As you look at that line on number 7,
8 you can see there is a bit of a cross-out on his
9 attempted signature.
10 when -- when that occurred, he told
11 Mr. Curtis at that time, "I'm not a resident."
12 He's -- he's starting to sign, he is starting to
13 fill in the address, and Mr. Curtis asks him,
14 "Are" -- "are you a registered voter?"
15 He says, "No, I'm not."
16 so he stops. That's why the address is not
17 completed. He then goes back and scratches out a
18 portion of his signature, and he is attesting to it
19 in that affidavit.
20 when Mr. Curtis then signs the -- the
21 bottom of the -- the petition in the circulator
22 statement, it says in the circulator statement that
23 he is only attesting to the signatures where all
24 signers were, to the best of his knowledge and
25 belief, qualified to sign.

‡

13

1 Mr. Shaffer had told him he was not
2 qualified to sign. So it would have actually been
3 election fraud for Mr. Curtis to attest to 21
4 signatures when he knew for a fact that Mr. Shaffer
5 was not a qualified elector.

6 So the 20 is accurate. There are 20
7 qualified signatures on this because Mr. Shaffer has
8 attested that he attempted to cross out his --

9 MR. ARSHINKOFF: There's no -- there's no
10 attempt to cross out here. I just looked at it.

11 MR. MASICH: The law also provides for
12 Mr. Curtis, as the circulator, to cross out
13 unqualified signature lines.

14 MR. ANDREWS: Correct. And -- and when
15 you look at that top signature on line 7, there is
16 indication of cross-out. The evidence, the sworn
17 affidavit from Mr. Shaffer is he did, in fact,
18 attempt to cross that out.

19 MR. WILLIAMS: If I may --

20 MR. ARSHINKOFF: well, it may. I -- I
21 just looked at it. There's no cross-out.

22 MR. WILLIAMS: well, before we even get
23 to the issue --

24 MR. GORBACH: well, I can't -- I can't
25 tell what the signature is or if there is a

‡

14

1 cross-out or if there wasn't; however, as you point
2 out, you have an affidavit, the gentleman's saying
3 he did.

4 MR. WILLIAMS: Mr. Chairman, can I ask
5 the prosecutor a question?

6 MR. GORBACH: Yes.

7 MR. GALONSKI: Yes, sir.

8 MR. WILLIAMS: My recollection, and I
9 could be wrong about this, is that there's no
10 process provided in the statute for an
11 administrative appeal for the board's decision on
12 petition interpretation, that the only -- there's
13 no administrative review, and the only the recourse
14 is --

15 MR. GALONSKI: That's correct, would be
16 court action.

17 MR. WILLIAMS: -- to file court action.

18 MR. GALONSKI: Correct.

19 MR. WILLIAMS: We have a period of
20 public comment, which you're speaking under, but,
21 quite frankly, we don't --

22 MR. GALONSKI: From what I understand,
23 you already voted, correct.

24 MR. WILLIAMS: -- (inaudible) to
25 reconsider our -- our conclusions from before. And

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15

1 I -- I respect the position you're in if you're
2 considering court action, because I know the courts

3 frequently say you have to expire all your
4 administrative review processes, of which I don't
5 think there are -- are any. That was my question:
6 are -- is there a process by which --

7 MR. GALONSKI: Statutorily no.

8 MR. ANDREWS: And -- and our request
9 was simply that -- that a motion be made by the
10 board to reconsider the denial of the candidacy for
11 Mr. Curtis based upon this information and the
12 affidavit and -- and the public policy that you --
13 has been espoused by the Supreme Court over and over
14 again that when there are questions of -- of this --
15 this very minute issue of is there a cross-out, is
16 there not, that you error on the side in giving the
17 electorates the opportunity to vote.

18 MR. WILLIAMS: I think the law --

19 MR. ARSHINKOFF: That's not the case.
20 There's no cross-out there.

21 MR. GORBACH: I don't know how you
22 can say that so definitively, Alex. I can't -- I
23 can't -- I -- I can't really read --

24 MR. ARSHINKOFF: The cross-out would go
25 all the way across.

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16

1 MR. GORBACH: well --

2 MR. WILLIAMS: He doesn't see --

3 MR. GORBACH: -- he is saying he
4 crossed out the signature.

150828BOE EXCERPT MARK CURTIS revised
5 MR. WILLIAMS: My -- my point is the
6 request --
7 MR. ARSHINKOFF: That doesn't work.
8 MR. WILLIAMS: The -- the process that
9 the legislature has prescribed is the board has done
10 its work and -- and the review process is at the
11 Court of Common Pleas, not here. That -- that's --
12 that's my -- so even before assessing the affidavit,
13 which probably could be important in testimony in
14 court, I -- I just don't think we're the right forum
15 for a consideration of this.
16 MR. GORBACH: I don't think it says we
17 can't. I think it says we don't have to.
18 MR. ANDREWS: Respectfully, I think --
19 MR. GALONSKI: There's nothing
20 prescribed. The board on its own --
21 MR. ANDREWS: -- you can reconsider any
22 motion you've made.
23 MR. GALONSKI: There's not a -- I think
24 Mr. Williams' question, if I understood it, is there
25 a statutory administrative appeal process?

♀

17

1 MR. WILLIAMS: Correct.
2 MR. GALONSKI: That's the question you
3 asked?
4 MR. WILLIAMS: Yes.
5 MR. GALONSKI: The answer to that is
6 there's nothing in the statute. Now, does the board
7 of elections have the power on its own to

8 reconsider? I think you've done that when there was
9 an issue of Mr. Douglas when he was running for
10 mayor of Lakemore. The board had made a
11 determination at one point and then reversed itself
12 when they found more information out. I think
13 that's correct.

14 MR. WILLIAMS: I don't know.

15 MS. SAUTER: I didn't know if you want
16 to give it to Bryan or not, ask him about it.

17 MR. GALONSKI: I think you -- you can
18 certainly --

19 MR. WILLIAMS: So we have it within our
20 authority.

21 MR. ANDREWS: And -- and respectfully
22 this is -- this is obviously a nonpartisan race for
23 Twinsburg City School District. I'm a registered
24 Republican, Mr. Curtis is a registered Democrat.
25 This is -- this is --

♀

18

1 MR. GORBACH: They can work together.

2 MR. ANDREWS: We can work together,
3 absolutely. And -- and -- and this -- this is an
4 issue of putting before the -- the Twinsburg
5 electors a highly qualified candidate, and -- and
6 this is minutia of all minutia to deny access to --
7 to the ballot.

8 MR. GORBACH: I understand your -- we
9 have -- just so you know where we're coming from,

150828BOE EXCERPT MARK CURTIS revised
10 we're not verbalizing it, but we have rejected
11 entire parts for extremely similar circumstances.
12 It's typically not to deal with a cross-out, and it
13 really -- the fact that there's two signatures in
14 one line, that's really not an issue. If it -- if
15 it was a completed signature and the gentleman was a
16 registered voter and you wrote 21, it would be okay.
17 It wouldn't be "well, there's two signatures in one
18 line, we can't accept it."

19 But we have rejected in part no double
20 things in one line that the individual wrote 18 and
21 there's 20 signatures there or -- or whatnot and
22 nothing was crossed out. Again, leaving it up to
23 which ones didn't you -- you know, didn't you
24 witness. Did you hand it to someone at the door,
25 they went in and got their brother and their sister

‡

19

1 to sign it and brought it back out?

2 I understand that's not the situation, but
3 there's precedence here based on that that -- with
4 not seeing the same number of signatures that are
5 written there versus what was sworn to.

6 MR. WILLIAMS: Well, and as Mr. Masich
7 said, the law allows for the circulator to put a
8 line through it so there is no ambiguity of the
9 lineout, which the circulator in this particular
10 case did not do.

11 So even though the voter may or may not
12 have attempted to line this out, the circulator,

13 it's incumbent upon him or her with their authority
14 to remove any ambiguity, which didn't happen.

15 MR. GORBACH: I understand. I think
16 Mr. Curtis said he witnessed the lineout and he
17 figured that was sufficient.

18 MR. CURTIS: I thought I had.

19 MR. GORBACH: Right, right.

20 MR. ANDREWS: And -- and -- and I would
21 just ask you not to ignore the circulator's
22 statement, which is that sworn statement that
23 Mr. Curtis was faithfully adhering to by -- by
24 saying he believed, on his best knowledge and
25 belief, that 20 signatures were from qualified

♀

20

1 electors, because he knew for a fact that one was
2 not. He had been told that by -- by Mr. Shaffer.

3 So I think --

4 MR. GORBACH: It does say that.

5 MR. ANDREWS: -- to allow this issue of
6 20 versus 21, to disqualify this is encouraging the
7 circulator to not adhere to that oath that's put in
8 the circulator statement and simply put the maximum
9 number on each -- each -- each petition.

10 MR. GORBACH: Yeah, it does not say
11 that -- it says that "I am the circulator of the
12 foregoing petition containing" line that you fill in
13 "20 signatures," it doesn't stop there.

14 MR. ANDREWS: Right.

15 150828BOE EXCERPT MARK CURTIS revised
MR. GORBACH: It says then "that I
16 witnessed the affixing of every signature; that all
17 signers were to the best of my knowledge and belief
18 qualified to sign."

19 MR. ANDREWS: And that -- that is
20 precisely our point. He knew the top signature on
21 line 7 was not qualified to sign, and he is -- so 20
22 is absolutely the accurate number.

23 MR. GORBACH: So --

24 MR. ARSHINKOFF: We've already made a
25 decision. This is for the courts.

♀

21

1 MR. GORBACH: So if it was 20 -- you're
2 not -- you don't even want to review it? We have --
3 we have the power to review it.

4 If he would have wrote 21 signatures, yeah,
5 we're saying we wouldn't have counted it and it
6 would have been okay, but would he have been in
7 violation of that? what we're holding on to here is
8 by law, by penalty of a fifth-degree felony, if --
9 if it's not right, we're invalidating the whole
10 thing. You're saying if he would have wrote 21,
11 which we're saying would have been okay, that would
12 have been -- that would have been --

13 MR. ANDREWS: He would knowingly be
14 attesting to a signature that he knew was not from a
15 qualified elector.

16 MR. WILLIAMS: No, I think the duty here
17 was to make a better lineout where the voter -- or

18 the person didn't -- the circulator should have
19 lined it out.

20 MR. ARSHINKOFF: I don't see a lineout at
21 all.

22 MR. WILLIAMS: Nor do I.

23 MR. GORBACH: That doesn't take away
24 from the argument.

25 MR. ARSHINKOFF: Well, Tim --

♀

22

1 MR. GORBACH: Let's say it wasn't --

2 MR. ARSHINKOFF: -- if you want to
3 reconsider it, go ahead.

4 MR. GORBACH: You're saying it wasn't
5 lined -- you're saying --

6 MR. ARSHINKOFF: Make a motion to
7 reconsider. We can start doing this with all the
8 petitions.

9 MR. WILLIAMS: But the Secretary of
10 State's advice is very clear. When the number of
11 the circulator is smaller than the number above, the
12 whole petition's got to go. I mean, our hands are
13 tied on that. And we -- we discard those all the
14 time when -- when it's inadvertent, it's clerical,
15 it's always a shame.

16 MR. GORBACH: Right.

17 MR. WILLIAMS: But it's based on that
18 logic that's been -- you know, they have written
19 directives on it. So, I mean --

150828BOE EXCERPT MARK CURTIS revised
20 MR. GORBACH: Clearly don't have the
21 votes to reconsider and -- and -- and have another
22 outcome.

23 But as you probably already know,
24 Mr. Andrews, as Mr. Williams brought up -- I mean, I
25 guess, if you wish to pursue it with the court,

♀

23

1 that's up to you. If you do, I wish you good luck.
2 And we do want to put people on the ballot, there's
3 no question about it, but in this case our original
4 decision stands.

5 MR. ANDREWS: Thank you for your
6 consideration.

7 MR. GORBACH: Okay. Thank you.

8 *****

9 (End of Excerpt)

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1 C E R T I F I C A T E

2 STATE OF OHIO,)
3) SS:
4 SUMMIT COUNTY.)

5 I, Carina C. Meszaros, a Registered Merit
6 Reporter and Notary Public within and for the State
7 of Ohio, duly commissioned and qualified, do hereby
8 certify that these proceedings were taken by me and
9 reduced to Stenotypy, afterwards prepared and
10 produced by means of Computer-Aided Transcription
11 and that the foregoing is a true and correct excerpt
12 of the proceedings so taken as aforesaid.

13 I do further certify that these proceedings
14 were taken at the time and place in the foregoing
15 caption specified.

16 I do further certify that I am not a relative,
17 employee of or attorney for any party or counsel, or
18 otherwise financially interested in this action.

19 I do further certify that I am not, nor is the
20 court reporting firm with which I am affiliated,
21 under a contract as defined in Civil Rule 28(D).

22 IN WITNESS WHEREOF, I have hereunto set my
23 hand and affixed my seal of office at Akron, Ohio,
24 on this 3rd day of September, 2015.

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Carina C. Meszaros, RMR

My commission expires March 11, 2019.

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