

IN THE SUPREME COURT OF OHIO

The Ohio Manufacturers' Association, et al.,	:	
	:	
Relators,	:	Case No. _____
	:	
v.	:	Original Action Under Article II,
	:	Section 1g of the Ohio Constitution
Ohioans for Drug Price Relief Act, et al.,	:	
	:	
Respondents.	:	

**APPENDIX 28
TO
CHALLENGE TO INITIATIVE PETITION
UNDER ARTICLE II, SECTION 1g OF THE OHIO CONSTITUTION**

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Exhibit No.

Transcript of Proceedings from Delaware County Board of Elections P

PDF printout of PCI Webpage accessed February 23, 2016 Q

Letter from Mahoning County Board of Elections to the Secretary of State’s Office R
Dated January 28, 2016

Butler County Prosecuting Attorney letter dated January 25, 2016 S

Transcript of Interview of Adrienne Raishawn Collins by Franklin County Bd of Elections..... T

Transcript of Interview of Kevin Hawkins by Franklin County Bd of Elections..... U

Respectfully submitted,

/s/ Anne Marie Sferra
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served via personal service on

February 29, 2016 upon:

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EXHIBIT P

Transcript of Proceedings from Delaware County Board of Elections

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BOARD OF ELECTIONS

DELAWARE COUNTY, OHIO

IN RE: :
:
OHIO DRUG PRICE RELIEF :
ACT PART PETITIONS :
(DIRECTIVE 2016-01) :

- - -

H E A R I N G

- - -

January 25, 2016
9:04 a.m.
Delaware County Board of Elections
2079 U.S. Highway 23 North
Delaware, OH 43015-8006

- - -

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APPEARANCES

DELAWARE COUNTY BOARD OF ELECTIONS BOARD MEMBERS:

Steven Cuckler, Chairman
Shawn Stevens
Ed Helvey
Bruce Burnworth

DELAWARE COUNTY BOARD OF ELECTIONS STAFF:

Josh Pedaline
Karla Herron
Traci Shalosky
Ali Solove
Stephanie Clase

DELAWARE COUNTY PROSECUTOR'S OFFICE:

Christopher Betts
Andrew King

- - -

I N D E X

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WITNESS	PAGE
MARQUITA BARNHOUSE	
BY MR. CUCKLER:	11
DEBORAH HILL	
BY MR. CUCKLER:	22
REBECCA DOUGLAS	
BY MR. CUCKLER:	52
ALI SOLOVE	
BY MR. CUCKLER:	75

- - -

EXHIBIT	DESCRIPTION	PAGE
A	Directive 2016-01 from Secretary of State	6
B	List of People Subpoenaed	8
C	Barnhouse Petition Number 00019	21
D	Hill Part Petition	30
E	Documents from Hill	48
F	Douglas' Part Petition	56
G	Summary by Staff	72

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2
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P R O C E E D I N G S

- - -

MR. CUCKLER: Good morning, everybody. This is a special board meeting, Monday, January 25th. We have a hearing today on the re-review of the Ohio Drug Relief Act part petitions.

I'm going to introduce -- go around and let everybody introduce themselves for the record. We'll start right here with Bruce.

My name is Steve Cuckler, the chairman.

MR. BURNWORTH: I'm Bruce Burnworth, member.

MR. BETTS: Christopher Betts, assistant prosecuting attorney with the Delaware County Prosecuting Attorney's Office.

MS. CLASE: Stephanie Clase, one of the managers with the board.

MS. SHALOSKY: Traci Shalosky, also a manager.

MR. PEDALINE: Josh Pedaline, director.

MS. HERRON: Karla Herron, deputy director with the Board of Elections.

MR. STEVENS: Shawn Stevens, member of the

1 Delaware County Board of Elections.

2 MR. HELVEY: Ed Helvey, member of the
3 Delaware County Board of Elections.

4 MR. CUCKLER: All right. Outstanding. So
5 we're going to swear in a few witnesses. Before we do
6 that, just to lay the foundation of why we're here, I
7 want to just put in a -- basically as Board Exhibit A,
8 this will be the Secretary of State's directive, which
9 is the underlying reason why we're here.

10 MR. BETTS: Just for the record, 2016-01.

11 MR. CUCKLER: Correct.

12 - - -

13 (Board Exhibit A marked.)

14 - - -

15 MR. CUCKLER: So I'm going to -- I want to --
16 Karla and Josh, we'll probably be going to you a few
17 times during this, so let's go ahead and swear you guys
18 in if you don't mind.

19 Tracy, do you mind?

20 THE REPORTER: No.

21 MR. CUCKLER: Tracy Schell is here again with
22 us, so she's going to be --

23 MS. HERRON: Traci actually checked the
24 original petitions as well, so --

1 MR. CUCKLER: All right, Traci, they're
2 picking you as well.

3 (Mr. Pedaline, Ms. Herron and Ms. Shalosky
4 administered an oath by the Court Reporter.)

5 MR. CUCKLER: For the record, we have sworn
6 Traci Shalosky, Karla Herron and Josh Pedaline, all
7 board members.

8 All right. So I'll just give a little
9 timeline to everybody so the record makes sense. We
10 got our first directive on the 23rd of December, 2015.
11 Petitions for the Ohio Drug Relief Act were received on
12 December the 23rd, 2015. On December 29, 2016 [sic],
13 we sent the original certificate to the Secretary of
14 State. On January the 5th, 2016, the director from the
15 Secretary of State's office was to re-review the
16 petitions. On January the 13th, 2015 [sic] our board
17 ruled to subpoena all Ohio circulators. And I'll offer
18 that list as part of the record as well just so we have
19 that. On January the 20th, we sent subpoenas to these
20 Ohio circulators. And obviously today is our hearing,
21 all right, so everybody is singing from the same hymnal
22 on that.

23 So here I have a list of everyone that we
24 subpoenaed. This was the individuals. There were more

1 than these circulators, but we were able to deduce that
2 these were the circulators from Ohio.

3 And I'll go ahead and -- I'll just read
4 through these real quick so everybody knows and then
5 this will be Board Exhibit B just so we have that.

6 - - -

7 (Board Exhibit B marked.)

8 - - -

9 MR. CUCKLER: So we subpoenaed Marquita
10 Barnhouse that we're going to call here in a second.
11 Mary Jane Pairan. James Mitchell. Kelvin Moore.
12 Rebecca Douglas. Patrick Shepherd. Haley Stroman.
13 Roy Jackson. Ronny Salyer. Oscar Hatchett. Richard
14 McKillop. Linda Herbold and Deborah Hill.

15 And do all the board members have a copy of
16 this, too, just so you have that? So this is Board
17 Exhibit B. If you could also make a copy for all the
18 board members as well of that, that would be great.

19 MR. BURNWORTH: I have it.

20 MR. CUCKLER: There's information on that.

21 MR. BURNWORTH: Okay.

22 MR. CUCKLER: So, sir, what's your name?

23 MR. RICH: Michael Rich, Delaware Gazette.

24 MR. CUCKLER: Okay. Awesome. I was going to

1 swear you in. I thought you were a witness. We just
2 got started, so you're good.

3 All right. So before we call Marquita
4 Barnhouse, does the staff want to give us kind of an
5 update on where we were on any of this, any
6 conversations or anything we've had before we call our
7 first witness?

8 MS. HERRON: Stephanie, I guess, she said
9 before we opened up the meeting that -- what was the
10 lady's name for the record?

11 MS. CLASE: Deborah Hill.

12 MS. HERRON: Deborah Hill is on her way. I
13 had originally spoke with Marquita Barnhouse, who we're
14 going to be calling, and she did not have
15 transportation. She does not drive and was unable to
16 be here. She did say that she would be glad to have
17 you ask her questions over the phone and she would be
18 available this morning.

19 Also we had an e-mail from a lady that's in
20 front of you, Steve, that e-mailed our BOE address that
21 she's out of state, but she had some words as far as
22 direction.

23 MR. CUCKLER: Okay. This is Haley Stroman?

24 MS. HERRON: Yes.

1 MR. CUCKLER: So we'll need a copy of that
2 for everybody.

3 MS. HERRON: And we have not heard from
4 anyone else that I'm aware of. And also, I don't think
5 we've received anything back where things weren't
6 deliverable or anything.

7 MR. PEDALINE: Yes.

8 MS. HERRON: You did? I'll defer to Josh.

9 MR. PEDALINE: And it's in your packet for
10 Mr. Warren Sayler, S-A-Y-L-E-R. The sheriff's deputy
11 in Montgomery County attempted to deliver. He's not
12 living at that address any longer. It shows he was
13 evicted from it.

14 MS. HILL: Deborah Hill.

15 MR. CUCKLER: Good morning, ma'am, how are
16 you?

17 MS. HILL: I'm here.

18 MR. CUCKLER: Good. Thank you for being
19 here. We'll get to you in a second. We're going to
20 talk to a lady on the phone first and then we'll get to
21 you. I appreciate you coming in here.

22 MS. HILL: Why is this being done in the
23 county instead of on a state level?

24 MR. CUCKLER: It's just our directive, ma'am.

1 Our authority is to do that. We appreciate you coming
2 in, ma'am. Thank you.

3 All right. Anything else for the good of the
4 order? All right. So if we could call Ms. Barnhouse.

5 MR. SCHUCK: Mr. Chairman, can we get a
6 separation of witnesses, please, so we don't have
7 future witnesses in the room?

8 MR. BETTS: I think it's reasonable.

9 MR. CUCKLER: Okay. Thank you.

10 MR. SCHUCK: My name is Jim Schuck, and I'm
11 with the law firm of Bricker & Eckler.

12 MR. CUCKLER: So we are going to call
13 Ms. Barnhouse and then swear her in over the phone and
14 then go from there.

15 - - -

16 MARQUITA BARNHOUSE

17 being by me first duly sworn, as hereinafter certified,
18 testifies and says as follows:

19 EXAMINATION

20 BY MR. CUCKLER:

21 Q. Ms. Barnhouse, yes, ma'am, can you just state
22 your name just clearly again so we have that?

23 A. Marquita Barnhouse.

24 Q. Ma'am, were you a circulator for this Ohio

1 Drug Price Relief Act part petition?

2 A. (Inaudible.)

3 Q. Ma'am, I'm sorry, we're having some bad
4 technical difficulties here. We're going to try you on
5 a different phone, ma'am. I'm going to hang up and try
6 to call you on a different phone that may be better.

7 (Recess taken.)

8 BY MR. CUCKLER:

9 Q. Is this Marquita Barnhouse?

10 A. Yes, it is.

11 Q. Yes, ma'am. This is Steve Cuckler again.

12 Thank you. That's a lot better for us. I apologize
13 for the inconvenience there.

14 So let me just restate it. I had asked you a
15 question. I said, were you a circulator for the Ohio
16 Drug Price Relief Act part petition?

17 A. Yes.

18 Q. Okay. And do you remember who hired you?

19 A. I don't remember his name.

20 Q. Okay. Do you remember where it was?

21 A. On East Broad Street off of Wilson, Wilson
22 and Broad.

23 Q. Okay. And is that where you picked up those
24 petitions?

1 A. Yes.

2 Q. Okay. And did you receive any training?

3 A. No, I didn't.

4 Q. Okay. So there was no verbal training or
5 in-person or anything like that?

6 A. Oh, he just went over some basics with me and
7 had me fill out some paperwork.

8 Q. Okay. Ms. Barnhouse, were you compensated at
9 all for that?

10 A. I received a \$28 paycheck.

11 Q. How much again?

12 A. \$28.

13 Q. Okay. Thank you. Ma'am, have you ever been
14 convicted of a felony?

15 A. Yes.

16 Q. Yes, ma'am. Okay. And besides anyone from
17 our staff up here in Delaware, has anyone talked to you
18 about this subpoena?

19 A. No.

20 Q. No. And you talked to some folks at our
21 staff. Do you remember what you -- do you recall the
22 conversations you had with --

23 A. Yes, I do. They asked me have I been in
24 Delaware before, and I told them no.

1 Q. Okay.

2 A. And I know the people that signed the
3 petition, my daughter's grandma and godmother.

4 Q. Okay. Your grandma and godmother?

5 A. Godmother and grandmother.

6 Q. Okay. All right.

7 MR. CUCKLER: Any questions from any of the
8 board members before I ask a few more questions?

9 Q. Do you recall the conversation you had with
10 Ms. Karla Herron here at our office?

11 A. Yes, I do.

12 Q. And do you remember what you had explained to
13 her, the process?

14 A. Yes.

15 Q. Do you remember what you told her?

16 A. Yes, I do. I told her that my daughter's
17 grandmother and godmother had come to my house and I
18 had them sign the petition.

19 THE REPORTER: Say it again, please.

20 MS. BARNHOUSE: They came to my house and I
21 had them sign the petition.

22 THE REPORTER: Ma'am, I'm so sorry. Can you
23 say it louder?

24 MS. BARNHOUSE: I had them come to my house

1 and they signed the papers for me.

2 BY MR. CUCKLER:

3 Q. So they came to your house?

4 A. Yes, they did.

5 Q. Okay. And your --

6 A. They live in Delaware.

7 Q. They live in Delaware?

8 A. Yes, they do.

9 Q. And you came to their house, or they came to
10 your house?

11 A. They came to mine.

12 Q. Okay. And you live down in Franklin County,
13 correct?

14 A. Yes.

15 Q. Okay. Now, did you personally witness all
16 them signing that petition?

17 A. There was only two of them that signed in
18 Delaware.

19 Q. Okay. Now, did you blackout any of those
20 signature blocks or cross off the page with like a
21 black marker?

22 A. No, I didn't.

23 Q. Okay.

24 MR. CUCKLER: This is her petition here?

1 MS. HERRON: Yes.

2 MR. CUCKLER: All right. For the record, I'm
3 looking at Ms. Barnhouse's petition that she
4 circulated.

5 BY MR. CUCKLER:

6 Q. Ms. Barnhouse, here it says that -- on this
7 part petition, it starts with a Ginger McComiss?

8 A. Yes.

9 Q. Now, is that your grandmother?

10 A. That's my daughter's godmother.

11 Q. Okay. Got it. Now, there's a second
12 signature here, this Sharon Walker?

13 A. Yes.

14 Q. And what's her relation to you?

15 A. That's the grandmother.

16 Q. That's the grandmother, okay.

17 Now, on this part petition there's a big --
18 like a black marker that's blacked out, that whole
19 line, and then there's some other crossouts on the
20 following pages.

21 Now, you're saying that you did --

22 A. I didn't cross out anything. I never crossed
23 out anyone.

24 Q. Okay. All right. Do you have any idea who

1 did that? Any thoughts?

2 A. I'm thinking the guy -- I want to say his
3 name was Josh --

4 Q. Okay. So when you --

5 A. -- that I took the papers in to.

6 Q. When you -- after you got the signatures,
7 what did you do with this part petition?

8 A. I turned them in to where I was supposed to
9 turn them in on a Monday.

10 Q. Okay. And where was that, ma'am? Do you
11 remember where you turned them in at?

12 A. On Wilson and Broad.

13 Q. Wilson and East Broad Street? Okay.

14 A. Yes.

15 Q. And do you remember -- you say it was a Josh
16 who you turned them in to?

17 A. I believe that's his name.

18 Q. Okay. And then was it -- it was at that time
19 that they compensated you the \$28?

20 A. Yes.

21 Q. Okay.

22 MR. CUCKLER: Do you guys have any other
23 questions?

24 MR. STEVENS: The 28 signatures, who wrote

1 that number?

2 BY MR. CUCKLER:

3 Q. Ms. Barnhouse --

4 A. Yes.

5 Q. -- another question for you. So on the back
6 of it, there's a -- do you recall there's a -- on the
7 back of the petition, part petition, there's a
8 statement of circulator. It starts with your name. It
9 says, I, Marquita Barnhouse, declare under penalty of
10 election falsification that I'm a circulator for the
11 foregoing petition paper containing the signatures.
12 And it says here of 28 electors.

13 A. Is it for 28 in Delaware?

14 Q. It just says the 28. Do you remember --

15 A. I didn't do no 28.

16 Q. What's that?

17 A. I didn't do no 28 signatures in Delaware.

18 Q. Yes, ma'am. Do you recall, did you write
19 that 28, or did someone else write that 28? Do you
20 recall where that 28 came from?

21 A. I didn't write it.

22 Q. You did not write that. Okay.

23 A. No.

24 Q. And then on this, did you sign this statement

1 of circulator? There's a signature, your address. Do
2 you recall signing this statement of circulation?

3 A. I did sign something at the time of
4 submission.

5 Q. Okay. All right. Thank you.

6 MR. CUCKLER: Do you have any other
7 questions? Karla, Josh, any other questions? Shawn?
8 Mr. Prosecutor, do you have any questions we need to
9 follow up with her?

10 MR. BETTS: I think you covered both of the
11 issues.

12 MR. SCHUCK: You may ask if the 28 was there
13 before she signed the petition, or if it was there
14 after. If it was blank when she turned it in, or if it
15 was 28 when she got it?

16 MR. CUCKLER: Okay.

17 BY MR. CUCKLER:

18 Q. Ma'am, going back to that 28 number, was that
19 present when you received the petition, or was that
20 added later?

21 A. Honestly, I don't know. I don't know.

22 Q. Okay.

23 MR. CUCKLER: Any other questions?

24 Ms. Barnhouse, we really appreciate your

1 time. If there's any further questions or anything,
2 we'll follow up with you. We really appreciate your
3 making yourself available.

4 MS. BARNHOUSE: Thank you.

5 MR. CUCKLER: Thank you, ma'am. I was going
6 to go to the next witness. Is there any --

7 MR. HELVEY: So for those of us who are
8 hearing impaired, who wrote in the 28 and did she cross
9 out the name?

10 MR. CUCKLER: She did not cross out the name.
11 That was done after the fact. And she's uncertain
12 where the 28 came from. She did not put that in there.

13 MR. HELVEY: Was it before or after she --

14 MR. CUCKLER: She didn't recall.

15 MR. HELVEY: Fair enough.

16 MR. BETTS: And one of the things I didn't
17 hear her answer to, whether she signed the circulators
18 or not.

19 MR. CUCKLER: She said she signed something.

20 MR. BETTS: One other additional item of
21 follow-up, since we did not identify her petition with
22 any exhibit number, and her petition is the 000019
23 petition, we should go ahead and identify that with an
24 exhibit number.

1 MR. BURNWORTH: Exhibit C then.

2 MR. CUCKLER: I'd like to offer into the
3 record, it will be Board Exhibit C. Is that right,
4 we're on C now? This will be petition number 00019,
5 the part petition circulated by Ms. Marquita Barnhouse.

6 - - -

7 (Board Exhibit C marked.)

8 - - -

9 MR. CUCKLER: Ms. Hill, thank you for coming
10 in today. I appreciate you driving up. You drove up
11 from Stockport?

12 MS. HILL: Yes.

13 MR. CUCKLER: Morgan County?

14 MS. HILL: Yes.

15 MR. CUCKLER: Good place.

16 MS. HILL: Yes.

17 MR. CUCKLER: That's where I grew up, down
18 that way so --

19 MS. HILL: I'm from LA.

20 MR. CUCKLER: Okay. Good place.

21 So before we get started, I just want to let
22 you know, we're going to be taking care -- reimbursing
23 you for your mileage up here. I know that was a long
24 drive, and we appreciate you complying with our

1 subpoena and coming up here to offer testimony. So
2 after you're done today, staff will get with you and
3 we'll get that figured out for you.

4 MS. HILL: Thank you.

5 MR. CUCKLER: Yes, ma'am.

6 MR. BETTS: Has she been sworn in?

7 MR. CUCKLER: No. We're getting ready to do
8 that right now. Thank you, Mr. Betts.

9 All right. So what we're going to do is
10 we're going to swear you in and then I have some
11 questions for you. It shouldn't take too long and then
12 we'll go from there.

13 - - -

14 DEBORAH HILL

15 being by me first duly sworn, as hereinafter certified,
16 testifies and says as follows:

17 EXAMINATION

18 BY MR. CUCKLER:

19 Q. Thank you, again, Ms. Hill, for coming up.

20 So were you a circulator for the Ohio Drug
21 Price Relief Act part petition?

22 A. Yes.

23 Q. Oh, you were. Do you remember who hired you?

24 A. Dustin Wefel. He didn't hire me. He was my

1 coordinator.

2 Q. Okay. You just have to speak up loud
3 because --

4 A. He was my coordinator.

5 Q. So where and how did you pick up these
6 petitions? Where did you pick them up?

7 A. He mailed them to me.

8 Q. He mailed them to you?

9 A. Yes. Oh, wait. The first one I picked up in
10 Athens FedEx. I'm not sure. I picked them up
11 somewhere. He mailed them and I picked them up.

12 Q. Okay. So he didn't mail them to your home?
13 He mailed them --

14 A. The first ones he did not mail to my home.
15 The first ones he mailed to FedEx, I believe, and I
16 picked them up.

17 Q. Okay. So how many part petitions did you do?

18 A. I have absolutely no idea how many part
19 petitions I did. I always try to fill my books all the
20 way full. But I know my last turn-in was -- where is
21 that? I had one in Clinton. Five in Delaware. Four
22 in Fairfield. One in Lake. Because I worked at the
23 community building in Athens and AEP was having a major
24 sale of Ohio power and land, so there were people from

1 everywhere.

2 MR. STEVENS: Okay. I heard you say 11. Is
3 that all that you just listed? I heard 11.

4 MS. HILL: I have a whole page full. Would
5 you like to look at them?

6 BY MR. CUCKLER:

7 Q. Sure. We might get that here in a second,
8 ma'am.

9 So the petitions and these things were mailed
10 to you. Did you receive any training?

11 A. I've been petitioning since 2005 in this
12 state. Okay. I got a contractor agreement, which is
13 listed for Michigan, so I crossed out Michigan and put
14 Ohio. But it has -- you know, it's the basics. I was
15 originally trained -- who did that? Whose petition was
16 that? APC and it was back in 2005. It's been a long
17 time ago.

18 Q. So did you have a contract for the petitions
19 you did?

20 A. For Dustin.

21 Q. For Dustin. Okay. And what's Dustin's last
22 name?

23 A. W-E-F-E-L.

24 Q. And what company is he with? Does it say on

1 there?

2 A. DRW Campaigns, LLC. I don't know what that
3 might stand for.

4 Q. Okay. So we had asked you to -- as part of
5 showing up today, bring any and all documents. We need
6 to get some copies of those from you, Ms. Hill, if
7 that's possible, including that contract, et cetera.
8 So if we could get someone to make a copy of that.

9 A. My name should be on all the petitions that I
10 did. I mean, you should have evidence of any partial
11 petitions that I did.

12 Q. Correct. I've got them right here. So I
13 have a few questions on that, too.

14 So in terms of training --

15 MS. SHALOSKY: Do you want it right now,
16 Steve -- Chairman?

17 MR. CUCKLER: Yes, go ahead and make copies
18 of them.

19 BY MR. CUCKLER:

20 Q. So in terms of your --

21 MR. CUCKLER: She's got a bunch of stuff
22 there.

23 MS. HILL: These are just -- and this is on
24 the back of some -- the release paper that I got from

1 the doctor. I got a horrible virus from doing this
2 petition. That's one thing you suffer when you do
3 this.

4 BY MR. CUCKLER:

5 Q. Do you have some notes there? Any letters?
6 You got the contract. Receipts?

7 A. Price list.

8 Q. Okay. And then those are your -- instead of
9 going through each of these things in the subpoena, if
10 you want to just turn all that over, then she can copy
11 it.

12 A. Okay. There you go.

13 Q. And then after she makes a copy, you can kind
14 of go through each of your things that you're
15 providing.

16 A. Okay. And this is my invitation to
17 Washington County to do this there.

18 MR. CUCKLER: Hold on, Traci.

19 Q. I'm sorry, could you state that again?

20 MR. CUCKLER: Traci, hold on.

21 A. This is my invitation to Washington County to
22 a meeting to do this there that they postponed, and all
23 the rules from SOS.

24 Q. Got it.

1 A. Do you want to copy this?

2 Q. Sure, that would be great. Thank you.

3 MS. SHALOSKY: Just your September, October
4 calendar, ma'am?

5 MS. HILL: Right.

6 BY MR. CUCKLER:

7 Q. Thank you, Ms. Hill. So now were you
8 compensated for gathering these signatures?

9 A. Yes.

10 Q. How much were you compensated?

11 A. Well, it depended. Washington County was \$3.
12 Athens was \$3. And I'm closest to those counties, so
13 that's where I worked.

14 I did some in Fairfield County. Maybe some
15 Zanesville, because I had a doctor appointment so I
16 would go work the library in Zanesville. But in
17 Zanesville, the signatures were \$1. Fairfield County
18 was \$1.50 or \$2. I can't remember. It's all on that
19 list.

20 Q. Okay. Just for curiosity, what are Delaware
21 signatures going for?

22 A. I'm sorry?

23 Q. What are Delaware signatures going for?

24 A. 3.

1 Q. \$3?

2 A. Yes. Because Delaware is extremely
3 conservative, as is Washington and Athens.

4 Q. And so when you were compensated, who
5 compensated you?

6 A. Dustin.

7 Q. So was it Dustin gave you cash? He wrote you
8 a check?

9 A. The first payment he made directly to my bank
10 account. He was in Cleveland. And after that, he sent
11 me checks.

12 Q. Okay. And on the check, was it from him, or
13 was it from some company?

14 A. DRW.

15 Q. DRW.

16 A. From his particular coordinator company or
17 whatever you want to call it.

18 Q. Okay. Now, have you ever been convicted of a
19 felony?

20 A. No.

21 Q. No. Okay. And then besides anyone here on
22 our staff here at the Board of Elections --

23 A. Well, I was, but it was 1974 and it was
24 reduced to a misdemeanor, so it's not --

1 Q. All right. I appreciate you being honest on
2 that.

3 A. I mean, it's just been so long ago, so --

4 Q. Sure. Yes, ma'am. Thank you.

5 So besides anyone from the Board of Elections
6 staff or office, have you talked to anybody about this
7 subpoena?

8 A. No.

9 Q. No one has contacted you to say, hey, FYI,
10 Hill, you got a subpoena?

11 A. No. I texted Dustin and asked him what the
12 heck is this about? And he says, you did nothing
13 wrong. You don't have to worry about anything, so go.

14 Q. So in his text, he told you to go or not go?

15 A. He said don't worry about it.

16 Q. Okay.

17 A. I don't know if he said go or not. Do you
18 want me to look it up?

19 Q. Yeah, if you don't mind, that will be great.

20 What network do you guys use down there in
21 Morgan County, is that Verizon?

22 A. My landlord uses Verizon. I use CenturyLink.

23 Well, he says, I would call them and let them
24 know you have no possible way to make it. Of course

1 this was yesterday when we were looking at a foot of
2 snow.

3 Q. Can you state that one more time? And that
4 is a text from this Dustin --

5 A. Yeah. I would call them and let them know
6 you have no possible way to make it. And I said, I did
7 not look forward to a bench warrant. He said, I'd call
8 a lawyer. I really don't know what to say. And, don't
9 stress, you did nothing wrong.

10 Q. Okay. And just for the record, that's a text
11 from Dustin -- and correct me if I'm wrong, Dustin
12 Wefel?

13 A. Wefel.

14 Q. To --

15 A. Deborah.

16 Q. -- Ms. Deborah J. Hill. Okay.

17 MR. CUCKLER: So I'm going to offer -- this
18 would be Board Exhibit D. I think that's what we're
19 on.

20 Q. This is a copy of your part petition that you
21 did here in Delaware. So I'll give this to you and you
22 can look at this.

23 - - -

24 (Deposition Exhibit D marked.)

- - -

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MR. CUCKLER: Do you recognize this part
petition?

A. Yes. In fact, one of the last that I turned
in.

Q. Okay. Ms. Hill, is that your signature?

A. Yep.

Q. All right.

A. Those are probably some of the people that
were down -- well, I think I might have got some of
those when I was up in Reynoldsburg. And I might have
gotten some of those when I was at the AEP sale.

Q. Okay. So you personally circulated this
petition, correct, that I just showed you?

A. Yes.

Q. Now, how did you circulate this?

A. I have a chair and a table because I'm
arthritic. And I sit and I ask people, will you sign
the petition? Are you registered to vote in Ohio? And
then I verify their correct address.

Q. Okay. And so what event do you recall
getting these signatures from Delaware? Do you recall
what event you were at? You mentioned --

A. I mean, I could have been anywhere if they're

1 different dates, because I was at the library on -- was
2 it Brice in Reynoldsburg? I was at the library down on
3 Hamilton Road by 33 for a little while. I was in
4 Zanesville. I was in Washington County. And I was in
5 Athens at that community center sale.

6 MR. HELVEY: So I assume, Ms. Hill, that you
7 will have a whole stack of petitions because one is for
8 Franklin and one is for Licking, and that way you'll
9 say, where are you registered, where do you live, and
10 you can pull out the one and say --

11 MS. HILL: I usually have four boards and I
12 stagger my paperwork like this so that I can -- and
13 they're usually in alphabetical order, and I can pull
14 them up like that.

15 MR. KING: You've been through this a few
16 times?

17 MS. HILL: Yeah.

18 BY MR. CUCKLER:

19 Q. So did you -- on the back of this, you wrote
20 your name, address and signed this? Is that you?

21 A. Yes.

22 Q. Were you given any directions from Mr. Wefel
23 on how to complete this? Did he give you any special
24 instructions on how to complete the circulator

1 statement?

2 A. Well, he went over it on the phone. But, I
3 mean, I told him, Dustin, I've been doing this. I
4 know. I've seen these forms so many -- I've petitioned
5 in Washington State. I've petitioned in Florida. I've
6 petitioned in California. I've petitioned in Oregon.
7 And I've petitioned in Arizona and Texas, Missouri.

8 Q. And that's your residential address down in
9 Stockport?

10 A. Yes.

11 Q. Okay. Now, did Dustin or anybody else give
12 you any instructions on how to personally fill out the
13 number of signatures --

14 A. Yes.

15 Q. -- on the signature count line?

16 A. Yes.

17 Q. Do you remember what their instruction was?

18 A. To fill out the amount of attempted
19 signatures. That's what we're told.

20 Q. Attempted signatures?

21 A. Attempted signatures.

22 Q. Okay.

23 A. I mean, if there's a scribble -- if you have,
24 say, 22 good signatures and then there's a scribble on

1 23, a scribble on 24 that's been marked out, you have
2 to put 24 because that's attempted signatures.

3 Q. Okay.

4 A. And if I screwed up and put 22 and there were
5 only 20 -- I got a horrible virus. I have been on four
6 regimens of antibiotics due to a sinus infection, which
7 messed up my vision and my hearing. I still am not
8 able to hear out of my left ear, so it's very possible
9 that I could have made such a mistake. Usually they
10 catch them, though.

11 Q. They catch them. Like who? What do you
12 mean, who catches them?

13 A. Whoever goes through the petitions
14 afterwards. And they won't turn them in if there's a
15 mistake.

16 Q. Okay. So the people that you would turn this
17 in to, like, for example, when you turn these in to
18 Dustin, Dustin and whoever would correct them?

19 A. No, they would look at them. And if they
20 were incorrect, they wouldn't turn them in.

21 Q. Okay. Now, do you know if anyone would use a
22 black marker to strike out? Are you familiar with that
23 practice?

24 A. Well, my -- as a petitioner several times in

1 this state, and in this state only, we've had to use
2 black Crayon. But then we were told, don't do that,
3 because they want to see the signatures underneath.
4 They don't want to see you black them out. They want
5 to see what the signature was. Just put one line
6 through it, and that's what I've done.

7 Q. Okay. So you would use a black Crayon or a
8 black marker to do what?

9 A. A pen.

10 Q. A pen to just cross out that --

11 A. One name, one line through the middle if
12 there's something else because the customer -- not the
13 customer, the signer did it, you know, that kind of
14 thing.

15 Q. So you would mark it out for what reason?

16 A. Oh, I don't want to sign that. I thought
17 this was something else. Take my name off of there.

18 Q. Okay.

19 A. Oh, so this is your residential address? Oh,
20 I don't have an address. I'm homeless right now. So
21 why did you sign the freaking petition? Cross it out.

22 Q. Got it. Okay.

23 A. People don't know.

24 Q. Now, have you heard or are you familiar or

1 have you seen a practice where once this is submitted
2 to the circulating company, i.e. like a Dustin, who you
3 mentioned earlier, that someone else other than the
4 circulator would black out those names? Have you heard
5 that being done or --

6 A. As far as I know from the time I've been a
7 petitioner, there's been a purging process. Every
8 single petition in this state has been put through it.
9 So I don't know why on this petition it might be a
10 problem.

11 Q. Okay. A purging problem, what do you mean by
12 that, purging? Based on your experience --

13 A. Striking bad signatures.

14 Q. So there's someone other than the circulator
15 striking those bad signatures out?

16 A. I mean, I do as many as I can myself, but I
17 have no idea what happens after it leaves my hands.
18 You know, I do my work, I turn it in, I get paid.

19 Q. Okay. Let me just look through your petition
20 here again real quick.

21 MR. CUCKLER: Any other board members have
22 any follow-up? Go ahead, Mr. Stevens.

23 MR. STEVENS: I have two quick questions.
24 And thank you so much for coming here. And the reason

1 why we ask folks to drive a long way is because these
2 petitions are a little bit unusual in the sense that in
3 the way that lines were -- signatures were stricken off
4 the record or off the part petition, we found that
5 they're -- statewide, we found consistencies. It
6 almost looked like somebody other than the circulator
7 had done it.

8 MS. HILL: And have you found this to be true
9 on other petitions that have been done in this state,
10 or just this one?

11 MR. STEVENS: First of all, I'm asking the
12 questions. And, secondly, I'll find -- what we find is
13 that if it's just a line, it's very difficult to say
14 that the circulator didn't do it. But if it's a black
15 marker that we've never seen before and it's across 88
16 counties, that's what got our attention. So it's just
17 different. So I appreciate you coming in to --

18 MS. HILL: Well, like I say, I only do my
19 work and turn it in. And what happens after it leaves
20 my hands is -- I mean, I wasn't even in an office.

21 MR. STEVENS: Can I tell you that when I
22 looked at your petition just now, you did a phenomenal
23 job.

24 MS. HILL: Oh, I do great work.

1 MR. STEVENS: You really did do a good job.
2 So you circulated this part petition in Delaware. It
3 has five signatures. Everything looks good. In fact,
4 I think we probably counted all five as valid
5 signatures. On the circulator statement you wrote in
6 in your own handwriting what appears to be your name,
7 five signatures, you signed and filled out the rest of
8 it. Everything on this petition is perfect.
9 Congratulations.

10 MS. HILL: Thank you.

11 MR. STEVENS: Unfortunately, we didn't find
12 that everyone is as good a circulator as you.

13 MS. HILL: I know. It's sad.

14 MR. STEVENS: And so we're -- because we
15 don't have an example of yours where somebody after you
16 had turned it in had blackened it out, then we were
17 hoping through your testimony today and your --
18 whatever material you may have given us that we
19 would -- or conversations that you have had, we would
20 be able to determine if somebody had instructed
21 circulators to do that.

22 MS. HILL: Attempting fraud. But, see --

23 MR. STEVENS: Because as a circulator -- I'm
24 sorry, and then I'll let you talk.

1 As a circulator, I would be very concerned
2 about handing in this beautiful, perfect petition in to
3 somebody and then for them to do something
4 inappropriate.

5 MS. HILL: Well, my question, the question in
6 my mind is if this has been done with every single
7 petition in this state today, why wasn't it caught
8 before this petition?

9 MR. BURNWORTH: I might have an answer to
10 that.

11 MR. CUCKLER: I know, but I just want to keep
12 the questions --

13 MR. BURNWORTH: Well, I may have an answer to
14 that. I think it's important we hear this. We've
15 asked her about her perfect petition, which has five
16 signatures, no cross-offs, five in the number block on
17 the back, perfectly signed and all that, and we've
18 always assumed that she's the circulator. But clearly
19 on the statement of circulator statement, it says who
20 the circulator is. It's DRW Campaigns, Inc., someplace
21 in Michigan. We need to distinguish between her and
22 the circulator.

23 MR. STEVENS: So it says, I, Deborah Hill, I
24 am the circulator of the petition. How is DRW -- how

1 are you -- where it says I'm employed by DRW Campaigns,
2 how are you confusing that?

3 MR. BURNWORTH: Because Deborah Hill did not
4 submit this to the Secretary of State. It was DRW that
5 submitted this to the Secretary of State as the
6 circulator.

7 MR. STEVENS: So are you proposing that the
8 statement of circulator is false? That DRW is --

9 MR. BURNWORTH: Ahhhh. Now it leads to
10 exactly what she said. This has been done statewide
11 where the circulator can cross off signatures on many
12 other petitions in history. So the Secretary of State
13 has obviously accepted petitions that were circulated
14 by a company for the purpose of repealing or causing a
15 referendum be formed many other times in history.

16 MR. CUCKLER: But we don't know that.

17 MR. BURNWORTH: I think we do.

18 MR. CUCKLER: But that's the --

19 MR. BURNWORTH: For example, was circulated
20 by a company and it was submitted to the Secretary of
21 State. Those people went through and crossed off names
22 left and right. So she's right, it has been done
23 historically by the circulator.

24 MR. CUCKLER: Bruce makes a good point.

1 BY MR. CUCKLER:

2 Q. And I have a couple follow-up questions for
3 you, Ms. Hill. It's one thing for the circulator to
4 cross out names, but yet it's another thing for whoever
5 the circulator submits these petition to. In this
6 case, it's DRW Campaigns -- there's some other
7 companies that were involved -- to do the crossing out
8 of names. But that's the distinguishment.

9 Now, you mentioned -- you talk about this
10 purge. Someone who is professional like yourself and
11 been doing this for a long time, can you elaborate on
12 that purge, maybe enlighten us on what happens once you
13 gather the signatures and do a good job, and here's
14 five signatures from Delaware and ten signatures from
15 Muskingum County, you send them on up to the company.
16 The company says, thanks a lot, Deborah, here's your
17 compensation.

18 Do you have any knowledge of what happens
19 after that point in time?

20 You mentioned kind of a purge. I was kind of
21 curious what that means.

22 A. Well, I really -- I mean, I'm not -- I've
23 never visually seen what happens to my petitions after
24 they leave my hands.

1 When there's been another company in town,
2 say Jenny and Dick Breslin, and they have an office and
3 you go in there and you sit down and they go over your
4 petitions and make sure your numbers are right, oh, you
5 have 28, yes, there's 28, blah, blah, blah, and you
6 sign a receipt and then you leave.

7 But we all know that some of those
8 signatures -- we have chargebacks. And I don't know if
9 that happens when it goes to the Secretary of State's
10 office and they check them or if it happens before
11 that. We don't know. We just know that a lot of
12 times -- okay --

13 Q. What do you mean by a chargeback? I'm not --

14 A. A chargeback. Some people do them and some
15 people don't. That's where if a signature gets passed
16 and goes to the Secretary of State's office and they
17 say that's a bad signature, well, then, the person
18 paying you subtracts money from your last paycheck to
19 cover that.

20 Q. Okay.

21 MR. HELVEY: So you get paid for valid
22 signatures?

23 MS. HILL: Exactly.

24 MR. HELVEY: Now, with this company, do they

1 pay you for signatures or for valid signatures? Did
2 you get any chargeback --

3 MS. HILL: I've not had any chargebacks from
4 him at all.

5 MR. HELVEY: Okay. So some of them will pay
6 you to submit signatures, and others will pay you for
7 valid signatures?

8 MS. HILL: In Arizona they pay you for
9 anybody's signature. They don't care if they're valid
10 or not.

11 MR. HELVEY: What about in Ohio?

12 MS. HILL: Ohio is very, very strict. That's
13 why they love me as a petitioner. Too bad I can't
14 stand up and walk around anymore.

15 MR. STEVENS: Let me ask her one more
16 question.

17 So just for the record, I know you said this
18 at the beginning of your testimony, but your testimony
19 is that you circulated this part petition with five
20 signatures that you signed on the back?

21 MS. HILL: Yes.

22 MR. STEVENS: You were the circulator on this
23 part petition?

24 MS. HILL: Yes --

1 MR. STEVENS: Thank you.

2 MS. HILL: -- I was.

3 MR. CUCKLER: Okay. Any further questions?

4 Mr. Betts, do you have anything you want to follow up
5 with her on?

6 MR. BETTS: I know that Ms. Hill had
7 indicated that she had signed the circulator statement,
8 but you might inquire as to who wrote the number five.

9 MR. CUCKLER: I did. She --

10 MS. HILL: I did that. That's my
11 handwriting.

12 BY MR. CUCKLER:

13 Q. Let me follow up on that.

14 Are you familiar with any practices maybe
15 with this DRW or others where the signatures are -- on
16 the circulator statement, that number is already filled
17 in?

18 A. No.

19 Q. Or you're instructed to fill in a number like
20 28?

21 A. Never. No. They say, please get the whole
22 book. They don't like part books, which I can't blame
23 them. But they will take -- they'll say, oh, well,
24 we'll take anything over 15. But we never fill that in

1 before.

2 Q. Okay. And you're not familiar with any -- in
3 this case, these Ohio Drug Price Relief Act petitions,
4 this company or any other company doing that?

5 A. No. In fact, we're told not to do that.

6 Q. Okay.

7 A. In fact, a lot of them tell you, don't fill
8 that out until you're sitting in front of us.

9 Q. Okay. So being told to not do that seems
10 like good counsel. Is that advice given to you from
11 years ago from just your experience? You've been doing
12 this a long time or --

13 A. Every time, because there's so many people
14 that are new that screw it up. I mean, you know, a lot
15 of screws-ups. I feel sorry for the Board of Elections
16 people having to clean the mess up.

17 MR. CUCKLER: Bruce, do you have any
18 follow-up for Ms. Hill?

19 MR. BURNWORTH: No.

20 MR. BETTS: You might want to mark her
21 documents as an exhibit.

22 MR. CUCKLER: Oh, yes, absolutely. Thank
23 you.

24 BY MR. CUCKLER:

1 Q. So what I have in front of me, Ms. Hill,
2 thank you, is -- it looks like a calendar for
3 September, October 2015. And on this, it gives
4 different -- for example, October 1st says Muskingum
5 County. And then there's some numbers written on the
6 3rd of October, for example.

7 A. That was my third turn-in.

8 Q. And there's some receipts. And these
9 receipts are, it looks like, mailing receipts to turn
10 in the receipts [sic]?

11 A. Yes. This is all tax deductible.

12 Q. I'm just looking at all this so we understand
13 what it is. And then this is the back of a check that
14 says DRW Campaigns, LLC?

15 A. That was my final check from him.

16 Q. Okay. And these are just some more of your
17 notes?

18 A. Yes.

19 Q. What is that?

20 A. I'm sorry. What is that?

21 MS. SHALOSKY: There's probably two or three
22 of them in there.

23 Q. Just kind of explain what that is so we have
24 an idea.

1 A. As you can tell, although I have beautiful
2 work, I'm a messy person, that's what that is. It's
3 just notes. You said you wanted my notes. There's my
4 notes.

5 Q. Also on here, there's an independent
6 contractor agreement. This is the agreement. It's not
7 signed, but this is what you would have signed with
8 Dustin at DRW Campaigns?

9 A. Right. But where it says Michigan, I changed
10 it to Ohio.

11 Q. Okay. But this is a copy of what -- this is
12 what you signed. The only difference is that you
13 crossed out Michigan and put Ohio?

14 A. Correct.

15 Q. And then on this last page, it looks like
16 there's a list of counties with some numbers beside it.
17 Is that your -- I assume that's like the number of
18 signatures you received?

19 A. That was my final turn-in.

20 Q. How many turn-ins did you have?

21 A. Six, I think.

22 Q. Okay. And how many total signatures did you
23 gather around the state?

24 A. I don't know.

1 Q. A lot?

2 A. A lot. I mean, probably 2,500, \$3,000, which
3 wasn't very much. But like I said, I'm arthritic and
4 the BMV in Washington County kicked me out.

5 Q. And then those -- the last page is a pricing
6 sheet from DRW that tells you how much they're paying
7 per county?

8 A. It was -- can I come over there?

9 Q. Absolutely. Just explain to us what that is.

10 A. Okay. It came in color on my e-mail.

11 Q. Sure.

12 A. But these were the prices until we reached
13 goal, and then they would go to a dollar. And that was
14 incentive, of course.

15 MR. CUCKLER: Okay. So we will enter this as
16 Board Exhibit -- are we on E or D?

17 MR. PEDALINE: E.

18 MR. CUCKLER: So this will be Board Exhibit
19 E.

20 - - -

21 (Board Exhibit E marked.)

22 - - -

23 MR. CUCKLER: And then, Mr. Stevens, you had
24 one follow-up question?

1 MR. STEVENS: One last question. I'm very
2 impressed. If you got roughly 3 grand, that means
3 you've presented approximately a thousand valid
4 signatures. And if you've had no chargebacks, it means
5 you're really good at what you do. So if you are
6 really good at what you do, which I believe you are,
7 you're an expert, what would you think -- because we
8 had a lot of part petitions from circulators where we
9 received them back and we had maybe two or three
10 signatures on the whole part petition. And then on the
11 back where they signed their name, they filled out
12 their name and signed it. And then it said 28
13 signatures, which is the total number.

14 What would -- in your expert opinion, and
15 you've done this for a long time, why would somebody do
16 that?

17 MS. HILL: A lack of intelligence, a severe
18 lack of intelligence. But you know what, there's
19 people that don't have any work and they're homeless.
20 You know, they do this.

21 MR. STEVENS: Those are the two things that
22 drew red flags to make us look deeper into the
23 petitions, because it was so unusual to have so many
24 similar blackouts and the wrong numbers. That's what

1 caused us to --

2 MS. HILL: This petition, I think, wasn't
3 done like a normal petition where you would have a
4 major company come into town and set up an office.

5 Like Dick and Jenny usually come and they set
6 up an office and you go in there and you do the initial
7 stuff. And then maybe afterward if you live a hundred
8 miles away, you mail it.

9 That didn't happen with Dustin. And I just
10 don't think that this petition was afforded the amount
11 of attention, say, that the union petition got or some
12 of the other ones that we've done around -- or the
13 casino petition for God's sake. I mean, they have
14 people that come in from California and live in motels
15 for a month so they could be residents so they could
16 petition, because the law then was you had to be a
17 resident.

18 MR. STEVENS: There's always a way to get
19 around the law, I suppose.

20 MR. CUCKLER: Any other questions?

21 MR. HELVEY: I just want to offer my thanks,
22 along with everybody else, for you coming in. You
23 know, we think we know this stuff, but we've never
24 walked in your shoes. In fact, we're not even allowed

1 to sign petitions since we're on the board, so it's
2 good to hear your --

3 MS. HILL: Seriously? You can't? I thought
4 these people were lying to me all the time.

5 MR. BURNWORTH: You can't write letters to
6 the editor either.

7 MR. HELVEY: So it's good to hear from
8 someone who's in the game.

9 MS. HILL: Well, you guys need to call Tom
10 Jenkins and tell him -- thank him, because that poor
11 man trudged up our driveway a hundred feet in a foot of
12 snow to deliver my subpoena. And then he couldn't get
13 back out the driveway.

14 MR. STEVENS: Well, we subpoenaed I don't
15 know -- how many people?

16 MS. HERRON: 14.

17 MR. STEVENS: -- and only two responded.

18 MS. HILL: Well, they're probably out of
19 state.

20 MR. CUCKLER: These were all Ohio folks. So
21 we appreciate -- this is a testament to you. We
22 appreciate you driving all the way up from God's
23 country and Morgan County.

24 And we'll make sure before she leaves staff

1 gets with her.

2 MS. SHALOSKY: I'll take her over.

3 MR. CUCKLER: Okay. But we really appreciate
4 you respecting the subpoena and showing up today.
5 Thank you, Ms. Hill.

6 So we're going to take a brief recess for
7 about five, ten minutes and then we'll reconvene at
8 10:20.

9 (Recess taken.)

10 MR. CUCKLER: We'll come back into session.
11 It looks like we do have another witness that showed
12 up, Rebecca Douglas. Is that you, Rebecca?

13 MS. DOUGLAS: Uh-huh.

14 MR. CUCKLER: All right, Rebecca. So we're
15 going to ask you -- we have to swear you in and then
16 we'll ask you some questions. So if you don't mind
17 just coming up to this table here. And then before you
18 even sit down, Tracy is going to swear you in.

19 - - -

20 REBECCA DOUGLAS

21 being by me first duly sworn, as hereinafter certified,
22 testifies and says as follows:

23 EXAMINATION

24 BY MR. CUCKLER:

1 Q. Thank you, Rebecca. I appreciate it. You
2 came up from Gahanna today?

3 A. Yes.

4 Q. All right. Thank you. Afterwards there will
5 be -- a staff member will get with you to reimburse you
6 for your mileage. But we appreciate you coming up here
7 and complying with the subpoena.

8 So, again, you've been sworn in, but if you
9 could just state your name for the record again?

10 A. Rebecca Douglas.

11 Q. Okay, Rebecca. Now, were you a circulator
12 for the Ohio Drug Price Relief Act part petition?

13 A. Yes, I was.

14 Q. Okay. Who hired you, do you know?

15 A. Elite Campaigns.

16 Q. Okay. How did you pick up petitions? How
17 did you get petitions to circulate?

18 A. I would go to their office out there on East
19 Broad Street and get the books. And then Mondays and
20 Thursdays we turn them in to the supervisor.

21 Q. Okay. So their office was on East Broad near
22 Wilson?

23 A. Yes.

24 Q. That's in prior testimony we received. Okay.

1 And do you remember, was there a specific
2 individual that you dealt with there? Do you remember?

3 A. His name was Dean. I don't know his last
4 name.

5 Q. Dean?

6 A. Uh-huh.

7 Q. Okay. Do you recall -- we had gotten some
8 prior testimony there was someone named Josh. Do you
9 recall a Josh or anybody that worked there?

10 A. Josh, yeah, he was another one. I don't
11 think he was a supervisor, but he was in the office
12 sometimes.

13 Q. Okay. Great. So that's where you would pick
14 these up. And where did you return your petitions once
15 you completed them?

16 A. To Dean at that office.

17 Q. Okay. Great. Now, did you receive any
18 training prior to doing the circulation?

19 A. Just basically a five, ten-minute
20 orientation. And then we had a sheet that we were
21 supposed to follow, you know, what we were supposed to
22 ask people. I had done this before, so -- it was a
23 couple years ago, but I remembered a little bit of it.

24 Q. Do you by chance have a copy of that sheet?

1 A. I don't.

2 Q. The training sheet?

3 A. I threw it all away when I was done.

4 Q. All right. Now, were you compensated for
5 your efforts here?

6 A. Yes, I was.

7 Q. Have you ever been convicted of a felony?

8 A. No.

9 Q. So besides anyone here within our Board of
10 Elections and receiving our communications, have you
11 talked to anybody about this subpoena?

12 A. I spoke briefly to Karla.

13 Q. Here at the board?

14 MS. DOUGLAS: Are you Karla?

15 MS. HERRON: Yes, I am.

16 BY MR. CUCKLER:

17 Q. Awesome. Did you talk to Dean or Josh at
18 Elite or anybody from Elite about your subpoena?

19 A. I haven't, no, sir.

20 Q. Okay. Thank you. All right. So I got
21 your -- I'm going to bring this to you just to make
22 sure -- this is your petition that we have. All right,
23 Rebecca. So this is the initiative petition, the part
24 petition here that was circulated here in Delaware.

1 A. We turn the counties in on the last day in
2 Franklin County.

3 Q. So this is your name, Rebecca Douglas, right?

4 A. Yes.

5 Q. And you're stating that you're the
6 circulator?

7 A. Yes.

8 Q. Now, is this your signature and address?

9 A. Yes.

10 Q. Okay. Is that Hollybrier Drive --

11 A. Yes.

12 Q. -- Gahanna, Ohio. Okay.

13 So I'm just going to ask you a few questions
14 about this. All right.

15 MR. CUCKLER: So this will be Exhibit F,
16 Board Exhibit F, Rebecca Douglas' part petition here in
17 Delaware County signatures.

18 - - -

19 (Board Exhibit F marked.)

20 - - -

21 BY MR. CUCKLER:

22 Q. Now, did you personally circulate this part
23 petition?

24 A. I did, yes.

1 Q. And how did you circulate it?

2 A. Basically I went to the locations and just
3 asked people, you know, if they would sign our
4 petition.

5 Q. Okay.

6 A. And then explained what it was.

7 Q. So you would go to different -- like an event
8 or a community function or --

9 A. Library, shopping centers.

10 Q. Okay. Did you go door to door at all doing
11 it?

12 A. No. This was all done in Franklin County.

13 Q. Okay. Now, were you given directions on how
14 to complete this statement of circulator ahead of time?
15 Was that part of the ten-minute orientation, or did you
16 get any instructions before filling this out?

17 A. No, not about filling up the books.

18 Q. So you did write your name, right? You did
19 that?

20 A. Yes.

21 Q. You wrote your address and you signed that?

22 A. Yes.

23 Q. And that's your residential address?

24 A. Yes.

1 Q. That Hollybrier?

2 A. Yes.

3 Q. Now, were you given any instructions to
4 personally fill out the number of signatures on the
5 signature count line?

6 A. Yes.

7 Q. That one there?

8 A. Uh-huh.

9 Q. Okay. What instructions were you given on
10 that?

11 A. They pretty much tell you across the board,
12 the other campaign I work with, you're supposed to put
13 the last line of the book. So if you have 28 lines,
14 you put 28.

15 Q. Okay.

16 A. It doesn't matter if you got 28 signatures,
17 you just have to put that last line.

18 Q. Okay. Is it -- and would there be a
19 reason -- it looks like most of these, the ink on the
20 petition with the signatures and then your signature is
21 in the black ink. This 28 is in a different color blue
22 ink. Do you recall why that would be?

23 A. No. I think it must have been when I turned
24 it in, it wasn't complete, so I must have completed it.

1 Q. So are you saying that you wrote the 28, or
2 did you submit it blank? Do you remember?

3 A. Wrote the 28, I believe.

4 Q. You believe you wrote the 28?

5 A. I believe so, yeah.

6 Q. Now, did you personally witness each of these
7 witnesses individually signing the petition? It looks
8 like there's a Kaz Gold -- or, I'm sorry, Ray Gold, so
9 on and so forth. Did you personally witness them
10 signing this?

11 A. I did, but I don't know why that black line
12 is there.

13 Q. What did you just say?

14 A. I don't know if that black line --

15 Q. Okay. That was my next question I was going
16 to ask you. Did you black out any of the signature
17 blocks or cross off the page in a wide black marker?

18 A. I did not.

19 Q. You did not do this?

20 A. No.

21 Q. Do you know who did? Do you have any idea?

22 A. I don't have any idea. We just turn in the
23 books. You know, they look them over. If there's
24 anything that's missing, they tell us for the most

1 part. But I don't know what that line is. I don't
2 know who did that. It wasn't that way when I turned it
3 in.

4 Q. Okay. Do you know what these pencil
5 markings are? There's like a B or a 6 or a G on these?
6 Do you know what those would be?

7 MR. PEDALINE: I can give her my copy.

8 A. I don't know what those are, no.

9 Q. Were those on there when you submitted the --
10 as the circulator when you submitted it to Elite?

11 A. No, they weren't.

12 Q. The pencil markings were not on there either?

13 A. No.

14 MR. CUCKLER: And just for the record, the
15 red markings are our notations, correct?

16 MS. HERRON: That's correct.

17 MR. CUCKLER: So the red markings are the
18 Board of Elections', but we were asking about these
19 pencil marks. Okay.

20 Any other questions from board members?

21 MR. HELVEY: I have a couple questions.

22 Ms. Douglas, have you done this before? Have
23 you circulated petitions before?

24 MS. DOUGLAS: I have in the past, yes.

1 MR. HELVEY: Okay. And what other -- do you
2 recall what other companies you worked for, what
3 campaigns you've worked on?

4 MS. DOUGLAS: The Strategy Network.

5 MR. HELVEY: Okay. And you -- I think I
6 heard you say that you were told on a previous campaign
7 to put the maximum number?

8 MS. DOUGLAS: Yes.

9 MR. HELVEY: And so is that something that
10 you learned from The Strategy Network?

11 MS. DOUGLAS: Yes.

12 MR. HELVEY: And did Elite ask you to do the
13 same thing?

14 MS. DOUGLAS: Yes.

15 MR. HELVEY: Okay. I don't have anything
16 further.

17 MR. CUCKLER: Shawn, do you have any
18 questions?

19 MR. STEVENS: Just a couple quick questions.

20 Thank you for coming, by the way. You gave
21 an address of East Broad Street and Wilson. Is that
22 the same location that Strategy Network is located on?
23 Same building?

24 MS. DOUGLAS: No. They're --

1 MR. STEVENS: Close to it?

2 MS. DOUGLAS: -- right around the corner.

3 MR. STEVENS: Because I know they're close.

4 On the back page, the statement of
5 circulator, and I know we keep harping on this 28,
6 could you read just the first sentence of that? I,
7 Rebecca Douglas --

8 MS. DOUGLAS: I, Rebecca Douglas, declare
9 under penalty of election falsification that I am the
10 circulator of the foregoing petition paper containing
11 the signatures of 28 electors, that the signatures
12 appended hereto remained in my presence on the date set
13 opposite each respective name and are signatures --

14 MR. STEVENS: That's good. So one of the
15 reasons why we're investigating these petitions where
16 I'm very concerned about these petitions is because
17 that number 28, it's very strange for me to have a
18 petition, a part petition that has four signatures, but
19 then the circulator signs under penalty of election
20 falsification that you have 28 signatures [sic] that
21 you have witnessed sign that document.

22 And so, again, your instructions were,
23 though, that somebody told you to write that number and
24 that's why you did it?

1 MS. DOUGLAS: Yes.

2 MR. STEVENS: Obviously on this part
3 petition, you did not witness 28 signatures?

4 MS. DOUGLAS: No, I did not.

5 MR. HELVEY: I would believe, just from my
6 experience, that if you go back and check the petitions
7 for the last 10, 15, 20 years that a whole lot of
8 petitions have come in with a higher number in that
9 blank than there are signatures in the book.

10 MR. STEVENS: If the number included
11 strikeouts and other things that a circulator may have
12 done, I would say that that makes a lot of sense. But
13 what I don't understand is how you can have 25 blank
14 statements and then swear that you saw somebody sign
15 those lines.

16 MR. HELVEY: Like I said, I think it's a
17 practice. And if it's not industry-wide, it's pretty
18 close to it.

19 MR. CUCKLER: Are there any other questions
20 of the board? Bruce, did you have anything that you
21 wanted to ask?

22 MR. BURNWORTH: Not at this time, no.

23 MR. CUCKLER: Counselor, anything you need to
24 follow up on or any other questions?

1 MR. BETTS: No.

2 MR. CUCKLER: Anything else from staff? All
3 right.

4 Rebecca, I think that's it. I appreciate you
5 coming up here. Staff will get with you off-line and
6 reimburse you for your mileage. Again, thank you so
7 much for coming up here and complying with our
8 subpoena. Have a great day.

9 While that -- seeing no more witnesses, we'll
10 proceed. One question that I have before I forget it
11 is I thought we issued 16 subpoenas. Is it 14 or 16?

12 MS. HERRON: We need to count.

13 MR. CUCKLER: There's a number of people that
14 did not show up. I want to know --

15 MR. PEDALINE: 13.

16 MR. CUCKLER: I want to know what our
17 authority is with those folks who ignored the subpoena.

18 MR. KING: Were all 13 of those served, do
19 you know?

20 MR. PEDALINE: As I said earlier, there was
21 one gentleman in Montgomery County, the sheriff was not
22 able to serve him because he was evicted. But we've
23 not gotten from all the sheriff's offices if they were
24 all able to be served.

1 MR. KING: So as far as we know, there were
2 nine people that were served that did not show up?

3 MR. PEDALINE: As of now, right.

4 MR. CUCKLER: So I'd just like to proceed
5 moving forward. I mean, when we issue a subpoena,
6 we're trying to gather information, we're trying to
7 gather evidence. Obviously the more witnesses, the
8 better. It helps us make an informed decision. And I
9 think it's important not to have -- not that we want
10 to -- we don't subpoena lightly, right? So, I mean,
11 it's something we take very seriously. But at the same
12 time, those subpoenas need to be taken seriously, and
13 it's obvious that they're not, at least from the folks
14 that have been served.

15 So I'm not saying you're going to have an
16 answer today. But moving forward, those folks who have
17 been served but did not attend today, we need to figure
18 out next steps.

19 MR. BETTS: There are two avenues that
20 actually could be pursued in that regard. One of them
21 is a statutory remedy. The other one would be a
22 possible -- looking at a contempt through the common
23 pleas court. I know we kind of looked at that at a
24 prior hearing. We didn't go anywhere with it. But it

1 was something that we at least got as far with putting
2 the court on alert at that time and addressed it a
3 little bit with them. But in terms of the -- and we'd
4 have to look at that one more.

5 In terms of the statutory remedy, though,
6 3599.37 of the Revised Code actually provides that this
7 would be a misdemeanor of the first degree. It says,
8 no person having been subpoenaed or ordered to appear
9 before a grand jury, court or office in a proceeding or
10 a prosecution upon a complaint, information, affidavit
11 or indictment for an offense under election law shall
12 do either of the following: One, fail to appear or
13 having appeared, refuse to answer questions pertinent
14 to the matter under inquiry or investigation.

15 It continues on and qualifies that. It says,
16 whoever violates division A, which I was just reading,
17 unless the violator personally appears before the grand
18 jury, court, board or officer and asserts the
19 protection, the violator's constitutional rights is a
20 misdemeanor of the first degree.

21 So there's a couple different options to look
22 at there.

23 MR. CUCKLER: So let's be prepared to talk
24 about those at our meeting tomorrow. We have a meeting

1 scheduled for tomorrow. I don't think we need to do
2 anything further on that today, but I just wanted to
3 get us thinking about that.

4 All right. Seeing no more witnesses, we'll
5 proceed and move forward. What I'd like to do is have
6 the staff, followed by the prosecutor's office, offer
7 any insight, again, with the directive. And then I'd
8 like to also -- we've got interested parties here as
9 well. I'd like to give them an opportunity to speak.
10 And then we'll bring it back to the board and we'll
11 talk and make any findings or deliberations that we see
12 are necessary.

13 So I'll turn it over to you, Josh and Karla.
14 Kind of just, again, put the frame of reference -- you
15 know, we have this overview of the directive from your
16 standpoint.

17 And then, Chris, will turn it over to you to
18 give your standpoint and thoughts. And then I'll turn
19 it over to Mr. Colombo and Mr. Schuck.

20 MR. PEDALINE: At this point, I don't really
21 have anything to update other than that we've complied
22 with what the directive asked us to do. We obviously
23 did the subpoenas for the ones that were in the
24 state -- we sent the subpoenas for the circulators in

1 the state, but did not send any that were out of state
2 per your direction.

3 Beyond that, we have no other additional
4 updates.

5 MR. CUCKLER: Okay. Do we have anything --
6 while Karla is looking at the directive there, do we
7 have anything on what other counties have been doing
8 for the last couple weeks?

9 If I remember correctly, the Secretary of
10 State gave us till -- was it Thursday or Friday to wrap
11 up this stuff, so I assume there's a bunch of hearings
12 this week as well. So do we have any understanding or
13 knowledge of what other counties have been doing based
14 on their evidence or hearings or lack of hearings?

15 MS. HERRON: Yes. As a matter of fact --

16 MR. CUCKLER: You have to speak up, Karla.

17 MS. HERRON: As a matter of fact, Ali Solove,
18 who's part of our staff, has been calling all the
19 different counties. And I told her to collect her
20 notes and be prepared to come in and report what she
21 had found. I know she was talking to them as of this
22 morning, Cuyahoga being one.

23 Do you want us to grab her and have her --

24 MR. CUCKLER: Yeah, that would probably be

1 helpful to get her -- the information that she has.

2 MS. HERRON: She said she'd be prepared.

3 MR. CUCKLER: Okay. And then can you --
4 based on your experience, can you speak to the
5 directive and what the Secretary of State has asked us,
6 again, to do so we have that sitting correctly in our
7 brains as we move forward.

8 MS. HERRON: Yes. My understanding is that
9 they did direct us to re-review all of the petitions.
10 We originally -- per the directive, it said to be
11 mindful specific to the 28, how many of the part
12 petitions actually listed 28 that did not have 28
13 signatures. And also to take note of any of the black
14 marks.

15 So that's what we did as far as staff. We
16 went through and we sorted them out accordingly, which
17 we've divided them. And if you'd like me to have us
18 give you an update on what we found when we went
19 through, we also -- went through each of the parts. We
20 also went through and checked as far as whether they
21 were valid or not valid, and we did find one that we
22 believe was registered that originally the staff did
23 not find it due to the writing, that we found one
24 additional signature.

1 So what we did is, like I said, we split them
2 up into different categories, also in state versus out
3 of state. At this point, would you like an overview?

4 MR. CUCKLER: Yeah, proceed. Go ahead.

5 MS. HERRON: Traci has them right behind her.
6 And, Traci, would you like to just go ahead and give
7 your --

8 MR. CUCKLER: And that's all the part
9 petition --

10 MS. HERRON: These are all of them, yeah. We
11 had a total of 85.

12 MS. SHALOSKY: I have 11 part petitions that
13 on -- just alone have the 28 written on the back, but
14 only one or two signatures inside.

15 MR. CUCKLER: And before you continue, Traci,
16 is there a -- do you have this summarized on a piece of
17 paper or something, too?

18 MS. SHALOSKY: Do you have it?

19 MS. HERRON: Yes. There's a spreadsheet.

20 MR. BURNWORTH: There weren't any part
21 petitions that we did not accept, were there?

22 MS. SHALOSKY: Not at this point, no.

23 MS. HERRON: Was there an original, or just
24 four copies?

1 MS. SHALOSKY: Just the four -- those are all
2 written.

3 MS. HERRON: All parts are listed, how many
4 signatures they collected, how many they listed on the
5 back. If they have a color, it's actually -- the ones
6 in Ohio, circulators. And if the color is the same,
7 like the yellows or there's two purple, those actually
8 were circulated by the same individual. So the colored
9 were subpoenaed.

10 MR. CUCKLER: Okay.

11 MS. HERRON: And then the staff also as they
12 made a note in the description as far as anything that
13 they noticed that was unique about the petition but
14 wasn't just exactly like how many signatures were on
15 the petition, if they noted the exact amount in the
16 back, et cetera.

17 MR. CUCKLER: Then did you break this down by
18 the circulating -- the employers?

19 MS. HERRON: We did.

20 MR. CUCKLER: Is that designated in this?

21 MS. SHALOSKY: No, that's not designated on
22 there. No, we did not do that.

23 MS. HERRON: On the ones that we actually
24 subpoenaed, it actually has the companies.

1 MR. HELVEY: I count -- among these that are
2 part petitions, it lists 28 signatures and have less
3 than that, I count four different petition companies,
4 Cleveland, Cincinnati, Columbus and Michigan.

5 MR. CUCKLER: Okay. Go ahead and proceed.
6 I'm going to go ahead and submit this as Exhibit F,
7 that summary.

8 THE REPORTER: I think it's G.

9 MR. CUCKLER: Board Exhibit G.

10 - - -

11 (Board Exhibit G marked.)

12 - - -

13 MS. HERRON: My understanding is -- just to
14 finalize, my understanding is we, as a staff, need
15 direction from you on how we would re-review these and
16 how we would -- or whether we do or not, update the
17 reporting numbers.

18 MR. CUCKLER: Okay.

19 MS. HERRON: As well as the additional lines
20 that we found.

21 MR. CUCKLER: Okay. Traci, go ahead with
22 your summary.

23 MS. SHALOSKY: I have 20 part petitions that
24 have those solid black lineouts through names.

1 MR. STEVENS: You don't have a summary
2 report? This full report --

3 MS. HERRON: We do.

4 MR. STEVENS: -- is what we got?

5 MS. HERRON: You want a summary report?

6 MR. STEVENS: And on the Exhibit G -- is that
7 what this is? Yes. On Exhibit G where it says rule
8 28, what does that mean in the note section?

9 MS. HERRON: Just that in the directive, they
10 actually told us to note any that had the 28. So
11 that's what that is, it's the 28.

12 MR. STEVENS: Can you explain for the
13 record --

14 MS. HERRON: The 28 is -- as I stated a
15 minute ago, the 28 is if it's listed as 28, but they
16 did not collect 28 signatures significantly on the
17 circulator's statement.

18 MR. STEVENS: Thank you.

19 MS. HERRON: You're welcome.

20 MR. CUCKLER: Traci, go ahead.

21 MS. SHALOSKY: I have nine part petitions.
22 Now, these do not have like the heavy black lineout
23 through the name, but they have -- we were just noting
24 differences. They have black slashes through the

1 unmarked lines.

2 MR. BURNWORTH: But that wasn't part of the
3 directive to look for, or was it?

4 MS. SHALOSKY: We were supposed to look for
5 things that were different.

6 MR. BURNWORTH: Okay.

7 MR. CUCKLER: Which ones are these?

8 MR. STEVENS: Slash.

9 MR. CUCKLER: Traci, go ahead.

10 MS. SHALOSKY: I have 20 that were good with
11 no problems. Everything appeared -- they didn't have
12 any black lines. They didn't fall under the rule 28,
13 and the circulators' statements were completely filled
14 out.

15 MR. HELVEY: Mr. Chairman --

16 MR. CUCKLER: Let me ask a question before I
17 forget it. So, again, say that one more time. How
18 many of these were --

19 MS. SHALOSKY: 20 that were good with no --
20 none of the heavy black lines, no rule 28.

21 MR. CUCKLER: Okay. And how many total
22 signatures on these 20 are there? Do we know that?

23 MS. SHALOSKY: I do not know that number. If
24 you hand them back, I could add them up real quick.

1 MR. HELVEY: Mr. Chairman, I've gone through
2 this stack of petitions that had the black, apparently,
3 magic marker line-outs. The professional circulating
4 companies, there are four of them, David Sadler of
5 Kalamazoo, Michigan. Educated Voters of Cincinnati,
6 Ohio. DRW Campaigns, Inc. of Flint, Michigan. And
7 Direct Democracy Unlimited of Fullerton, California.
8 So there are four different companies involved in --
9 that have similar black line-outs.

10 MR. CUCKLER: Okay. And then I guess Traci
11 is counting 25 more. And then there's the balance of
12 roughly 25 more?

13 MR. BURNWORTH: Correct.

14 MR. CUCKLER: I'll tell you, while she's
15 counting those, Ali, can you give us a report. You've
16 been making the calls about what other counties' boards
17 of election are doing. Just stand up and she'll swear
18 you in. Thank you.

19 - - -

20 ALI SOLOVE

21 being by me first duly sworn, as hereinafter certified,
22 testifies and says as follows:

23 EXAMINATION

24 BY MR. CUCKLER:

1 Q. Just state your name for the record and what
2 you do.

3 A. My name is Ali Solove. I'm an elections
4 support specialist here at the Delaware County Board of
5 Elections. I did make some calls to some surrounding
6 Ohio Counties on how they were handling this issue.

7 Q. Proceed. What did you find?

8 A. Seneca County, they just -- they were
9 shipping it back to the Secretary of State with a
10 letter.

11 Q. A letter stating what, do you know?

12 A. Stating they weren't sure why they needed to
13 recertify.

14 Q. Okay.

15 A. Wayne County, they have a hearing this
16 Wednesday the 27th of January. They subpoenaed four
17 people, four of them were circulators, and then they
18 subpoenaed 11 signers. Richland County, they agreed to
19 recertify petitions.

20 MR. HELVEY: I assume with the same result
21 that they initially did?

22 MS. SOLOVE: Yes, same results.

23 A. Union County, what I was told, they're having
24 a board meeting this next week to determine their

1 actions. Licking County, they are sending it back with
2 a letter from the prosecutor's office saying they do
3 not see a need to recertify. Cuyahoga County, they are
4 having a meeting -- they had one this past week. They
5 voted to recertify the petitions except for those that
6 were certified by felons.

7 MR. BURNWORTH: Say it --

8 MS. SOLOVE: Recertify the petitions except
9 for the ones that were circulated by felons, and they
10 had 15.

11 MS. HERRON: But we don't have the means to
12 check it. We're to take it at face value, is our
13 direction, unless we know otherwise.

14 A. And in Franklin County, they broke their
15 petitions into two groups, the 28 group and the black
16 thick line group. They had 11 circulator subpoenas go
17 out that was early this next week. They were going to
18 have 30-minute increments of speaking with the people.
19 They were hoping, you know, they could get them all in
20 this week. They attempted to call the people first,
21 but they were not able to, so they did subpoena them.
22 And at that time, they'll figure out what they are
23 going to do with the process.

24 Pickaway County. Pickaway County tabled it

1 at their last meeting this past Thursday because they
2 want to see what happens in Delaware County.

3 And some of the other ones just did not get
4 back to me.

5 MR. STEVENS: So how many total was it?

6 MS. SOLOVE: Eight. Do you want me to tell
7 you the county names?

8 MS. HERRON: To add to that, I talked with
9 Madison County. Madison County decided to not count
10 the ones that had 28 and any of them that had a black
11 line.

12 MR. CUCKLER: Say that one more time.

13 MS. HERRON: Madison County had called back
14 and spoke with me, and they said that they had -- their
15 board ruled to not validate any of the part petitions
16 that had 28 when it had significantly less signatures
17 collected. And then any of them that had signatures
18 that were marked through with a black line, they did
19 not certify those as well.

20 MR. CUCKLER: So they just recertified the --

21 MS. HERRON: Without those.

22 MR. CUCKLER: -- the non-28 issues and the
23 non-black?

24 MS. HERRON: That's correct. That's the only

1 one that I personally spoke with.

2 MR. CUCKLER: And I think there's some other
3 ones I've heard from around the state, so we'll
4 probably get some information on that.

5 Traci, I think you had kind of a -- I had
6 asked you a question and then there's kind of a
7 remainder of the 85 part petitions.

8 MS. SHALOSKY: Yes. Chairman Cuckler, of
9 these 20 parts that were good with none of the two
10 problems, there are 62 valid signatures on these 20
11 parts only.

12 MR. CUCKLER: Okay.

13 MR. HELVEY: And how many total were
14 submitted?

15 MS. SHALOSKY: 85.

16 MR. BURNWORTH: So the other 25 --

17 MS. SHALOSKY: Well, some of them are the 13
18 Ohio circulators that you have when you're -- if you're
19 sitting there doing a tally.

20 MR. CUCKLER: So hold on a minute. So how
21 many total valid signatures did we certify to the
22 Secretary of State's office.

23 MS. SHALOSKY: 324.

24 MR. PEDALINE: And, Traci, of the 85, can we

1 break down --

2 MR. CUCKLER: Yeah. There should be like a
3 balance of 25 roughly. So there's 11 part petitions
4 that have the issue where the number 28 is written but
5 there's less than 28 signatures. And then there's 20
6 part petitions that have the blackout. There's another
7 nine petitions that have a cross-out. And then there's
8 20 part petitions that are -- don't have any of those
9 issues. That's where you get the 62 valid signatures.
10 So there should be a few more part petitions.

11 MS. SHALOSKY: There are 13 Ohio circulators.

12 MR. CUCKLER: Okay.

13 MS. SHALOSKY: But there are more petitions
14 than 13. There are 13 Ohio. There are --

15 MR. BURNWORTH: Oh, I see.

16 MS. SHALOSKY: There are 18 petitions that
17 were circulated by Ohio circulators.

18 MR. CUCKLER: Okay. And do we have any idea
19 based upon taking out the 28 and taking out the black
20 marks and the cross-outs, of those 18 Ohio circulators,
21 how many valid signatures those would have if you
22 applied this 28 rule and this blackout?

23 MS. SHALOSKY: If you take those out, is that
24 what I'm -- just the Ohio ones --

1 MR. CUCKLER: Of the Ohio circulators.

2 MS. HERRON: We would have to do a signature
3 by part petition and break that down.

4 MR. CUCKLER: But we don't have that number.

5 MS. HERRON: We do not.

6 MR. CUCKLER: All right.

7 MS. SHALOSKY: Mr. Chairman, I also have an
8 Ethan Riveria, R-I-V-E-R-I-A, who circulated from
9 Boston, Massachusetts. And through our research, the
10 zip code that he has given us on all his parts --

11 MR. PEDALINE: How many parts?

12 MS. SHALOSKY: Four. -- the zip code does
13 not match anything we could find in Boston,
14 Massachusetts. All their zip codes started with a 2
15 and he has his as 01744.

16 MR. BURNWORTH: Do we know if zip codes
17 matter? Are they a fatal error, or is the address the
18 key indicator that we need? Zip codes don't matter?

19 MS. HERRON: I'm not sure what substantially
20 compliant is as far as -- I'd have to defer to our
21 legal counsel.

22 MR. BURNWORTH: Our counsel is sitting right
23 here. I should have asked them. Sorry.

24 MR. BETTS: That's not an issue that was

1 included within the directive, so it's not something
2 that I --

3 MR. CUCKLER: So that's a question to ask,
4 the zip code issue.

5 MS. SHALOSKY: Yes, zip code issue.

6 MR. CUCKLER: How many signatures does he
7 have, Mr. Riveria?

8 MS. SHALOSKY: Six.

9 MR. CUCKLER: Okay.

10 MR. PEDALINE: There's just a few more to go
11 over here.

12 MS. SHALOSKY: Yes. And then I also have one
13 that kind of falls in the line of the 28 rule. This
14 person wrote down that they collected 18 signatures.
15 However, they only actually collected four.

16 Now, the difference with this one is actually
17 page 1 was skipped altogether. They started collecting
18 on page 2 at line 15, and then collected 15 through 18.

19 This also has the ones that has the ones that
20 they didn't fill in marked out and we're not sure who
21 did that. So we have that one.

22 And then we have this one not only has a
23 thick black line drawn through it, but it also on the
24 circulator statement, this gentleman only -- maybe it's

1 a lady, I don't know -- Alfonso, did not give us a last
2 name, printed on the circulator statement.

3 And then we have, this is --

4 MR. HELVEY: Did we count those in our
5 initial --

6 MS. SHALOSKY: In our initial, yes, we
7 counted them all.

8 MR. HELVEY: So even though you didn't have a
9 full name for the one circulator, that was in our --

10 MS. SHALOSKY: Yes. He's got a signature on
11 there, but you still can't read his last name.

12 MR. CUCKLER: His last name is missing from
13 the circulator. Okay.

14 MS. SHALOSKY: And then we have -- this is
15 the only one where -- well, outside of the Ohio
16 circulators that had like all three things. It's got
17 the heavy black line out. It's got crosses. Hashes
18 through the lines that were not signed. Plus it has 28
19 on the back. And it only has 11 signatures --

20 MR. CUCKLER: The triple crown.

21 MS. SHALOSKY: -- collected. Yeah, this is
22 the trifecta here. So I believe that brings you to the
23 85.

24 MR. CUCKLER: Okay. Thank you. That's

1 helpful.

2 Chris, do you have anything to offer based on
3 the directive, any of your research, recommendations,
4 that kind of thing?

5 MR. BETTS: Yes. Let me address the
6 directive first and then I'll get into specifics about
7 each one of the issues.

8 You know, as indicated before, certainly the
9 directive is given to the Board of Elections from the
10 Secretary of State, who is this board's boss. And this
11 board is bound to follow those directives that are
12 given from the Secretary of State.

13 I certainly encourage the board to follow any
14 directives that they would receive from the Secretary
15 of State.

16 This particular directive requested that the
17 board re-review these part petitions. Unfortunately,
18 it didn't provide any additional guidance or
19 instruction on how to do that. It addressed the two
20 issues to specifically look at. Obviously the black
21 lines that we've been talking about and the number of
22 signatures that's listed in the circulator statement.

23 It also suggested looking for other issues or
24 abnormalities that may appear in the part petitions,

1 but didn't address those specifically. It was only
2 those two issues that it addressed specifically.

3 As I mentioned, unfortunately it doesn't give
4 specific instructions on how to do the review. And,
5 hence, as you heard from staff, and particularly from
6 Ali, different boards have interpreted this different
7 ways, everything from just turning right around and
8 sending them back to the Secretary of State to a
9 full-blown hearing.

10 It would have been --

11 MR. CUCKLER: And there are other counties
12 that didn't certify at all, right? Have you found
13 that?

14 MR. BETTS: I have not personally found that.
15 But as I say, it runs the gamut in terms of how boards
16 have interpreted this in terms of what they've needed
17 to do.

18 And certainly in Ohio, one of the key things
19 to look at is consistency. And that's been key for the
20 last several years is for consistency between the 88
21 counties.

22 Unfortunately, the director didn't provide
23 those sorts of directions. But that being said, I
24 would encourage the board to follow the directive,

1 which the board is doing at this point and has chosen a
2 particular path to go, which is to have a hearing
3 today.

4 In particular on these issues, I'll first
5 address the striking of the signatures and then I'll
6 address the issue with the circulator statement and the
7 number in the circulator statement.

8 But the direction in the directive was to
9 determine whether or not evidence on the part petitions
10 themselves, in other words, the face of the part
11 petitions is such that the Board of Elections
12 determines that the signature was improperly removed in
13 violation of Revised Code 3501.38(G) and/or (H).

14 And the board was also given the ability
15 obviously under their statutes to investigate and
16 conduct hearings on this, which the board is doing
17 today.

18 Under 3501.38 G and H, G specifically says
19 that the circulator of petition may before filing it in
20 a public office strike from it any signature the
21 circulator does not wish to present as a part of the
22 petition.

23 H states that any signer of a petition or
24 attorney in fact acting pursuant to statute on behalf

1 of a signer may remove the signer's signature from that
2 petition at any time before the petition is filed in a
3 public office by striking the signer's name from the
4 petition.

5 And then it goes on and says, no signature
6 may be removed after the petition is filed in any
7 public office.

8 So boiling those two down, it specifically
9 says that either the circulator or the signer or an
10 attorney in fact on behalf of the signer may strike the
11 signatures.

12 Notably it does not indicate or include any
13 prohibition about anybody else striking a signature.
14 It just simply says that those two may strike a
15 signature.

16 The Election Officials Manual really does not
17 address the issue of striking, per se. And I should
18 note that the Election Officials Manual was reissued in
19 2015. And that that -- interestingly enough the way
20 that that was done was it was actually issued as a
21 series of directives.

22 If you look at the Secretary of State's
23 website, the way that they have it listed now is that
24 the directives, it lists them in groups and attributes

1 them to the Election Officials Manual as opposed to in
2 the past where it just listed them chronologically
3 going through.

4 But, again, the Election Officials Manual
5 does not specifically address this issue.

6 Also interestingly enough to bring up is
7 essentially a strikeout is a negative as far as the
8 petition is concerned. The signature was not even
9 counted anyway, so it was never included in the count
10 that would have been certified to the Secretary of
11 State in the first place.

12 So you're going back and looking at the
13 petitions and saying does that negative, that strikeout
14 means that that whole petition has to be struck out,
15 because you can't strike the individual signature,
16 you've already struck that. It's not part of your
17 original certification.

18 So in terms of where do we go from here with
19 this information, I guess there's two directions that
20 the board would have to take, or could take. And I
21 think it's up to the board to determine how they want
22 to proceed at this point.

23 Essentially, the board would have to
24 determine whether on the face of the part petitions or

1 the evidence and testimony presented today it appears
2 that someone other than the circulator or signer struck
3 the signature.

4 Again, I refer you back to the fact that the
5 statute does not contain a prohibition for anybody else
6 striking the signature. The Secretary of State
7 specifically directs you only to that 3501.38 G and H.

8 If the answer to that question is yes, that
9 the evidence and testimony showed that someone other
10 than those folks struck a signature, there would be a
11 very weak argument, I believe, to say that you could
12 strike the full part petition under 3501.39(A)(3),
13 which indicates that a petition not meeting the
14 requirements of 3501.38 should not be accepted by the
15 board. But I think that's a very weak argument at that
16 point.

17 It's not a direction that I would encourage
18 the board to do. But if the board takes that
19 direction, then they would need to return a revised
20 certification to the Secretary of State.

21 If you reach the opposite conclusion and the
22 answer to the question is no, that from the evidence
23 and testimony that, you know, there's nothing to
24 indicate whether the signer or circulator was not the

1 person that struck it, I think you would return it to
2 the Secretary of State and reaffirm your prior
3 certification.

4 Again, I think it's important to note that
5 the statute does not indicate that someone other than
6 the circulator and signer or attorney in fact on behalf
7 of the signer could strike the signature. I think
8 that's just interesting to note, and that the board
9 would need to take that into consideration in terms of
10 how it would decide to proceed and how it has
11 interpreted the -- what's apparent on the face of the
12 petitions and from the evidence and testimony that's
13 been presented today.

14 In terms of the second issues, the number of
15 signatures listed in the circulator statement, again, I
16 go back to the instructions that were provided in the
17 directive 2016-01. And it says that the board is to
18 determine whether or not the evidence on the part
19 petitions themselves, again, on the face of the
20 petitions, is such that the Board of Elections
21 determines that the circulator statement is invalid
22 under Revised Code Section 3501.38(E)(1).

23 And you can investigate and conduct hearings
24 on that under the authority of the board to conduct

1 those types of things.

2 But essentially, this is to determine whether
3 the number of signatures listed in the circulator
4 statement is grossly overstated suggesting a
5 preaffixing of those signatures.

6 In terms of Revised Code 3501.38, which is
7 what the directive directs you to, it specifically says
8 that on each petition paper, the circulator shall
9 indicate the number of signatures contained on it and
10 shall sign a statement made under penalty of election
11 falsification that the circulator witnessed the
12 affixing of that signature.

13 The section continues, but really it's the
14 first part of that section that addresses that number.
15 It says you shall indicate the number of signatures.

16 The Election Officials Manual also addresses
17 this. And as I indicated before, the way that it's
18 been redone for 2015 is being a series of directives.

19 It says that the board must accept the
20 circulator statements and part petitions at face value
21 unless there are inconsistencies with the number of
22 signatures witnessed.

23 And then it says if the number of signatures
24 reported in a statement is equal to or greater than the

1 total number of signatures crossed out on the part
2 petition, then the board does not reject the part
3 petition because of the inconsistent signature numbers.

4 Instead the board must review the validity of
5 each signature as usual.

6 Again, it's interesting that this issue is
7 brought up at this point. And maybe this particular
8 directive will change the result of this particular
9 situation. I don't know. I can't predict. But I
10 suspect that it will because it doesn't address what
11 would be a gross overstatement. The directive only
12 addresses what it refers to as an arithmetic error,
13 which appears to have come from the courts in providing
14 that information in terms of -- or that terminology in
15 terms of an arithmetic error.

16 What specifically constitutes an arithmetic
17 error or what specifically constitutes a gross
18 overstatement is -- does not seem to be defined. But,
19 again, that's listed as the directive from the
20 Secretary of State. And, again, I encourage boards to
21 follow directives. Again, it will have to be up to the
22 board to determine how to weigh directive 2016-01
23 versus what's in the Election Officials Manual.

24 In terms of the direction as to where this

1 board will go, I think the board would need to
2 determine on the face of the part petition the
3 testimony that was presented today if the number of
4 signatures listed in the circulator statement is
5 greater than the actual number of signatures on the
6 part petition.

7 If the answer to that question is yes, the
8 board determines that that number is greater, unless
9 it's determined to be an arithmetic error, again, not a
10 defined -- specifically defined term, I think it might
11 be a weak argument, but you could strike the entire
12 part petition under 3501.39(A) (3).

13 Again, that goes back to petitions not
14 meeting the requirements of 3501.38. And that would
15 encompass the (E) (1) section that I addressed that
16 indicates that the number of signatures has to be
17 listed in the circulator statement.

18 The other statute that's possible to look at
19 is 3519.06(A) (D). That particular section -- and I'm
20 going to flip to it here, give me one second -- that
21 particular section says that no initiative or
22 referendum part petition is properly verified but
23 appears on the face thereof or is made to appear by
24 satisfactory evidence (A) that the statement required

1 by 3519.05 of the Revised Code is not properly filled
2 out as a circulator statement it's referencing. And
3 that's Subsection A.

4 Or D, that the statement is false in any
5 respect. That may be a stronger statute to look at in
6 terms of errors that would occur in the circulator
7 statement regarding that number.

8 Or if the answer is yes to that question, the
9 alternative to that is to look to the Secretary of
10 State's directive that's contained in the Ohio Election
11 Officials Manual and follow that and indicate that you
12 cannot reject the part petition because the number
13 would be at least equal to or greater than the actual
14 number of signatures that appear on the part petition
15 itself.

16 MR. HELVEY: What's the citation? What
17 directive is that? Because I remember seeing that.

18 MR. BETTS: That's in the Ohio Election
19 Officials Manual. I don't have the manual sitting in
20 front of me.

21 MS. HERRON: I have Chapter 11.

22 MR. BETTS: Yes, it's Chapter 11, I can tell
23 you that. I can tell you the section numbers to look
24 at for that. It would be Section 103 (D), pages 11

1 through 9, which I do have those pages excerpted and
2 highlighted.

3 MR. HELVEY: But there's no qualifier on that
4 -- I don't mean to interrupt you, Chris, but there's no
5 qualifier on that where it's a gross number or a minor
6 number. It just says you can have a number equal or
7 greater than the --

8 MR. BETTS: There's the section that's
9 excerpted there. If you want to look at it, it's the
10 highlighted portion specifically on the second page.

11 MR. HELVEY: Okay. What it says on page
12 11-8, the board must accept the circulator statements
13 and part petitions at face value unless there are
14 inconsistencies with the number of signatures witnessed
15 or with information about the circulator or cross part
16 petitions reviewed within a single county, i.e., the
17 circulator writes a different permanent resident
18 address on a different part of the petition.

19 If the number of signatures reported in the
20 statement is equal to or greater than the total number
21 of signatures not crossed out on the part petition,
22 then the board does not reject the part petition
23 because of the inconsistent signature numbers.

24 And that cite on that is State ex rel

1 Citizens for Responsible Taxation versus the Scioto
2 County Board of Elections 65 Ohio State 3rd 167.

3 An example of the circulator's statement
4 indicates that the circulator witnessed 22 signatures,
5 but there are only 20 signatures on the petition.

6 MR. CUCKLER: Are you done there, Chris?

7 MR. HELVEY: I'm sorry, I didn't mean to
8 interrupt.

9 MR. BETTS: No problem. So I think those are
10 the two alternatives if you answer the question yes in
11 terms of that number being higher than the actual
12 number of signatures on the part petition.

13 If the answer to that question is no,
14 obviously the number is equal to the actual number of
15 signatures you would return to the Secretary of State
16 to reaffirm the certification. If the number is less
17 than the actual number of signatures, you would reject
18 the part petition based on the part of that directive
19 that was not read from the Ohio Election Officials
20 Manual and you would recertify a new accounting or
21 accounting for that rejection to the Secretary of
22 State.

23 So I think the board is going to have to
24 weigh the evidence, testimony and the part petitions

1 themselves and determine what route that they want to
2 proceed.

3 I'm happy to restate anything that I've
4 already said and guide the board, but I think those are
5 the alternatives.

6 MR. CUCKLER: I just have one thing I want to
7 throw out. So the evidence based on the testimony that
8 we've received today shows that -- and the board gets
9 the chance to ask you some questions. And I'll allow
10 the interested parties the same thing if they want.
11 But Marquita Barnhouse, who we spoke to on the phone
12 who was sworn in and gave testimony, she had admitted
13 that she was a felon; is that correct? Did I hear that
14 correctly from Ms. Barnhouse?

15 MR. BURNWORTH: Yes, but it would have been
16 corrected to a misdemeanor.

17 MR. CUCKLER: So Ms. Barnhouse -- would you
18 mind going back through the -- can you go back through
19 the record and see what Ms. Barnhouse had stated? It
20 would have been at the very beginning.

21 MR. HELVEY: She admitted she was a felon.

22 MR. CUCKLER: Then she also stated that when
23 she submitted her petitions to Elite -- what's the name
24 of the company? Elite Campaigns, Inc. of Kalamazoo,

1 Michigan, that there was no blackout marks in the
2 petitions that she submitted to Elite.

3 Ultimately what we got here in Delaware for
4 Ms. Barnhouse is a blacked-out petition with a
5 blacked-out line.

6 Also Rebecca Douglas, who was the last
7 witness, was also circulating for Elite, was employed
8 by Elite, also stated for the record that when she
9 submitted these petitions to -- I believe the gentleman
10 she mentioned was Dean, who was the supervisor of Elite
11 on Wilson and Broad, that she had not blacked out the
12 petition nor had she added in pencil these various
13 letters.

14 So with that said where there's two
15 individuals who have testified under oath, the
16 commonalty is that they both worked for Elite, that
17 they did not blackout. So someone -- it's safe to
18 conclude someone other than the circulator after the
19 fact blacked out, added pencil markings to those
20 petitions.

21 So the legal effect of that is what?

22 MR. BURNWORTH: I disagree with that
23 statement and summary. I don't --

24 MR. CUCKLER: You don't agree that's what

1 they stated on the record?

2 MR. BURNWORTH: No, because this one
3 certified by Mike DeWine on Exhibit F indicates that
4 the committee to represent the petitioners, which is
5 Wayne Booth, Daniel Darlin, Tracy Jones and Latoya
6 Thurman, have complete -- is the committee to represent
7 the petitioners in all matters relating to the petition
8 or its circulation.

9 So Mike DeWine is saying these are the people
10 that have the authority to cross someone off. So
11 obviously when they turn something in, it wouldn't be
12 crossed out till these people say --

13 MR. CUCKLER: So do you know that they're the
14 ones that crossed it out? Do you know that?

15 MR. BURNWORTH: We didn't subpoena them and
16 we have no evidence.

17 MR. CUCKLER: So let's talk about that. So
18 on the face based on the testimony, they both work for
19 Elite, they both -- what they submitted, it's safe to
20 conclude that someone other than the circulators did
21 the blackout and et cetera, right?

22 MR. BURNWORTH: No.

23 MR. CUCKLER: Hold on. I'm asking questions
24 of Chris.

1 MR. KING: I think if you qualify it. You
2 mean the circulator being the person who testified,
3 right?

4 MR. CUCKLER: Correct. The circulator is the
5 person that circulated the petition, hence the term
6 circulator. I'm not talking the committee. We'll get
7 into that in a second.

8 So the effect that someone other than the
9 circulator modified the petition, right. I mean,
10 that's -- someone other than them did it because they
11 under oath said that they didn't make those markings.
12 So when you have the effect, then we can bring into
13 this question that Bruce came in. But when you have
14 someone other than a circulator making marks on a
15 petition after the fact, what is the legal effect of
16 that petition?

17 MR. BETTS: Bear in mind that normally,
18 unless otherwise stated, an election statute is
19 construed as strict compliance. The statutes that I
20 referenced in regard to that were Revised Code 3501.38
21 G and H. Under those particular sections, only the
22 circulator or the signer or an attorney in fact on
23 behalf of the signer are the ones that can strike a
24 signature.

1 I think it's implied or it's meant to be read
2 in the directive, 2016-01, that that is an exhaustive
3 list, that no one else can strike a signature. I think
4 that's what's intended out of that directive. The
5 statute is silent in terms of anybody else being able
6 to strike a signature.

7 I understand Mr. Burnworth when we had talked
8 about this at a previous board meeting in terms of what
9 does circulator specifically mean. I haven't found any
10 evidence to indicate that circulator means anything
11 other than the person that actually circulated that
12 part petition. In other words, I haven't found it to
13 extend to committee.

14 I threw that only out as an idea the last
15 time that we had talked. It was nothing that I had
16 researched through. I just don't find anything other
17 than that. And, frankly, if you look at the circulator
18 statement, it talks about that that statement is made
19 in the first person. I, the circulator, et cetera, in
20 there witnessed the signatures, et cetera.

21 So I think it's going to come down to how the
22 board wants to interpret both the statute and the
23 directive. Does the board consider those statutes to
24 be exhaustive in terms of those are the only persons

1 that can strike out a signature, or, you know, is there
2 a possibility that someone else, say a committee
3 member, could do that.

4 In terms of --

5 MR. HELVEY: Can I jump in there real quick?

6 MR. BETTS: Sure.

7 MR. HELVEY: And I said this a couple years
8 ago at the Robert Owens hearing. If someone else
9 struck it out, so what. It doesn't give the
10 circulators -- the circulating committee or the issue
11 an advantage. If they didn't strike it out, we
12 probably would have as well. I notice that the one
13 strikeout didn't -- they used the wrong county. We
14 would have stricken that out and counted the remaining
15 signatures.

16 MS. HERRON: I don't know if this helps. I'm
17 sorry. I was waiting on a time when it would be
18 pertinent to mention this. But we did note -- I don't
19 know if this makes a difference, but we noted that some
20 that were listed with a pencil with a B on the side and
21 they were marked through, they were actually valid. We
22 would have counted them if they had not marked it out.
23 So just while you're talking to point, I just wanted to
24 mention that some were good.

1 MR. HELVEY: But the striking out did not
2 gain an advantage for the circulating committee where
3 every signature is important. You know, for whatever
4 reason that they did this, whoever did this, it wasn't
5 done or the effect of it was not to gain an advantage
6 over us or to gain access to the ballot. That's where
7 I --

8 MR. STEVENS: I don't know that we have all
9 the evidence to make that determination, though,
10 because what if under the black lines were -- maybe
11 those were not witness signatures or perhaps they were
12 fraudulent signatures. I mean, I don't know that we
13 have all the evidence to know.

14 MR. HELVEY: Well, it would be improper to
15 blackout a fraudulent signature or a signature that
16 wasn't witnessed.

17 MR. STEVENS: What if we were to determine
18 that the circulator didn't witness a signature on a
19 part petition, we would throw it out.

20 MR. HELVEY: Right.

21 MR. STEVENS: The whole part.

22 MR. HELVEY: This is the flip of that,
23 though.

24 MR. CUCKLER: So I guess my thought is -- go

1 ahead.

2 MR. STEVENS: My point is that we just don't
3 know, right? We don't know all of the information.

4 MR. CUCKLER: I think the so what from my
5 standpoint, Bruce -- Ed, is the integrity of the
6 circulator statement, right? So, I mean, whether
7 there's an added benefit or not an added benefit, we
8 have to trust that when we receive the petition, the
9 circulator's signature, that's the way they circulated
10 it and that's how it comes to us. And if we can't
11 trust that, then that becomes the issue. So I think
12 that would be the so what, right, in terms of -- again,
13 there may not be an advantage to remove signatures.

14 Go ahead.

15 MR. KING: I just wanted to jump in on the
16 black line thing since we're sort of focusing on that.
17 So the frame -- Chris said you can either look at the
18 list as exhaustive, or you can look at the list as sort
19 of representative. And so you're faced potentially
20 with two contrary interpretations.

21 The framework that you're supposed to decide
22 between contrary interpretations is in favor of
23 submitting it to the voters. So sort of in that light,
24 I think you're saying, well, one will result in the

1 voters not getting to vote on the issue and one would,
2 I think arguably you would choose the one that's going
3 to result in ballot access.

4 And then sort of piggybacking on that, you're
5 making sort of an inference or picking the weaker
6 statutory interpretation. And then on top of it all,
7 the board is a creature of statute. It only has the
8 authority that's been given to it. So your -- the
9 authority the board would be relying on is inferring
10 from a negative that you shall do something. That if
11 the statute said that you shall, then the converse
12 assumption is that you shall not. And that's not
13 necessarily how that's sort of looked at. You have to
14 have a positive grant of authority to reject something.
15 And I'm not necessarily seeing that here.

16 And then, like I said, on top of it all, to
17 reject something, you have to pick the weaker
18 interpretation of the statute. So to get the blackout
19 line, you're getting pretty far down -- that's why
20 Chris sort of referred to it as the weaker argument.
21 You're pretty far out on a limb as to whether or not
22 the blackout part of it is going to be fatal.

23 MR. STEVENS: So throw out the part petition.

24 MR. HELVEY: I got another question. And I

1 don't know where I saw this information, if I read it
2 in the newspaper or blog, but wasn't there a Supreme
3 Court case that said that we weren't allowed to
4 reconsider petitions once they've been submitted?

5 MR. BETTS: Yes. And we had -- I think we
6 briefly discussed that previously when the board was
7 debating whether to conduct a hearing or not. It was
8 -- I can look up the specific cite in here, but it was
9 with Scioto Downs when they were considering the Racino
10 issue, and there was a matter of whether it could be
11 reconsidered or not. It was a little bit farther in
12 the process at that point because I think the Secretary
13 of State had already certified it in that particular
14 instance, but --

15 MR. CUCKLER: In this case, the Secretary of
16 State has not certified it.

17 MR. BETTS: Right. The Board of Elections
18 have, which may implicate it in that respect because
19 it's a double layer certification, the Board of
20 Elections first and then the Secretary of State.

21 MR. HELVEY: But isn't that whole thing, the
22 rationale of that is we can't keep relitigating the
23 validity of an issue once we've taken a look at it?

24 MR. BETTS: That's the 10,000-foot view of

1 that case essentially is that you've already had that
2 bite of the apple to look at the certification, and
3 going back may not be proper.

4 MR. CUCKLER: Okay. I want to get the
5 interested parties involved. But you had one more
6 thing.

7 MR. STEVENS: I just want to comment on what
8 Ed just said. If we had to check -- I would agree,
9 Mr. Helvey, if we had checked the petitions like we
10 would normally check the local petitions, candidate's
11 petition or a local county petition. But the fact that
12 we only look for valid signatures and then send it to
13 the Secretary of State to do his due diligence seems
14 different to me then.

15 MR. HELVEY: What do we do on a local issue
16 that wasn't done in this case?

17 MS. HERRON: If they're -- in the past if
18 there has been a challenge or a protest or something
19 like that at the local level, you would revisit it.
20 Like Mr. Lomeo, you had instructed us to go ahead and
21 do the VR cards and then re --

22 MR. STEVENS: I think everything we're doing
23 today is what we didn't do on the first pass.

24 MR. HELVEY: Well, the only thing that shook

1 my cage a little bit is the incomplete circulator name
2 where we cannot identify who the circulator was. And
3 the fact that we now know that Ms. Barnhouse is not
4 qualified to be a circulator due to her felony
5 conviction.

6 But other than that, I don't know what I've
7 heard, not that I'm forming an opinion before I hear
8 all the argument.

9 MR. CUCKLER: Well, so I might get the
10 interested parties involved here. I guess somebody
11 thinks we have the authority because otherwise we
12 wouldn't be there and there wouldn't be a directive,
13 right? And to quote William Wallace, right, we didn't
14 get dressed up for nothing. So that's why we're here,
15 right? Obviously the Secretary of State thinks we have
16 some authority to do something. Otherwise, we wouldn't
17 be here.

18 So with that said, I'd like to get some of
19 the interested parties to give your two cents on any
20 perspective. So we'll limit you to ten minutes.

21 MR. SCHUCK: I allowed Mr. Colombo the option
22 to go first, and he deferred to me, so --

23 MR. CUCKLER: All right. So just state your
24 name, Jim.

1 MR. SCHUCK: Jim Schuck with Bricker & Eckler
2 and I represent Pharma. I can tell you what that
3 stands for, but that would probably take my entire ten
4 minutes.

5 I do want to react with a couple of initial
6 thoughts. I do think it's telling, and I don't think
7 this is lost on any of you, the fact that there were 13
8 people subpoenaed and three people showed up -- two
9 people showed up.

10 I gathered that of the three people that you
11 actually had testimony from this morning, that one is a
12 professional circulator and does it the right way. I
13 believe that two are probably people that are not
14 professional circulators and probably didn't do it the
15 right way, but perhaps not maliciously.

16 I do think it's interesting that ten people
17 you subpoenaed didn't show up. And I can tell you
18 based upon my review of their names and looking at
19 their petitions from around the state, they are
20 professional circulators.

21 Mr. Hatchett has been circulating petitions
22 for years. His name is in the original Pharma lawsuits
23 from 12 years ago as a circulator around the state.
24 There are a number of those. So I do think it's

1 interesting that those folks who are probably more
2 likely the professional circulators did not appear this
3 morning, and I don't think that's a coincidence.

4 There was a discussion also about the DRW and
5 the fact that Ms. -- who was the second witness, Ms. --

6 MR. HELVEY: Hill.

7 MR. SCHUCK: -- Hill, did it right. I didn't
8 even submit her name. I didn't even look at her. I
9 threw her petition on the side because it was perfect.
10 It was the way that you would expect everybody to do
11 one, which makes all the others stick out.

12 But I do have Mr. Hatchett's, one of
13 Mr. Hatchett's here. There was a discussion about the
14 fact that he still worked for DRW. And just to dispel
15 any belief that perhaps DRW does it the right way,
16 Mr. Hatchet works for DRW as well. This is his
17 petition, number 5, submitted here in Delaware County.
18 He has a clear strike-through on his.

19 Also Haley Stroman, another person who was
20 subpoenaed, also works for -- her petition is number 7.
21 She lives in Fostoria according to her statement. And
22 her circulator statement indicates that she works for
23 DRW as well. As you can see from petition number 7,
24 she works for DRW. And she submitted 28 signatures

1 and, in fact, has one.

2 So I just wanted to dispel the notion -- I
3 thought somebody had asked questions about DRW and
4 perhaps was intimating that DRW does it the right way,
5 I just wanted you guys to be aware of that.

6 There's also -- there was also talk about
7 what some of the other counties did. And I know Ali
8 came in and spoke to that. I have talked to most of
9 the counties. And I have seen Mr. McTigue's
10 communication to the boards around the state.

11 I do want to be clear that there are -- there
12 are, in fact, as he's indicated, probably about two
13 dozen counties that have recertified their prior
14 results to the secretary, no change, I think without
15 any kind of board meeting or hearing. It was just a
16 staff decision. They basically took the prior
17 certification, presumably changed the date and
18 submitted it back again.

19 There are a number this week that are having
20 hearings. So I want to make sure the record is clear
21 and balanced on this because the way this is being
22 described is that everybody is just sending this back
23 and you guys are the crazy ones out here doing
24 hearings.

1 I want to be clear. We heard Wayne County is
2 doing hearings. Lake County is doing hearings. Athens
3 County is doing a hearing at 11:00, so theirs is going
4 on right now, as is Lucas right now at 11:00. So
5 there's two hearings going on right now while you're
6 doing yours.

7 Mahoning County, the 27th, which is
8 Wednesday, at 8:00 a.m. Mercer County, the 27th, 10:00
9 a.m. Fulton County, theirs is either Wednesday or
10 Thursday. Putnam County, the 27th. Pickaway County,
11 the 28th. We heard about that, they're waiting on you
12 guys. Shelby County, the 28th at 9:00 a.m. Franklin
13 County we heard about, the 28th. They've subpoenaed
14 10, 11 or 12 folks.

15 Lorain County, the 28th. Portage County,
16 Friday the 29th. And then we also heard about, I
17 believe, Washington County was mentioned and Union
18 County was mentioned.

19 And that there are, in fact, now five
20 counties that have knocked out part petitions, Adams
21 County, Hardin County, Miami County, Hocking County and
22 Madison County.

23 I do want to mention Hardin County because on
24 Mr. McTigue's communication, it indicated that they

1 were one of the counties that they just knocked out a
2 few, so it really didn't make a difference. Well, I
3 think they knocked out two or three part petitions, but
4 there were only six part petitions submitted in that
5 county. So they knocked out half the part petitions.
6 And the ones they knocked out were the ones that didn't
7 comply that violated the 28 rule or the strike-through
8 rule, so that's clear.

9 Sure, it wasn't very many signatures, but it
10 was all signatures and all part petitions that violated
11 the directive that the Secretary issued.

12 So I want to be clear on that. So there's
13 five counties now that have done that, Adams, Hardin,
14 Miami, Hocking and Madison. So I just wanted to say
15 that to just clear the record and make sure that you
16 are aware of that.

17 The third issue that I have before we get
18 into the legal argument is that Mr. Roy Jackson didn't
19 appear today. I assume he got his -- did his subpoena
20 -- I assume his subpoena didn't come back. Mr. Roy
21 Jackson lists his address as 2100 Brice Road,
22 Reynoldsburg.

23 I would suggest if you run an address search
24 for 2100 Brice Road in Reynoldsburg, it is a Days Inn.

1 It's a Days Inn. There's no residence there. He lives
2 at a Days Inn.

3 The law is clear -- I suppose it's possible,
4 it's possible that he resides at the Days Inn. He must
5 be the wealthiest man alive to pay a hundred bucks a
6 day to live at the Days Inn.

7 So as one of the witnesses indicated, now the
8 rule is you no longer have to be a citizen, a resident,
9 elector of the State of Ohio to pass a petition.

10 That's clear. I raised that simply because I wonder
11 whether he got his subpoena and why he didn't come,
12 because I think it would have been interesting to ask
13 him whether he really lives at 2100 Brice Road. So I
14 just raise that for the good of the order as well.

15 The Scioto Downs case that Board Member
16 Helvey mentioned is distinguishable because -- and we,
17 our firm, was counsel on that case, and we lost, so --
18 for the record. But that was -- the difference there
19 was is that that was under the new -- that's under the
20 new constitutional amendment. And that was after the
21 Secretary had certified everything and transmitted it
22 to the General Assembly.

23 There is then a process to accumulate all
24 protest proceedings as an original action of the

1 Supreme Court. It used to be back in the old days,
2 you'd file 88 separate protests. They all would have
3 to be filed in the Supreme Court.

4 This process is different because this is --
5 I view this as being nothing more than the Secretary
6 telling you to go back and do the original process
7 again. This is not a challenge or contest proceeding
8 because there's been no certification or transmission
9 to the Supreme Court. So I think those -- the Scioto
10 Downs case is distinguishable and doesn't apply.

11 There's -- my next point is whether or not
12 this board has authority to strike -- it seems like
13 that seems to be the hangup here is whether or not this
14 board has the authority to strike part petitions. And
15 we can argue over the law and what the law says, but
16 whether or not you have the authority to strike a part
17 petition. And I think the answer clearly is yes.

18 First of all, you do it on the county level
19 all the time. If you get four part petitions from a
20 candidate, three are good, one is not good, you
21 invalidate presumably the part petition that's invalid
22 all the time.

23 Also this directive, I think, implies to you
24 that you should do that and are required to do that,

1 because it asks you to go back and conduct a re-review
2 of the petitions, conduct an investigation if you think
3 it's appropriate, and then to recertify to the
4 Secretary of State a number.

5 Presumably I would assume that the Secretary
6 of State did not intend for you to go do this
7 investigation, say, we got all this evidence, and we're
8 going to change the date on our old one and here's our
9 old one back.

10 Presumably they -- the Secretary implied in
11 this is that you have the authority to strike part
12 petitions that you think violate the law and that the
13 Secretary has told you he thinks violates the law.

14 So I think that's the preeminent authority
15 that we have here. Otherwise there's no point in this
16 if all we're going to do is have an investigation and
17 then turn around and recertify the same numbers back to
18 the Secretary of State.

19 But we live in the world of laws, and so I
20 wanted to point to a couple sections here that are
21 important. And I'll cite them. I didn't bring the
22 sections, but if you guys want to look at them, you're
23 welcome to look at them.

24 Revised Code 3501.11(K) provides the

1 statutory duty to the boards to review and examine and
2 certify the sufficiency of petitions and nominating
3 papers and return them to the Secretary of State.

4 3501 -- title 3501 -- it's Chapter 3501, I
5 should say, of the general provisions of the election
6 code. 3519 are the provisions of the election code
7 that deal with petition -- initiative petitions. So
8 some things are in 3501 and some things are in 3519.
9 And you pull from both of those to get to this place.

10 35 -- and I heard Mr. Betts talk about this,
11 3519.06 gives you the authority to reject any part
12 petition that cannot be properly verified. Well, what
13 does properly verified mean? I think the conclusion
14 before this was that properly verified means, well, is
15 the person registered? Is the person -- is it a
16 duplicate signature?

17 If you read 3519.06, it says to reject a part
18 petition that is properly verified, comma, person not
19 registered, comma -- I'm paraphrasing -- duplicate
20 signature, comma.

21 Properly verified is more than just person
22 not registered, duplicate signature, the types of
23 things that we've checked for in the past.

24 If you look at 3519.06, it tells you what is

1 not properly verified. If no initiative or part
2 petition is properly verified, if it appears on the
3 face of the petition, or is made to appear by
4 satisfactory evidence -- I think we've seen that -- A,
5 that the statement, the candidate statement, the
6 circulator statement is not properly filled out --
7 well, we've seen that -- and, D, that the statement is
8 false in any respect, in any respect.

9 So I think that deals with Mr. Riveria, false
10 in any respect. Does the zip code matter? It's on the
11 form. I assume it matters. It's not gratuitous.
12 False in any respect. I would suggest that maybe he
13 doesn't live there if he doesn't know his zip code.
14 But I don't know. There's no evidence to support that.
15 I know my zip code. I assume you all know your zip
16 code. Apparently Mr. Riveria doesn't know his zip
17 code.

18 So I want to make that clear, 3519.06,
19 statement is false in any respect, because I've heard
20 from Mr. Betts. This is mandatory. This is mandatory
21 election law, false in any respect.

22 The OEM case was cited as well and mentioned
23 -- I'm sorry, the Citizens for Responsible Taxation was
24 cited in the OEM manual. I got to get this Secretary

1 of State/Board of Elections lingo together. If you
2 read that decision, that decision said -- the decision
3 is based upon the fact that the Secretary issued a
4 directive or some paper that made that finding that
5 said -- and that was in regard to the issue of, I
6 think, the striking of signatures or the 28 issue, I
7 can't remember which one, but the basis was that's --
8 the Supreme Court said, we're making this decision
9 because that's what the Secretary has said, right?
10 They weren't saying this is what the law is. They're
11 saying, go follow what the Secretary of State says.

12 I would suggest to you you now have something
13 different in front of you as to what the Secretary of
14 State says, what Secretary Husted has indicated in
15 2016-01. And that is different perhaps than what
16 you're used to and what you've done in the past. But I
17 gather that perhaps he's taking a harder line on what
18 the law is going forward.

19 And so I'm not sure that Citizens for
20 Responsible Taxation is all that shocking, they just
21 said, go do what the Secretary told you to do. And I
22 think that's exactly what we're doing here.

23 And then my last comment, I do want to
24 mention, too, 3599. Anytime you hear a 99, you know

1 that's -- those are the penalties. 3599.13 makes it --
2 let's see here -- I believe it's a misdemeanor, to make
3 a false affidavit or statement concerning the
4 signatures on any petition.

5 Anybody who wrote 28 and didn't have 28 I
6 would believe made a false statement or affidavit
7 concerning the signatures on any petition. I'm not
8 asking for anybody to be prosecuted. What I'm telling
9 you is, that's how important this issue is.

10 And then my last point is 3501.38, Mr. Betts
11 had indicated, I think, basically what Mr. McTigue had
12 been arguing all along, which is, well, G and H can
13 tell you who can strike out a signature, but it's -- it
14 doesn't -- it's not exhaustive. It could be, you know
15 -- you could be walking down the street and it drops
16 and some guy picks it up and strikes out the signature.
17 It's not exhaustive.

18 Well, frankly, that bastardizes the rules of
19 statutory construction that we've had forever and ever
20 and ever.

21 I'm not going to attempt the Latin, but
22 there's a rule of statutory construction that if you
23 have a -- if the legislature provides a list of items
24 for a grouping, the presumption is that that listing

1 and that presumption is exhaustive.

2 So when you say G and H: G, the circulator,
3 and H, the signer or attorney in fact, the presumption
4 is that's it. That's it. They didn't mean anybody
5 else. And that's a classic rule of statutory
6 construction and interpretation.

7 So I just frankly don't think that's right.
8 And I think that as Mr. Betts indicated as well later,
9 that that is probably a rule that's mandatory as well.

10 So I think those are my points. I'm happy to
11 answer any questions that are --

12 MR. HELVEY: In the directive, the heading is
13 preaffixing the number of signatures on a part petition
14 on the circulator statement. The testimony we heard
15 today from the three witnesses that responded all
16 stated that they did not -- that that number was
17 written by them when they signed.

18 How do we presume that something was
19 preaffixed when the only evidence we have is that, yes,
20 they may have written a higher number, but it was done
21 at the time of the completion of the circulator
22 statement?

23 MR. SCHUCK: Well, first, I'll tell you that
24 I think that's three people that you've heard from,

1 although I grant you that was the testimony this
2 morning.

3 MR. HELVEY: And that's all we've got.

4 MR. SCHUCK: And that's all you got. I also
5 believe that the -- I'm sorry, I'm reading the wrong
6 section.

7 MR. HELVEY: My difficulty with this
8 directive is that he didn't give us direction.

9 MR. SCHUCK: I understand that.

10 MR. HELVEY: There's no conclusion.

11 MR. SCHUCK: I don't dispute that it's a
12 difficult thing. And I applaud the board and the
13 staff, because this is certainly a difficult thing to
14 work through, and Mr. Betts as well.

15 That is certainly the title. But I think if
16 you read the entirety of what's under that, it's not
17 just about preaffixing.

18 If you turn to the next page, top of 3, the
19 overreporting of signatures is so strikingly prevalent
20 in this submission that the suggestion that
21 unintentional arithmetic errors are to blame strains
22 credulity. This cannot be the result envisioned by the
23 case law, otherwise the exception would swallow the
24 rule.

1 And, in fact, there was a prosecutor's
2 opinion from Hardin County that was dead-on in this and
3 said, we looked at all the part petitions. And when
4 you write down 28 and you got one or two, that can't be
5 an arithmetic error, that's got to be something else.

6 So I see preaffixing in the title, and you
7 can read the whole thing, I think he's going beyond
8 preaffixing.

9 MR. HELVEY: It's just confusing to me.

10 MR. SCHUCK: I'm not the right person to
11 probably give you an interpretation on the directive
12 because it was not written by me.

13 MR. HELVEY: And I've been involved in this.
14 Everyone in this room has been involved with this
15 stuff. I mean, it's been our lives. And I think my
16 side of the aisle probably does more petitions than
17 your side of the aisle. And I've always been told, put
18 down the maximum number of lines regardless of how many
19 signatures you have, because if you have more
20 signatures than you have -- than the number that you
21 put on the circulator statement, it's going to be
22 booted. So to err on the side of safety, always put
23 the maximum number down regardless of how many
24 signatures you have. So this is nothing new.

1 I'm sure it was on Senate Bill 5 and House
2 Bill 194 and probably going back to the four issues to
3 repeal Dick Celeste's tax increases in 1993. So
4 there's no --

5 MR. CUCKLER: Tax Hike Dick.

6 MR. HELVEY: Great marketing. But, you know,
7 I -- so I'm not sure that this practice can now, on a
8 particular issue, be turned that quickly. He needs to
9 or the legislature needs to weigh in on what this
10 practice should be.

11 Let me ask you a question.

12 MR. SCHUCK: Sure. Because I have a response
13 to that, but I'll answer your question.

14 MR. HELVEY: Okay. Have you represented
15 petitioners, or do you represent people that are trying
16 to --

17 MR. SCHUCK: I don't believe that we -- I
18 don't believe that I've ever been involved in
19 representing a petitioner, no.

20 MR. HELVEY: Okay. That's fine.

21 MR. SCHUCK: I will tell you that there was a
22 decision that just came out of the Sixth Circuit by
23 Judge Sutton. Anybody here know Judge Sutton? He is
24 brilliant. He lives here in Columbus. He was our

1 former state solicitor. He's on the Sixth Circuit. He
2 was on the panel that wrote the opinion Citizens for
3 Action or Citizens in Charge.

4 I'm looking for a light bulb to go off. That
5 is the case where the Secretary was found to have been
6 personally liable to some petitioners because he
7 claimed to have -- they claimed that he had clearly
8 violated their constitutional rights.

9 And the argument in that situation was
10 Secretary Brunner and all the prior secretaries had
11 done it this way forever and ever and ever. So even
12 though you were following the law, Secretary Husted,
13 you were required to follow the prior precedent that's
14 been done over the years. And because you didn't,
15 you're personally liable to these folks for what you
16 did.

17 Absolutely absurd decision that went out to
18 the Sixth Circuit in a three-zero decision, bipartisan
19 decision. Judge Cole was on that panel. Judge Sutton
20 was on that panel. And I can't remember who the third
21 person was. But it's a bipartisan decision from judges
22 across the spectrum said, just because Jennifer Brunner
23 did it that way and just because you've always done it
24 that way doesn't mean that it complies with the law.

1 And what Jennifer Brunner may have been permitted to do
2 does not suggest what Secretary Husted is required to
3 do.

4 So I understand the argument that it's been
5 done like this for 30 years. And I have, of course,
6 heard Mr. McTigue make that argument. He certainly has
7 done a lot more of these than I have over a period of
8 years. But the fact that they've been done like this
9 for a long time I think may be the reason why -- and if
10 my time is up, let me know -- it may be the reason why
11 that the Secretary is starting to take issue with some
12 of these things is because of the reason -- the
13 frequency, because we are seeing more of these.

14 And I will say that -- well, I'll leave that.

15 MR. CUCKLER: I have a question for you,
16 Mr. Schuck. So I had raised the issue -- I think you
17 had stepped out to the restroom, but the testimony we
18 received today is all we got is from Marquita
19 Barnhouse, Rebecca Douglas and Deborah Hill. Marquita
20 and Rebecca both were employed by Elite Campaigning
21 [sic], Inc. Both of them offered testimony that when
22 they submitted their petitions to Elite, that there was
23 no blackouts, there was no marks.

24 Obviously we concluded someone other than the

1 circulator added that or put those strikeouts, et
2 cetera.

3 Mr. Burnworth had asked a question based upon
4 the certification, I guess, of the language -- I'm not
5 sure what he's reading from here, but this is the --
6 again, the committee -- there's a committee set forth,
7 a certification of the Attorney General on the
8 initiative petition. There's a committee that
9 represents the petitioners. It says, the following
10 persons are designated as a committee to represent the
11 petitioners in all matters relating to the petition or
12 its circulation. I think there's four people, Booth,
13 Darlin, Jones, Thurman.

14 So based upon -- I'll just get your
15 opinion --

16 MR. SCHUCK: I'm sorry, what page are you
17 reading from?

18 MR. CUCKLER: It's the back of a --

19 MR. SCHUCK: Oh, I see. I understand what
20 you're saying, yes.

21 MR. CUCKLER: All right. So the question
22 then is, so based on the testimony we have from two
23 individuals that they submitted it -- when they were
24 done with it and submitted it to their employer, Elite

1 Campaigns, Inc., that these black marks and other
2 markings did not exist, the question then is, which
3 gets to what Mr. Betts alluded to, is can anyone else
4 other than the circulator black out signatures, mark
5 out signatures.

6 And so then the question Mr. Burnworth had
7 asked was, well, there's this committee of these four
8 individuals that are to represent the petitioners in
9 all matters.

10 So based on your experience of election law
11 and knowledge, would this committee have authority to
12 cross out?

13 MR. SCHUCK: I don't believe so, but that's
14 my opinion. I believe Mr. Betts indicated the same,
15 that he didn't agree with that and could find no case
16 law to support that. I'd be shocked if there's any law
17 to support that.

18 I think we've always assumed that the
19 circulator is I, and I fill in my name. In this case,
20 Haley Stroman. And I talk about my efforts to
21 circulate.

22 It's interesting because I don't know how you
23 can include the committee in this statement of
24 certification that all these people have personally

1 witnessed. If you stand that, does that mean all four
2 of these people walked around and witnesses every
3 single person that signed one of these part petitions
4 around the state? Because that's the logical
5 extension, right? They're the committee. They can't
6 just be the circulator when it's convenient. They have
7 to be the circulator when it's not convenient. Did
8 they walk around and witness every single person,
9 170,000? Well, if you include the thousands of people
10 that signed and had their -- presumably their
11 constitutional rights violated by having their right to
12 petition slashed off of the petition apparently. But
13 170,000, did they witness all those? Because that's
14 the logical extension of that argument is that if
15 you're the committee and I'm the circulator, it can't
16 just be Haley Stroman witnessed this, right? It's got
17 to be the whole committee.

18 So, first, I don't think there's any
19 authority for that. Two, it's not logical. And I
20 certainly understand, but that just -- I think also, we
21 don't have any evidence of this. It would be
22 interesting to have one of the committee members --
23 there were -- I can't remember how many strikeouts
24 statewide. We had a number. I want to say -- and I

1 think it was in my letter to this board, which I can
2 pull, that I sent to this board a week or two ago, but
3 there were, I believe, 5,000 part petitions with
4 strike-throughs. And I can't remember the actual
5 number of strike-throughs, but I want to say it was --
6 I think it was six digits. But there were 5,000-some
7 part petitions with strike-throughs. And I guess the
8 assumption that we're making is that these four people,
9 Mr. Booth, Mr. Darlin, Ms. Jones and Ms. Thurman sat
10 down with 5,000 part petitions and struck them all out?
11 We don't have any evidence to suggest one way or the
12 other, but I would suggest that that -- if I was a jury
13 -- if I was making a closing argument to a jury and the
14 judge instructed you to use your reasonable common
15 sense -- what the judge asked you to do is use your
16 reasonable common sense to come to a conclusion, I
17 don't think it's reasonable common sense to suggest
18 that these four people sat down with 6,000 part
19 petitions and struck out 30, 40, 50 thousand names on
20 their own. I don't think that's reasonable.

21 MR. HELVEY: But Mr. Schuck, aren't you
22 asking us to step on citizens' constitutional rights to
23 petition their government by throwing out these part
24 petitions?

1 MR. SCHUCK: No. We're asking you to enforce
2 the law as it's written by the State of Ohio issued by
3 the Secretary of State.

4 MR. HELVEY: Pardon me?

5 MR. SCHUCK: We're asking you to enforce the
6 law as it's written by the legislature handed down by
7 the Supreme Court and enunciated by the Secretary Of
8 State most recently in 2016-01.

9 MR. CUCKLER: Bruce, do you have any
10 follow-up questions?

11 MR. BURNWORTH: A lot of items to consider.

12 (Recess is taken.)

13 MR. CUCKLER: We'll come back to session. We
14 now have Mr. Colombo.

15 Mr. Colombo, state your name, who you're
16 representing. We'll give you 15 minutes, and then
17 we'll probably have some questions for you.

18 MR. COLOMBO: Okay. Thank you, Chairman
19 Cuckler. My name is Corey Colombo, and I'm with the
20 law firm of McTigue McGinnis & Colombo. And we
21 represent the petitioners of the Ohio Drug Price Relief
22 Act initiative petition.

23 I appreciate you giving us the opportunity to
24 present our thoughts on this matter. And you heard

1 from Mr. Schuck who, as you know, has been a good
2 friend for about 20 years of mine. And I think it's a
3 great process here that two good friends can come in
4 and give different arguments on the facts of the law,
5 and we'll walk out of here being friends.

6 But, you know, I do disagree, though, with
7 some of the presentation, some of the arguments and law
8 presented this morning.

9 To start off with, I know we're already
10 beyond this point, but on behalf of the individuals who
11 circulated this petition, we strongly disagree with the
12 unprecedented action of sending the petitions back to
13 board to look at again and the directive 2016-01. And
14 I just want to state that for the record.

15 I know the boards are in a tough spot because
16 now you have a directive to deal with. But we're not
17 aware, at least in the last 30 years, of anything
18 similar to this happening.

19 All 88 counties completed their certification
20 process on December 30th. It was done. All 88 were
21 in. This petition passed with flying colors, both in
22 numbers of counties required and numbers of signatures.
23 And the boards applied the directive that were given to
24 them. 2015-40 was what their instructions were.

1 In this particular case, Pharma mounted a
2 statewide effort to raise two issues on the petition,
3 which you know what they are because they're described
4 in the directive. But what should have happened is
5 anyone who feels they've been or are in disagreement
6 with the petition, the correct action now is the
7 constitution has been changed so the Supreme Court has
8 an original jurisdiction to hear issues so that the 88
9 county boards are not deciding the same set of issues
10 individually.

11 That's what should have happened here. In
12 fact, there are cases now in the Supreme Court and the
13 federal court where it probably will eventually be
14 decided.

15 But I can tell you other boards out there,
16 including Greene County, just a day or two ago, sent
17 back the petitions and said, we've already looked at
18 these. We don't have the legal authority -- our
19 prosecutor tells us we do not have the legal authority
20 to look at these a second time.

21 But, you know, you have been -- so this is
22 the equivalent of the rules of the game being changed
23 after the game is over as if in an NFL game the
24 commissioner says, watch the game tape again and apply

1 some new rules here. At least that's our position.

2 But the fact is these have been sent back to
3 you now. I know Delaware is a very thorough and good
4 board. And the directive suggests you should hold
5 hearings, and that's what you're doing, because you're
6 obligated to follow directives.

7 I do want to give you an updated list as far
8 as what our records show. To our knowledge, what have
9 the other boards done. Well, 24 counties have now at
10 this point just sent back their original numbers. And
11 I can read those to you: Ashtabula, Carroll,
12 Champaign, Clark, Clermont, Clinton, Crawford, Erie,
13 Greene, Guernsey, Harrison, Henry, Holmes, Jefferson,
14 Knox, Licking, Monroe, Morrow, Paulding, Perry, Preble,
15 Van Wert, Vinton and Warren are 24 counties who said,
16 we've already looked at this one. We don't have the
17 authority to look at this again. Here are our numbers
18 one more time.

19 Four other counties have sent back the
20 petitions and collectively just made minor adjustments.
21 Between those four counties, they've only eliminated 28
22 signatures for various reasons. And that's Hamilton,
23 Hardin, Morgan and Williams.

24 And then to the best of our knowledge --

1 MR. HELVEY: Pardon me right there. Hamilton
2 in their whole total or the four were 28 signatures?

3 MR. COLOMBO: Yes. Between those four,
4 collectively 28 were eliminated.

5 MR. HELVEY: Okay.

6 MR. COLOMBO: And then three counties,
7 Mr. Schuck is right, some have taken action. And we
8 want to present on the specs on what's going on out
9 there. And Adams, Hocking and Miami are three counties
10 that have made major adjustments to the numbers.
11 Several -- I believe at least one or two, maybe all
12 three of those, did so without even any hearing. They
13 interpreted the directive they didn't have a choice,
14 they had to eliminate them.

15 So we would suggest that you should -- and we
16 would also not deny that there are a slew of hearings
17 and meetings this week. Not all of them are hearings.
18 Some are just meetings. And then there are several
19 counties that don't have anything scheduled right now.
20 But the majority view is to send this back from the
21 data we've collected.

22 I'd like to now address what the issues are
23 in the directive. As to the number of signatures
24 stated by the circulator, a couple weeks ago we sent

1 what the Jefferson County prosecutor's opinion was.
2 Obviously this board is in no way bound by that
3 opinion. But the prosecutor there in Jefferson said,
4 if there's a discrepancy in the number of signatures,
5 it's not grounds to invalidate the entire part
6 petition. Boards are only to invalidate part petitions
7 when there's evidence of fraud.

8 So we would ask if the number of signatures
9 stated by the circulator is higher, what fraud is being
10 committed on this board? I mean, you can -- fraud is
11 one thing as if someone tries to submit a signature and
12 claim it's someone else's, which is something this
13 board and other boards have had to deal with.

14 But when you can clearly see on the piece of
15 paper someone has stated there's 28 signatures and
16 there's only two, you're not fooled. I mean, you can
17 see right away when you open up the part petition.
18 There's no fraud being perpetrated on the board.

19 Now, what's the reason why you would strike a
20 part petition if the number is higher, a higher number
21 of signatures than what the circulator claimed. The
22 reason that's done is because you don't know which
23 signatures the circulator saw and didn't see. They
24 said they saw 25 signatures, but there's 26 on the

1 petition, that's a problem, because you don't know
2 which one they're verifying.

3 So that's the main reason that rule is in
4 place, to strikeout the whole part petition if the
5 number is flipped around. But if the number is higher,
6 what the circulator is saying, you don't have that same
7 problem. So we do not believe the remedy is to strike
8 the whole part petition. We believe, you know, as the
9 directives have stated for 30 years, case law has
10 stated for at least 30 years, you go ahead and proceed
11 and count the number of signatures as regular.

12 And the Chapter 11 of the manual that was
13 passed around earlier says that. Nowhere is there case
14 law or a directive that says if it's a certain number
15 higher, then you need to strike it. If it's a certain
16 percentage higher. You've been provided no direction
17 on what to do if the number is higher in the circulator
18 statement.

19 The only advice boards have been provided for
20 decades is go ahead and count them as indicated and
21 count them all or process them all.

22 What we're also finding is that the number of
23 evidence out there is greatly overstated, I mean, in
24 the media and whatnot, because in reality, most of

1 these petitions that have issues statewide are just one
2 or two off. And a lot of times it's because there's a
3 signature crossed off which would explain why the
4 number is different.

5 But in cases where there's 28, I mean, there
6 could be some harmless explanation as to why someone
7 thought they should put 28 down there. Perhaps someone
8 who is from out of state believed that you just were
9 supposed to indicate how many lines there are. They
10 might have interpreted the statement wrong. But,
11 again, you know, we don't have evidence of that here
12 today. And no evidence of fraud obvious in our
13 opinion. So we would argue that all these part
14 petitions should be counted.

15 As to the issue that there were signatures
16 crossed out with a thick black marker, the same logic
17 applies here. And I believe a few of the board members
18 pointed this out, that, you know, it's -- the remedy is
19 to eliminate that signature, which has already happened
20 in the first review.

21 No evidence has been presented to you today
22 who crossed it out and why. The facts are you only
23 heard from two circulators on a very small sampling of
24 all the part petitions that were presented to you

1 today. So factually you don't have enough evidence to
2 strike out or understand who crossed it out. Perhaps
3 many circulators were provided with thick black pens.
4 We don't know.

5 There were several different circulating
6 companies involved here. Some might have given every
7 person a thick black pen to cross out. Perhaps whoever
8 -- if it wasn't the circulator themselves, perhaps it
9 was someone from the company who was making a darker
10 line of what was already crossed out, so they might
11 have just wanted to make it easier for the board. I
12 don't know because we don't have that evidence.

13 But more importantly, there's no law or
14 authority that's been provided to you today that the
15 remedy for someone other than the circulator or the
16 signer crossing it out, there's no law or authority
17 that the results should be striking out the entire part
18 petition.

19 And I don't want to put words in Mr. Betts'
20 mouth, but if I understood what he was saying, we agree
21 with his logic that the law specifically provides who
22 can cross it out, those two individuals, the
23 circulator, petitioner signer or attorney in fact, but
24 there's nothing that says that's the exhaustive list.

1 And, you know, we would agree with the
2 prosecutor's thoughts that you would -- on both those
3 two issues, you'd have to go towards a weaker argument
4 in order to keep something off the ballot.

5 Finally, I just would like to say that we
6 would object and we disagree to the board now -- for
7 this kind of becoming a free-for-all to address a whole
8 slew of issues that were not in the directive.

9 We're now studying people's zip codes.
10 Secretary Husted did not ask you to look and confirm
11 that people live where they said they did. As to the
12 issue of the Days Inn, at least in my role, that's
13 completely common for people to come in and work out
14 deals with hotels for a three- or four-month period at
15 a greatly reduced rate. They're not going to rent or
16 lease an apartment for a year or buy a house. They're
17 going to try to find a stay for extended period hotels
18 or hotels that have huge vacancy rates that will work
19 out a deal for them.

20 Another issue now that's on the table
21 apparently is if some of these circulators were felons.
22 I can't quote the Revised Code section to you, but I
23 can tell you when I studied this recently, I was even
24 surprised that the rule is not that past felons cannot

1 be circulators. It's past felons in very specific
2 situations who have not been fully rehabilitated or
3 completed their sentence.

4 So, sure, someone might have a felony and it
5 might be perfectly legal for them to circulate. And if
6 we want to take a break and pull out the Revised Code
7 section, but it's really just people who are out maybe
8 on community control or on probation that can't
9 circulate. And in the evidence right now, there's not
10 enough facts to know what the felony was, how long ago
11 it was.

12 The other thing about the felony law is it's
13 only from a certain point in time backward -- I'm
14 sorry, forward. We don't know what year the felony
15 happened. It can't be applied retroactively if these
16 felonies were in the '70s or '80s. We have very little
17 information on what the felony was, whether they were
18 convicted of it, what year it happened, and whether
19 they've completed all their sentence.

20 So we would ask the board on behalf of the
21 petitioners to take the majority approach to recertify
22 the numbers as they were before. I know this board is
23 very thorough and applied the directive 2015-40.

24 Another comment I left out is the Secretary

1 of State before they provided these to the boards the
2 first time have these in their possession before they
3 distributed them. If they wanted at that time to look
4 through and see if there was -- what they considered to
5 be a recurring problem statewide, they could have put
6 instructions in the initial directive instead of, you
7 know, changing the rules of the game after the results
8 didn't come out in the best interest of Pharma.

9 So for that we would just ask for you to
10 recertify the results. And I'd be happy to take any
11 questions.

12 MR. CUCKLER: Do you have any questions?

13 MR. STEVENS: Yes. I have a couple
14 questions.

15 My first question is, you represent the
16 petitioners and the committee?

17 MR. COLOMBO: Correct.

18 MR. STEVENS: Both?

19 MR. COLOMBO: We represent the petition
20 committee members on the face of the petition there.

21 MR. STEVENS: In your comments you said
22 perhaps -- it is perhaps that I would love to know what
23 actually happened. I would love to know who struck out
24 with a black magic marker part -- lines on part

1 petitions. We don't know that, and I'm assuming you do
2 know that?

3 MR. COLOMBO: I can honestly say I have no
4 idea. I mean, there were -- statewide efforts like
5 this probably have anywhere between 500 to a thousand
6 circulators. They have multiple petition circulating
7 companies involved. I don't have evidence of who
8 struck what.

9 MR. STEVENS: How do you believe -- so I
10 think you categorized this as an unprecedented
11 situation where this has been sent back to the counties
12 for re-review.

13 How would you have liked to -- explain again
14 how you would like to have seen this happen if you were
15 Secretary of State.

16 MR. COLOMBO: If I were Secretary of State
17 and I received an e-mail from Pharma from the law firm
18 that does special counsel work for the Secretary of
19 State's office, I would say the constitution has been
20 changed in the last ten years. The Supreme Court has
21 original exclusive jurisdiction to handle what
22 essentially is a protest here. And you can file a
23 lawsuit with the Supreme Court. And the Supreme Court
24 will decide the issues for all the boards.

1 That's why the constitution was changed about
2 five to ten years ago, to avoid this, what's happening
3 right now, 88 boards coming up with vastly different
4 decisions on the same set of issues.

5 MR. STEVENS: And where would the evidence be
6 collected?

7 MR. COLOMBO: The evidence would be collected
8 from -- it would be a court case, so they could --
9 whoever is challenging the results, whether it's Pharma
10 or someone else, can gather the data and submit it as
11 evidence to the Supreme Court.

12 MR. HELVEY: Did you indicate that cases have
13 been filed?

14 MR. COLOMBO: The cases?

15 MR. HELVEY: That there are cases.

16 MR. COLOMBO: Oh, yes. Thank you,
17 Mr. Helvey. Yes, there is a Supreme Court case right
18 now, Jones versus Husted, where this process is being
19 challenged. And I know that's above all our heads.

20 MR. CUCKLER: This challenge, so the
21 directive and all the local boards doing hearings?

22 MR. COLOMBO: Right.

23 MR. CUCKLER: Is that the basis?

24 MR. COLOMBO: Yeah. The basis is that the

1 results were already certified on December 30th by all
2 88 counties.

3 MR. HELVEY: But is there a case that
4 challenges the blackouts and the numbers on the
5 circulator statement? Did Pharma file that suit?

6 MR. COLOMBO: No. To my knowledge -- and
7 Mr. Schuck can tell me if I'm incorrect -- I'm not
8 aware if Pharma has challenged --

9 MR. SCHUCK: No. As I indicated, it's not --
10 it would be premature because there's been no
11 certification yet.

12 MR. HELVEY: So it's not right.

13 MR. SCHUCK: That's at least our opinion.

14 MR. HELVEY: Because of this process.

15 MR. SCHUCK: Correct. Or at least because
16 the Secretary hasn't -- I mean, because the Secretary
17 hasn't certified and sent it regardless of why.

18 MR. HELVEY: Is there a timeline when he has
19 to certify?

20 MR. COLOMBO: Our position is that --

21 MR. SCHUCK: We probably disagree on this, so
22 I'll let him answer. And then if you want to ask me --
23 so we're not back and forth.

24 MR. COLOMBO: I'm sure we disagree. And

1 that's something that the court will have to decide.
2 But our position is that there's a carefully crafted
3 constitutional structure that if a petition is filed
4 before a certain date, which this year, I believe, was
5 December 24th, that the Secretary of State shall
6 transmit it to the -- shall review the petitions and
7 transmit it to the General Assembly by the first date
8 they meet.

9 And I'm paraphrasing there, but our position
10 is this is the first time we're ever aware of of a
11 Secretary of State not following the carefully
12 constructed guidelines there.

13 MR. CUCKLER: Mr. Schuck, I want to --

14 MR. SCHUCK: Yeah. It's Article 2, Section
15 1B of the Ohio Constitution. And it says that when any
16 -- when at any time -- and I'll take out some of the
17 extra words. When at any time not less than ten days
18 prior to the commencement of any session of the General
19 Assembly -- this year that was January 4th, I believe.
20 So the ten days before would have been roughly around
21 Christmas Eve or Christmas day -- there should have
22 been filed with the Secretary of State petitions signed
23 by 3 percent of the electors and verified as herein
24 provided. The Secretary is to transmit the same to the

1 General Assembly.

2 Our position is, and the Secretary's, I
3 assume, position is that while there's been signatures
4 submitted, they have not been hand-verified. That in
5 order to trigger sending it to the General Assembly,
6 they have to be submitted and verified. This is part
7 of the verification process.

8 MR. STEVENS: I have one more question.

9 MR. CUCKLER: Go ahead.

10 MR. STEVENS: You mentioned that there's been
11 no evidence of fraud, but you heard the testimony today
12 of Ms. Barnhouse and the fact that she did not put a
13 number in on the back on the circulator statement.

14 What can you say to that, or what would you
15 say to that?

16 MR. COLOMBO: And I don't know if we could
17 look at the transcript. Was she the one that was on
18 the phone?

19 MR. STEVENS: Yes.

20 MR. COLOMBO: I heard next to none of that
21 phone call.

22 MR. STEVENS: She swore under oath that she
23 presented her part petitions to whatever company she
24 circulated for and left that section blank.

1 MR. COLOMBO: Okay. I did not hear that. If
2 that was truly her testimony, then, you know, I don't
3 know. I mean, the other thing I can say is these were
4 circulated at this point four to five months ago, and
5 she probably did multiple petitions. So all I can say
6 is I didn't hear her say that.

7 MR. STEVENS: You're not indicating that we
8 should throw out all her part petitions, are you, based
9 on the one?

10 MR. COLOMBO: No, I certainly am not,
11 Mr. Stevens.

12 MR. STEVENS: I don't think I have any other
13 questions. Thank you.

14 MR. CUCKLER: So what's your thoughts on the
15 authority of this board? We've got a directive from
16 the Secretary of State's office. Is it your contention
17 that the Secretary of State's directive is just bogus
18 and they're outside of their lane of authority so,
19 therefore, we don't have the duty to act, or their
20 directive is within their scope of authority to send
21 back to the Board of Elections? What do you think
22 about that?

23 MR. COLOMBO: Well, I think the boards have
24 been placed in a very difficult position with this

1 directive. I mean, it's a directive without direction.
2 And I really believe that. I mean, I can tell you
3 we've been on the lines two or three weeks with board
4 directors and prosecutors and they're all scratching
5 their heads saying, we have absolutely no idea what he
6 wants us to do.

7 You know, so obviously some of these issues
8 are going to have to be hashed out in court. And I
9 have no problem understanding that this board has an
10 obligation to follow directives the best they can. But
11 I -- now that you have gotten the directive, I would
12 say it would be improper to consider things that are
13 outside of the directive at this point.

14 And I'd also say that I agree with what I
15 believe your prosecutor's advice has been, that you'd
16 be going towards the weaker of the two arguments in
17 order to try to exclude something from the ballot.

18 And there's just not the law or the facts
19 here to strike out any part petitions or signatures
20 that have not already been struck out.

21 MR. CUCKLER: And what do you think of the
22 board's duty once something comes to our knowledge like
23 irregularity? We have now testimony that there was --
24 someone was a felon. I believe it was Ms. Barnhouse,

1 correct? Now that we have knowledge of that, don't we
2 have a duty as the board to do something with that? I
3 mean, we can't just put that in the circular file,
4 right?

5 MR. COLOMBO: Well, I think, number one, this
6 has almost turned into a protest where I would say
7 Pharma now has the burden of proof to show you that as
8 a felon, that disqualifies someone. They have not
9 provided that to you. There's four or five things, I
10 think, that don't get you to the place you need to be
11 to eliminate a petition because someone might have had
12 a felony on their record.

13 MR. HELVEY: Just for the record, I'm on the
14 Franklin County Clerk's website. She was -- pled
15 guilty to a possession of drugs.

16 And what is a nolle prosequi? N-O-L-L-E
17 P-R-O-S-E-Q-U-I.

18 MR. KING: Dismissal.

19 MR. HELVEY: Oh, okay. So her community
20 control was terminated on August 10th of 2011 for what
21 it's worth.

22 MR. COLOMBO: So my interpretation of that
23 Revised Code section would be as if that has come to an
24 end, that she has been rehabilitated and is able to

1 circulate again.

2 MR. HELVEY: We'll want to get a copy of that
3 so we can look at it.

4 MR. KING: So there is a -- Secretary of
5 State Brunner asked AG Cordray this very question. And
6 the AG opinion is 2010-002 said that the statute,
7 2961.01(B) does operate to deny felons the right to
8 circulate a petition. However, the subsequent statues
9 that restore felons' rights to vote and enjoy other
10 privileges would apply here as well. So if they
11 satisfy the parts of 2967.16(C)(1), then the prior
12 felony conviction does not prohibit them from being a
13 circulator.

14 MR. HELVEY: So they regain their full
15 citizenship rights?

16 MR. KING: Basically. And the attorney
17 general specifically said it is going to be a fact
18 intensive case-by-case basis and no -- you can't just
19 sort of categorically say that a conviction is --
20 prohibits you from circulating.

21 MR. CUCKLER: Any more questions for
22 Mr. Colombo? Do you have any?

23 MR. BURNWORTH: No. Thanks. That 10 minutes
24 has been really fine.

1 MR. COLOMBO: Thank you for allowing me to
2 speak.

3 MR. CUCKLER: I would like to suggest -- I
4 mean, I think we can come back, there's going to be a
5 lot of discussion, and hash it out. Maybe we can stand
6 down and grab some lunch for 30 minutes.

7 MR. BURNWORTH: I'd rather just proceed and
8 get it done.

9 MR. HELVEY: I don't know how long we're
10 going to have to deliberate or what kind of detail.

11 MR. BURNWORTH: I think each of us can say
12 some things and then we make a decision whether we want
13 to authorize staff to certify X, Y or Z.

14 MR. CUCKLER: Knowing our history, that will
15 take a while.

16 MR. HELVEY: This could take ten minutes if
17 we had a more thoroughly defined directive.

18 MR. CUCKLER: All right. We'll go on then.
19 We'll just take a recess break like at 1:00, I guess,
20 just so everybody can use the restroom and get back
21 into it.

22 I'll bring it back to the board for
23 deliberation and discussion. Any thoughts from
24 anybody?

1 MR. HELVEY: Well, I'm confused. And, you
2 know, like I say, in no way do I want to voice any
3 disrespect to the Secretary. I have a healthy respect
4 for established authority, but I am confused and --
5 what we are supposed to do.

6 I am -- I don't see where there is an
7 advantage to the petitioners to striking names, whether
8 the petitioner did it or another person did it. In
9 fact, I would suggest that it works to their
10 disadvantage to strike names. They could have waited
11 to allow us to do it. But for whatever reason, they
12 chose to strike.

13 You know, we have a case pending in this
14 county where someone should have stricken a name and
15 they didn't and they're in all sorts of trouble.

16 And then the number of signatures, I always
17 heard or believed or read that, you know, it doesn't --
18 you know, as long as the number is not smaller than,
19 the petition is valid regardless if it goes to an
20 extreme situation, if there's one signature and he put
21 down 28.

22 And I would assume or believe that among the
23 industry of people that circulate petitions, that's
24 probably a standard practice. And if we went back and

1 looked at, I think, from a liquor option to statewide
2 issues, that that's been the practice for a number of
3 circulating companies.

4 So that's where I'm confused. You know, if
5 the Secretary had simply said, you must strike all the
6 part petitions that had a strikeout on it, it would
7 have taken us five minutes. Or if he had said that,
8 you know, if you have a -- put down the maximum number
9 of blocks on there and don't have that many signatures,
10 that would have taken five minutes as well. But he led
11 us down a road and then left it to us, so we've got to
12 employ our own common sense, you know, which side of
13 the issue we fall whether we should want to grant
14 access to the ballot or want to restrict access to the
15 ballot. So I'm still waiting to be convinced one way
16 or the other.

17 MR. CUCKLER: Anybody else? Any thoughts?

18 MR. STEVENS: To what Ed just said,
19 Mr. Chairman, the Secretary hadn't conducted an
20 investigation, so it would be difficult for him to tell
21 us to remove the strikeouts. I think that's why he
22 told us to say, hey, go back and look at these because
23 something seems irregular.

24 So I think it was appropriate, proper for him

1 to send it back to the counties for us to do the work
2 that we do on petitions, because we're the experts. I
3 think it's proper for us to have an investigation, have
4 a hearing, have subpoenas, and I think we've done a
5 good job in that.

6 We've found -- we've heard testimony today
7 about the circulator or the strikeouts, that they
8 didn't strike out lines on their petitions. We've
9 heard testimony today about the 28, that the circulator
10 left it blank and somebody else put that in. I think
11 there are things that are abnormal, and I think it's
12 appropriate that we review it and make a determination
13 on it.

14 MR. HELVEY: On the issue of Ms. Barnhouse's
15 statement, I could not hear that conversation. So if
16 that's what the record reflects, then I would be -- I
17 would definitely move to exclude her petition. But
18 like I say, I couldn't hear that.

19 MR. CUCKLER: Yeah, I appreciate that. Just
20 my thoughts, right, I mean, a couple issues have been
21 raised, right. We've got the striking of the
22 signature, and then you've got the preaffixing of the
23 number of signatures by someone other than the
24 circulator.

1 Potentially, the real issue here is maybe the
2 post-affixing of the number of signatures by someone
3 other than the circulator, but that's not addressed in
4 the directive.

5 There's an issue of a felony. It sounds like
6 there's some -- it's cloudy as to what authority we
7 have and if they were within their rights whatever
8 felony that was admitted to. We don't know when that
9 exactly was. Mr. Helvey read what was going on with
10 that.

11 There's an issue about a missing name. I
12 believe his name was -- I've got so many notes floating
13 around here. I believe his name was --

14 MS. SHALOSKY: Alfonso was missing his last
15 name.

16 MR. CUCKLER: Alfonso on the circulator
17 statement did not have his full name. He just had his
18 first name. What does that mean?

19 And then the issue -- so I'm kind of going --
20 and then going back to the striking of the signature
21 issues, we heard testimony from Ms. Barnhouse and the
22 other lady who was sitting here, the last witness,
23 Rebecca Douglas, who were both employed by Elite, that
24 when they submitted their completed petitions, that

1 there was no blackout or marks, and that it was someone
2 other than them that marked those.

3 So in addition to Ms. Barnhouse's petition or
4 part petitions, I definitely would believe that
5 Ms. Douglas' part petitions should be -- those numbers
6 should not be certified.

7 And then I could even go further to say, I
8 think there's enough evidence for me to conclude that
9 any of those petitions where the circulator was
10 employed by Elite, I believe there's 11 parts of a
11 total of 37 signatures were those employed by Elite,
12 that there's some irregularities going on by someone
13 other than the circulator.

14 So that's kind of where I am on it. I know
15 that there's -- I mean, the other issue then is, okay,
16 do you strike out every petition, part petition that
17 has a blackout and there's a 28 number? And I think
18 the language that was used from another county is
19 there's 28 on the total number of signatures, but the
20 actual total number of signatures is substantially less
21 than that. And then you just eliminate all those.

22 So that's kind of how I'm just trying to,
23 just for the good of the order, I'm kind of seeing the
24 different issues. And obviously we can all disagree,

1 but I'm just kind of seeing how things break out.

2 And, again, the weight of the testimony is
3 important in weighing that. So I'll just throw that
4 out for the folks to think about.

5 So it's safe to say on the felony, there's
6 nothing -- based on what Mr. Helvey read about
7 Ms. Barnhouse's felony, that that would not -- I mean,
8 she has another issue with her petition, but just to
9 cross that off the list so we're not wasting our time
10 discussing that anymore.

11 MR. STEVENS: You said she was off the post
12 release control?

13 MR. HELVEY: Yeah. Let me make sure that
14 there's nothing else out there. Well, there's two
15 different charges here. Case No. 07-CR-001334,
16 possession of drugs and receiving stolen property. The
17 community control was terminated on August 10th of '11.
18 And then --

19 MR. KING: What was the -- does it give the
20 offense citation or the statute?

21 MR. HELVEY: Yeah. Hold on just a second.
22 And there's a 2006 case, 06-CR-001231. She pled guilty
23 to receiving stolen property begin. And that's
24 2913.51. And it does not appear that she was on

1 probation for that one. They gave her credit for time
2 served.

3 MR. CUCKLER: If you get to where you're
4 looking that up, Andrew, then anything else on that?

5 All right. So then the next question is,
6 while he's looking up the felony issue, the missing
7 full name of Alfonso, what is the effect? What does
8 that mean when someone's full name is not on a
9 circulating -- listed as a circulator?

10 MR. BURNWORTH: I think that was just in the
11 printed part.

12 MS. SHALOSKY: It was just the printed part,
13 but you also could not read -- at all read the
14 signature part to tell whether it's just in the
15 signature part, too.

16 MR. HELVEY: I'd have trouble certifying that
17 petition because we can't identify who the circulator
18 is.

19 MR. CUCKLER: Okay.

20 MR. KING: It is possible he has only one
21 name like Prince. I'm throwing it out there, so --

22 MS. SHALOSKY: I can't say that clearly
23 because you can't -- I'm not sure where --

24 MR. SCHUCK: If I may, there are other

1 petitions he's circulated around the state with a first
2 and last name. I can get you some, but I've seen them
3 because I had the same question as well. And there may
4 be others, I thought, that he circulated in Delaware
5 County that had a first and last name.

6 MR. COLOMBO: Can I speak as well since --

7 MR. CUCKLER: Go ahead.

8 MR. COLOMBO: I would ask the board why was
9 it not a problem before but it's a problem now when it
10 was something that wasn't covered in the directive.
11 Why are we looking for additional things?

12 MR. CUCKLER: Yeah. I think I would throw
13 out to you, Corey, that since it's now been sent back
14 to us, yes, with a directive, but under the board's
15 duties to check the irregularities, as a result of
16 trying to comply with this directive, we've also come
17 across some other irregularities. I guess my duty as a
18 board member is if we have that -- as there are
19 statutory authority, what we do and why we meet is to
20 look at those things as well. So it's something that's
21 come to my attention, I think we have to address it.

22 MR. COLOMBO: But just for the record, your
23 board on the first round found that to be an acceptable
24 petition.

1 MR. CUCKLER: Because I think they were --
2 the first go-around, we were just looking at the valid
3 signatures. We did not look at the quality of the
4 petition.

5 MR. BURNWORTH: I think first go-around or
6 second go-around or third go-around, though, the
7 parameters are still the same. It's a statewide
8 petition. We don't certify part petitions or the
9 petition itself. We just verify signatures. And so
10 the first go-around, that's all we did. The second
11 go-around, that's all we should do, but the directive
12 does not direct us to investigate the part petition
13 circulators as to their address and everything like
14 that. They particularly keyed out a black line and the
15 number. I don't think it was a catchall, go fishing
16 trip by directive. I think we're limited a little bit.

17 MR. CUCKLER: Shawn, you had something to add
18 you were going to say?

19 MR. STEVENS: I think you're right, Bruce,
20 about that except that he's very specific on those two
21 items specifically that we do a thorough investigation.

22 I would just -- I did want to say one more
23 thing. When I read that Supreme Court decision, *Loss*
24 *versus Board of Elections, Lucas County*, that was cited

1 in the Secretary of State's footnote number 4 on his
2 directive, the Supreme Court specifically says, with
3 respect to the number of signatures on the circulator
4 statement being higher than what's actually signed, I,
5 too, like Ed over the years have wondered why is it so
6 important to have those match if at least you have more
7 on the circulator statement than what's signed.

8 The Supreme Court says it's because, and I
9 quote, in our view, the requirement of Revised Code
10 3513.07, that the circulator state in the jurat that
11 the number of signatures personally witnessed by him is
12 a protection against signatures being added later. As
13 such, it is a substantial reasonable requirement.

14 To me, after I read that I thought, well,
15 that's why it matters so much because you, as a
16 circulator, hand in your petitions and then some
17 parties -- it protects against parties adding more
18 signatures if you didn't witness those. So to me,
19 that's an important thing to consider.

20 MR. KING: On the felony question, I think
21 it's more likely than not that she was permitted to
22 circulate.

23 MR. CUCKLER: She was permitted. Okay. So
24 we won't discuss that anymore.

1 MR. BURNWORTH: Are we in the final wrap-ups
2 or --

3 MR. CUCKLER: Yeah. I've got some motions
4 I'm going to submit as chairman, but I'm just going to
5 throw them all out there so we kind of know where
6 everybody is.

7 MR. BURNWORTH: Well, we're in the finals,
8 what Steve just mentioned is a valid point about -- I'm
9 sorry, Shawn, just mentioned. I got my Ss mixed up.
10 You do that when you're almost my age.

11 Having blanks on a part petition and yet
12 showing a number that indicates that the total lines on
13 the part petition could be a problem if you distrust
14 your local Boards of Elections to not fill in names
15 after they've been submitted.

16 But a lot of these in particular, if you've
17 noticed, have that X or a line across all the blank
18 areas. And we've kind of objected to that saying, who
19 put that line there? Well, I say that prevents anybody
20 from writing a name in there that isn't lined out.
21 It's good for us to have that X or that line across
22 those vacant pages and vacant areas. And it probably
23 ought to be an industry standard to go ahead and do
24 that.

1 It's kind of like if you write a personal
2 check, you know, sometimes you write the number out and
3 you draw the line the rest of the way, that's so
4 somebody else can't start adding zeros. So that's a
5 good thing.

6 But specifically let's talk about the lineout
7 part, the black lineouts that the Secretary of State
8 has asked us to kind of look at things. I don't care
9 what color it is. I don't care how fat it is or how
10 dark it is or anything, but petitions historically have
11 been submitted to Boards of Elections with lineouts.
12 They're lined out before we get them, so we don't try
13 to verify anything or certify anything with a lineout.
14 We don't consider that at all.

15 So as Mr. Helvey said, that's not to their
16 advantage to go ahead and start lining things out. But
17 it does help us if they're from a different county or
18 for some reason the signature wasn't a registered
19 voter, it saves us effort because we actually keep
20 track of how many people were not registered or
21 whatever the deal is.

22 And so it makes for a more accurate part
23 petition if there are lineouts, so, I mean, I'm glad
24 they do it.

1 But specifically I want to talk about
2 3501.38(G). And in the directive, it's Exhibit A that
3 the Secretary of State gave us, it says the circulator
4 of a petition may before filing it in a public office
5 strike from it any signature the circulator does not
6 wish to present as part of the petition.

7 It doesn't say he has to have any reason at
8 all. They can strike it. And that part I think we've
9 overlooked to a considerable amount.

10 The second part of that, although there's a
11 few more decimal points, it's 3501.38.2, it says the
12 signer of a petition or an attorney in fact can strike
13 names. And that's where I go to Exhibit F where we
14 have those four people because they are assigned by
15 Mike DeWine as attorney in fact of this circulator.

16 So I'm satisfied that all the part petitions
17 given to us that have black lines through them were
18 done so correctly. They were all done before we got
19 them. I'm happy. Time to move on. We certified 324
20 names earlier, except staff has told us that they found
21 one additional, and that would bring us to 325.

22 Now, as to the number, I'd recommend the
23 legislature change the form. Leave the number off. We
24 can count them. I don't care if there's 13 of them

1 lined out. You know, we'll come up with the sum total
2 and tell you how many are good. We don't need that
3 number. All we need is a petition that the circulator
4 swears they saw them sign it, and you guys figure out
5 if they're valid or not. We can do that. We've done
6 it in the past.

7 Now, if you want to look for some authority,
8 I'm going to go with the Ohio Elections Handbook, which
9 is on the Secretary of State's website, that says, we
10 have to count the part petitions that have a number
11 greater than the actual number of signatures on the
12 part petition. So that's a directive given to us time
13 and time again over the years, and that's how we
14 followed it.

15 Today is not the day to change that. It
16 might be changed in the future. But our actions today
17 should be based on that directive and that guideline.
18 And the current directive that asks us to look at that
19 stuff, 2016-01, doesn't tell us to draw conclusions
20 that are different than the Ohio Elections Handbook.
21 So I'll stand on that.

22 MR. HELVEY: And just to add to that
23 statement, this secretary -- the previous secretaries
24 have specifically reversed or -- what's the phrase I

1 want to use?

2 MR. BETTS: Rescinded.

3 MR. HELVEY: -- rescinded a previous round,
4 but not that one.

5 MR. BURNWORTH: Not being an attorney, that's
6 how I see it.

7 MR. CUCKLER: It's 1:00. Let's just stand
8 down for five to ten minutes. We'll come back and do
9 some motions and then we should be done. So try to be
10 back here -- what is it, 1300? So try to be back here
11 -- I'll say 1305, which really means 1310, but let's do
12 that.

13 (Recess taken.)

14 MR. CUCKLER: Welcome back into session. I'm
15 going to offer a few motions as my prerogative as the
16 chair. It will obviously require a second. If there's
17 a second, we'll then proceed on a vote on each of
18 those. If there's no second, then obviously it fails
19 for lack of a second.

20 So the first motion I would entertain, I move
21 that we, Delaware County Board of Elections -- what's
22 the proper term? I strike, remove from the
23 certification -- decertify the part petitions
24 circulated by Alfonso for the lack of his full name

1 being listed as -- on the circulator statement.

2 MR. HELVEY: So moved -- or I second.

3 MR. CUCKLER: It's been moved and seconded.

4 Any discussion on that? Seeing none, I'll take a vote.

5 All in favor of the motion say aye. Opposed? Four

6 ayes.

7 The second motion I'd like to make is I would
8 move to decertify the part petition circulated by
9 Marquita Barnhouse based on the evidence of her
10 testimony today that the markings were -- on her part
11 petition were done after she submitted the part
12 petition to Elite Campaigns, LLC.

13 MR. HELVEY: What markings are you talking
14 about?

15 MR. CUCKLER: The black markings that are on
16 the petition that she testified that she did not do and
17 that --

18 MR. HELVEY: That's a separate issue.

19 MR. STEVENS: I second that motion.

20 MR. HELVEY: So the motion is that you want
21 to not put into our calculation her petition because it
22 had -- because some names were struck out and she did
23 not strike them out?

24 MR. CUCKLER: Is your issue the 28 with her?

1 MR. HELVEY: Yeah.

2 MR. CUCKLER: Okay. So I'll remove my
3 motion. If you want to make the motion then.

4 MR. HELVEY: I move that we not count
5 Marquita Barnhouse's petition because she testified
6 under oath that she did not write the number 28 on her
7 circulator statement.

8 MR. BURNWORTH: I'll second it.

9 MR. CUCKLER: It's been moved and seconded on
10 the motion, Mr. Helvey's motion. All in favor of the
11 motion, say aye. Motion carries four/zero.

12 The next motion I'd like to make is on -- is
13 regards to Ms. Douglas. Rebecca Douglas testified
14 today on her part petitions that none of the markings,
15 the blackouts nor the penciled-in numbers -- or
16 penciled-in letters that she did prior to her
17 submitting that to Elite Campaigns, LLC. So I would
18 move that we would strike -- or decertify her part
19 petition as well based on her testimony.

20 MR. BURNWORTH: Would you go through that
21 again? Why would we not want to count hers?

22 MR. CUCKLER: Because she testified that
23 someone other than her affected the petition, made
24 markings on the black marks, the strikeouts and the --

1 adding the pencil letters on the side. When she
2 submitted it as a circulator, those things were not on
3 there. So someone after the fact submitted that.

4 MR. STEVENS: I'll second that motion.

5 MR. HELVEY: Discussion? We had a similar
6 argument made to us in a protest that you did not
7 participate in, Mr. Cuckler. You recused yourself.
8 Your firm represented a mall builder. And they were
9 trying to build the argument that if anybody made any
10 mark on a petition, that it should have been a
11 validated petition.

12 I believe it was a three-to-nothing vote that
13 it was superfluous that other people put stray marks or
14 lineouts on a petition.

15 MR. BURNWORTH: In addition, there were even
16 names written off to the side of the signature. And,
17 in fact, we heard testimony that that actually helped
18 the Board of Elections determine who that signer was if
19 you couldn't read the signature.

20 MR. STEVENS: My issue is not with whatever
21 is written in the margin. My issue is the strikeout.

22 MR. HELVEY: I don't know if you want to
23 amend your motion or separate the two issues, the marks
24 along the margin and then the strikeouts.

1 MR. CUCKLER: Okay. Yeah. I can move to
2 amend my motion to just keep it to the
3 blackout/strikeout of the signatures on the page that
4 was done other than -- done by someone other than
5 Ms. Douglas per her sworn testimony today.

6 MR. STEVENS: I second it.

7 MR. CUCKLER: Okay. Any other discussion?

8 MR. HELVEY: I just want to reiterate that
9 absent a clear directive from the Secretary, I don't
10 see a problem with that. I don't see any advantage
11 that the circulators achieve by striking out signatures
12 for whatever reason.

13 MR. CUCKLER: Correct.

14 MR. BURNWORTH: Yeah, I agree with Ed on all
15 that. And further, you got to remember, that's how it
16 came to us. And our job is to certify signatures,
17 valid signatures, not worry about what we can't read.
18 And so we did our job. And it's an industry practice.
19 I mean, that's what happens. It's going to happen
20 again. Now, if the rules want to change, so be it, but
21 that's not what we're dealing with today.

22 MR. CUCKLER: All right. I'll just -- you
23 guys have persuaded me, so I'll withdraw that motion.

24 MR. STEVENS: And just for the record, I've

1 withdrawn all my seconds on all those withdrawals that
2 you've made.

3 MR. CUCKLER: Nice. Absolutely. That's a
4 smart move. All right. So I withdraw my motion. It's
5 no longer a part of this.

6 Does anybody else have a motion?

7 MR. STEVENS: Mr. Chairman, I would offer a
8 motion that we do not certify the 22 part petitions
9 that included what staff called the 28 rule where the
10 number 28 was listed by somebody in the statement of
11 circulator on these part petitions. Of the 85 part
12 petitions we received in Delaware County, 22 of them I
13 count had that rule where they were -- the number was
14 grossly different from the number of actual signatures.
15 Grossly overstated. There was one that had 28 listed
16 as a number, but I'm not including that. So there's 22
17 part petitions total that I propose that we not
18 certify.

19 MR. HELVEY: So you're saying the one
20 petition said 28, but there were 28 signatures?

21 MR. STEVENS: Correct.

22 MR. HELVEY: So you want to exclude that from
23 the mix --

24 MR. STEVENS: Correct.

1 MR. HELVEY: -- or from your motion?

2 MR. STEVENS: Yes. So there are 22 part
3 petitions that I would like to --

4 MS. HERRON: You've used the terminology
5 invalidate up to this point.

6 MR. CUCKLER: My motion was decertify, right?
7 What do you want? What's the -- invalidate?

8 MR. BETTS: Decertify.

9 MR. CUCKLER: That's the word I used in my
10 first two motions.

11 MR. STEVENS: My motion is to decertify 22
12 part petitions because of the 28 rule.

13 MR. CUCKLER: I'll second that. Any
14 discussion? And let me know where everybody is on that
15 one.

16 MR. BURNWORTH: Well, you know, yeah, you do.
17 But for the record, I do want to reiterate that we do
18 have a directive that's part of the Ohio Elections
19 Handbook that specifically tells us we have to count
20 the part petitions that have a higher number than what
21 is actually certified to be on that part petition. I
22 mean, that's been that way a long time. And I
23 personally don't want to violate that directive.

24 It's also the right thing to do. We're not

1 defrauding the public or anybody because of a number
2 that happens to be higher than the actual number of
3 signatures that are evident. There's a reason that if
4 the signer puts a fewer number on that actually signed,
5 it would indicate that there was fraud. You know, that
6 a few people tried to add their name on after the fact.
7 And this way, you know, it doesn't happen.

8 So the court is correct in saying that the
9 higher number is irrelevant. The Secretary of State is
10 correct in saying that the higher number is irrelevant
11 in the Ohio Elections Handbook. And that's been an
12 industry practice followed by all 88 counties for
13 years. You know, today is probably not the day to
14 address that.

15 MR. CUCKLER: Yeah, I would just like to add
16 -- I appreciate that, Bruce. I would just like to add
17 that page 3 of the directive from the Secretary of
18 State, 2016-01, is talking about the preaffixing the
19 number of signatures, the overreporting of signatures,
20 quote, unquote -- ergo a circulator statement reporting
21 to have witnessed 28 signatures on a part petition
22 bearing only two signatures -- is so strikingly
23 prevalent in this submission that the suggestion that
24 unintentional arithmetic errors are to blame strains

1 credulity, right?

2 So this cannot be the result envisioned by
3 case law, otherwise the exception would swallow the
4 rule.

5 So I just offer that this paragraph from the
6 Secretary of State's directive, I think, is supportive
7 of what Mr. Stevens is trying to do where we're not
8 talking about someone had 27 and then listed 28. Most
9 of these are striking where it just doesn't make any
10 sense. It defies any understanding or rationale. And
11 that's what the Secretary of State's directive is
12 getting to, so that's what I'm basing my second on.

13 MR. BETTS: So your position is there's more
14 than just an arithmetic error?

15 MR. CUCKLER: Correct.

16 MR. HELVEY: And I would suggest that the
17 last sentence of that paragraph is where they say, this
18 cannot be the result envisioned by case law, but it is
19 case law. Whether this is an overreach of that
20 application should be decided by the Supreme Court and
21 not by us, not by directive. And it will end up there.
22 Both sides are well represented. But at this point, it
23 is the law of the State of Ohio to allow these
24 petitions to have a higher number, a much higher

1 number, a less higher number. It doesn't say. It's
2 just that you can go higher. And so we'll find out
3 here in about a month or so if this is correct or not.

4 MR. BURNWORTH: And I'm going to further one
5 more little point there thanks to you reading that.
6 Jon Husted is very careful to not say it's a violation
7 of, or he uses words like presume and could be, might
8 be, but that hasn't been spelled out yet, at least not
9 as of today. Maybe a month from now, it will be. I'm
10 not saying it doesn't need some remedy. But based on
11 past history, that's not a position -- Steve -- or
12 Shawn's position is not one that we have supported. So
13 I can't support the motion.

14 MR. CUCKLER: Okay. Fair enough. All right.
15 Any more discussion? Seeing none, we'll take a vote on
16 the motion. We can just do a roll call. I'll just
17 start from down here.

18 Mr. Stevens?

19 MR. STEVENS: Aye.

20 MR. CUCKLER: Mr. Helvey?

21 MR. HELVEY: Nay.

22 MR. CUCKLER: Mr. Cuckler, yes.

23 MR. BURNWORTH: Nay.

24 MR. CUCKLER: Okay. All right. So we have a

1 two/two tie on that, on that motion.

2 MR. STEVENS: Mr. Chairman, I'd like to
3 present one last motion.

4 MR. CUCKLER: Okay.

5 MR. STEVENS: With respect to the lineouts,
6 there are 28 specific instances in Delaware County out
7 of the 85 part petitions that we received that had the
8 same lineouts that we saw that the Secretary referenced
9 in his directive. There are 24 part petitions that
10 were not included in the rule of 28 that we just voted
11 on. So my motion would be to decertify those
12 additional 24 part petitions that have the lineouts.

13 MR. HELVEY: Okay. Help me understand. We
14 had --

15 MR. STEVENS: Or maybe we could just do the
16 28.

17 MR. HELVEY: So there's others that had
18 lineouts that were not part of the rule of 28?

19 MR. STEVENS: There's four that have lineouts
20 that were included in the 28.

21 MR. HELVEY: Okay.

22 MR. STEVENS: So maybe we should make a
23 motion to --

24 MR. CUCKLER: Go ahead and restate your --

1 MR. STEVENS: And so if you don't mind --

2 MS. HERRON: The 28, I know it's redundant.

3 MR. STEVENS: I'll restate my motion.

4 So in Delaware County there were 28 part
5 petitions out of the 85 that had lineouts consistent
6 with what we saw and what we heard testimony today that
7 indicated that they were made by somebody other than
8 the circulator. And I would make a motion to decertify
9 those 28 part petitions.

10 MR. CUCKLER: I'll second that motion. Any
11 discussion?

12 MR. HELVEY: I think we discussed this
13 before.

14 MR. CUCKLER: Right. Anything else you guys
15 want to state for the record?

16 MR. BURNWORTH: We can't possibly say
17 anything more about that.

18 MR. CUCKLER: Okay. We'll now bring it up --
19 seeing no more discussion -- we'll bring it up for a
20 vote, do a roll call.

21 Mr. Stevens?

22 MR. STEVENS: Aye.

23 MR. CUCKLER: Mr. Helvey?

24 MR. HELVEY: Nay.

1 MR. CUCKLER: Mr. Cuckler, aye.

2 Mr. Burnworth?

3 MR. BURNWORTH: Nay.

4 MR. CUCKLER: All right. The motion results
5 in a two/two tie. We'll kick it back for some
6 direction.

7 MR. BURNWORTH: Let's wait till it's resolved
8 before we --

9 MR. CUCKLER: Any more motions from this
10 body?

11 MR. BURNWORTH: I have one.

12 MR. CUCKLER: Okay.

13 MR. BURNWORTH: Karla indicated earlier that
14 there was one additional signature after our re-review
15 process had been completed. We probably can't leave
16 that signature in remiss. I'll move that we include
17 the one additional signature in whatever tally we end
18 of recertifying.

19 MR. CUCKLER: Can you refresh my mind what
20 he's talking about? Was that because you discovered
21 one after the fact?

22 MS. HERRON: Correct. We instructed to the
23 staff not just to forward them that, but to go through
24 and one by one check again and then re-review. It was

1 very difficult to read the signature and the address,
2 but it was found that the -- on the second go-around,
3 it should have been counted as a registered voter. And
4 it was noted as not registered. And so we would like
5 for you to update that. And now it could be on --

6 MR. CUCKLER: Is that the purview of the
7 director?

8 MS. HERRON: No.

9 MR. COLOMBO: I'll withdraw my comments on
10 that one.

11 MS. HERRON: Not specific, but we took it
12 that we were to re-review everything.

13 MR. HELVEY: I'll second his motion.

14 MR. CUCKLER: It's been moved and seconded.
15 Any discussion? Seeing none, I'll take it to a vote.
16 All in favor of Mr. Burnworth's motion say aye. Motion
17 carries four/zero for the counting of this additional
18 signature.

19 Okay. Any more business in front of the
20 Board of Elections on this hearing? We do have a
21 regular board meeting tomorrow at 9:00 a.m.

22 MS. HERRON: Chairman, just for
23 clarification, we can just give you an update at
24 tomorrow's meeting what the final numbers are as we go

1 through, take our time to go through and update those.

2 MR. CUCKLER: So what I would envision is the
3 minutes having -- listing the various motions, et
4 cetera, throughout the day, and then obviously the
5 motions. And then we need to accompany that with the
6 exhibits.

7 MR. BURNWORTH: One thing I'd like to point
8 out for the record, and you guys back there might know
9 this, these two motions where it's a two/two tie,
10 normally we submit some kind of a written letter to the
11 Secretary of State it's a tiebreak vote.

12 I don't know if we're going to do that or
13 not. There may be some action down in Columbus that
14 occurs prior to whatever submission we could do. But
15 being that be the case, the previous Board of
16 Elections' actions stand firm. So right now we would
17 be re-recertifying the 325 minus the two that we did
18 agree should be part of the part petitions.

19 MR. BETTS: Plus one.

20 MR. BURNWORTH: Plus one in addition to that,
21 yeah.

22 MR. CUCKLER: I don't know if that's accurate
23 or not.

24 MR. BURNWORTH: Well, we didn't change

1 anything.

2 MR. SCHUCK: You're required to submit ties
3 within 14 days, I believe, so --

4 MR. HELVEY: We submit them, and then does he
5 then request --

6 MR. SCHUCK: He's required to break them
7 summarily, so whatever summarily means.

8 MR. HELVEY: But I'm trying to remember --

9 MR. SCHUCK: I understand what Bruce is
10 saying is that if there's -- what you're saying is that
11 if there's not a tie-breaking vote by the 29th, what do
12 you do. What's on your certification form if you don't
13 have a tie broken by the 29th?

14 MR. HELVEY: And I'm trying to remember if we
15 notified them of the tie vote and then he sends us a --

16 MR. CUCKLER: Well, I don't know. We'll
17 figure that out. We're done with the hearing. That
18 would conclude the hearing. But us lawyers got to
19 figure that out. I would argue that there is no -- I
20 mean, he asked us to re-review and to either not
21 certify, certify some, not certify others or recertify
22 like some of the other counties have done.

23 So we've taken some motions on some of these.
24 And where there's a tie vote, I'd say there's an issue

1 of certification.

2 MR. BETTS: I think there's an issue to be
3 resolved, but I think because there was no majority to
4 pass it at this point and it was a tie vote, that the
5 previous stance, the previous certification of this
6 board continues to stand until that's changed by some
7 decision based on the tie vote.

8 MR. CUCKLER: That could be. I don't know.
9 We have a regular board meeting tomorrow at 9:00 a.m.
10 here. Seeing no more business in front of this
11 hearing, we're adjourned.

12 - - -

13 Thereupon, the proceedings of January
14 25, 2016, were concluded at 1:36 p.m.

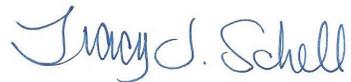
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1 CERTIFICATE

2 I, Tracy J. Schell, a Notary Public in and
3 for the State of Ohio, do hereby certify that I
4 reported the foregoing proceedings and that the
5 foregoing transcript of such proceedings is a full,
6 true and correct transcript of my stenotypy notes as so
7 taken.

8
9 I do further certify that I was called there
10 in the capacity of a court reporter, and am not
11 otherwise interested in this proceeding.

12
13 In witness whereof, I have hereunto set my
14 hand and affixed my seal of office in Lewis Center,
15 Ohio, on this 28th day of January, 2016.

16 

17 _____
18 Tracy J. Schell
19 Notary Public, State of Ohio

20 My commission expires: November 5, 2018
21
22
23
24

EXHIBIT Q

PDF Printout of PCI Webpage accessed February 23, 2016

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QUALIFYING YOUR BALLOT INITIATIVE OR REFERENDUM
DOOR-TO-DOOR CANVASSERS

SERVICES: *Qualifying your Ballot Initiative or Referendum*

Our expert strategists are ready now to assess your resources, needs and goals. Our state of the art custom petition management software system is designed to assure that your goals are met within the fastest possible time frame and at the lowest possible cost. We have multilayered safety checkpoints - both human and technological - that eliminate the dangers of guesswork. We'll walk you through the process, providing peace of mind today and valuable experience for the future. Our program is so well-proven that we actually guarantee:

- ✓ Regulation compliance
- ✓ State of the art validity checks and high validity rates
- ✓ Systematic organizational oversight
- ✓ On time processing and delivery

Your success is spelled out clearly in our contract, which guarantees a validity rate on every paid signature. It is our promise to you. We will absorb any cost - even pay for additional signatures - to ensure the campaign gets the number of valid signatures required by law for qualification. If we fall below the promised rate, we will cover the cost of attaining it. This means your petition qualifies - on budget - and your campaign saves money. Guaranteed.



▶ **Regulation Compliance**

Last minute disqualification due to failure to comply with current state regulation can spell disaster for your campaign. We've seen firsthand how laws can change unexpectedly. We stay current with all requirements and research extensively to guarantee compliance with regulations in each state.

▶ **State of the Art Validity Checks**

Our system of checking signatures starts with the fundamental belief that you cannot be too conservative when it comes to checking the quality of petition signatures. We use state-of-the art, customized database programs to make your petition drive "sabotage-proof." Throughout the petition gathering phase, we consistently enter large samples of signatures and addresses into our proprietary database system to weed out duplicates and unregistered voters. Then we actively cross-off all invalid signatures by hand. This gives you the strongest possible safeguard available today and saves you money by not paying for unnecessary invalid signatures.

▶ **Systematic Organizational Oversight**

Invalid signatures are the quickest route to bankrupting and/or disqualifying your effort. Some opponents will intentionally attempt to sabotage petitions by loading them with false signatures. We carefully track validity rates for every single petitioner and quickly eliminate bad signatures and any problem petitioners. Unlike our competitors, we have the unique ability to manage the many details of a professional petition drive. Experienced staff members closely monitor our independent contractors who gather signatures for you. Proper training and motivation keep our directors alert to irregularities that could signal fraud or poor quality work. Since we guarantee valid signature results, you can be sure that we rely only upon senior staff, with years of field experience, to check petitions for suspicious trends, and manually cross off all duplicates.

▶ **On Time Processing and Delivery**

Maximum efficiency and attention to detail is a must when completing the tedious steps of tallying final signature counts on each page and separating thousands of petitions by county (or congressional district) and according to laws that vary widely by state. Finally, we box, seal and securely store all petition sheets before delivering them to the proper officials in each and every county on or before the deadline. Officials in each county or district must begin the long process of verifying sometimes hundreds of thousands of signatures, so we recognize the importance of making their job easier by delivering petitions to officials bundled by signature count, labeled clearly and boxed appropriately. Through years of experience, we have also come to know how different registrar officials work and use that knowledge to deliver the petitions accordingly.

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LOGIN FOR VENDORS

EXHIBIT R

**Letter from Mahoning County Board of Elections to the Secretary of State's
Office dated January 28, 2016**

Chairman
Mark E. Munroe

Board Members
David J. Betras, Esq.
Robert J. Wasko
Tracey S. Winbush

MAHONING COUNTY
BOARD OF ELECTIONS

Your vote counts!



Joyce Kale-Pesta
Director

Thomas P. McCabe
Deputy Director

Jon Husted
Ohio Secretary of State
180 East Broad St.
Columbus, Ohio 43215

January 28, 2016

Dear Secretary Husted,

At a meeting of the Mahoning County Board of Elections held Wednesday, January 27, the board voted to forward our re-certification of the Ohio Drug Price Relief Act part-petitions to your office. Present at the meeting were Atty. Don McTigue, representing the committee that circulated the petitions, Atty. Ed Romero, representing Pharmaceutical Research and Manufactures of America, and attorneys Linette Stratford and Sharon Hackett from the Mahoning County Prosecutors Office.

Following our investigation and re-review of the petitions, and upon advice from the Mahoning County Prosecutor's Office, we are certifying the same number of signatures as before.

After my review of many petitions I was quite disturbed to see the many redactions (line-outs) and inaccurate circulator statements regarding the number of signatures witnessed. However, we have been advised by our legal counsel that the issue of who may remove names from a petition is a legal issue better left to the election official charged with accepting the petitions for filing or to the Ohio Supreme Court, which has exclusive, original jurisdiction in all challenges to state-wide initiatives. In addition, we have been advised by our legal counsel to follow the policies set forth in the 2015 Election Official Manual, which instructs us to accept the petition if the actual number of signatures on the petition is less than the number indicated in the circulator's statement. In this regard, I note that all of the circulators that we were able to personally speak with during our investigation told us that they personally witnessed every signature to the petition. This, coupled with the fact that we found no evidence of fraud, required the conclusion that the board should re-certify the signatures. Recognizing the importance of the right of citizens to the initiative process, we felt that these issues are more properly left to your office and to the Supreme Court to resolve, so that Ohio is not faced with different outcomes from 88 boards of election.

It is an observation of mine that the requirement that a circulator attest to the number of signatures has caused more headache and heartache over the years, without much public benefit. I think, as a legislative fix, it might be sufficient to require that the circulator attest that he or she witnessed each signature, and then a line be drawn through any blank lines when the petition is filed.

Please contact either myself or director Joyce Kale-Pesta if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark E. Munroe", written over a horizontal line.

Mark E. Munroe, Chairman
Mahoning County Board of Elections

EXHIBIT S

Butler County Prosecuting Attorney Letter Dated January 25, 2016



MICHAEL T. GMOSE
BUTLER COUNTY PROSECUTING ATTORNEY
CIVIL DIVISION



GOVERNMENT SERVICES CENTER • 10TH FLOOR
P.O. BOX 515 • 315 HIGH ST. • HAMILTON, OH 45012-0515

January 25, 2016

Hon. John Husted
Secretary of the State of Ohio
180 E. Broad St., Floor 16
Columbus, OH 43215

Re: *Re-Review of Part-Petitions for Ohio Drug Price Relief Act*

Dear Secretary Husted:

Pursuant to your Directive 2016-01, the Butler County Board of Elections re-reviewed the part-petitions for the Ohio Drug Price Relief Act which purported to contain signatures from electors residing in Butler County.

Your Directive described concerns relating to a pattern of variance between the circulator's statement of the number of signatures contained on each part-petition and the actual number of signatures. You specifically raised the question as to whether a similar method of striking names with a heavy black marker on the various part-petitions might indicate the presence of fraudulent activity by the circulators either by completing the Circulator's Statement before the signatures were affixed or by the striking of signatures after the Circulator's Statement was executed.

Attached is a spreadsheet prepared by the Butler County Board of Elections to document its re-review of the part-petitions you returned to the Board in accordance with Directive 2016-01. As you can see, 79.59% of the signatures which were marked out on these part-petitions were determined by the Board to be facially invalid and would have been determined invalid by the Board if they had not been stricken.

Based on its review, the Board is unable to conclude that the variance between the circulator's statement of the number of signatures contained on each part-petition and the actual number of signatures alone gives rise to an inference of fraud or material misrepresentation. The Board is hopeful that this information is helpful to you in reaching a decision as to the validity of the petitions.

If you require additional information or have questions concerning preparation of the attachment, please feel free to contact the Board of Elections at your convenience.

Sincerely Yours,

Roger S. Gates
Assistant Prosecuting Attorney

Enc.

cc: Diane Noonan, Director
Jocelyn Bucaro, Deputy Director

Butler County Directive 2016-01 Spreadsheet

Petition #	# Certified By Circulator	Circulator's Name	Circulator's Co.	# of Signatures Not Marked Out	# of Signatures Marked Out (NE)	# of Marked Out Signatures Facially Invalid	Undersignature Rate
1	28	Nathan Mallatt	Educated Voters	28	0	0	0.00%
2	28	Klenard Neadhan	Educated Voters	28	0	0	0.00%
3	28	Klenard Neadhan	Educated Voters	28	0	0	0.00%
4	28	Sean Thomas	Educated Voters	28	0	0	0.00%
5	28	Sean Thomas	Educated Voters	28	0	0	0.00%
6	28	Klenard Neadhan	Educated Voters	28	0	0	0.00%
7	28	Klenard Neadhan	Educated Voters	28	0	0	0.00%
8	28	Sean Thomas	Educated Voters	28	0	0	0.00%
9	28	Sean Thomas	Educated Voters	28	0	0	0.00%
10	28	Klenard Neadhan	Educated Voters	28	0	0	0.00%
11	28	Klenard Neadhan	Educated Voters	28	0	0	0.00%
12	28	Sean Thomas	Educated Voters	28	0	0	0.00%
13	28	Sean Thomas	Educated Voters	28	0	0	0.00%
14	28	Sean Thomas	Educated Voters	28	0	0	0.00%
15	28	Sean Thomas	Educated Voters	28	0	0	0.00%
16	28	Sean Thomas	Educated Voters	28	0	0	0.00%
17	28	Fifi Harper	Educated Voters	28	0	0	0.00%
18	28	Carlos Martinez	Educated Voters	28	0	0	0.00%
19	28	Dustin Rozwarski	Educated Voters	28	0	0	0.00%
20	28	Walter Page	David Saddler	28	0	0	0.00%
21	28	David L. Saddler	David Saddler	28	0	0	0.00%
22	28	Dustin Rozwarski	Educated Voters	28	0	0	0.00%
23	28	Carlos Martinez	Educated Voters	28	0	0	0.00%
24	28	Kevin Gutrie	Educated Voters	28	0	0	0.00%
25	28	Daniel Zuk	Educated Voters	28	0	0	0.00%
26	28	Klenard Neadhan	Educated Voters	28	0	0	0.00%
27	28	Klenard Neadhan	Educated Voters	27	1	0	3.57%
28	28	Klenard Neadhan	Educated Voters	27	1	0	3.57%

Butler County Directive 2016-01 Spreadsheet

Petition #	# Certified By Circulator	Circulator's Name	Circulator's Co.	# of Signatures Not Marked Out	# of Signatures Marked Out (NE)	# of Marked Out Signatures Facially Invalid	Undersignature Rate
29	28	Dustin Rozwarski	Educated Voters	27	1	1	3.57%
30	28	Dustin Rozwarski	Educated Voters	27	1	1	3.57%
31	28	Klenard Neadhan	Educated Voters	27	1	1	3.57%
32	28	Sean Thomas	Educated Voters	27	1	0	3.57%
33	28	Sean Thomas	Educated Voters	27	1	1	3.57%
34	28	Donald Sample	Educated Voters	27	1	0	3.57%
35	28	Kevin Gutrie	Educated Voters	27	1	1	3.57%
36	28	Sean Thomas	Educated Voters	27	1	1	3.57%
37	28	Sean Thomas	Educated Voters	27	1	1	3.57%
38	28	Kevin Gutrie	Educated Voters	27	1	1	3.57%
39	28	Kevin Gutrie	Educated Voters	27	1	1	3.57%
40	28	Marcha Butler	Educated Voters	27	1	1	3.57%
41	28	Dustin Rozwarski	Educated Voters	27	1	0	3.57%
42	28	Carlos Martinez	Educated Voters	27	1	1	3.57%
43	28	Carlos Martinez	Educated Voters	27	1	1	3.57%
44	28	Tyler Jeffers	Educated Voters	27	1	1	3.57%
45	28	Leonard Jackson	David Saddler	27	1	1	3.57%
46	28	Leonard Jackson	David Saddler	27	1	1	3.57%
47	28	Carlos Martinez	Educated Voters	27	1	1	3.57%
48	28	Ethan Rivera	Educated Voters	27	1	1	3.57%
49	28	Donald Sample	Educated Voters	26	2	2	7.14%
50	28	Carlos Martinez	Educated Voters	26	2	2	7.14%
51	28	Klenard Neadhan	Educated Voters	26	2	1	7.14%
52	28	Sean Thomas	Educated Voters	26	2	2	7.14%
53	28	Donald Sample	Educated Voters	26	2	0	7.14%
54	28	Klenard Neadhan	Educated Voters	26	2	2	7.14%
55	28	Klenard Neadhan	Educated Voters	26	2	1	7.14%
56	28	Klenard Neadhan	Educated Voters	26	2	1	7.14%

Butler County Directive 2016-01 Spreadsheet

Petition #	# Certified By Circulator	Circulator's Name	Circulator's Co.	# of Signatures Not Marked Out	# of Signatures Marked Out (NE)	# of Marked Out Signatures Factually Invalid	Undersignature Rate
57	28	Carlos Martinez	Educated Voters	26	2	2	7.14%
58	28	Ethan Rivera	Educated Voters	26	2	0	7.14%
59	28	Dustin Rozwarski	Educated Voters	26	2	2	7.14%
60	28	Carlos Martinez	Educated Voters	26	2	2	7.14%
61	28	Carlos Martinez	Educated Voters	26	2	2	7.14%
62	28	Jaleesa Williams	Educated Voters	26	2	2	7.14%
63	28	Jaleesa Williams	Educated Voters	26	0	0	7.14%
64	28	Nathan Mallatt	Educated Voters	26	2	2	7.14%
65	28	Jaleesa Williams	Educated Voters	26	2	1	7.14%
66	28	David Chaf?	Educated Voters	25	2	2	10.71%
67	28	Donald Sample	Educated Voters	25	3	2	10.71%
68	28	Dustin Rozwarski	Educated Voters	25	0	0	10.71%
69	28	Klenard Neadhan	Educated Voters	25	3	2	10.71%
70	28	Nathan Mallatt	Educated Voters	25	3	3	10.71%
71	28	Kevin Gutrie	Educated Voters	24	4	3	14.29%
72	28	Klenard Neadhan	Educated Voters	24	0	0	14.29%
73	28	Dustin Rozwarski	Educated Voters	24	4	3	14.29%
74	28	Dustin Rozwarski	Educated Voters	24	4	4	14.29%
75	28	Carlos Martinez	Educated Voters	24	0	0	14.29%
76	28	Sheldon Whipple	Educated Voters	24	1	1	14.29%
77	28	Donald Sample	Educated Voters	23	4	3	17.86%
78	28	Klenard Neadhan	Educated Voters	23	5	3	17.86%
79	28	Cody Eldred	Educated Voters	23	2	2	17.86%
80	28	Cody Eldred	Educated Voters	23	5	4	17.86%
81	28	Sheldon Whipple	Educated Voters	23	5	4	21.43%
82	28	Donald Sample	Educated Voters	22	6	4	21.43%
83	22	Sean Thomas	Educated Voters	22	0	0	0.00%
84	28	Kendriek Roberge	Educated Voters	22	0	0	21.43%

Butler County Directive 2016-01 Spreadsheet

Petition #	# Certified By Circulator	Circulator's Name	Circulator's Co.	# of Signatures Not Marked Out	# of Signatures Marked Out (NE)	# of Marked Out Signatures Facially Invalid	Undersignature Rate
85	28	Tyler Jeffers	Educated Voters	22	6	5	21.43%
86	28	Kevin Gutrie	Educated Voters	22	1	1	21.43%
87	28	Tyler Jeffers	Educated Voters	22	1	1	21.43%
88	28	Nathan Mallatt	Educated Voters	22	6	6	21.43%
89	28	Carlos Martinez	Educated Voters	22	0	0	21.43%
90	22	Cynthia Oglesbee	Educated Voters	22	0	0	0.00%
91	28	Cody Eldred	Educated Voters	21	7	6	25.00%
92	23	Walter Page	David Saddler	21	2	2	8.70%
93	28	Tyler Jeffers	Educated Voters	20	2	2	28.57%
94	20	Sheldon Whipple	Educated Voters	20	0	0	0.00%
95	28	Cody Eldred	Educated Voters	19	2	2	32.14%
96	28	Kevin Gutrie	Educated Voters	19	0	0	32.14%
97	28	Trishin Richard	Educated Voters	19	4	2	32.14%
98	28	Ardell Edmonds	Educated Voters	19	0	0	32.14%
99	18	Donald Sample	Educated Voters	18	0	0	0.00%
100	27	Kendriek Roberge	Educated Voters	18	3	3	33.33%
101	28	Cody Eldred	Educated Voters	18	3	3	35.71%
102	20	Sheldon Whipple	Educated Voters	18	2	2	10.00%
103	19	Thomas Robinson	Educated Voters	18	2	1	5.26%
104	28	Cassie Marschall	Educated Voters	17	3	3	39.29%
105	28	Sean Thomas	Educated Voters	17	0	0	39.29%
106	28	Sheldon Whipple	Educated Voters	17	0	0	39.29%
107	17	Thomas Robinson	Educated Voters	17	1	1	0.00%
108	28	Klenard Neadhan	Educated Voters	17	2	2	39.29%
109	17	Leonard Jackson	Educated Voters	17	3	3	0.00%
110	18	Sheldon Whipple	Educated Voters	18	1	1	0.00%
111	28	Cody Eldred	Educated Voters	16	10	9	42.86%
112	16	Dustin Davis	Educated Voters	16	5	5	0.00%

Butler County Directive 2016-01 Spreadsheet

Petition #	# Certified By Circulator	Circulator's Name	Circulator's Co.	# of Signatures Not Marked Out	# of Signatures Marked Out (NE)	# of Marked Out Signatures Facially Invalid	Undersignature Rate
113	16	Hunter Hice	David Saddler	16	0	0	0.00%
114	14	Nikeye Embry	David Saddler	14	0	0	0.00%
115	14	William Young	David Saddler	14	3	2	0.00%
116	28	Jaleesa Williams	Educated Voters	13	2	2	53.57%
117	28	Ethan Rivera	Educated Voters	13	1	1	53.57%
118	28	Kevin Gutrie	Educated Voters	13	1	1	53.57%
119	28	Carlos Martinez	Educated Voters	13	0	0	53.57%
120	13	Nikeye Embry	David Saddler	13	0	0	0.00%
121	12	Wilbur Pynes	David Saddler	12	0	0	0.00%
122	28	Carlos Martinez	Educated Voters	12	8	1	57.14%
123	28	Fifi Harper	Educated Voters	12	0	0	57.14%
124	28	Sean Maryson	David Saddler	12	2	0	57.14%
125	11	Nikeye Embry	David Saddler	11	0	0	0.00%
126	28	Cody Eldred	Educated Voters	10	0	0	64.29%
127	28	Ethan Rivera	Educated Voters	10	0	0	64.29%
128	10	Leonard Jackson	David Saddler	10	2	2	0.00%
129	10	Brian Turner	Educated Voters	10	1	0	0.00%
130		Diallo Doniely	David Saddler		0	0	
131	10	Nikeye Embry	David Saddler	9	2	0	10.00%
132	9	David Carter	DRW Campaigns	9	0	0	0.00%
133	9	Leonard Jackson	David Saddler	9	1	1	0.00%
134	9	Nikeye Embry	David Saddler	9	0	0	0.00%
135	8	William Young	David Saddler	8	0	0	0.00%
136	8	Diallo Doniely	David Saddler	8	0	0	0.00%
137	8	Anthony Carter	David Saddler	8	0	0	0.00%
138	14	Derrick Williams	David Saddler	7	1	1	50.00%
139	28	Jaleesa Williams	Educated Voters	7	2	2	75.00%
140	28	David Reeves	Elite Campaigns	7	5	4	75.00%

Butler County Directive 2016-01 Spreadsheet

Petition #	# Certified By Circulator	Circulator's Name	Circulator's Co.	# of Signatures Not Marked Out	# of Signatures Marked Out (NE)	# of Marked Out Signatures Facially Invalid	Undersignature Rate
141	28	Cody Eldred	Educated Voters	7	1	1	75.00%
142	7	David Reeves	Elite Campaigns	7	2	2	0.00%
143	13	Olynthia Jackson	David Saddler	7	6	6	46.15%
144	28	Cody Eldred	Educated Voters	6	0	0	78.57%
145	28	Cody Eldred	Educated Voters	6	1	1	78.57%
146	7	Anthony Carter	David Saddler	6	2	2	14.29%
147	7	Nikeye Embry	David Saddler	6	1	1	14.29%
148	6	Diallo Doniely	David Saddler	6	0	0	0.00%
149	6	Nikeye Embry	David Saddler	6	0	0	0.00%
150	6	Ethan Rivera	Educated Voters	5	1	1	16.67%
151	28	Tyler Smith	Educated Voters	5	1	0	82.14%
152	5	David L. Saddler	David Saddler	5	0	0	0.00%
153	5	Nikeye Embry	David Saddler	5	0	0	0.00%
154	5	Russell Barry	DRW Campaigns	5	0	0	0.00%
155	5	Nikeye Embry	David Saddler	5	0	0	0.00%
156	5	David L. Saddler	David Saddler	5	0	0	0.00%
157	6	Anthony Carter	David Saddler	5	1	1	16.67%
158	4	Ethan Rivera	Educated Voters	4	0	0	0.00%
159	4	Ethan Rivera	Educated Voters	4	0	0	0.00%
160	28	Cody Eldred	Educated Voters	4	3	3	85.71%
161	28	Cody Eldred	Educated Voters	4	3	2	85.71%
162	4	Kevin Gutrie	Educated Voters	4	0	0	0.00%
163	4	Stephen Hodgell	Educated Voters	4	0	0	0.00%
164	28	Nathan Mallatt	Educated Voters	4	0	0	85.71%
165	4	David Reeves	Elite Campaigns	4	4	4	0.00%
166	6	David Reeves	Elite Campaigns	4	3	3	33.33%
167	5	Sean Thompson	David Saddler	4	3	3	20.00%
168	5	Ethan Rivera	Educated Voters	3	2	1	40.00%

Butler County Directive 2016-01 Spreadsheet

Petition #	# Certified By Circulator	Circulator's Name	Circulator's Co.	# of Signatures Not Marked Out	# of Signatures Marked Out (NE)	# of Marked Out Signatures Facially Invalid	Undersignature Rate
169	3	Ethan Rivera	Educated Voters	3	0	0	0.00%
170	28	Tyler Smith	Educated Voters	3	0	0	89.29%
171	3	Dustin Rozwarski	Educated Voters	3	0	0	0.00%
172	5	Donald Sample	Educated Voters	3	2	2	40.00%
173	5	David Reeves	Elite Campaigns	3	4	2	40.00%
174	3	Leonard Jackson	David Saddler	3	0	0	0.00%
175	3	David L. Saddler	David Saddler	3	0	0	0.00%
176	3	Sean Thompson	David Saddler	3	0	0	0.00%
177	3	Sean Thompson	David Saddler	3	0	0	0.00%
178	3	Hunter Hice	David Saddler	3	0	0	0.00%
179	3	Diallo Doniely	David Saddler	3	0	0	0.00%
180	3	Hunter Hice	David Saddler	3	0	0	0.00%
181	3	Leonard Jackson	David Saddler	3	0	0	0.00%
182	2	Ethan Rivera	Educated Voters	2	0	0	0.00%
183	2	Ethan Rivera	Educated Voters	2	0	0	0.00%
184	2	Ethan Rivera	Educated Voters	2	0	0	0.00%
185	2	Tyler Jeffers	Educated Voters	2	0	0	0.00%
186	28	Kevin Gutrie	Educated Voters	2	0	0	92.86%
187	28	Kevin Gutrie	Educated Voters	2	0	0	92.86%
188	2	David Reeves	Elite Campaigns	2	0	0	0.00%
189	2	Walter Page	David Saddler	2	0	0	0.00%
190	2	William Young	David Saddler	2	0	0	0.00%
191	2	Nikeye Embry	David Saddler	2	0	0	0.00%
192	2	Ethan Rivera	Educated Voters	1	1	1	50.00%
193	2	Ethan Rivera	Educated Voters	1	1	1	50.00%
194	1	Ethan Rivera	Educated Voters	1	0	0	0.00%
195	1	Cody Eldred	Educated Voters	1	0	0	0.00%
196	1	Cody Eldred	Educated Voters	1	0	0	0.00%

Butler County Directive 2016-01 Spreadsheet

Petition #	# Certified By Circulator	Circulator's Name	Circulator's Co.	# of Signatures Not Marked Out	# of Signatures Marked Out (NE)	# of Marked Out Signatures Facially Invalid	Undersignature Rate
197	28	Jaleesa Williams	Educated Voters	1	0	0	96.43%
198	28	Cody Eldred	Educated Voters	1	0	0	96.43%
199	28	Ethan Rivera	Educated Voters	1	0	0	96.43%
200	28	Ethan Rivera	Educated Voters	1	0	0	96.43%
201	N/A	SENT TO PREBLE	N/A	N/A	N/A	N/A	N/A
202	1	Tyler Jeffers	Educated Voters	1	0	0	0.00%
203	28	Mary Jane Pairan	Elite Campaigns	1	0	0	96.43%
204	28	Pamela Daski	DRW Campaigns	1	0	0	96.43%
205	1	Tyler Jeffers	Educated Voters	1	0	0	0.00%
206	1	Cody Eldred	Educated Voters	1	0	0	0.00%
207	1	Matthew Phillips	Direct Democracy	1	0	0	0.00%
208	2	Rinaldo Duncan	David Saddler	1	1	0	50.00%
209	1	Hunter Hice	David Saddler	1	0	0	0.00%
210	1	Timothy C. McArdle	DRW Campaigns	1	0	0	0.00%
211	1	David L. Saddler	David Saddler	1	0	0	0.00%
212	28	Mary Jane Pairan	Elite Campaigns	1	0	0	96.43%
213	1	Russell Barry	DRW Campaigns	1	0	0	0.00%
214	1	Dustin Davis	David Saddler	1	0	0	0.00%
215	1	Dale L. Irwin	DRW Campaigns	1	0	0	0.00%
216	1	Anthony Carter	David Saddler	1	0	0	0.00%
217	1	Diallo Doniely	David Saddler	1	0	0	0.00%
218	1	Diallo Doniely	David Saddler	1	0	0	0.00%
219	1	Hunter Hice	David Saddler	1	0	0	0.00%
220	1	Anthony Carter	David Saddler	1	0	0	0.00%
221	1	Hunter Hice	David Saddler	1	0	0	0.00%
222	1	Nikeye Embry	David Saddler	1	0	0	0.00%
223	28	Barbara Snell	Educated Voters	7	0	0	75.00%
224	14	Thomas Robinson	Educated Voters	14	0	0	0.00%

Butler County Directive 2016-01 Spreadsheet

Petition #	# Certified By Circulator	Circulator's Name	Circulator's Co.	# of Signatures Not Marked Out	# of Signatures Marked Out (NE)	# of Marked Out Signatures Facially Invalid	Undersignature Rate
				Total:	245	195	
						Facially Invalid Rate:	79.59%

EXHIBIT T

**Transcript of Interview of Adrienne Raishawn Collins by Franklin County
Board of Elections**

FRANKLIN COUNTY BOARD OF ELECTIONS
FRANKLIN COUNTY, OHIO

- - -

In The Matter of the :
Investigation of Ohio Drug:
Price Relief Petitions. :

- - -

INTERVIEW

of Adrienne Raishawn Collins, taken before me,
Rosemary F. Anderson, a Notary Public in and for the
State of Ohio, at the offices of the Franklin County
Board of Elections, 1700 Morse Road, Columbus, Ohio,
on Thursday, January 28, 2016 at 9:28 a.m.

- - -

ARMSTRONG & OKEY, INC.
222 East Town Street, Second Floor
Columbus, Ohio 43215-5201
(614) 224-9481 - (800) 223-9481
FAX - (614) 224-5724

- - -

1 APPEARANCES:

2 Mr. Randy Burley
3 And Mr. Frank Randall Tarr
4 Absentee Department
5 Franklin County Board of Elections
6 1700 Morse Road
7 Columbus, Ohio 43229

8 On behalf of the Franklin County
9 Board of Elections.

10 - - -

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1 right to stop answering at any time until you talk to
2 an attorney.

3 MS. COLLINS: Okay.

4 MR. BURLEY: Do you have any questions
5 about the rights I have read to you?

6 MS. COLLINS: No, sir.

7 MR. BURLEY: And you understand the
8 rights?

9 MS. COLLINS: Yes, sir.

10 MR. BURLEY: All right.

11 - - -

12 ADRIANNE RAISHAWN COLLINS

13 being first duly sworn, as prescribed by law, was
14 examined and testified as follows:

15 INTERVIEW

16 By Mr. Burley:

17 Q. For the record, Ms. Collins, you are
18 waiving your right to an attorney?

19 A. I am waiving my right to an attorney.

20 Q. All right. Could you provide us your
21 full name?

22 A. Adrienne Raishawn Collins. That's just
23 the correct spelling.

24 Q. Would you spell it?

1 A. A-D-R-I-A-N-N-E, Adrienne, Raishawn,
2 R-A-I-S-H-A-W-N, Collins, C-O-L-L-I-N-S.

3 Q. And, Ms. Collins, what is your present
4 permanent residence?

5 A. 559 -- well, 65 East 7th Avenue,
6 Columbus, Ohio 43201.

7 Q. That's where you can be contacted by me
8 if I need to?

9 A. Yes.

10 Q. Do you have a different mailing address
11 than the residence?

12 A. No.

13 Q. Your telephone number, Ms. Collins?

14 A. 614 --

15 Q. Is it a cell or landline?

16 A. Cell line.

17 Q. Okay.

18 A. (614)984-4955, 4955.

19 Q. Now, Ms. Collins, I'm going to show you a
20 couple petitions and see if you're familiar with what
21 it is.

22 A. Okay.

23 MR. BURLEY: May the record reflect that
24 I am showing the witness what is marked Initiative

1 Petition, Part-Petition 460.

2 A. Yes, that's correct.

3 Q. Are you familiar with that document?

4 A. Yes, sir.

5 Q. And on the back page, Ms. Collins?

6 A. Yes, this is my information.

7 Q. Okay. And that's your signature at the
8 bottom?

9 A. There's no -- right here, yes.

10 Q. And you completed that entire statement,
11 Ms. Collins?

12 A. Yes. This right here?

13 Q. When you're saying "right here," where
14 the signature is?

15 A. Yes.

16 Q. Okay. Look above immediately under the
17 Statement of Circulator. It says, "I" --

18 A. "Adrienne Collins," yes.

19 Q. Did you complete that information?

20 A. Yes.

21 Q. And you completed the number that is
22 stated there?

23 A. Yes.

24 Q. If you would, Ms. Collins, here you

1 indicated that you witnessed 28 signatures.

2 A. Well, when I had called him -- I can
3 explain that, actually. When I called him, he
4 says --

5 Q. Whoa. I will give you a chance to
6 explain. But initially you put 28 in that box there?

7 A. Yes.

8 Q. Okay. With that 28 there --

9 A. But it's not 28. It's, like, 17, maybe,
10 a little bit under 28. There was one page I didn't
11 complete that day. He said go ahead and put the 28
12 there and turn it in.

13 Q. Who is "he"?

14 A. Dean. I don't know the last name.
15 Something didn't feel right about that. I haven't
16 worked there for almost eight months.

17 Q. Okay. So you don't know his last name?

18 A. I have no idea.

19 Q. Did he tell you who he worked for?

20 A. Elite Company, Elite Campaign Company.

21 And --

22 Q. Slow down. Slow down. She's going to
23 have to --

24 A. I'm sorry. I completely --

1 Q. Take your time.

2 A. Okay.

3 Q. Elite what?

4 A. Elite Campaign Company. Well, wait.

5 Yes, Elite Campaigns.

6 Q. When you put 28 in there, you knew that
7 there weren't 28 signatures?

8 A. Yes, sir. And I mentioned it.

9 Q. You mentioned it?

10 A. Yes, sir, to the person that was sending
11 me out. He would pick me up in his truck, and then
12 he would take me to a library to have me go out and
13 ask people for signatures.

14 Q. Okay.

15 A. So when he picked me up that day, I told
16 him it's not 28 signatures here, and we're through
17 for the day.

18 He said, Well, go ahead and put the
19 28 there and still turn it in.

20 Q. So let's back up. So are you saying that
21 before he picked you up in the truck --

22 A. I called and I mentioned it, yes.

23 Q. Just slow up. It's going to be okay.

24 A. It's just I've never been through this

1 process before.

2 Q. Okay. First of all, who gave you this
3 document?

4 A. He did.

5 Q. He who?

6 A. Yes, the place was 13 -- the address was
7 1313 East Broad Street, the downstairs suite.

8 Q. Okay. And so when did you go to 1313
9 East Broad Street?

10 A. Let me see, June.

11 Q. Here, let's get to your employment
12 background.

13 A. Okay.

14 Q. So this is in June that you went to work.
15 Is that when you started working for Elite Campaigns?

16 A. Yes, sir.

17 Q. How did you learn about them?

18 A. They were giving away little yellow cards
19 that says Need money? Hand out petitions, call this
20 number, contact this number, and we'll bring you in.
21 You can make from anywhere up to \$200 daily. Yeah,
22 up to \$200 daily.

23 Q. Okay. It's a yellow card. Do you have
24 that card?

1 A. I don't. Like I said, I haven't worked
2 there for eight months.

3 Q. Who did you receive that card from?

4 A. I got it out of a little corner store. I
5 was going in to get me a beer one day, and they had a
6 stack of them on the counter.

7 Q. Are you still employed by Elite
8 Campaigns?

9 A. No, no, no, no. In fact, he was
10 harassing me. Once I got the thing in the mail, I
11 tried calling them, and the number is disconnected,
12 not to mention when I went down there -- I wanted to
13 get my phone so I can show you the text message.
14 That's all.

15 Q. Okay.

16 A. This is the last number that I had. In
17 fact, I think this was the last day. This was my
18 last day. That's why I'm looking. This was the last
19 time I went into work. This was in October. This
20 says, "Please stop harassing me. I'm not interested.
21 Have a great day." He kept wanting me to come back
22 to work, and I told you, I had a really bad feeling
23 about that place.

24 Q. Okay. So October.

1 A. Yes, that was the last time.

2 Q. What is the telephone number?

3 A. (614)972-9344.

4 Q. Okay, now, prior to becoming employed by
5 Elite Campaigns, did anyone give you any instructions
6 or training as to how to circulate part-petitions?

7 A. No.

8 Q. Or this form. When I say
9 "part-petitions," Form 460.

10 A. No. He handed me the forms. He gave me
11 some homemade clipboards, and he took me to the
12 library and said, Go and do this. And then when I
13 watched him, he had one of the boards in his hand,
14 and then he went, and a person was walking past, and
15 he did like this. They signed it, and he passed it
16 on to the next person.

17 From then on there he said, Walk up when
18 you see somebody coming out. You say, Hi, my name is
19 such and such. I work for this campaign, and this is
20 what we're petitioning for.

21 Q. And where were you when he went through
22 that? I'm trying to understand.

23 A. Where was I? I was at the library at
24 Livingston and Barnett.

1 Q. So the 1313 Broad Street --

2 A. Yes. That's where his office was. When
3 I called, he said, Come in tomorrow at 9:00 a.m. I
4 got there, say, ten minutes before 9:00. I went in.
5 He was like, Oh -- well, he was sitting in his truck.
6 I went in.

7 Q. You went into --

8 A. To the building.

9 Q. 1313 Broad Street?

10 A. Yes.

11 Q. Okay.

12 A. No one was in there. So I came back out,
13 and I was sitting in front of the building for ten
14 minutes. I walked over to his truck where he was
15 eating a big McDonald's breakfast sandwich. And I
16 was like, oh, this is not professional at all.

17 So I was getting ready to leave, and he's
18 like, Oh, I'm the guy that you're waiting for. I
19 said, Okay. You told me to be here at 9:00 a.m.

20 So he took me in there. There was, like,
21 four other people there, too. He took us -- he
22 walked all five of us into this room, and he handed
23 us like an application, and then he handed -- he
24 asked us to give him an ID and social security card.

1 Q. An application?

2 A. Yes, a thing where we signed our name and
3 put our address and all of those things.

4 Q. Okay. Continue.

5 A. Then he took my ID and social security
6 card and he made a copy of it, walked to the back
7 where his office was, slid them in the file, and then
8 he came back out with, like, a hundred of these.

9 Q. What are these when you say "these"?

10 A. A hundred petition forms, Petition 2s .

11 Q. Continue.

12 A. Okay, yes. So he told each one us to
13 take a stack and pass it back -- take a stack and
14 pass it down. I took my stack and he's like, All
15 right. For the first day we're going to take you --
16 I'm going to take you somewhere and drop you off.

17 I was, like, this doesn't sound like --
18 because I know people that does petitions. Nobody
19 ever took them anywhere and dropped them off and not,
20 you know, showed them how to do things. So I let it
21 slide, and I went, and he's like, I'm going to show
22 you this the first time, and that's when he did the
23 petition thing, took the petition form and just
24 started handing them to people, and people just

1 signed them.

2 And then I was like, Okay. So for, like,
3 the next --

4 Q. Let me interrupt you a second here. So
5 at one point you're at 1313 with some other people?

6 A. Yes. Yes. They went out with us.

7 Q. Okay. How did you get from 1313 to the
8 library?

9 A. Okay. Once I finished my application and
10 he ran off my ID and social security card, he handed
11 us the stacks of petition forms. We each grabbed our
12 stack, and he told us, I'm going to take you out this
13 once to show you how to do it.

14 So he took us to the library on
15 Livingston and Barnett. He handed out the forms.
16 They signed the forms. After they signed the forms,
17 he was like, Okay, I have to go.

18 Q. He signed what forms?

19 A. No, after the people signed the forms.

20 Q. Okay.

21 A. The --

22 MR. TARR: Petitions.

23 A. The petitions. How do I say it?

24 Q. Petition.

1 A. They signed the petition. I mean about
2 the people who was signing them.

3 Q. You can just refer to them as the people
4 who were signing them.

5 A. Okay. The people that signed --

6 Q. Hold on, Ms. Collins. I want you to just
7 relax. You don't have to come up with the name or
8 anything like that, just to the best you remember,
9 okay?

10 A. Okay.

11 Q. Now, you got to Barnett and Livingston,
12 right?

13 A. Right.

14 Q. And once at Barnett -- what I'm
15 understanding so far, you got to the Barnett and
16 Livingston library.

17 A. Yes.

18 Q. And this individual --

19 A. Yes.

20 Q. -- who you say is Dean --

21 A. Dean.

22 Q. Dean showed you how to approach people
23 about signing the petitions?

24 A. Right.

1 Q. Did Dean give you any paperwork or
2 anything on the instructions?

3 A. No.

4 Q. Nothing for that, just the demonstration
5 that he did?

6 A. Yes. Yes.

7 Q. And at that point --

8 A. And he gave us this part. He told us if
9 someone was to ask for more information about it to
10 give them this paper right here.

11 Q. What is "this paper" you're saying?

12 A. The summary of the petition, what the
13 petition is about.

14 Q. Okay. And did Dean -- let's go back to
15 the back page. Did Dean explain to you in any way
16 how to complete this back page?

17 A. He told me to sign my name here, put my
18 address, put my city, put the state and zip code here
19 and my name, and to put -- to mark 28 in the box
20 always.

21 Q. Now, when he told you to mark 28 in that
22 box always, had you approached anyone for a signature
23 before?

24 A. No.

1 Q. Did anyone ask why he was telling you to
2 put 28 in that box before you actually --

3 A. I asked him why I'm putting 28 in the box
4 when it's only 16 signatures here, and he said --

5 Q. Whoa, whoa, whoa. So when he first gave
6 you the petition --

7 A. No, not when he first gave it to me, no.
8 I didn't ask any questions at all because I wasn't
9 thinking, like, I'm only going to get 16 signatures
10 today. I was aiming to fill up the book.

11 Q. What I'm trying to get clarified here is
12 this. When did you put 28 there?

13 A. This was the day that I was given -- that
14 I quit. I told him, I'm going home. This is not
15 right. I only have 16 signatures, but I'm going
16 home. I'm done.

17 Q. Okay.

18 A. Well, he said, Put 28 there in that box.
19 It will be fine. I said, Why am I putting 28 here
20 when it's only 16 signatures here? He said, Because
21 it's 28 boxes, rectangles.

22 Q. And when did he tell you that, your last
23 day?

24 A. That was this day. I can't remember when

1 that day was.

2 Q. Okay. And maybe I'm not hearing or
3 understanding it. But initially you --

4 A. The day I filled this out --

5 Q. Wait. Hold on.

6 A. Okay.

7 Q. What I understand you saying is that
8 initially everyone was given a stack of these
9 petitions.

10 A. Yes.

11 Q. At that point in time had any information
12 been put on the petitions?

13 A. No, sir.

14 Q. So when you got the set of petitions, in
15 terms of this last page, when did you put your last
16 name on the page? Was it before or after getting
17 people's signatures?

18 A. After.

19 Q. Okay. So you filled in the back page
20 after you got signatures?

21 A. Yes, after I completed the book.

22 Q. Okay. So with regards to Part-Petition
23 460, you circulated the petition?

24 A. Yes.

1 Q. You obtained signatures?

2 A. Yes.

3 Q. All right. And when did you turn in
4 Part-Petition 460?

5 A. That is the thing, I cannot remember,
6 okay? I completely -- I worked another job then.

7 Q. If you can't recall the date --

8 A. I can't recall the date.

9 Q. But it was after being employed?

10 A. It was after being employed there.

11 Q. So did you go back and turn in, let's
12 say, five, ten, 20 petition books?

13 A. Afterwards, after this day here?

14 Q. How often, let's say --

15 A. Oh, when I got employed how many books
16 did I turn in?

17 Q. No. Let's say you went out on the
18 initial day, right --

19 A. Right.

20 Q. -- when you had the petition when you
21 went to Barnett?

22 A. Five books every day.

23 Q. You had to turn in five books every day?

24 A. That's what I turned in every day. He

1 said that the least amount of books he wanted turned
2 in was three.

3 Q. Okay. So at the end of the day you
4 turned in a stack of five of these petitions?

5 A. Yes.

6 Q. So did you sign the back page here at the
7 end of the day, or did you put your information here
8 during the day?

9 A. No. At the end of the day -- I don't
10 never put my information on something until I'm done
11 with what I do. If I got a quota for five, I wait
12 till I'm on the fifth one, and then I go through like
13 this. Let's say these are five here that I have and
14 they're all filled out. At the end of the day I go
15 (indicating).

16 Q. When you say "you go," you review each
17 page of the petition book?

18 A. Yes. Yes. But this day I was quitting.
19 I was quitting.

20 Q. Whoa, whoa, whoa, whoa. So you turned
21 in, let's say, five daily.

22 A. Uh-huh.

23 Q. So let's go to that first day. You
24 turned in five, right?

1 A. Uh-huh.

2 Q. So you reviewed each page.

3 A. Yes.

4 Q. And in reviewing each page, you get to
5 the final page.

6 A. Yes.

7 Q. Is that when you put your name in?

8 A. Yes.

9 Q. Is that when you put the number of
10 signatures?

11 A. Yes --

12 Q. So on the first day when you got to
13 including the number of signatures --

14 A. Okay.

15 Q. -- explain what happened then.

16 A. Well, the first day after I concluded the
17 five books that we're discussing, we went back to the
18 office because I'm, like, okay, it's a back page on
19 here. What am I supposed to do with this?

20 So we went to the office, me and the
21 other four people that was with us. We went to the
22 office, and he sat us all down and said, Pull out
23 your books. We pulled out our books. Then he told
24 us to flip it over to the last page. Where there's

1 an "I," put your name. For the amount, put 28
2 because there's 28 rectangles.

3 I said, Something about this isn't right.
4 That was my first day, okay? I went with it and put
5 my name here and I put my address, my city and state
6 and zip like he told me. Then I turned it in, and
7 not that week but the next week, I received my check.
8 I only worked, like, four days out of the week, and
9 he was giving us checks on Monday and on Thursday. I
10 cashed three of them.

11 Q. Do you have a copy of any of those stubs
12 or anything?

13 A. I don't. I don't. I wasn't expecting --
14 it was my first job.

15 Q. Okay.

16 A. It actually did launch me off to the
17 workforce, I must say.

18 Q. And how were you compensated, by the hour
19 or what?

20 A. No, by the signature.

21 Q. When you say "by the signature" --

22 A. Yes, a dollar a signature. And then when
23 he started harassing me, because I kept on asking
24 him --

1 Q. Ms. Collins, you're going to have to bear
2 with me.

3 A. Okay.

4 Q. You have to answer the question I ask
5 you.

6 A. And that's it.

7 Q. And then I'll put another question to
8 you. At the end of the interview, I'll give you an
9 opportunity to add any information that is relevant
10 to what we've been asking. Okay?

11 A. Okay.

12 Q. So let's go back. You said you went back
13 to the office and there were other circulators there.

14 A. Yes.

15 Q. Was there anyone there other than the
16 circulators?

17 A. Just him, Dean.

18 Q. Okay. Now, when you were told to put the
19 28 in there -- well, first of all, do you recall the
20 names of any of the four people who were there, the
21 other circulators who were in there?

22 A. Tomika Johnson, I can only remember her
23 last name. And then it was Tyler and Howard.

24 Q. Did anybody else ask why they were

1 putting 28?

2 A. I had already asked that question.

3 Q. And in front of everyone else?

4 A. Yes.

5 Q. Okay. And what was the answer to that
6 question?

7 A. There were 28 rectangles. I can remember
8 that because he had to say it to me three times
9 because I kept repeating that question because I
10 couldn't figure it out. Like, this is supposed to be
11 with the government. The government doesn't run
12 things like that. Well, the last time I checked.

13 Q. He's saying there are 28 rectangles?

14 A. Yes.

15 Q. Did he show you the rectangles?

16 A. Yes. He flipped it over, and it was --
17 because I was like, Rectangles? These are
18 rectangles.

19 MR. BURLEY: Let the record reflect that
20 Ms. Collins is flipping over the part-petition and
21 pointing to the spaces allowed for elector
22 signatures.

23 Q. (By Mr. Burley) Go on.

24 A. What was the question?

1 Q. You said those are the rectangles you are
2 talking about.

3 A. Yes. Those are the rectangles that he
4 told us when I asked, How come I'm putting 28 there
5 if I don't have 28, because at that point I hadn't
6 started. It was my first day. I didn't have one
7 signature. Why are we to put 28 if I don't have 28?
8 What if I get five? He said, Just put 28 because
9 there are 28 rectangles there. He's going to go
10 through them himself anyway, so...

11 Q. Okay. Now, Ms. Collins, looking at
12 Part-Petition 460, would you look through it? There
13 are some markings in this petition.

14 A. Uh-huh.

15 Q. Black markings.

16 A. Black markings, you mean these?

17 MR. BURLEY: May the record reflect she's
18 showing the blacked out section of the signature
19 boxes.

20 Q. (By Mr. Burley) Ms. Collins, did you put
21 those black marks there?

22 A. No, sir.

23 Q. Were you there when the black marks were
24 put there?

1 A. No, sir.

2 MR. BURLEY: May the record reflect that
3 I am showing the witness what is Part-Petition 799.

4 Q. (By Mr. Burley) Would you review that and
5 see if that's what you circulated?

6 A. I didn't do any of these.

7 Q. When you say "these" --

8 A. These black marks. And these were actual
9 signatures there. People actually signed those
10 spots.

11 Q. Did you see when any of that was done?

12 A. No, sir.

13 Q. Now, looking at the back, the 28 is there
14 again.

15 A. Yes. I did all of this.

16 Q. And you did all of that, and that is your
17 signature, right?

18 A. Yes.

19 MR. BURLEY: May the record reflect the
20 witness is being given what is Part-Petition 826.

21 Q. (By Mr. Burley) Ms. Collins, would you
22 review that? On the final page, did you complete
23 that information?

24 A. Yes.

1 Q. Okay. Regarding the black marks, did you
2 put those on there?

3 A. No, sir.

4 Q. Were they put on there in your presence?

5 A. No, sir.

6 Q. Do you know who put them on there?

7 A. No, sir.

8 Q. Now, in terms of your check and who paid
9 you, do you have a copy of the pay stub at home or
10 anywhere?

11 A. Uh-uh. It should be one at the -- well,
12 I went to a check-casher's place. Wouldn't there be
13 one there?

14 Q. I'm not sure. I don't know. When you
15 gave them the check, they kept it?

16 A. No. When I gave them the check, they
17 cashed it. They would have some kind of record,
18 wouldn't they?

19 Q. Did you have a stub or anything?

20 A. Yes, I did have a stub. I have no idea
21 what I did with it.

22 Q. And you don't have any other materials
23 relating to the job?

24 A. Oh, no. I don't have any of those. Like

1 I said, I went down there personally and I handed him
2 everything back, and I asked him politely not to
3 contact me again.

4 Q. Okay. Would you have any information you
5 would like to add at this time, anything I didn't
6 cover or any questions you have for us?

7 A. Only that -- only that -- another thing
8 that I thought was weird, every time I asked them how
9 come nobody, like, from the government or anything
10 ever came to pick up the petitions, he kept telling
11 me he takes care of all of that hisself, like, he was
12 working with them, you know, like everything was
13 legit.

14 Q. Speaking of which, can you describe Dean?

15 A. Yes. He's around your size. He's a
16 white man.

17 Q. When you say my size, my height, my
18 weight?

19 A. No, your weight. Stand up -- I don't
20 mean to --

21 Q. No problem.

22 A. Yeah. Right to your shoulder length
23 about right there; your weight, your exact weight,
24 except his stomach pokes out a little bit. He's bald

1 up here, got hair on the side here, big old fat face.

2 Q. Okay.

3 A. Got a little thing right here. You know,
4 all this he keeps shaved but not that right here.

5 Q. Do you have any comments or questions you
6 want to ask?

7 A. I'm just not quite understanding what
8 happened.

9 Q. Well, what we're doing is through the
10 course of one of our duties here, we review
11 part-petitions like you referred to and completed.

12 A. Okay.

13 Q. And we're just going through --

14 A. Procedure.

15 Q. -- verifying some of the information on
16 there.

17 A. Okay. But some of those names are actual
18 people. I know those signatures are good because
19 they're my family and everything.

20 Q. We're not suggesting -- you have a family
21 member that is marked down on some of these?

22 A. Yes, two of them.

23 Q. Which form are you looking at?

24 A. This one. This is 0008261, this one

1 here.

2 Q. When you say "this one here" --

3 A. This signature on --

4 Q. But what line are you referring to?

5 A. Oh, 2.

6 Q. Okay, No. 2.

7 A. And this one here. This is 18, so this
8 one is 19.

9 Q. And 19?

10 A. Yes, on that one in 826.

11 Q. Those are your relatives?

12 A. Yes. So I know, is there a reason why
13 that would be marked out?

14 Q. Well, I don't know at this point.

15 A. Oh, God.

16 Q. That's not an issue. That's not
17 something for you to be concerned about.

18 A. That's my family's information.

19 Q. Ms. Collins, you don't have to be
20 concerned at this point about that. All right?

21 A. Okay. I shouldn't be concerned.

22 Q. So, if you would, you have my telephone
23 number. Let me give you another number.

24 A. Yes, please.

1 Q. If I'm not available, you can call the
2 main desk.

3 A. And you are Randy Burley.

4 Q. Yes, I am. A number you can call is
5 (614)525-3100.

6 A. All righty.

7 Q. Ms. Collins, on behalf of the Franklin
8 County Board of Elections, we want to express our
9 appreciation for coming down here and assisting us in
10 this procedure.

11 A. I want to thank you all because I would
12 have never known what I was doing wasn't part of
13 this.

14 Q. But we didn't say it wasn't part of
15 anything.

16 A. It seems that way.

17 Q. I want to make sure, we're not saying
18 anything.

19 A. I appreciate it. Thank you all.

20 MR. TARR: Thank you for coming in,
21 Adrienne.

22 (The interview concluded at 10:01 a.m.)

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CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Thursday, January 28, 2016, and carefully compared with my original stenographic notes.

Rosemary Foster Anderson,
Professional Reporter and Notary
Public in and for the State of
Ohio.

My commission expires April 5, 2019.

(rfa-80104-ra-4)

- - -

EXHIBIT U

**Transcript of Interview of Kevin Hawkins by the Franklin County Board of
Elections**

FRANKLIN COUNTY BOARD OF ELECTIONS
FRANKLIN COUNTY, OHIO

- - -

In The Matter of the :
Investigation of Ohio Drug:
Price Relief Petitions. :

- - -

INTERVIEW

of Kevin Hawkins, taken before me, Rosemary F.
Anderson, a Notary Public in and for the State of
Ohio, at the offices of the Franklin County Board of
Elections, 1700 Morse Road, Columbus, Ohio, on
Thursday, January 28, 2016 at 2:51 p.m.

- - -

ARMSTRONG & OKEY, INC.
222 East Town Street, Second Floor
Columbus, Ohio 43215-5201
(614) 224-9481 - (800) 223-9481
FAX - (614) 224-5724

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APPEARANCES:

Mr. Randy Burley
And Mr. Frank Randall Tarr
Absentee Department
Franklin County Board of Elections
1700 Morse Road
Columbus, Ohio 43229

On behalf of the Franklin County
Board of Elections.

- - -

1 Thursday Afternoon Session,
2 January 28, 2016.

3 - - -

4 MR. BURLEY: I'm going to read you your
5 rights, Mr. Hawkins. Then you will be able to tell
6 us if you want to go forward without the presence of
7 an attorney. Okay?

8 MR. HAWKINS: (Nods head.)

9 MR. BURLEY: You have the right to remain
10 silent and refuse to answer any questions.

11 Anything you say may be used against you
12 in a court of law.

13 You have the right to consult an attorney
14 before speaking to us today and to have that attorney
15 present during our questioning now and in the future.
16 If you cannot afford an attorney and you wish to have
17 one, one will be appointed for you before any
18 questioning of you, if you wish. Do you understand
19 that?

20 MR. HAWKINS: Yes.

21 MR. BURLEY: If you decide to answer
22 questions now without an attorney present, you will
23 still have the right to stop answering at any time
24 until you talk to an attorney. So at any point

1 during the course of my questioning you, you can say,
2 "I don't want to answer any more questions until I'm
3 able to confer within an attorney." Do you
4 understand that?

5 MR. HAWKINS: Yes.

6 MR. BURLEY: Now, based on what I've told
7 you, is there any questions about the rights I've
8 expressed to you?

9 MR. HAWKINS: No.

10 MR. BURLEY: Would you like to proceed
11 without the presence of an attorney?

12 MR. HAWKINS: Yes.

13 - - -

14 KEVIN HAWKINS

15 being first duly sworn, as prescribed by law, was
16 examined and testified as follows:

17 INTERVIEW

18 By Mr. Burley:

19 Q. Would you state your full name,
20 Mr. Hawkins?

21 A. Kevin Hawkins.

22 Q. Okay. And your current residence
23 address?

24 A. 5767 Arborwood Court, Columbus, Ohio

1 43229, Apartment B.

2 Q. And that's also your mailing address?

3 A. Correct.

4 MR. HAWKINS: May the record reflect I'm
5 handing Mr. Hawkins what has been marked as
6 Initiative Petition 00623.

7 Q. Would you take the opportunity to review
8 that petition?

9 A. Okay.

10 Q. I have to back up for a second,
11 Mr. Hawkins. Your telephone number?

12 A. (614)902-8196.

13 Q. And that's a cell number?

14 A. Yes.

15 Q. Okay. Are you completed with your
16 review?

17 A. Yes.

18 Q. Okay. Now, would you open it up to the
19 page that says "Notice"? That's the first page
20 there, right?

21 A. Yes.

22 Q. Okay. There are marks there. The black
23 marks, did you put those on there?

24 A. No.

1 Q. Were you present when those marks were
2 put on there?

3 A. I don't recall.

4 Q. Okay. Do you recall turning that in to
5 anyone?

6 A. Yes.

7 Q. Who did you turn that packet in to?

8 A. I forget the gentleman's name.

9 Q. Okay. And what does he look like? Can
10 you describe that gentleman, Mr. Hawkins?

11 A. He was a white guy. I can't remember if
12 he was like bald or not, like maybe half bald. I
13 can't recall on that, but chubby like, you know,
14 thicker. I couldn't tell his height because he never
15 stood. He was always sitting down so I'm not sure if
16 he was taller or shorter than me.

17 Q. Where did you meet?

18 A. At that building.

19 Q. What building?

20 A. The building on Broad and -- I'm not sure
21 of the address. It's on my cell phone. On Broad
22 Street.

23 Q. In Columbus, Ohio?

24 A. Correct.

1 Q. Sorry, Mr. Hawkins, also, you're above
2 the age of 18, aren't you?

3 A. Yes.

4 Q. You look young so I wanted to make sure.

5 A. I just turned 21.

6 Q. Ouch. Don't impress me in the interview.

7 Now flip to the next page, Mr. Hawkins.

8 There's some black marks on this page.

9 A. Yes.

10 Q. Did you put those on that page?

11 A. No.

12 Q. Were you present when those were put
13 there?

14 A. I don't recall.

15 Q. Okay. The next page.

16 A. Yes, I see one black mark.

17 Q. Did you put that there?

18 A. No.

19 Q. Okay. Would you flip to the next page?

20 Did you witness all those signatures?

21 A. Yes.

22 Q. Okay. Would you go to the back page
23 again? Now, on the back page where it says Statement
24 of Circulator, right?

1 A. Uh-huh.

2 Q. Where it says "I" then there's a blank
3 and a name written in there, did you write that in
4 there?

5 A. Yes.

6 Q. And further down it says -- there's a
7 number and a blank space. Did you put that number in
8 there?

9 A. Yes.

10 Q. Okay. That's your handwriting?

11 A. Yes.

12 Q. Okay. Let me see the document again.
13 Now, this final page, did you complete that -- when
14 did you complete that page? As it relates to the
15 signatures, did you complete that page before you
16 obtained the signatures or after you obtained the
17 signatures?

18 A. Some I did beforehand and some I did
19 after-hand. Like I would have a goal some days to go
20 out and try to fill up three books, was my goal. I
21 remember a couple times filling out the information
22 for three books or whatever number. That way it
23 would tell me, okay, I already have this filled out.
24 I'm not going to stop petitioning until I get these

1 three books filled up.

2 And then some I remember when I first
3 started up, I just filled them out and turned them
4 in, and he was like, You got to fill out the back of
5 it. I'm like, Oh, okay, so I filled out the back.
6 So I did some before and some after.

7 MR. BURLEY: May the record reflect I'm
8 handing Mr. Hawkins what is Initiative Petition
9 No. 000951.

10 Q. (By Mr. Burley) Mr. Hawkins, would you
11 review that for me?

12 A. Uh-huh.

13 Q. Okay. On the last page, Mr. Hawkins, the
14 back page there, under the Statement of Circulator,
15 did you complete all that information?

16 A. Yes.

17 Q. Okay. You put in where it says "I,"
18 that's your -- you printed that?

19 A. Yes.

20 Q. And put the numbers in there?

21 A. Yes.

22 Q. 28, right? And that's your signature
23 below, right?

24 A. Yes.

1 Q. Okay. Now, turn it back over in the
2 front. All right. Open it up to the page there.
3 How many signatures are there?

4 A. I see one signature.

5 Q. Okay. Now flip back to the statement.
6 Now, you see where you have 28 there?

7 A. Yes.

8 Q. It says you witnessed 28?

9 A. Yes.

10 Q. Did you witness 28 signatures there?

11 A. No.

12 Q. Do you want to explain to me what
13 happened there?

14 A. This looks like -- I don't even know how
15 he got this. This looks like one that wasn't
16 completed.

17 Q. When you say "how he got this," who are
18 you talking about as "he"?

19 A. Again, the gentleman that worked there.
20 I can't remember his name. This seems like one of
21 the ones that I had premarked, and I remember two of
22 the -- I believe two of the three times I dropped
23 off, I had my mother and her friend drop them off for
24 me. And I believe this is just one of the ones when

1 I handed them to him to -- because I had -- like, I
2 didn't have the chance to fill this one up, and I
3 think I was just handing it in to just get the credit
4 for this one to add on to another one that I sent in
5 not realizing that I had already filled this out on
6 the back as saying 28.

7 Q. All right.

8 A. I see what you're saying, looking like I
9 got 28 signatures and, obviously, only one signature
10 here. I can understand that. That's what I said --
11 why I said my original statement, I don't understand
12 why he got this. I remember one time when I first
13 went out, I had one that was not all the way
14 completed, and he wouldn't accept it because it was
15 like under halfway completed. So with this only
16 being one, I don't even know why he accepted it.

17 Q. Okay. Let's talk about your employment
18 and the training there. Do you remember when you
19 became employed for this company?

20 A. I don't know the date, no.

21 Q. In general, like spring, summer?

22 A. This was a couple months ago. Yeah, just
23 two, three months ago at the most, maybe two months
24 back.

1 Q. Do you remember the name of the company
2 or anything?

3 A. No.

4 Q. How were you compensated?

5 A. Through a check.

6 Q. Do you have any of the check stubs or
7 anything?

8 A. I can't guarantee you yes, but I do -- I
9 do think I might have one, but I can't guarantee. I
10 remember seeing a loose pay stub the other day and it
11 doesn't look familiar to my other work pay stub.

12 Q. If you find it, would you please give me
13 a call and let me know so we can get it if you have
14 it?

15 A. Yeah.

16 Q. Were you provided any training as it
17 relates to circulating those petitions?

18 A. Verbal.

19 Q. And who gave you that verbal training?

20 A. The gentleman who we turned in our sheets
21 to.

22 Q. And where did he give you the training?

23 A. In the office.

24 Q. When you say "in the office," what

1 office? Is it the building --

2 A. Broad Street where he was, like,
3 downstairs in the basement, had a little mini office
4 down there.

5 Q. Was there anybody else who received the
6 training with you?

7 A. I went up there the first time with my
8 mother. I believe I went up there with my son. I
9 think he also was with me, and her friend, and we
10 just maybe asked them a couple quick questions. It
11 was pretty much self-explanatory. I think we maybe
12 asked a couple questions, like, he was saying, like,
13 you know, all the same city got to be on the same
14 thing because different cities have to be on
15 different petitions.

16 He said little things like that, but it
17 was no, like, actual training like as far as how to
18 go about it. He said a lot of people just go up
19 and -- you know.

20 Q. He didn't give you a script?

21 A. No. There was no script that I used.

22 Q. Did he give you anything in writing?

23 A. No.

24 Q. Did your mother, son and/or friend work

1 to circulate petitions also?

2 A. I believe. I think my mother did, and
3 I'm not sure if -- I don't know what my son and
4 friend -- I'm not even sure what they did.

5 Q. If you're not sure, you don't have to
6 tell me.

7 A. Ask me questions about Kevin Hawkins,
8 please.

9 Q. The information you gave to us, is that
10 the best way to contact you if we need to contact you
11 on follow-up?

12 A. Uh-huh.

13 Q. Do you have any questions you want to ask
14 us or anything?

15 A. Yeah. What was going on? Was this a
16 scam operation going on?

17 Q. No. We're not saying it was a scam
18 operation. As you can see --

19 A. I mean, is this legitimate?

20 Q. Well, the petition you circulated is
21 legitimate. I will give you an example. On that
22 petition you have 28. There's only one signature
23 there.

24 A. Right.

1 Q. That raises questions, but I'm not here
2 to say that that question or concerns about that is
3 criminal or anything else.

4 A. I know what you're saying, like somebody
5 is trying to get some false money or something.

6 Q. I don't know.

7 A. But he was saying --

8 Q. I don't know. Like, I know you said that
9 right after I said something. What I'm trying to
10 explain to you is I haven't characterized it as
11 anything. Our job is to gather information and make
12 sure the information we gather is recorded, and it
13 goes from there. That's the extent of what I can
14 present to you.

15 A. I understand that.

16 MR. BURLEY: All right. We want to thank
17 you again on behalf of my colleague and I and the
18 Board of Elections for coming down, going forward
19 without the assistance of an attorney at this point
20 in time, and we really appreciate your help.

21 MR. HAWKINS: No problem.

22 MR. BURLEY: Thank you. Have a great
23 day.

24 MR. HAWKINS: The same.

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MR. TARR: Thank you, sir.

(The interview concluded at 3:07 p.m.)

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CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Thursday, January 28, 2016, and carefully compared with my original stenographic notes.

Rosemary Foster Anderson,
Professional Reporter and Notary
Public in and for the State of
Ohio.

My commission expires April 5, 2019.
(rfa-80104-10)

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