

No. 14-3877

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IN THE UNITED STATES COURT OF APPEALS

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OHIO STATE CONFERENCE OF THE NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED PEOPLE, et al.,

*Plaintiffs-Appellees,*

v.

JOHN HUSTED, et al.,

*Defendants-Appellants.*

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On Appeal from the United States District Court  
for the Southern District of Ohio  
Case No. 2:14-cv-00404

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**AMICUS CURIAE BRIEF OF COUNTY OF CUYAHOGA, OHIO,  
SUPPORTING APPELLEES AND URGING AFFIRMANCE**

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**TABLE OF CONTENTS**

TABLE OF AUTHORITIES.....ii

CORPORATE DISCLOSURE STATEMENT.....1

IDENTITY, INTEREST, AND AUTHORITY OF AMICUS.....2

ARGUMENT.....4

**I. The State cannot hide behind legislative discretion when it acts with the precision of a surgeon’s scalpel to abridge the fundamental right to vote of specific segments of its citizenry.**

**II. The State cannot hide behind selective uniformity to abridge the fundamental right to vote of specific segments of its citizenry.**

(a) **Selective uniformity is not uniform nor is it equitable.**

(b) **The Court should judicially estop the State from relying on uniformity to excuse its discriminatory conduct.**

**III. The State cannot hide behind budgetary pretexts to abridge the fundamental right to vote of specific segments of its citizenry.**

CONCLUSION.....14

CERTIFICATE OF COMPLIANCE.....15

CERTIFICATE OF SERVICE.....16

**TABLE OF AUTHORITIES**

**Cases**

*Davis v. Wakelee*, 156 U.S. 680, 689, 15 S.Ct. 555, 39 L.Ed. 578 (1895) .....11

*League of Women Voters of Ohio v. Brunner*, 548 F.3d 463 (6th Cir. 2008).....2

*New Hampshire v. Maine*, 121 S.Ct. 1808, 532 U.S. 742, 749 (2001) .....11, 12

*Northeast Ohio Coalition for the Homeless v. Husted*,  
2012 WL 2711393 (S.D. Ohio July 9, 2012).....8

*Obama for America v. Husted*, 697 F.3d 423, 429-430 (6th Cir. 2012.).....13

*Vanzant v. Brunner*, (Susan J. Dlott, S.D.Ohio Case No. 1:10-cv-596 7) ...7, 10, 11

**Statutes and Legislative Enactments**

U.S. CONST. AMEND. 15..... 5

U.S. CONST. AMEND. 19..... 5

U.S. CONST. AMEND. 24..... 5

O.R.C. 3505.181(A)(1)-(13).....12

Cuyahoga County Code Section 1101.03(K) .....2, 3

Cuyahoga County Ordinance No. O2014-0008.....2

Cuyahoga County Resolution No. R2014-014.....3

Cuyahoga County Resolution R2013-0229.....13

## Other Sources

Address and Directions at <a href="http://boe.cuyahogacounty.us/en-US/address-directions.aspx">http://boe.cuyahogacounty.us/en-US/address-directions.aspx</a> .....	9
Cuyahoga County Office of Homeless Services, “An Overview of Homeless Services in Cuyahoga County” .....	8
Declaration of Mark J. Salling, Ph.D., GISP.) .....	5, 6
“Early Voting Begins Oct. 2, 2014,” <i>Montgomery County News Detail</i> .....	9
Google Maps Satellite View of Hamilton County Board of Elections .....	9
Historic Election Day Weather for Cincinnati, Columbus, and Cleveland from the National Weather Service .....	9, 10
Mahoning County Elections Board Offers to Help Youngstown With Redistricting,” <i>The Vindy.com</i> .....	9
“Superstorm Sandy Aftermath Leaves Northeast Ohio Powerless and Busy Cleaning,” <i>The Plain Dealer</i> .....	10
U.S. Census Bureau State and County Quick Facts .....	1, 2, 8

## **CORPORATE DISCLOSURE STATEMENT**<sup>1</sup>

As a chartered county with home rule powers, the County of Cuyahoga, Ohio, is a governmental county corporation pursuant to Article X, Sec. 3 of the Ohio Constitution and Section 1.01 of the Charter of Cuyahoga County.

The County is not a subsidiary or affiliate of a publicly owned corporation. Additionally, the County's interest in this matter is not associated with any publicly owned corporation.

## **IDENTITY, INTEREST, AND AUTHORITY OF AMICUS**

The County of Cuyahoga is a political subdivision of the State of Ohio. It is a chartered county pursuant to Article X, Section 3 of the Ohio Constitution with home rule powers. The County is Ohio's largest county with a population of 1,263,154, according to the U.S. Census' 2013 estimates. *See* U.S. Census Bureau State and County Quick Facts, available at <http://quickfacts.census.gov/qfd/states/39/39035.html> (last visited September 19,

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<sup>1</sup> As a political subdivision of the State of Ohio, the County of Cuyahoga is not required to file a corporate disclosure statement under Rule 26.1(a) of the Sixth Circuit Rules if it were a party to this case. Rule 29(c), however, requires all corporate entities, without any exceptions, to file a disclosure statement in an amicus brief "like that required of parties by Rule 26.1." As a chartered county, the County of Cuyahoga is a corporation, albeit a governmental corporation. Out of an abundance of caution, this disclosure statement is included in the Amicus Brief to comply with the express letter of Rule 29(c).

2014). Of Ohio's 88 counties, Cuyahoga County is home to approximately 11 percent of Ohio's population of 11,570,808. *Id.*

The County has a substantial interest in early voting and the outcome of this litigation. The long lines and substantial burdens faced by the County's citizens in the 2004 General Election were the primary impetus for the adoption of early voting as the remedy to the voting problems in Ohio. See *League of Women Voters of Ohio v. Brunner*, 548 F.3d 463 (6th Cir. 2008).

As a home rule entity, Cuyahoga County has adopted its own Voting Rights Law. A copy of Cuyahoga County Ordinance No. O2014-0008, enacting the County's Voting Rights Law, is attached as Exhibit 1 to this Brief. It is also available on the County Council's web site at:

[http://council.cuyahogacounty.us/pdf\\_council/en-US/Legislation/Ordinances/2014/O2014-0008.pdf](http://council.cuyahogacounty.us/pdf_council/en-US/Legislation/Ordinances/2014/O2014-0008.pdf).

The Cuyahoga County Voting Rights Law added Section 1101.03(K) to the County's Equity Plan, codified in Chapter 11 of the Cuyahoga County Code, which provides:

**Voting Rights and Access to the Ballot.** Cuyahoga County will act to protect its citizens' right to vote. The County will promote voter registration at all levels of citizen interaction with County Government. The County will also promote early voting programs, including voting by mail programs. When deemed necessary and appropriate, the County's Department of

Law will seek court intervention to protect access to the ballot by the County's citizens.

C.C.C. § 1101.03(K), available at <http://code.cuyahogacounty.us/en-US/CCRC-T11C1101.aspx>. The County took further measures to protect its citizens' right to vote by proposing an amendment to the County Charter providing that the right to vote is a fundamental right in the County and authorizing the County to take action to protect this right. (Exhibit 2, Resolution No. R2014-0141, available at [http://council.cuyahogacounty.us/pdf\\_council/en-US/Legislation/Resolutions/2014/R2014-0141.pdf](http://council.cuyahogacounty.us/pdf_council/en-US/Legislation/Resolutions/2014/R2014-0141.pdf)). The proposed Charter amendment will appear on this November's ballot.

Whether all of the County's citizens, including all of its minority citizens, are able to register and vote will impact local county matters, such as County Charter amendments, tax levies, and local races, which can often be decided by a handful of votes. Accordingly, because this case has a direct impact on the ability of Cuyahoga County's minority citizens to exercise their constitutional right to vote, the County's Law Department has determined it necessary and appropriate for it to seek the Court's permission to file this Amicus Brief in accordance with Section 1101.03(K) of the County Code.

Furthermore, as the budgetary authority for the County's Board of Elections, Cuyahoga County has a monetary interest in the outcome of this case. The County has already budgeted for the Board of Elections to conduct extended operations

during the last week of September and early voting weekend and evening hours. Maximizing early voting opportunities also helps the County avoid additional expenses to fix voting problems that may happen on the last day of the election cycle.

The undersigned in-house attorneys authorized this Amicus Brief, and no party or their counsel contributed or will contribute any funds towards its preparation.

### **ARGUMENT**

Cuyahoga County, as a governmental entity itself, appreciates that it is appropriate to afford a reasonable modicum of discretion to governmental entities in how they design and implement programs, including the design and implementation of elections systems. Respectfully, this is not what this case is about, and the challenged State actions cannot be cloaked as such.

The State of Ohio has already developed and implemented a reasonable elections system in the aftermath of the 2004 elections debacle. The system worked well in 2006, 2008, 2010, and—with court intervention—in 2012.

This case is not about a comparison of Ohio's elections system to that of other states. This case is about the State coming in after the fact, armed with data and trends regarding the impact of its actions, and, with surgical precision, amputating Ohio's elections system in a manner that restricts the voting rights of



Ohio's minority voters. When the State severs the voting rights of certain segments of its citizenry, the State's discretion goes out the door.

The Court should reject the State's conduct and its unfounded uniformity and budgetary pretexts.

**I. The State cannot hide behind legislative discretion when it acts with the precision of a surgeon's scalpel to abridge the fundamental right to vote of specific segments of its citizenry.**

The right to vote is a constitutional right expressly protected in the 14th Amendment to the United States Constitution and strengthened with additional amendments thereafter: (a) the 15th Amendment to the United States Constitution provides that the "right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude;" (b) the 19th Amendment to the U.S. Constitution provides that the "right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex;" (c) the 24th Amendment to the United States Constitution provides that the "right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax;" and (d) the 26th Amendment to the United States Constitution provides that the "right of citizens of

the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.”

Cuyahoga County commissioned Cleveland State University to independently examine the impact of the State’s voting restrictions imposed in Senate Bill 238 and Directive 2014-17. (Exhibit 3, Declaration of Mark J. Salling, Ph.D., GISP.) The independent study’s findings and report unequivocally show:

- a) In Ohio’s largest urban counties, African American voters comprise 22 percent of the voting population but account for 38 percent of all early in-person voting.
- b) In Ohio’s largest urban counties, during Golden Week, minority voters comprised almost half (48.3%) of all early in-person votes.
- c) In Cuyahoga County, African-American voters cast a greater proportion of votes during Golden Week than non-minority voters, and 6.6 percent of African-American voters cast their ballots during Golden Week. Whereas, only 0.2 percent of non-minority voters did so during the same time period. This same effect holds true for overall early voting.
- d) African-American voters, in particular, are harmed by the elimination of “Golden Week” since a significantly larger percentage of African-Americans vote during this period than non-minority citizens.

(Exhibit 3, Exhibit B to the Declaration of Mark J. Salling, PhD, GISP, “The Use of Early In-Person Voting Opportunities in the 2008, 2010, and 2012 General Elections in Ohio’s Largest Urban Counties Comparisons by Race and Hispanic/Latino Ancestry”, Cleveland State University (July 7, 2014).)

The State cannot claim innocuous intent when the discriminatory impact of its conduct has always been known. These findings are based on public records

that are and have always been readily available to the Ohio Secretary of State, Governor, and Legislature. No reasonable state actor can argue that the State was ignorant of the disparate impact of its voting restrictions, and no amount of legislative or administrative discretion can excuse such conduct.

The Court should strike down these restrictions, which abridge the voting rights of minority citizens.

**II. The State cannot hide behind selective uniformity to abridge the fundamental right to vote of specific segments of its citizenry.**

**(a) Selective uniformity is not uniform nor is it equitable.**

The Court should thoroughly vet the issue of so-called “uniformity” and its impact on equity and fairness in elections. While the term “uniformity” may sound innocuous and deceptively appealing, applying an across-the-board, cookie-cutter approach in the name of uniformity only results in inequity. Even worse is when so-called “uniformity” is selectively applied to limit access to the ballot by minority voters, as the State did in Senate Bill 238 and Directive 2014-17.

As the State itself properly observed in *Vanzant v. Brunner*, S.D. Ohio Case No. 1:10-cv-596, Ohio is a large, diverse state, and its counties have differing needs. (Exhibit 4, Defendant Ohio Secretary of State’s Memorandum in Opposition to Plaintiffs’ Motion for a Temporary Restraining Order and Preliminary Injunction.) Population densities differ in the different counties. The

percentage of population residing in rental housing differs in the different counties. Availability of public transportation and parking differs in the different counties. Even the weather on Election Day differs in the different counties.

Thirty five percent of Cuyahoga County's citizens reside in rental housing, and it is not uncommon for a percentage of the County's minority citizens to regularly change residential addresses—sometimes as often as twice a year. *See* U.S. Census Bureau State and County Quick Facts at

<http://quickfacts.census.gov/qfd/states/39/39035.html> (last visited July 7, 2014).

The County also has approximately 5,157 homeless citizens above the age of 18 who have the right to vote in accordance with *Northeast Ohio Coalition for the Homeless v. Husted*, 2012 WL 2711393 (S.D. Ohio July 19, 2012). (Exhibit 5, Cuyahoga County Office of Homeless Services, “An Overview of Homeless Services in Cuyahoga County”.) Golden Week provides these citizens with the opportunity to update their voting addresses and vote on the same day. Otherwise, these citizens have to keep updating their addresses with the Board of Elections—in many cases, every six months when they change addresses—or be relegated to casting provisional ballots that may never count.

Such problems are unique to urban counties. Whereas 35 percent of Cuyahoga County's citizens reside in rental housing, less than 5 percent of Vinton County's citizens reside in rental housing. *See* U.S. Census Bureau State and

County Quick Facts at <http://quickfacts.census.gov/qfd/states/39/39035.html> (last visited July 7, 2014). The needs of these counties' citizens are markedly different.

An examination of parking access at boards of elections in the different counties also demonstrates that access varies widely and could increase or decrease citizens' ability to vote. In Cuyahoga County, for example, free parking is very limited, and voters must expend time and additional money merely to access the ballot. (Exhibit 6, Address and Directions at <http://boe.cuyahogacounty.us/en-US/address-directions.aspx>.) The Hamilton County Board of Elections has no free parking spaces for voters. (Exhibit 7, Google Maps Satellite View of Hamilton County Board of Elections). Mahoning County, with the lowest number of voters among Ohio's 13 most populous counties, is considering relocating its Board of Elections because of inadequate parking so as to enfranchise more of its urban voters. (Exhibit 8, "Mahoning County Elections Board Offers to Help Youngstown With Redistricting," *The Vindy.com*, <http://www.vindy.com/news/2014/may/24/county-elections-board-to-offer-redistri/?print>.) Meanwhile, Montgomery County has offered free parking for voters since 2012. (Exhibit 9, "Early Voting Begins Oct. 2, 2014," *Montgomery County News Detail*, <https://www.mcoho.org/newsdetail910.html>.)

Even the weather is different in the different counties: citizens waiting in line to vote in Cleveland, Youngstown, and other parts of Northeast Ohio may

have to deal with freezing rain and cold temperatures while voters in the southern part of the State may have better weather. (Exhibits 10, Historic Election Day Weather for Cincinnati, Columbus, and Cleveland from the National Weather Service.) In 2012, for example, damage from Hurricane Sandy left about 255,000 residents of northeast Ohio without power and compromised Cuyahoga County's ability to remain open for elections. (Exhibit 11, "Superstorm Sandy Aftermath Leaves Northeast Ohio Powerless and Busy Cleaning," *The Plain Dealer*, [http://impact.cleveland.com/metro/print.html?entry=/2012/10/superstorm\\_sandy\\_aftermath\\_lea.html](http://impact.cleveland.com/metro/print.html?entry=/2012/10/superstorm_sandy_aftermath_lea.html).) This weather-related complication did not pose significant risks in other parts of Ohio.

As the State and the court acknowledged in *Vanzant*, there simply is no way to achieve so-called uniformity. Even if it were possible to achieve so-called uniformity, the State cannot constitutionally selectively apply uniformity in a discriminatory manner. The record in this case unequivocally demonstrates that the State conveniently requires selective uniformity when it directly suppresses the voting rights of its minority citizens. No amount of deference to legislative or administrative discretion can justify such discrimination.

If the State is truly concerned about equity and fairness, the only reasonable solution is for the State to establish minimum voting access requirements as a floor that must be observed in all counties. For instance, the State shall mandate a

minimum number of voting hours per day and—critically—a minimum number of voting machines per precinct. And so long as each county complies with the floor established by the State, counties should be able to take additional measures to address each county’s unique needs.

The State’s actions here, under the guise of “uniformity,” disproportionately harm minority voters. The Court should not tolerate the fact that the State only invokes so-called uniformity as a pretext to abridge the voting rights of minority citizens. Selective uniformity is not uniform nor is it fair.

**(b) The Court should judicially estop the State from relying on uniformity to excuse its discriminatory conduct.**

As the U.S. Supreme Court held in *New Hampshire v. Maine*, 121 S.Ct. 1808, 532 U.S. 742, 749 (2001), “where a party assumes a certain position in a legal proceeding, and succeeds in maintaining that position, he may not thereafter, simply because his interests have changed, assume a contrary position.” (Quoting *Davis v. Wakelee*, 156 U.S. 680, 689, 15 S.Ct. 555, 39 L.Ed. 578 (1895)). The purpose of judicial estoppel is “to protect the integrity of the judicial process,” by “prohibiting parties from deliberately changing positions according to the exigencies of the moment.” *Id.* at 749-750 (internal citations omitted).

In *Vanzant v. Brunner*, S.D.Ohio No. 1:10-cv-00596, the State successfully advocated a position on uniformity directly contrary to what it is now arguing in this case. (Exhibit 4, Defendant Ohio Secretary of State’s Memorandum in

Opposition to Plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction.) It successfully argued:

It is eminently reasonable for the Secretary to allow the counties to handle the distribution of absentee ballots differently, because the needs and abilities of the counties differ. Large, urban counties have a compelling interest in reducing congestion and long lines at polling places on November 2, and they have the financial resources to pay the postage for voters to mail in their ballots. (Increased use of early ballots also minimizes wear and tear on expensive voting machines and tends to result in fewer provisional ballots than in-person voting). Smaller counties, on the other hand, may either lack the money to pay voter postage, or simply deem it an unwise expenditure because long lines have not historically been a problem in those counties.

(*Id.* at p. 8). The State cannot now, nor should the Court permit it, to advance a contrary position simply because the office holders have changed—let alone be permitted to advance this position in pursuit of a discriminatory outcome. See *New Hampshire*, 532 U.S. at 749-750.

**III. The State cannot hide behind budgetary pretexts to abridge the fundamental right to vote of specific segments of its citizenry.**

Cuyahoga County has already budgeted for this election, including funds for Golden Week and weekend voting days as part of the 2014 election system. Under Ohio law, counties are the budgetary authority for their respective boards of elections, and the boards' expenses are paid from the counties' treasuries. R.C. 3501.17(A) provides in part:



The expenses of the board of elections **shall be paid from the county treasury, in pursuance of appropriations by the board of county commissioners,** in the same manner as other county expenses are paid. (Emphasis added).

Counties have already adopted their 2014 budgets. Cuyahoga County, for instances, adopted its 2014-2015 Budget on December 10, 2013, which includes adequate funds for the 2014 election cycle (Cuyahoga County Resolution R2013-0229, available at [http://council.cuyahogacounty.us/pdf\\_council/en-US/Pending%20Legislation/R2013-0229%20Approving%202014-2015%20Biennial%20Budget%20\(Resolution%20with%20Insert%2010-18-2013\).pdf](http://council.cuyahogacounty.us/pdf_council/en-US/Pending%20Legislation/R2013-0229%20Approving%202014-2015%20Biennial%20Budget%20(Resolution%20with%20Insert%2010-18-2013).pdf)).

The argument, therefore, that Cuyahoga County's minority citizens should surrender their constitutional right to vote for budgetary reasons has no merit. In fact, stymying the early voting process may create problems on the last day of the election cycle. Such problems will trigger the expenditure of additional financial resources, such as the purchase and maintenance of additional voting equipment.

In elections past, the State failed to demonstrate that it struggles to administer a voting period that included twenty-five days of weekday voting, multiple Saturdays, multiple Sundays, extended evening hours, and a week-long same-day registration period. See *Obama for America v. Husted*, 697 F.3d 423, 429-430 (6th Cir. 2012.)

The Court should not now permit this manufactured excuse to eviscerate, piece-by-piece, a constitutional right.

**CONCLUSION**

For the foregoing reasons, the Court should affirm the trial court's grant of Plaintiffs' Preliminary Injunction Motion.

Respectfully Submitted,

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**CERTIFICATE OF COMPLIANCE WITH RULE 32**

This is to certify that, pursuant to Sixth Circuit Rule 32(a)(7)(C), this brief complies with the type-volume limitation of Sixth Circuit Rule 32(a)(7)(B).

Inclusive of the exempted portions identified in Sixth Circuit Rule 32(a)(7)(B)(iii), this brief contains approximately 3,662 words in Times New Roman 14 point font, a proportionally spaced typeface which meets the typeface and type-style requirement of Fed. R. App. P. 32(a)(5) and 32(a)(6), and counted using the Word Count tool in Microsoft Word.

*/s/ Majeed G. Makhlouf*  
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**CERTIFICATE OF SERVICE**

I certify that on September 19, 2014, I caused the forgoing document to be electronically filed in accordance with the Court's Electronic Filing guidelines. Notice of this filing will be sent to the parties by operation of the Court's Electronic Filing system. Parties may access this filing through the system.

*/s/ Majeed G. Makhlouf*  
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# Exhibit 1

## County Council of Cuyahoga County, Ohio

### Ordinance No. O2014-0008

<b>Sponsored by: County Executive FitzGerald and Councilmember Simon</b>	<b>An Ordinance</b> enacting the Cuyahoga County Voting Rights Law; updating the Cuyahoga County Equity Plan in Chapter 1101 of the Cuyahoga County Code in conformity therewith; and declaring the necessity that this Ordinance become immediately effective.
<b>Co-sponsored by: Councilmembers Hairston, Brady, Jones, Miller, Connally and Conwell</b>	

WHEREAS, as recognized by the U.S. Court of Appeals for the 6<sup>th</sup> Circuit in *League of Women Voters of Ohio v. Brunner*, 548 F.3d 463 (6th Cir. 2008), the citizens of Cuyahoga County experienced substantial problems and long lines trying to exercise their constitutional right to vote during the 2004 general election; and,

WHEREAS, the voting problems experienced by the County's citizens in 2004 are not a mere accident, but are the byproduct of unique conditions and needs of large, urban counties; and,

WHEREAS, Cuyahoga County is Ohio's largest county with a population of 1,280,122 according to the 2010 U.S. Census; and,

WHEREAS, of Ohio's 88 counties, Cuyahoga County is home to approximately 11 percent of Ohio's population of 11,536,502 according to the 2010 U.S. Census; and,

WHEREAS, a significant percentage of the County's citizens often change residential addresses a number of times in between elections. Almost 35 percent of Cuyahoga County's citizenry reside in rental housing. Furthermore, the County's Office of Homeless Services estimates that approximately 5,157 homeless citizens above the age of 18 live in the County who are entitled to cast their ballots in accordance with *Northeast Ohio Coalition for the Homeless v. Husted*, 2012 WL 2711393 (S.D. Ohio July 9, 2012); and,

WHEREAS, 94 percent of the voting precincts in Cuyahoga County are in multi-precinct locations, which significantly raises the possibility of relegating the County's citizens to provisional ballots when they vote on Election Day; and,

WHEREAS, the County found a real solution to these voting problems through a combination of mechanisms working together, including (1) the ability of its citizens, especially citizens who change residential addresses multiple times in between elections, to register to vote or update their voting registration and cast

their vote on the same day during early in person voting at the Board of Elections; (2) early in person voting at the Board of Elections during after hours, the weekends, especially Sundays, and the Monday before the election; and (3) mailing the vote by mail applications to its citizens with postage-prepaid return envelopes to promote early voting and voting by mail; and,

WHEREAS, the citizens of Cuyahoga County have come to expect and rely on the fact that they automatically receive their requests for ballots to vote by mail, with postage-prepaid return envelopes, for every election; and,

WHEREAS, these solutions proved successful, and the County reduced the number of voting precincts available on Election Day; and,

WHEREAS, by the adoption of Ohio Senate Bills 205, 216, and 238, and Secretary of State Directive 2014-06, the State has jettisoned the very solutions that proved successful in resolving elections problems in Cuyahoga County; and,

WHEREAS, Cuyahoga County has a substantial interest in ensuring that its citizens have adequate opportunities to cast their ballots in every election; and,

WHEREAS, Cuyahoga County also has a substantial interest in protecting the integrity of its own elections, including elections for its elected offices and issues that it places on the ballot by ensuring that the County's citizens have adequate opportunities to cast their ballot in elections that can be very close and impacted by the citizenry's ability to have adequate access to the ballot. For instance, in the 2010 primary election for County Council, the Republican primary for County Council District 1 was decided by just 96 votes, and the Democratic primary for County Council District 3 was decided by 201 votes; and,

WHEREAS, Cuyahoga County also has a substantial monetary interest in protecting the integrity of elections in Cuyahoga County through early in person voting and voting by mail. The County is the budgetary authority for the County's Board of Elections. The County appropriates the funds, and the County's Treasury pays the Board's expenses pursuant to R.C. 3501.17. If the State were to succeed in eliminating the solutions that proved very successful in Cuyahoga County and it results in voting problems as happened in 2004, such problems will trigger the need for investing additional financial resources, including potentially having to purchase additional voting machines and to spend money maintaining these additional machines, to avoid the problems in the future; and,

WHEREAS, In August 2012, Cuyahoga County adopted an Equity Plan, which is codified in Chapter 1101 of the Cuyahoga County Code; and,

WHEREAS, Section 1101.02(A) of the Cuyahoga County Code expressly provides that the County's objective is to remove barriers that stand in the way of the County's citizens:

Cuyahoga County embraces the ideal of one united community, committed to equality of opportunity for all of our citizens. As part of our equity plan, the county's objective is to remove barriers and enable all citizens in our community to have equal opportunities to fulfill their potential. The county will do so by ensuring that best practices in equity are being implemented by all county departments and agencies and by measuring progress on an ongoing basis. In addition, the county will work with community partners to influence other important domains that reinforce the economic, educational, health and social progress of Cuyahoga County and its citizens.

WHEREAS, the restrictions imposed by the State have a disparate impact on working men and women in Cuyahoga County; and,

WHEREAS, the County should do everything possible to remove barriers in the way of its citizens' right to vote to further its equity objectives; and,

WHEREAS, as federal courts have recognized, the establishment of so-called "uniform" procedures across the State that fail to take into account the unique needs of individual counties results in inequity and hurts the ability of citizens in large counties to vote. See, e.g., *Vanzant v. Brunner*, S.D. Ohio Case No. 1:10-cv-596; and,

WHEREAS, the right to vote is a constitutional right expressly stated in the 14<sup>th</sup> Amendment to the United States Constitution and strengthened with additional amendments thereafter: (a) the 15<sup>th</sup> Amendment to the United States Constitution provides that the "right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude;" (b) the 19<sup>th</sup> Amendment to the U.S. Constitution provides that the "right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex;" (c) the 24<sup>th</sup> Amendment to the United States Constitution provides that the "right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax;" and (d) the 26<sup>th</sup> Amendment to the United States Constitution provides that the "right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age;" and,

WHEREAS, Cuyahoga County provides many services to its citizens, including health and human services programs, homeless services programs, economic development programs, and educational programs; and,



WHEREAS, as a chartered county with home rule powers, County Council finds it necessary for the County to provide services to its citizens to facilitate their ability to vote; and,

WHEREAS, as a chartered county, Cuyahoga County is constitutionally entitled to rights and privileges, including a First Amendment right to communicate with its citizens and share information with them on how to vote and what forms to use when they want to apply to receive their ballots by mail; and,

WHEREAS, Senate Bill 205 restricts speech based on the identity of the speaker by not prohibiting individuals and private corporations from exercising their First Amendment right to communicate through sending applications to vote by mail, including postage-prepaid return envelopes, while attempting to restrict the ability of home rule entities from exercising the very same speech; and,

WHEREAS, the County Council finds it necessary to invoke the County's home rule powers and its constitutional First Amendment rights to establish a program to assist its citizens in exercising their right to vote through voter registration as well as mailing applications for voting by mail to its citizens, with postage-prepaid return envelopes.

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of the County departments.

**NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** Title 12 of the Cuyahoga County Code is hereby enacted, and it shall read as follows:

**Title 12: Voting Rights**

**Chapter 1201: Voting Rights Program**

**Section 1201.01. Establishment**

There is hereby established the Cuyahoga County Voting Rights Program, which shall be administered by the County Executive through any appropriate departments, offices, and other agencies of county government.

**Section 1201.02. Program Benefits**

Notwithstanding any State law, regulation, or other directive to the contrary, the Cuyahoga County Executive is hereby expressly authorized to undertake all acts

necessary to promote voter participation and access to the ballot in Cuyahoga County by all citizens, including, but not limited to the following:

- a. Promoting and implementing voter registration at all levels of citizen interaction with County government, including through services provided by any division in the Department of Health and Human Services; and
- b. Promoting early voting and maximizing voter participation through voting by mail in Cuyahoga County, including, but not limited to, mailing applications to vote by mail, with postage-prepaid return envelopes, to all registered voters in Cuyahoga County.

**SECTION 2.** Section 1101.03 of the Cuyahoga County Code is hereby amended to add Section 1101.03(K) as follows:

**K. Voting Rights and Access to the Ballot.** Cuyahoga County will act to protect its citizens' right to vote. The County will promote voter registration at all levels of citizen interaction with County Government. The County will also promote early voting programs, including voting by mail programs. When deemed necessary and appropriate, the County's Department of Law will seek court intervention to protect access to the ballot by the County's citizens.

**SECTION 3.** It is necessary that this Ordinance become immediately effective for the usual daily operation of the County and the reasons set forth in the preamble. Provided that this Ordinance receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

**SECTION 4.** It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

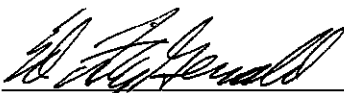
On a motion by Ms. Simon, seconded by Mr. Miller, the foregoing Ordinance was duly enacted.

Yeas: Miller, Brady, Germana, Conwell, Jones, Hairston, Simon and Connally

Nays: Greenspan, Gallagher and Schron

  
\_\_\_\_\_  
County Council President

4-8-14  
Date

  
\_\_\_\_\_  
County Executive

4/14/14  
Date

  
\_\_\_\_\_  
Clerk of Council

4/8/2014  
Date

First Reading/Referred to Committee: March 11, 2014

Committee(s) Assigned: Committee of the Whole

Additional Sponsorship Requested: April 1, 2014

Journal CC014

April 8, 2014

# Exhibit 2

## County Council of Cuyahoga County, Ohio

### Resolution No. R2014-0141

Sponsored by: <b>County Executive FitzGerald and Councilmember Simon</b>	A <b>Resolution</b> providing for the submission to the electors of the County of Cuyahoga an amendment to add Article XIV to the Cuyahoga County Charter to provide that the right to vote is a fundamental right in the County and authorize the County to take action to protect and promote the right to vote, and declaring the necessity that this Resolution become immediately effective.
Co-sponsored by: <b>Councilmember Hairston</b>	

WHEREAS, Article XII, Section 12.10 of the Charter of Cuyahoga County provides that “Proposed amendments to this Charter shall be submitted to the electors of the County in the manner provided for by the Ohio Constitution”; and

WHEREAS, Article X, Section 4 of the Ohio Constitution provides that the “legislative authority... of any county may by a two-thirds vote of its members” submit by resolution charter amendments to the electors of the county “to be voted upon at the first general election occurring not sooner than sixty days after their submission”; and

#### **NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** Pursuant to Article X, Section 4 of the Ohio Constitution and Article XII, Section 12.10 of the Charter of the County of Cuyahoga, this Council hereby authorizes and directs that there shall be submitted to a vote of qualified electors of the County of Cuyahoga, at the general election to be held on Tuesday, the 4<sup>th</sup> day of November, 2014, the question of amending the Charter, to add Article XIV, as follows:

#### **ARTICLE XIV—CITIZENS’ VOTING RIGHTS**

##### **SECTION 14.01 FUNDAMENTAL RIGHT**

The right to vote shall be a fundamental right in Cuyahoga County, and elections in the County shall be free and open.

**SECTION 14.02 VOTING PROTECTION AND PROMOTION.**

The County shall have the power to enforce the provisions of this Article, including, but not limited to, the institution of legal action through the Law Department to protect the right to vote and access to the ballot and to undertake measures to promote voter registration and participation, including, but not limited, promotion of early voting by the County's citizens.

**SECTION 2.** Pursuant to Article X, Section 4 of the Ohio Constitution, and Article XII, Section 12.10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment to add Article XIV to the Charter shall be submitted to the Board of Elections of Cuyahoga County, and the question to be submitted on the ballot shall be as follows:

**PROPOSED AMENDMENT TO COUNTY CHARTER**

**Shall the Cuyahoga County Charter be amended to add Article XIV, which provides that the right to vote shall be a fundamental right in the County and that elections in the County shall be free and open and authorizes the County to undertake measures to enforce the article and to promote voter registration and participation, including early voting initiatives?**

**SECTION 3.** The Clerk of this Council is directed to certify a copy of this Resolution to the Board of Elections no earlier than one hundred twenty (120) days and not later than sixty (60) days before the November 4, 2014 general election. The Clerk is further directed to take all other actions required by law relative to the submission of said amendment for said election, including, if required by law, mailing or otherwise distributing a copy of said proposed amendment to each of the electors of the County as far as may be reasonably possible prior to thirty (30) days before said election.

**SECTION 4.** It is necessary that this Resolution become immediately effective to enable the Clerk of Council to perform her duties in time for the amendment to be properly placed on the November 4, 2014 election. Provided that this Resolution receives the affirmative vote of eight (8) members of Council, it shall become immediately effective.

**SECTION 5.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Ms. Simon, seconded by Mr. Hairston, the foregoing Resolution was duly adopted.

Yeas: Brady, Germana, Conwell, Jones, Hairston, Simon, Miller and Connally

Nays: Gallagher, Schron and Greenspan

  
County Council President

8-12-14  
Date

  
Clerk of Council

8/12/2014  
Date

First Reading/Referred to Committee: May 27, 2014

Committee(s) Assigned: Committee of the Whole

Additional Sponsorship Requested: July 17, 2014

Committee Report/Second Reading: July 22, 2014

Journal CC015  
August 12, 2014

# Exhibit 3



IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

OHIO STATE CONFERENCE OF THE	:	Case No. 2:14-cv-00404
NATIONAL ASSOCIATION FOR THE	:	
ADVANCEMENT OF COLORED	:	
PEOPLE, et al.,	:	Judge Peter C. Economous
	:	Magistrate Norah McCann King
Plaintiffs,	:	
	:	
v.	:	
	:	
JOHN HUSTED, et al.,	:	
	:	
Defendants.	:	

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**DECLARATION OF**  
**MARK J. SALLING**

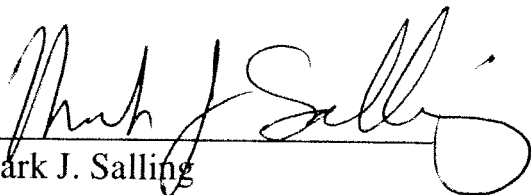
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Mark J. Salling, under 28 U.S.C. 1746, declares as follows:

1. I have personal knowledge of all facts recited herein.
2. I am currently a Senior Research Associate at Cleveland State University Maxine Goodman Levin College of Urban Affairs, and Director of Northern Ohio Data and Information Service.
3. Cuyahoga County retained me to independently examine the impact of the State of Ohio's voting restrictions imposed in Senate Bill 238 and Directive 2014-17.
4. Attached as Exhibit A is a true and accurate copy of my curriculum vitae.
5. Attached as Exhibit B is a true and accurate copy of the report I prepared, summarizing the methodology utilized and the results of my examination.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on this 8<sup>th</sup> day of July, 2014.

  
Mark J. Salling

**MARK J. SALLING, Ph.D., GISP<sup>1</sup>**

May 2014

**EDUCATION**

Ph.D. (Geography) 1982, Kent State University

Dissertation: Poverty and the Decision to Move: An Analysis of Public Housing for the Poor

M.A. (Geography) 1974, University of Cincinnati

B.A. (Geography) 1970, Kent State University

**ACADEMIC & PROFESSIONAL POSITIONS**

1982-present--- Director, Northern Ohio Data & Information Service, Senior Research Associate, and College Fellow, Maxine Goodman Levin College of Urban Affairs, Cleveland State University (<http://urban.csuohio.edu/nodis/>)

2002-2012 Williamson Family Fellow and Director of Research, The Center for Community Solutions, Cleveland, OH (<http://communitysolutions.com/>)

1981-1982----- Director, Base Resource Division, Graphco, Cleveland, OH.

1979-1982----- Research Consultant/Methods & Data Specialist, Capone-White & Associates, Cleveland Heights, OH.

1976-1981----- Planner and Senior Data Specialist, Northeast Ohio Areawide Planning Agency, Cleveland, OH.

1976----- Planning Assistant, Medina County Planning Commission, Medina, OH.

1976----- Temporary Instructor, Geography, Kent State University, Trumbull Branch.

1975-1976----- Teaching Fellow, Department of Geography, Kent State University.

**PROFESSIONAL AFFILIATIONS, AWARDS, SERVICE**

Urban & Regional Information Systems Association (URISA - <http://www.urisa.org/>):

- Managing Editor, Proceedings of the annual conference 1986-2004.
- Past member, URISA Board of Directors, 2002-2005
- Member, Core Committee, GISCorps (<http://www.giscorps.org/>)
- Recipient, URISA 1988 and 2000 Service Awards

Member, Ohio Geographically Referenced Information Program Council, representing universities (<http://ogrip.oit.ohio.gov/>)

Ohio's Liaison to the U.S. Census Bureau's Redistricting Data Program

Chairman and Key Person, Cleveland Census Statistical Areas Committee (CenSAC)

Member, Association of Public Data Users (APDU - <http://apdu.org/>)

Past Recipient, Visiting Fellowship, National Center for Geographic Information and Analysis (NCGIA), 1994.

Affiliated Scholar, Center for Election Integrity, Cleveland State University (<http://urban.csuohio.edu/cei>)

**PRIMARY AREAS OF RESEARCH AND TEACHING EXPERIENCE**

Urban Social Geography	Research/Computer Methods
Urban Poverty, Mobility	Geographic Information Systems (GIS)
Demography	Demographic Forecasting
Redistricting	

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<sup>1</sup> Geographic Information System Professional, certified by the GIS Certification Institute (<http://www.gisci.org/>).

## **RESPONSIBILITIES**

### **NODIS Director**

Management- staff consisting of professional programmers, researchers, GIS specialists, information specialist, and several students; provide research, data, and GIS services to University and community data users.

Teaching----- courses taught: Urban Spatial Structure, Urban Geography, Graduate Research Methods, Introduction to Geographic Information Systems, GIS Capstone Seminar, Demography, and Computers for Urban Studies Students.

Research----- demographic and urban analysis; research includes analyses of redistricting outcomes and the use of GIS in the process, urban neighborhood economic structure, environmental equity (spatial association of toxic releases and demographic populations), the application of GIS to urban land redevelopment, and the use of GIS for social indicators and related areas.

Technical Assistance---- presentations on GIS, demographic trends, urban issues; employed GIS methods to provide a common database for redistricting in the State of Ohio; provide leadership in local Census data and geography issues.

## **PUBLICATIONS and PRESENTATIONS**

### **Written:**

**Salling**, Mark, "Redistricting Congressional Districts in Ohio, An Example of a Partisan Process with Long-Lasting Consequences," in Miller, William J. and Jeremy D. Walling, eds. 2013, The Political Battle over Congressional Redistricting. Lanham, MD: Lexington Books.

Stephanie Ryberg, Mark **Salling**, and Gregory Soltis, "Putting Artists on the Map: The Geography of Artists in Cuyahoga County, Ohio," Journal of Urban Affairs, Vol. 35, Issue 2, May 2013, pp. 219-245. Online at <http://onlinelibrary.wiley.com/doi/10.1111/j.1467-9906.2012.00623.x/pdf>.

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James Wyles and Mark **Salling**, "Districting Competition Tutorial Using ArcGIS 9.3 and Districting Wizard," Prepared for Ohio Secretary of State Jennifer Brunner, <http://www.sos.state.oh.us/SOS/Upload/redistrict/tutorial.pdf>, April 2009.

Mark **Salling**, Joe Ahern, George Coulter, and Rich Marountas, "New Study Shows County's Workforce Characteristics," Planning & Action, The Center for Community Solutions, Vol. 62, No. 1 (February), 2009, pp. 7-11.

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Mark **Salling**, "Beware of the Data. New Data from the Census Bureau's 2007 American Community Survey are Out and Still Coming," Planning & Action, The Center for Community Solutions, Vol. 61, No. 5 (September/October), 2008, p. 14.

Mark **Salling**, "More Persons Attending College and Getting Degrees, 2000 to 2007 The Cleveland-Akron-Elyria Region Doing Well," unpublished report available at <http://nodisnet1.urban.csuohio.edu/nodis/publications.shtml>, September 23, 2008.

Mark **Salling**, "Changes in Poverty and Educational Attainment, 2000 to 2007 Poverty Rates Increasing for those with College Education, Too," unpublished report available at <http://nodisnet1.urban.csuohio.edu/nodis/publications.shtml>, September 2, 2008.

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Marountas, Richard, and Mark **Salling**, "New Economic Indicators Report: Employment and Productivity in Northeast Ohio, 2000-2007, Indicators of Industry Sustainability," Planning & Action, The Center for Community Solutions, Vol. 61, No. 2 (April), 2008, pp. 5-9.

**Salling**, Mark, and M. Egan, "Health Needs Analysis, Assessment Looks at the Region," Planning & Action, The Center for Community Solutions, Vol. 61, No. 1 (February), 2008, pp. 9-14.

Mark **Salling**, "Ohio Continues to Lag in Population Growth and Comments on Prospects for the Future: An Analysis of 2007 State Population Estimates," unpublished report available at <http://nodisnet1.urban.csuohio.edu/nodis/publications.shtml>, January 2, 2008.

Mark **Salling**, "Hispanics and Asians Increase in Numbers in Cuyahoga County An Analysis of 2007 County Population Estimates," unpublished report available at <http://nodisnet1.urban.csuohio.edu/nodis/publications.shtml>, August 7, 2008.

Mark **Salling**, "Brief Description and Analysis of the Census Bureau's 2006 Population Estimates for Incorporated Places: Cleveland and Other Ohio Cities," unpublished report available at <http://nodisnet1.urban.csuohio.edu/nodis/publications.shtml>, June 28, 2008.

**Salling**, Mark, E. Cyran, S. Bliss, R. Marountas, "The Changing Face of Socioeconomic Conditions in Northeast Ohio," Planning & Action, The Center for Community Solutions, Vol. 60, No. 6 (November/December), 2007, pp. 14-17.

Mark **Salling**, "An Analysis of Services Provided by Faith-Based Organizations to Cleveland's Ward 17 Community," unpublished report available at <http://nodisnet1.urban.csuohio.edu/nodis/publications.shtml>, January 30, 2007.

**Salling**, Mark, George Zeller, and Rich Marountas, "The State Of Poverty in Ohio, 2007," Ohio Association of Community Action Agencies and The Center for Community Solutions, June 2007.

**Salling**, Mark, "GISCorps Helps United Nations High Commission for Refugees Map Resources for Refugees in Cairo, Egypt," URISA News, Urban and Regional Information Systems Association, No. 219 (May/June), 2007, p. 10.

**Salling**, Mark, "The Role of Faith-Based Organizations in Providing Social and Health Services to Cleveland's Ward 17 Community," Planning & Action, The Center for Community Solutions, Vol. 60, No. 3 (April), 2007, pp. 1-4.

Walton, B.M., M. **Salling**, and J. Wolin. "Biological Integrity of Urban Streams: Toward Resolving Multiple Dimensions of Urbanization," Landscape and Urban Planning, 2007, 79, pp. 110-123.

**Salling**, M., and E. Cyran. "Using the Census Bureau's Public Use Microdata for Migration Analysis," Proceedings of the annual conference of the Urban and Regional Information Systems Association, Vancouver, BC, Canada, September 2006, pp.336-348.

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**Salling**, Mark, James Williamson, and Elton Turnage, "Some Factors Considered in Teen Pregnancy Rates in Cuyahoga County," Planning & Action, The Center for Community Solutions, Vol. 57, No. 5 (July/August), 2004, pp. 11-14.

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**Salling**, Mark, Richard Marountas, Terry Lenahan, George Weiner, and Joe Ahern, 2003/2004 Social Indicators: Housing, The Center for Community Solutions, April 2004.

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**Salling**, Mark, "2003 Social Indicators: Education, Employment, and Income," Planning & Action, Federation for Community Planning, Vol. 56, No. 4 (May/June), 2003, pp. 16-18.

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**Salling**, Mark, "Estimating Low and Moderate Income Persons at the Census Block Level in the City of Cleveland," prepared for City of Cleveland, Department of Community Development, July 24, 2000.

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Bowen, William, Mark **Salling**, Kingsley Haynes, and Ellen Cyran, "Toward Environmental Justice: Spatial Equity in Ohio and Cleveland," Annals of the Association of American Geographers, Vol. 85, No. 4, 1995, pp. 641-663.

**Salling**, Mark, et.al., A Guide to State and Local Census Geography, U.S. Department of Commerce, Bureau of the Census, June 1993.

**Salling**, Mark, and William L. Mumbleau, "Introduction: A New Era for GIS in URISA," Proceedings, Volume II, Urban and Regional Information Systems Association Conference, Washington, D.C. July, 1992.

Tobin, J., and Mark **Salling**, "NODIS Procedures for Demographic Analysis," Proceedings, SAS Users Group International, Ninth Annual Conference, Hollywood, FL. March 1984.



Henry, N.H., J.W. Frazier, M. Budin, and Mark **Salling**, "Applications of Geography to Housing Problems," Chapter 5 in Applied Geography, Selected Perspectives, (J. Frazier, ed.), Prentice-Hall, Inc. Englewood Cliffs, N.J. 1982.

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**Salling**, Mark, and T. Bier, "Factors Affecting the Geographic Distribution of Mortgage Loans in Cuyahoga County, Ohio," Proceedings, Applied Geography Conference, (J.W. Frazier and B.J. Epstein, eds.), Vol. 3, Kent, Ohio. 1980.

**Salling**, Mark, "Regionalization at the Areawide Planning Level: the Merger of Subjective and Objective Methods," Proceedings, Applied Geography Conference, (J. Frazier and B.J. Epstein, eds.), Vol. 1, Binghamton, N.Y. 1978.

**Salling**, Mark, "Residential Preferences in Three Neighborhoods of Different Racial Composition," East Lakes Geographer, Vol. 11, June, 1976, pp. 91-109.

Presented:

“Community Mapping Initiatives in Cleveland, Ohio,” presented with Wansoo Im at GIS-Pro 2013, the annual conference of the Urban and Regional Information Systems Association, Providence, RI, September 17, 2013.

“Urban Geography 101: What do you know about Cleveland and the Region?” presented at the Community Forum of First Unitarian Church of Cleveland, Shaker Heights, Ohio, March 3, 2013.

“GIS and Democracy, How GIS Affects the Political Landscape,” presented at GIS-Pro 2012, the annual conference of the Urban and Regional Information Systems Association, Portland, OR, October 2, 2012.

“Some Data on Representational Fairness, One Person, One Vote, and Public Participation Redistricting,” presented at the Symposium on Baker v. Carr After 50 Years: Appraising the Reapportionment Revolution, Case Western Reserve University School of Law, Cleveland, Ohio, November 4, 2011

“Putting Artists on the Map: A Study of Artists’ Housing and Neighborhoods in Cuyahoga County, Ohio,” with Kristin L. Tarajack-Puch. presented at the Urban Affairs Association annual conference. New Orleans, LA., March 19, 2011.

“How Will Geographic Information Systems be Used for Redistricting: A Case Study in Ohio,” presented at presented at GIS-Pro 2010, the annual conference of the Urban and Regional Information Systems Association, Orlando, FL, September 29, 2010.

“An Analysis of Health Disparities in Northeast Ohio Using the 2008 Ohio Family Health Survey,” with Joseph Ahern and Terese Lenahan. presented at presented at GIS-Pro 2010, the annual conference of the Urban and Regional Information Systems Association, Orlando, FL, September 29, 2010.

“Anticipating Census 2010...Some Data on Population Change Affecting Redistricting in Ohio.” presented at the “Redistricting Forum Redrawing the Boundaries: An Ohio Discussion,” March 1, 2010. Columbus, Ohio.

“The Uses of Geographic Information Systems for Redistricting and a Case Study in Ohio,” presented at the “Symposium on Drawing Lines: The Future of Redistricting in America,” February 26, 2010. Duke University School of Law, Durham, NC.

“The 2008 Ohio Family Health Survey: Initial Analyses of Cuyahoga County,” with Joe Ahern, presented to the Community Partners and Friends of The Center for Community Solutions, Cleveland, Ohio, July 15, 2009.

“The 2008 Ohio Family Health Survey: Initial Analyses of Ohio and Cuyahoga, Lorain, and Summit Counties,” with Timothy Sahr, Heather Beaird, and Joe Ahern, presented to the Summit County Healthy Connections Network, Akron, Ohio, April 23, 2009.

“Ohio Redistricting Competition: Competition Rules and Scoring,” with James Wyles, presented for Ohio Secretary of State Jennifer Brunner’s Districting Competition, Columbus, Ohio, April 10, 2009.

“2008 Ohio Family Health Survey: Profile of the Uninsured in Cuyahoga, Lorain, and Summit Counties,” with Joe Ahern, presented to The Center for Community Solutions Human Services Institute, Cleveland, Ohio, March 13, 2009.

“Using Social Indicators and Related Data for Grant Applications,” presented to The Center for Community Solutions Human Services Institute, Cleveland, Ohio, March 13, 2009.

“Challenges Related to Multiple Estimates of the Census Bureau’s American Community Survey,” presented at the 2009 annual conference of the National Association of Planning Councils, Austin Texas, March 2, 2009.

“Cuyahoga County Workforce Indicators,” with Joe Ahern and George Coulter, presented to The Center for Community Solutions - Partners and Friends, Cleveland, Ohio, February 27, 2009.

“The Point of Partnering? Achieving Service Outcomes through Agency Collaboration,” annual conference of The Center for Community Solutions’ Human Services Institute, Cleveland, Ohio, March 28, 2008.

“Income of Older Persons in Ohio,” Ohio AARP Conference on Sensible Solutions for Retirement Security: A Public Policy Discussion, New Philadelphia, Ohio, March 20, 2008.

“Some Recent Data on the Economic Health of the Region,” with George Zeller, Partners and Friends of The Center for Community Solutions, Cleveland, Ohio, November 15, 2007.

“Some Recent Data on the Economic Outlook for Cuyahoga County Based on the American Community Survey,” presented to Cuyahoga County Commissioners and department heads, Cleveland, Ohio, September 19, 2008.

“Implications of Geocoding Methods, Geographic Reference Files, And Population Estimates for Community Health Indicators,” with Chris Kippes, David Bruckman, Ellen Cyran, and Urban and Elizabeth Larkin, Centers for Disease Control and Prevention 2007 Assessment Initiative Annual Conference, Atlanta, Georgia, August 23, 2007.

“Implications of Geocoding Methods, Geographic Reference Files, And Population Estimates for Community Health Indicators,” with Chris Kippes, David Bruckman, Ellen Cyran, and Urban and Elizabeth Larkin, Urban and Regional Information Systems Association conference on GIS in Public Health, New Orleans, Louisiana, May 21, 2007.

“Foreign Migration: What Census Data Tell Us,” annual conference of The Center for Community Solutions’ Human Services Institute, Cleveland, Ohio, March 23, 2007.

“GIS as a Tool for Political Geography and Analysis,” Conference on Computer-Assisted Reporting, Cleveland, Ohio, March 9, 2007.

“What We Are Learning from Recent Census Data,” with Michael Finney, New Member Orientation, Ohio Legislative Service Commission, Columbus, Ohio, November 29, 2006.

"Sprawl, Taxes and the Cost of Ohio's Competitiveness," presented to New Member Orientation, Ohio Legislative Service Commission, Columbus, Ohio, November 29, 2006.

"Using the Census Bureau's Public Use Microdata for Migration Analysis," with Ellen Cyran, annual conference of the Urban and Regional Information Systems Association, Vancouver, BC, Canada, September, 2006.

"The Use of Geographic Information Systems (GIS) to Reveal Inordinate Public Health Burden in Cleveland's African American Neighborhoods," with C.M. Croner, T.L. Lenahan, G.D. Weiner, and C. Kippes, American Public Health Association 133<sup>rd</sup> Annual Meeting, Philadelphia PA., December 13, 2005.

"The Use of GIS for Social and Health Community Indicators," presented at the annual conference of the Urban and Regional Information Systems Association, Kansas City, Missouri, October, 2005.

"The Public Health Burden of Cleveland's African American Community," with C.M. Croner, and T.L. Lenahan Annual Meeting of the Association of American Geographers, Denver CO., April 6, 2005.

"What Have We Learned about Ohio from Recent Census Data?," with Michael Finney, presented to the New Member Orientation of the Ohio Legislature, Columbus, Ohio, November 17, 2004.

"Ecological Quality of Urban Streams: Resolving Multiple Dimensions of Urbanization," with B.M. Walton and J. Wolin. Symposium on Great Lakes Water Quality, Headwater Streams Section. Cleveland Museum of Natural History. October 2004.

"Updating the Census Bureau's School District Boundaries Using Geocoded Voter Registration Addresses," presented to the 2004 Ohio GIS Conference, Columbus, Ohio, September 30. 2004.

"Social Indicators Data for Community Development Corporations," workshop presentation at the Ohio CDC Association, 2004 annual conference, Cleveland, Ohio. September 29, 2004.

"Visualizing Health Inequalities with GIS: Exploring Geospatial Issues with IHS Area Planning Officers and Statisticians," with C.M. Croner, D. Taylor, T.L. Lenahan, and E. Arias DHHS Indian Health Service Area Planning Officers/Statisticians Conference, Washington, D.C., September 23, 2004.

"Geographic Information Systems: Revealing Public Health Inequalities in African American Communities," with C.M. Croner, T.L. Lenahan, and G.D. Weiner, 1<sup>st</sup> Annual Conference on Race, Ethnicity and Place, Howard University, Washington D.C., September 17, 2004.

"Using Social Indicators for Grantmaking," with Edwin Balzerzak, workshop sponsored by the Ohio Grantmakers Forum, Cleveland, Ohio. September 28, 2004.

"Geographic Information Systems and Public Health: Accomplishments and Horizons," with C.M. Croner, T.L. Lenahan, and G.D. Weiner, GeoHealth 2004: Surveillance and Intervention, Wellington, New Zealand, November 23-25, 2004.

"Geographic Information Systems: Revealing Public Health Inequalities in African American Communities," with C.M. Croner, T.L. Lenahan, 1st Annual Conference on Race, Ethnicity and Place, Howard University, Washington D.C. September 17, 2004.

"Geographic Information Systems and African American Health: Visualizing Disease Burden," with C.M. Croner, T.L. Lenahan, E. Cyran, B. McNamara, L. Malakar, C. Kippes, and R. Marountas, 21st Annual Historical Black Colleges and Universities Summer Faculty GIS Workshop, National Capital Planning Commission, Washington, D.C., July 21, 2004.

"Assessing Biological Integrity within Substantially Urbanized Catchments," with B. M. Walton and J. Wolin, presented at the Symposium on Urbanization and Stream Ecology, Melbourne, Australia. December, 2003.

"Sacred Landmarks as a Resource for Community Empowerment and Regional Development," presented at the annual conference of the Urban and Regional Information Systems Association, Atlanta, Georgia. October, 2003.

"Using Geographic Information Systems to Target Elevated Lead Blood Levels in Children," presented at the annual conference of the Urban and Regional Information Systems Association, Atlanta, Georgia. October, 2003.

"GIS Certification: A Status Report," presented to the 2003 Ohio GIS Conference, Columbus, Ohio. September 18, 2003.

"Some Thoughts on Social Indicators," presented to the National Association of Planning Councils, Monterey, California. May 10, 2003.

"Census 2000: Good News for Northeast Ohio's Economy?," presented at the Census 2003 Forum, Maxine Goodman Levin College of Urban Affairs, Cleveland State University, Cleveland, Ohio. May 2, 2003.

"Race, Hispanic/Latino Ethnicity, Ancestry, and the Foreign-born Population, Some Demographic Data from the Census," presented to the 2003 Health and Human Services Institute, Federation for Community Planning, Cleveland, Ohio. March 21, 2003.

"Changing Demography of Ohio's House Districts," with Mittie Olion Chandler, presented to the Ohio Urban University Program Annual Forum, Columbus, Ohio. March 27, 2003.

"Demographic Change in Ohio: What Have We Learned for the 2000 Census?," with Michael Finney, presented to the New Member Orientation of the Ohio Legislature, Columbus, Ohio. October 18, 2002.

"Application of Geographic Information Systems and a Street-length-based Estimation Methodology to Develop a Redistricting Database," presented to the annual conference of the Urban and Regional Information Systems Association, Long Beach, California. October 2001.

"Use of Geographic Information Systems in the Analysis and Reporting of Child Mortality Statistics," with Cindie Carroll-Pankhurst, presented to the National Conference of County Boards of Health, Cleveland, Ohio. July 2001.

"GIS Customization of a Water Distribution Model Application for Hydraulic Modeling," with Ellen Cyran, Lindle Wilnow, and Pierre Haddad, presented at the conference on Public Works/Geographic Information Systems, Chicago, Illinois. May 7, 2001.

"What Can the 2000 Census Tell You About Your Community?," presented to The Neighborhood & Community Press Association (NCPA) of Greater Cleveland, Cleveland, Ohio. April 28, 2001.

"Using Geographic Information Systems for Community Economic Development," presented at the Emerging Leadership conference of the National Coalition of Community Economic Development, Washington, D.C. February 18, 2001.

"Demographic Trends and Patterns in Ohio," presented to the New Member Orientation Program of the Ohio General Assembly, Columbus, Ohio. November 28, 2000.

"Geographic Information Systems," in "Electronic Records: Access and Use" panel discussion at Midwest Archives and Mid-Atlantic Regional Archives Conference, Cleveland, Ohio. October 21, 2000.

"A Progress Report on Using Geographic information Systems to Prepare for Elections in the 21<sup>st</sup> Century," presented at the Ohio GIS annual conference, Columbus, Ohio. October 28, 1999.

"Modeling Neighborhood Economic Transformation," presented at the annual conference of the Urban and Regional Information Systems Association, Chicago, Illinois. August 11, 1999.

"Using Geographic information Systems to Prepare for Elections in the 21<sup>st</sup> Century," presented at the GIS/LIS annual conference, Cincinnati, Ohio. November 29, 1997.

"Applying Geographical Information Systems (GIS) Technology in Devising Effective Student Recruitment Strategies," panel at the 36th annual forum of the Association for Institutional Research, Albuquerque, New Mexico. May 6, 1996.

"Development of an Implementation Plan for Sharing Geographic Information in Greater Cleveland," presented to the Applied Geography Conference, Akron, Ohio. October 14, 1994.

"Using GIS to Make Micro-Level Real Estate Decisions: A Financial and Environmental Analysis of Residential Lot Redevelopment in a Cleveland Neighborhood," with Robert Simons, presented at the annual conference of the Urban and Regional Information Systems Association, Milwaukee, Wisconsin. August 11, 1994.

"Census 2000: Saving the Data - For Whom?" presented at the annual conference of the Urban and Regional Information Systems Association, Atlanta, Georgia. July 26, 1993.

"The Geography of Environmental Equity in Ohio: A Descriptive Analysis," with W. Bowen, presented at the annual conference of the Association of American Geographers, Atlanta, Georgia. April 9, 1993.

"The Geography of Environmental Disadvantage in Cuyahoga County, Ohio: A Descriptive Analysis," with W. Bowen, presented at the annual conference of the East Lakes Region of the Association of American Geographers, Youngstown, Ohio. November 2, 1991.

"NORGIN: Development of a GIS Project in the Cleveland Area," presented to the AM/FM-IKO & URISA Great Lakes Conference, Columbus, Ohio. June, 1991.

"Implementing A Departmental Computing System for Novice, PC, and Mainframe Users," presented to the annual conference of the Urban and Regional Information Systems Association, Ft. Lauderdale, Florida. August, 1987.

"A Method for Projecting Population for Census Tracts in a Declining City," presented to the annual conference of the Urban and Regional Information Association, Ft. Lauderdale, Florida. August, 1987.

"Developing an Arson Early Warning System from Public Records," presented to the annual conference of the Urban and Regional Information Systems Association, Ottawa, Ontario. July 1985.

"Dissemination of a Dynamic Database in Cleveland, Ohio," presented to the annual conference of the Urban and Regional Information Systems Association, Seattle, Washington. August, 1984.

"Development and Application of a Research-Oriented Geographic Information System," presented to the annual conference of the Urban and Regional Information Association, Seattle, Washington. August, 1984.

"NODIS Procedures for Demographic Analysis," with J. Tobin, presented to SAS User's Group International, Hollywood, Florida. March, 1984.

"From Arson To Enterprise Zones: Applications of a Cleveland Based Geographic Information System," presented to the Applied Geography Conference, Toronto, Ontario. March, 1983.

"Home Mortgage Investment Patterns in the Cleveland Region," with T. Bier, presented to the Applied Geography Conference, Binghamton, New York. Fall 1979.

"Poverty, Personality, and Residential Mobility," presented to the East Lakes Meetings of the Association of American Geographers, Ann Arbor, Michigan. October, 1976.

"Residential Preferences in Three Neighborhoods of Different Racial Composition," presented to the East Lakes Meetings of the Association of American Geographers, Saint Catherine, Ontario. October, 1975.

"The Direction of Urban Transportation Network Extent: A Relationship, Model, and Case Study," presented to the Ohio Academy of Science, Marietta, Ohio. April, 1972.

The Use of Early In-Person Voting Opportunities  
In the 2008, 2010, and 2012 General Elections  
In Ohio's Largest Urban Counties  
Comparisons by Race and Hispanic/Latino Ancestry

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**Purpose of Study**

Data on voters from five of Ohio largest counties in 2008, 2010, and 2012 general elections are used to estimate the use of early in-person voting (EIP), voting by mail, and voting on Election Day for racial and Hispanic groups of voters. Comparisons of when voting occurred are made for Election Day, in-person voting the Sunday before the election, in person voting during the so-called "Golden Week", other early-in person voting, and early voting by mail. These are referred to as methods of voting in this analysis.

To estimate the race and ethnicity of voters it is assumed that African Americans, Whites, other races, and Hispanics voted in proportion to their percentage of voting age population in the census block in which they live. Data for Cuyahoga, Franklin, Hamilton, Lucas, and Summit counties are analyzed. These counties account for 36.8 percent of the state's 2010 voting-age population.<sup>1</sup>

**Findings**

Data from the following tables are discussed:

1. Table 1: Votes by Race/Ethnicity, Election, Method, and County – provides estimated votes by race and Hispanic ethnicity, election year, method, and county.
2. Table 2: Percentage of Votes by Race and by Election Day, Early In-Person, and Mail Voting - shows the percentage distributions of these votes for all 5 counties and all early in-person methods combined.
3. Table 3: Percentage of Votes by Race/Ethnicity, Method, and County, Three Elections Combined (2008 Franklin excluded) - provides percentages by method and race/ethnicity for each county.
4. Table 4: Percentage of Votes by Race and Election Day, Early In-Person, and Mail Voting, Three Elections Combined (2008 Franklin excluded) - includes racial/ethnicity percentages

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<sup>1</sup> Though the author hoped to include Montgomery County, which is larger in voting-age population than Lucas County, the data could not be obtained in time to include it. In addition, data for the 2008 general election in Franklin County was also not available for this analysis.



for Election Day, EIP, and voting by mail for each of the three elections, with the 5 counties combined.

5. Table 5: Percentage of Votes by Race/Ethnicity and Method, Three Elections Combined (2008 Franklin excluded) - provides the same percentage distribution as in Table 4, but lists each of the individual EIP methods (Sunday before Election Day, Golden Week, and other EIP).
6. Table 6: Test of Proportions – addresses the question of whether the percent of votes for each racial minority group is different than for White voters using each method.
7. Table 7: Voter Participation Rates (based on voters used in the analysis and persons age 18 and older in the 2010 Census of Population)

Overall, excluding unavailable results for 2008 in Franklin County, the analysis shows that African Americans are more likely to vote in-person, whether on Election Day or in early voting opportunities, than by mail.<sup>2</sup> While they composed 22 percent of voting-age population and an estimated 20.3 percent of voters in the combined three elections in those five counties (again excluding the 2008 election in Franklin County), African American voters accounted for 38.0 percent of all early in-person voting (Table 4).<sup>3</sup> They took particular advantage of voting the first week of early voting when persons could both register and vote on the same day, commonly referred to as “Golden Week”. Voting that week by African Americans comprised almost half (48.3%) of all early in-person votes (Table 5). Only 18.1 percent of votes by mail were made by African Americans. Their preference for, or dependence on, early voting opportunities is reflected in the fact that, while an estimated 66 percent of all votes by Whites were cast on Election Day in these three elections (excluding Franklin in 2008), only 61.7 percent of voting African Americans went to the polls that day. A disproportionate number of African Americans used early voting --- 13.5 percent versus 7.2 percent for all voters (Table 4).

Other non-White voters also took advantage of early in-person voting. While White voters accounted for only 5.3 percent of all such voters in those elections, early in-person voting non-White, non-Black voters accounted for 8.6 percent. And nine percent (9.0%) were Hispanic/Latino voters (regardless of race). Overall, 65 percent of all voters voted on Election Day, 7.2 percent used in-person early voting, and 27.8 percent voted by mail (Table 4).

The results from the 2008 and 2012 presidential elections are very similar.<sup>4</sup> However, the 2010 election had many fewer voters and far fewer early in-person votes in particular (Table 1). The 2008 and 2012 elections had 9.1 and 9.0 percent of votes cast in early in-person periods,

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<sup>2</sup> All noted differences in percentages are statistically different at the 0.05 or 0.01 confidence level. Table 6 provides a summary of comparisons between White and minority voting groups.

<sup>3</sup> Differences between total counts of votes between the official counts reported by the Ohio Secretary of State and those reported here are presumably largely due to non-geocoded voter addresses (locating addresses by census block) in this analysis. Other possible minor differences are likely due to different data provided by the BOEs to the SOS and for this study. Table A1 provides geocoding results and Table A2 compares total votes reported by the SOS and those used in this analysis. Overall, excluding the 2008 results for Franklin County, there is a 6.9 percent difference between the SOS total votes in the three combined elections and the total votes used in the analysis.

<sup>4</sup> Again, these results exclude data for Franklin County in 2008.

respectively, compared to only 2.4 percent of the votes in 2010 (Table 2). Absentee voting by mail in 2008 and 2012 accounted for roughly a quarter of the votes (24.2% and 27.3%, respectively), while nearly a third (32.4%) were cast by mail in 2008.

Racial differences between the 2008 and 2012 presidential elections and the midterm 2010 are also apparent (Table 6). African American voters heavily used early in-person voting opportunities in both 2008 and 2012 (17.3% and 16.1% of their votes, respectively), but only 4.1 percent of Black votes were cast early and in-person in 2010. The use of early in-person voting among other non-White and Hispanic voters also exceeded that of White voters in the presidential elections. Differences were substantially less in the 2010 election (though still statistically significantly different).

These results vary only moderately by county. The pattern of African Americans disproportionately using early in-person voting is found consistently across counties and elections (2008 election in Franklin County unknown). Non-African American and Hispanic minority voters also used early in-person voting more than White voters in all five counties overall.

#### Specific Early In-Person Voting Periods

Ohio Senate Bill 238, passed in February 2014, changes early in-person voting for the 2014 general election in Ohio. This change includes the elimination of voting on the Sunday before the election and reduces the early voting period from 35 days to 29 days before Election Day. In addition, the bill also eliminates the so-called Golden Week, the first week of voting in which voters can register and vote on the same day. Therefore, this analysis also examines the potential effect of those changes on voting in the five urban counties, and finds that, on an average daily basis, there was more voting by all groups in Golden Week and the Sunday before the election than on other early voting days. Not including the 2008 election in Franklin County (and using only geocoded addresses), there was an average of 23,794 votes cast on the Sunday before the election and 12,280 cast on the average day of Golden Week, compared to an average of 8,512 ballots cast in person during other early voting days.

In Cuyahoga County, voter participation rates, when measured as the percentage of 2010 persons age 18 and older, are similar for African American and White voters – 53.4 percent and 55.7 percent, respectively – when all three election years are combined (Table 7). Participation rates were higher for both groups in the presidential election years - approximately 61 percent in 2012 and approximately 62 percent in 2008. The 2010 rates were 36.3 percent for African Americans and 43.2 percent for Whites.

The non-White, non-Black voters in the county had higher participation rates than Whites and African Americans in all three elections, averaging 59.2 percent overall. Hispanics, on the other hand, voted less, averaging 41.5 percent for the combined three elections.

With that as context, we compare when these populations voted.

African Americans in Cuyahoga County used absentee voting by mail far less than their White counterparts. They clearly prefer to cast ballots in person, whether early or on Election Day.

Overall, 58.2 percent of their votes were cast on Election Day, significantly greater than the 56.2 percent of Whites who cast votes in those three elections (Table 3). Proportionally, African Americans used the Sunday before Election Day more than Whites (0.6% versus 0.2%), Golden Week (6.6% versus 1.7%), and other early voting days (4.9% versus 1.3%). Whites, on the other hand, extensively used the mail to cast votes. Two out of three White ballots were cast in this way, compared to less than 30 percent (29.7%) for African Americans, 36.2 percent for other races, and 33.0 percent for Hispanic voters, all of which are statistically less than the White percentage using the mail.

Statistically different proportions of when Whites and other minority groups voted in Cuyahoga County are found for each of the three elections (Table 6). Non-White, non-African American voters and Hispanic voters used Golden Week and other early in-person voting more than White voters in all three elections. Non-White, non-African American voters also disproportionately voted on the Sunday before Election Day in 2012 and 2008 when compared to White voters. They also used other early in-person voting days proportionately more than White voters in 2010.

Statistically significant differences with White voting are not found for Hispanics in the Sunday before Election Day voting in 2012 and 2010, though there is such a difference in the 2008 election. None of the minority groups used voting by mail more than White voters did in any of the elections.

Similar findings can be noted for the other urban counties examined in this study (see Table 6).

#### Additional Analysis for Cuyahoga County

The correlation between early voting opportunities taken by African Americans can be seen visually in Maps 1 and 2. Map 1 shows the percentage of the 2010 voting age population in Cuyahoga County that was African American (1 race category) by census block and the geographic distribution of voters casting in person votes on the Sunday before the election in 2012. Map 2 shows the African American (AA) population again, but with the distribution of voters voting in person during Golden Week. Map 3 shows the distribution of voters using the mail to cast votes.

Maps 1 and 2 provide a clear visualization of the geographic correlation between the residential concentration of African Americans of voting age and the use of both Sunday before Election Day and Golden Week during the 2012 election in the county. Map 3 clearly shows that the use of voting by mail was largely wide-spread across the county, but is relatively absent in the areas of higher percentages of African Americans, given the large numbers of such persons in such areas.

The conclusions from this visual analysis are confirmed using statistical correlation analysis. Using the census block summary level, we find that the correlation (Pearson's  $r$ ) between percent African American population 18 and older (1 race) and percent of votes cast that were made in person on the Sunday before Election Day in 2012 is 0.118 ( $p < 0.0001$ ). The correlation between percent AA and percent using Golden Week to vote is even stronger at 0.267 ( $p < 0.0001$ ). Meanwhile, correlations between percent White voting age population (18 and older, 1 race) and percent of votes on the Sunday before the election and during Golden Week are negative and highly statistically significant (-0.118 and -0.263, respectively; both with  $p < 0.0001$ ).

Correlations between neighborhood racial composition and use of balloting by mail show that census blocks with higher proportions of White voters are more likely to also have higher

proportions of voters using the mail to cast ballots (Whites:  $r = 0.344$ ,  $p < 0.0001$ ; AA:  $r = -0.317$ ,  $p < 0.0001$ ).

Hispanic neighborhoods also see few mail-in votes ( $r = -0.146$ ,  $p < 0.0001$ ). Voters in Hispanic neighborhoods also apparently do not use Golden Week or the Sunday before the election to cast in person votes, since correlations between percentage Hispanic and percent using these opportunities are negative ( $r = -0.035$  with  $p < 0.0001$  and  $-0.023$  with  $p < 0.0124$ , respectively).

The correlation analysis confirms the earlier conclusion that voters living in largely African American neighborhoods disproportionately use early in person voting, including Golden Week and the Sunday before the election. Those in White neighborhoods are more likely to cast their votes by mail than are those living in largely African American neighborhoods.

### **Conclusions**

This analysis clearly (and statistically significantly) shows that minorities, especially African Americans, disproportionately use early in-person voting opportunities compared to White voters. This is true for all five counties, though the results for counties other than Cuyahoga are more mixed for comparisons of Hispanics and other minorities to White voter balloting.

On the other hand, White voters disproportionately use absentee voting by mail.

Therefore, Ohio House Senate Bill 238, in reducing early in-person voting days and eliminating Golden Week and the Sunday before Election Day, will disproportionately affect and disadvantage racial and Hispanic minority voters.

Table 1: Votes by Race/Ethnicity, Election, Method, and County

		2012 Election					2010 Election					2008 Election (excludes Franklin)					All 3 Elections				
		Black	White	Other race	Hispanic	Total	Black	White	Other race	Hispanic	Total	Black	White	Other race	Hispanic	Total	Black	White	Other race	Hispanic	Total
Cuyahoga	Election Day	99,025	229,676	17,188	11,749	357,639	58,156	141,564	9,552	5,911	215,183	98,275	247,535	18,121	12,681	376,611	255,456	618,775	44,861	30,342	949,434
	Sunday before	1,574	1,344	152	81	3,151	118	86	10	4	218	1,003	626	84	49	1,762	2,695	2,057	246	134	5,131
	Golden Week	2,531	1,255	179	109	4,074	68	83	7	6	165	26,217	17,219	2,167	1,182	46,785	28,816	18,557	2,354	1,297	51,024
	Other in-person early	19,354	13,185	1,639	947	35,125	1,935	1,479	170	91	3,675	44	26	4	2	76	21,334	14,689	1,813	1,040	38,876
	Mail	46,825	156,125	9,940	5,747	218,637	38,966	141,838	8,519	4,862	194,184	44,499	149,740	9,551	5,544	209,334	130,289	447,703	28,010	16,153	622,155
	Total	169,309	401,585	29,099	18,633	618,626	99,244	285,050	18,257	10,874	413,425	170,037	415,146	29,927	19,458	634,568	438,590	1,101,781	77,283	48,966	1,666,620
Franklin	Election Day	47,751	230,233	20,630	8,920	307,533	32,773	162,531	13,395	5,637	214,336	NA					80,524	392,763	34,025	14,557	521,869
	Sunday before	1,127	2,035	286	149	3,597	182	384	39	18	624	NA					1,309	2,419	326	167	4,221
	Golden Week	3,515	5,719	736	396	10,366	192	658	67	28	945	NA					3,706	6,378	803	425	11,312
	Other in-person early	14,931	34,115	3,840	1,829	54,715	1,345	3,931	378	158	5,812	NA					16,276	38,046	4,218	1,987	60,527
	Mail	24,493	117,598	9,878	4,127	156,096	19,938	103,292	8,120	3,380	134,730	NA					44,431	220,890	17,998	7,508	290,827
	Total	91,816	389,700	35,370	15,421	532,307	54,430	270,797	21,999	9,222	356,448	NA					146,246	660,497	57,370	24,643	888,755
Hamilton	Election Day	64,319	217,552	11,477	5,144	298,492	42,107	161,159	8,037	3,483	214,786	65,594	225,578	11,801	5,313	308,286	172,020	604,288	31,315	13,939	821,563
	Sunday before	522	508	46	20	1,097	No voting on Sunday before election					No voting on Sunday before election					522	508	46	20	1,097
	Golden Week	1,768	1,879	162	77	3,886	359	412	35	15	820	1,920	2,320	210	89	4,540	4,047	4,612	406	181	9,246
	Other in-person early	6,983	10,132	780	344	18,239	2,008	3,292	226	94	5,620	8,705	11,311	927	409	21,352	17,695	24,735	1,933	847	45,211
	Mail	16,989	63,856	3,198	1,379	85,422	10,803	44,453	2,089	904	58,249	14,757	59,818	2,961	1,272	78,808	42,549	168,127	8,248	3,555	222,479
	Total	90,581	293,928	15,663	6,965	407,137	55,277	209,315	10,387	4,495	279,474	90,976	299,027	15,899	7,083	412,986	236,834	802,271	41,949	18,542	1,099,596
Lucas	Election Day	19,384	108,661	6,293	5,592	139,930	13,035	79,357	4,262	3,627	100,281	17,759	105,967	6,027	5,447	135,201	50,178	293,986	16,583	14,666	375,412
	Sunday before	308	470	45	33	855	115	233	19	13	380	2,229	2,229	2,229	2,229	8,916	2,651	2,932	2,293	2,275	10,151
	Golden Week	1,401	1,892	168	141	3,603	143	380	23	19	565	400	610	58	46	1,114	1,944	2,882	250	206	5,282
	Other in-person early	5,156	9,624	775	617	16,172	1,225	2,591	181	143	4,140	5,880	9,566	818	629	16,893	12,260	21,782	1,774	1,389	37,205
	Mail	4,966	26,757	1,449	1,201	34,372	3,482	21,244	1,076	880	26,681	4,398	24,749	1,301	1,050	31,498	12,845	72,750	3,825	3,131	92,551
	Total	31,214	147,404	8,729	7,584	194,932	17,998	103,805	5,562	4,682	132,047	30,666	143,122	10,433	9,401	193,622	79,879	394,331	24,725	21,666	520,600
Summit	Election Day	17,818	148,379	5,886	1,933	174,016	13,172	114,352	4,353	1,405	133,282	15,665	143,233	5,475	1,810	166,183	46,655	405,964	15,714	5,147	473,480
	Sunday before	330	752	55	18	1,155	134	317	21	6	478	461	1,014	65	22	1,562	925	2,082	142	46	3,195
	Golden Week	1,722	2,699	194	66	4,682	183	768	32	11	994	1,105	2,131	136	50	3,422	3,010	5,599	362	127	9,098
	Other in-person early	5,383	13,865	796	269	20,313	2,032	6,100	313	105	8,550	7,588	18,579	1,099	376	27,642	15,003	38,544	2,208	749	56,504
	Mail	6,367	45,278	1,901	596	54,142	2,625	18,599	760	239	22,223	3,904	32,117	1,275	404	37,700	12,896	95,994	3,936	1,239	114,065
	Total	31,620	210,973	8,833	2,882	254,308	18,146	140,136	5,479	1,765	165,526	28,722	197,074	8,050	2,662	236,509	78,489	548,183	22,362	7,309	656,343
All 5 Counties	Election Day	248,297	934,501	61,474	33,337	1,277,609	159,244	658,962	39,600	20,063	877,868	197,293	722,313	41,424	25,251	986,281	604,833	2,315,775	142,498	78,650	3,141,757
	Sunday before	3,860	5,109	585	300	9,854	549	1,020	90	41	1,700	3,693	3,869	2,378	2,300	12,240	8,102	9,998	3,053	2,641	23,794
	Golden Week	10,937	13,445	1,440	790	26,612	944	2,302	165	78	3,488	29,642	22,280	2,571	1,367	55,861	41,523	38,027	4,176	2,236	85,962
	Other in-person early	51,807	80,921	7,830	4,006	144,564	8,545	17,393	1,268	591	27,797	22,217	39,482	2,848	1,416	65,963	82,569	137,796	11,946	6,012	238,323
	Mail	99,640	409,614	26,365	13,051	548,670	75,812	329,426	20,563	10,264	436,066	67,558	266,425	15,088	8,270	357,340	243,010	1,005,465	62,016	31,586	1,342,077
	Total	414,541	1,443,590	97,695	51,484	2,007,309	245,094	1,009,103	61,685	31,038	1,346,920	320,402	1,054,370	64,310	38,604	1,477,685	980,037	3,507,062	223,689	121,126	4,831,914

Table 2: Votes by Race/Ethnicity and by Election Day, Early In-Person, and Mail Voting

		2012 Election					2010 Election					2008 Election (excludes Franklin)					All 3 Elections				
		Black	White	Other race	Hispanic	Total	Black	White	Other race	Hispanic	Total	Black	White	Other race	Hispanic	Total	Black	White	Other race	Hispanic	Total
All 5 Counties	Early In-Person	66,604	99,475	9,855	5,097	181,031	10,038	20,715	1,522	710	32,985	55,551	65,632	7,798	5,083	134,064	132,194	185,822	19,175	10,890	348,080
	Percent Election Day	59.9%	64.7%	62.9%	64.8%	63.6%	65.0%	65.3%	64.2%	64.6%	65.2%	61.6%	68.5%	64.4%	65.4%	66.7%	61.7%	66.0%	63.7%	64.9%	65.0%
	Percent EIP	16.1%	6.9%	10.1%	9.9%	9.0%	4.10%	2.05%	2.47%	2.29%	2.45%	17.3%	6.2%	12.1%	13.2%	9.1%	13.5%	5.3%	8.6%	9.0%	7.2%
	Percent Mail	24.0%	28.4%	27.0%	25.3%	27.3%	30.9%	32.6%	33.3%	33.1%	32.4%	21.1%	25.3%	23.5%	21.4%	24.2%	24.8%	28.7%	27.7%	26.1%	27.8%

Table 3: Percentage of Votes by Race/Ethnicity, Method, and County, Three Elections Combined (2008 Franklin excluded)

		Percent of Period/Method				Percent of Race/Ethnicity Votes				
		Black	White	Other race	Hispanic	Black	White	Other race	Hispanic	Total
Cuyahoga	Election Day	26.9%	65.2%	4.7%	3.2%	58.2%	56.2%	58.0%	62.0%	57.0%
	Sunday before	52.5%	40.1%	4.8%	2.6%	0.6%	0.2%	0.3%	0.3%	0.1%
	Golden Week	56.5%	36.4%	4.6%	2.5%	6.6%	1.7%	3.0%	2.6%	1.1%
	Other in-person early	54.9%	37.8%	4.7%	2.7%	4.9%	1.3%	2.3%	2.1%	0.8%
	Mail	20.9%	72.0%	4.5%	2.6%	29.7%	40.6%	36.2%	33.0%	12.9%
	Total		26.3%	66.1%	4.6%	2.9%	100.0%	100.0%	100.0%	100.0%
Franklin	Election Day	15.4%	75.3%	6.5%	2.8%	55.1%	59.5%	59.3%	59.1%	58.7%
	Sunday before	31.0%	57.3%	7.7%	4.0%	0.9%	0.4%	0.6%	0.7%	0.5%
	Golden Week	32.8%	56.4%	7.1%	3.8%	2.5%	1.0%	1.4%	1.7%	1.3%
	Other in-person early	26.9%	62.9%	7.0%	3.3%	11.1%	5.8%	7.4%	8.1%	6.8%
	Mail	15.3%	76.0%	6.2%	2.6%	30.4%	33.4%	31.4%	30.5%	32.7%
	Total		16.5%	74.3%	6.5%	2.8%	100.0%	100.0%	100.0%	100.0%
Hamilton	Election Day	20.9%	73.6%	3.8%	1.7%	72.6%	75.3%	74.7%	75.2%	74.7%
	Sunday before	47.6%	46.3%	4.2%	1.8%	0.2%	0.1%	0.1%	0.1%	0.1%
	Golden Week	43.8%	49.9%	4.4%	2.0%	1.7%	0.6%	1.0%	1.0%	0.8%
	Other in-person early	39.1%	54.7%	4.3%	1.9%	7.5%	3.1%	4.6%	4.6%	4.1%
	Mail	19.1%	75.6%	3.7%	1.6%	18.0%	21.0%	19.7%	19.2%	20.2%
	Total		21.5%	73.0%	3.8%	1.7%	100.0%	100.0%	100.0%	100.0%
Lucas	Election Day	13.4%	78.3%	4.4%	3.9%	62.8%	74.6%	67.1%	67.7%	72.1%
	Sunday before	26.1%	28.9%	22.6%	22.4%	3.3%	0.7%	9.3%	10.5%	1.9%
	Golden Week	36.8%	54.6%	4.7%	3.9%	2.4%	0.7%	1.0%	0.9%	1.0%
	Other in-person early	33.0%	58.5%	4.8%	3.7%	15.3%	5.5%	7.2%	6.4%	7.1%
	Mail	13.9%	78.6%	4.1%	3.4%	16.1%	18.4%	15.5%	14.5%	17.8%
	Total		15.3%	75.7%	4.7%	4.2%	100.0%	100.0%	100.0%	100.0%
Summit	Election Day	9.9%	85.7%	3.3%	1.1%	59.4%	74.1%	70.3%	70.4%	72.1%
	Sunday before	28.9%	65.2%	4.4%	1.4%	1.2%	0.4%	0.6%	0.6%	0.5%
	Golden Week	33.1%	61.5%	4.0%	1.4%	3.8%	1.0%	1.6%	1.7%	1.4%
	Other in-person early	26.6%	68.2%	3.9%	1.3%	19.1%	7.0%	9.9%	10.3%	8.6%
	Mail	11.3%	84.2%	3.5%	1.1%	16.4%	17.5%	17.6%	17.0%	17.4%
	Total		12.0%	83.5%	3.4%	1.1%	100.0%	100.0%	100.0%	100.0%
All 5 Counties	Election Day	19.3%	73.7%	4.5%	2.5%	61.7%	66.0%	63.7%	64.9%	65.0%
	Sunday before	34.1%	42.0%	12.8%	11.1%	0.8%	0.3%	1.4%	2.2%	0.5%
	Golden Week	48.3%	44.2%	4.9%	2.6%	4.2%	1.1%	1.9%	1.8%	1.8%
	Other in-person early	34.6%	57.8%	5.0%	2.5%	8.4%	3.9%	5.3%	5.0%	4.9%
	Mail	18.1%	74.9%	4.6%	2.4%	24.8%	28.7%	27.7%	26.1%	27.8%
	Total		20.3%	72.6%	4.6%	2.5%	100.0%	100.0%	100.0%	100.0%

Table 4: Percentage of Votes by Race and Election Day, Early In-Person, and Mail Voting, Three Elections Combined (2008 Franklin excluded)

		Percent of Period/Method				Percent of Race/Ethnicity Votes				
		Black	White	Other race	Hispanic	Black	White	Other race	Hispanic	Total
All 5 Counties	Percent Election Day	19.3%	73.7%	4.5%	2.5%	61.7%	66.0%	63.7%	64.9%	65.0%
	Percent EIP	38.0%	53.4%	5.5%	3.1%	13.5%	5.3%	8.6%	9.0%	7.2%
	Percent Mail	18.1%	74.9%	4.6%	2.4%	24.8%	28.7%	27.7%	26.1%	27.8%
	Total	20.3%	72.6%	4.6%	2.5%	100.0%	100.0%	100.0%	100.0%	100.0%

Table 5: Percentage of Votes by Race/Ethnicity and Method, Three Elections Combined (2008 Franklin excluded)

		Percent of Period/Method				Percent of Race/Ethnicity Votes				
		Black	White	Other race	Hispanic	Black	White	Other race	Hispanic	Total
All 5 Counties	Election Day	19.3%	73.7%	4.5%	2.5%	61.7%	66.0%	63.7%	64.9%	65.0%
	Sunday before	34.1%	42.0%	12.8%	11.1%	0.8%	0.3%	1.4%	2.2%	0.5%
	Golden Week	48.3%	44.2%	4.9%	2.6%	4.2%	1.1%	1.9%	1.8%	1.8%
	Other in-person early	34.6%	57.8%	5.0%	2.5%	8.4%	3.9%	5.3%	5.0%	4.9%
	Mail	18.1%	74.9%	4.6%	2.4%	24.8%	28.7%	27.7%	26.1%	27.8%
	Total	20.3%	72.6%	4.6%	2.5%	100.0%	100.0%	100.0%	100.0%	100.0%

Table 6: Table 6: Test of Proportions (Is the percent of votes for that group, in that period, different than for White voters in that period?)

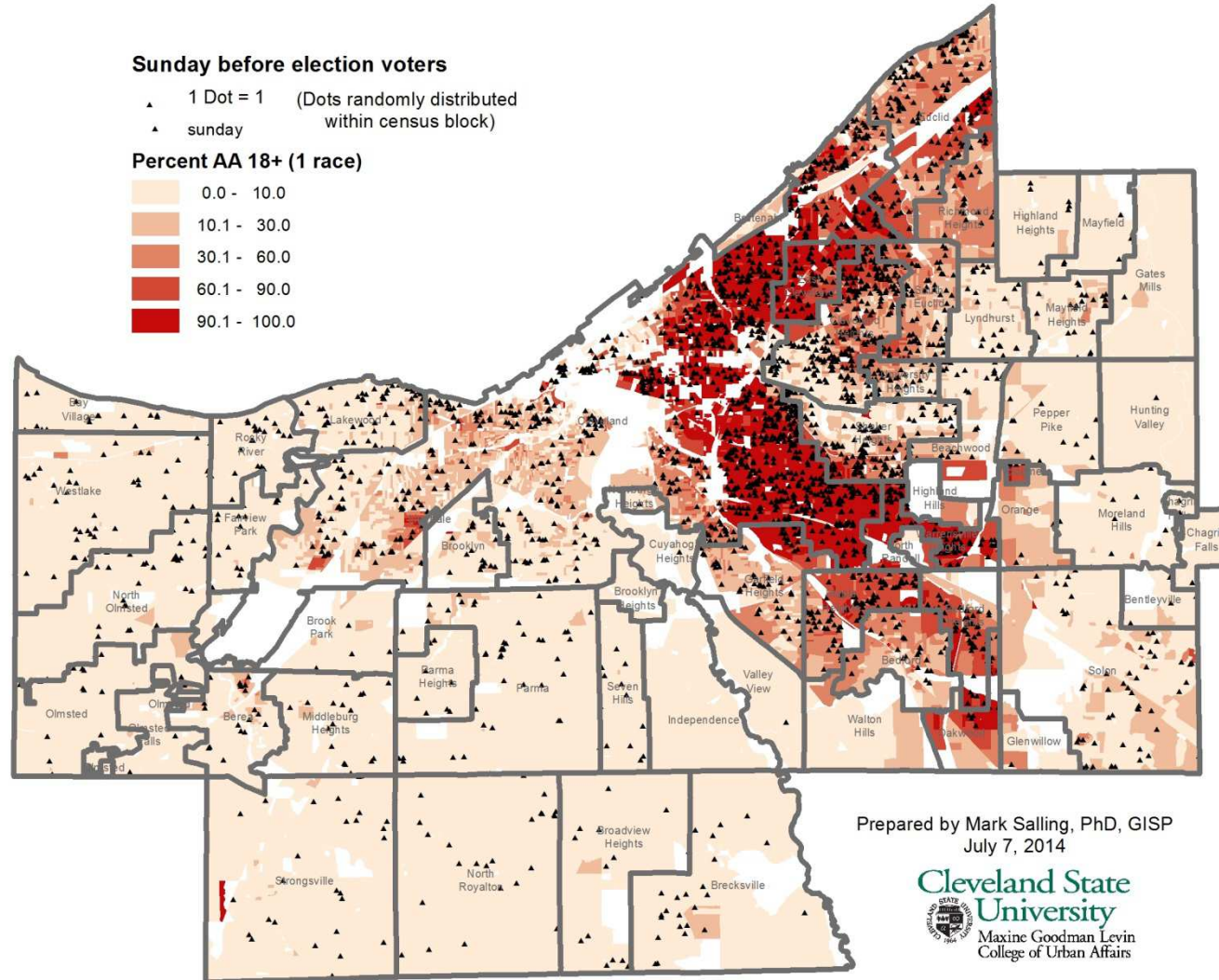
		2012 Election			2010 Election			2008 Election		
Compared to White Voting Proportion:		Black	Other race	Hispanic	Black	Other race	Hispanic	Black	Other race	Hispanic
Cuyahoga	Election Day	**	**	**	**	**	**			**
	Sunday before	**	**		**			**	**	**
	Golden Week	**	**	**	**			**	**	**
	Other in-person early	**	**	**	**	**	**	**	**	**
	Mail									
Franklin	Election Day					*	*	NA	NA	NA
	Sunday before	**	**	**	**			NA	NA	NA
	Golden Week	**	**	**	**			NA	NA	NA
	Other in-person early	**	**	**	**	**		NA	NA	NA
	Mail							NA	NA	NA
Hamilton	Election Day									
	Sunday before	**	**		No voting on Sunday before election			No voting on Sunday before election		
	Golden Week	**	**	**	**	**	*	**	**	**
	Other in-person early	**	**	**	**	**	**	**	**	**
	Mail									
Lucas	Election Day									
	Sunday before	**	**		**			**	**	*
	Golden Week	**	**	**	**			**	**	**
	Other in-person early	**	**	**	**	**		**	**	**
	Mail									
Summit	Election Day									
	Sunday before	**	**		**	*		**	**	*
	Golden Week	**	**	**	**			**	**	**
	Other in-person early	**	**	**	**	**	**	**	**	**
	Mail									
	Note:	** =	Statistically significant at the 0.01 level							
		* =	Statistically significant at the 0.05 level							
		NA =	Data not available for analysis							



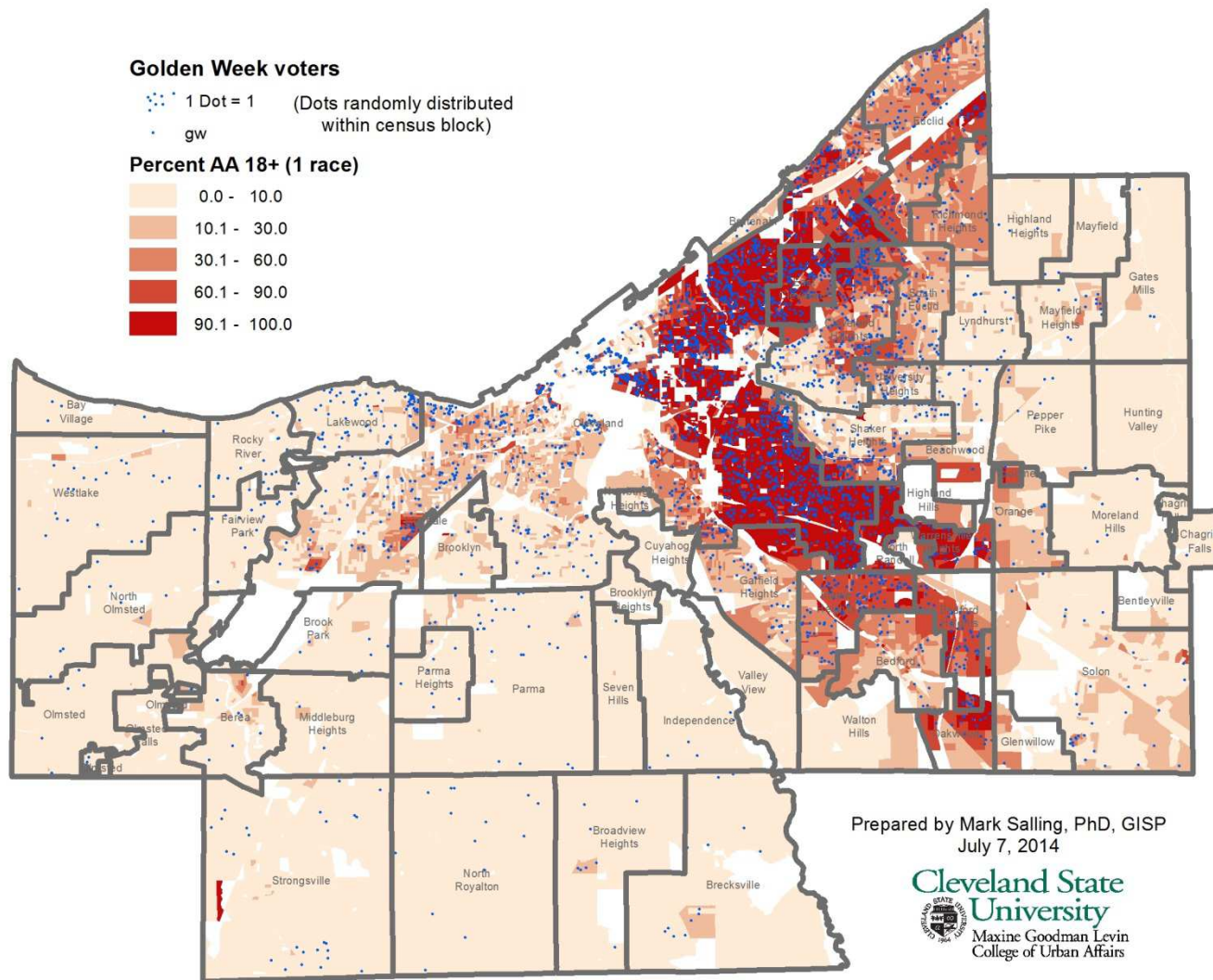
Table 7: Voter Participation Rates (based on voters used in the analysis and persons age 18 and older in the 2010 Census of Population)

	2012					2010					2008					Average				
	Black	White	Other race	Hispanic	Total	Black	White	Other race	Hispanic	Total	Black	White	Other race	Hispanic	Total	Black	White	Other race	Hispanic	Total
<b>Cuyahoga</b>	61.9%	60.9%	66.8%	47.4%	63.3%	36.3%	43.2%	41.9%	27.6%	42.3%	62.1%	62.9%	68.7%	49.5%	65.0%	53.4%	55.7%	59.2%	41.5%	56.9%
<b>Franklin</b>	53.9%	60.6%	64.6%	44.0%	61.3%	31.9%	42.1%	40.2%	26.3%	41.0%	NA	NA	NA	NA	NA	42.9%	51.3%	52.4%	35.1%	51.2%
<b>Hamilton</b>	62.3%	66.8%	79.3%	52.3%	67.3%	38.0%	47.6%	52.6%	33.7%	46.2%	62.6%	68.0%	80.5%	53.2%	68.3%	54.3%	60.8%	70.8%	46.4%	60.6%
<b>Lucas</b>	52.9%	57.0%	71.6%	47.9%	59.1%	30.5%	40.1%	45.6%	29.6%	40.0%	52.0%	55.3%	85.6%	59.4%	58.7%	45.1%	50.8%	67.6%	45.6%	52.6%
<b>Summit</b>	57.4%	60.8%	79.1%	53.3%	61.6%	32.9%	40.4%	49.0%	32.6%	40.1%	52.1%	56.8%	72.1%	49.2%	57.3%	47.5%	52.7%	66.7%	45.1%	53.0%
<b>Total</b>	58.9%	61.5%	69.1%	47.2%	62.9%	34.8%	43.0%	43.6%	28.5%	42.2%	45.5%	44.9%	45.5%	35.4%	46.3%	46.4%	49.8%	52.7%	37.1%	50.4%

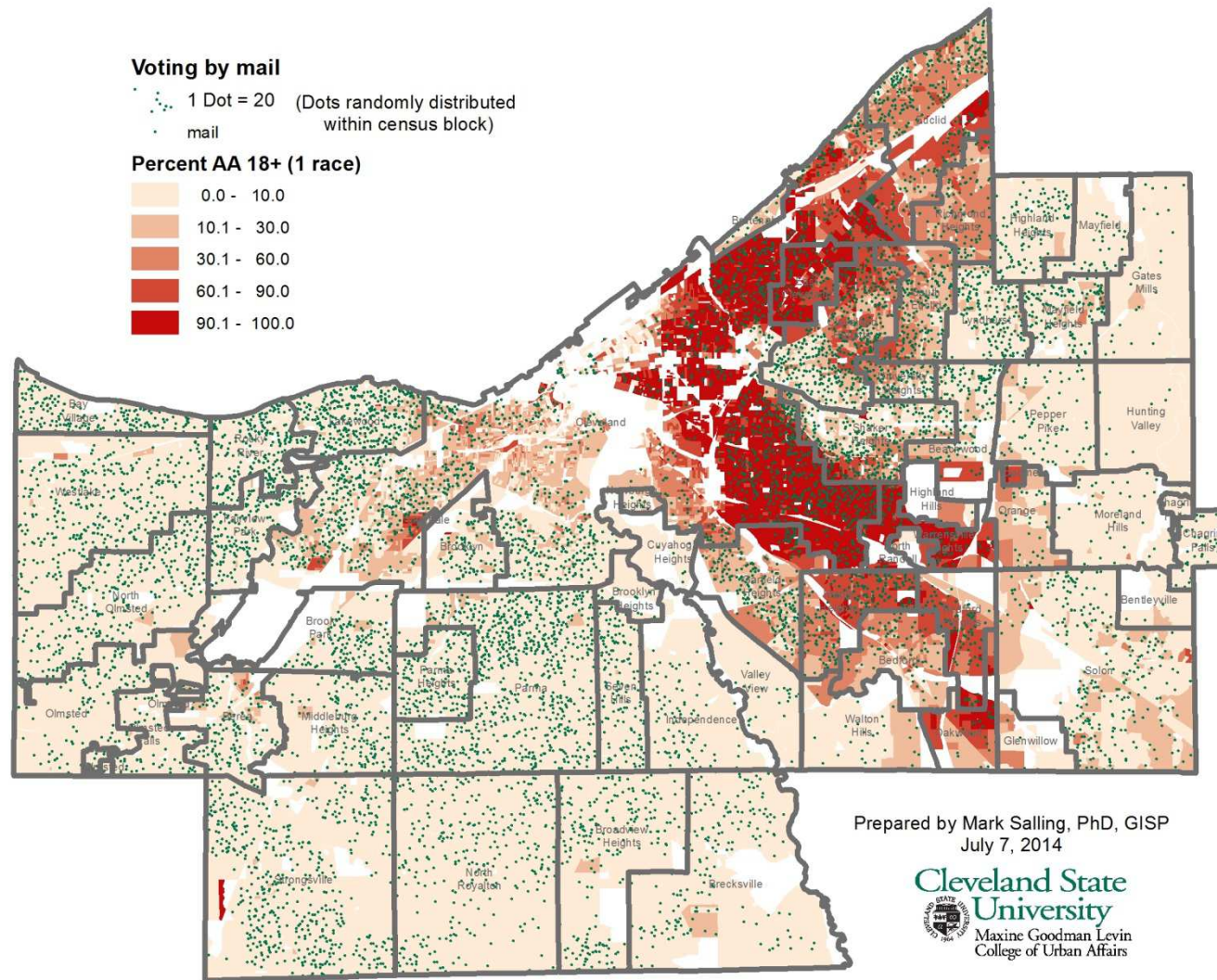
Map 1: Geographic Distribution of Percent African American, Age 18 and Older and Votes Cast In Person on the Sunday before Election Day, 2012



Map 2: Geographic Distribution of Percent African American, Age 18 and Older and Votes Cast In Person During Golden Week, 2012



Map 3: Geographic Distributions of Percent African American, Age 18 and Older and Votes Cast by Mail, 2012



# Exhibit 4

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

OHIO STATE CONFERENCE OF THE  
NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED  
PEOPLE, et al.,

Plaintiffs,

v.

JOHN HUSTED, et al.,

Defendants.

Case No. 2:14-cv-00404

Judge Peter C. Economous  
Magistrate Norah McCann King

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**DECLARATION OF JOE SCHIAVONI**

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I, Joe Schiavoni, declare under penalty of perjury that the following is true and accurate:

1. I am currently serving as a State Senator and the Minority Leader of the Ohio Senate. I have served in the role of Minority Leader since January 2014. From January 2012 to January 2014 I served as the Assistant Minority Leader. I have served in the Senate since 2008.
2. As Minority Leader, it is my role to negotiate with other leaders of the General Assembly as the chief political strategist of the caucus. My duties include working with the Leadership Team and/or Ranking Members to decide caucus legislative policy priorities and strategy. I am also responsible for calling and chairing caucus meetings and preparing the caucus agenda in advance, time permitting. I determine items to be placed on the agenda and the order of their appearance, entertain and execute motions, provide limitations on debate, recognize members for the purpose of

speaking on a specific subject under debate, and count votes to determine whether or not a motion has passed.

3. As Assistant Minority Leader, I was responsible for working with the Leader and policy chair to decide caucus legislative policy priorities and strategy. I worked directly with the Committee Chairs and/or Ranking Members to track all significant pieces of legislation in each committee. I was also responsible for leading and coordinating all legislative discussions during caucus meetings. In his absence, I was responsible for performing the duties of the Leader.
4. As a Senator, it is my role to represent my constituents through the introduction and passage of legislation and policy, securing state appropriations for all forms of local government and other significant projects, ensuring state agencies provide responsive and timely services, and attending meetings with constituents and community leaders.
5. SB 238 was introduced on November 13, 2013. It was scheduled for a first hearing in the afternoon of November 19, 2013. It received a second hearing the morning of November 20<sup>th</sup>, 2013. It was placed on the floor and was passed out of the Senate on the same day, November 20, 2013, by a vote of 23-10. All ten votes in opposition were all ten of the members of the Minority Caucus.
6. Between introduction and passage of SB 238, the Caucus engaged in discussions in relation to what the legislative strategy was going to be for the bill. The Caucus decided that the scope of SB 238 was too singular, narrow, and harmful – to repeal “Golden Week” – to be made better through amendment. “Golden Week” refers to the period of time during an election where an elector can register to vote and vote at

the same time. Without a wholesale reversal of the intent of SB 238, no members of the Caucus would support it.

7. The Caucus also evaluated strategy in response to a flurry of additional elections bills. In addition to SB 238, there were three other elections bills moving through the Senate in the fall of 2013: SB 200, SB 205, and SB 216. The Caucus did attempt to amend those bills, but was either unsuccessful or the bills were not made measurably more palatable to the members to be able to support them.
8. In Senate Government Oversight & Reform Committee, members of the Minority Caucus offered eight amendments on SB 216 which were not accepted.
9. The Minority Caucus does not summarily vote against elections bills. Every member of the Minority Caucus voted for SB 10 on February 27, 2013. Additionally, while every member of the Caucus voted against SB 109 on the floor for Third Consideration, every member of the Caucus voted to concur in House amendments when it came back for Concurrence as it was significantly improved.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct based on my personal knowledge.

Executed this 29<sup>th</sup> day of July, 2014 in Mahoning County, Ohio.



Joe Schiavoni  
Minority Leader, Ohio Senate  
State Senator, 33<sup>rd</sup> District



# Exhibit 5

JOURNALS OF THE SENATE AND HOUSE OF REPRESENTATIVES

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**OHIO**  
**House**  
**of**  
**Representatives**  
**JOURNAL**

WEDNESDAY, FEBRUARY 19, 2014

HOUSE JOURNAL, WEDNESDAY, FEBRUARY 19, 2014 1679

ONE HUNDRED TWENTY-FIFTH DAY  
Hall of the House of Representatives, Columbus, Ohio  
Wednesday, February 19, 2014, 9:00 o'clock a.m.

The House met pursuant to adjournment.

Prayer was offered by Pastor Tim Heintzelman of the Faith Covenant Church in Westerville, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of yesterday was read and approved.

The following guests of the House of Representatives were recognized by Speaker Batchelder prior to the commencement of business:

The Ottawa Hills High School boys golf team received H.R. 288, presented by Representative Sears-47th district.

The City of Westerville Parks and Recreation Department received H.R. 277, presented by Representatives Gonzales-19th district and Ruhl-68th district.

Terra Strong received H.R. 278, presented by Representative Reece-33rd district.

The Ohio FFA Association received H.R. 342, presented by Representatives Perales-73rd district and Hackett-74th district.

David Vollnogle, Zeb Locklear, and Danielle Burch, guests of Representative Barborak-5th district.

Former State Representative Eugene Miller, a guest of Representative Heard-26th district.

Christie Bryant, a guest of Representative Reece-33rd district.

Dan Acton, a guest of Representative Retherford-51st district.

Members of the Butler County Farm Bureau, guests of Representatives Conditt-52nd district, Derickson-53rd district, and Retherford-51st district.

Alan Calfee, Kelly Morris, Daryl Mayer, and Chief Master Sergeant Grindstaff, guests of Representative Perales-73rd district.

Morgan County Farm Bureau members, guests of Representative Hood-78th district.

George Mizer, Jayne Wallace, John Seleski, Luke Logan, Bill Newell, and Lynn Anderson, guests of Representative Thompson-95th district.

Dave Boring, Sherry Finney, and Rachel Cline, guests of Representative Cera-96th district.

Members of the Farm Bureau delegation from Muskingum and Guernsey Counties, guests of Representative Hill-97th district.

1680 HOUSE JOURNAL, WEDNESDAY, FEBRUARY 19, 2014

Dalton Sprowl, Steve Quillin, and Dan Hoffman, guests of Representative Landis-98th district.

#### INTRODUCTION OF BILLS

The following bills were introduced:

**H. B. No. 452**-Representative Gonzales.

Cosponsor: Representative Derickson.

To amend sections 5153.21 and 5153.42 and to enact sections 5103.05 and 5103.051 of the Revised Code to require children's residential facilities to provide specified information to local law enforcement agencies, emergency management agencies, and fire departments and to require the Department of Job and Family Services to implement a Child Placement Level of Care Tool Pilot Program.

**H. B. No. 453**-Representative Pelanda.

Cosponsors: Representatives Grossman, Buchy, Hackett, Adams, J.

To amend sections 901.23, 921.12, 941.01, 941.03, 941.04, 941.06, 941.07, 941.09, 941.10, 941.11, 941.14, 1327.46, 1327.48, 1327.50, 1327.501, 1327.61, 1327.99, and 4707.02 and to enact section 1327.502 of the Revised Code to include diseases of concern within the scope of the Animal Diseases Law, and to make changes to the laws governing weights and measures and auctioneers, the membership of the Farmland Preservation Advisory Board, and the pesticide licensing renewal process.

**H. B. No. 454**-Representative Gonzales.

Cosponsors: Representatives Hill, Pillich, Stebelton.

To amend section 2923.122 of the Revised Code to expand and clarify the authority of a concealed handgun licensee to possess a handgun in a school safety zone.

**H. B. No. 455**-Representative Pillich.

Cosponsors: Representatives Letson, Ramos, Antonio, Barborak, Strahorn, Fedor, Driehaus, Foley, Hagan, R.

To enact section 5.2268 of the Revised Code to designate September 23 as "Hereditary Hemochromatosis Awareness Day."

**H. B. No. 456**-Representative Pillich.

Cosponsors: Representatives Antonio, Bishoff, Boyd, Clyde, Driehaus, Fedor, Heard, Phillips, Reece, Ramos, Hagan, R., Foley, Stinziano, Barborak, Sheehy, Lundy.

To amend section 4112.05 of the Revised Code to clarify that a discriminatory compensation decision that is unlawful under the Civil Rights Laws occurs each time compensation is paid pursuant to that decision.

Said bills were considered the first time.

**CONSIDERATION OF SENATE AMENDMENTS**

The Senate amendments to **Am. Sub. H. B. No. 19**-Representative Thompson, et al., were taken up for consideration.

**Am. Sub. H. B. No. 19**-Representative Thompson.

Cosponsors: Representatives Damschroder, Ruhl, Celebrezze, Hagan, R., Johnson, Milkovich, Perales, Adams, R., Anielski, Antonio, Ashford, Baker, Barborak, Barnes, Beck, Bishoff, Blair, Blessing, Boose, Boyce, Brenner, Brown, Buchy, Budish, Burkley, Butler, Carney, Cera, Clyde, Conditt, Curtin, Derickson, DeVitis, Dovilla, Driehaus, Duffey, Fedor, Foley, Gerberry, Gonzales, Green, Grossman, Hackett, Hagan, C., Hall, Hayes, Heard, Henne, Hill, Hood, Hottinger, Huffman, Landis, Letson, Lundy, Lynch, Maag, Mallory, McClain, McGregor, Patmon, Patterson, Pelanda, Phillips, Pillich, Ramos, Redfern, Reece, Retherford, Rogers, Romanchuk, Rosenberger, Scherer, Schuring, Sears, Slaby, Slesnick, Sprague, Stautberg, Stebelton, Stinziano, Strahorn, Sykes, Terhar, Wachtmann, Winburn, Young, Speaker Batchelder. Senators Manning, Gardner, LaRose, Cafaro, Gentile, Turner, Bacon, Balderson, Beagle, Brown, Burke, Coley, Eklund, Faber, Hite, Hughes, Jones, Jordan, Lehner, Obhof, Oelslager, Peterson, Sawyer, Schaffer, Schiavoni, Seitz, Skindell, Smith, Tavares, Uecker, Widener.

To amend section 5533.376 and to enact sections 5533.061, 5533.182, 5533.191, 5533.342, 5533.542, 5533.592, 5533.647, 5533.649, 5533.725, 5533.755, and 5533.903 of the Revised Code to rename part of Interstate 77 in Tuscarawas County as the "Army Corporal Keith Nepsa Memorial Highway" and to designate several memorial highways.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted - yeas 98, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barborak
Barnes	Beck	Becker	Bishoff
Blair	Blessing	Boose	Boyd
Brenner	Brown	Buchy	Budish
Burkley	Butler	Carney	Celebrezze
Cera	Clyde	Conditt	Curtin
Damschroder	DeVitis	Derickson	Dovilla
Driehaus	Duffey	Fedor	Foley
Gerberry	Gonzales	Green	Grossman

1682 HOUSE JOURNAL, WEDNESDAY, FEBRUARY 19, 2014

Hackett	Hagan, C.	Hagan, R.	Hall
Hayes	Heard	Henne	Hill
Hood	Hottinger	Huffman	Johnson
Kunze	Landis	Letson	Lundy
Lynch	Maag	Mallory	McClain
McGregor	Milkovich	O'Brien	Patmon
Patterson	Pelanda	Perales	Phillips
Pillich	Ramos	Redfern	Reece
Retherford	Roegner	Rogers	Romanchuk
Rosenberger	Ruhl	Scherer	Schuring
Sears	Sheehy	Slaby	Slesnick
Smith	Sprague	Stautberg	Stebelton
Stinziano	Strahom	Sykes	Terhar
Thompson	Wachtmann	Williams	Winburn
Young			Batchelder-98.

The Senate amendments were concurred in.

The Senate amendments to **Sub. H. B. No. 95**-Representative Hill, et al., were taken up for consideration.

**Sub. H. B. No. 95**-Representative Hill.

Cosponsors: Representatives Huffman, Adams, J., Buchy, Beck, Becker, Blair, Boose, Brown, Conditt, Derickson, Gonzales, Hood, Ruhl, Sprague, Stebelton, Terhar, Milkovich, Wachtmann, Antonio, Bishoff, Carney, Adams, R., Amstutz, Anielski, Baker, Barborak, Barnes, Blessing, Brenner, Burkley, Butler, Celebrezze, Cera, Curtin, Damschroder, DeVitis, Dovilla, Driehaus, Fedor, Foley, Green, Grossman, Hackett, Hagan, C., Hall, Hayes, Heard, Henne, Hottinger, Landis, Lynch, Mallory, McClain, O'Brien, Patmon, Patterson, Phillips, Pillich, Ramos, Reece, Retherford, Rogers, Rosenberger, Scherer, Schuring, Sears, Slaby, Smith, Stautberg, Stinziano, Sykes, Thompson, Winburn, Young, Speaker Batchelder. Senators Jordan, Gardner, Jones, Tavares, Faber, Balderson, Beagle, Burke, Coley, Eklund, Hite, Hughes, LaRose, Lehner, Manning, Obhof, Oelslager, Peterson, Schaffer, Uecker, Widener.

To amend sections 3701.46, 3705.01, 3705.09, 3705.15, 3705.20, and 3705.23 of the Revised Code regarding the issuance of certificates recognizing stillborn infants and the provision by certified nurse-midwives of information for birth certificates.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted - yeas 98, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barborak
Barnes	Beck	Becker	Bishoff

HOUSE JOURNAL, WEDNESDAY, FEBRUARY 19, 2014 1683

Blair	Blessing	Boose	Boyd
Brenner	Brown	Buchy	Budish
Burkley	Butler	Carney	Celebrezze
Cera	Clyde	Conditt	Curtin
Damschroder	DeVitis	Derickson	Dovilla
Driehaus	Duffey	Fedor	Foley
Gerberry	Gonzales	Green	Grossman
Hackett	Hagan, C.	Hagan, R.	Hall
Hayes	Heard	Henne	Hill
Hood	Hottinger	Huffman	Johnson
Kunze	Landis	Letson	Lundy
Lynch	Maag	Mallory	McClain
McGregor	Milkovich	O'Brien	Patmon
Patterson	Pelanda	Perales	Phillips
Pillich	Ramos	Redfern	Reece
Retherford	Roegner	Rogers	Romanchuk
Rosenberger	Ruhl	Scherer	Schuring
Sears	Sheehy	Slaby	Slesnick
Smith	Sprague	Staufberg	Stebelton
Stinziano	Strahorn	Sykes	Terhar
Thompson	Wachtmann	Williams	Winburn
Young			Batchelder-98.

The Senate amendments were concurred in.

The Senate amendments to **Sub. H. B. No. 144**-Representative Kunze, et al., were taken up for consideration.

**Sub. H. B. No. 144**-Representative Kunze.

Cosponsors: Representatives Gonzales, Duffey, Hood, Ruhl, Strahorn, Becker, Pillich, Grossman, Hackett, Stebelton, Wachtmann, Brown, Lynch, Sears, Smith, Amstutz, Baker, Blair, Boose, Brenner, Buchy, Burkley, Butler, DeVitis, Green, Hagan, C., Hayes, Huffman, Johnson, McClain, Patmon, Pelanda, Romanchuk, Scherer, Sprague, Young, Speaker Batchelder. Senators Beagle, Eklund, Hughes, Lehner, Peterson.

To amend sections 2151.87, 2927.02, 2927.021, and 2927.022 of the Revised Code to include alternative nicotine products within the restrictions that apply to the sale or distribution to, and possession or use by, minors of cigarettes and other tobacco products.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted - yeas 70, nays 28, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Barnes	Beck	Becker
Blair	Blessing	Boose	Boyd
Brenner	Brown	Buchy	Budish

1684 HOUSE JOURNAL, WEDNESDAY, FEBRUARY 19, 2014

Burkley	Butler	Cera	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Duffey	Gonzales	Grossman	Hackett
Hagan, C.	Hall	Hayes	Henne
Hill	Hood	Hottinger	Huffman
Johnson	Kunze	Landis	Lynch
Maag	McClain	McGregor	O'Brien
Patmon	Pelanda	Perales	Reece
Retherford	Roegner	Rogers	Romanchuk
Rosenberger	Ruhl	Scherer	Schuring
Sears	Slaby	Slesnick	Smith
Sprague	Stautberg	Stebelton	Stinziano
Sykes	Terhar	Thompson	Wachtmann
Young			Batchelder-70.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barborak	Bishoff
Carney	Celebrezze	Clyde	Curtin
Driehaus	Fedor	Foley	Gerberry
Green	Hagan, R.	Heard	Letson
Lundy	Mallory	Milkovich	Patterson
Phillips	Pillich	Ramos	Redfern
Sheehy	Strahorn	Williams	Winburn-28.

The Senate amendments were concurred in.

The Senate amendments to **Sub. H. B. No. 202**-Representative Blessing, et al., were taken up for consideration.

**Sub. H. B. No. 202**-Representative Blessing.

Cosponsors: Representatives Duffey, Hood, Gonzales, Butler, Beck, Amstutz, Grossman, Smith, Wachtmann, Terhar, Stinziano, Milkovich, Perales, Thompson, Conditt, Anielski, Blair, Brenner, Brown, Buchy, Burkley, Damschroder, Hagan, C., Hall, Letson, Mallory, McClain, Retherford, Sprague, Winburn, Young, Speaker Batchelder. Senators Bacon, Burke, Coley, Eklund, Peterson, Seitz, Uecker.

To amend sections 4703.30, 4733.01, 4733.09, 4733.11, 4733.12, 4733.13, 4733.15, and 4733.151 of the Revised Code to make changes to the examination, reporting, and educational requirements of professional engineers and surveyors.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted - yeas 98, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barborak
Barnes	Beck	Becker	Bishoff
Blair	Blessing	Boose	Boyd



HOUSE JOURNAL, WEDNESDAY, FEBRUARY 19, 2014 1685

Brenner	Brown	Buchy	Budish
Burkley	Butler	Carney	Celebrezze
Cera	Clyde	Conditt	Curtin
Damschroder	DeVitis	Derickson	Dovilla
Driehaus	Duffey	Fedor	Foley
Gerberry	Gonzales	Green	Grossman
Hackett	Hagan, C.	Hagan, R.	Hall
Hayes	Heard	Henne	Hill
Hood	Hottinger	Huffman	Johnson
Kunze	Landis	Letson	Lundy
Lynch	Maag	Mallory	McClain
McGregor	Milkovich	O'Brien	Patmon
Patterson	Pelanda	Perales	Phillips
Pillich	Ramos	Redfern	Reece
Retherford	Roegner	Rogers	Romanchuk
Rosenberger	Ruhl	Scherer	Schuring
Sears	Sheehy	Slaby	Slesnick
Smith	Sprague	Stautberg	Stebelton
Stinziano	Strahorn	Sykes	Terhar
Thompson	Wachtmann	Williams	Winburn
Young			Batchelder-98.

The Senate amendments were concurred in.

**REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS  
FOR SECOND CONSIDERATION**

Representative Milkovich submitted the following report:

The standing committee on Transportation, Public Safety and Homeland Security to which was referred **H. B. No. 306**-Representatives McGregor, Hackett, having had the same under consideration, reports it back and recommends its passage.

RE: TROOPER CHARLES V. VOGEL, JR., MEMORIAL  
HIGHWAY-PART OF I-70 IN CLARK COUNTY

Representative Damschroder moved to amend the title as follows:

Add the names: "Damschroder, Ruhl, Celebrezze, DeVitis, Green, Milkovich, Perales."

REX DAMSCHRODER	MARGARET RUHL
JOHN BECKER	NICHOLAS J. CELEBREZZE
ANTHONY DEVITIS	DOUG GREEN
ROSS MCGREGOR	ZACK MILKOVICH
BILL PATMON	RICK PERALES

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

1686 HOUSE JOURNAL, WEDNESDAY, FEBRUARY 19, 2014

Representative Milkovich submitted the following report:

The standing committee on Transportation, Public Safety and Homeland Security to which was referred **S. B. No. 185**-Senator Faber, et al., having had the same under consideration, reports it back and recommends its passage.

RE: STAFF SGT. SONNY ZIMMERMAN MEMORIAL HWY-PART OF STATE ROUTE 67 IN AUGLAIZE COUNTY

Representative Damschroder moved to amend the title as follows:

Add the names: "Representatives Damschroder, Ruhl, Celebrezze, Green."

REX DAMSCHRODER	MARGARET RUHL
JOHN BECKER	NICHOLAS J. CELEBREZZE
ANTHONY DEVITIS	DOUG GREEN
ROBERT F. HAGAN	ROSS MCGREGOR
ZACK MILKOVICH	BILL PATMON
RICK PERALES	

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Milkovich submitted the following report:

The standing committee on Transportation, Public Safety and Homeland Security to which was referred **S. B. No. 222**-Senator LaRose, et al., having had the same under consideration, reports it back and recommends its passage.

RE: 2ND LT. DAVID E. RYLANDER MEMORIAL HIGHWAY-PART OF STATE ROUTE 8 IN STOW

Representative Damschroder moved to amend the title as follows:

Add the names: "Representatives Damschroder, Ruhl, Celebrezze, Milkovich."

REX DAMSCHRODER	MARGARET RUHL
JOHN BECKER	NICHOLAS J. CELEBREZZE
ANTHONY DEVITIS	DOUG GREEN
ROBERT F. HAGAN	ROSS MCGREGOR
ZACK MILKOVICH	BILL PATMON
RICK PERALES	

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Milkovich submitted the following report:

The standing committee on Transportation, Public Safety and Homeland Security to which was referred **S. B. No. 226**-Senator Beagle, et al., having had the same under consideration, reports it back and recommends its passage.

HOUSE JOURNAL, WEDNESDAY, FEBRUARY 19, 2014 1687

RE: SHERIFF'S SGT. ROBERT "BOBBY" ELLIOT MEMORIAL  
HWY-PART OF ST. RTE. 41-MIAMI CTY.

Representative Damschroder moved to amend the title as follows:

Add the names: "Representatives Damschroder, Ruhl, Celebrezze, Johnson,  
Perales."

REX DAMSCHRODER	MARGARET RUHL
JOHN BECKER	NICHOLAS J. CELEBREZZE
ANTHONY DEVITIS	DOUG GREEN
ROBERT F. HAGAN	TERRY JOHNSON
ROSS MCGREGOR	ZACK MILKOVICH
BILL PATMON	RICK PERALES

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Milkovich submitted the following report:

The standing committee on Transportation, Public Safety and Homeland Security to which was referred **H. C. R. No. 45**-Representative Perales, et al., having had the same under consideration, reports it back and recommends its adoption.

RE: FAA-ADD UNMANNED AIRCRAFT SYSTEMS RESEARCH  
AND TEST SITES

Representative Damschroder moved to amend the title as follows:

Add the names: "Ruhl, Celebrezze, DeVitis."

REX DAMSCHRODER	MARGARET RUHL
JOHN BECKER	NICHOLAS J. CELEBREZZE
ANTHONY DEVITIS	DOUG GREEN
ROSS MCGREGOR	ZACK MILKOVICH
BILL PATMON	RICK PERALES

The report was agreed to.

The concurrent resolution was ordered to be engrossed and placed on the calendar.

Representative Milkovich submitted the following report:

The standing committee on Transportation, Public Safety and Homeland Security to which was referred **H. B. No. 45**-Representative Johnson, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: MILITARY SACRIFICE LICENSE PLATES

1688 HOUSE JOURNAL, WEDNESDAY, FEBRUARY 19, 2014

Representative Damschroder moved to amend the title as follows:

Add the names: "Damschroder, Celebrezze, Green."

Representative Johnson moved to amend as follows:

In lines 6, 40, and 47, after "honorably" insert "and not of willful misconduct as defined in 38 C.F.R. 3.1(n)"

The motion was agreed to and the bill so amended.

REX DAMSCHRODER	MARGARET RUHL
JOHN BECKER	NICHOLAS J. CELEBREZZE
ANTHONY DEVITIS	DOUG GREEN
ROBERT F. HAGAN	TERRY JOHNSON
ROSS MCGREGOR	ZACK MILKOVICH
BILL PATMON	RICK PERALES

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Milkovich submitted the following report:

The standing committee on Transportation, Public Safety and Homeland Security to which was referred **Am. S. B. No. 106**-Senator Schaffer, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: MOTOR VEHICLES-PROHIBIT OPERATION IN/INTO WATER-COVERED LOCATIONS

Representative Damschroder moved to amend the title as follows:

Add the names: "Representatives Damschroder, Ruhl."

Representative Damschroder moved to amend as follows:

After line 47, insert:

"**Section 2.** This act shall be known as the "Allan H. Anderson, Jr. Act.""

In line 4 of the title, delete "and" and insert a comma

In line 7 of the title, delete the period and insert ", and to designate this act the "Allan H. Anderson, Jr. Act.""

The motion was agreed to and the bill so amended.

REX DAMSCHRODER	MARGARET RUHL
NICHOLAS J. CELEBREZZE	DOUG GREEN
ROBERT F. HAGAN	ROSS MCGREGOR
ZACK MILKOVICH	BILL PATMON
RICK PERALES	

HOUSE JOURNAL, WEDNESDAY, FEBRUARY 19, 2014 1689

The following members voted "NO"

JOHN BECKER

ANTHONY DEVITIS

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Milkovich submitted the following report:

The standing committee on Transportation, Public Safety and Homeland Security to which was referred **S. B. No. 209**-Senator Manning, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: SGT. LOUIS TORRES MEMORIAL HIGHWAY-PART OF STATE ROUTE 58 IN LORAIN COUNTY

Representative Damschroder moved to amend the title as follows:

Add the names: "Representatives Damschroder, Ruhl, Celebrezze, Green, Milkovich."

Representative Ruhl moved to amend as follows:

In line 5, delete "section" and insert "sections 5533.097 and"

Between lines 6 and 7, insert:

" Sec. 5533.097. In addition to any other name prescribed in the Revised Code or otherwise, that portion of the road known as interstate route number two hundred seventy, commencing at the intersection of that route and west broad street and running in a southeasterly direction to the intersection of that route and United States route number sixty-two, shall be known as the "Army Specialist Nicholas E. Zimmer Memorial Highway."

The director of transportation may erect suitable markers along the highway indicating its name."

In line 1 of the title, delete "section" and insert "sections 5533.097 and"

In line 4 of the title, after "Highway" insert "" and to designate a portion of Interstate Route 270 in Franklin County as the "Army Specialist Nicholas E. Zimmer Memorial Highway"

The motion was agreed to and the bill so amended.

REX DAMSCHRODER  
JOHN BECKER  
ANTHONY DEVITIS  
ROBERT F. HAGAN  
ZACK MILKOVICH  
RICK PERALES

MARGARET RUHL  
NICHOLAS J. CELEBREZZE  
DOUG GREEN  
ROSS MCGREGOR  
BILL PATMON

1690 HOUSE JOURNAL, WEDNESDAY, FEBRUARY 19, 2014

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Clyde submitted the following report:

The standing committee on State and Local Government to which was referred **H. B. No. 289**-Representative Schuring, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: JOINT ECONOMIC DEVELOPMENT ZONES/DISTRICTS-REVISIONS

Representative Blair moved to amend the title as follows:

Add the name: "Hackett."

- |                  |                  |
|------------------|------------------|
| MARLENE ANIELSKI | KATHLEEN CLYDE   |
| BILL PATMON      | BRIAN HILL       |
| CHERYL GROSSMAN  | JOHN M. ROGERS   |
| MATT LUNDY       | REX DAMSCHRODER  |
| ROBERT HACKETT   | RON GERBERRY     |
| RON MAAG         | STEPHEN SLESNICK |
| TERRY BOOSE      | TIM W. BROWN     |
| TONY BURKLEY     | MICHAEL SHEEHY   |
| TERRY BLAIR      |                  |

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Clyde submitted the following report:

The standing committee on State and Local Government to which was referred **Am. S. B. No. 155**-Senator Burke, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: JOINT COUNTY DITCH PROCEEDINGS-CONDUCT BY TELECONFERENCE OR VIDEO CONFERENCE

Representative Blair moved to amend the title as follows:

Add the names: "Representatives Brown, Hackett."

Representative Anielski moved to amend as follows:

In line 20, delete "interactive"

The motion was agreed to and the bill so amended.

- |                  |                |
|------------------|----------------|
| MARLENE ANIELSKI | KATHLEEN CLYDE |
| BILL PATMON      | BRIAN HILL     |
| CHERYL GROSSMAN  | JOHN M. ROGERS |

MATT LUNDY  
ROBERT HACKETT  
RON MAAG  
TERRY BOOSE  
TONY BURKLEY  
TERRY BLAIR

REX DAMSCHRODER  
RON GERBERRY  
STEPHEN SLESNICK  
TIM W. BROWN  
MICHAEL SHEEHY

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Clyde submitted the following report:

The standing committee on State and Local Government to which was referred **S. B. No. 179**-Senator Eklund, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: PUBLIC HEALTH REGULATION-RECYCLED WATER INCLUDED AS A PRIVATE WATER SYSTEM

Representative Anielski moved to amend as follows:

In line 13, after " private" insert an underlined quotation mark

The motion was agreed to and the bill so amended.

MARLENE ANIELSKI  
BILL PATMON  
CHERYL GROSSMAN  
MATT LUNDY  
ROBERT HACKETT  
RON MAAG  
TERRY BOOSE  
TONY BURKLEY  
TERRY BLAIR

KATHLEEN CLYDE  
BRIAN HILL  
JOHN M. ROGERS  
REX DAMSCHRODER  
RON GERBERRY  
STEPHEN SLESNICK  
TIM W. BROWN  
MICHAEL SHEEHY

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Antonio submitted the following report:

The standing committee on Health and Aging to which was referred **H. B. No. 352**-Representatives Hayes, Thompson, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: THERAPEUTIC WILDERNESS CAMPS-REGULATION OF

Representative Wachtmann moved to amend the title as follows:

Add the name: "Wachtmann."

1692 HOUSE JOURNAL, WEDNESDAY, FEBRUARY 19, 2014

LYNN R. WACHTMANN	ANNE GONZALES
TIM W. BROWN	BRIAN HILL
TERRY JOHNSON	MATT LYNCH
RON MAAG	KIRK SCHURING
BARBARA R. SEARS	RYAN SMITH
ROBERT COLE SPRAGUE	

The following members voted "NO"

NICKIE J. ANTONIO	DAN RAMOS
JOHN BARNES	DALE MALLORY

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

### MOTIONS AND RESOLUTIONS

Representative Grossman moved that majority party members asking leave to be absent or absent the week of Wednesday, February 19, 2014, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Ashford moved that minority party members asking leave to be absent or absent the week of Wednesday, February 19, 2014, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

Representative Huffman moved that the following resolution be read by title only and brought up for immediate adoption:

**H. R. No. 340**-Representative Thompson.

Cosponsors: Representatives Grossman, Roegner, Adams, J., Brenner, Derickson, Hottinger, Strahorn, Hood, Lynch.

To commend Israel for its cordial and mutually beneficial relationship with the United States and Ohio and to support Israel in its legal, historical, and moral right of self-governance and self-defense on the entirety of its own lands.

The motion was agreed to without objection.

The question being, "Shall the resolution be adopted?"

Representative Thompson moved to amend the title as follows:

Add the names: "Adams, R., Amstutz, Anielski, Ashford, Baker, Barborak, Beck, Bishoff, Blair, Blessing, Boose, Brown, Buchy, Budish, Burkley, Carney, Celebrezze, Cera, Damschroder, DeVitis, Dovilla, Driehaus, Duffey,



HOUSE JOURNAL, WEDNESDAY, FEBRUARY 19, 2014 1693

Green, Hackett, Hagan, C., Hall, Hayes, Henne, Hill, Huffman, Kunze, Landis, Letson, Lundy, Maag, Mallory, McClain, McGregor, Milkovich, Patterson, Perales, Pillich, Redfern, Retherford, Rogers, Romanchuk, Rosenberger, Ruhl, Scherer, Schuring, Sears, Sheehy, Slaby, Slesnick, Smith, Stebelton, Stinziano, Sykes, Wachtmann, Young, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

The question being, "Shall the resolution be adopted?"

The yeas and nays were taken and resulted - yeas 96, nays 2, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barborak
Barnes	Beck	Becker	Bishoff
Blair	Blessing	Boose	Boyd
Brenner	Brown	Buchy	Budish
Burkley	Butler	Carney	Celebrezze
Cera	Clyde	Conditt	Curtin
Damschroder	DeVitis	Derickson	Dovilla
Driehaus	Duffey	Fedor	Gerberry
Gonzales	Green	Grossman	Hackett
Hagan, C.	Hall	Hayes	Heard
Henne	Hill	Hood	Hottinger
Huffman	Johnson	Kunze	Landis
Letson	Lundy	Lynch	Maag
Mallory	McClain	McGregor	Milkovich
O'Brien	Patmon	Patterson	Pelanda
Perales	Phillips	Pillich	Ramos
Redfern	Reece	Retherford	Roegner
Rogers	Romanchuk	Rosenberger	Ruhl
Scherer	Schuring	Sears	Sheehy
Slaby	Slesnick	Smith	Sprague
Stautberg	Stebelton	Stinziano	Strahorn
Sykes	Terhar	Thompson	Wachtmann
Williams	Winburn	Young	Batchelder-96.

Representatives Foley and Hagan, R. voted in the negative-2.

The resolution was adopted.

#### BILLS FOR THIRD CONSIDERATION

**Am. H. B. No. 416**-Representatives Burkley, Hill.

Cosponsors: Representatives Blessing, Brenner, Brown, Derickson, Dovilla, Hall, Hood, Landis, Kunze, Retherford, Roegner, Rosenberger, Stautberg, Thompson, Milkovich, Smith, Bishoff.

To amend Section 733.10 of Am. Sub. H.B. 59 of the 130th General Assembly to permit up to four additional school "calamity" days in the

1694 HOUSE JOURNAL, WEDNESDAY, FEBRUARY 19, 2014

2013-2014 school year; to authorize, for the 2013-2014 school year, schools to make up in half-hour increments "calamity" days missed in excess of the number of days permitted by law; and to declare an emergency, was taken up for consideration the third time.

The question being, "Shall the emergency clause stand as part of the bill?"

Representative Stebelton moved to amend as follows:

In line 26, delete " four" and insert " two"

In line 84, after "5." insert "Notwithstanding anything to the contrary in division (G)(2) of section 3301.0711 of the Revised Code, for the 2013-2014 school year only, the Superintendent of Public Instruction shall take steps to ensure that the scores for the state assessments prescribed in division (A)(1) of section 3301.0710 of the Revised Code are returned to each school district or school as follows:

(A) For the assessments administered to students in the third grade, not later than June 16, 2014;

(B) For the assessments administered to students in the fourth, fifth, sixth, seventh, or eighth grade, not later than June 27, 2014.

**Section 6.** Notwithstanding anything to the contrary in the contingency plan it adopted for the 2013-2014 school year under division (A) of former section 3313.482 of the Revised Code or division (B) of the version of section 3317.01 of the Revised Code in effect prior to July 1, 2014, for the 2013-2014 school year, a school district, STEM school established under Chapter 3326. of the Revised Code, or chartered nonpublic school may hold up to two additional days for in-service training programs for the district's or school's teachers and nonteaching employees during days the school is otherwise not scheduled to be open for instruction, to make up days schools were closed for any of the reasons prescribed in division (B) of the version of section 3317.01 of the Revised Code in effect prior to July 1, 2014, as necessary in order to comply with the minimum school year requirements of the version of section 3313.48 of the Revised Code in effect prior to July 1, 2014. A school district or school that holds the additional days for in-service training programs in the manner prescribed by this section shall be deemed to have complied with the requirements of the versions of sections 3313.48, 3313.481, and 3317.01 of the Revised Code in effect prior to July 1, 2014, regarding the number of days schools must be open for instruction for the 2013-2014 school year.

**Section 7."**

In line 87, delete all after the first "to"

In line 88, delete all before "calamity" and insert "address in a timely manner issues related to the waiver and make up of excess"

In line 89, delete "because of a public calamity"

In line 2 of the title, delete "four" and insert "two"

In line 7 of the title, after the semicolon insert "to permit the Superintendent of Public Instruction to delay the return of the student scores for the elementary state achievement assessments for the 2013-2014 school year; to permit school districts to hold up to two additional in-service days for the 2013-2014 school year;"

The question being, "Shall the motion to amend be agreed to?"

The yeas and nays were taken and resulted - yeas 92, nays 6, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Amstutz	Anielski	Antonio
Ashford	Baker	Barborak	Barnes
Beck	Becker	Bishoff	Blair
Blessing	Boose	Boyd	Brenner
Brown	Buchy	Budish	Burkley
Carney	Celebrezze	Cera	Clyde
Conditt	Curtin	Damschroder	DeVitis
Derickson	Dovilla	Driehaus	Duffey
Fedor	Foley	Gerberry	Gonzales
Green	Grossman	Hackett	Hagan, C.
Hagan, R.	Hall	Hayes	Heard
Hill	Hood	Hottinger	Huffman
Johnson	Kunze	Landis	Letson
Lundy	Lynch	Maag	Mallory
McClain	McGregor	Milkovich	O'Brien
Patmon	Patterson	Pelanda	Perales
Phillips	Pillich	Ramos	Redfern
Reece	Retherford	Roegner	Rogers
Romanchuk	Rosenberger	Ruhl	Scherer
Sears	Sheehy	Slaby	Slesnick
Smith	Sprague	Stautberg	Stebelton
Stinziano	Strahorn	Sykes	Thompson
Wachtmann	Williams	Winburn	Batchelder-92.

Representatives Adams J., Butler, Henne, Schuring, Terhar, and Young voted in the negative-6.

The motion was agreed to and the bill so amended.

The question being, "Shall the emergency clause stand as part of the bill?"

The yeas and nays were taken and resulted - yeas 85, nays 13, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Amstutz	Anielski	Antonio
Ashford	Baker	Barborak	Barnes
Beck	Becker	Bishoff	Blair
Blessing	Boose	Boyd	Brenner
Brown	Buchy	Budish	Burkley
Carney	Celebrezze	Cera	Clyde
Conditt	Curtin	Damschroder	DeVitis
Derickson	Dovilla	Driehaus	Fedor

1696 HOUSE JOURNAL, WEDNESDAY, FEBRUARY 19, 2014

Foley	Gerberry	Gonzales	Green
Grossman	Hagan, C.	Hagan, R.	Hall
Heard	Hill	Hood	Hottinger
Huffman	Johnson	Kunze	Landis
Lundy	Lynch	Mallory	McClain
McGregor	Milkovich	O'Brien	Patmon
Patterson	Pelanda	Perales	Phillips
Redfern	Reece	Retherford	Roegner
Rogers	Romanchuk	Rosenberger	Ruhl
Scherer	Schuring	Sears	Sheehy
Slaby	Slesnick	Smith	Sprague
Stauberg	Stebelton	Stinziano	Strahorn
Sykes	Thompson	Williams	Winburn
			Batchelder-85.

Those who voted in the negative were: Representatives

Adams J.	Butler	Duffey	Hackett
Hayes	Henne	Letson	Maag
Pillich	Ramos	Terhar	Wachtmann
			Young-13.

Having received a constitutional majority, the emergency clause stood as part of the bill.

The question being, "Shall the bill as amended pass as an emergency measure?"

The yeas and nays were taken and resulted - yeas 82, nays 16, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Amstutz	Anielski	Antonio
Ashford	Baker	Barborak	Barnes
Beck	Becker	Bishoff	Blessing
Boose	Boyd	Brenner	Brown
Buchy	Budish	Burkley	Carney
Celebrezze	Cera	Clyde	Conditt
Curtin	Damschroder	DeVitis	Derickson
Dovilla	Driehaus	Fedor	Foley
Gerberry	Gonzales	Green	Grossman
Hagan, C.	Hagan, R.	Hall	Heard
Hill	Hood	Hottinger	Huffman
Johnson	Kunze	Landis	Letson
Lundy	Lynch	Mallory	McGregor
Milkovich	O'Brien	Patmon	Patterson
Pelanda	Phillips	Ramos	Redfern
Reece	Retherford	Roegner	Rogers
Romanchuk	Rosenberger	Scherer	Schuring
Sears	Sheehy	Slaby	Slesnick
Smith	Stauberg	Stebelton	Stinziano
Strahorn	Sykes	Thompson	Williams
Winburn			Batchelder-82.

Those who voted in the negative were: Representatives

Adams J.	Blair	Butler	Duffey
Hackett	Hayes	Henne	Maag
McClain	Perales	Pillich	Ruhl
Sprague	Terhar	Wachtmann	Young-16.

Having received the required constitutional majority, the bill passed as an emergency measure.

Representative Burkley moved to amend the title as follows:

Add the names: "Boyd, Patmon, Scherer, Sheehy, Stebelton, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. S. B. No. 205**-Senator Coley.

Cosponsors: Senators Seitz, Burke, Eklund, Jordan, Uecker.

To amend sections 3501.05, 3505.24, 3509.03, 3509.04, 3509.06, 3509.07, 3511.02, 3511.04, 3511.05, and 3511.10 of the Revised Code to revise the law concerning the mailing of absent voter's ballots and applications for those ballots and to clarify that an elector generally is responsible to complete the elector's absent voter's ballot documents, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Gerberry moved to amend as follows:

In line 10, delete "of the"

In line 11, delete "Revised Code"; after "amended" insert "and section 3509.031 of the Revised Code be enacted"

Between lines 306 and 307, insert:

" Sec. 3509.031. (A) The secretary of state, by rule, shall establish a secure online process for applying to vote by absent voter's ballots. The rules shall provide for all of the following:

(1) An elector to submit an application to vote by absent voter's ballots online through the internet;

(2) The elector to be sent proper absent voter's ballots for the applicable election, if all of the following apply:

(a) The application contains all of the required information.

(b) The elector is registered to vote and eligible to vote in the election for which the elector is seeking absent voter's ballots.

(c) The elector attests to the truth and accuracy of the information

1698 HOUSE JOURNAL, WEDNESDAY, FEBRUARY 19, 2014

submitted in the online application under penalty of election falsification using the elector's Ohio driver's license number, the elector's Ohio identification card number, or the last four digits of the elector's social security number as proof of the elector's identity.

(B) If an elector applies to vote by absent voter's ballots under this section, the secretary of state shall obtain an electronic copy of the elector's signature that is on file with the statewide voter registration database. That electronic signature shall be used as the elector's signature on the absent voter's ballot application, for the purpose of matching the signature with the elector's signature on the elector's voter registration record.

(C) The secretary of state shall employ whatever security measures the secretary considers necessary to ensure the integrity and accuracy of information submitted electronically pursuant to this section.

(D) The online absent voter's ballot application established under division (A) of this section shall include the following language:

"By clicking the box below, I affirm all of the following under penalty of election falsification:

(1) I am the person whose name and identifying information is provided on this form, and I wish to receive an absent voter's ballot for the specified election.

(2) All of the information I have provided on this form is true and correct as of the date I am submitting this form.

(3) I authorize the Ohio Secretary of State to use my signature that is on file with the statewide voter registration database to validate this electronic absent voter's ballot application as if I had signed this form personally."

In order to apply for absent voter's ballots under division (A) of this section, an elector shall be required to mark the box in the online absent voter's ballot application that appears in conjunction with the previous statement.

(E) The online absent voter's ballot application process established under division (A) of this section shall be in operation and available for use by individuals who wish to apply to vote by absent voter's ballots not later than one year after the effective date of this section."

In line 3 of the title, after "3511.10" insert "and to enact section 3509.031"

In line 4 of the title, delete "the mailing of"

The question being, "Shall the motion to amend be agreed to?"

Representative Sears moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

HOUSE JOURNAL, WEDNESDAY, FEBRUARY 19, 2014 1699

The yeas and nays were taken and resulted - yeas 60, nays 38, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Becker	Blair
Blessing	Boose	Brenner	Brown
Buchy	Burkley	Butler	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Duffey	Gonzales	Green	Grossman
Hackett	Hagan, C.	Hall	Hayes
Henne	Hill	Hood	Hottinger
Huffman	Johnson	Kunze	Landis
Lynch	Maag	McClain	McGregor
Pelanda	Perales	Retherford	Roegner
Romanchuk	Rosenberger	Ruhl	Scherer
Schuring	Sears	Slaby	Smith
Sprague	Stautberg	Stebelton	Terhar
Thompson	Wachtmann	Young	Batchelder-60.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barborak	Barnes
Bishoff	Boyd	Budish	Carney
Celebrezze	Cera	Clyde	Curtin
Driehaus	Fedor	Foley	Gerberry
Hagan, R.	Heard	Letson	Lundy
Mallory	Milkovich	O'Brien	Patmon
Patterson	Phillips	Pillich	Ramos
Redfern	Reece	Rogers	Sheehy
Slesnick	Stinziano	Strahorn	Sykes
Williams			Winburn-38.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Reece moved to amend as follows:

In line 10, delete "of the"

In line 11, delete "Revised Code"; after "amended" insert "and section 3501.91 of the Revised Code be enacted"

Between lines 228 and 229, insert:

" Sec. 3501.91. Notwithstanding any contrary provision of law and in accordance with the "Civil Rights Act of 1964," 78 Stat. 241, 42 U.S.C. 1971, no person acting under color of law shall deny the right of any individual to vote in any election because of an error or omission on any record or paper relating to any application, registration, or other act requisite to voting, if the error or omission is not material in determining whether the individual is qualified to vote in that election."

In line 3 of the title, after "3511.10" insert "and to enact section 3501.91"

1700 HOUSE JOURNAL, WEDNESDAY, FEBRUARY 19, 2014

In line 5 of the title, delete the second "and" and insert a comma

In line 8 of the title, after "documents" insert ", and to revise the law regarding the right to vote"

The question being, "Shall the motion to amend be agreed to?"

Representative Sears moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 60, nays 38, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Becker	Blair
Blessing	Boose	Brenner	Brown
Buchy	Burkley	Butler	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Duffey	Gonzales	Green	Grossman
Hackett	Hagan, C.	Hall	Hayes
Henne	Hill	Hood	Hottinger
Huffman	Johnson	Kunze	Landis
Lynch	Maag	McClain	McGregor
Pelanda	Perales	Retherford	Roegner
Romanchuk	Rosenberger	Ruhl	Scherer
Schuring	Sears	Slaby	Smith
Sprague	Stautberg	Stebelton	Terhar
Thompson	Wachtmann	Young	Batchelder-60.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barborak	Barnes
Bishoff	Boyd	Budish	Carney
Celebrezze	Cera	Clyde	Curtin
Driehaus	Fedor	Foley	Gerberry
Hagan, R.	Heard	Letson	Lundy
Mallory	Milkovich	O'Brien	Patmon
Patterson	Phillips	Pillich	Ramos
Redfern	Reece	Rogers	Sheehy
Slesnick	Stinziano	Strahorn	Sykes
Williams			Winburn-38.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Lundy moved to amend as follows:

In line 452, delete " mail a written notice to"

In line 453, delete " the voter, informing" and insert " notify"; after " defect" insert " by whatever means of contact the voter has provided on the identification envelope or using any available contact information in the voter's registration record"



HOUSE JOURNAL, WEDNESDAY, FEBRUARY 19, 2014 1701

In line 456, delete " in writing and on a form prescribed by the"

In line 457, delete " secretary of state" and insert " by mail, electronic mail, telephone, or facsimile transmission, through the internet, or by appearing in person at the office of the board of elections"; delete " seventh" and insert " fourteenth"

In line 458, delete " The voter may deliver the form to the office of the"

In line 459, delete " board in person or by mail."

In line 460, delete " seventh" and insert " fourteenth"

In line 497, delete " seventh" and insert " fourteenth"

After line 877, insert:

"Section 5. Division (D)(3)(b) of section 3509.06 of the Revised Code, as amended by this act, shall be known as "The Military Voting Protection Clause.""

The question being, "Shall the motion to amend be agreed to?"

Representative Sears moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 60, nays 38, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Becker	Blair
Blessing	Boose	Brenner	Brown
Buchy	Burkley	Butler	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Duffey	Gonzales	Green	Grossman
Hackett	Hagan, C.	Hall	Hayes
Henne	Hill	Hood	Hottinger
Huffman	Johnson	Kunze	Landis
Lynch	Maag	McClain	McGregor
Pelanda	Perales	Retherford	Roegner
Romanchuk	Rosenberger	Ruhl	Scherer
Schuring	Sears	Slaby	Smith
Sprague	Stautberg	Stebelton	Terhar
Thompson	Wachtmann	Young	Batchelder-60.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barborak	Barnes
Bishoff	Boyd	Budish	Carney
Celebrezze	Cera	Clyde	Curtin
Driehaus	Fedor	Foley	Gerberry
Hagan, R.	Heard	Letson	Lundy
Mallory	Milkovich	O'Brien	Patmon
Patterson	Phillips	Pillich	Ramos

1702 HOUSE JOURNAL, WEDNESDAY, FEBRUARY 19, 2014

Redfern	Reece	Rogers	Sheehy
Slesnick	Stinziano	Strahorn	Sykes
Williams			Winburn-38.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Huffman moved the previous question. This motion under House Rule 101 is supported by the following members:

<u>/s/</u> MATT HUFFMAN	<u>/s/</u> BARBARA R. SEARS
MATT HUFFMAN	BARBARA R. SEARS
<u>/s/</u> PETER STAUTBERG	<u>/s/</u> KRISTINA ROEGNER
PETER STAUTBERG	KRISTINA ROEGNER
<u>/s/</u> GERALD L. STEBELTON	
GERALD L. STEBELTON	

The question being, "Shall the debate now close?"

The yeas and nays were taken and resulted - yeas 60, nays 38, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Becker	Blair
Blessing	Boose	Brenner	Brown
Buchy	Burkley	Butler	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Duffey	Gonzales	Green	Grossman
Hackett	Hagan, C.	Hall	Hayes
Henne	Hill	Hood	Hottinger
Huffman	Johnson	Kunze	Landis
Lynch	Maag	McClain	McGregor
Pelanda	Perales	Retherford	Roegner
Romanchuk	Rosenberger	Ruhl	Scherer
Schuring	Sears	Slaby	Smith
Sprague	Stautberg	Stebelton	Terhar
Thompson	Wachtmann	Young	Batchelder-60.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barborak	Barnes
Bishoff	Boyd	Budish	Carney
Celebrezze	Cera	Clyde	Curtin
Driehaus	Fedor	Foley	Gerberry
Hagan, R.	Heard	Letson	Lundy
Mallory	Milkovich	O'Brien	Patmon
Patterson	Phillips	Pillich	Ramos
Redfern	Reece	Rogers	Sheehy
Slesnick	Stinziano	Strahorn	Sykes
Williams			Winburn-38.

HOUSE JOURNAL, WEDNESDAY, FEBRUARY 19, 2014 1703

The motion was agreed to and the debate closed.

The question recurring, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 60, nays 38, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Becker	Blair
Blessing	Boose	Brenner	Brown
Buchy	Burkley	Butler	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Duffey	Gonzales	Green	Grossman
Hackett	Hagan, C.	Hall	Hayes
Henne	Hill	Hood	Hottinger
Huffman	Johnson	Kunze	Landis
Lynch	Maag	McClain	McGregor
Pelanda	Perales	Retherford	Roegner
Romanchuk	Rosenberger	Ruhl	Scherer
Schuring	Sears	Slaby	Smith
Sprague	Stautberg	Stebelton	Terhar
Thompson	Wachtmann	Young	Batchelder-60.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barborak	Barnes
Bishoff	Boyd	Budish	Carney
Celebrezze	Cera	Clyde	Curtin
Driehaus	Fedor	Foley	Gerberry
Hagan, R.	Heard	Letson	Lundy
Mallory	Milkovich	O'Brien	Patmon
Patterson	Phillips	Pillich	Ramos
Redfern	Reece	Rogers	Sheehy
Slesnick	Stinziano	Strahorn	Sykes
Williams			Winburn-38.

The bill passed.

Representative Dovilla moved to amend the title as follows:

Add the names: "Representatives Becker, Huffman, Maag, Stebelton, Terhar, Wachtmann, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Am. S. B. No. 238**-Senator LaRose.

Cosponsors: Senators Schaffer, Seitz, Jordan, Eklund, Coley, Widener, Burke, Lehner.

To amend sections 3509.01 and 3511.10 of the Revised Code to reduce the days for absent voting, was taken up for consideration the third time.

1704 HOUSE JOURNAL, WEDNESDAY, FEBRUARY 19, 2014

The question being, "Shall the bill pass?"

Representative Huffman moved the previous question. This motion under House Rule 101 is supported by the following members:

- |                                |                             |
|--------------------------------|-----------------------------|
| <u>/s/</u> MATT HUFFMAN        | <u>/s/</u> BARBARA R. SEARS |
| MATT HUFFMAN                   | BARBARA R. SEARS            |
| <u>/s/</u> PETER STAUTBERG     | <u>/s/</u> KRISTINA ROEGNER |
| PETER STAUTBERG                | KRISTINA ROEGNER            |
| <u>/s/</u> GERALD L. STEBELTON |                             |
| GERALD L. STEBELTON            |                             |

The question being, "Shall the debate now close?"

The yeas and nays were taken and resulted - yeas 59, nays 37, as follows:

Those who voted in the affirmative were: Representatives

- |             |            |           |                |
|-------------|------------|-----------|----------------|
| Adams J.    | Adams R.   | Amstutz   | Anielski       |
| Baker       | Beck       | Becker    | Blair          |
| Blessing    | Boose      | Brenner   | Brown          |
| Buchy       | Burkley    | Butler    | Conditt        |
| Danschroder | DeVitis    | Derickson | Dovilla        |
| Duffey      | Green      | Grossman  | Hackett        |
| Hagan, C.   | Hall       | Hayes     | Henne          |
| Hill        | Hood       | Hottinger | Huffman        |
| Johnson     | Kunze      | Landis    | Lynch          |
| Maag        | McClain    | McGregor  | Pelanda        |
| Perales     | Retherford | Roegner   | Romanchuk      |
| Rosenberger | Ruhl       | Scherer   | Schuring       |
| Sears       | Slaby      | Smith     | Sprague        |
| Stautberg   | Stebelton  | Terhar    | Thompson       |
| Wachtmann   | Young      |           | Batchelder-59. |

Those who voted in the negative were: Representatives

- |           |          |          |             |
|-----------|----------|----------|-------------|
| Antonio   | Ashford  | Barborak | Barnes      |
| Bishoff   | Budish   | Camey    | Celebrezze  |
| Cera      | Clyde    | Curtin   | Driehaus    |
| Fedor     | Foley    | Gerberry | Hagan, R.   |
| Heard     | Letson   | Lundy    | Mallory     |
| Milkovich | O'Brien  | Patmon   | Patterson   |
| Phillips  | Pillich  | Ramos    | Redfern     |
| Reece     | Rogers   | Sheehy   | Slesnick    |
| Stinziano | Strahorn | Sykes    | Williams    |
|           |          |          | Winburn-37. |

The motion was agreed to and the debate closed.

The question recurring, "Shall the bill pass?"

HOUSE JOURNAL, WEDNESDAY, FEBRUARY 19, 2014 1705

The yeas and nays were taken and resulted - yeas 59, nays 37, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Becker	Blair
Blessing	Boose	Brenner	Brown
Buchy	Burkley	Butler	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Duffey	Green	Grossman	Hackett
Hagan, C.	Hall	Hayes	Henne
Hill	Hood	Hottinger	Huffman
Johnson	Kunze	Landis	Lynch
Maag	McClain	McGregor	Pelanda
Perales	Retherford	Roegner	Romanchuk
Rosenberger	Ruhl	Scherer	Schuring
Sears	Slaby	Smith	Sprague
Stautberg	Stebelton	Terhar	Thompson
Wachtmann	Young		Batchelder-59.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barborak	Barnes
Bishoff	Budish	Carney	Celebrezze
Cera	Clyde	Curtin	Driehaus
Fedor	Foley	Gerberry	Hagan, R.
Heard	Letson	Lundy	Mallory
Milkovich	O'Brien	Patmon	Patterson
Phillips	Pillich	Ramos	Redfern
Reece	Rogers	Sheehy	Slesnick
Stinziano	Strahorn	Sykes	Williams
			Winburn-37.

The bill passed.

Representative Dovilla moved to amend the title as follows:

Add the names: "Representatives Adams, J., Beck, Becker, Blessing, Boose, Brenner, Buchy, Damschroder, Green, Hayes, Henne, Hood, Huffman, Maag, McClain, Retherford, Roegner, Scherer, Sears, Terhar, Thompson, Wachtmann, Young, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

MESSAGE FROM THE SPEAKER

Pursuant to House Rules 13, 28, and 30, the Speaker hereby makes changes to the following committees:

Ways and Means:  
remove Representative Boose;

1706 HOUSE JOURNAL, WEDNESDAY, FEBRUARY 19, 2014

appoint Representatives McClain as Chair, Scherer as Vice Chair, and Stebelton.

Finance and Appropriations:  
remove Representatives McClain and Stebelton;  
appoint Representative Boose as Vice Chair.

#### MESSAGE FROM THE SPEAKER

Pursuant to S. J. R. No. 7, the Speaker hereby appoints the following members to wait upon the Governor in anticipation of his State of the State address:

Representatives Huffman, Hall, Dovilla, Baker, Anielski, Heard, Phillips, Ramos, and Patmon.

#### Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the adoption of the following concurrent resolution:

**H. C. R. No. 40** -Representatives Schuring, Ramos  
Cosponsors: Representatives Hottinger, Brown, Antonio, Bishoff, Adams, R., Amstutz, Anielski, Baker, Barborak, Barnes, Beck, Blair, Blessing, Brenner, Buchy, Budish, Burkley, Butler, Carney, Cera, Damschroder, Fedor, Foley, Gerberry, Green, Grossman, Hackett, Hagan, C., Hall, Hayes, Henne, Hill, Letson, Lundy, McClain, Milkovich, O'Brien, Perales, Phillips, Pillich, Ramos, Retherford, Rogers, Romanchuk, Rosenberger, Ruhl, Scherer, Sears, Smith, Sprague, Strahorn, Sykes, Terhar, Winburn, Young, Speaker  
Batchelder Senators Bacon, Balderson, Beagle, Brown, Burke, Gardner, Hite, Hughes, Jones, Jordan, LaRose, Lehner, Manning, Obhof, Oelslager, Peterson, Schiavoni, Seitz, Tavares, Turner, Uecker, Widener

To acknowledge the Governmental Accounting Standards Board standards 67 and 68 and to pledge the General Assembly's continued support of Ohio's public employers and retirement systems in their mission to provide secure and sustainable retirement, disability, and survivor benefits to Ohio's public employees.

Attest:

Vincent L. Keeran,  
Clerk.

HOUSE JOURNAL, WEDNESDAY, FEBRUARY 19, 2014 1707

Representative Huffman moved that the House stand adjourned until Thursday, February 20, 2014 at 9:00 o'clock a.m.

The question being, "Shall the motion to adjourn be agreed to?"

The yeas and nays were taken and resulted - yeas 58, nays 38, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Baker
Beck	Becker	Blair	Blessing
Boose	Brenner	Brown	Buchy
Burkley	Butler	Conditt	Damschroder
DeVitis	Derickson	Dovilla	Duffey
Green	Grossman	Hackett	Hagan, C.
Hall	Hayes	Henne	Hill
Hood	Hottinger	Huffman	Johnson
Kunze	Landis	Lynch	Maag
McClain	McGregor	Pelanda	Perales
Retherford	Roegner	Romanchuk	Rosenberger
Ruhl	Scherer	Schuring	Sears
Slaby	Smith	Sprague	Stautberg
Stebelton	Terhar	Thompson	Wachtmann
Young			Batchelder-58.

Those who voted in the negative were: Representatives

Anielski	Antonio	Ashford	Barborak
Barnes	Bishoff	Budish	Carney
Celebrezze	Cera	Clyde	Curtin
Driehaus	Fedor	Foley	Gerberry
Hagan, R.	Heard	Letson	Lundy
Mallory	Milkovich	O'Brien	Patmon
Patterson	Phillips	Pillich	Ramos
Redfern	Reece	Rogers	Sheehy
Slesnick	Stinziano	Strahorn	Sykes
Williams			Winburn-38.

The motion was agreed to.

Attest: BRADLEY J. YOUNG, Clerk.

# Exhibit 6



- [Spanish Language Board](#)
- [Business with the Board](#)
- [Links and Resources](#)
- [Historical Information](#)

# Address and Directions

The Cuyahoga County Board of Elections is located at the northwest corner of Euclid and East 30th Street.

Board of Elections Main Building  
2925 Euclid Avenue  
Cleveland, Ohio 44115  
(216) 443-VOTE (8683)

Click here for [directions to the main building](#).

Board of Elections, Warehouse  
1890 East 40th Street  
Cleveland, Ohio 44103

Click here for [directions to the warehouse](#).

## Parking

Limited public parking is available in the BOE parking lot.

## Office Hours

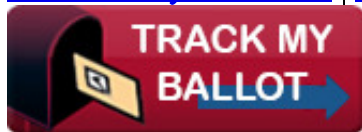
Monday through Friday  
8:30 AM - 4:30 PM

[Español](#) | [English](#)

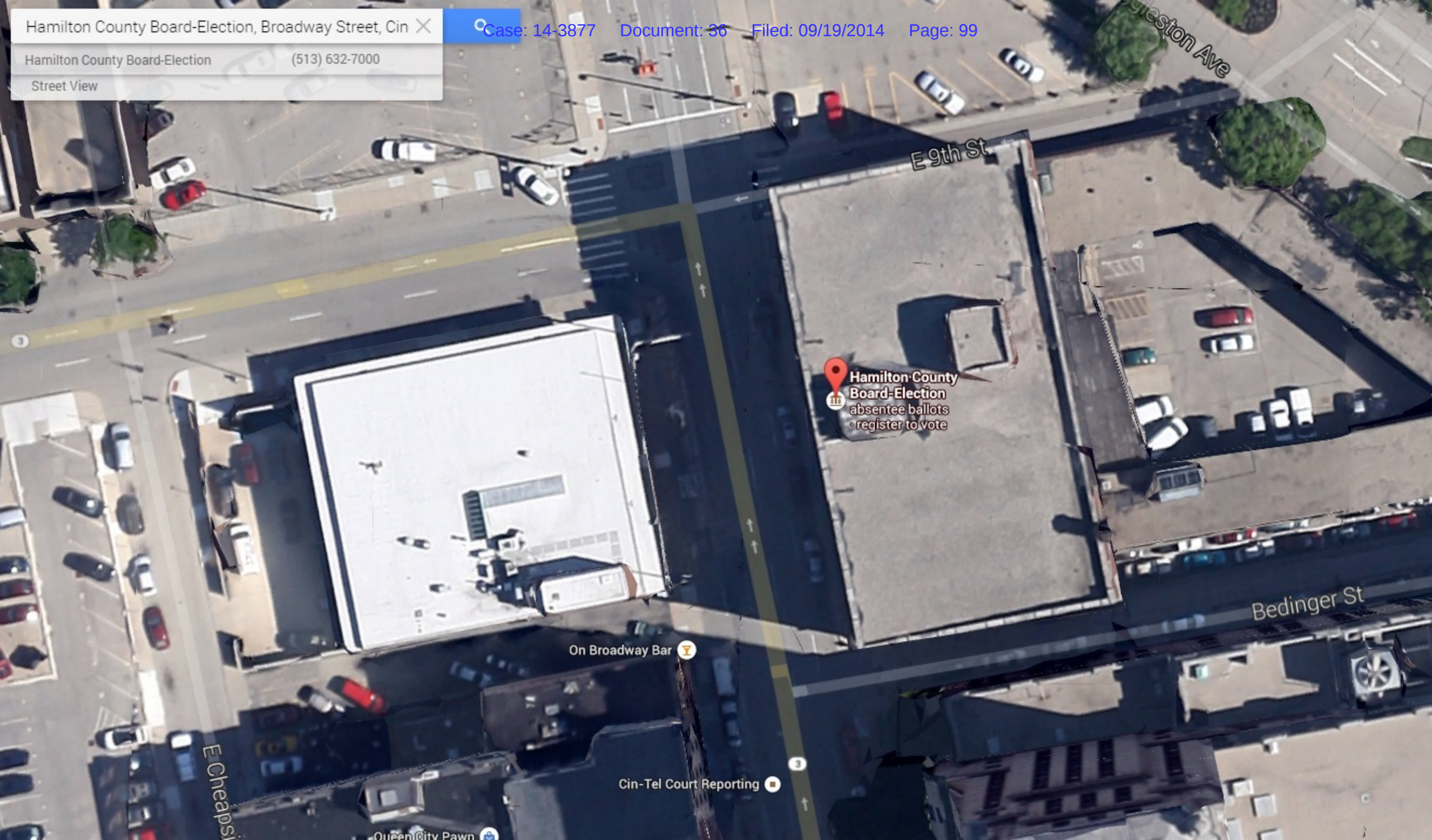
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Board of Elections | 2925 Euclid Avenue | Cleveland, Ohio 44115 | (216) 443-VOTE (8683) [Powered by the Department of Information Technology](#)

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# Exhibit 7



E 9th St

Bedinger Ave

Bedinger St

Hamilton County Board-Election  
absentee ballots  
register to vote

On Broadway Bar

Cin-Tel Court Reporting

E Cheap

Queen City Pawn

# Exhibit 8



# Mahoning elections board offers to help Youngstown with redistricting

## McNally seeks options as officials look to cut precincts by 50

By [David Skolnick](#)

Saturday, May 24, 2014

[SEE ALSO: Mahoning Dems, Republicans to meet June 7 to elect leaders](#)

By [David Skolnick](#)

[skolnick@vindy.com](mailto:skolnick@vindy.com)

YOUNGSTOWN

The Mahoning County Board of Elections, which will reduce the number of voting precincts by at least 50 for the November election, will offer proposals to Youngstown officials on redistricting the city's seven wards.

There is no cost to the city for proposed ward maps, and the board is following up on a request from Mayor John A. McNally for the information, Director Joyce Kale-Pesta said Friday.

The board plans to reduce its 273 voting precincts by at least 50, said Kale-Pesta and board Chairman Mark Munroe, who also is the county Republican Party chairman.

A staff proposal on the consolidation will be finished by June and in front of the board the following month, Kale-Pesta said.

Also, Kale-Pesta said she wants to meet with McNally and city council members before a final board vote to discuss Youngstown redistricting options.

Redistricting has been a source of contention among council members, and between some members and McNally.

McNally along with Councilmen Mike Ray, D-4th, and Paul Drennen, D-5th, support maps provided by the Youngstown State University's Center for Urban and Regional Studies provided about nine months ago. The work cost \$3,854.

The other five council members want a second opinion and voted Wednesday to hire Triad Research Group of Westlake to develop redistricting plans at a price range of \$7,500 to \$10,000.

But McNally said his administration will not hire another company for work when the information provided by YSU is satisfactory.

“We’ll put a proposal together and present it to mayor and council with a good solution,” Kale-Pesta said.

“We’re trying to help them at no cost,” Munroe added.

Most of the precincts that will be reduced by the board of elections will come from Youngstown, Struthers and Campbell, she said.

Youngstown has 77 precincts with the biggest reductions in the city likely coming from the 2nd Ward on the East Side and the 3rd Ward on the North Side, each with 10 precincts, Kale-Pesta said.

“The population has dropped off there, so there are less voters,” she said.

Mahoning County has the lowest average number of voters per precinct among the state’s 13 most-populous counties, according to a survey done by Mahoning elections board officials. Each precinct reduced saves the county about \$1,000 per election, Munroe said.

The board has control over the number of voting precincts in the city, but city council has control over redistricting its wards. Council is supposed to redistrict every decade under the city charter, but hasn’t done so in 30 years.

A concern expressed by board members is a precinct consolidation would be done in Youngstown and then the city would redistrict. That would require the board to change the voting precincts a second time, they said.

Meanwhile, the board of elections is looking to move its in-person early voting from its office in Oakhill Renaissance Place on the city’s South Side because of problems with inadequate parking there.

Board officials had preliminary discussions with the owners of the Boardman Plaza about space there for early voting. There would be an expense involved.

But David Betras, board vice chairman and county Democratic Party chairman, said it would be worth it.

“If we move to Boardman, you’ll increase [early] voting by 25 percent,” he said.

Kale-Pesta said she’ll discuss with county commissioners having the front parking lot at Oakhill dedicated to only early voters when that process starts.

# Exhibit 9

- [Government](#)
- [Services](#)
- [Visiting](#)
- [Business](#)
- [Employment](#)
- [Home](#)

 Search

Early Voting Begins October 2, 2012

[Home](#) > [News](#) > Early Voting Begins October 2, 2012

The Montgomery County Board of Elections is encouraging citizens to avoid the potential long lines on Election Day and vote early for the General Election on November 6, 2012.

Early voting will take place at the Montgomery County Board of Elections, 451 W. Third Street in Dayton. There will be FREE parking for early voters!

### ***Early Voting Hours – 2012 Presidential General Election***

Tuesday, October 2nd thru Friday, October 5th: 8 am – 5 pm

Tuesday, October 9th: 8 am – 9 pm

Wednesday, October 10th thru Friday, October 12th: 8 am – 5 pm

Monday, October 15th thru Friday, October 19th: 8 am – 5 pm

Monday, October 22nd thru Friday, October 26th: 8 am – 7 pm

Monday, October 29th thru Thursday, November 1st: 8 am – 7 pm

Friday, November 2nd: 8 am – 6 pm

- Ohio law requires all early voting to end on Friday, November 2nd at 6 pm
- These hours are subject to change due to potential court orders.

If you choose not to vote at your polling location, you have the opportunity to vote through the mail by completing an application to vote by absentee ballot. The Secretary of State is sending applications by mail to all registered voters in Ohio. If a registered voter does not receive an application, please visit the Montgomery County Board of Elections website at [www.mcboe.org](http://www.mcboe.org) and complete the application, print it, sign the application and mail it to our office.

Also, if you are not registered to vote, you must do so at least 30 days before the election. The deadline to register to vote in the November 6th General Election is October 9, 2012. On October 9th you may register to vote until 9 p.m. at the Montgomery County Board of Elections. Visit [www.mcboe.org](http://www.mcboe.org) for more information.

News

#### **[Road Closure - Oxford Road in German Township](#)**

Paul Gruner, P.E., P.S., Montgomery County Engineer, wishes to announce that Oxford Road in German Township will be closing on or about Wednesday, October 1, 2014, and extending through November 2014. [Read More...](#)

#### **[County Hosts Fellows from President Obama's Washington Fellowship For Young African Leaders](#)**

The Montgomery County Commissioners are currently hosting two Fellows from the Washington Fellowship for Young African Leaders. [Read More...](#)

#### **[Grants Available for Recycling at Montgomery County Schools](#)**

Montgomery County Solid Waste District (MCSWD) is now accepting applications for the Buy Recycled Grant program. [Read More...](#)

#### **[Dogs of Fall Adoption Fest - Saturday, September 20, 2014](#)**



International law firm WilmerHale is once again teaming up with the Montgomery County Animal Resource Center, the Humane Society of Greater Dayton and SICSA Pet Adoption Center for the "Dogs of Fall Adoption Fest" on Saturday, September 20, 2014 from 11 a.m. to 3 p.m. [Read More...](#)

[\*\*ARC Volunteer Receives National Award\*\*](#)

[\*\*Montgomery County and City of Dayton Identify Collaborative Projects\*\*](#)

[\*\*Mentors Needed for Montgomery County Veterans Treatment Court\*\*](#)

[\*\*County Commissioners Unveil Community Dashboard\*\*](#)

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# Exhibit 10

**CINCINNATI ELECTION DAY WEATHER<sup>1</sup>**

<b>Date</b>	<b>High Temp.</b>	<b>Low Temp.</b>	<b>Precipitation</b>	<b>Snow</b>
Nov. 2, 2004	69	50	.87	0
Nov. 8, 2005	72	54	.01	0
Nov. 7, 2006	55	50	.33	0
Nov. 6, 2007	44	33	.00	0
Nov. 4, 2008	73	41	.00	0
Nov. 3, 2009	53	33	.00	0
Nov. 2, 2010	53	36	.00	0
Nov. 8, 2011	72	46	.00	0
Nov. 6, 2012	52	30	trace	0

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<sup>1</sup> Source: [www.erh.noaa.gov](http://www.erh.noaa.gov)

**CLEVELAND ELECTION DAY WEATHER<sup>1</sup>**

<b>Date</b>	<b>High Temp.</b>	<b>Low Temp.</b>	<b>Precipitation</b>	<b>Snow</b>
Nov. 2, 2004	64	45	.68	0
Nov. 8, 2005	57	44	.05	0
Nov. 7, 2006	53	47	.06	0
Nov. 6, 2007	42	35	.27	trace
Nov. 4, 2008	71	49	0	0
Nov. 3, 2009	49	35	trace	0
Nov. 2, 2010	49	29	0	0
Nov. 8, 2011	69	53	0	0
Nov. 6, 2012	44	31	0	0

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<sup>1</sup> Source: weather database maintained by [cleveland.com/datacentral](http://cleveland.com/datacentral), using data collected by the National Weather Service.

**COLUMBUS ELECTION DAY WEATHER<sup>1</sup>**

<b>Date</b>	<b>High Temp.</b>	<b>Low Temp.</b>	<b>Precipitation</b>	<b>Snow</b>
Nov. 2, 2004	68	48	trace	0
Nov. 8, 2005	67	48	.07	0
Nov. 7, 2006	55	47	.09	0
Nov. 6, 2007	45	35	trace	trace
Nov. 4, 2008	72	44	0	0
Nov. 3, 2009	51	33	0	0
Nov. 2, 2010	52	31	0	0
Nov. 8, 2011	70	45	0	0
Nov. 6, 2012	49	30	0	0

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<sup>1</sup> Source: *National Weather Service*.

# **Exhibit 11**



## Superstorm Sandy aftermath leaves Northeast Ohio powerless and busy cleaning up

### High Winds from Hurricane Sandy

High winds from Hurricane Sandy sent water crashing into the banks of the E. 55th street marina in Cleveland, OH.

**Karen Farkas, The Plain Dealer** By **Karen Farkas, The Plain Dealer**

**Email the author | Follow on Twitter**

on October 30, 2012 at 4:30 PM, updated October 30, 2012 at 10:13 PM

CLEVELAND, Ohio -- When Hurricane Sandy made landfall along the New Jersey coast at 8 p.m. Monday with sustained 90 mile-an-hour winds, Ohio's north coast -- 450 miles away -- was being hammered by rain and wind gusts near hurricane strength.

Meteorologists said Northeast Ohio was battered because a cold front that traveled east over Cleveland, stalled and then merged into the western edge of Sandy. The hurricane's winds then swept south across Lake Erie with no trees or buildings to reduce the wind speed.

Strong winds raked communities along the lakeshore, especially west of Cleveland, downing trees and power lines, leaving thousands in the dark. There were no reports of injuries, although communities like **Lakewood** and **Bay Village** were battered.

FirstEnergy gathered data overnight Monday and into the early morning today on **power outages**, but was unable to send out crews until the wind subsided by mid-day, officials said.

About 255,000 FirstEnergy customers had lost power by dawn Tuesday, but nearly 74,000 had electricity restored by 10 p.m., company officials said. Still, about 140,800 customers were without power in Cuyahoga County, 24,200 in Lake County and 12,900 in Lorain County.

First Energy, which sent about 200 linemen and 1,000 support staff to help its sister company, Jersey Central Power and Light, is awaiting help from power companies in western states to repair lines in Ohio, said spokesman Mark Durbin.

He said about 100 linemen from companies in Montana, Missouri and Canada will soon arrive in Ohio. After they restore power here, they will head east to areas hit hard by Hurricane Sandy. Durbin said First Energy crews from Toledo and Akron are also coming to help.

He said he did not believe that sending crews to New Jersey delayed repairs in Ohio. Durbin said 930,000 of the 1.1 million Jersey Central Power customers did not have power.

"We anticipate that all customers will be restored by the weekend, if not sooner," Dubrin said.

In Bay Village, firefighter Corey Gregg observed, "Whenever there's wind, Bay village takes the brunt of it." Gregg was guarding a flaming power line that was holding up a downed tree on Cliff Drive north of Lake Road Tuesday morning.

"We've had 50 to 60 calls since I came on," he said. "I've seen three [power] poles snap off. A chimney broke, half fell on the lawn, the other half went through the upstairs of a house trapping the family without a way to get downstairs. The whole city is without power. We're worried about people who are on oxygen or who have other medical conditions that require electricity. It's chaos everywhere."

Sue Finley thought she dodged a bullet early this morning when a large limb narrowly missed her 2006 Jeep Liberty parked in the backyard of her Lakewood home.

Just to be safe, she moved the vehicle to the front of her driveway in case other limbs fell.

About 2 a.m., less than a half-hour later, she heard a sickening crash: a 240-year-old white oak across the street uprooted and crashed onto her Jeep and a neighbor's car, crushing them and knocking out power to the neighborhood.

Dozens of large trees fell throughout Lakewood, causing power outages on main thoroughfares, including Edgewater Drive, Clifton Boulevard and Lake Road.

In Rocky River, where it could take days for power to be restored, the city set up an emergency shelter for residents at the civic center.

Lake Erie's massive waves, some up to 20 feet high, led the Ohio Department of Transportation to close all lanes of the East Shoreway between East 72nd and East 55th streets. Morning rush hour traffic snarls were worsened by non-functioning traffic lights on St. Clair Avenue, which was the recommended detour. Lanes had been opened by this afternoon.

The highest wind gusts, according to officials, were 68 miles per hour at Cleveland Hopkins International Airport, 67 miles per hour at Burke Lakefront Airport and 48 miles per hour at Akron/Canton Regional Airport. Some flights in and out of Hopkins resumed at noon.

At Burke Lakefront Airport, there was some damage to the terminal, but no aircraft damage.

At the Edgewater Marina, which had about 80 boats in the water when the storm hit, officials said at least 20 boats were heavily damaged and others sank.

Michael Hall, director of operations for FDL Marine, the company hired to run the marina for the state of Ohio,



said Tuesday that it was too soon to determine total damages. Hall said no one has been allowed on the docks, which the state deemed unsafe because of the weather.

Bob Ivancic, president of Channel Park Marina at Whiskey Island, said none of the 50 boats in the water there was damaged.

The winds removed some of the siding from the north side of the Rock and Roll Hall of Fame and Museum but there was no structural damage or flooding.

An engineer determined there was no structure damage to the century-old Sterling Building at East 13th Street and Euclid Avenue. It was evacuated today because it appeared an exterior wall was bulging. Cuyahoga County leases space in the building for its data center. The engineer determined a large piece of Fiberglas came loose. The building was reopened late today.

According to the National Weather Service, 1.72 inches of rain fell Monday in Cleveland. A total of 2.48 inches fell in the previous three days.

The Northeast Ohio Regional Sewer District said it had to discharge a mixture of sanitary sewage and stormwater into area waterways because its three wastewater treatment plants were treating more than triple the average daily flow due to the high levels of storm water.

Three rivers that traditionally overflow their banks went above flood stage on Tuesday but are now receding.

The Cuyahoga River in Valley View reached 20.8 feet, well above the 16-foot flood stage, police said. Several businesses, streets and homes were affected. Canal Road will likely be closed through Wednesday for clean-up, police said.

The Chagrin River in Willoughby reached 13 feet, two feet above flood stage, and banks overflowed at Daniels Park. The Grand River in Painesville reached 13 feet, five feet above flood stage and was expected to crest at 14 feet before receding early Wednesday, according to the National Weather Service. The Vrooman Road bridge was flooded.

While the hurricane is no longer feeding off the moisture of the Atlantic Ocean it will take days to rain itself out, meteorologists said. Cleveland may see a glimpse of sun on Thursday.

The weather resulted in widespread school closings today and high school girls soccer regional semifinals were postponed. Rain, which is expected to continue at least through Wednesday led communities to reschedule traditional Halloween trick-or-treating to Friday, Saturday or Sunday.

The National Hurricane Center said hurricane-force winds of at least 74 miles per hour extended up to 175 miles from the center of Sandy and tropical-storm-force winds (of 39 to 73 miles per hour) spread out 485 miles from the center.

The size of Sandy, which had a diameter of about 800 miles, was unusual as were the winds, said Tom Kines, a meteorologist at AccuWeather.

"Usually in a hurricane, the highest winds are within 75 miles of the center but in this case they were hundreds of miles out in front," he said.

And while State College, Pa., where his office is located, was closer to the center of the storm, the highest wind gusts there were around 45 miles an hour, he said.

Cleveland fared worse because nothing buffered the wind as it blew counterclockwise and south across Lake Erie.

And the wind and rain were likely more intense in Cleveland because of the combination of the cold front and Sandy, Kines said.

"The front that come through over the weekend kind of ran out of gas," he said. "Then it ran into Sandy."

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