

# ASHLAND COUNTY BOARD OF ELECTIONS

110 Cottage Street • Ashland, Ohio 44805 • (419) 282-4224 • Fax: (419) 282-4260  
Email: [khowman@ashlandcounty.org](mailto:khowman@ashlandcounty.org) [www.ashlandboe.com](http://www.ashlandboe.com)

**Kathy J. Howman**  
Director  
(419) 282-4224



**Shannon Leininger**  
Deputy Director  
(419) 282-4321

January 28, 2008

**Paddy Shaffer**  
Director, The Ohio Election Justice Campaign  
2408 Sonnington Drive  
Dublin, OH 43016

Ms. Shaffer,

Please find enclosed the budget information you have requested for the Ashland County Board of Elections.

My e-mail dated 1/28/08 explains that the Ohio Association of Election Officials does not meet the three-part test for determining a public contractor that is subject to public records.

Should you need anything further, please contact me.

Thank you,

**Shannon Leininger**  
Deputy Director, Ashland County Board of Elections  
President, Ohio Association of Election Officials

Ex. MM

## **The Ohio Election Justice Campaign**

Shannon Leininger, Deputy Director, Ashland County Board of Elections  
President, Ohio Association of Election Officials  
110 Cottage Street, Ashland, Ohio, 44805.  
(419) 282-4224.  
[sleininger@ashlandcounty.org](mailto:sleininger@ashlandcounty.org)

January 28, 2008

Dear Shannon Leininger,

As per ORC 149.43

1. I request all correspondence including but not limited to letters, faxes, email, invoices, between the Ashland County Board of Elections, and any election official or employee of the Ashland County Board of Elections, and Aaron Ockerman for the years 2004, 2005, 2006, 2007, and 2008 current to the day the request is processed.
2. I request all travel expense records and invoices, and membership dues for any and all organizations paid for any and all employees of the Ashland County Board of Elections for the years 2004, 2005, 2006, 2007, and 2008.
3. I request the names and titles of all persons who advised you not to answer items # 2, 3, & 4 of my request for public records (dated January 24, 2008) regarding the Ohio Association of Election Officials, the finances of the OAEO, the officers of the OAEO, and the membership dues taken in by the OAEO. I request copies of all correspondence including but not limited to email, faxes, letters, notes, audio recordings on this subject. I will attach the original letter at the bottom of this letter to allow you to review it.

This request is severable to speed the processing of it.

Sincerely,

Paddy Shaffer  
Director, The Ohio Election Justice Campaign  
2408 Sonnington Drive  
Dublin, Ohio 43016  
[paddy@columbus.rr.com](mailto:paddy@columbus.rr.com)  
(614) 761-0621

*The Ohio Election Justice Campaign believes strongly that public records should be kept public, and that transparency in government is necessary to keep this nation alive.*

Cc: Sheri Myers - wakeupandsaveyourcountry  
Michael Collins - Scoop  
Brad Friedman - bradblog  
Bev Harris -- blackboxvoting.org  
Jennifer Alexander -- OEJC  
Jon Craig -- Cincinnati Enquirer

Mark Kovac – Vindy News  
Mark Niquette – Columbus Dispatch  
Mary Ann Gould – Voice of the Voters  
Susan Pynchon – Florida Fair Election Coalition  
Melisa Urda – Illinois Ballot Integrity Project  
Sally Castleman – Election Defence Alliance  
Stephen Caruso - OEJC

----- Original Message -----

**From:** Shannon Leininger

**To:** 'Paddy Shaffer'

**Sent:** Monday, January 28, 2008 7:50 AM

**Subject:** RE: Ashland County BOE & OAE0 Public Record Request, sent 1-24-08

Ms. Shaffer,

I am in receipt of your public records request for the Ashland County Board of Elections and the Ohio Association of Election Officials.

I am sending you the budget information for the ACBOE, however I have been advised that Items # 2, 3, & 4 – The OAE0 is not a public office as defined in by chapter 149 and does not meet the three-part test for determining a public contractor that is subject to public records (see pages 43-44 of the AG Yellow Book).

Should I be of any further assistance to you, please feel free to contact me.

Thank you,

*Shannon Leininger, Deputy Director  
Ashland County Board of Elections  
President, Ohio Association of Election Officials  
110 Cottage Street  
Ashland, OH 44805  
419-282-4321  
fax 419-282-4260*

**Confidentiality Notice**

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-----Original Message-----

**From:** Paddy Shaffer [mailto:paddy@columbus.rr.com]

**Sent:** Thursday, January 24, 2008 4:46 PM

**To:** sleininger@ashlandcounty.org

**Cc:** Craig, Jon; Mark Niquette; Mark Kovac; Dan Stanton; Victoria Parks; Michael Collins

**Subject:** Ashland County BOE & OAE0 Public Record Request, sent 1-24-08

## **The Ohio Election Justice Campaign**

Shannon Leininger, Deputy Director, Ashland County Board of Elections  
President, Ohio Association of Election Officials

110 Cottage Street, Ashland, Ohio, 44805.  
(419) 282-4224.  
[sleininger@ashlandcounty.org](mailto:sleininger@ashlandcounty.org)

January 24, 2008

Dear Shannon Leininger,

As per ORC 149.43

1. I request the documents providing the incoming and outgoing budget of the Ashland County Board of Elections for the following years, 2003, 2004, 2005, 2006, 2007, and what you have to date for 2008.
2. I request the documents providing the incoming and outgoing budget of the Ohio Association of Election Officials for the following years, 2003, 2004, 2005, 2006, 2007.
3. I request the document or documents naming the Officers for the Ohio Association of Election Officials for every year since 2000.
4. I request the names of the counties, and the names of all BOE Directors, Deputy Directors, and employees who have paid membership dues to the Ohio Association of Election officials in the years 2003, 2004, 2005, 2006, 2007, and 2008. Please also include the amount of those membership dues.

This request is severable to speed the processing of it.

Sincerely,

Paddy Shaffer  
Director, The Ohio Election Justice Campaign  
2408 Sonnington Drive  
Dublin, Ohio 43016  
[paddy@columbus.rr.com](mailto:paddy@columbus.rr.com)  
(614) 761-0621

Cc: Jon Craig – Cincinnati Enquirer  
Mark Niquette – Columbus Dispatch  
Mark Kovak – Vindy News  
Dan Stanton – OEJC  
Victoria Parks – OEJC  
Michael Collins - Scoop

**Paddy Shaffer**

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**From:** "Damschroder, Matthew M." <mmdamsch@vote.franklincountyohio.gov>  
**To:** <John.K.Tanner@usdoj.gov>  
**Sent:** Monday, May 08, 2006 11:18 AM  
**Subject:** Ohio Association of Election Officials Seeking DOJ speaker on ADA compliance

Mr. Tanner:

I am chair of our association's education committee and we are seeking to conduct a three hour seminar on accessibility requirements for voting/registration at our summer conference on 6/15 in Cleveland. We would be looking for an approximately 1 to 1 1/2 hour presentation from the DOJ. We hope to accompany the DOJ presentation with a local architect/design expert on easy/inexpensive ADA compliance solutions.

Whom should I contact about getting a DOJ speaker for our Association?

Thanks.

Matt Damschroder  
Franklin County Board of Elections  
Columbus, Ohio

6/29/2008

**Matt Damschroder, Director Franklin County Board of Elections  
President, Ohio Association of Election Officials  
280 East Broad Street  
Columbus, Ohio 43215**

**November 28, 2007**

**Dear Matt Damschroder,**

**As per ORC 149.43**

- 1. I request the documents providing the incoming and outgoing budget of the Franklin County Board of Elections for the following years, 2003, 2004, 2005, 2006, 2007.**
- 2. I request the documents providing the incoming and outgoing budget of the Ohio Association of Election Officials for the following years, 2003, 2004, 2005, 2006, 2007.**
- 3. I request the document or documents naming the Officers for the Ohio Association of Election Officials for every year since 2000.**

**Sincerely,**

**Paddy Shaffer  
Director, The Ohio Election Justice Campaign  
[paddy@columbus.rr.com](mailto:paddy@columbus.rr.com)  
(614) 761-0621**

**Cc: Sheri Myers  
Michael Collins  
Brad Friedman  
Bev Harris  
Jennifer Alexander**

## **The Ohio Election Justice Campaign**

Matt Damschroder, Director Franklin County Board of Elections  
President, Ohio Association of Election Officials  
280 East Broad Street  
Columbus, Ohio 43215

January 10, 2008

Dear Matt,

Thank you for this response. I hope you had a restful holiday.

I looked at the Ohio AG's "Open Sunshine Laws 2008: An Open Government Resource Manual," online at <http://www.ag.state.oh.us/legal/sunshine.asp>, and according to what it says on page 42 to 44, The Ohio Association of Election Officials would be a public office, so I'd appreciate receiving the records I requested below (the November 28, 2007 request).

I can pick them up this Friday, 1/11/08, along with the other records I've requested from you, if not earlier, since I've asked for them so long ago now.

Thanks for your assistance,

Paddy Shaffer  
Director, The Ohio Election Justice Campaign  
[paddy@columbus.rr.com](mailto:paddy@columbus.rr.com)  
(614) 761-0621

Cc: Mark Niquette  
Barbara Carman  
Victoria Parks  
Michael Collins  
Bev Harris  
Teresa Blakely  
Dan Stanton  
Jennifer Alexander  
The Honorable John Conyers

----- Original Message -----

**From:** Damschroder, Matthew M.

**To:** Paddy Shaffer

**Sent:** Thursday, November 29, 2007 8:43 AM

**Subject:** RE: Matt Damschroder, Public Record Request, 11-28, 07, Director Franklin County Board of Elections

If there is anything on the history of the OAEO, I don't have it. I do know that its been in existence for more than 30 years, because one of my predecessors told me that when he was Director back in the 1970's that he was also President of the OAEO. Sorry I couldn't be more help on this one.

Best,

md

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**From:** Paddy Shaffer [mailto:paddy@columbus.rr.com]  
**Sent:** Thu 11/29/2007 12:30 AM  
**To:** Damschroder, Matthew M.  
**Subject:** Re: Matt Damschroder, Public Record Request, 11-28, 07, Director Franklin County Board of Elections

Dear Matt,

Thanks for the information about the County Commissioners website, I'll take a look at that.

Is there a history written up on the OAEO or anything like that Matt that I can look at? What year did it start?

Any guidance you can give would be appreciated.

Thanks for your quick reply.

Paddy

----- Original Message -----

**From:** Damschroder, Matthew M.  
**To:** Paddy Shaffer  
**Sent:** Wednesday, November 28, 2007 5:59 PM  
**Subject:** RE: Matt Damschroder, Public Record Request, 11-28, 07, Director Franklin County Board of Elections

Paddy:

Budget information can be found on the County Commissioners website at <http://www.franklincountyohio.gov/commissioners/budget/>. If you require additional detail, you may want to contact the County Auditor.

The Ohio Association of Elections Officials is not a public office as defined by 149.43.

Thanks.

md

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**From:** Paddy Shaffer [mailto:paddy@columbus.rr.com]  
**Sent:** Wednesday, November 28, 2007 2:15 PM  
**To:** Damschroder, Matthew M.  
**Cc:** Sheri Myers; Michael Collins; Brad Friedman; Bev Harris; Jennifer Alexander  
**Subject:** Matt Damschroder, Public Record Request, 11-28, 07, Director Franklin County Board of Elections

Matt Damschroder, Director Franklin County Board of Elections

President, Ohio Association of Election Officials

280 East Broad Street

Columbus, Ohio 43215

November 28, 2007

Dear Matt Damschroder,

As per ORC 149.43

1. I request the documents providing the incoming and outgoing budget of the Franklin County Board of Elections for the following years, 2003, 2004, 2005, 2006, 2007.
2. I request the documents providing the incoming and outgoing budget of the Ohio Association of Election Officials for the following years, 2003, 2004, 2005, 2006, 2007.
3. I request the document or documents naming the Officers for the Ohio Association of Election Officials for every year since 2000.

Sincerely,

**Paddy Shaffer**

**Director, The Ohio Election Justice Campaign**  
**[paddy@columbus.rr.com](mailto:paddy@columbus.rr.com)**  
**(614) 761-0621**

**Cc: Sheri Myers**

**Michael Collins**

**Brad Friedman**

**Bev Harris**

**Jennifer Alexander**

For the following record request made on May 6, 2008 I have received only one item. That is the email correspondence from Mark Dann and Jessica Utovich. It has not yet been analyzed.

It is now July, and the many other things requested in this Freedom of Information Act have not been provided.

Paddy Shaffer

Two  
possible  
cover pages

For the following record request made on May 6, 2008 I have received only one item. That is the email correspondence from Mark Dann and Jessica Utovich. It has not yet been analyzed.

In regards to request #5, I have been given a report, titled "Memorandum", which is not the report that Lloyd Early represented to me that he was to write and provide to Associate Attorney General Chelsea Rice. I have since learned that her boss was Paul Scarsella, a former Delaware County Prosecutor. I was told that Scarsella was involved in the decision to not investigate all the election fraud issues that I had provided information about, and witnesses, and their phone numbers, and they had all been contacted and prepared to speak with Lloyd Early.

One troubling possibility here, is that with Scarsella being a former Delaware County Prosecutor, and one of our best citizen documented cases of violations of the law, and wild and crazy alibis is Delaware County. First Assistant County Prosecutor William Owen was very involved in this story. David Yost, the Delaware County Prosecutor took the case to block the recount to court, federal court. Did Scarsella and others interfere with the real investigation that it was portrayed to me was likely to happen? I have included employment records from Delaware County that I requested to demonstrate how I know Paul Scarsella worked in the office of David Yost, as a County Prosecutor.

It is now July, and the many other things requested in this Freedom of Information Act have not been provided.

Paddy Shaffer



**STATE OF OHIO**  
**OFFICE OF THE ATTORNEY GENERAL**  
**MARC DANN, ATTORNEY GENERAL**

Constitutional Offices Section  
30 E. Broad St., 17th Fl.  
Columbus, OH 43215-3428  
Telephone: (614) 466-2872  
Facsimile: (614) 728-7592  
[www.ag.state.oh.us](http://www.ag.state.oh.us)

May 6, 2008

Paddy Shaffer, Director  
The Ohio Election Justice Campaign  
2408 Sonnington Drive  
Dublin, OH 43016

RE: Public Records Request  
Case no: 08-134

Dear Paddy:

On behalf of Attorney General Marc Dann, I'm writing to let you know that the Attorney General's Public Records Unit has received your public records request dated May 5, 2008. Please refer to your enclosed correspondence containing the complete public records request.

We are in the process of gathering and reviewing any documents relative to this request. We will provide you with copies of records responsive to your request, if any, within a reasonable period of time.

Sincerely,

MARC DANN  
Attorney General  
*Jeff Clark*/pd  
JEFF CLARK  
Assistant Attorney General  
Constitutional Offices Section  
(614) 466-2872

08-134

**Patricia Doyle**

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**From:** Paddy Shaffer [paddy@columbus.rr.com]  
**Sent:** Monday, May 05, 2008 3:05 PM  
**To:** Jeffery William Clark  
**Cc:** Patricia Doyle; Victoria Parks; Dan Stanton  
**Subject:** AG Public Record Request 5-5-08 (part 1) The Ohio Election Justice Campaign  
**Attachments:** Attorney General Record Request 5-5-08 part 1 JU, MD, CG, MD.doc

## *The Ohio Election Justice Campaign*

Jeff Clark  
Assistant Attorney General  
30 E. Broad Street  
Columbus, Ohio 43215  
(614) 466-2872

May 5, 2008

Dear Jeff Clark,

The Ohio Election Justice Campaign uses the acronym OEJC. As per our conversation this morning regarding the actual correct spelling of my name, and the many different ways that the staff at BCI and at the AG office have spelled it, please search for these records with all of the following spellings, and if you find it spelled yet other ways, please include those also. Patti, Patty, Paddy, and Patricia for the first name. Shaffer, Schaffer, Schaeffer, and Shaeffer for the last name. The correct spelling is Paddy Shaffer (for the record).

This request is severable. As per ORC 149.43 I request the following records:

1. All email, text messages, notes, and other written correspondence, Blackberry messages, voice mail, and notes between Ohio Attorney General Marc Dann and his former scheduler Jessica Utovich regarding Paddy Shaffer, regarding The Ohio Election Justice Campaign (OEJC) and/or members of the OEJC, regarding the meeting I requested with Dann in 2007, regarding the meeting that I and other members of the OEJC had with Michael Deemer in December 2007, and regarding the follow up meeting we were promised and have attempted to have with Michael Deemer and Christopher Geidner.
2. All email, text messages, notes, and other written correspondence, Blackberry messages, and voice mail between Ohio Attorney General Marc Dann and any and all members of the Attorney Generals office regarding the following items: Paddy Shaffer, The OEJC and/or members of the OEJC, the meeting I requested with him in 2007, regarding the meeting that I and other members of the OEJC had with Michael Deemer and Beth Finnerty, and the follow up meeting we were promised and have attempted to have with Michael Deemer and Christopher Geidner. This includes but is not limited to correspondence with Thomas Winters, Edgar Simpson, Leo Jennings, Merle Pratt, Colleen Brown, Michael Deemer, Chelsea Rice, Damian Sikora, Richard Coglianesi, Lloyd Early, Paul Scarsella, Brian Laliberte, and Kent Shimeall
3. All email, notes, other written correspondence, blackberry, and voice mail, between Michael Deemer, Christopher Geidner and any and all AG staff regarding the request to meet on

5/6/2008

November 2, 2007, and regarding the actual interaction with OEJC members and Paddy Shaffer on November 2, 2007 during our memorial “ three year anniversary of the theft of the 2004 election” event, and correspondence about that day and event written prior to, the day of, or after that event.

4. All email and other written correspondence, blackberry, voice mail, and notes between Michael Deemer, Christopher Geidner, and Beth Finnerty (a AG staff member) and other members of the Attorney General’s staff regarding the December meeting with the OEJC and our multiple follow up requests for the promised follow up meeting.
5. I request the report that Lloyd Early told me he would write in the summer of 2007 regarding 2004 and other election fraud information that he called me and requested I tell him about. I was told that it would go to the legal department at the Bureau of Criminal Identification (BCI) and to Associate Attorney General Chelsea Rice. This is not the Memorandum he wrote dated July 23, 2007.
6. I request all the written correspondence, notes, emails, blackberry messages, voice mail messages, and/or reports that the Attorney General or BCI legal departments, Paul Scarsella and/or Chelsea Rice wrote in response to the report that Lloyd Early wrote about the information I provided for his request to learn what I knew about Ohio election fraud.
7. (12) I request copies of all email, notes, or other written correspondence, blackberry messages, and voice mails between Associate Attorney General Chelsea Rice and BCI and AG employee Lloyd Early with Ohio Secretary of State Jennifer Brunner, and SOS employees Chris Nance and Kelly Pinkleton in regards to Paddy Shaffer, The OEJC, and members of the OEJC regarding the requests to meet with Marc Dann and Jennifer Brunner, requests to meet with other staff of the AG or SOS offices, the election fraud information that Paddy Shaffer provided to Lloyd Early, and the subsequent interactions of these two state offices in dealing with the 2004 and subsequent election fraud issues that Shaffer and other members of the OEJC have raised.
8. I request all correspondence between Marc Dann, Jessica Utovich, Michael Deemer, Christopher Geidner, and Beth Finnerty regarding Dan Stanton and Victoria Parks attempts to schedule a follow up meeting with members of the OEJC after our December 2007 meeting.

With all the information I have requested, I would like to come and view it at the office of the Attorney General, and to have someone there to discuss it with.

Thank you for your assistance,

Paddy Shaffer  
Director, The Ohio Election Justice Campaign  
2408 Sonnington Drive  
Dublin, Ohio 43016  
(614) 761-0621  
(614) 266-5283  
[paddy@columbus.rr.com](mailto:paddy@columbus.rr.com)

CC: Patty Doyle, AG paralegal  
Victoria Parks, OEJC  
Dan Stanton, OEJC

Ohio Auditor of State,  
88 E. Broad Street, 4<sup>th</sup> floor  
Columbus, Ohio 43215  
Mary Taylor, Ohio Auditor of State  
Steve Faulkner, Deputy Press Secretary

August 14, 2007  
Public Record Request #2

Dear Mary Taylor and Steve Faulkner,

Pursuant to ORC 149.43 I seek to have the following public records. Please send in electronic format, via email the following records. If that is not possible, mail paper copies please.

1. Please send me copies of the court orders filed by Judge Marbley on September 11, 2006, Directives sent out by the office of former Ohio Secretary of State, J. Kenneth Blackwell, or Directives sent out by current Ohio Secretary of State, Jennifer Brunner, or any member of their staff that your office has received regarding the 2004 election records that Judge Marbley ordered to be safeguarded. This would include the time period from November 2, 2004 through today. What I am seeking is anything that would let your office know to help preserve and to deny county Boards of Elections the ability to destroy these records.
2. Please send any and all email, fax, or US Postal correspondence regarding the November 2, 2004 election records where any Board of Election, or Board Member of any Board of Elections, from any of Ohio's 88 counties have asked for advice on preservation or destruction of those 2004 records. Please include any notes taken on phone calls on this item also. I request all records on this subject.
3. How many of the 88 Ohio counties have a functioning County Records Commission? Does anyone oversee them?

Thank you for your assistance.

Sincerely,

Paddy Shaffer  
Free Press  
2408 Sonnington Drive  
Dublin, Ohio 43016  
[paddy@columbus.rr.com](mailto:paddy@columbus.rr.com)  
(614) 761-0621

Cc: Jennifer Brunner, Ohio Secretary of State  
Chris Nance, Assistant Secretary of State  
Mark Dann, Ohio Attorney General

Ohio Auditor of State,  
88 E. Broad Street, 4<sup>th</sup> floor  
Columbus, Ohio 43215  
Mary Taylor, Ohio Auditor of State  
Steve Faulkner, Deputy Press Secretary  
(614) 644-1111

August 14, 2007  
Record Request #1

Dear Mary Taylor and Steve Faulkner,

Pursuant to ORC 149.43 I seek to have the following public records. Please send in electronic format, via email the following records. If that is not possible, mail paper copies please.

1. I request a copy of what you provide to the person or persons in the Ohio Auditors Office about what they must watch for and safeguard in the way of important, or protected Ohio records, so that they know what to watch out for. This would include anyone who reviews and stamps the RC-3 forms, which are the "Certificate of Records Disposal" forms that county agencies must fill out prior to record destruction. So I need to see anything for any county agency that might be on such a watch list since November 2004. What is the list called? Is there anything on it about the November 2004, General Election records that Judge Algenon Marbley ordered safeguarded?
2. Who is in charge of this approval process for the destruction of records, is it Marty Meeks? Please list the names of whoever else looks over these records, and gives approval.
3. Who stamped the Clermont County RC-3 form with the stamp dated 7/13/07 which in the seventh item listed, asks to destroy the "Signature Poll Books and Tally Sheets"? The dates of records they are requesting to destroy, run from 8/8/2000 – 5/8/2005.
4. Why have so many County Boards of Elections never filed an RC-3 form?

Thank you for your assistance.

Sincerely,

Paddy Shaffer  
Free Press  
2408 Sonnington Drive  
Dublin, Ohio 43016  
[paddy@columbus.rr.com](mailto:paddy@columbus.rr.com)  
(614) 761-0621

Cc: Jennifer Brunner, Ohio Secretary of State  
Chris Nance, Assistant Secretary of State  
Mark Dann, Ohio Attorney General

DELAWARE – Response from BOE and Prosecutor Record Request  
received 4-24-2007

Below are the questions I asked for record requests from Delaware County's BOE and Prosecutor William Owen on April 4, 2007 via email. Following each question, numbered and in bold type is the response I received from Delaware First Assistant Prosecutor William Owen on April 24, 2007, via postal mail.

- ❖ December 3, 2004, to fight for the Delaware County Board of Elections to not recount the Presidential Election of 2004? In May of 2006 William Owen stated in a board meeting that all (the men) were County Prosecutors.

**1. There are no documents identified regarding the Federal District Court proceedings other than those which are of record with the Federal District Court Clerk relevant to your question(s) in item one.**

- ❖ What are the names of the County Prosecutors that were involved in the same case when it was to go before Judge W. Duncan Whitney?

**2. There are no documents identified regarding the proceedings before Judge W. Duncan Whitney other than those which are of record with the Delaware County Clerk of Courts relevant to your question(s) in item two.**

- ❖ Whose decision was it to get the temporary injunction to stop the recount, and then seek to make it permanent?

**3. There are no documents identified relevant to your question(s) in item three.**

- ❖ What was the cost to the County Prosecutors office, and the taxpayers in time, money, rescheduled court cases, etc. for all these prosecutors to stop their regular work, and do this recount case? What was the cost to the police and sheriff's departments to reschedule? Unfortunately, there is no way to determine the cost to the public whose cases were rescheduled.

**4. There are no documents relevant to your questions in item four.**

- ❖ Were any other people, including but not limited to government employees, elected officials, attorneys, or any prosecutors from other counties or states involved in the planning or the legal battle to block the 2004 election recount?

**5. There are no documents relevant to your question(s) in item five.**

- ❖ I request to know the cost to the County of Delaware for Prosecutor Chris Betts to be at the Delaware County Board of Elections for the day of the 2004 recount.
- 6. There are no documents relevant to your question(s) in item six.**
- ❖ I request to know the cost to have ES&S technician Sam Hogsett at the Board of Elections on the day of the recount.
- 7. There is one document relevant to your question(s) in item seven. (Attached)**
- ❖ I request to know the name of the man that the Board of Elections employed on the night of the 2004 General Election who Kim Spangler said he scraped the chads off all the punch card ballots. What was he paid?
- 8. There are no documents relevant to your question(s) in item eight.**
- ❖ I request to know have all documentation relating to the tabulators or voting machines and any assistance, any cost, or any volunteered services from August 1, 2004 to January 1, 2005. Please state in writing, whether or not the central tabulators were ever, or are now, hooked up to an outside source. If so, where and when?
- 9. Documents relevant to your inquiry in item nine are provided herewith.**

The below section in a different type face is part of a record request submitted by Dr. Richard Hayes Phillips and myself on March 27, 2006 to the Delaware Board of Election, and later sent to William Owen. It includes just some of the multiple items that we never received records on. Some of these are now included in this letter. When I requested the official precinct canvas election results last fall, they were signed. When Richard requested them in the summer of 2005, they were unsigned. I therefore need information on this.

- ❖ I request to know if the board members of the Board of Elections decided to sign the official precinct canvas election results on their own (I had asked board member John Myers about it), at the suggestion of the Deputy Director or Director of the Board of Elections, or at the recommendation of the Delaware County Prosecutors office. If the prosecutors were involved in this decision, who was involved in making that decision, and providing it to the board members.
- 10. There are no documents relevant to your inquiry in item ten.**
- ❖ I request to know if the board members of the Board of Elections decided to sign them on their own, at the suggestion of the Deputy Director or Director of the Board of Elections, or at the recommendation of the Delaware County Prosecutors

office. If the prosecutors were involved in this decision, who was involved in making that decision, and providing it to the board members.

**(there was no number and no direct response was given)**

The next paragraph began with,

**You have made additional inquiries that do not relate to documents in existence known to constitute a public record.**

Ohio Secretary of State  
Brian Green, Elections Counsel  
180 East Broad Street, 15th Floor  
Columbus, Ohio 43215  
614.995.4541

Re: Public Record Request

September 4, 2007

Dear Brian,

In the letter of explanation dated April 25, 2007 regarding the missing 2004 election records from Hancock County, they state, "We received verbal direction by administration under the former Secretary of State's office that unused and soiled ballots did not have to be retained and these items were destroyed."

I request as per ORC 149.43 to have the name or names of that person or persons responsible for that direction that Hancock County says the Ohio Secretary of State's office gave them. I request to know the date, and any other records you have about any other counties given the same advice. Who made the decision to give this advice? By what means did it go out? Via phone, email, fax, or some other way?

Thank You,

Paddy Shaffer  
Director, Artists Creating Justice  
Founder, Ohio Election Justice Campaign  
2408 Sonnington Drive  
Dublin, Ohio 43016  
[paddy@columbus.rr.com](mailto:paddy@columbus.rr.com)  
(614) 761-0621

Cc: David Cobb, former Candidate Green Party for US President,  
Conducted 2004 Recount  
Blair Bobier Esq. Media Director Green Party Recount  
Dr. Richard Hayes Phillips  
Paul Harmon Esq.  
Bev Harris, Blackbox Voting

Steven Harsman  
Director, Montgomery County Board of Elections  
Betty Smith, Deputy Director  
451 W. Third Street  
P.O. Box 8705  
Dayton, Ohio 45481-8705  
(937) 225-5656  
(937) 496-7798 fax  
[mcboe@mcOhio.org](mailto:mcboe@mcOhio.org)

January 28, 2008

Dear Steven Harsman and Betty Smith,

As per ORC 149.43

I request all correspondence between yourselves and any and all employees of the Montgomery County Board of Elections with Aaron Ockerman for the years 2004, 2005, 2006, 2007, and 2008 current to the day this request is processed.

I also would like to know the status of the public record request that Marian Lupo and I made while personally in your office, for electronic copies of the minutes of the meeting for the Montgomery County Board of Elections.

Please send these via electronic format or via US Post. Thank you for your assistance.

Sincerely,

Paddy Shaffer  
Director, The Ohio Election Justice Campaign  
2408 Sonnington Drive  
Dublin, Ohio 43016  
[paddy@columbus.rr.com](mailto:paddy@columbus.rr.com)  
(614) 761-0621

Cc: Marian Lupo  
Victoria Parks  
Jennifer Alexander  
Dan Stanton  
Jon Craig – Cincinnati Enquirer  
Michael Collins - Scoop

*Partially  
Filed  
Record  
Request*

Matt Damschroder, Director Franklin County Board of Elections  
President, Ohio Association of Election Officials  
280 East Broad Street  
Columbus, Ohio 43215

January 9, 2008

Dear Matt Damschroder,

The 140.43 below that you refer to below, is this the Ohio Revised Code?  
Do you pay dues to The Ohio Association of Election Officials from the Franklin County BOE budget?

As per ORC 149.43 I request the following public records:

I request copies of the documents from your budget that show any fees the Franklin County Board of Elections has paid for membership to any organization for the years 2000, 2001, 2002, 2003, 2004, 2005, 2006, and 2007.

I request from your budget information copies of the documents and/or invoices for all travel expenses incurred by the Franklin County BOE including but not limited to hotel, fuel, and meals for the years 2003, 2004, 2005, 2006, 2007.

I request the names of the current, past, and future officers for The Ohio Association of Election Officials from 2000 until next the end of this month. If you cannot provide this, and you are the current President, please explain why.

All correspondence with OEAO related to your work as Director of the Board of Elections.

Please send these via electronic format or via US Post. Thank you for your assistance.

----- Original Message -----

**From:** Damschroder, Matthew M.

**To:** Paddy Shaffer

**Sent:** Wednesday, November 28, 2007 5:59 PM

**Subject:** RE: Matt Damschroder, Public Record Request, 11-28, 07, Director Franklin County Board of Elections

Paddy:

Budget information can be found on the County Commissioners website at <http://www.franklincountyohio.gov/commissioners/budget/>. If you require additional detail, you may want to contact the County Auditor.

The Ohio Association of Elections Officials is not a public office as defined by 149.43.

Thanks.

md

---

**From:** Paddy Shaffer [mailto:paddy@columbus.rr.com]  
**Sent:** Wednesday, November 28, 2007 2:15 PM  
**To:** Damschroder, Matthew M.  
**Cc:** Sheri Myers; Michael Collins; Brad Friedman; Bev Harris; Jennifer Alexander  
**Subject:** Matt Damschroder, Public Record Request, 11-28, 07, Director Franklin County Board of Elections

**Matt Damschroder, Director Franklin County Board of Elections**  
President, Ohio Association of Election Officials  
280 East Broad Street  
Columbus, Ohio 43215

November 28, 2007

Dear Matt Damschroder,

As per ORC 149.43

1. I request the documents providing the incoming and outgoing budget of the Franklin County Board of Elections for the following years, 2003, 2004, 2005, 2006, 2007.
2. I request the documents providing the incoming and outgoing budget of the Ohio Association of Election Officials for the following years, 2003, 2004, 2005, 2006, 2007.
3. I request the document or documents naming the Officers for the Ohio Association of Election Officials for every year since 2000.

Sincerely,

**Paddy Shaffer**  
Director, The Ohio Election Justice Campaign  
[paddy@columbus.rr.com](mailto:paddy@columbus.rr.com)  
(614) 761-0621

Cc: Sheri Myers  
**Michael Collins**  
Brad Friedman  
**Bev Harris**  
Jennifer Alexander

**Matt Damschroder**  
Director, Franklin County Board of Elections

December 3, 2007

Dear Matt,

I request as per ORC 149.43 the documents and invoices that contain the names of all technicians, and the names of their companies, which have been employed to work on the voting machines for Franklin County. This would include the actual voting machines and the voter registration system.

Thank you for your assistance.

Sincerely,

**Paddy Shaffer**  
[paddy@columbus.rr.com](mailto:paddy@columbus.rr.com)  
(614) 761-0621

**Cc: Jennifer Alexander**  
**Adele Eisner**  
**Bev Harris**  
**Dan Stanton**  
**Mark Crispin Miller**  
**Victoria Parks**

## *The Ohio Election Justice Campaign*

Lorain County Board of Elections  
1985 North Ridge Rd., East  
Lorain, Ohio 44055  
(440) 326-5900  
Jose A. Candelario Director  
Marilyn A. Jacobcik Deputy Director  
[lorain@sos.state.oh.us](mailto:lorain@sos.state.oh.us)

Dennis P. Will  
Lorain County Prosecuting Attorney  
225 Court Street, 3<sup>rd</sup> Floor  
Elyria, OH 44035  
[lcp@lcprosecutor.org](mailto:lcp@lcprosecutor.org)  
(440) 329-5389

July 5, 2008

Dear Jose A. Candelario, Marilyn A. Jacobcik, and Dennis P. Will,

I again write the Lorain County Board of Elections today to request “public” records as per the Ohio Revised Code laws on access to public records, The Sunshine Laws, also known as ORC 149.43. I have included below the original request. I have resubmitted this in writing since that day, and so this will be the third time the request has been submitted in writing.

On October 15, 2007 I called your office and spoke to Director Jose Candelario. It was then 69 days since the first request was made. Jose seemed unaware of the request, said he would research this, and call me back. He was unable to say why the request mailed out on Aug. 8, 2007 was not filled. Jose has not returned that call, and I have not received any written response.

It is now July 5, 2008, almost a year since I made this request on August 8, 2007. This is not a prompt response, nor a reasonable amount of time. I hope to hear from you soon.

---

The original letter:

Lorain County Board of Elections  
1985 North Ridge Rd., East  
Lorain, Ohio 44055  
(440) 326-5900  
Jose A. Candelario Director  
Marilyn A. Jacobcik Deputy Director

August 8, 2007

Dear Jose A. Candelario and Marilyn A. Jacobcik,

Pursuant to Ohio Revised Code 149.43 and the Ohio Public Records Laws, I request from the Lorain County Board of Elections all email and other correspondence that you have sent out, or received regarding the below email from Jacqueline Neuhart of Guernsey County. This includes anything from members of your board also, Robert G. Rousseau, Thomas J. Smith, Helen W. Hurst, and Anthony B. Giardini.

----- Original Message -----

**From:** Lorain Co. Board of Elections  
**To:** Guernsey County BOE ; All Counties  
**Sent:** Monday, August 07, 2006 10:30 AM  
**Subject:** Re: save the ballots

Someone should tell them to give it up. The election is over. They lost.

----- Original Message -----

**From:** Guernsey County BOE  
**To:** All Counties  
**Sent:** Monday, August 07, 2006 10:03 AM  
**Subject:** save the ballots

Good morning, everyone. Has anyone else heard about this? I wonder how far it will go.

Jacqueline

<http://savetheballots.org/>

I request a letter stating why you have not turned over to Ohio Secretary of State, Jennifer Brunner and David Farrell, Director of Elections, a letter of explanation for not providing the 2004 records that Judge Algenon Marbley ordered you to turn over.

I request a letter stating why you have not turned over the records that Judge Algenon Marbley ordered you to provide to Ohio Secretary of State, Jennifer Brunner.

I request that you confirm the status of your poll books and signature books. Do you have them? For any 2004 election records that are missing, provide a copy of your RC-3 form, your Certificate of Records Disposal. Was it approved?

Please send these by electronic format via email, or US Post.

Sincerely,

Paddy Shaffer  
Director, The Ohio Election Justice Campaign  
2408 Sonnington Drive  
Dublin, Ohio 43016  
(614) 266-5283  
[paddy@columbus.rr.com](mailto:paddy@columbus.rr.com)

Cc: Jennifer Brunner, Ohio Secretary of State  
Victoria Parks, OEJC  
Tim Kettler, OEJC, Candidate Ohio State Senate  
Bev Harris, Blackbox Voting

Lorain County Board of Elections  
1985 North Ridge Rd., East  
Lorain, Ohio 44055  
(440) 326-5900  
Jose A. Candelario Director  
Marilyn A. Jacobcik Deputy Director

August 8, 2007

Dear Jose A. Candelario and Marilyn A. Jacobcik,

Pursuant to Ohio Revised Code 149.43 and the Ohio Public Records Laws, I request from the Lorain County Board of Elections all email and other correspondence that you have sent out, or received regarding the below email from Jacqueline Neuhart of Guernsey County. This includes anything from members of your board also, Robert G. Rousseau, Thomas J. Smith, Helen W. Hurst, and Anthony B. Giardini.

----- Original Message -----

**From:** Lorain Co. Board of Elections  
**To:** Guernsey County BOE ; All Counties  
**Sent:** Monday, August 07, 2006 10:30 AM  
**Subject:** Re: save the ballots

Someone should tell them to give it up. The election is over. They lost.

----- Original Message -----

**From:** Guernsey County BOE  
**To:** All Counties  
**Sent:** Monday, August 07, 2006 10:03 AM  
**Subject:** save the ballots

Good morning, everyone. Has anyone else heard about this? I wonder how far it will go.

Jacqueline

<http://savetheballots.org/>

I request a letter stating why you have not turned over to Ohio Secretary of State, Jennifer Brunner and David Farrell, Director of Elections, a letter of explanation for not providing the 2004 records that Judge Algenon Marbley ordered you to turn over.

I request a letter stating why you have not turned over the records that Judge Algenon Marbley ordered you to provide to Ohio Secretary of State, Jennifer Brunner.

I request that you confirm the status of your poll books and signature books. Do you have them? For any 2004 election records that are missing, provide a copy of your RC-3 form, your Certificate of Records Disposal. Was it approved?

Please send these by electronic format via email, or US Post.

Sincerely,

Paddy Shaffer  
Free Press Writer  
2408 Sonnington Drive  
Dublin, Ohio 43016  
(614) 761-0621  
[paddy@columbus.rr.com](mailto:paddy@columbus.rr.com)

Cc: Jennifer Brunner, Ohio Secretary of State  
David Farrell, Director of Elections

# **The Ohio Election Justice Campaign**

*Rachel A. Hutzl*  
*Warren County Prosecutor*  
500 Justice Drive  
Lebanon, Ohio 45036  
(513) 695-1325  
(513) 695-2962 fax  
[hutzra@co.warren.oh.us](mailto:hutzra@co.warren.oh.us)

*December 21, 2007*

*Dear Rachel A. Hutzl,*

*As a concerned citizen, and the Founder and Director of The Ohio Election Justice Campaign, I write to you now to inquire about the status of an investigation into what is known around the world as the "Warren County Homeland Security Lockdown" of the Warren County Board of Elections on November 2, 2004.*

*As a representative of The Ohio Election Justice Campaign, a national group, we request to know the present status of a legal investigation by the Warren County Prosecutors office. We would like to make arrangements to review those records. If an investigation has not yet occurred, we would expect that one begin immediately.*

*The Ohio Election Justice Campaign looks forward to hearing from you to gain an understanding on what happened.*

*Sincerely,*



*Paddy Shaffer*  
*Director, The Ohio Election Justice Campaign*  
[paddy@columbus.rr.com](mailto:paddy@columbus.rr.com)  
(614) 761-0621

*Cc: Michael Deemer, Chief Deputy Attorney General for Government Affairs*  
*Victoria Parks*  
*Dan Stanton*  
*Jennifer Alexander*  
*Brad Friedman*  
*Mary Ann Gould*  
*Tim Kettler*

**Paddy Shaffer**

---

**From:** "Paddy Shaffer" <paddy@columbus.rr.com>  
**To:** "Hutzel, Rachel" <Rachel.Hutzel@co.warren.oh.us>  
**Cc:** <mdeemer@ag.state.oh.us>; "Craig, Jon" <jcraig@CINCINNA.GANNETT.COM>; "Victoria Parks" <parsons@columbus.rr.com>; "Dan Stanton" <soccercma@yahoo.com>; "Jennifer Alexander" <Jenbethalex1@aol.com>; "Brad Friedman" <Brad.Friedman@cville.com>; "Mary Ann Gould" <gouldco@attg.net>; "Tim Kettler" <TmKettler@aol.com>; "Paul Harmon" <harmonatty@alltel.net>; <sherole@yahoo.com>; "Paddy Shaffer" <paddy@columbus.rr.com>  
**Sent:** Friday, December 21, 2007 11:45 PM  
**Subject:** Reply to Prosecutor- : Warren County Prosecutor - Nov. 2, 2004 Homeland Security Lockdown - sent 12-21-07

***The Ohio Election Justice Campaign***

Rachel Hutzel, Warren County Prosecutor  
500 Justice Drive  
Lebanon, Ohio 45036  
(513) 695-1325  
(513) 695-2962 fax  
hutzra@co.warren.oh.us

December 21, 2007

Dear Rachel Hutzel,

Thank you for your quick response to my questions about the Warren County Lockdown.

You wrote,

**"Is there a crime that you think was committed, and if so, who do you think committed it?"**

As you are the County Prosecutor, it is my understanding that would be your job to figure out.

Some things people all over the world wonder.

Was it one person, was it many people, was it state laws broken, federal laws broken, or both? What about the laws regarding "Troops at Polls"? How many laws were broken? How many Warren County agencies were involved. Who involved them? How many children were there? Is this child abuse? What are the crimes called? What would the punishment be? How much are the fines? How does something like this happen? Has it happened before in your county? There are just so many things to be looked at, we hope to see due diligence from your office.

The Ohio Election Justice Campaign requests to know if there has been an investigation into the Homeland Security Lockdown that happened at the Warren County Board of Elections on November 2, 2004, which as we understand it, this would be in your jurisdiction to investigate.

It is important to look at the past to gain an understanding on what happened, so that a message is clearly sent that the same thing must not occur again in 2008.

If laws were broken, we need to remember the Rule of Law in Ohio must be enforced. Have you investigated this November 2, 2004 situation, if so when, and what was the conclusion? I would like to make arrangements to review any records that exist in this regard.

Here is a link from today's Enquirer about the famous Warren County Homeland Security Lockdown.

<http://frontier.cincinnati.com/blogs/gov/2007/12/brown-complaints-issued-about-warren.asp>

12/21/2007

I look forward to gaining a thorough understanding of the situation with your help.

Sincerely,

**Paddy Shaffer**  
Director, The Ohio Election Justice Campaign  
paddy@columbus.rr.com  
(614) 761-0621

**Cc: Michael Deemer, Chief Deputy Attorney General for Government Affairs**  
Jon Craig, Cincinnati Enquirer  
Victoria Parks  
Dan Stanton  
Jennifer Alexander  
Brad Friedman - bradblog  
Mary Ann Gould - Voice of the Voters  
Tim Kettler  
Paul Harmon J.D.  
Sherole Eaton

----- Original Message -----

**From:** Hutzel, Rachel  
**To:** paddy@columbus.rr.com  
**Cc:** McGary, Bruce ; Anderson, Keith  
**Sent:** Friday, December 21, 2007 4:54 PM  
**Subject:** Re: Warren County Prosecutor - Nov. 2, 2004 Homeland Security Lockdown - sent 12-21-07

Is there a crime that you think was committed, and if so, who do you think committed it?

----- Original Message -----

**From:** Paddy Shaffer <paddy@columbus.rr.com>  
**To:** Hutzel, Rachel  
**Cc:** mdeemer@ag.state.oh.us <mdeemer@ag.state.oh.us>; Victoria Parks <parksongs@columbus.rr.com>; Dan Stanton <soccercrna@yahoo.com>; Jennifer Alexander <jenbethalex1@aol.com>; Brad Friedman <Brad.Friedman@cville.com>; Mary Ann Gould <gouldco@attg.net>; Tim Kettler <TmKettler@aol.com>; Paddy Shaffer <paddy@columbus.rr.com>  
**Sent:** Fri Dec 21 13:45:31 2007  
**Subject:** Warren County Prosecutor - Nov. 2, 2004 Homeland Security Lockdown - sent 12-21-07

This is the second sending of this letter. The first one had an error in the address for Prosecutor Rachel Hutzel. It is my hope, that this one works.

The Ohio Election Justice Campaign

Rachel A. Hutzel

12/21/2007

Warren County Prosecutor

500 Justice Drive

Lebanon, Ohio 45036

(513) 695-1325

(513) 695-2962 fax

[hutzra@co.warren.oh.us](mailto:hutzra@co.warren.oh.us) <<mailto:hutzra@co.warren.oh.us>>

December 21, 2007

Dear Rachel A. Hutzel,

**As a concerned citizen, and the Founder and Director of The Ohio Election Justice Campaign, I write to you now to inquire about the status of an investigation into what is known around the world as the "Warren County Homeland Security Lockdown" of the Warren County Board of Elections on November 2, 2004.**

**As a representative of The Ohio Election Justice Campaign, a national group, we request to know the present status of a legal investigation by the Warren County Prosecutor's office. We would like to make arrangements to review those records. If an investigation has not yet occurred, we would expect that one begin immediately.**

**The Ohio Election Justice Campaign looks forward to hearing from you to gain an understanding on what happened.**

Sincerely,

Paddy Shaffer

Director, The Ohio Election Justice Campaign

[paddy@columbus.rr.com](mailto:paddy@columbus.rr.com) <<mailto:paddy@columbus.rr.com>>

(614) 761-0621

**Cc: Michael Deemer, Chief Deputy Attorney General for Government Affairs**

Victoria Parks

Dan Stanton

12/21/2007

**Jennifer Alexander**

**Brad Friedman**

**Mary Ann Gould**

**Tim Kettler**

Tracy Smith  
Director, Greene County Board of Elections  
Llyn McCoy, Deputy Director  
651 Dayton-Xenia Road  
Xenia, Ohio 45385  
[tsmith@co.greene.oh.us](mailto:tsmith@co.greene.oh.us)  
[lmccoy@co.greene.oh.us](mailto:lmccoy@co.greene.oh.us)

December 27, 2007

Dear Tracy Smith,

As per ORC 149.43

I request copies of the documents from your budget that show any fees the Greene County Board of Elections has paid for membership to any organization for the years 2000, 2001, 2002, 2003, 2004, 2005, 2006, and 2007.

I request from your budget information copies of the documents and/or invoices for all travel expenses incurred by the Greene County BOE including but not limited to hotel, fuel, and meals for the years 2003, 2004, 2005, 2006, 2007.

Please send these via electronic format or via US Post. Thank you for your assistance.

Sincerely,

Paddy Shaffer  
Director, The Ohio Election Justice Campaign  
2408 Sonnington Drive  
Dublin, Ohio 43016  
[paddy@columbus.rr.com](mailto:paddy@columbus.rr.com)  
(614) 761-0621

Cc: Victoria Parks  
Jennifer Alexander  
Dan Stanton

May 6, 2008

**The Ohio Election Justice Campaign**

Traci Beck  
Project Coordinator  
Delaware County Prosecuting Attorney's Office  
140 N. Sandusky St., 3<sup>rd</sup> Floor  
Delaware, OH 43015  
(740) 833-2755  
(740) 833-2689 (fax)

Dear Traci Beck,

As per ORC 149.43 I request the following records from the office of the Delaware County Prosecutor

1. I request copies of all email, notes, Blackberry messages, voice messages, and other written correspondence from and between David Yost, Chris Betts, William Owen, Paul Scarsella, other employees of the Delaware County Prosecutors office regarding Paddy Shaffer and Richard Hayes Phillips in the months of March, April, May, June, July, and August of the year 2006.
2. I request copies of all email, notes, Blackberry messages, voice messages, and other written correspondence from and between David Yost, Chris Betts, William Owen, Paul Scarsella, other employees of the Delaware County Prosecutors office in communication with any and all employees of the office of the Ohio Secretary of State regarding Paddy Shaffer and Richard Hayes Phillips in the months of March, April, May, June, July, and August of the year 2006.
3. I request copies of all email, notes, Blackberry messages, voice messages, and other written correspondence from and between David Yost, Chris Betts, William Owen, Paul Scarsella, other employees of the Delaware County Prosecutors office in communication with any and all employees of the office of the Delaware County Board of Elections regarding Paddy Shaffer, Richard Hayes Phillips on the subject of our record requests and other interactions with the Delaware County Board of Elections in the months of March, April, May, June, July, and August of the year 2006.
4. I request copies of all email, notes, Blackberry messages, voice messages, and other written correspondence from and between David Yost, Chris Betts, William Owen, and any and all employes of the Delaware County Prosecutors office with the offices of the Ohio Secretary of State and the Ohio Attorney General in regards to William Owen being utilized as a hearing officer for the case between Ohio Secretary of State Jennifer Brunner and Bob Bennett of the Cuyahoga County Board of Elections in 2007. This would include the lead up to the case being heard, around the time of the scheduled case, and the time period after,

when the case was solved by other means. This is to include, but not limited to correspondence with Attorney General Marc Dann and staffers Paul Scarsella, Damian Sikora, Thomas Winters, Michael Deemer, Kent Shimeall, Richard Coglianese, and Brian Laliberte on this topic.

Please send this in electronic format. Thank you for your assistance.

Sincerely,

Paddy Shaffer  
Director, The Ohio Election Justice Campaign  
2408 Sonnington Drive  
Dublin, Ohio 43016  
[paddy@columbus.rr.com](mailto:paddy@columbus.rr.com)  
(614) 761-0621  
(614) 266-5283

CC: Richard Hayes Phillips Ph.D.  
Victoria Parks, OEJC  
Dan Stanton, OEJC  
Dana Wilson, Dispatch  
Jon Craig, Cincinnati Enquirer  
Bev Harris, Blackbox Voting

## **The Ohio Election Justice Campaign**

Betty L. McGary,  
Director Butler County Board of Elections  
Lynn Edward Kinkaid, Deputy Director  
315 High Street, Suite 1050  
Hamilton, Ohio 45011-6056  
[butler@sos.state.oh.us](mailto:butler@sos.state.oh.us)

December 19, 2007

Dear Betty McGary and Lynn Edward,

This is a request for Public Records as per ORC 149.43.

I request all correspondence between your office and the office of the Ohio Secretary of State for August 2006 through November 2006.

I request all correspondence between your office and Aaron Ockerman for June 2006 through December 2007.

Please send this electronically or via US Post.

Thank you for your assistance.

Sincerely,

Paddy Shaffer  
Director, The Ohio Election Justice Campaign  
[paddy@columbus.rr.com](mailto:paddy@columbus.rr.com)  
(614) 761-0621

Cc: Victoria Parks  
Dan Stanton

February 19, 2008

Paddy Shaffer  
Director  
The Ohio Election Justice Campaign  
2408 Sonnington Drive  
Dublin, Ohio 43016

Dear Ms. Shaffer:

On behalf of the Ohio Association of Elections Officials, I am writing in response to your public records request to Shannon Leininger, President of the Association, dated January 28, 2008. Specifically, you requested the following:

- (1) All correspondence including but not limited to letters, faxes, email and invoices, between the Ashland County Board of Elections, and any election official or employee of the Ashland County Board of Elections, and Aaron Ockerman for the years 2004, 2005, 2006, 2007, and 2008 current to the day the request is processed;
- (2) All travel expense records and invoices, and membership dues for any and all organizations paid for any and all employees of the Ashland County Board of Elections for the years 2004, 2005, 2006, 2007, and 2008; and
- (3) The names and titles of all persons who advised Ms. Leininger not to answer your request for records kept or maintained by the Ohio Association of Elections Officials' (dated January 24, 2008), such as records related to the finances of the Association, officers of the Association, and membership dues received by the Association, including copies of all correspondence related to these matters.

To the extent that that any of the records listed above are public records kept or maintained by, and that document the organization, functions, policies, decisions, procedures, operations or other activities of the Ashland County Board of Elections, it is my understanding that your request is being handled separately.

As for records kept or maintained by the Ohio Association of Elections Officials, including correspondence between Ms. Leininger as President of the Association and Mr. Aaron Ockerman, the Ohio Association of Elections Officials has no duty to respond to your request. The Ohio Association of

Ms. Paddy Shaffer

Page 2

Elections Officials is a private, nonprofit organization that does not meet the definition of a public office or the functional equivalent of a public office under Ohio's public records law. Ohio Revised Code Sections 149.011(A) and 149.43; *see also* State ex. rel. Oriana House, Inc. v. Montgomery, 110 Ohio St. 3d 456 (2006). Therefore, records maintained or kept by the Ohio Association of Elections Officials are not subject to Ohio's public records law.

Should you have any questions regarding this matter, please contact me.

Sincerely,

SQUIRE, SANDERS & DEMPSEY L.L.P.

  
Mary Amos Augsburg

William Owen  
First Assistant Prosecutor  
140 N. Sandusky Street  
Delaware, Ohio 43015  
(740) 833-2690

April 4, 2007

Dear William Owen,

I write today to express my deep concern that you will be the hearing officer for the hearing involving Secretary of State Jennifer Brunner and Robert Bennett, this is in regards to Bennett resigning as a board member of the Cuyahoga County Board of Elections.

I ask for your recusal as hearing officer from this upcoming hearing. With your involvement in the case that went to Federal Court before Judge Edmund Sargus, to stop the recount of the presidential election in 2004, I do not feel you can be an unbiased judge on election matters. The argument that Delaware County could not afford to recount seems absurd with the financial figures that Kim Spangler, Director of The Delaware Board of Elections gave me in March of 2005. She said that the cost to the county was \$0.

To further this strong feeling I hold that you should recuse yourself from the upcoming hearing, is the difficulty that I have experienced to have access to the public records at the Delaware County Board of Elections. Your involvement in making access to election records both difficult, and expensive troubles me. Furthermore I am aware there are some items that I requested over a year ago, which I have still never received. The Ohio Sunshine Laws should have allowed me quick and easy access to all these items. ORC 194.43 and ORC 3599.161 reflect upon my needs and my experience with the Delaware Board of Elections, and with you, as you were brought in as their council.

Yet another item that comes to mind in my concern and request for your recusal, is from the board meeting for the Delaware County Board of Elections in May 2006 that we both attended and some advice you gave the board. It was in regards to a lawsuit with The League of Women Voters. Your advice to the board members was to not send the LWV the records they requested, but you said something like, make them sue for each record. This let me see not only how I was treated, but others also. I remind you that Delaware's election records are "Public Records".

When I asked for the laws to be enforced in Delaware, I got nowhere. When I called Attorney General Jim Petro's office about this, they were of no help. When I talked to Petro on the WOSU radio program, on air, Jim said that the prosecutors had to follow the law, and make the other county agencies follow the law. He let me know that the prosecutors would need to prosecute violations of the law. There are so many laws, Delaware's Board of Elections broke, which I have previously expressed to you, and nothing was done. When I told you and the other board members of these violations and that board member John Myers had called me at my home and threatened me, nothing was done.

Because of the knowledge I have of my interactions with you and how I was treated in simply wanting to examine public election records, and to have the laws followed, I do not see any way

**you can be an unbiased hearing officer (Judge) in the upcoming case regarding Bob Bennett retaining or losing his board member seat. When you had some of the Delaware Board Members behaving badly and breaking the law, you did nothing. How can you do a better job for the voters of Ohio and Cuyahoga County to rule on Bob Bennett and problems he has had in office?**

**I hope to hear from you soon on this, and to know that you recuse yourself in involvement with this case.**

**A Concerned Citizen,**

**Paddy Shaffer  
2408 Sonnington Drive  
Dublin, Ohio 43016  
[paddy@columbus.rr.com](mailto:paddy@columbus.rr.com)  
(614) 761-0621**

**Cc: Jennifer Brunner, Ohio Secretary of State  
Erin Duffy, Executive Assistant to Jennifer Brunner  
Chris Nance, Assistant Ohio Secretary of State  
Kellye Pinkleton, Director Voting Rights Institute, Ohio Secretary of State  
Marc Dann, Ohio Attorney General  
Dana Wilson, Reporter, Columbus Dispatch  
Devon Immelt, Reporter, Delaware Gazette  
Bill Cohen, Reporter, Ohio Public Radio**



Ohio Secretary of State J. Kenneth Blackwell  
Elections Division -180 E. Broad St., 15<sup>th</sup> Floor, Columbus, OH 43215  
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## MEMORANDUM

**TO:** All County Boards of Elections

**FROM:** Pat Wolfe, Director of Elections

**DATE:** October 29, 2004

**RE: Daily Conference Call**

Beginning Thursday, October 21, the Secretary of State's office will host daily conference calls for every county Board of Elections to call into from 8:15 a.m. - 9:00 a.m. The purpose of these calls is to answer questions that have been asked by various Boards of Elections in one forum so that every board can carry out the rules and procedures of the Secretary of State's office uniformly and consistently throughout the state.

Call in #: 1-800-582-9056. Once you dial into this number you will be asked to enter a code. Please enter: \*5964942\* (including both asterisks!) and you will be placed into the conference call. Please note that there is only one line dedicated for each board of elections office. If you want to include your county prosecutor on the call, please note that he or she needs to be in the same location as you.

Dana Walch will conduct the call on behalf of the Secretary of State's office. We know that many of you are working above and beyond the call of duty to prepare for Election Day. We hope this call will be of assistance to you as you prepare for a successful Election on November 2.

Ex. P.P.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**LEAGUE OF WOMEN VOTERS, et al.,** :  
**Plaintiffs,** :  
**VS.** : **CASE NO. 3:05-CV-7309**  
**J. KENNETH BLACKWELL, et al.,** : **JUDGE CARR**  
**Defendants.** :

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**DEFENDANTS' MEMORANDUM IN OPPOSITION TO INTERVENOR-PLAINTIFF  
WHITE'S MOTION TO LIFT THE DISCOVERY STAY AND FOR A PRESERVATION  
ORDER**

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Defendants' J. Kenneth Blackwell and Bob Taft respectfully oppose Intervenor-Plaintiff White's Motion to Lift the Discovery Stay and For a Preservation Order. (Docket No. 234 and Docket Number 235). Defendants' opposition is fully articulated below.

**I. Argument**

**A. Intervenor-Plaintiff White's request for a preservation order should be denied.**

Intervenor-Plaintiff White asks this court to order the Defendants "to preserve evidence from the 2004 Presidential election – namely voting machines, their contents, manuals, and other election-related information." Doc. No. 235, at 1. However, such an order is inappropriate because much of what White asks this Court to preserve is not the property of, or in the control of the Defendants. Further, issuing an order mandating the Defendants to preserve evidence that

is in their possession and control is inappropriate in that Defendants, as litigants to this case, already have a duty to take appropriate measures to preserve documents and information which are reasonably calculated to lead to the discovery of admissible evidence and likely to be requested during discovery.

As an initial matter, the State has raised Eleventh Amendment immunity to these claims. Thus, the State is entitled to a stay on this basis alone. However, even if the Court were to look at the substance of the Intervenor's request to lift the stay it would reject that request.

Voting machines and their contents are not the property of, or in the control of the Defendants. Instead, each county board of elections purchases its voting equipment and is responsible for retaining the contents of those machines as is required by federal law, state law and that county's records retention policy. Because Defendants have never had possession or control over the voting equipment employed by the various county boards of election during the 2004 Presidential election, ordering the Defendants to preserve evidence relating to these machines would be meaningless.

As for the "manuals and other election-related information" that White seeks to have this Court protect, issuing an order to preserve this evidence is unnecessary. As White points out in her own motion, the federal discovery rules imply a duty "to preserve documents and other information that may be relevant in a case." Doc. No. 235, at 3 (citing *Danis v. USN Communications, Inc.*, 53 Fed.R.Serv.3d 828 (N.D. ILL. 2000)). Even the court in *Madden v. Wyeth*, No. 3-03-CV-0167-R, LEXIS 6427, WL 21443404 (N.D. Texas, April 16, 2003), the case attached as Exhibit 1 to White's Memorandum in Support of Her Motion to Lift the Discovery Stay and for a Preservation Order, notes that "[t]o supplement every complaint with an order requiring compliance with the Rules of Civil Procedure would be a superfluous and

wasteful task, and would likely create no more incentive upon the parties than already exists.” (citing *Hester v. Bayer Corp.*, 206 F.R.D. 683, 685 (M.D. Ala. 2001)).

As litigants to this case, the Defendants already have a duty to take appropriate measures to preserve documents and information which are reasonably calculated to lead to the discovery of admissible evidence and likely to be requested during discovery. Issuing an order ordering the Defendants’ to comply with the federal discovery rules would be a superfluous and unnecessary undertaking. Accordingly, Intervenor-Plaintiff White’s request for a preservation order should be denied.

**B. Discovery should continue to be stayed.**

In her Motion, Intervenor-Plaintiff White argues that this Court should lift its stay of discovery pending this Court’s consideration of the Plaintiffs’ Immunity Defense. However, since the time this Motion was filed, this Court has issued its decision on the Plaintiffs’ immunity defense and on February 27, 2006, the Plaintiffs appealed this Court’s decision to the Sixth Circuit Court of Appeals. On that same date, Defendants filed its Motion to Stay This Court’s Order of February 10, 2006 Concerning its Determination that Discovery is to Proceed. Doc. No. 240. In that Motion, the Defendants explain why it is inappropriate for this case to proceed during the pendency of the interlocutory appeal. The arguments set forth in that Motion are herein incorporated by reference into this memorandum.

Additionally, the magnitude of this case and the extraordinary importance of the legal issues involved, make it critical for both the Plaintiffs and the Defendants to have the time necessary to conduct thorough and comprehensive discovery. Even if discovery was to proceed during the interlocutory appeal, allowing the parties to have enough time to conduct the thorough

and comprehensive discovery that this case requires will make it impossible for this case to be heard until long after the 2006 general election.

Even more importantly, ordering the parties to conduct discovery during the interlocutory appeal would contradict the very rationale for certifying the interlocutory appeal in the first place. Here, an interlocutory appeal is appropriate due to the complexity of this case and the staggeringly burdensome discovery it will entail. Permitting discovery to go forward while the appeal is pending would subject the parties, the 88 county boards of elections, and hundreds of other individuals and entities to thousands of hours of potentially wasted time and effort.

## **II. Conclusion**

For the foregoing reasons, Defendants respectfully request this Court to deny Intervenor-Plaintiff White's Motion to Lift the Discovery Stay and For a Preservation Order.

Respectfully submitted,

**JIM PETRO**  
**ATTORNEY GENERAL**

*/s/ Richard N. Coglianesse*  
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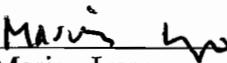
**Certificate of Service**

This is to certify a copy of the foregoing was served upon all counsel of record by means of the Court's electronic filing system on this 2nd day of March, 2006.

/s Richard N. Coglianes  
Richard N. Coglianes  
Deputy Attorney General

I declare under penalty of perjury that the following exhibits are true copies: G, H, I, P-AA,  
HH, II, QQ

Executed this 10<sup>th</sup> day of July, 2008, in Franklin County, Ohio.

  
\_\_\_\_\_  
Marian Lupo  
310 S. Eureka Avenue  
Columbus, Ohio 43204

I declare under penalty of perjury that the following exhibits are true copies:

A, B, C, F, J-O  
BB-GG, JJ-PP

Executed this 10 day of July, 2008, in Franklin County, Ohio.

Paddy Shaffer

Paddy Shaffer

2408 Sonnington Drive

Dublin, Ohio 43016