

IN THE SUPREME COURT OF OHIO

The Ohio Manufacturers' Association, et al.,	:	
	:	
Relators,	:	Case No. 2016-0313
	:	
v.	:	Original Action Under Article II,
	:	Section 1g of the Ohio Constitution
Ohioans for Drug Price Relief Act, et al.,	:	
	:	
Respondents.	:	

**RELATORS' EVIDENCE -
APPENDIX 6 TO
MERIT BRIEF OF RELATORS**

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Exhibit No.

Respondents' Responses to Relators' First Set of Discovery RequestsC

Respondents' Responses to Relators' Second Set of Discovery RequestsD

Deposition Transcript of Pamela Lauter E

Excerpt from Lorain County Board of Elections, Testimony of Gloria Torrence..... F
January 28, 2016

Additional evidence in support of Merit Brief of Relators - All appendices previously submitted
to this Court with the Complaint and Relators' Motion for Partial Summary Judgment are also
evidence. Indices to these Appendices are attached heretoG

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served via electronic mail on
June 8, 2016 upon:

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EXHIBIT C

(Respondents' Responses to Relators' First Set of Discovery Requests)

IN THE SUPREME COURT OF OHIO

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et al., :
 : **Case No. 2016-0313**
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 : **Section 1g of the Ohio Constitution**
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 Respondents. :

**RESPONDENTS WILLIAM S. BOOTH, DANIEL L. DARLAND, TRACY L. JONES,
AND LATONYA D. THURMAN RESPONSES TO RELATORS FIRST SET OF
DISCOVERY REQUESTS**

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Counsel for Relators

Respondents William S. Booth, Daniel L. Darland, Tracy L. Jones, and Latonya D. Thurman provide the following responses and objections to Relators' first set of discovery requests issued on March 11, 2016.

I. PRELIMINARY STATEMENT

These responses are based on the information and documents currently available to Respondents, and Respondents reserve the right to alter, supplement, amend, or otherwise modify these responses in light of additional facts revealed through subsequent inquiry, investigation, and formal discovery.

II. GENERAL OBJECTIONS

1. Nothing in these objections or responses can be taken as an admission that Respondents agree with Relators' use or interpretation of terms. These responses are based on Respondents' understanding of each individual request. To the extent Relators assert an interpretation of any request that is inconsistent with Respondents' understanding, Respondents reserve the right to supplement their responses. In addition, Respondents are continuing their review of documents. A statement that Respondents will produce any responsive, non-privileged documents is not a response that such documents exist.
2. Respondents object to Relators' requests and to each definition and instruction to the extent that they purport to impose obligations greater than those imposed by the applicable Ohio Rules of Civil Procedure or the Supreme Court of Ohio Rules of Practice.
3. Respondents object to Relators' requests to the extent that they purport to require Respondents to search for and produce documents that are not in their possession, custody, or control.
4. Respondents object to Relators' discovery requests to the extent that they are cumulative

or duplicative of any other request.

5. Respondents object to all requests to the extent that they call for information or documents that fall within any relevant privilege (including, without limitation, the attorney-client privilege), are within the work-product doctrine (including, without limitation, communications with and materials created by consulting experts), call for information or documents that constitute trial-preparation materials within the meaning of Rule 26, or are protected by a joint or common interest privilege or any other privilege recognized by law. This includes documents that may be used at trial as evidence to prove or disprove a particular fact or issue, or otherwise seek a dress rehearsal of the trial and call for evidence upon which Respondents intend to rely to prove any fact or facts. Any disclosure of privileged or protected information in Respondents' discovery production is inadvertent, and Respondents reserve all rights to cure any such disclosure.

6. Respondents object to these discovery requests to the extent they call for information that would violate Respondents' rights to speech, association and petition under the First Amendment, including but not limited to associational relationships not otherwise disclosed under Ohio or federal law which were entered into for the purposes of placing the Drug Price Relief before the Ohio General Assembly for its consideration. *See Buckley v. Valeo*, 424 U.S. 1, 66 (1976) (“[T]he invasion of privacy of belief may be as great when the information sought concerns the giving and spending of money as when it concerns the joining of organizations, for [f]inancial transactions can reveal much about a person’s activities, associations, and beliefs.” (quotation omitted)); *Perry v. Schwarzenegger*, 591 F.3d 1126, 1142 & n.9 (9th Cir. 2009) (The “right to associate with others to advance one’s shared political beliefs” entails “the right to exchange ideas and formulate strategy and messages, and to do so in private,” as well as “to

organize and direct them in the way that will make them most effective.”); *AFL-CIO v. FEC*, 333 F.3d 168, 178 (D.C. Cir. 2003) (prohibiting compelled “public disclosure of an association’s confidential internal materials, [where] it intrudes on the privacy of association and belief guaranteed by the First Amendment, as well as seriously interferes with internal group operations and effectiveness”); *Wyoming v. U.S. Dept. of Ag.*, 208 F.R.D. 449, 454–55 (D.D.C. 2002) (disclosure of “internal communications and communications among various groups . . . would have a potential ‘for chilling the free exercise of political speech and association guarded by the First Amendment’”) (quoting *Fed. Election Comm. v. Machinists Non-Partisan Polit. League*, 655 F.2d 380, 388 (D.C. Cir. 1981)); *Dunnet Bay Construction Co. v. Hannig*, 2011 WL 5417123, at *5 (C.D. Ill. Nov. 9, 2011) (denying motion to compel on First Amendment grounds where “disclosure of private internal communications among Taxpayers staff, volunteers, and supporters would have a chilling effect on their rights by discouraging them from communicating candidly”).

III. SPECIFIC RESPONSES AND OBJECTIONS

INTERROGATORIES

INTERROGATORY #1

Please identify all persons (besides your attorneys) who participated or assisted in any manner with the preparation of responses to interrogatories, requests for production, and requests for admission propounded upon you by Relators.

ANSWER:

1. William S. Booth

2. Daniel L. Darland
3. Tracy L. Jones
4. Latonya D. Thurman

INTERROGATORY #2

Please identify every person whom you intend to call as a witness at any hearing or trial and as to each state the subject matter upon which said witness is expected to testify.

ANSWER: Respondents object to this interrogatory, as it is premature at this stage of the litigation. The respondents are still preparing their defense and they are not required to produce all evidence or witnesses that they may rely on to defend against this action. Relators as well as Respondents are still conducting discovery, and Respondents are still in the midst of their factual investigation of the allegations made in the Relators' complaint. Respondents are not required to present a comprehensive digest of all its witnesses at this stage.

Subject to the foregoing objections and the General Objections, Respondents expect they may present testimony from:

- 1) Respondent Secretary of State Jon Husted, as to contact between Relators and Secretary of State's Office with respect to the Petition and past practices, instructions, advice and decisions with respect to state initiative and referendum petitions.
- 2) Matthew Damschroder, Secretary of State's office, as to contact between Relators and Secretary of State's Office with respect to the Petition and past practices, instructions, advice and decisions with respect to state initiative and referendum petitions.
- 3) Jack Christopher, Secretary of State's office, as to contact between Relators and Secretary of State's Office with respect to the Petition and past practices, instructions, advice and decisions with respect to state initiative and referendum petitions.

4) Patricia Wolf, Secretary of State's office, as to contact between Relators and Secretary of State's Office with respect to the Petition and past practices, instructions, advice and decisions with respect to state initiative and referendum petitions.

5) Carolyn Kuruc, Secretary of State's office, as to contact between Relators and Secretary of State's Office with respect to the Petition and past practices, instructions, advice and decisions with respect to state initiative and referendum petitions.

6) Angelo Paparella, PCI Consultants, Inc., 26500 W. Agoura Road, Suite 102-146, Calabasas, CA 91302, 818-679-5800, as to the petition circulation.

INTERROGATORY #3

Please identify every person whom you believe has knowledge regarding any material fact relating to this case and as to each state a summary of the facts known by such person.

ANSWER: Respondents object to this interrogatory, as it is premature at this stage of the litigation. Relators as well as Respondents are still conducting discovery and Respondents are still in the midst of their factual investigation of the allegations made in the relators' complaint. Respondents are not required to present a comprehensive list of all its witnesses or potential witnesses at this stage. Respondents also object to this interrogatory to the extent that it is duplicative of Interrogatory #2.

Subject to the above objections and the General Objections, and reserving the right to supplement their responses at a later date, Respondents believe the following persons have knowledge regarding material facts relating to this case:

1) Respondent Secretary of State Jon Husted, as to contact between Relators and Secretary of State's Office with respect to the Petition and past practices, instructions, advice and decisions

with respect to state initiative and referendum petitions.

2) Jack Christopher, Secretary of State's office, as to contact between Relators and Secretary of State's Office with respect to the Petition and past practices, instructions, advice and decisions with respect to state initiative and referendum petitions.

3) Matthew Damschroder, Secretary of State's office, as to contact between Relators and Secretary of State's Office with respect to the Petition and past practices, instructions, advice and decisions with respect to state initiative and referendum petitions.

4) Patricia Wolf, Secretary of State's office, as to contact between Relators and Secretary of State's Office with respect to the Petition and past practices, instructions, advice and decisions with respect to state initiative and referendum petitions.

5) Carolyn Kuruc, Secretary of State's office, as to contact between Relators and Secretary of State's Office with respect to the Petition and past practices, instructions, advice and decisions with respect to state initiative and referendum petitions.

6) Angelo Paparella, PCI Consultants, Inc., as to petition circulation.

7) The members and employees of Ohio's 88 boards of election, as to the reviews conducted pursuant to Secretary of State Directive 2016-01.

8) Pamela Lauter, Ohio Petitioning Partners, LLC, 216-409-2556, as to petition circulation.

INTERROGATORY #4

Please identify every individual who signed a part-petition of the Petition and then altered it by striking through his or her name on the part-petition prior to submission of the Petition to the Secretary on December 22, 2015.

ANSWER: Respondents object to this interrogatory to the extent that use of the term

“altered” calls for a legal conclusion. Respondents further object on the ground that it is unduly burdensome in that it fails to identify the part-petition numbers and signature lines to which it pertains and asks formation that is within Respondents’ protected First Amendment rights. Subject to such objections and all general objections and without waiving any objection, Respondents have no information as to which signers may have struck through their names.

INTERROGATORY #5

Please identify every individual who, pursuant to R.C. 3501.382, acting as an attorney in fact for a disabled voter altered a part-petition of the Petition by striking through the name of the person who signed the part-petition prior to submission of the Petition to the Secretary on December 22, 2015.

ANSWER: Respondents object to this interrogatory to the extent that use of the term “altered” calls for a legal conclusion. Respondents further object on the ground that it is unduly burdensome in that it fails to identify the part-petition numbers and signature lines to which it pertains and asks formation that is within Respondents’ protected First Amendment rights. Subject to such objections and all general objections and without waiving any objection, Respondents have no information as to whether an attorney in fact acting on behalf of a disabled voter struck that person’s name.

INTERROGATORY #6

Please identify every circulator who altered a part-petition of the Petition that he or she circulated by striking through the name of the person who signed the part-petition prior to submission of the Petition to the Secretary on December 22, 2015.

ANSWER: Respondents object to this interrogatory to the extent that use of the term “altered” calls for a legal conclusion. Respondents further object on the ground that it is unduly burdensome in that it fails to identify the part-petition numbers and signature lines to which it pertains and asks formation that is within Respondents’ protected First Amendment rights. Subject to such objections and all general objections and without waiving any objection, Respondents have no information as to which circulators, if any, struck through names, except to the extent that it may be reflected in transcripts or documents of proceedings of Ohio boards of elections held pursuant to Secretary of State Directive 2016-01. All such documents in Respondents’ possession are being produced.

INTERROGATORY #7

Please identify every person not identified in Interrogatory Nos. 4-6 who altered a part-petition of the Petition by striking through the name of the person who signed the part-petition prior to submission of the Petition to the Secretary on December 22, 2015.

ANSWER: Respondents object to this interrogatory to the extent that use of the term “altered” calls for a legal conclusion. Respondents further object on the ground that the interrogatory is unduly burdensome in that it fails to identify the part-petition numbers and signature lines to which it pertains and asks formation that is within Respondents’ protected First Amendment rights. Subject to such objections and all general objections and without waiving any objection, Respondents have no information as to any such persons, except to the extent that it may be reflected in transcripts or documents of proceedings of Ohio boards of elections held pursuant to Secretary of State Directive 2016-01. All such documents in Respondents’ possession are being produced.

INTERROGATORY #8

Please explain what actions you undertook to ensure that the persons that you utilized to circulate the Petition (including circulation companies and individual circulators) were knowledgeable of and would comply with Ohio election law.

ANSWER: Respondents object to this interrogatory on the ground that it seeks information that is within their protected First Amendment rights. Subject to such objection and all general objections and without waiving any objection, Respondents state that they did not take such actions. Respondents further state that they did not engage persons or companies to circulate the petition or themselves utilize persons or companies to circulate the petition. Respondents had an understanding that the AIDS Healthcare Foundation (AHF) or the ballot issue political action committee would or had engaged a professional petition circulation firm. Respondents became aware that PCI Consultants, Inc. was engaged to circulate the part-petitions at issue in this action. Respondents believed/believe that PCI, as a professional petition circulation firm, is knowledgeable of and would Ohio election law.

INTERROGATORY #9

Please explain what actions you undertook to ensure that no person that circulated part-petitions of the Petition was ineligible to do so under Ohio election law.

ANSWER: Respondents object to this interrogatory on the ground that it seeks information that is within their protected First Amendment rights and is overbroad in that it fails to specify ineligibility criteria relevant to the claims asserted and calls for a legal conclusion. Subject to such objections and all general objections and without waiving any objection,

Respondents did not themselves take such actions.

INTERROGATORY #10

Please explain the factual and legal basis for your assertion in your Answer that Relators' claims are barred for lack of jurisdiction.

ANSWER: Respondents object to this interrogatory on the ground that it asks for a legal analysis. Subject to such objection and all general objections and without waiving any objection, please see Respondents' Motion for Judgment on the Pleadings filed in this action.

INTERROGATORY #11

Please explain the factual and legal basis for your assertion in your Answer that Relators' claims are barred for lack of standing.

ANSWER: Respondents object to this interrogatory on the ground that it asks a legal analysis. Subject to such objection and all general objections and without waiving any objection, Respondents' factual investigation relative to Relators' organizational standing is awaiting responses to discovery directed to Relators. Further responding, Respondents state as a basis that Relators Ohio Manufacturers Association, PhRMA, and Ohio Chamber of Commerce are not qualified electors in the State of Ohio.

INTERROGATORY #12

Please identify the complete factual and legal basis for any response by you to Relators' Request for Admissions that is not an unqualified admission.

ANSWER: Respondents object to this interrogatory on the ground that it asks for legal conclusions or analysis, is overbroad and unduly burdensome and is an improper attempt to

circumvent

Civil

Procedure

Rule

36.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. Please produce all documents identified in or in any way used, relied upon, referred to, or reviewed by you in the preparation of your responses to interrogatories or requests for admission propounded by Relators.

ANSWER: Respondents object to this request to the extent that asks for any documents protected by the attorney-client, work product and trial preparation privileges and their protected First Amendment rights. Respondent further object in that the request is overbroad in that it includes all documents reviewed regardless of whether they were used, relied upon or referred to in answering the interrogatories. Subject to such objections and all general objections and without waiving any objections, Respondents hereby produce the enclosed documents.

2. Please produce all documents that you intend to use as exhibits at any hearing or trial in this matter.

ANSWER: Respondents object to this request on the grounds that it is premature. Respondents are still preparing their defense and have not yet determined what exhibits they will present. Respondents are still conducting discovery and Respondents are still in the midst of their factual investigation of the allegations made in Relators' complaint. Respondents also object to this request to the extent that it calls for privileged work-product or trial preparation materials.

3. Please produce all communications and documents relating in any way thereto between you and any person that you utilized to circulate the Petition (including without limitation circulation companies and individual circulators), including without limitation any handouts, manuals, and/or instructions.

ANSWER: Respondents object to this request on the ground of being overbroad and unduly burdensome and on the ground of the work-product and trial preparation privileges and their protected First Amendment rights. Subject to such objections and all general objections and without waiving any objection, Respondents do not have any such documents. Respondents further state that they did not themselves engage or utilize persons or companies to circulate the petition.

4. Please produce all contracts and agreements and documents relating in any way thereto between you and any person that you utilized to circulate the Petition (including without limitation circulation companies and individual circulators).

ANSWER: Respondents object to this request based on their protected First Amendment rights. Subject to such objections and all general objections and without waiving any objection, Respondents have no such documents.

5. Please produce all communications and documents relating in any way thereto between any circulation company that you utilized to circulate the Petition and the individual circulators utilized by that circulation company, including without limitation any handouts, manuals, and/or instructions.

ANSWER: Respondents object to this request on the ground that it is overbroad and based on their First Amendment protected rights. Subject to such objections and all general objections and without waiving any objection, Respondents have no such documents.

6. Please produce all documents relating to the permanent residence address used by Fifi Harper on the part-petitions of the Petition that she circulated.

ANSWER: Respondents object to this request on the grounds that it calls for a legal conclusion, is vague as to the meaning of “permanent residence” and is unduly burdensome in that it fails to identify the part-petitions. Respondents further object to the extent that it calls for privileged work-product or trial preparation materials. Subject to such objections and all general objections and without waiving any objection, Respondents have no such documents.

7. Please produce all documents relating to the permanent residence address used by Roy Jackson on the part-petitions of the Petition that he circulated.

ANSWER: Respondents object to this request on the grounds that it calls for a legal conclusion, is vague as to the meaning of “permanent residence address” and is unduly burdensome in that it fails to identify the part-petitions. Respondents further object to the extent that it calls for privileged work-product or trial preparation materials. Subject to such objections and all general objections and without waiving any objection, Respondents have no such documents.

8. Please produce all documents relating to the permanent residence address used by Kelvin Moore on the part-petitions of the Petition that he circulated.

ANSWER: Respondents object to this request on the grounds that it calls for a legal conclusion, is vague as to the meaning of “permanent residence” and is unduly burdensome in that it fails to identify the part-petitions. Respondents further object to the extent that it calls for privileged work-product or trial preparation materials. Subject to such objections and all general objections and without waiving any objection, Respondents have no such documents.

9. Please produce all documents relating to the permanent residence address used by Kacey Viliquette on the part-petitions of the Petition that he circulated.

ANSWER: Respondents object to this request on the grounds that it calls for a legal conclusion, is vague as to the meaning of “permanent residence,” is unduly burdensome in that it fails to identify the part-petitions, and is beyond the scope of the allegations in the challenge filed by Relators. Respondents further object to the extent that it calls for privileged work-product or trial preparation materials. Subject to such objections and all general objections and without waiving any objection, Respondents have no such documents.

10. Excluding part-petitions of the Petition itself, please produce any and all documents relating to the alteration of, or striking of names on, any part-petition of the Petition prior to submission to the Secretary by a person who was not a signer of the part-petition, an attorney in fact for disabled voters acting pursuant to R.C. 3501.382, or an individual Petition circulator.

ANSWER: Respondents object to this request on the ground of being vague as to the meaning of “alteration” and being unduly burdensome in failing to identify the part-petition numbers. Respondents further object on the grounds of the work product and trial preparation privileges and Respondents’ protected rights under the First Amendment. Subject to such objections and all general objections and without waiving any objection, Respondents have no such documents.

11. Please produce all documents relating in any way to actions you undertook to ensure that the persons that you utilized to circulate the Petition (including without limitation circulation companies and individual circulators) were knowledgeable of and would comply with Ohio election law.

ANSWER: Respondents object to this request on the basis of their protected First Amendment rights. Subject to such objection and all general objections, Respondents have no such documents.

12. Please produce any and all documents relating in any way to actions you undertook to ensure that that no person that circulated the Petition was ineligible to do so under Ohio election law.

ANSWER: Respondents object to this request on the basis of their protected First Amendment rights. Subject to such objection and all general objections, Respondents have no such documents.

13. Excluding part-petitions of the Petition itself, please produce any and all documents relating to the failure of any circulator of a part-petition to attest to the correct number of signatures that appeared on such part-petition.

ANSWER: Respondents object to this request on the ground of being vague as to the meaning of “attest to the correct number,” calls for a legal conclusion and being unduly burdensome in failing to identify part-petitions by county and number. Respondents further object on the basis of the work product and trial preparation privileges and their protected First Amendment rights. Subject to such objections and all general objections and without waiving any such objections, Respondents have no such documents.

14. Excluding part-petitions of the Petition itself, please produce any and all documents relating to the refusal of any circulator of a part-petition to attest to the incorrect number of signatures that appeared on such part-petition.

ANSWER: Respondents object to this request on the ground of being vague as to the meaning of “attest to the incorrect number,” calls for a legal conclusion and being unduly burdensome in failing to identify part-petitions by county and number. Respondents further object on the basis of the work product and trial preparation privileges and their protected First Amendment rights. Subject to such objections and all general objections and without waiving any such objections, Respondents have no such documents.

15. To the extent not already produced in response to a request above, please produce any and all documents that you believe in any way support, negate or refute the allegations contained in Relators' Challenge.

ANSWER: Respondents object to this request as being subjectively vague and overbroad.

REQUEST FOR ADMISSIONS

REQUEST FOR ADMISSION #1

Admit that approximately ninety percent of the signatures ultimately submitted to the Secretary on December 22, 2015 were collected by November 15, 2015.

ANSWER: Respondents object to this request on the grounds that it requests information that is not relevant to the claims, would be unduly burdensome to compute and is vague with respect to “approximately ninety percent.”

REQUEST FOR ADMISSION #2

Admit that part-petitions of the Petition were altered, prior to submission of the Petition to the Secretary on December 22, 2015, by someone other than persons who signed the part-petition, attorneys in fact for disabled voters acting pursuant to R.C. 3501.382, and/or individual circulators of part-petitions that they circulated.

ANSWER: Respondents object to this request on the grounds that it calls for a legal conclusion and is vague as to what constitutes “altered” and is vague, overbroad and unduly burdensome in that it does not identify the part-petitions. Further answering, Respondents deny the request for lack of knowledge or information following a reasonable review/inquiry of information within their possession or control. Notwithstanding said objections, Respondents admit that there were statements made by some individuals to some boards of elections that with respect to a small number of part-petitions, someone other than the signer, the attorney in fact of a disabled signer or the circulator of a part-petition struck one or more signatures prior to filing.

REQUEST FOR ADMISSION #3

Admit that, at the time she circulated the Petition, Fifi Harper did not reside at 4022 E. Greenway Rd. #11312, Phoenix, Arizona 85032.

ANSWER: Respondents object to this request on the ground that it calls for a legal conclusion and is vague as to the meaning of “reside.” Respondents further object on the ground that it seeks information protected by the work product and trial preparation privileges. Notwithstanding said objections and without waiving any objection, Respondents deny the request.

REQUEST FOR ADMISSION #4

Admit that, at the time she circulated the Petition, Fifi Harper did not reside at 4022 E. Greenway Rd., Phoenix, Arizona 85032.

ANSWER: Respondents object to this request on the ground that it calls for a legal conclusion and is vague as to the meaning of “reside.” Respondents further object on the ground that it seeks information protected by the work product and trial preparation privileges. Notwithstanding said objections and without waiving any objection, Respondents deny the request.

REQUEST FOR ADMISSION #5

Admit that, at the time he circulated the Petition, Roy Jackson did not reside at 2100 Brice Road, Reynoldsburg, Ohio 43068.

ANSWER: Respondents object to this request on the ground that it calls for a legal conclusion and is vague as to the meaning of “reside.” Respondents further object on the ground that it seeks information protected by the work product and trial preparation privileges.

Notwithstanding said objections and without waiving any objection, Respondents deny the request.

REQUEST FOR ADMISSION #6

Admit that, at the time he circulated the Petition, Kelvin Moore did not reside at 3143 West 33rd Street, Cleveland, Ohio 44109.

ANSWER: Respondents object to this request on the ground that it calls for a legal conclusion and is vague as to the meaning of “reside.” Respondents further object on the ground that it seeks information protected by the work product and trial preparation privileges.

Notwithstanding said objections and without waiving any objection, Respondents deny the request.

REQUEST FOR ADMISSION #7

Admit that, at the time he circulated the Petition, Kacey Viliquette did not reside at 1900 S. Ocean Blvd., Myrtle Beach, South Carolina 29577.

ANSWER: Respondents object to this request on the ground that it calls for a legal conclusion and is vague as to the meaning of “reside.” Respondents further object on the ground that it seeks information protected by the work product and trial preparation privileges.

Notwithstanding said objections and without waiving any objection, Respondents deny the request.

REQUEST FOR ADMISSION #8

Admit that some part-petitions of the Petition were circulated by an individual that was ineligible to do so under Ohio law.

ANSWER: Respondents object to this request on the grounds that it calls for a legal conclusion and is vague and overbroad in that it does not indicate a ground for ineligibility and is unduly burdensome. Respondents further object on the ground that it seeks information protected by the work product and trial preparation privilege. Notwithstanding such objections and without waiving any objection, Respondents deny the request for lack of information or knowledge after reasonable research and inquiry.

REQUEST FOR ADMISSION #9

Admit that some circulator statements on part-petitions of the Petition were intentionally completed using an incorrect number for the number of signatures that appeared on such part-petitions.

ANSWER: Respondents object to this request on the grounds that it calls for a legal conclusion and is vague as to the meaning of “incorrect” and is vague and unduly burdensome in that it fails to identify the part-petitions. Respondents further object on the ground of work product and trial preparation privilege. Notwithstanding, such objections and without waiving any objection, Respondents deny the request for lack of information or knowledge after reasonable inquiry/review of copies of part-petitions within its possession.

REQUEST FOR ADMISSION #10

Admit that the number “28” was already filled-in (i.e., pre-affixed) as the number of persons signing the part-petition on some part-petitions of the Petition when they were provided to circulators.

ANSWER: Respondents object to this request on the grounds that it is vague and unduly

burdensome in that it fails to identify the part-petitions. Respondents further object on the ground of work product and trial preparation privilege. Notwithstanding, such objections and without waiving any objection, Respondents deny the request for lack of information or knowledge after reasonable inquiry/review of copies of part-petitions and other records within its possession.

REQUEST FOR ADMISSION #11

Admit that some circulators were instructed to insert the number “28” as the number of persons signing the part-petition of the Petition regardless of whether 28 persons ever signed the part-petition.

ANSWER: Respondents object to this request on the grounds that it is vague and unduly burdensome in that it fails to identify the part-petitions. Respondents further object on the ground of work product and trial preparation privilege. Notwithstanding, such objections and without waiving any objection, Respondents deny the request for lack of information or knowledge after reasonable inquiry/review of copies of part-petitions and other records within its possession.

REQUEST FOR ADMISSION #12

Admit that if the part-petitions circulated by Fifi Harper are stricken, the number of qualifying counties would be reduced to less than the 44 counties required under the Ohio Constitution.

ANSWER: Respondents object to this request on the grounds that it calls for a legal conclusion, is a hypothetical and is vague and unduly burdensome in that it fails to identify the part-petitions. Notwithstanding such objections, respondents deny the request.

REQUEST FOR ADMISSION #13

Admit that if the part-petitions circulated by Fifi Harper are stricken, the number of valid signatures remaining on the Petition in Knox, Morrow, Licking, and Scioto Counties would fall

below 1.5 percent of the total vote cast for governor at the most recent gubernatorial election in those counties.

ANSWER: Respondents object to this request on the grounds that it calls for a legal conclusion, is a hypothetical and is vague and unduly burdensome in that it fails to identify the part-petitions. Notwithstanding such objections, Respondents deny the request.

REQUEST FOR ADMISSION #14

Admit that the Petition does not have an absolute (i.e. unqualified) right to appear on the ballot during the November 2016 general election.

ANSWER: Respondents object to this request on the ground that it calls for a legal conclusion. Notwithstanding such objection and without waiving any objection, Respondents deny the request in that the petition at issue is for proposing a law to the Ohio General Assembly. In the event that Respondents subsequently file a valid and sufficient Supplementary Petition by July 6, 2016, they would have an unqualified right to have the proposed law appear on the November 2016 general election.

Any of the above Requests for Admission not specifically admitted are denied.

Respectfully submitted,


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* *Counsel of Record*
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Latonya D. Thurman*

CERTIFICATE OF SERVICE

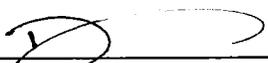
I hereby certify that a copy of the foregoing document was served via hand delivery on

April 8, 2016 upon:

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Senior Assistant Attorney General
Brodi J. Conover,
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Constitutional Offices Section
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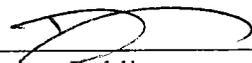
VERIFICATION

STATE OF OHIO :
 :
COUNTY OF Franklin SS.

I, Latonya Thurman being first duly sworn, depose and say that the foregoing answers to the First Set of Interrogatories propounded by Relators are true and complete to the best of my knowledge, information, and belief.


Signature

Sworn to before me and subscribed in my presence this 7th day of April, 2016.



Notary Public
COMMISSION
EXPIRATION:



VERIFICATION

STATE OF OHIO :
 :
COUNTY OF _____ : SS.

I, William S. Booth, being first duly sworn, depose and say that the foregoing answers to the First Set of Interrogatories propounded by Relators are true and complete to the best of my knowledge, information, and belief.

William S Booth
Signature

Sworn to before me and subscribed in my presence this 7th day of April, 2016.

Gwendolyn Y Reynolds
Notary Public

COMMISSION
EXPIRATION:



GWENDOLYN Y REYNOLDS, Notary Public
In and for the State of Ohio
My Commission Expires July 5, 2020

EXHIBIT D

(Respondents' Responses to Relators' Second Set of Discovery Requests)

IN THE SUPREME COURT OF OHIO

The Ohio Manufacturers' Association	:	
et al.,	:	
	:	Case No. 2016-0313
Relators,	:	
	:	
v.	:	Original Action under Article II,
	:	Section 1g of the Ohio Constitution
	:	
Ohioans for Drug Price Relief Act,	:	
et al.,	:	
	:	
Respondents.	:	

**RESPONDENTS' RESPONSES TO RELATORS' SECOND SET OF
INTERROGATORIES, REQUEST FOR PRODUCTION OF DOCUMENTS, AND
REQUEST FOR ADMISSIONS**

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Counsel for Relators

Respondents William S. Booth, Daniel L. Darland, Tracy L. Jones, and Latonya D. Thurman provide the following responses and objections to Relators' second set of discovery requests issued on March 25, 2016.

I. PRELIMINARY STATEMENT

These responses are based on the information and documents currently available to Respondents, and Respondents reserve the right to alter, supplement, amend, or otherwise modify these responses in light of additional facts revealed through subsequent inquiry, investigation, and formal discovery.

II. GENERAL OBJECTIONS

1. Nothing in these objections or responses can be taken as an admission that Respondents agree with Relators' use or interpretation of terms. These responses are based on Respondents' understanding of each individual request. To the extent Relators assert an interpretation of any request that is inconsistent with Respondents' understanding, Respondents reserve the right to supplement their responses. In addition, Respondents are continuing their review of documents. A statement that Respondents will produce any responsive, non-privileged documents is not a response that such documents exist.
2. Respondents object to Relators' requests and to each definition and instruction to the extent that they purport to impose obligations greater than those imposed by the applicable Ohio Rules of Civil Procedure or the Supreme Court of Ohio Rules of Practice.
3. Respondents object to Relators' requests to the extent that they purport to require Respondents to search for and produce documents that are not in their possession, custody, or control.
4. Respondents object to Relators' discovery requests to the extent that they are cumulative

or duplicative of any other request.

5. Respondents object to all requests to the extent that they call for information or documents that fall within any relevant privilege (including, without limitation, the attorney-client privilege), are within the work-product doctrine (including, without limitation, communications with and materials created by consulting experts), call for information or documents that constitute trial-preparation materials within the meaning of Rule 26, or are protected by a joint or common interest privilege or any other privilege recognized by law. This includes documents that may be used at trial as evidence to prove or disprove a particular fact or issue, or otherwise seek a dress rehearsal of the trial and call for evidence upon which Respondents intend to rely to prove any fact or facts. Any disclosure of privileged or protected information in Respondents' discovery production is inadvertent, and Respondents reserve all rights to cure any such disclosure.

6. Respondents object to these discovery requests to the extent they call for information that would violate Respondents' rights to speech, association and petition under the First Amendment, including but not limited to associational relationships not otherwise disclosed under Ohio or federal law which were entered into for the purposes of placing the Drug Price Relief before the Ohio General Assembly for its consideration. *See Buckley v. Valeo*, 424 U.S. 1, 66 (1976) (“[T]he invasion of privacy of belief may be as great when the information sought concerns the giving and spending of money as when it concerns the joining of organizations, for [f]inancial transactions can reveal much about a person’s activities, associations, and beliefs.” (quotation omitted)); *Perry v. Schwarzenegger*, 591 F.3d 1126, 1142 & n.9 (9th Cir. 2009) (The “right to associate with others to advance one’s shared political beliefs” entails “the right to exchange ideas and formulate strategy and messages, and to do so in private,” as well as “to

organize and direct them in the way that will make them most effective.”); *AFL-CIO v. FEC*, 333 F.3d 168, 178 (D.C. Cir. 2003) (prohibiting compelled “public disclosure of an association’s confidential internal materials, [where] it intrudes on the privacy of association and belief guaranteed by the First Amendment, as well as seriously interferes with internal group operations and effectiveness”); *Wyoming v. U.S. Dept. of Ag.*, 208 F.R.D. 449, 454–55 (D.D.C. 2002) (disclosure of “internal communications and communications among various groups . . . would have a potential ‘for chilling the free exercise of political speech and association guarded by the First Amendment’”) (quoting *Fed. Election Comm. v. Machinists Non-Partisan Polit. League*, 655 F.2d 380, 388 (D.C. Cir. 1981)); *Dunnet Bay Construction Co. v. Hannig*, 2011 WL 5417123, at *5 (C.D. Ill. Nov. 9, 2011) (denying motion to compel on First Amendment grounds where “disclosure of private internal communications among Taxpayers staff, volunteers, and supporters would have a chilling effect on their rights by discouraging them from communicating candidly”).

III. SPECIFIC RESPONSES AND OBJECTIONS

INTERROGATORIES

INTERROGATORY #1

Identify all steps you took to verify that all circulators were eligible to circulate part-petitions of the Petition and when you took such steps.

ANSWER: Respondents' object to this interrogatory on the grounds that it is vague and overbroad with respect to the word "eligible." There are multiple criteria for eligibility to circulate petitions under Ohio law. Many of these are outside the scope of Relators' complaint. Subject to such objections and all general objections and without waiving any objection, Respondents state that they did not themselves take any steps to determine the eligibility of any of the persons who circulated part-petitions. It is Respondents' understanding that a professional circulation firm was engaged to select the persons who circulated the part-petitions.

INTERROGATORY #2

Identify the date of birth and social security number for circulator Michael Mayo.

ANSWER: Subject to all general objections and without waiving any objection, Respondents do not know the date of birth or social security number of any person named Michael Mayo.

INTERROGATORY #3

Identify the date of birth and social security number for circulator Walter Searcy.

ANSWER: Subject to all general objections and without waiving any objection, Respondents do not know the date of birth or social security number of any person named Walter Searcy.

INTERROGATORY #4

Identify the date of birth and social security number for circulator Stephanie Cole.

ANSWER: Subject to all general objections and without waiving any objection, Respondents do not know the date of birth or social security number of any person named Stephanie Cole.

INTERROGATORY #5

Identify the date of birth and social security number for circulator Sean Thomas.

ANSWER: Subject to all general objections and without waiving any objection, Respondents do not know the date of birth or social security number of any person named Sean Thomas.

INTERROGATORY #6

Identify the date of birth and social security number for circulator Antoine Woods.

ANSWER: Subject to all general objections and without waiving any objection, Respondents do not know the date of birth or social security number of any person named Antoine Woods.

INTERROGATORY #7

Identify who paid the following circulators and the address to which any payments were sent to them: Fifi Harper, Roy Jackson, Kelvin Moore, and Kacey Veliquette.

ANSWER: Subject to all general objections and without waiving any objection, Respondents do not know who paid these petition circulators. It is Respondents' understanding that the person or entity that paid these petition circulators is indicated on the part-petitions that they circulated, as required by Ohio Revised Code § 3519.05(B).

REQUEST FOR PRODUCTION OF DOCUMENTS

1. Please produce all documents identified in or in any way used, relied upon, referred to, or reviewed by you in the preparation of your response to the interrogatories or requests for admissions propounded herein by relators.

ANSWER: Respondents object to this request to the extent that it asks for any documents protected by the attorney-client, work product and trial preparation privileges and their protected First Amendment rights. Respondents further object that the request is overbroad in that it includes all documents reviewed regardless of whether they were used, relied upon or referred to in answering the interrogatories. Subject to such objections and all general objections and without waiving any objection, Respondents have no such non-privileged documents.

2. Please produce all IRS forms (including but not limited to W-9, W-2, or 1099 forms) that you issued to any person, company, or other entity that supervised, managed, or circulated the Petition.

ANSWER: Subject to all general objections and without waiving any objection, Respondents are not in possession, custody or control of any such documents.

3. Please produce all IRS forms (including but not limited to W-9, W-2, or 1099 forms) that have been provided to you by any person, company, or other entity that supervised, managed, or circulated the Petition.

ANSWER: Subject to all general objections and without waiving any objection, Respondents are not in possession, custody or control of any such documents.

4. Please produce all IRS forms (including but not limited to W-9, W-2, or 1099 forms) that you, a petition circulating company, or other entity issued to any of the following circulators: Fifi Harper, Roy Jackson, Kelvin Moore, and Kacey Veliquette.

ANSWER: Subject to all general objections and without waiving any objection, Respondents are not in possession, custody or control of any such documents.

5. Please produce all IRS forms (including but not limited to W-9, W-2, or 1099 forms) that have been provided to you, a petition circulating company, or other entity from any of the following circulators: Fifi Harper, Roy Jackson, Kelvin Moore, and Kacey Veliquette.

ANSWER: Subject to all general objections and without waiving any objection, Respondents are not in possession, custody or control of any such documents.

6. Please produce all documents reflecting or in any way relating to criminal background checks you performed or requested on circulators of part-petitions of the Petition prior to the date they began circulating part-petitions.

ANSWER: Subject to all general objections and without waiving any objection, Respondents are not in possession, custody or control of any such documents.

7. Please produce all documents reflecting or in any way relating to criminal background checks you performed or requested on circulators of part-petitions of the Petition at any time.

ANSWER: Respondents object to this request on the ground that it seeks documents protected by the work-product and trial preparation privileges. Subject to such objections and all general objections and without waiving any objection, Respondents have no such non-privileged documents.

REQUEST FOR ADMISSIONS

REQUEST FOR ADMISSION #1

Admit that Michael Mayo is a convicted felon.

ANSWER: Respondents' object to this request on the grounds that it is vague. Respondents have no way of determining which individual named "Michael Mayo" is being referenced in this request, and therefore cannot cogently respond to whether the person being referenced was or is a convicted felon. Thus, Respondents deny this allegation.

REQUEST FOR ADMISSION #2

Admit that Michael Mayo was ineligible (pursuant to R.C. 2967.16(C)(1) and 2010 Ohio Atty. Gen.Op. 2010-002) to circulate part-petitions under Ohio law during the time he circulated part-petitions of the Petition.

ANSWER: Respondents’ object to this request on the grounds that it is vague. Respondents have no way of determining which individual named “Michael Mayo” is being referenced in this request, and therefore cannot cogently respond to whether the person being referenced was ineligible to circulate part-petitions under Ohio law. Thus, Respondents deny this allegation. Respondents also object to this request on the grounds that it calls for a legal conclusion.

REQUEST FOR ADMISSION #3

Admit that you did not conduct a background check to determine whether Michael Mayo was eligible to circulate part-petitions of the Petition.

ANSWER: Subject to all general objections and without waiving any objection, Respondents admit that they did not conduct a background check on any person named Michael Mayo.

REQUEST FOR ADMISSION #4

Admit that Walter Searcy is a convicted felon.

ANSWER: Respondents’ object to this request on the grounds that it is vague. Respondents have no way of determining which individual named “Walter Searcy” is being referenced in this request, and therefore cannot cogently respond to whether the person being referenced was or is a convicted felon. Thus, Respondents deny this allegation.

REQUEST FOR ADMISSION #5

Admit that Walter Searcy was ineligible (pursuant to R.C. 2967.16(C)(1) and 2010 Ohio Atty. Gen.Op. 2010-002) to circulate part-petitions under Ohio law during the time he circulated part-petitions of the Petition.

ANSWER: Respondents' object to this request on the grounds that it is vague. Respondents have no way of determining which individual named "Walter Searcy" is being referenced in this request, and therefore cannot cogently respond to whether the person being referenced was ineligible to circulate part-petitions under Ohio law. Thus, Respondents deny this allegation. Respondents also object to this request on the grounds that it calls for a legal conclusion.

REQUEST FOR ADMISSION #6

Admit that you did not conduct a background check to determine whether Walter Searcy was eligible to circulate part-petitions of the Petition.

ANSWER: Subject to all general objections and without waiving any objection, Respondents admit that they did not conduct a background check on any person named Walter Searcy.

REQUEST FOR ADMISSION #7

Admit that Stephanie Cole is a convicted felon.

ANSWER: Respondents' object to this request on the grounds that it is vague. Respondents have no way of determining which individual named "Stephanie Cole" is being referenced in this request, and therefore cannot cogently respond to whether the person being referenced was or is a convicted felon. Thus, Respondents deny this allegation.

REQUEST FOR ADMISSION #8

Admit that Stephanie Cole was ineligible (pursuant to R.C. 2967.16(C)(1) and 2010 Ohio Atty.

Gen.Op. 2010-002) to circulate part-petitions under Ohio law during the time she circulated part-petitions of the Petition.

ANSWER: Respondents' object to this request on the grounds that it is vague. Respondents have no way of determining which individual named "Stephanie Cole" is being referenced in this request, and therefore cannot cogently respond to whether the person being referenced was ineligible to circulate part-petitions under Ohio law. Thus, Respondents deny this allegation. Respondents also object to this request on the grounds that it calls for a legal conclusion.

REQUEST FOR ADMISSION #9

Admit that you did not conduct a background check to determine whether Stephanie Cole was eligible to circulate part-petitions of the Petition.

ANSWER: Subject to all general objections and without waiving any objection, Respondents admit that they did not conduct a background check on any person named Stephanie Cole.

REQUEST FOR ADMISSION #10

Admit that Sean Thomas is a convicted felon.

ANSWER: Respondents' object to this request on the grounds that it is vague. Respondents have no way of determining which individual named "Sean Thomas" is being referenced in this request, and therefore cannot cogently respond to whether the person being referenced was or is a convicted felon. Thus, Respondents deny this allegation.

REQUEST FOR ADMISSION #11

Admit that Sean Thomas was ineligible (pursuant to R.C. 2967.16(C)(1) and 2010 Ohio Atty. Gen.Op. 2010-002) to circulate part-petitions under Ohio law during the time he circulated part-

petitions of the Petition.

ANSWER: Respondents’ object to this request on the grounds that it is vague. Respondents have no way of determining which individual named “Sean Thomas” is being referenced in this request, and therefore cannot cogently respond to whether the person being referenced was ineligible to circulate part-petitions under Ohio law. Thus, Respondents deny this allegation. Respondents also object to this request on the grounds that it calls for a legal conclusion.

REQUEST FOR ADMISSION #12

Admit that you did not conduct a background check to determine whether Sean Thomas was eligible to circulate part-petitions of the Petition.

ANSWER: Subject to all general objections and without waiving any objection, Respondents admit that they did not conduct a background check on any person named Sean Thomas.

REQUEST FOR ADMISSION #13

Admit that Antoine Woods is a convicted felon.

ANSWER: Respondents’ object to this request on the grounds that it is vague. Respondents have no way of determining which individual named “Antoine Woods” is being referenced in this request, and therefore cannot cogently respond to whether the person being referenced was or is a convicted felon. Thus, Respondents deny this allegation.

REQUEST FOR ADMISSION #14

Admit that Antoine Woods was ineligible (pursuant to R.C. 2967.16(C)(1) and 2010 Ohio Atty. Gen.Op. 2010-002) to circulate part-petitions under Ohio law during the time he circulated part-

petitions of the Petition.

ANSWER: Respondents’ object to this request on the grounds that it is vague. Respondents have no way of determining which individual named “Antoine Woods” is being referenced in this request, and therefore cannot cogently respond to whether the person being referenced was ineligible to circulate part-petitions under Ohio law. Thus, Respondents deny this allegation. Respondents also object to this request on the grounds that it calls for a legal conclusion.

REQUEST FOR ADMISSION #15

Admit that you did not conduct a background check to determine whether Antoine Woods was eligible to circulate part-petitions of the Petition.

ANSWER: Subject to all general objections and without waiving any objections, Respondents admit that they did not conduct a background check on any person named Antoine Woods.

Any of the above Requests for Admission not specifically admitted are denied.

Respectfully submitted,



Donald J. McTigue (0022849)*

* *Counsel of Record*

J. Corey Colombo (0072398)

Derek S. Clinger (0092075)

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Counsel for Respondents William S. Booth,

*Daniel L. Darland, Tracy L. Jones, and
Latonya D. Thurman*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served via electronic on April
22, 2016 upon:

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Senior Assistant Attorney General
Brodi J. Conover,
Assistant Attorney General
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Counsel for Relators



Donald J. McTigue (0022849)

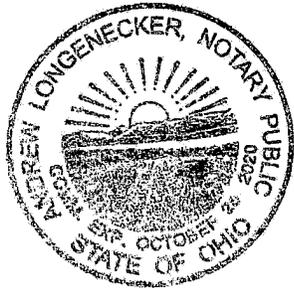
VERIFICATION

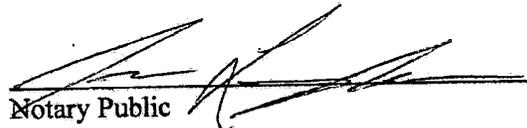
STATE OF OHIO :
 :
COUNTY OF Montgomery : SS.

I, William S Booth, being first duly sworn, depose and say that the foregoing answers to the First Set of Interrogatories propounded by Relators are true and complete to the best of my knowledge, information, and belief.



— Sworn to before me and subscribed in my presence this 21st day of April,
2016.





Notary Public

COMMISSION
EXPIRATION:

VERIFICATION

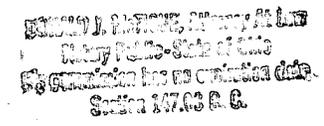
STATE OF OHIO :
 :
COUNTY OF Franklin: SS.

I, Latonya Thurman being first duly sworn, depose and say that the foregoing answers to the Second Set of Interrogatories propounded by Relators are true and complete to the best of my knowledge, information, and belief.


Signature

Sworn to before me and subscribed in my presence this 22 day of April, 2016.



Notary Public
COMMISSION
EXPIRATION: 

APPENDIX

The following table provides information in response to section F of the Definition and Instructions in Relators' First Request for Discovery.

Log Entry No.	Privilege	Basis	Date	Author	Recipient/Persons with access	Document Type	Resp.
001	Work-product and trial-preparation material	Investigation of Relators' claims	2/3/16	Cuyahoga County Board of Elections	Derek Clinger, Donald J. McTigue, Ben F.C. Wallace	Spreadsheet with attorney notations	¶ 1,7
002	Work-product and trial-preparation materials	Investigations of Relators' claims	2/3/16	Cuyahoga County Clerk of Courts	Derek Clinger, Donald J. McTigue, Ben F.C. Wallace	Case docket information with attorney notations	¶ 1,7
003	Work-product and trial-preparation materials	Investigations of Relators' claims	2/3/16	Cuyahoga County Clerk of Courts	Derek Clinger, Donald J. McTigue, Ben F.C. Wallace	Case docket information with attorney notations	¶ 1,7
004	Work-product and trial-preparation materials	Investigations of Relators' claims	2/3/16	Cuyahoga County Clerk of Courts	Derek Clinger, Donald J. McTigue, Ben F.C. Wallace	Case docket information with attorney notations	¶ 1,7
005	Work-product and trial-preparation materials	Investigations of Relators' claims	2/3/16	Cuyahoga County Clerk of Courts	Derek Clinger, Donald J. McTigue, Ben F.C. Wallace	Case docket information with attorney notations	¶ 1,7
006	Work-product and trial-preparation materials	Investigations of Relators' claims	2/3/16	Lorain County Clerk of Court of Common Pleas	Derek Clinger, Donald J. McTigue, Ben F.C. Wallace	Case docket information with attorney notations	¶ 1,7

007	Work-product and trial-preparation materials	Investigations of Relators' claims	3/24/16	Franklin County Clerk of Courts	Derek Clinger, Donald J. McTigue, Ben F.C. Wallace	Court document with attorney notations	¶ 1,7
008	Work-product and trial-preparation materials	Investigations of Relators' claims	3/24/16	Franklin County Clerk of Courts	Derek Clinger, Donald J. McTigue, Ben F.C. Wallace	Case docket information with attorney notations	¶ 1,7
009	Work-product and trial-preparation materials	Investigations of Relators' claims	3/24/16	Franklin County Board of Elections	Derek Clinger, Donald J. McTigue, Ben F.C. Wallace	Circulator statement with attorney notations	¶ 1,7
010	Work-product and trial-preparation materials	Investigations of Relators' claims	3/24/16	Franklin County Clerk of Courts	Derek Clinger, Donald J. McTigue, Ben F.C. Wallace	Court document with attorney notations	¶ 1,7
011	Work-product and trial-preparation materials	Investigations of Relators' claims	3/24/16	Franklin County Clerk of Courts	Derek Clinger, Donald J. McTigue, Ben F.C. Wallace	Court document with attorney notations	¶ 1,7
012	Work-product and trial-preparation materials	Investigations of Relators' claims	1/15/2010	Ohio Secretary of State	Derek Clinger, Donald J. McTigue, Ben F.C. Wallace	Ohio Secretary of State Directive with attorney notations	¶ 1,7
013	Work-product and trial-preparation materials	Work-product and trial-preparation materials	unknown	Ohio Secretary of State	Derek Clinger, Donald J. McTigue, Ben F.C. Wallace	Ohio Election Manual with Attorney Notations	¶ 1,7

VERIFICATION

STATE OF OHIO :
 :
COUNTY OF Montgomery : **SS.**

I, Daniel L. Darland, being first duly sworn, depose and say that the foregoing answers to the Second Set of Interrogatories propounded by Relators are true and complete to the best of my knowledge, information, and belief.



Signature

Sworn to before me and subscribed in my presence this 21st day of April, 2016.



Notary Public



COMMISSION
EXPIRATION:

VERIFICATION

STATE OF OHIO :
COUNTY OF Cuyahoga : SS.

I, TRACY JONES, being first duly sworn, depose and say that the foregoing answers to the Second Set of Interrogatories propounded by Relators are true and complete to the best of my knowledge, information, and belief.

Tracy Jones
Signature

Sworn to before me and subscribed in my presence this 20th day of April, 2016.

Cheryl Gleeson
Notary Public

COMMISSION EXPIRATION: 4/29/16



Cheryl Gleeson
Notary Public, State of Ohio
My Commission Expires
April 29, 2016

EXHIBIT E

(Deposition of Pamela Lauter)

Pamela Lauter 5/3/2016

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20

21

22

23

24

25

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PAMELA LAUTER

of lawful age, called for examination, as provided by the Ohio Rules of Civil Procedure, being by me first duly sworn, as hereinafter certified, deposed and said as follows:

- - - - -

EXAMINATION OF PAMELA LAUTER

BY MR. REID:

Q. Can you please state your full name?

A. Pamela Jean Lauter.

Q. Ms. Lauter, we met just a moment ago, but let me re-introduce myself. My name is Nelson Reid, and I represent several parties that have filed a lawsuit pertaining to the Ohio Drug Price Relief Act petition drive.

Thanks for being here. I understand it was a little difficult getting here. We really appreciate you being here.

If I refer to the Ohio Drug Price Relief as the petition or the subject petition or the petition drive, is that okay?

A. Yes.

Q. Or something similar like that.

Have you ever been deposed before?

A. Never in my entire life, and I'm 51. So yay.

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1 Q. That's absolutely fine.

2 Just briefly, just to give you an idea of
3 what to expect, you've just been sworn in. I'm
4 going to ask you some questions. Some of the
5 other folks here may also ask you some questions.
6 And then everything we say is going to be
7 transcribed.

8 A. Okay.

9 Q. And so because of that, I will try to wait for
10 you to finish talking, if you can try to do the
11 same to me, it just makes it easier getting
12 everything down.

13 If I say anything that you don't understand
14 either because I use a term that you're not
15 familiar with or I just say something you don't
16 hear, please just let me know and I'll try to
17 repeat it or rephrase it.

18 A. Uh-huh.

19 Q. Also, because she's writing everything down, to
20 the extent that you can say yeses and nos as
21 opposed to shaking or nodding your head, or
22 uh-huh or uh-uhs --

23 A. Gotcha.

24 Q. -- that would be great.

25 And I don't think we'll be here too long,

Pamela Lauter 5/3/2016

1 but if you need a break, I understand that --

2 A. Can I tell you what I really need? I need
3 something to be done with those.

4 Q. The blinds shut? Sure. We can do that. Not a
5 problem.

6 A. I had an illness many years ago that affects the
7 balance and my equilibrium, and the light is too
8 much.

9 - - - - -

10 (Thereupon, a recess was had.)

11 - - - - -

12 BY MR. REID:

13 Q. As we proceed, if there's anything else that
14 bothers you, just let me know. Like I said, I
15 don't think we'll be here too terribly long, but
16 if you need a break for any reason, just let us
17 know.

18 A. Gotcha.

19 Q. What's your date of birth?

20 A. 11/11/1964.

21 Q. And where do you currently reside?

22 A. 3909 Pensacola Avenue, Cleveland, Ohio 44109.

23 Q. Ms. Lauter, did you do anything in preparation
24 for the deposition today?

25 A. I just brought the paperwork that was asked to be

Pamela Lauter 5/3/2016

1 sent to you. There's nothing else to prepare
2 for, actually, in my opinion.

3 Q. And the paperwork, you mean the paperwork that
4 you previously produced in response to a
5 subpoena?

6 A. Yeah. That's all I brought. And I brought the
7 subpoena with me. That's it.

8 Q. Then it's fair to say you didn't speak to anyone
9 in preparation of the deposition?

10 A. No. Everybody has left me hanging out here by
11 myself. No. I haven't spoken to anybody but a
12 neighbor.

13 Q. Ms. Lauter, what is the highest level of
14 education you have attained?

15 A. I graduated from Lakewood High School probably in
16 the top quarter of my class, and the rest comes
17 from the school of knocks, life.

18 Q. Do you have any education or training that's
19 specific to petitioning or petitions?

20 A. I'm not sure what you would mean by that question
21 exactly.

22 Q. Well, have you taken any classes? Have you taken
23 any seminars related to petitioning or petitions?

24 A. I was unaware there was ever a seminar ever
25 offered in the world for petitioning.

Pamela Lauter 5/3/2016

1 Q. There may not be.

2 A. If there is one, I didn't know there was one. So
3 the answer would be no.

4 Q. Have you had any training specific to petitioning
5 or petition drives?

6 A. We don't use the word training. We use the word
7 orientation. And that would be yes.

8 Q. When was the first orientation you ever had?

9 A. Probably 2007.

10 Q. Do you have an orientation for every different
11 petition drive that you're involved in?

12 A. Certainly, yes.

13 Q. Did you have --

14 A. I mean, do I personally have an orientation?

15 Q. Yes.

16 A. If I am in a different state I would say yes,
17 because laws and rules change state by state. If
18 I am within the State of Ohio, there is no reason
19 for me to have another orientation, unless it is
20 specific to the drive itself and something is
21 somehow different than what we've done
22 previously.

23 Q. Did you have an orientation that was specific to
24 the petition drive related to the Ohio Drug Price
25 Relief Act?

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1 A. No.

2 Q. When was the last orientation that you had
3 related to a petition drive in Ohio?

4 A. 2007. Once -- I mean -- well, I won't say that.
5 I can't actually say that. Let me see when the
6 last petition was that ran statewide in Ohio. I
7 have to think about that a minute.

8 Was that -- right now there's a difference.
9 When I was a petitioner, I had an orientation
10 every time I was to pick up paperwork to go
11 collect signatures. As a coordinator, I am the
12 orientator, so therefore I don't have an
13 orientation. Do you understand what I'm saying?

14 Q. I understand.

15 A. Golly.

16 Q. It's fair to say it's been some years, I guess?

17 A. Absolutely.

18 Q. As part of that orientation, was there any
19 discussion of the Ohio law that applies to
20 petitioning or petition drives?

21 A. Yes.

22 Q. What types of things do you discuss?

23 A. I believe I have a copy of it right here. Hold
24 on.

25 We go over the state and local laws and

1 guidelines.

2 Q. And if I'm not mistaken, this is an exhibit to --
3 what you've shown me here is an exhibit to the
4 agreement that you have circulators sign?

5 A. Correct. Which includes that we've gone over the
6 laws with them; nobody signs for anybody else, no
7 PO boxes, things of that nature. Everybody gets
8 a copy of these to take home with them so that
9 they are never not without these rules.

10 MR. REID: Can you mark this as
11 Exhibit 1?

12 - - - - -

13 (Thereupon, Exhibit 1 was marked for the purpose of
14 identification.)

15 - - - - -

16 A. I have those, as well.

17 MR. REID: We'll mark this copy.

18 A. So we're clear what this is, this is for when any
19 single person comes in to me for orientation.
20 Now, just because you come in to me for
21 orientation doesn't mean you will end up with one
22 of these. You end up with one of these when you
23 actually turn in paperwork to me that we're going
24 to pay you on. I have many, many people that
25 come to orientation and receive this material

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1 that never turn paperwork back again ever. So
2 therefore, I would not have a contract on them,
3 therefore I wouldn't have a W-9 on them because
4 they have never returned anything for me to pay
5 them on. So they are two separate entities.

6 Q. Ms. Lauter, I've handed you what's been marked as
7 Exhibit 1.

8 A. Yes.

9 Q. It's three pages. And as I understand it, the
10 first two pages of the document are a copy of the
11 contract that you have circulators sign, and the
12 third page is what you have the circulators sign
13 who've attended the orientation?

14 A. Correct. And they get a copy of this. So when
15 this gal came back for her first turn-in, she got
16 this, and these things were put together with
17 each other. So I know that not only did this
18 person come in for an orientation, but they also
19 turned in paperwork and are waiting to receive
20 payment.

21 Q. And just to be clear, Page 3 of Exhibit 1 is the
22 page that the circulator gets a copy of and takes
23 with them after the orientation, correct?

24 A. Correct.

25 Q. And then if they actually submit to you signed

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1 petitions, they then sign the first two pages?

2 A. Correct.

3 Q. And after that is when they get paid?

4 A. Correct.

5 Q. So it sounds like then they don't actually sign
6 an agreement with you until after they have
7 turned in --

8 A. Right. Because they are not an independent
9 contractor. They are not asking to be paid on
10 anything yet. They are just somebody that came
11 to an orientation seminar.

12 Q. So turning back to Page 3 then for a second, my
13 understanding then from earlier testimony is that
14 the discussion of Ohio law that occurs at the
15 orientation is what appears under the state and
16 local/company guidelines on that page?

17 A. Correct.

18 Q. Ms. Lauter, what is Ohio Petitioning Partners?
19 How would you describe it?

20 A. It's me. I help candidates get on to the ballot.
21 I work on collecting signatures to the highest
22 amount of validity standards to make sure that my
23 clients gain valid access whether it is for a
24 statewide petition, he could be a senatorial
25 candidate, he could be someone running for

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1 council, any of those kinds of things. I also
2 offer a service where I will market you to the
3 ballot, once you've gotten there, to ensure that
4 you have a better than best chance of winning.

5 So I would say my company would be
6 considered then a campaign management/strategic
7 planning organization of one.

8 Q. When you said that Ohio Petitioning Partners is
9 you, it sounds like you are the sole owner and
10 the sole employee?

11 A. Yeah. Because everybody that will come into my
12 organization would come in on a temporary basis
13 as a subcontracting position. I don't have
14 employees that work. I will do the work of three
15 people.

16 Q. Would it be okay if I refer to Ohio Petitioning
17 Partners as OPP?

18 A. Sure. That's why I made the name. It's a long
19 story, but it's a fun one.

20 Q. In what geographic area does OPP provide its
21 services?

22 A. I have worked in many states, so for me to answer
23 that would be -- I'm not sure how I would answer
24 that.

25 Q. Are you primarily in Ohio?

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1 A. See, once again, that would be a matter of
2 interpretation. What does primarily mean? I
3 mean, sometimes, some years I barely do any work
4 in Ohio and I'm traveling and traveling and
5 traveling. Some years, like this year, last
6 year, most all of my work was in Ohio. So that's
7 a relative way to answer because I'm not sure how
8 to answer you.

9 Q. Potentially could you work in every state? I
10 mean, is there --

11 A. Certainly. There's nothing that would prevent me
12 from doing so, other than me not wanting to take
13 on certain areas.

14 Q. Now, you mentioned, as I understand it, that you
15 hire subcontractors from time to time. And I
16 believe you always hire them as independent
17 contractors?

18 A. Always.

19 Q. Is there a particular reason for that?

20 A. Just because of the main fact that petition
21 drives are always short-term. Sometimes they
22 only last five days. So to call someone an
23 employee and only give them five days of work or
24 one week of work out of the year, that's just not
25 the way that this business operates at a proper

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1 manner.

2 Q. How long has OPP existed?

3 A. I think we were two years old in March. We, me
4 and my dogs.

5 Q. So about two years?

6 A. Yeah.

7 Q. And how long have you been involved in petition
8 drives?

9 A. Since 2007.

10 Q. And how did you get your start?

11 A. It's a long story. Do you want to hear it?

12 Q. I do.

13 A. All right. I was a psychic reader for many years
14 working at the same bar. Had a gal pal. She was
15 out of work. Went into the bar one day and
16 someone said, hey, there is a note for Cathy
17 here. Will you give it to her? I said, well,
18 Cathy moved out of state, but let me see the
19 note, and if it's major, I will find a way to get
20 it to her. Open it up: Hey, Cathy, heard you
21 were looking for work. Give these guys a call.
22 They do petitions, signature collecting. I
23 thought, okay, I will give it a call. The guy
24 says yes, we collect signatures from registered
25 voters. I said, it couldn't possibly be that

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1 easy.

2 Ten minutes through an orientation session,
3 out the door I went with paperwork. Next thing
4 you know, I was a petitioner at the Cleveland
5 Metroparks Zoo, and quickly became a master
6 petitioner in the state bringing high quality
7 validity. That's what my company stands on. My
8 company motto is a partnership with you for one
9 common goal, success, to make sure that we bring
10 the highest amount of signatures at the highest
11 amount of validity. So that when my clients go
12 in to get their ballot language approved, for
13 example, some companies have to put in 3,000,
14 2,000 signatures to make sure they have 1,000
15 good ones. My company can do 1,500.

16 Q. You used the term master petitioner. Is that a
17 term of art in this industry?

18 A. Absolutely.

19 Q. What does it mean?

20 A. That means you can produce 500 to 1,000
21 signatures a week when you're out petitioning at
22 a 75 percent validity rate or higher all the time
23 without fail.

24 Q. Is master petitioner a term that's used for
25 circulators?

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1 A. It's a term that I use. I don't know how many
2 other people use that term, but that is the term
3 that I use. That is the term that some people
4 have used to refer to me.

5 Q. You mentioned that you take pride in the fact
6 that you have a higher validity rate on your
7 signatures than other companies in this industry.
8 What is it that you do differently than them that
9 results in that?

10 A. That's company secret. That's a special --

11 Q. Confidential.

12 A. It's a training process that I have that nobody
13 else can seem to get a grasp on. And I also
14 don't allow people to come into my office and be
15 an independent contractor that bring me bad work.
16 They can bring me bad work one or two times. I
17 will re-orientate them again in regards to how to
18 do this the exact correct way, make sure you have
19 got your voter cards done, this is how many voter
20 cards you should have when you have this many
21 signatures. If they continue to give or have
22 poor performance, I won't buy their signatures
23 anymore, and they can go cause somebody else that
24 kind of trouble. I don't have time for people
25 that give me bad work.

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1 Q. So it sounds like part of this is you are very
2 vigilant about making sure that the folks that
3 you hire as circulators have a high validity
4 rate?

5 A. That's right. Or they can take it someplace
6 else.

7 Q. But it sounds like you don't believe that
8 everyone in the industry does that, as well?

9 A. Well, listen: This is a business that some
10 people will try to do all kinds of crazy things,
11 you know, and it's up to me to stop those things
12 from happening. Other petition drives have had
13 problems where 16-year-old kids have registered
14 to vote. Really? If any one of my people were
15 ever caught misrepresenting and allowing a
16 16-year-old child to fill out a voter card, that
17 would be the last they would ever get paperwork
18 from me, that's for sure.

19 Q. So it unfortunately sounds like, at least in this
20 industry, you see that other circulating
21 companies quite frequently allow misrepresented
22 signatures to appear on --

23 A. No. Nobody allows it. No, no, no. Nobody
24 allows it. No. Nobody allows it. Everybody
25 does everything they can to make sure that those

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1 things are stopped immediately when they are
2 found. Those people are released from collecting
3 signatures.

4 Q. When you say those people, you mean the
5 circulators?

6 A. Absolutely. We'll have a wall of people's names
7 that are not to be hired because we've had
8 problems with them in the past. Every office --
9 believe me, every office does their absolute 100
10 percent due diligence to make sure those things
11 don't happen.

12 Q. Let me ask you this.

13 A. Because if they do, they get charged back for all
14 those bad signatures. There's not a coordinator
15 in this state that wants any of those things to
16 happen.

17 Q. When you say charged back, what do you mean they
18 get charged back?

19 A. That means this: That means if I say, for
20 example, have a petitioner that thinks they can
21 skirt the system, collect signatures, and then
22 maybe a month later collect signatures from those
23 same exact people thinking someone is not going
24 to check those signatures, because we check them
25 all, as soon as we find someone is doing

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1 duplicates like that, not only do we not buy
2 signatures from those people anymore, but that
3 coordinator that took the first set of signatures
4 has to get charged back because they consider
5 them all fraudulent. There is a very hard due
6 process system to make sure that things are done
7 with the highest amount of integrity on behalf of
8 the client to make sure that things are done in
9 absolutely the positively right way.

10 Q. You're referring to what you do?

11 A. I am referring to most every coordinator I have
12 ever come in contact with that has the same due
13 diligence. Their livelihood depends on them
14 doing the job the exact right way.

15 Q. How many petition drives have you been involved
16 in in Ohio in the last five years do you think,
17 statewide petition drives?

18 A. Statewide, probably -- there hasn't been very
19 many in the last five years. I would say maybe
20 only three, maybe even two. I mostly have done
21 ballot language and other things. There hasn't
22 been hardly anything running statewide.

23 Q. How did you first get involved with the petition
24 drive related to the Ohio Drug Price Relief Act?

25 A. I got a phone call, or I think I did. Actually,

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1 I got a text message that said we're starting a
2 petition in Ohio. Are you interested in work?

3 Q. Who was the text message from?

4 A. PCI -- not PCI, Elite Campaigns.

5 Q. And who was it from at Elite Campaigns?

6 A. Eric Tincher, T-I-N-C-H-E-R. I'm really not
7 sure.

8 Q. Now, I think at -- when you testified before the
9 Cuyahoga Board -- County Board of Elections, you
10 had mentioned you had seen some ballot language
11 that sought approval, and that had kind of raised
12 to you that there was an opportunity?

13 A. Yes. But I don't always -- I'm not always able
14 to work directly with the committee to represent,
15 because many times there are renegotiations with
16 another company, which is how that happened.
17 They are the company that actually got the
18 contract. When I saw their ballot language, as I
19 always do, I keep an eye. That's my job. That's
20 how I keep myself alive. I watch the Attorney
21 General's website. When I see things have been
22 approved, I try to contact the committee to
23 represent so I can be a participant in the
24 petition drive. But that's not how that one came
25 about.

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1 Q. So you got a text message from Mr. Tincher
2 alerting you that there was going to be a
3 statewide petition drive?

4 A. Correct.

5 Q. Do you recall when -- just roughly when that text
6 would have come in?

7 A. I want to say May or June of last year. At least
8 a month I probably -- maybe almost a month before
9 the petition started.

10 Q. So you got that text message. What happened
11 next?

12 A. I think I said, yeah. What area do you have
13 available?

14 Q. Do you recall what the response was?

15 A. Youngstown.

16 Q. So what happened next in that process?

17 A. I went to attempt to work Youngstown. I got an
18 office open, and found out that it was an area
19 where people refuse to go to work.

20 Q. Let's take a step back.

21 Did you have a written agreement with Elite
22 Campaigns?

23 A. No.

24 Q. Is it pretty typical in this industry to work
25 without written agreements?

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1 A. Yes. Because we are somewhat of a family. We
2 all work together, and have worked together for
3 many years. So did it always start out that way?
4 I don't even remember, quite frankly. But yeah,
5 this is a business that's based on a little bit
6 of trust and knowing the right people to work
7 for.

8 Q. So just to be clear then, were you or was OPP
9 actually the entity that was hired?

10 A. Yes.

11 Q. You both were? What I'm saying is did Elite
12 Campaign hire Pam Lauter or did it hire OPP?

13 A. Well, we come together. Because Ohio Petitioning
14 Partners is the coordinating management
15 organization. But I, Pamela Jean Lauter, is
16 still able to and do collect signatures.

17 Q. As far as the -- it sounds like Elite Campaigns
18 hired you to be a coordinator in the Youngstown
19 area, correct?

20 A. Correct.

21 Q. And it sounds like then that, from your
22 respective, that's hiring both OPP and Pam
23 Lauter?

24 A. Yes.

25 Q. So this is in May or June of 2015 that the text

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1 message occurs. You talk to Mr. Tincher about
2 what areas are available, and he says Youngstown.
3 It sounds like at some point after that call, you
4 then get an office location in Youngstown?

5 A. Yes.

6 Q. Do you recall when you would have gotten that
7 office?

8 A. I think we opened it I think August.

9 Q. Do you recall the address?

10 A. Uh-oh. Boy, oh boy. I got to tell you, I don't.
11 I'm in menopause. I'm lucky I remember what I'm
12 going in the next room for. I don't remember.
13 I'm sorry.

14 Q. Besides telling you that Youngstown -- the
15 Youngstown area was available, and you're opening
16 an office in August 2015, were there any other
17 communications between you and Mr. Tincher or
18 anyone else at Elite Campaigns about the petition
19 drive?

20 A. Well, of course. There has to be.

21 Q. What kinds of things did you discuss?

22 A. How much the petition pays on the street and what
23 the override is and when the turn-in dates are
24 basically. That's pretty much what has to be
25 discussed at the beginning of every petition

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1 drive. How much they are going to pay for office
2 expenses, things of that nature.

3 Q. What did they tell you in regard to how much they
4 would pay?

5 A. I'm trying to even think what the relevance of
6 the question of why -- I don't know that I need
7 to divulge --

8 Q. Is it a secret?

9 A. Well, that's proprietary information of what a
10 coordinator gets paid.

11 Q. No, no. What did they tell you -- so how much
12 they are willing to pay for signatures is --

13 A. That's -- no. That's public information. I
14 think we paid a dollar a signature on that drive.
15 Yes.

16 Q. And is it Elite Campaigns who decides what the
17 price is going to be per signature?

18 A. I can't give you that answer. I don't know if
19 it's who he works for, PCI, I don't know if the
20 client makes that decision. On those types of
21 things, I don't know. I only have that answer
22 when a client hires me directly do I have that
23 answer.

24 Q. But it's fair to say you didn't set that price?

25 A. No.

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1 Q. Someone else did?

2 A. Absolutely not, no.

3 Q. And you mentioned PCI. So it sounds like PCI was
4 also involved in this campaign. Do you know what
5 its role was?

6 A. I'm not sure, but I believe that's who the client
7 hired as the statewide director, and then the
8 rest of us are all subcontractors underneath.
9 Once again, I don't have a real answer to that
10 question.

11 Q. But that's your understanding?

12 A. That's what I'm guessing. I mean, it really kind
13 of doesn't matter to me where it starts, just as
14 long as it ends up right here.

15 Q. So your belief was that PCI was the head
16 coordinator, and that Elite was a subcontractor?

17 A. Yes.

18 Q. And then you were a subcontractor of Elite?

19 A. A sub sub, and then my people are sub sub subs.

20 Q. And I guess I'm just wondering, you're saying
21 that was your guess. Why do you think that was
22 the case? What was it about this campaign that
23 led you to believe that that was the roles of
24 these entities?

25 A. Well, it's a guesstimate because Elite Campaigns

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1 is the one that pays me. The statewide company,
2 I mean, on any petition drive I think I know who
3 that is, but I don't really know who the client
4 hires. That's all privileged information of who
5 the exact state head contractor is and what the
6 contract is and how much it pays. That's all
7 between them. I'm so far down that hill, I don't
8 know anything about that stuff. You know what I
9 mean?

10 Q. So it's not that there's any reason you shouldn't
11 know, it's just that you're not concerned about
12 it?

13 A. Because it doesn't affect me. Who is up here
14 doesn't affect me down here. As long as the
15 person above me is taking --

16 Q. It's not that you asked and they wouldn't tell
17 you?

18 A. No. Never. I never even asked. It doesn't
19 matter. I mean, it's like we have the President
20 of the United States, it's like -- and then the
21 rest of us are down here. Same thing.

22 Q. You mentioned something called an override.
23 What's that?

24 A. That is the earned money that the coordinator
25 would receive for doing orientations, handing out

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1 paperwork, giving -- handing out paychecks,
2 processing paperwork, to make sure things are in
3 an organized fashion.

4 Q. So that's the compensation for the coordinator?

5 A. Yes.

6 Q. And then you said the other item of information
7 you're typically provided by whoever retains you
8 is the turn-in dates?

9 A. Correct.

10 Q. Are there multiple turn-in dates?

11 A. Turn-in dates always change. Different petition
12 drives have different -- sometimes at the
13 beginning it's once a week, sometimes it's twice
14 a week, sometimes it moves to a daily. There is
15 just no way to answer that. It changes
16 throughout the petition depending on how many
17 people are working, how many signatures have been
18 turned in, what the deadline is. All of that is
19 continuously subject to change.

20 Q. So there are multiple turn-in dates, and they are
21 constantly changing?

22 A. Yes.

23 Q. So it sounds like the categories of information
24 that you would have discussed with Mr. Tincher
25 were the payment amount for signatures, the

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1 override pay to coordinators, and the various
2 turn-in dates as the petition drive occurs?

3 A. And where to ship the paperwork.

4 Q. And does that change, or does that stay the same,
5 where you ship the paperwork, I mean?

6 A. It usually stays the same.

7 Q. Where did you ship the paperwork for this
8 petition drive?

9 A. Michigan.

10 Q. Do you have an understanding as to why it was
11 sent to Michigan?

12 A. That's where their processing center is for
13 validation.

14 Q. And do you know who runs that processing center?

15 A. I don't.

16 Q. When you say a processing center for validation,
17 what do you mean by that?

18 A. It's where the paperwork has to go so that
19 everybody knows who is getting paid, how much
20 they are getting paid, how many signatures they
21 have there, things of that nature. I only know
22 the basics. I have no idea what all goes on
23 there. But I know that goes on there, because
24 that's what affects my independent contractors.

25 Q. Is the processing center who then sends the

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1 checks out to the circulators, or do the checks
2 come back through you to go to the circulators?

3 A. They come to Ohio Petitioning Partners so that I
4 can pay my independent contractors.

5 Q. Do you recall what the address was in Michigan by
6 chance?

7 A. I don't.

8 Q. Do you know what city?

9 A. I'm trying to picture a FedEx slip in my mind
10 here. I don't.

11 Q. So we've talked about payment, the payment per
12 signature, the override to the coordinator,
13 turn-in dates, and where to ship the paperwork.
14 Would there have been any other things that you
15 would have discussed with anyone at Elite
16 Campaigns during the drive?

17 A. Not really. Not unless there was a change or a
18 contest, or something, you know. This is like a
19 machine that works the same way every single
20 time.

21 Q. Now, the override that you are paid, is that
22 negotiated separately for every petition drive,
23 or is it just told to you here's what it's going
24 to be?

25 A. It's like it or lump it. Here's what it is. You

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1 want to take the job? Sometimes I say yes,
2 sometimes I say no.

3 Q. Is that typically a flat fee, or is that
4 typically in relation to signatures?

5 A. It's typically a flat fee.

6 Q. Is that override the only compensation that a
7 coordinator receives?

8 A. Yes. It's a very thankless job, trust me,
9 especially at this particular moment right now.

10 Q. Did Elite Campaigns ever provide you any written
11 instructions or directions in regard to the
12 subject petition drive?

13 A. I mean, we know the laws of the State of Ohio,
14 and that's what we do orientation on are the laws
15 of the State of Ohio.

16 Q. I'm sorry, to be clear, because you shook your
17 head --

18 A. Yes.

19 Q. -- Elite Campaigns did not provide you any
20 written instructions or directions?

21 A. No, they did not.

22 Q. And it sounds like that is pretty typical for a
23 petition drive, that there aren't written
24 instructions or directions, and I mean provided
25 from one coordinator to another?

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1 A. I wouldn't have that answer. I only know what
2 happens with me as a coordinator. I'm a regular
3 coordinator, so I would be handled completely
4 different than a brand new coordinator. I have
5 no idea how they handle those things. That's not
6 my end of it.

7 Q. Is it fair to say that you don't typically
8 receive written instructions or directions at
9 this point in your career?

10 A. Correct. I can promise you if I do something
11 wrong, I'm going to receive a whole lot more than
12 written.

13 Q. Did Elite Campaigns provide you any oral
14 instructions or directions in regard to the
15 petition drive?

16 A. Not that I can think of.

17 Q. Now, did any other person or company hire you or
18 OPP in regard to the petition drive besides Elite
19 Campaigns?

20 A. DRW Campaigns had me personally. He had to go to
21 Florida to do another project, and he asked me to
22 step in and collect the paperwork and do a couple
23 of orientations for the Cleveland office in his
24 absence. And it was right around Christmastime.
25 I didn't have the heart to tell these people they

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1 weren't going to be able to work anymore, so I
2 went ahead and did that.

3 Q. Who is he?

4 A. Dustin Wefel of DRW Campaigns.

5 Q. Can you spell Wefel?

6 A. W-E-F-E-L.

7 Q. And so it sounds like around Christmas you filled
8 in as basically a coordinator in the Cleveland
9 area for DRW?

10 A. No. I couldn't say that because I didn't get a
11 coordinator's pay. I was basically just an
12 administrative person.

13 Q. What duties did you perform?

14 A. I just processed the paperwork, handed out the
15 paychecks that he provided, and made sure people
16 had blank voter registration cards and blank
17 paperwork.

18 Q. Was your work for DRW limited to that
19 administrative role in or around Christmas in
20 Cleveland?

21 A. Yeah.

22 Q. Was there any other person or company that you
23 did work for in regard to the petition drive?

24 A. Not that I can think of.

25 Q. Did you perform any work in the Lucas County or

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1 Toledo area on this particular drive?

2 A. No. But God bless the girl that was out in Lucas
3 County. She worked all over the state for us.
4 Every time we turned around she was showing up --
5 two and a half hour drive -- here I am to work.

6 Q. Who was that?

7 A. I can't remember that girl's name to save my
8 life. She wasn't part of my organization.

9 Q. Is she also a coordinator?

10 A. Actually, she was in my office a couple of times.
11 I think her name was Haley something. Because
12 she was in my office a couple times. She also
13 worked in my area, in that Youngstown area a
14 couple times.

15 Q. Was she a circulator or a coordinator?

16 A. I don't know.

17 Q. Did you have a written agreement with DRW?

18 A. No.

19 Q. Were there any written instructions or directions
20 from DRW for the work you did in Cleveland?

21 A. No. It was Pammy, can you help me out? I have
22 to go to Florida. Take the paperwork. I will
23 send you the checks. Make sure everything gets
24 shipped out. That was about it.

25 It's so funny, because I had the least

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1 amount to do with this entire petition drive. I
2 had very -- I was the company that had the least
3 -- and the person that had the least amount to do
4 with this whole thing statewide.

5 Q. Would you have received any written or oral
6 instructions or directives from any other person
7 or entity related to this particular petition
8 drive?

9 A. No.

10 Q. Now, you've mentioned DRW. You have mentioned
11 Elite Campaigns. You've mentioned your own
12 company OPP. Are you aware of what other persons
13 or companies were hired to provide a supervisory,
14 management, or organizational-type role in regard
15 to this petition?

16 A. There is only one person that I know. And when I
17 left the Youngstown office, which was not long,
18 it didn't take me long to find out these people
19 were not going to go to work and I was absolutely
20 going to go broke as a coordinator out there, a
21 guy by the name of Kevin Moore, Calvin Moore,
22 something like that, was the person that took
23 over, that I handed the keys over to that office.

24 Q. Took over the Youngstown office?

25 A. That was my knowledge.

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1 Q. And how did you get that knowledge?

2 A. I handed him the keys.

3 Q. You actually handed them to Mr. Moore?

4 A. Yes, I did. Like they were a gift. Here, have
5 these keys.

6 Q. I'm sorry. So why was it that running the
7 Youngstown office was changed to Mr. Moore?

8 A. Because I quit.

9 Q. Why did you quit?

10 A. Because those people out there were doing nothing
11 but wasting my time. You put 100 people through
12 orientation and you can't get three of them that
13 are turning around and bringing in signatures.
14 That's an area of people that don't want to go to
15 work.

16 Q. You mean the potential circulators --

17 A. Correct.

18 Q. -- would come in and take orientation, and then
19 not actually circulate petitions?

20 A. Honest to goodness gracious. And after three
21 weeks I went so broke. Then I stayed in a hotel
22 out there for a week and my entire house got
23 robbed while I was gone. That was enough for me,
24 and I was done with the whole mess. That's why
25 everything horrible happened to me in this

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1 petition drive, and now I'm sitting in this
2 office.

3 Q. Was that the first time you had met Mr. Moore?

4 A. No. I met Calvin Moore back in 2007.

5 Q. Is it Calvin or Kelvin?

6 A. Do you know what? I say Calvin, Kevin. I'm not
7 sure. I've probably called him the wrong first
8 name all the times I've seen him across the
9 country. And I actually have not -- I have seen
10 him probably three times since 2007.

11 Q. Now, are you aware -- you mentioned I think also
12 before PCI. Are you aware of whether they were
13 hired to provide a
14 supervisory/management/organization role?

15 A. I was -- make an ass out of you and me. I was
16 assuming. I couldn't say that for absolute
17 positive sure.

18 Q. Why did you assume that PCI was involved? Was
19 there something in particular that --

20 A. Well, because that's who -- Elite Campaigns
21 usually worked under that umbrella. So that was
22 an assumption of mine that may or may not be
23 correct.

24 - - - - -

25 (Thereupon, Exhibit 2 was marked for the purpose of

1 identification.)

2 - - - - -

3 A. I did forget to tell you that that was e-mailed
4 to us --

5 Q. Let me show it to you first, and then you can
6 tell me.

7 Ms. Lauter, I'm handing you what's been
8 marked as Deposition Exhibit 2. I will represent
9 to you that this exhibit is three pages that you
10 provided to us in response to the subpoena.

11 What is this?

12 A. This is what -- and this is only my
13 understanding. Whether this is a 100 percent
14 true statement, I'm not privy of that.

15 It is my understanding that as you see on
16 the bottom of this page where it says Paid for
17 Ohioans, Fair Drug Price Act, this, from my
18 understanding, were the talking points that the
19 client themselves wanted all petitioners and
20 coordinators in the state to know and understand
21 that this is the way that they wanted their
22 petition to be represented, and this way and in
23 no other way. So when we are telling petitioners
24 you may not misrepresent, which means what the
25 client has provided us as talking points is what

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1 they want you to speak about when you are asking
2 for signatures.

3 Q. Do you recall who gave that to you?

4 A. See, that's why I didn't answer you before. I
5 remember it came in an e-mail, and I don't
6 remember if Dustin from DRW forwarded it to me.
7 I don't remember if Elite Campaigns sent it to
8 me. I don't remember how I got it the first
9 time.

10 Q. It seems like it's likely it probably came from
11 one of those two sources?

12 A. Yeah.

13 Q. Do you recall as you sit here, were there other
14 pages --

15 A. No.

16 Q. -- to this?

17 A. No. Thank goodness, no. For heaven's sake,
18 these are repetitive enough. They all say the
19 same thing over and over in a different way.

20 Q. If you can turn to Page 2 for me. And at the
21 bottom, on the bottom of Page 2 under Who is
22 behind the measure, it says that the Ohio Drug
23 Price Relief Act is being funded by the AIDS
24 Healthcare Foundation. Do you see that?

25 A. I do.

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1 Q. Have you ever spoken to anyone from the AIDS
2 Healthcare Foundation?

3 A. I attempted to make a phone call with -- I don't
4 know if it was the AIDS Healthcare Foundation. I
5 tried to contact somebody locally in Ohio so we
6 could get involved in their events and be present
7 to collect signatures.

8 Q. Was that related to this petition drive, or more
9 generally?

10 A. No. It was related to this petition drive.
11 Because I said, hey -- strategic planning.
12 That's what I do. I have to go to the smartest
13 place to get signatures. So I called them and
14 said hey, you know, we've got the petition. We
15 would like to participate in some of your events,
16 get some signatures. Had a meeting set up. They
17 didn't keep the meeting, and I never heard back
18 from anybody.

19 Q. Was that prior to you getting the text message
20 from Elite Campaigns?

21 A. No. Because I would have not known the petition
22 was happening until then. No. I didn't know who
23 was behind it until we got this. When I got this
24 is when I called them to say, hey, let's try to
25 work together.

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1 Q. How did you know who to call?

2 A. I went online. I just looked up the local Ohio
3 one. I'm a digger. I will try to find whoever I
4 need to find. If they are not the person, I ask
5 them to find me the right person.

6 Q. So you just went to the AIDS Healthcare
7 Foundation website and looked for an Ohio
8 contact?

9 A. Exactly. Called them up and said we need as many
10 signatures as soon as we can get them. I know
11 you know that. How do we work together?

12 Q. Did you actually speak to someone, or did you
13 just leave a message?

14 A. No. I spoke with someone. For the life of me --
15 he had an odd name -- I want to -- for a man. I
16 think it was an Adrian. I think it was an Adrian
17 at the Ohio --

18 Q. Do you know where Adrian was located in Ohio?

19 A. I believe in Columbus.

20 Q. So what was Adrian's response?

21 A. Yeah. We've got some great events. Absolutely.
22 Set up a meeting. The meeting didn't happen. I
23 called him. What happened with the meeting?
24 This happened, that happened. Let's reschedule a
25 meeting. That was the end of that. I have no

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1 idea what happened. So something said step away
2 so --

3 Q. So it sounds like when you saw who was behind the
4 measure on the summary, you reached out to see if
5 you could help coordinate different strategic
6 ways to get signatures?

7 A. Yes, sir.

8 Q. But besides I guess setting up one meeting that
9 was canceled, there never really was a meeting or
10 strategy session that ever occurred?

11 A. No. There certainly was not.

12 Q. Do you have an understanding of what the AIDS
13 Healthcare Foundation is or what it does?

14 A. Minimally, only because my sister passed away
15 from HIV AIDS. So I --

16 Q. I'm sorry to hear that.

17 A. I know a little bit. And that's why this project
18 was really important to me, to be done and be
19 done the right away. Because she wouldn't have
20 died if she could have afforded her medication,
21 and that's a fact. She died because she couldn't
22 afford her medication.

23 Q. Do you need some time?

24 MS. SFERRA: Let me see if there's
25 tissues.

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1 Q. Ms. Lauter, should we take a break? Why don't we
2 take a break?

3 A. And of any petition drive in the whole world that
4 I would have made sure that anybody associated
5 with me did this thing exactly right, it was this
6 one. It's unfortunate that in this country the
7 old mighty dollar is more important than life or
8 death. It's all about money.

9 So the answer is minimally I knew about
10 them.

11 Q. Besides the -- it sounds like there were a couple
12 communications with someone in Columbus trying to
13 set up a strategy meeting that never occurred.
14 Besides that, have you had any other
15 communications with anyone affiliated with the
16 AIDS Healthcare Foundation?

17 A. No.

18 Q. Ms. Lauter, I want to turn back to Exhibit 1. Do
19 you have that by chance?

20 Now, I believe you said that the first two
21 pages of Exhibit 1 are the contract that you
22 would have circulators sign as they returned PAR
23 petitions to you?

24 A. Correct.

25 Q. And is it fair to say that any circulator who

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1 circulated a PAR petition for you related to this
2 petition drive would have signed a substantially
3 similar agreement?

4 A. Yes.

5 Q. And do you use the same agreement regardless of
6 the petition drive?

7 A. Most often, yes.

8 Q. Is that the reason why the name of this
9 particular petition drive doesn't appear anywhere
10 in there?

11 A. Correct. Because this is a contract that I may
12 use in another state. I may just change the word
13 in here from Ohio and whatever other -- you know,
14 it's -- who wants to make 25 of these every time
15 you turn around.

16 Q. Turning to that Page 3 again, which I understand
17 is what a circulator will sign at orientation?

18 A. Yes.

19 Q. At the very top of the page it says JSM Florida,
20 Incorporated.

21 A. I just realized that just now that that was --
22 that was an accident that -- I absolutely made a
23 mistake and that should have said Ohio
24 Petitioning Partners. Boy oh boy oh boy. My
25 gosh. Do they all look like that?

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1 Q. What is JSM Florida, Incorporated?

2 A. That was a company that I was affiliated with on
3 another petition drive that was done right before
4 this. Boy, that was an -- I can't imagine that I
5 did them all that way. Boy, was that an
6 accidental error.

7 Q. That's just a typo?

8 A. For heaven's sake, yes.

9 Q. That should have been OPP?

10 A. Yes. Egg on my face. That's what happens when
11 you have one person doing everything.

12 Q. A little below that -- but then there's no doubt,
13 though, this is still the page that would have
14 applied in this particular drive?

15 A. Yes.

16 Q. If you look down a couple sentences there,
17 there's a sentence that begins, If contractors
18 Validity -- do you see that?

19 A. Yes.

20 Q. It says: If contractors Validity (as determined
21 by the company) is 80 percent or higher, then the
22 company will pay the contractor for 100 percent
23 of the signatures.

24 A. Correct.

25 Q. So I read that correctly?

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1 A. Yes.

2 Q. Is there ever any concern that a circulator would
3 be willing to permit a few invalid signatures to
4 be placed on a PAR petition because he will get
5 paid for those as long as his validity rate is
6 80 percent or higher?

7 A. That is absolutely not what we speak about in
8 orientation. That percentage is because we know
9 that when you work with the general public, even
10 me as a, quote, call myself master petitioner, I
11 know, whether I like it or don't like it, there's
12 about 20 to 25 percent of the people that are not
13 going to tell me the truth, knowingly or
14 unknowingly, because they (A) don't know it, (B)
15 don't understand it, or (C) maybe just don't want
16 to tell you that. I can't say that any
17 petitioner would do such a thing. I would tell
18 you if I found that out, I would be done with
19 them. That's not what we want in -- we want
20 every single person that signs to be a current,
21 updated registered voter that is currently
22 receiving mail from the Board of Elections. I
23 don't want you on my paperwork otherwise. It
24 doesn't do the project any good. We can't get to
25 the ballot that way.

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1 Q. It sounds like, though, from what I hear, that's
2 not the reason that you have that clause in
3 there, but it is a concern. But if you ever
4 learned that someone was doing that, you would
5 not use them anymore?

6 A. Absolutely not. That would be considered a
7 fraud. No, absolutely not. I'm not interested
8 in paying people to play tricks. I like to hire
9 people out of churches where I can actually get
10 them to work in the highest amount of integrity.

11 Q. And I think that also on that same page you had
12 mentioned that there is a section that's entitled
13 State and local/company guidelines a little lower
14 down on that page, correct?

15 A. Yes.

16 Q. And my understanding is that this is the
17 information that you would provide to potential
18 circulators that was specific to Ohio?

19 A. Correct.

20 Q. Are there any other guidelines that were provided
21 to circulators that were not provided on this
22 page?

23 A. They would have been in the rest of this.

24 Q. When you say the rest of this, they would have
25 appeared somewhere in Exhibit 1?

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1 A. The rest of the independent contracting
2 agreement.

3 Yeah. That was a mistake on that page,
4 because most of them say OPP. So that must have
5 been just a mistake.

6 Q. Now, you mentioned that you served as a
7 coordinator for the petition drive in Youngstown?

8 A. Yes.

9 Q. And did you serve as a coordinator anywhere else
10 in the state?

11 A. On that petition drive?

12 Q. Yes.

13 A. No. Wait a minute, that can be left up to
14 interpretation. I could say -- I would have to
15 say yes because there were a couple people in
16 Cuyahoga County that turned in to me. So I guess
17 I would have to say yes.

18 Q. So it sounds like you were primarily a
19 coordinator in Youngstown, but also, to a limited
20 extent, in Cleveland?

21 A. Just a couple of people that have worked for me
22 before that wanted to continue not turning into
23 someone else, yes.

24 Q. And just for my benefit, when you say that you
25 were working in Cleveland or Youngstown, does

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1 that mean that you were working in Mahoning
2 County and Cuyahoga County? Or what geographical
3 areas would that cover if you are working in
4 those areas?

5 A. Now --

6 Q. Are they limited at all?

7 A. No. They are not limited at all. For heaven's
8 sake, one of the very first things we did was the
9 Geauga County Fair. We had people from all kinds
10 of counties signing at that fairground. We had a
11 couple thousand signatures in that time frame.
12 It's just like when I'm at the Cleveland
13 Metroparks Zoo. I may have people from 25
14 different counties sign my petition there.

15 Q. So then I guess it's fair to say that even if
16 you're coordinating primarily in Youngstown, you
17 could still -- your circulators could still be
18 getting signatures from all over the state?

19 A. They are independent contractors. I can't tell
20 them when to work, where to work, how many hours
21 to work, what part of the county to work. I
22 can't tell them to do any of those kinds of
23 things. I can't.

24 Q. But just to be clear, though, potentially,
25 though, they could be turning in signatures from

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1 all across the state then?

2 A. Absolutely. They potentially could do that, yes.
3 Yes. I have people that work in Cuyahoga County
4 that may go to Columbus and visit their family
5 and take signatures while they are in Columbus
6 and bring them back to me.

7 Q. Now, my understanding is one of your duties as a
8 coordinator included what I've learned is called
9 purging the deck?

10 A. Correct.

11 Q. What is purging the deck?

12 A. Purging the deck is highlighting in some way,
13 shape, or form these signatures in that deck or
14 booklet that do not belong and will not be
15 counted by the local board of elections, by the
16 state, by the head contractor, or by the client.
17 Say, for example, if I've got a booklet that is a
18 Cuyahoga County booklet -- as you see it says Do
19 Not Mix Counties -- you as a Summit County person
20 cannot sign my Cuyahoga County booklet. However,
21 you may make a mistake. You and I may not have
22 counted that or caught that at the time that it
23 happened. You as a circulator are supposed to
24 check all of your work before you bring it to me
25 to make sure that anything like that that doesn't

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1 belong is not in there as counted for signatures.
2 Do you understand?

3 Q. Ms. Lauter, when you use the term booklet, that's
4 not on this PAR petition, right? It's one of the
5 petitions they are taking out?

6 A. Correct. The booklet is the entire petition from
7 beginning to end. So if you did not do your due
8 diligence because -- for whatever reason, you got
9 lazy, you didn't want to, you accidentally made a
10 mistake, and you handed your booklet into me and
11 told me that you had X and so amount of good
12 valid signatures, and you missed two of them from
13 Summit County, fresh eyes, I happen to see it
14 while I'm going through your book to make your
15 paycheck, I say, well, you've missed that two
16 people are there from Summit County. I'm going
17 to make a notation two from Summit County
18 somewhere, so that when you come to me for pay,
19 your receipt may say 56 rough count, but now I
20 have to say, you know you missed two from Summit?
21 Oh, did I? Okay. Everybody knows that you miss
22 some sometimes. It's lots and lots of paperwork,
23 lots and lots of stuff together. So we would
24 highlight those for nonpayment, as we would
25 highlight somebody that, for example, didn't put

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1 an address down. Nobody can count that, so that
2 has to be --

3 We don't want petitioners scratching and
4 scribbling and making messes of the paperwork
5 scratching stuff all over the place, because the
6 last thing we want is that paperwork to appear as
7 if someone has done anything fraudulent. So what
8 we do for payroll purposes is we highlight those
9 for nonpayment.

10 Q. So it sounds like --

11 A. Did we happen to use a black washable magic
12 marker in this case instead of a bright yellow
13 highlighter? Absolutely. Is that considered
14 striking them from the deck? Not in our minds
15 it's not. That is called purging that deck for
16 nonpayment, because that's a Summit County in a
17 Cuyahoga County book, and it can't get paid on.

18 Q. So it sounds like what purging the deck is then
19 is when a circulator turns in a PAR petition, you
20 review it to look for invalid signatures for
21 whatever reason that it would be invalid?

22 A. They are supposed to do it, as well.

23 Q. Sure.

24 If you as coordinator find a signature
25 that's invalid, you would then cross through it

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1 with the black marker, and that's how payroll
2 would know not to pay it?

3 A. And I wouldn't say cross through it, because that
4 assumes like we are trying to cross it out. We
5 are highlighting it.

6 Q. Well, I just meant that you would -- but where
7 you would put your mark, though, would be on the
8 line where that signature occurs?

9 A. Correct.

10 Now, when you say cross through it,
11 sometimes you come up to me at the DMV, or
12 whatever, you sign the petition, you go, oh, I'm
13 not Cuyahoga County. You may put a line through
14 it. Okay. Not what I wanted to have happen, but
15 okay. You could say, you know, I decided --
16 you've walked away. You turn your back. You
17 know, I decided I really didn't want to sign
18 that. Will you scratch my name off? I'll go,
19 yes, ma'am, and I will put a line through it.
20 But when that black appeared, that's only a
21 highlight for nonpayment. It's not a removal of
22 the signature. It's never intended to be that
23 ever.

24 Q. It's your understanding that this practice was
25 something that Elite Campaigns wanted you to do,

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1 correct?

2 A. We've done it in every state. Every coordinator
3 wants things done in a different way. We've done
4 it that way in every state for that organization,
5 and that was the common practice that was used.

6 Q. So it's fair to say that your past experience
7 with Elite Campaigns and DRW and PCI was that you
8 were to go through and mark these signatures --

9 A. Highlight those signatures for nonpayment, yes.

10 Q. So it sounds like then, if I understand it, even
11 though your office was located in Youngstown, you
12 could still be purging the deck as to petitions
13 that related to Geauga County or Lorain County or
14 Cuyahoga County?

15 A. Yep. If they turn their paperwork into my office
16 and they were a contractor that worked underneath
17 me, yeah, I process all their paperwork
18 regardless of where it came from. If there's a
19 circulator signing it, I process it.

20 Q. And it's also fair to say that it was your
21 understanding that this practice was being done
22 by other coordinators throughout the state?

23 A. It was my understanding that that was the way we
24 were all doing things.

25 Q. That was the way coordinators were doing it

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1 throughout the state on this particular petition?

2 MR. COLOMBO: I will just object on
3 hearsay.

4 You can go ahead and answer.

5 A. It was only my understanding. And right, I would
6 absolutely say hearsay. I don't know that answer
7 for sure. You're asking me to give you an answer
8 that --

9 Q. I'm just asking you based on your prior
10 experience with these particular coordinators --
11 I'm sorry, with these companies, PCI, Elite
12 Campaigns, DRW, this is your experience that's
13 how it was always done?

14 A. My experience.

15 Q. Yes.

16 A. Yes.

17 Q. Now, on the PAR petition or the booklet, at the
18 back of the PAR petition, a circulator has to
19 sign an attestation under penalty of perjury,
20 correct?

21 A. Correct.

22 Q. And among other things, as part of that
23 attestation, the circulator has to attest to the
24 number of signatures that he or she witnessed?

25 A. Correct.

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1 Q. Do you know the reason behind or the purpose
2 behind that requirement?

3 A. I guess legally I would have to say no. I'm not
4 exactly sure.

5 Q. Now, on the PAR petitions that were circulated as
6 part of this petition, the maximum number of
7 signatures that could be placed on a PAR petition
8 is 28, correct?

9 A. I don't know how many signatures. I don't
10 remember how many signatures our booklet had. I
11 don't know if it was 28, 36. I don't even
12 remember.

13 Q. Let me look at one.

14 MR. REID: Can we mark this as 3,
15 please?

16 - - - - -

17 (Thereupon, Exhibit 3 was marked for the purpose of
18 identification.)

19 - - - - -

20 Q. Ms. Lauter, handing you what's been marked as
21 Exhibit 3. I will represent to you that this is
22 a copy of a PAR petition that was circulated in
23 Franklin County that was submitted to the Ohio
24 Secretary of State. We obtained this copy from
25 the Ohio Secretary of State.

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1 If you take a look at this, does this jog
2 your memory about how many signatures --

3 A. Yeah. But I can promise you I would have never
4 ever taken this paperwork from this person and
5 let them put a 28 back there with one signature
6 in that book. I don't know who let that happen,
7 but I would have never let that happen.

8 Q. Why wouldn't you have let that happen?

9 A. Because that's not how many signatures are in
10 that book. Somehow that person had a great
11 misunderstanding, or maybe -- and I will tell you
12 this happened more often than you'd like to think
13 -- because these papers were only stapled one
14 way, just this way. Sometimes they get in like
15 this, and this guy might have actually -- I don't
16 know, I'm just giving you an example of what I
17 have seen and what has actually happened to me --
18 didn't realize that two were tangled in each
19 other and put that 28 there.

20 Q. But he'd have to sign two different ones in that
21 instance, though, or one would be unsigned?

22 A. He might not have realized it at the time. He
23 might have realized it later and then didn't
24 correct his mistake. I can't even say why
25 somebody would do something like this. This is

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1 not anything that we teach to be done, that's for
2 sure. Yeah. I don't know why anybody would do
3 that. We don't tell anybody to do anything like
4 this at orientation. And whoever took this
5 person's paperwork, I would like to think they
6 would have said, what are you doing? Why in the
7 world did you do that? That doesn't even make
8 any sense to me.

9 Q. Do you know a circulator by the name of Fifi
10 Harper?

11 A. Never heard of him/her. I have no idea.

12 Q. Do you know of a circulator by the name Roy
13 Jackson?

14 A. Never heard of that person. Most of these people
15 -- I looked at the list. Go ahead.

16 Q. How about Casey Veliquette?

17 A. No.

18 Q. Now, I think you did mention earlier that you
19 were familiar with someone named Kelvin Moore?

20 A. Yes.

21 Q. And do you by chance know what his permanent
22 residence address is?

23 A. I have no clue. Like I said, that was the first
24 time I had laid eyes on Kelvin in years and
25 years. No clue.

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1 Q. The other times that you had run into him, was
2 that as part of petition drives that were
3 occurring in Ohio?

4 A. No.

5 Q. So all of those were in different states?

6 A. Actually, the first time I met him was in Ohio in
7 2007. The other two times I saw him were in
8 other states. And that was the first time I had
9 seen him in years was in Youngstown.

10 Q. Do you know who William Booth is?

11 A. Never heard of that person.

12 Q. Do you know who Daniel Darland is?

13 A. No.

14 Q. Do you know who Tracy Jones is?

15 A. No.

16 Q. How about Latonya Thurman?

17 A. No.

18 Q. Now, prior to today, had you met any of the folks
19 in this room before?

20 A. This gentleman looks familiar by face, but I
21 don't know how.

22 THE WITNESS: I don't want to point,
23 but you look familiar by face, but I
24 don't know how.

25 A. But I petition all over the earth. It could have

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1 been the golf show. It could have been anywhere.
2 People are like, you're everywhere. I'm like, so
3 are you.

4 Q. You have met Don McTigue before, right?

5 A. Yes.

6 Q. How do you know him?

7 A. Just through the petitioning process. He's been
8 an attorney that's been used a couple of times.
9 And the Board of Elections I believe was the
10 first time I had met him in person.

11 Q. You mean the Cuyahoga County Board of Elections
12 hearing related to this petition?

13 A. Yes.

14 Q. Have you had any conversations with Mr. McTigue
15 about this particular petition?

16 A. Not about the petition. I mean, obviously when I
17 got this paperwork I called to see what's going
18 on, why is this happening, and is somebody
19 supposed to represent me? And the next thing you
20 know Jed's a millionaire and Pammy is hung out in
21 the air by herself. So that was the last time I
22 talked to him.

23 Q. So he's not representing you in this matter?

24 A. It's my understanding he's not allowed to, so I
25 have no clue what's going on.

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1 Q. Why is it your understanding that he's not
2 allowed to?

3 A. I believe he said that he represents the
4 petitioners, which are the signers of the
5 petition, not the circulators or coordinators. I
6 am confused on the entire ball of wax.

7 Q. But he said because of that, he couldn't
8 represent you?

9 A. That was my understanding.

10 Q. Did you have any other conversations besides
11 that?

12 A. No. Because when he said I'm not even supposed
13 to talk to you, have a nice day, and I said okay,
14 goodbye.

15 Q. Do you recall when that conversation would have
16 occurred?

17 A. Probably when I first started getting these
18 delightful little packages from you folks.

19 Q. I meant to ask you some questions about the
20 logistics of payment.

21 When it's time for the circulator to be
22 paid, logistically, how is it that the circulator
23 actually ends up getting paid? Where does that
24 check come from or does that payment come from?

25 A. If they are a contractor, it comes from me.

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1 Q. So the check would literally be an OPP check?

2 A. Yes. Ohio Petitioning Partner's check, yes.

3 Q. And are you then reimbursed by Elite Campaigns?

4 A. Before I write checks to my contractors, they
5 have already paid me on signatures that have been
6 collected and turned in, and that's how I make my
7 payment.

8 Q. So you turn in the completed PAR petitions to
9 Elite Campaigns?

10 A. Correct.

11 Q. And then they cut the check to you?

12 A. Correct.

13 Q. And then you in turn cut the check to the
14 circulators?

15 A. Correct.

16 Q. And do you know whether or not Elite Campaigns
17 gets reimbursed or has to be paid first before it
18 can cut a check to you?

19 A. That's their business. I have no knowledge of
20 their business and its operation. I only know my
21 own.

22 Q. Do you have to issue any sort of tax reporting
23 for the circulators you pay?

24 A. Absolutely. Everybody fills out a W-9. Once
25 they have earned more than \$650 with me, I have

1 to file a 1099 for them, miscellaneous income for
2 the end of the year.

3 Q. Do you have any of those forms related to this
4 petition drive? I don't believe there were any
5 in what you produced so far.

6 A. Then that must have been an accident. I have to
7 tell you something: I think I only had two
8 people that even made over \$650. Like I said,
9 they would not go to work. I can get those to
10 you if you need them.

11 Q. Please. Please do.

12 A. I think there were only two of them.

13 Q. If you could look for these and get those for me,
14 please.

15 MR. REID: If we could take a short
16 break, I think I'm going to be wrapping
17 up here soon.

18 - - - - -

19 (Thereupon, a recess was had.)

20 - - - - -

21 MR. REID: I actually don't have
22 any further questions, Ms. Lauter. The
23 other counsel here might, so I will defer
24 to them.

25 MR. CONOVER: Just for the record,

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1 my name is Brodi Conover from the
2 Attorney General's Office on behalf of
3 the Secretary of State, but I don't have
4 any questions for you today, Ms. Lauter.

5 - - - - -

6 EXAMINATION OF PAMELA LAUTER

7 BY MR. COLOMBO:

8 Q. Ms. Lauter, I'm Corey Colombo from McTigue &
9 Colombo. I just have one clarification I wanted
10 to ask you about.

11 For this concept of purging the deck, would
12 you use -- as a circulator -- a black Sharpie of
13 some kind?

14 A. No. We specifically use what is called -- and it
15 even says on it -- washable. We specifically --
16 and they are really expensive. You have to order
17 these markers. You can't just walk in to
18 Wal-Mart and buy a washable marker. They don't
19 sell them. It's in the world of highlighters.
20 And we use washable specifically so that
21 everything behind it can be seen and read if it
22 ever needed to be for any purpose. It would be
23 there. You could actually take water to that
24 washable and almost remove it all to a gray hue.
25 It's specifically done that way so it is a

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1 highlight and not a strike.

2 Q. I guess I have one more follow-up question.

3 Discussing a petition where a circulator's
4 statement said there are more signatures than
5 what appeared, you would not accept those?

6 A. I would make them fix it until it's correct.

7 There is a huge problem with interpretation of
8 that number. Huge. I wish somebody would go
9 back to the Secretary of State and make them
10 define this in an extremely clear way that
11 everybody understands. We have many issues with
12 misunderstanding and misinterpretation. Can I
13 please give you an example, with you being here
14 from the Secretary of State, so that you can
15 address this so that these things can be
16 resolved? Can I give you an example?

17 Q. Well, if I can just ask a question, just because
18 I know everybody is on a tight schedule.

19 A. Okay.

20 Q. If they want to ask the follow-up question,
21 that's fine. Trust me, I have a long list of
22 things I would change if I could get
23 clarification on the law.

24 One question I wanted to ask in the training
25 or any trainings you have done --

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1 A. We use orientation.

2 Q. Orientation.

3 Do you have any understanding how boards of
4 elections treat the petitions if there is more or
5 less in the circulator's statement?

6 MR. REID: Objection.

7 A. Here's where the problem comes in: One board of
8 elections -- Cuyahoga County may say this, Lorain
9 County may say this, Summit County may say this.
10 These people are not all on the same page. It's
11 a problem. You can call on the phone and
12 somebody will answer a question for you at the
13 Board of Elections, then somebody else can go to
14 the Board of Elections and that question will be
15 answered completely differently than the other
16 question was answered. This is a monstrosity of
17 a problem. Somebody at Cuyahoga County Board of
18 Elections says we would rather you put the number
19 larger than lesser, because if it's lesser, we
20 can throw it out. Now, that tells us as a -- me
21 as coordinator that maybe that's up to a personal
22 interpretation of the person at the county board
23 of elections that's checking them. I don't know
24 what's going on here. I just know this is a
25 mess.

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1 Q. So have boards told you in the past the number
2 can be higher?

3 A. Absolutely.

4 MR. REID: Objection.

5 A. They most certainly have.

6 Q. Cuyahoga specifically?

7 MR. REID: Objection.

8 A. Yes.

9 MR. COLOMBO: I have no further
10 questions.

11 I don't know if you do.

12 MR. REID: No, thank you.

13 THE WITNESS: We've been trying to
14 clear this up for a long time, guys.

15 MR. REID: I don't have any further
16 questions. Thank you for your time, Ms.
17 Lauter.

18 - - - - -

19 (Deposition concluded at 12:41 p.m.)

20 - - - - -

21

22

23

24

25

CERTIFICATE

State of Ohio,)
County of Cuyahoga.)

I, Michelle Post, and Notary Public within and for the State of Ohio, do hereby certify that PAMELA LAUTER was by me first duly sworn to testify to the truth, the whole truth, and nothing but the truth, and that the above deposition was recorded stenographically by me and reduced to typewriting by me.

I FURTHER CERTIFY that the foregoing transcript of the said deposition is a true and correct transcript of the testimony given by the said witness at the time and place specified hereinbefore.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I have hereunto set my hand seal of office at Cleveland, Ohio on this 10th day of May, 2016.

Michelle Post

Notary Public in and for the State of Ohio,
My Commission Expires February 27, 2020

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This agreement is made between Ohio Petitioning Partners LLC. Hereinafter referred to as "OPP" whose mailing address is 3909 Pensacola Ave Cleveland Ohio 44109 and ("Contractor"), an Independent Contractor, whose name and address is set forth below.

Audrey Michaels, 14 Evans St, Niles, OH.
Name (Print) Mailing Address 44446
1-330-544-4671
Phone Email

- 1.01 Contractor agrees to perform the services specified in the "Description of Services" attached to this Agreement as Exhibit "A" OPP will provide contractor with the petitions and affidavits and other forms necessary for the performance of these services. Contractor shall submit to OPP a written invoice for payment of any valid signatures obtained by Contractor. Contractor shall be paid by OPP the amount that is set forth in Exhibit B (or an amount determined by OPP and Contractor) for each valid signature on the Petitions delivered to OPP by contractor.
- 1.02 Contractor is and will remain an independent contractor. Contractor agrees that he or she is not and will not become an employee, partner, agent or principal of OPP while this agreement is in effect. Contractor agrees he or she is not entitled to the rights or benefits afforded to OPP employees, including disability or unemployment insurance, workers compensation, minimum wages, training, permits and licenses.
- 1.03 Contractor is responsible for paying when due all income taxes, including estimated taxes, incurred as a result of the compensation paid by OPP to Contractor. On request, contractor will provide OPP with proof of timely payment. Contractor agrees to indemnify OPP for any claims, costs, losses, fees, penalties, interest or damages suffered by OPP resulting from Contractor's failure to comply with this provision. OPP shall provide to Contractor 1099 tax form for any compensation that is paid to the Contractor by OPP...ALL CHANGES OF ADDRESS MUST BE IN WRITING TO OPP !!!
- 1.04 Contractor will determine the method and details and means of performing the services and will be responsible for all expenses incurred in performing the services. Contractor may perform the services under this Agreement at any suitable time and location chosen by the Contractor within the geographic area set forth in the petition. Contractor will supply all tools, materials and equipment required to perform the services under this Agreement. OPP is only interested in the end result of the petitions being signed by registered voters; or other instruments provided by OPP.
- 1.05 Contractor represents that he or she has the qualifications, skills and contacts necessary to perform the services under this Agreement in a competent, professional manner, without the advice or direction of OPP. Contractor represents that he or she is qualified Agreement by Contractor constitutes a material breach of the Agreement.
- CONTRACTORS INITIALS () INDICATING FULL UNDERSTANDING OF THIS PAGE

Contractors initials () indicating full understanding of this page



Referendums, recalls, initiatives and voter registration or other instruments as OPP may contract for. Contractor shall require all of its employees, agents, contractors, sub-contractors or representative to comply with all local, state and federal laws while circulating any petitions or the like associated with OPP and shall indemnify company for all claims cost and expenses relating to this section.

1.16 Contractor may represent and perform services for and contract with as many additional clients, persons or companies as Contractor, in his or her discretion sees fit. Excluding issues that directly conflict with OPPs ongoing petition and or business.

1.17 **WARNING!!** Due to the nature of the business the timely receipt of petitions sheets to OPP is critical; therefore the Contractors shall make all necessary efforts to contact OPP on an ongoing basis to determine the status of each petition. **OPP CAN NOT CONTACT EACH CONTRACTOR.** Contractor must be responsible for getting the continuous updates of the petition status. Keep in contact with your local turn in office.

1.18 **MISREPRESENTATION OF ISSUES IN ANY WAY SHAPE OR FORM, CONSISTENT LOW VALIDITY OR SUSPECTED FORGERIES WILL RESULT IN THE IMMEDIATE TERMINATION OF THIS CONTRACT.** Company will not pay for petitions turned in after cut-off date under any circumstances. No excuses of any kind will be accepted. Keep in touch with your coordinator. Any payment disputes must be in writing within 10 days of due date of payment. Contractor is to provide written proof of OPP has final decision.

Independent Contractors Name Audrey McRae

Mailing Address 14 Evans Street, Niles, Ohio, 44446

Phone Number 1-330-544-4671 Alternate Number _____

Fax _____ Email _____

Social Security or Federal ID # 290-32-2008

Drivers or State ID # and state of issuance RT946942 - 4-03-14

Independent Contractors Signature Audrey McRae Date 9-24-15

Company officer signature

Date

Ohio

Independent Contractor Agreement; Description Of Services, Exhibit A & B .

JSM Florida Incorporated (Hereinafter Company) is in the business of contracting with third parties to obtain names, addresses and signatures of registered Voters for local or state Initiatives, referendums, etc. Contractor desires to obtain this same information and submit it directly to Company for payment.

The company will pay the contractor the current rate: as determined by the company and contractor from time to time: for names addresses and signatures submitted to Company for various petitions. Company is currently handling.

If contractors Validity (as determined by the company) is 80 % or higher; then the company will pay the contractor for 100% of the signatures.

Validity under 80% will be paid at the actual validity % turned in, times the number of signatures turned in on any given date. Contractor understands it can take up to two weeks or more for final payment after the project ends.

Misrepresentation of issues; Consistent low validity or Forgeries will result in the termination of this agreement. Any dispute over commissions or other payments must be made in writing to the Company within 10 days from the date money was due. Contractor must show written proof.

State and local /company guidelines

- #1 Each signer of a petition must be a Registered Voter in Ohio
- #2 ONLY the voter can fill out their name and address and sign the petition
- #3 The voter must print their COMPLETE name middle initial and address and, date signed.
- #4 All printed information from voter MUST be legible, no PO Boxes for addresses
- #5 The voters address on the petition must be where the voter is CURRENTLY registered to vote the address must match the address on file with the appropriate Ohio election authorities.
- #6 No initials for registered name; example (B.J .Smith)
- #6 -A Husband cannot fill out info for wife and vice versa
- #7 Do not mix counties in the same petition book
- #8 Contractor/Circulator shall legibly fill out declaration of circulator.
- #9 Only Black ball point pens should be used to fill out info on petition.
- #10 Voter Registration cards must be filled out completely according to Company instructions, if not No pay for that signature. A copy of the original Registration card (Paid for by Contractor) must Accompany the original card and be turned into the company not more than 3 days after signing by voter.
- #11 Contractor understands that he/she cannot use J S M Inc as their last employer for purposes of obtaining unemployment compensation. (Because you are an Independent Contractor)

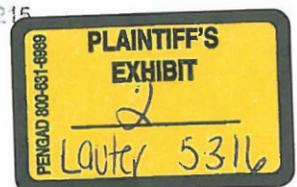
Contractor Printed name Audrey Michaels

Signature Audrey Michaels Date 9-24-15

Ohioans for Fair Drug Prices

THE OHIO DRUG PRICE RELIEF ACT

- The Ohio Drug Price Relief Act is designed to save the State money.
- It sets a cap on the price the State pays for prescription drugs.
- The State would pay no more than the VA pays for prescription drugs, which is much less than the amount the State currently pays.
- This law sends a message to the big drug companies that they cannot continue to overcharge our State for prescription drugs.
- Overpriced drugs are a huge part of our health care costs, and this measure takes action to control those costs.



Ohioans for Fair Drug Prices

Ohio Drug Price Relief Act

Frequently Asked Questions (FAQs)

What does this proposition seek to do?

- ✓ The Ohio Drug Price Relief Act aims to reduce the cost of prescription drugs purchased by the State of Ohio and various State programs, such as Fee-For-Service Outpatient Drug Program and the AIDS Drugs Assistance Program. It does this by capping the State's cost for prescription drugs at the amounts paid by the U.S. Department of Veteran Affairs (V.A.)
- ✓ The Drug Price Relief Act seeks to prevent drug companies from overcharging Ohio and straining the budgets of both the State and its taxpayers.
- ✓ This law is designed to significantly reduce healthcare costs for Ohio and Ohioans.

How does the proposition intend to reduce the State's prescription drug costs?

- ✓ The V.A. pays much less for prescription drugs than other government entities, including Ohio. The Drug Price Relief Act would mandate that Ohio pay the same amount or less for prescription drugs as the V.A., leading to significant savings for the State.

How much savings would be achieved?

- ✓ The State of Ohio spends hundreds of millions of dollars on prescription drugs each year, and the V.A. pays for drugs at a much lower rate. If the State of Ohio is able to pay the same price for prescription drugs as the V.A., then Ohio's savings is expected to be in the hundreds of millions, or even billions, of dollars over the long-term.

Where would the savings go?

- ✓ The savings would go to the State's General Fund to be used for any permissible State purpose, including funding healthcare, education and public safety.

Who is behind this measure?

- ✓ The Drug Price Relief Act is being funded by a nonprofit, tax-exempt 501(c)3 organization, the AIDS Healthcare Foundation (AHF). AHF is the world's largest global AIDS organization, and provides medical care and/or services to over 416,173 individuals in 36 countries, including operating hundreds of healthcare clinic, pharmacies, and wellness centers.

Let the Voters Decide!

Ohioans for Fair Drug Prices

Ohio Drug Price Relief Act

The Ohio Drug Price Relief Act aims to significantly reduce the amounts that Ohio pays for prescription drugs, thus reducing the State's overall healthcare costs.

Ohio spends an enormous amount of money on prescription drugs each year, burdening the State and taking money away from other essential services, such as education and public safety.

Overpriced prescription drugs increase Ohio's healthcare costs and badly strain the budgets of the State and its citizens.

The United States Department of Veterans Affairs (VA) pays much less for prescription drugs than other government entities, including Ohio.

The Drug Price Relief Act would mandate that Ohio pay the same amount or less for prescription drugs as the VA, leading to significant savings for the State.

This law is designed to:

- Stop drug companies from overcharging Ohio and from straining the budgets of the State and its taxpayers.
- Reduce the cost of prescription drugs purchased by the State by mandating that the State pay no more than the amount the VA pays.
- Lower the cost of prescription drugs purchased by State programs such as the Medicaid Fee-For-Service Outpatient Drug Program and the AIDS Drug Assistance Program.
- Reduce overall healthcare costs for Ohio and its taxpayers.

Let the Voters Decide!

Number: 000951

County: Franklin

INITIATIVE PETITION

9319

Law Proposed by Initiative Petition First to be Submitted to the General Assembly.

TITLE

Ohio Drug Price Relief Act

SUMMARY

V-1
10-0
hr

The Act would enact Section 194.01 of the Ohio Revised Code to require that notwithstanding any other provision of law and in so far as permissible under federal law, the State of Ohio shall not enter into any agreement for the purchase of prescription drugs or agree to pay, directly or indirectly, for prescription drugs, including where the state is the ultimate payer, unless the net cost is the same or less than the lowest price paid for the same drug by the U. S. Department of Veterans Affairs. Among other provisions, the Act also:

- Sets forth the title of the Act as "The Ohio Drug Price Relief Act."
- Sets forth Findings and Declarations and Purposes and Intent of the Act.
- Sets forth factors in determining "net cost."
- Authorizes state departments, agencies and other state entities to adopt administrative rules to implement the provisions of the Act.
- Provide that the Act shall liberally construed to effectuate its purpose.
- Provide that if any provision of the Act is held to be invalid, the remaining provisions shall remain in effect.
- Provide that if the Act is challenged in court, it shall be defended by the Attorney General.
- Declare that the committee of individuals responsible for circulation of the petition ("the proponents") have a direct and personal stake in defending the Act and any one or more of them may do so in court if challenged. Provide that the proponents shall be indemnified by the state for their reasonable attorney's fees and expenses in defending against a legal challenge to the Act. Provide that the proponents shall be jointly and severally liable to pay a civil fine of \$10,000 to the state if the Act or any of its provisions are held by a court to be unenforceable, but shall have no other personal liability.
- Provide that in the event that the Act and another law are adopted by the voters at the same election and contain conflicting provisions and the Act received less votes, the non-conflicting provisions of the Act shall take effect.
- Require the General Assembly to enact any additional laws and the Governor to take any additional actions required to promptly implement the Act.



CERTIFICATION OF ATTORNEY GENERAL

Without passing upon the advisability of the approval or rejection of the measure to be referred, but pursuant to the duties imposed upon the Attorney General's Office under Section 3519.01(A) of the Ohio Revised Code, I hereby certify that the summary is a fair and truthful statement of the proposed law.

MIKE DeWINE
Ohio Attorney General
August 3, 2015

COMMITTEE TO REPRESENT THE PETITIONERS

The following persons are designated as a committee to represent the petitioners in all matters relating to the petition or its circulation:

William S. Booth
1243 Wilson Dr.
Dayton, Ohio 45402

Daniel L. Darland
3811 N. Main St.
Dayton, Ohio 45405

Tracy L. Jones
5903 Bear Creek Dr.
Bedford Heights, Ohio 44146

Latonya D. Thurman
2618 N. Cassady Ave.
Columbus, Ohio 43219

NOTICE

Whoever knowingly signs this petition more than once; except as provided in section 3501.382 of the Revised Code, signs a name other than one's own on this petition; or signs this petition when not a qualified voter, is liable to prosecution.

MUST USE ADDRESS ON FILE WITH BOARD OF ELECTIONS

(Sign with ink. Your name, residence, and date of signing must be given.)

Signature	County	Township	Rural Route or other Post office Address	Month / Day / Year
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(Voters who do not live in a municipal corporation should fill in the information called for by headings printed above.)
 (Voters who reside in municipal corporations should fill in the information called for by headings printed below.)

Signature	County	City or Village	Street and Number	Ward/Precinct	Month / Day / Year
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1. Signature <i>Ajander</i>	Print First Name <i>Alicia</i>	Initial <i>af</i>
	Print Last Name <i>Anderson</i>	

Address on file with the Board of Election
6068 Woodhoro Dr

City/Village/Township <i>cos</i>	Ward/Precinct	Zip Code <i>43228</i>	County <i>Franklin</i>	Date of Signing <i>11/9/15</i>
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2. Signature	Print First Name	Initial
	Print Last Name	

Address on file with the Board of Election

City/Village/Township	Ward/Precinct	Zip Code	County	Date of Signing
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City/Village/Township	Ward/Precinct	Zip Code	County	Date of Signing
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Address on file with the Board of Election

City/Village/Township	Ward/Precinct	Zip Code	County	Date of Signing
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FULL TEXT OF LAW

Be it Enacted by the People of the State of Ohio that the following chapter and section are added to Title I of the Revised Code.

Chapter 194: Drug Price Relief

Section 194.01

(A) Title.

This Act shall be known as "The Ohio Drug Price Relief Act" (the "Act").

(B) Findings and Declarations.

The People of the State of Ohio hereby find and declare all of the following:

- (1) Prescription drug costs have been, and continue to be, one of the greatest drivers of rising health care costs in Ohio.
- (2) Nationally, prescription drug spending increased more than 800 percent between 1990 and 2013, making it one of the fastest growing segments of health care.
- (3) Spending on specialty medications, such as those used to treat HIV/AIDS, Hepatitis C, and cancers, are rising faster than other types of medications. In 2014 alone, total spending on specialty medications increased by more than 23 percent.
- (4) The pharmaceutical industry's practice of charging inflated drug prices has resulted in pharmaceutical company profits exceeding those of even the oil and investment banking industries.
- (5) Inflated drug pricing has led to drug companies lavishing excessive pay on their executives.
- (6) Excessively priced drugs continue to be an unnecessary burden on Ohio taxpayers that ultimately results in cuts to health care services and providers for people in need.
- (7) Although Ohio has engaged in efforts to reduce prescription drug costs through rebates, drug manufacturers are still able to charge the State more than other government payers for the same medications, resulting in a dramatic imbalance that must be rectified.
- (8) If Ohio is able to pay the same prices for prescription drugs as the amounts paid by the United States Department of Veterans Affairs, it would result in significant savings to Ohio and its taxpayers. This Act is necessary and appropriate to address these public concerns.

(C) Purposes and Intent.

The People of the State of Ohio hereby declare the following purposes and intent in enacting this Act:

- (1) To enable the State of Ohio to pay the same prices for prescription drugs as the prices paid by the United States Department of Veterans Affairs, thus rectifying the imbalance among government payers.
- (2) To enable significant cost savings to Ohio and its taxpayers for prescription drugs, thus helping to stem the tide of rising health care costs in Ohio.
- (3) To provide for the Act's proper legal defense should it be adopted and thereafter challenged in court.

(D) Drug Pricing.

- (1) Notwithstanding any other provision of law and insofar as may be permissible under federal law, neither the State of Ohio, nor any state department, agency or other state entity, including, but not limited to, the Ohio Department of Aging, the Ohio Department of Health, the Ohio Department of Insurance, the Ohio Department of Jobs and Family Services, and the Ohio Department of Medicaid, shall enter into any agreement with the manufacturer of any drug for the purchase of a prescribed drug or agree to pay, directly or indirectly, for a prescribed drug, unless the net cost of the drug, inclusive of cash discounts, free goods, volume discounts, rebates, or any other discounts or credits, as determined by the purchasing department, agency or entity, is the same as or less than the lowest price paid for the same drug by the United States Department of Veterans Affairs.
- (2) The price ceiling described in subsection (1) above also shall apply to all programs where the State of Ohio or any state department, agency or other state entity is the ultimate payer for the drug, even if it did not purchase the drug directly. This includes, but is not limited to, the Ohio Best Rx Program and the Ohio HIV Drug Assistance Program. In addition to agreements for any cash discounts, free goods, volume discounts, rebates, or any other discounts or credits already in place for these programs, the responsible department, agency or entity shall enter into additional agreements with drug manufacturers for further price reductions so that the net cost of the drug, as determined by the purchasing department, agency or entity, is the same as or less than the lowest price paid for the same drug by the United States Department of Veterans Affairs.
- (3) All state departments, agencies and other state entities that enter into one or more agreements with the manufacturer of any drug for the purchase of prescribed drugs or agreement to pay directly or indirectly for prescribed drugs shall implement this section no later than July 1, 2017.
- (4) Each such department, agency or other state entity, may adopt administrative rules to implement the provisions of this section and may seek any waivers of federal law, rule, or regulation necessary to implement the provisions of this section.
- (5) The General Assembly shall enact any additional laws and the Governor shall take any additional actions required to promptly carry out the provisions of this section.

(E) Liberal Construction.

This Act shall be liberally construed to effectuate its purpose.

(F) Severability.

If any provision of this Act, or part thereof, or the applicability of any provision or part to any person or circumstances, is for any reason held to be invalid or unconstitutional, the remaining provisions and parts shall not be affected, but shall remain in full force and effect, and to this end the provisions and parts of this Act are severable. If this Act and another law are approved by the voters at the same election with one or more conflicting provisions and this Act receives fewer votes, the non-conflicting provisions of this Act shall go into effect.

(G) Legal Defense.

If any provision of this Act is challenged in court, it shall be defended by the Attorney General of Ohio. The People of Ohio, by enacting this Act, hereby declare that the committee of individuals responsible for the circulation of the petition proposing this Act ("the Proponents") have a direct and personal stake in defending this Act from constitutional or other challenges. In the event of a challenge, any one or more of the Act's Proponents shall be entitled to assert their direct and personal stake by defending the Act's validity in any court of law, including on appeal. The Proponents shall be indemnified by the State of Ohio for their reasonable attorney's fees and expenses incurred in defending the validity of the challenged Act. In the event that the Act or any of its provisions or parts are held by a court of law, after exhaustion of any appeals, to be unenforceable as being in conflict with other statutory or constitutional provisions, the Proponents shall be jointly and severally liable to pay a civil fine of \$10,000 to the State of Ohio, but shall have no other personal liability to any person or entity.

STATEMENT OF CIRCULATOR

I, Kevin Hawkins, declare under penalty of election falsification that I am the circulator of the foregoing petition paper containing the signatures of 28 electors, that the signatures appended hereto were made and appended in my presence on the date set opposite each respective name, and are the signatures of the persons whose names they purport to be or of attorneys in fact acting pursuant to section 3501.382 of the Revised Code, and that the electors signing this petition did so with knowledge of the contents of same. I am employed to circulate this petition by

Elite Campaigns, Inc.

5047 West Main street, #279
Kalamazoo, Michigan 49009

(Name and address of employer). (The preceding sentence shall be completed as required by section 3501.38 of the Revised Code if the circulator is being employed to circulate the petition.)

I further declare under penalty of election falsification that I witnessed the affixing of every signature to the foregoing petition paper, that all signers were to the best of my knowledge and belief qualified to sign, and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code.

Kevin Hawkins
(Signed)

5767 Arborwood Ct Apt B
(Address of circulator's permanent residence)
Number and Street, Road or Rural Route

cols Franklin
City, Village or Township

OH 43229
State Zip Code

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

EXHIBIT F

**(Excerpt from Lorain County Board of Elections, Testimony of Gloria Torrence,
January 28, 2016)**

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BEFORE THE BOARD OF ELECTIONS
LORAIN COUNTY, OHIO

RE:

OHIO DRUG PRICE RELIEF
PETITION

- - -

Testimony given before the Lorain County, Ohio Board of Elections with regard to the Ohio Drug Price Relief Petition, taken before Mary A. Hammond, a Court Reporter and Notary Public within and for the State of Ohio, at the Lorain County Board of Elections, 1985 North Ridge Road, East, Lorain, Ohio, on Thursday, the 28th day of January, 2016, at 2:13 p.m..

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A P P E A R A N C E S

Board of Elections Members:

Marilyn Jacobcik, Chair
Thomas J. Smith
Anthony B. Giardini

Administration:

Paul R. Adams, Director
James D. Kramer, Deputy Director

- - -

On behalf of the Lorain County, Ohio Board of Elections:

LORAIN COUNTY PROSECUTOR'S OFFICE
GERALD A. INNES, APA
Lorain County Justice Center
225 Court Street, 3rd Floor
Elyria, Ohio 44035
440.329.5398
jerry.innes@lcprosecutor.org

On behalf of Pharmaceutical Research and Manufacturers
(PhRMA):

BRICKER & ECKLER LLP
WILLIAM D. MASON, ESQ.
1001 Lakeside Avenue East
Suite 1350
Cleveland, Ohio 44114-1142
216.523.5405
wmason@bricker.com

On behalf of the Petition Committee for the Ohio Drug
Price Relief Act:

MCTIGUE, MCGINNIS & COLOMBO LLC
J. COREY COLOMBO, ESQ.
545 East Town Street
Columbus, Ohio 43215
614.263.7000
ccolombo@electionlawgroup.com

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P R O C E E D I N G S

1
2 MS. JACOBCEK: We will call this hearing to
3 order. In accordance with the instructions of Directive
4 2016-01, the Board has conducted a re-review of the
5 petitions in question, and as a result of that, we have
6 called this hearing.

7 At this time, I would like to turn it to over
8 Assistant Prosecutor Innes who will conduct the hearing
9 on our behalf.

10 MR. INNES: Okay. Just so everybody
11 understands what we did, and through your staff, we went
12 through and we tried to -- you know, we have a total of
13 186 part-petitions that we found had the kind of issues
14 identified by the Secretary of State. What we tried to
15 do is go through and find those persons who had
16 circulated multiple petitions and tried to get out
17 subpoenas to those in Lorain County.

18 We went over to Fostoria and to the west side of
19 Cleveland and tried to catch some people there. I did
20 mail subpoenas up to Michigan. It doesn't look like,
21 from what we've got here, that we've got anybody from
22 there. But one of the problems we have, even though the
23 Code gives us the right to subpoena, it does not give us
24 any contempt authority, so it's just kind of see what
25 we've got.

1 But it does appear that we did get five people.
2 I did talk to a couple of people who were in California
3 who are not going to be able to be here, and I can
4 relate to you those conversations if you want. Some of
5 your staff also went to Cuyahoga County and heard some
6 of the testimony there which might be a little bit
7 helpful just to see what happened there.

8 But my intentions would be to call each of the
9 five people that we have here. I'm probably only going
10 to ask them three or four questions. It's going to be
11 specifically directed to the issues regarding
12 strike-outs of signatures and the number of signatures
13 that they filled in on the circulator's attestation.

14 With your permission then, I would permit each of
15 the -- Corey Colombo and Bill Mason are attorneys here
16 for the respective parties. I will give them an
17 opportunity to question. I'm going to kind of stick to
18 those issues and not get too far afield here. And then
19 after those witnesses are done, we'll kind of discuss --
20 your staff has put documents into various kinds of
21 categories, and I'll perhaps have Paul kind of explain
22 what those categories are, what they mean, and we'll
23 kind of go from there.

24 Anybody have any questions or issues?

25 MS. JACOBCEK: No.

1 MR. INNES: Okay. Why don't we have Gloria
2 Torrence come in.

3 (Discussion off the record)

4 MR. GIARDINI: Just for the record, could we
5 have the lawyers identify who they're representing.

6 MR. SMITH: For the record, do you want to
7 identify yourself and who you're representing?

8 MR. MASON: Sure. My name's Bill Mason.
9 I'm with Bricker & Eckler, and I represent PhRMA, the
10 pharmaceutical manufacturer.

11 MR. COLOMBO: And my name is Corey Colombo.
12 I'm with the law firm of McTigue, McGinnis & Colombo,
13 and we represent the Petition Committee for the Ohio
14 Drug Price Relief Act, an initiative petition.

15 GLORIA TORRENCE,
16 of lawful age, called as a witness by the Lorain County
17 Board of Elections, being duly sworn as hereinafter
18 certified, deposed, and said as follows:

19 EXAMINATION

20 BY MR. INNES:

21 Q. Would you just please state your name and your
22 address for the court reporter?

23 A. All right. My name is Gloria D. Torrence, and my
24 address is 1825 Homewood Drive, Apartment 304.

25 Q. Okay. Gloria, you know we're here about the Ohio

1 Drug Relief Petition?

2 A. Um-hmm.

3 Q. And you were a circulator?

4 A. Yes.

5 Q. Okay. And you were hired by a company to
6 circulate?

7 A. Um-hmm.

8 Q. And which company was that?

9 A. I'm not familiar with what company it was right
10 offhand.

11 Q. Okay. And after you circulated them, then you
12 turned the petitions over to that company?

13 A. Yes, I did.

14 Q. Okay. You did not yourself bring these to the
15 Board of Elections?

16 A. Bring them to the Board of Elections?

17 No, I didn't bring them.

18 Q. Okay. Okay. I'm going to go to Petition
19 No. 164.

20 MR. ADAMS: That would be your third page.
21 Yes.

22 BY MR. INNES:

23 Q. Okay. I'm going to ask you to take a look at
24 that and tell me if you recognize what that is.

25 A. This is a petition -- one of the petitions that

1 we circulated.

2 Q. When you say "we," do you mean you?

3 A. I -- this particular one I did.

4 Q. Okay. Do you want to look at the signature on
5 the back just to make sure that's one you did?

6 A. Yeah, that's my signature.

7 Q. Okay. Now, if you look through, you'll see --

8 A. Yeah.

9 Q. -- there's several places there are these big
10 black blackouts of signatures.

11 A. Um-hmm. Yeah, I see that.

12 Q. Did you do that?

13 A. Not with no blackout, no.

14 Q. Okay. So none of those blackouts did you do?

15 A. No. Some of -- sometimes we have people that
16 after they sign it, they decide that they don't want
17 their signature and they might take something and
18 scribble it off. And you tell them you ain't supposed
19 to scribble them, just mark it -- draw a line through
20 it.

21 Q. Okay.

22 A. But I didn't scribble any of these off like that.

23 Q. Okay. Do you recall anybody using a big black
24 pen and crossing these out in your presence?

25 A. No.

1 Q. Okay.

2 A. No. They -- they do this when they -- I think
3 when they -- when they check the signatures.

4 Q. Okay. Well, let me -- on the back where you do
5 your circulator statement, you indicate there's 28
6 signatures; right?

7 A. 28 people that signed.

8 Q. Okay.

9 A. Not that all of them are good.

10 Q. Okay. When would you have put that number in
11 there?

12 A. Right before I turned them in.

13 Q. Okay. After --

14 A. After they done with the petition.

15 Q. Okay. So after you're done getting all the
16 signatures --

17 A. Um-hmm.

18 Q. -- what happens, you count them or --

19 A. We -- we see that they sign -- somebody attempted
20 to sign in every spot. So you supposed to put 28 there.
21 28 people signed it. I don't know, you know, some of
22 the people might have marked it off. If -- every now
23 and then if I see that somebody had the wrong county and
24 they're there, I tell them to mark it off and then I
25 give them the proper one to sign. If it wasn't Lorain

1 County, it could have been Cleveland. Most people from
2 Cleveland do that, they'll say, yeah, I'm from Lorain
3 County, and after they sign, you see it's Cleveland.
4 You say, no, you don't live in Lorain County, you know,
5 so they'll sign another petition.

6 Q. Okay. So let me -- I want to make sure I
7 understand you. What happens after you've collected all
8 the signatures, you go through, you count up how many
9 spaces or how many attempts were made --

10 A. Right.

11 Q. -- and that's the number you put down there?

12 A. Right. Yes.

13 Q. If they crossed it out or something was wrong,
14 you didn't make any --

15 A. No, I didn't.

16 Q. -- evaluation?

17 A. No, I didn't.

18 Q. You just counted the numbers --

19 A. I just count what's there.

20 Q. And we have a whole pile of your petitions. I'm
21 not going to go through them all --

22 A. Yeah.

23 Q. -- but to the best of your knowledge, that's how
24 you did it with all of them?

25 A. Yes, I did.

1 Q. Okay. I'm going to show you one more and ask you
2 to look at that one and, again, ask you if you recognize
3 that?

4 MR. SMITH: What's the number on that one?

5 MR. INNES: I'm sorry. 125.

6 MR. ADAMS: It's going to be the last one in
7 your packet, the very end.

8 BY MR. INNES:

9 Q. You do recognize this?

10 A. Yes, I do.

11 Q. Okay. And once again, as with the other one,
12 there are, you indicate, 28 signatures?

13 A. Yep. There was 28 people that attempted to sign,
14 so --

15 Q. Okay. Now, you'll see on the front of it,
16 Petition No. 164, the Board found 22 valid.

17 A. Um-hmm.

18 Q. And with Petition 125, it found 23 valid.

19 A. Okay.

20 Q. And, again, if I understand your testimony, the
21 difference in those numbers is based on the fact that
22 you would just mark down the number of signatures on the
23 petition without taking any account for whether they
24 were valid, crossed out, or anything?

25 A. No, because they always told us as long as

1 somebody attempted to sign, that you count that, so --

2 Q. Okay.

3 A. -- that's why we do that.

4 Q. Okay. And --

5 A. So on that one, they say it was 25 good, and this
6 one, 23.

7 Q. Again, with Petition 125, there are several of
8 these big black lined-out ones. Do you ever recall --

9 A. No, I never ever used no black marker.

10 Q. Okay. You don't recall any of the people that
11 you signed -- had signed doing that?

12 A. No.

13 Q. Okay. You talked -- somebody instructed you what
14 to do with these, how to fill these out?

15 A. Yes. They -- they -- they have orientations for
16 us to go through different classes, how to -- how to get
17 the signature. And they said as long as they attempt,
18 you put 28 on the back.

19 Q. Okay. And this was the company that hired you?

20 A. Right. And after we give them the petition,
21 they do -- you know, if they see somebody wrong or
22 something, they -- they the ones that's crossing that
23 out, not us.

24 Q. Did they clearly explain to you that you fill in
25 this number after you're done?

1 A. Yes, they did.

2 Q. And your testimony is that's what you did with
3 every one of your --

4 A. That's what I did with every one of my petitions.

5 Q. Did anybody ever tell you or suggest to you or
6 hint to you that you just put 28 signatures down --

7 A. No.

8 Q. -- 28 down there for your number?

9 A. No. If you only had 23 signatures on a petition,
10 you put 23 down.

11 Q. All right. And you never had the understanding
12 that you put 28 down because there were 28 possible
13 spaces that could be filled in?

14 A. Well, there was 28 people that filled it.

15 Q. Right. But in some cases, let's say, you only
16 had 25 spaces --

17 A. You put 25 down. You don't put 28.

18 Q. Nobody ever told you to do anything different?

19 A. No.

20 Q. All right.

21 A. No. I mean, why would you put 28 and only 25
22 people signed it?

23 Q. Well, it's my understanding you get paid per
24 signature.

25 A. Yes.

1 Q. Okay. So some people might be motivated to put
2 down a larger --

3 A. No, I'm not motivated.

4 Q. I'm not saying you did --

5 A. Huh-uh.

6 Q. -- but there might be some motivation to put down
7 a bigger number than what's actually there.

8 A. Because obviously if they crossed them out,
9 they would have crossed theirs out, too, so I don't
10 know.

11 MR. INNES: Okay. I don't have any other
12 questions.

13 Mr. Mason, I guess I'll let you go first.

14 MR. MASON: Okay. Thank you.

15 MR. INNES: We do have a whole other stack.
16 I'm not going to go through all of them.

17 MR. MASON: Maybe we could just identify
18 which ones they are just for the record. Not go through
19 them, but just so we know which ones we're talking
20 about.

21 MR. INNES: Okay.

22 (Discussion off the record)

23 MR. INNES: And, again, our staff had these
24 segregated into different categories, but I'll run
25 through the whole numbers of them.

1 MR. MASON: Just so -- these are just the
2 ones that had some blackouts on them? Is that what's in
3 your pile now, I believe?

4 MR. ADAMS: The first group are, yes. And
5 then the remaining ones in this group are if there were
6 any that you had specifically mentioned in your
7 statement.

8 MR. MASON: Okay. Got it.

9 MR. INNES: Okay. So what are these?

10 MR. ADAMS: These petitions here that the
11 Board are examining, the first group, the largest group
12 are those petitions in which there were line-outs for
13 Ms. Torrence.

14 MR. INNES: Okay. I'm going to read those
15 numbers off so that we have that. We have 34, 38, 43,
16 155, 152, 159, 177, 200, 218, 42, 37, 92, 65, 68, 122,
17 132, 328, 350, 50, 47, 46, 52, 51, 72, 264, 173, 121,
18 125, 124, 179, 271, 206, 197, 243, 103, 102, 99, 116,
19 115, 149.

20 MR. ADAMS: The remainder are also
21 line-outs, but they appear as though they have been
22 scratched out previously.

23 MR. INNES: Okay. So these were duplicate
24 line-outs of something that had been previously
25 scratched out or lined out: 71, 67, 36, 258, 107, and

1 125. Okay.

2

EXAMINATION

3 BY MR. MASON:

4 Q. Okay. Ms. Torrence, how are you today?

5 A. I'm fine.

6 Q. Good. I just want to ask you a few questions
7 about the petitions that you circulated. It looks like
8 you were one of the stars that circulated the petitions.
9 You did a lot of them, huh?

10 A. Uh-huh.

11 Q. Do you have any idea how many petitions you've
12 circulated?

13 A. No, I don't. Not right offhand.

14 Q. Okay. You've already testified so I don't want
15 to go back to the other questions, but you didn't make
16 any of those black markers through those petitions?

17 A. No, I did not.

18 Q. Do you know how that happened?

19 A. Well, I know that when we turn them in, they say
20 that they have to validate the signatures to make sure
21 that, you know, each one of those people are registered
22 to vote. Actually, we could validate them ourselves by
23 the phone going through the Board of Elections, which I
24 used. And I checked most of them to make sure that they
25 were valid right before they sign, and if they weren't

1 and they done signed it, they would mark it off
2 themselves so that -- and then, you know, whatever --
3 they went over them and they checked them -- I don't
4 know what they do -- and that's how they come up with
5 the amount of money or whatever we gonna be paid for
6 each one of the petitions.

7 Q. Did you feel like you got all the funds that you
8 were due?

9 A. No.

10 Q. No?

11 A. No, I don't.

12 Q. Were there any petitions that you circulated that
13 you turned into -- I think you work for DRW Services?

14 A. Yeah, probably.

15 Q. Did you turn --

16 A. It was DRW; that's right.

17 Q. Yeah. Did you turn any of those petitions into
18 them with any blank pages or any signature lines that
19 were not filled out with anybody's signature?

20 A. Probably.

21 Q. Okay. And when you did that, did you count up
22 the number of signatures you had, affix it on that last
23 page --

24 A. Yes, I did.

25 Q. -- then turned it in?

1 A. Uh-huh.

2 Q. Do you know whether or not any of those
3 signatures had additional names than what you put on
4 there? So if you had 25 signatures and maybe you put 27
5 on these --

6 A. I would have to look because I would have to look
7 at the back of the numbers and I could tell whether I
8 wrote it or not. I know what my signature and what my
9 numbers look like.

10 Q. Handwriting looks like?

11 A. Right.

12 Q. Would you like to look at those?

13 A. Yes, I would.

14 MR. MASON: Maybe just look at that back
15 page so she can see the numbers.

16 THE WITNESS: Yeah, if I could -- yeah.

17 BY MR. MASON:

18 Q. While they're doing that, I'm just going to ask
19 you another question. And you did say that you did
20 strike out some of those signatures on your own?

21 A. Well, I had -- if I had somebody sign it and I
22 done looked up to see if they was validated to -- or
23 registered to vote and I found out that they weren't, I
24 had them to mark it out.

25 Q. Right. And just a follow-up question to that.

1 Did you use a thick Magic Marker?

2 A. No, I did not. They used my regular ink pen and
3 they put a small line between it like that.

4 Q. When you said "they," who are you referring to?

5 A. Whoever signed.

6 Q. Okay. So --

7 A. Whoever signed. If they weren't registered to
8 vote and I didn't come up with them in the computer --
9 if they -- you know, I had them to mark it off
10 themselves.

11 Q. Okay. So on the spot when you're getting the
12 signature, you found out it was a bad signature, you had
13 them --

14 A. Right.

15 Q. -- scratch it out?

16 A. Right. Because we -- we do use our --

17 Q. Now, we've just handed you a stack of all the
18 petitions that --

19 A. This don't look like mine.

20 Q. Okay. So let's just go one at a time. Keep
21 those in order if you would.

22 A. Oh, I'm sorry.

23 Q. Just take a look at all of these and then I'll
24 ask you some questions about them; okay?

25 A. I see one that I know that ain't my 28. I never

1 use the double O's.

2 (Discussion off the record)

3 MR. MASON: I asked her if there's some
4 signatures that don't look like hers, just to kind of
5 pull them out of the pile so we can identify them.

6 THE WITNESS: Okay. Am I supposed to be
7 pulling them out, too?

8 BY MR. MASON:

9 Q. No. You're fine. I just want you to identify
10 the ones that you think are not your signature.

11 A. Oh, they my signatures.

12 Q. No, no. I'm sorry. The numbers that are on
13 there.

14 A. Okay.

15 MR. INNES: Those aren't in any order if she
16 just wants to pull them out and set them aside.

17 MR. MASON: Okay.

18 THE WITNESS: That's it.

19 BY MR. MASON:

20 Q. Okay. So I'm going to ask you to pull out of the
21 pile the ones that -- the petitions that were circulated
22 by you that you don't think you affixed that 28 on the
23 backside. If you'd pull the first one out --

24 A. Because I don't -- I never use a double O, I know
25 that. I never did that.

1 MR. INNES: Do you want to identify them?

2 THE WITNESS: I never did it that way.

3 MR. MASON: We're talking about

4 Part-petition 109778.

5 MR. GIARDINI: 10098 (as said)?

6 MR. MASON: Yeah.

7 MR. GIARDINI: Which number are we using?

8 MR. INNES: This upper left, the 115.

9 BY MR. MASON:

10 Q. 115. On the back of there, you have your
11 signature and a number 28 affixed and then your
12 signature down below.

13 A. Um-hmm.

14 Q. And it's your testimony that you did not put that
15 28 in there beside your signature?

16 A. Yeah, that 8 don't look like mine because I do
17 not do no double O's. I do not do that. I write too
18 good to have to put a double O.

19 Q. Okay.

20 A. And I don't know why you wanted me to do that
21 five.

22 Q. I'll hold that one back. I'll ask you another
23 question. Go ahead.

24 A. That's a double O.

25 Q. All right. Part-petition No. 51 -- let me ask

1 you a question. Part-petition 51 on the back, the
2 statement of the circulator, there's a 28 on there and
3 then your signature down below.

4 A. Uh-huh.

5 Q. Does that look like your handwriting?

6 A. Not no zeros.

7 Q. Okay.

8 A. Because I don't do that. It's just -- it's just
9 something I don't do. I don't put no double O's on
10 nothing.

11 MR. COLOMBO: Can I see one?

12 MR. MASON: Yeah.

13 THE WITNESS: All the other ones is fine.

14 BY MR. MASON:

15 Q. Okay. All right. So one last question. On
16 Part-petition No. 271 -- and I'll go through the pages.
17 On the first page, it looks like there was five
18 signatures. The first one was blacked out.

19 A. Um-hmm.

20 Q. And then signature lines 6 and 7, there was an X
21 in there also; is that correct?

22 A. They -- they did that.

23 Q. "They" being who?

24 A. Whoever -- whoever checked them.

25 Q. But you didn't do that?

1 A. No, I didn't do that.

2 Q. Okay. Very good. Just one last question. So
3 was it the process when you turned them in -- where did
4 you turn these petitions into by the way?

5 A. 4545 Euclid Avenue.

6 Q. Oh, you went to Cleveland?

7 A. Cleveland; right.

8 Q. Okay. And when you turned them in, was there a
9 big crew of people working there turning petitions in
10 and working on petitions?

11 A. It was actually only -- it was actually only
12 about two people in the office, but you had people from
13 all over that brought their petitions in to turn them
14 in.

15 Q. And so if you just make the Board understand
16 then, when you went to turn them in, what happened? Who
17 was there? Who did you talk to? What did you do?

18 A. Dustin -- I don't know his last name. But what
19 they did --

20 Q. Did Dustin work for DRW --

21 A. Right.

22 Q. -- Campaigns?

23 A. Yes. Yes, he does. They actually looked at our
24 petitions to make sure that we didn't forge anything,
25 you know, people's signatures or anything like that.

1 And they counted to see how many we done on each one of
2 these petitions, and then they give you a receipt back
3 that tell you how many you turned in that day.

4 Q. Okay. And it's your testimony that the ones that
5 are black lined, somebody else other than you crossed
6 those out?

7 A. Yes, they did because I don't do that.

8 MR. MASON: Okay. I have no questions for
9 her.

10 MR. INNES: Corey?

11 MR. COLOMBO: Thank you, Mr. Innes.

12 EXAMINATION

13 BY MR. COLOMBO:

14 Q. Ma'am, thank you for being here today. I just
15 have a few questions for you myself.

16 On some of these petitions that you've just
17 looked at where there's a black marker, is it possible
18 that you or the petition signer would have crossed them
19 out initially?

20 A. Well, we have people that will scribble their
21 name off of the thing because they decide they'll come
22 back -- oh, I decided I don't want to sign it. And I'll
23 tell them when they get the thing, it's all right to
24 mark it off if you don't want to sign, but don't
25 scribble, and they be done scribbled anyway, you know.

1 But I never used a marker.

2 Q. Okay. But I guess my question is, is it possible
3 these black lines are covering up what was already
4 crossed off, just someone did it darker?

5 A. No.

6 Q. Do you know one way or the other?

7 A. No.

8 Q. Do you know who actually was the one who used a
9 black marker?

10 A. No, I don't.

11 Q. Okay. When you turn part-petitions back in, is
12 it your training to write the number in before you hand
13 them back in?

14 A. When I go to the office, you know, we go through
15 them and count how many was on there because this one's
16 saying -- this one -- oh, okay, that's what they said
17 that I got; right? They put the number up there. But
18 if I have 28 signatures on a page, you know,
19 attempted -- somebody attempted 28, I put 28 up there.

20 Q. Okay.

21 A. If I had one that say five -- I guess this might
22 have been final turn-in or something and I had one with
23 five -- you know, with low numbers -- and I see that
24 five people did sign, I put a five back there.

25 Q. Okay. Well, I guess my question is, is it your

1 training to fill in a number before you put your
2 signature down?

3 A. No.

4 Q. Okay. Do you normally put your number in before
5 you sign your name, though? I'm trying to think of a
6 different way to ask this.

7 A. I don't know.

8 Q. I mean --

9 A. It don't make no difference whether -- I mean, as
10 long as you know that that petition is done -- usually
11 the last thing I do is sign it.

12 Q. Okay.

13 A. And I count my signatures and I put the number in
14 then.

15 Q. Okay. But when you were flipping through, you
16 did pull out two that didn't look like your numbers.

17 A. Well, only because I'm not in the habit of
18 putting no double zeros on anything.

19 Q. Okay.

20 A. And if I -- I might have done it. I might have
21 done it, but it's just something that I don't normally
22 do.

23 Q. So you might have done a double zero --

24 A. Yeah, I might have done it, but I don't remember
25 doing it because I practiced a number 8, you know.

1 Q. Okay. And this was -- when did you circulate?
2 This was how many months ago? Do you recall? Was it
3 the summer or the fall?

4 A. Well, it had to be summer and -- spring and
5 summer.

6 Q. Okay. So six or eight months ago --

7 A. Right.

8 Q. -- does that sound about right?

9 MR. COLOMBO: Okay. I have no further
10 questions. Thank you.

11 MR. INNES: I think we're trying to clear up
12 something here, Gloria.

13 (Discussion off the record)

14 RE-EXAMINATION

15 BY MR. INNES:

16 Q. Okay. We need to look at 115 and 51 which are
17 the two that you said have this double --

18 A. Double zero.

19 Q. Right.

20 A. Might have done it, but I don't remember doing
21 it.

22 Q. What I'm trying to figure out is if you didn't do
23 it, how it would have happened. Would it have been
24 possible for you to have signed --

25 A. Left it blank.

1 Q. Signed it and left it blank?

2 A. A lot -- you know, actually, I have some
3 petitions that I know for a fact that they told me that
4 was coming back to me because I forgot to do something
5 on it, either not sign my name or not putting the number
6 in, but I never got the petitions back.

7 Q. Okay. So that would explain how that possibly
8 could have happened?

9 A. Yep.

10 Q. You would have signed --

11 A. I would think so because --

12 Q. All right. Let me finish. You would have
13 signed, left the number blank, and then somebody --
14 well --

15 A. Yeah, somebody had to have filled it in because
16 that's not my 8.

17 MR. INNES: Does the Board have any other
18 questions?

19 MR. SMITH: No.

20 MR. INNES: Okay. Thank you very much for
21 your patience in coming here. We appreciate it very
22 much.

23 THE WITNESS: You're welcome. I'm done
24 then?

25 MR. INNES: You're done. You can go.

1 THE WITNESS: Thank you.

2 MR. INNES: Thanks a lot.

3 (Witness excused)

4 MR. INNES: Okay. Linda Herbold.

5 LINDA HERBOLD,

6 of lawful age, called as a witness by the Lorain County
7 Board of Elections, being duly sworn as hereinafter
8 certified, deposed, and said as follows:

9 EXAMINATION

10 BY MR. INNES:

11 Q. Could you just state your name and your address.

12 A. Sure. Linda Lee Herbold, 4299 West 180th Street,
13 Cleveland, 44135.

14 Q. May I call you Linda?

15 A. Yes.

16 Q. Is that all right?

17 A. Uh-hmm.

18 Q. Okay. You know we're here over the Ohio Drug
19 Price Relief Petition; right?

20 A. Yes.

21 Q. And were you a circulator of some of --

22 A. Yes.

23 Q. -- those petitions?

24 A. Yes.

25 Q. Okay. And after you circulated them, what did

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C E R T I F I C A T E

The State of Ohio,)
) SS:
County of Erie.)

I, Mary A. Hammond, a Stenotype Reporter and Notary Public within and for the State of Ohio, do hereby certify that I attended the foregoing Board of Elections hearing, wrote the same in stenotype, and that this is a true and correct transcript of my stenotype notes.

I do further certify that I am not a relative, employee of, or attorney for any of the parties or otherwise interested in the outcome of this action.

I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28(D).

In WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Berlin Heights, Ohio, this 9th day of February, 2016.

Mary A. Hammond

Mary A. Hammond
Court Reporter, Notary Public
My Commission Expires 12-25-17
Recorded in Erie County, Ohio

EXHIBIT G

(Additional evidence in support of Merit Brief of Relators - All appendices previously submitted to this Court with the Complaint and Relators' Motion for Partial Summary Judgment are also evidence. Indices to these Appendices are attached hereto)

**INDEX TO FINAL EXHIBITS FILED WITH
CHALLENGE PROTEST 02/29/16**

Exhibit

Appendix 1

Affidavit of Matthew Walsh A
Directive 2015-18 B
Directive 2015-40 C
Directive 2016-01 D
02/04/16 Letter to the General Assembly E
02/04/16 Certification of Petitions F
Example of “Permanent Residence Address” Language on each Part-Petition G

Appendix 2

Part 1 of the Part-Petitions circulated by Ms. Harper statewide H-1

Appendix 3

Part 2 of the Part-Petitions circulated by Ms. Harper statewide H-2

Appendix 4

Part 3 of the Part-Petitions circulated by Ms. Harper statewide H-3

Appendix 5

Part 4 of the Part-Petitions circulated by Ms. Harper statewide H-4

Appendix 6

Part 5 of the Part-Petitions circulated by Ms. Harper statewide H-5

Appendix 7

Part 6 of the Part-Petitions circulated by Ms. Harper statewide H-6

Exhibit

Appendix 8

Part 7 of the Part-Petitions circulated by Ms. Harper statewide H-7

Appendix 9

Affidavit of Joseph Abate I

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