

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

THE OHIO DEMOCRATIC PARTY, <i>et al.</i>	:	
	:	
Plaintiffs,	:	Case No. 2:15-CV-1802
	:	
v.	:	JUDGE WATSON
	:	
JON HUSTED, <i>et al.</i>	:	MAGISTRATE JUDGE KING
	:	
Defendants.	:	

DECLARATION OF CARRIE KURUC

I, Carrie Kuruc, hereby declare that:

1. I serve as Senior Elections Counsel in the Ohio Secretary of State’s office. In this role, I coordinate a staff of Elections Counsel that provides election law support to Ohio’s 88 county boards of elections. Boards of elections regularly contact the staff with questions about elections law provisions and processes.

2. In addition to my supervisory role as Senior Elections Counsel, I am assigned a number of county boards of elections throughout the State. I serve as the point of contact in the office for these boards. One of my assigned boards is the Butler County Board of Elections, which is the most populous county in the Eighth Congressional District.

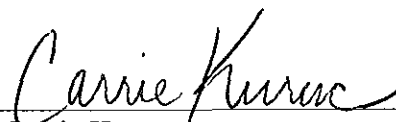
3. On Monday, July 25, 2016, the office received an e-mail from Diane Noonan, Director of the Butler County Board of Elections. Ms. Noonan informed the office that the Democratic nominee for the Eighth Congressional District, Corey Foister, wrote to the board earlier that day stating he was “dropping [sic] out as a candidate for U.S. Congress in Ohio’s 8th [Congressional District] as the Democratic candidate.” A true and exact copy of this e-mail is attached to this Declaration (Attachment “A”).

4. As a result of Mr. Foister’s withdrawal, a vacancy in Democratic nomination to the office of United States Representative for the Eighth Congressional District occurred. The Secretary’s office, in consultation with the Butler County Board of Elections, issued Directive 2016-19 on Wednesday, July 27, 2016, scheduling the Special Congressional Primary Election to fill the vacancy in Democratic nomination for Ohio’s Eighth Congressional District for September 13, 2016. A true and exact copy of Directive 2016-19 is attached to this declaration (Attachment “B”).

5. The deadline to file declarations of candidacy and declarations of intent for write-ins was July 28, 2016. Only one individual, Steve Fought, filed a declaration of candidacy. Therefore, Mr. Fought will be the only individual to appear on the September 13, 2016 Special Congressional Primary Election ballot.
6. The thirty-fifth day prior to the September 13, 2016 Special Congressional Primary Election is August 9, 2016. Should early voting start on the day after the close of voter registration before this election, that date is August 16, 2016.
7. Ohio's Eighth Congressional District is comprised of six counties.

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 first day of August, 2016, in Columbus, Franklin County, Ohio.



Carrie Kuruc
Senior Elections Counsel

ATTACHMENT A

Kuruc, Carolyn

From: Wolfe, Pat
Sent: Monday, July 25, 2016 11:46 AM
To: Kuruc, Carolyn
Cc: Seskes, Brandi
Subject: FW: RE: Candidate Withdrawal: Corey Foister- 8th Congressional District
Attachments: Corey Foister 7.25.16 - Notice of Withdrawal.pdf

From: Diane Noonan [<mailto:noonandj@butlercountyohio.org>]
Sent: Monday, July 25, 2016 11:28 AM
To: Wolfe, Pat
Cc: Jocelyn Bucaro
Subject: Fwd: RE: Candidate Withdrawal: Corey Foister- 8th Congressional District

Pat when you return the call please call my cell 513-291-0135. Thanks

Diane J. Noonan

Director
Butler County Board of Elections
513-887-7914

>>> "Wolfe, Pat" <PWOLFE@ohiosecretaryofstate.gov> 7/25/2016 11:12 AM >>>

Diane:

I will discuss this withdrawal with appropriate staff and get back with you as soon as possible. Please email a copy of the withdrawal notice. Thank you.

Pat

From: Diane Noonan [<mailto:noonandj@butlercountyohio.org>]
Sent: Monday, July 25, 2016 10:40 AM
To: Wolfe, Pat
Cc: Jocelyn Bucaro
Subject: Fwd: Candidate Withdrawal: Corey Foister- 8th Congressional District

Good Morning,
I left you a message to call to advise us what our next step should be taken. Thanks

Diane J. Noonan

Director
Butler County Board of Elections
513-887-7914

>>> Brian Hester 7/25/2016 10:23 AM >>>

Mr. Foister just filed his notice of withdraw as the Democratic candidate in the race. Under R.C. 3513.312, since this is more than 90 days out from the general election, the Board shall have to conduct a special election primary to name his replacement if any candidate files.

Brian R. Hester
Candidate & Ballot Services Clerk
Butler County Board of Elections
1802 Princeton Road, Suite 600
Hamilton, Ohio 45011
direct p: (513) 887-7911
f: (513) 887-5335

2014 BRAH

I am dropping out as a candidate for
U.S Congress in Ohio's 8th C.D as
the Democratic candidate.

Cory Feister

Cory Feister

2016 JUL 25 AM 10:17

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
COLUMBUS, OHIO

ATTACHMENT B



Jon Husted
Ohio Secretary of State

180 East Broad Street, 16th Floor
Columbus, Ohio 43215
Tel: (877) 767-6446 Fax: (614) 644-0649
www.OhioSecretaryofState.gov

DIRECTIVE 2016-19

July 27, 2016

To: Butler, Clark, Darke, Mercer, Miami, and Preble County Boards of Elections
Directors, Deputy Directors, and Board Members

Re: Special Congressional Primary Election (Democratic Party Only) in Ohio's 8th
Congressional District

BACKGROUND

On July 25, 2016, the Butler County Board of Elections, most populous county in Ohio's 8th Congressional District, notified my office of a vacancy in Democratic nomination to the office of U.S. Representative for the 8th Congressional District. When a vacancy in party nomination for representative to Congress occurs more than ninety days before the general election, a special election must be held to fill the vacancy in that nomination.¹

In consultation with the Butler County Board of Elections, the Secretary of State's office has scheduled the Special Congressional Primary Election to fill the vacancy in Democratic nomination for Ohio's 8th Congressional District for September 13, 2016.

The costs associated with administering this special election will be paid by the State.²

FILING DEADLINE & PETITIONS

Declarations of candidacy and declarations of intent for write-ins must be filed with the Butler County Board of Elections no later than 4 p.m. on Thursday, July 28, 2016 (47 days before special primary).

The Butler County Board of Elections must certify the validity and sufficiency of candidates' petitions on Friday, July 29, 2016 (46 days before special primary).

Protests against Democratic Party candidacies and write-in candidates, if any, must be filed with the Butler County Board of Elections by 2 p.m. on July 29, and the Butler County Board of Elections must also complete hearings on any protests of a partisan candidacy on that day.

¹ R.C. 3513.312.

² R.C. 3513.312(C).

The Butler County Board of Elections must certify names of candidates to all other boards within the 8th Congressional District no later than 4 p.m. on July 29, 2016 (46 days before special primary).

Persons seeking the nomination of a political party for representative to Congress for Ohio's 8th Congressional District must file Form 2-E (Declaration of Candidacy - Party Primary District Office - Representative to Congress).

Persons seeking to run as a write-in candidate for nomination of a political party for representative to Congress for Ohio's 8th Congressional District must file Form 13-C (Declaration of Intent to be a Write-in Candidate for Office of U.S. Senator or U.S. Representative).

All petitions must be filed with the Butler County Board of Elections – the most populous county in the 8th Congressional District – no later than 4 p.m. on Thursday, July 28, 2016.

If a prospective candidate has additional questions regarding signature and petition requirements, you may refer him or her to the 2016 Candidate Requirement Guide, which is available on the Secretary of State's website.

BALLOT LAYOUT & CANVASS OF ELECTION

The format of the September 13, 2016 Special Congressional Primary Election (Democratic Party Only) ballot is as follows:

Official Democratic Party Special Congressional Primary Ballot
Special Primary Election – September 13, 2016


For Representative to Congress (8th District)
(Vote for not more than 1)

UOCAVA absentee ballots for the September 13, 2016 special primary election must be ready and issued on July 30, 2016 (45 days before special primary).³

The Secretary of State's office will provide additional instructions with an expedited special election calendar, including conducting the unofficial and official canvasses at a later date.

Thank you for your work in preparing for and conducting this special election. If you have questions, please contact the Secretary of State's elections counsel assigned to your county at (614) 466-2585.

Sincerely,


Jon Husted

³ R.C. 3511.04(B); 52 U.S.C.A. §20302(a).