

Case Nos. 11-3060, 11-3059, and 10-4481

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

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TRACIE HUNTER, Committee to Elect Tracie M. Hunter for Judge  
*Plaintiff – Appellee*

NORTHEAST OHIO COALITION FOR THE HOMELESS; OHIO DEMOCRATIC  
PARTY  
*Intervenors – Appellees*

v.

HAMILTON COUNTY BOARD OF ELECTIONS, et al.  
*Defendants-Appellants*

And

JOHN WILLIAMS  
*Intervenor – Appellant*

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Appeal from the United States District Court  
for the Southern District of Ohio  
Case No. 1:10-cv-820

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PETITION FOR REHEARING EN BANC  
OF DEFENDANT/APPELLANT  
HAMILTON COUNTY BOARD OF ELECTIONS

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## I. PETITION STATEMENT FOR REHEARING EN BANC

Defendant Hamilton County Board of Elections moves under Fed. R. App. P. 35 for a rehearing of this case *en banc*. The panel decision presents questions of great constitutional importance and public interest. The ruling affects not only the local election of a judge but all future elections in Ohio and mandates a drastic departure from prior decisions of this Circuit and the Ohio Supreme Court. The panel has made the district court the final arbiter of whether a particular ballot will be counted – contrary to Ohio law and the functions traditionally performed by state and local officials. Panel at 40-41.

The panel conveyed “substantial constitutional concerns” regarding Ohio’s precinct based voting system. *Id.* at 34. The panel brushed aside the Ohio Supreme Court’s authoritative interpretation of Ohio law (*id.* at 27-29), and the substantial federalism concerns this raises by sanctioning the voting of invalid ballots in the official canvass (*id.* at 34). By restricting its analysis to a single countywide race, the panel explicitly approved the disenfranchisement of votes for federal and statewide offices and local issues<sup>1</sup> appearing on any provisional ballots which are ordered to be counted only for the juvenile court race. *Id.* at 32. The panel decision impacts the Board’s obligations to conduct elections on an institutional level. Ohio law provides specific statutory deadlines designed to expedite the election process and to insure that people’s representatives assume office promptly. Ex. 7 (R.C. 3505.32).

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<sup>1</sup>Two mandatory recounts on local issues in this election are pending.

Remanding this matter for further evidence, decisions, and appeals with a state recount and possibly a state election contest to follow delays the ultimate resolution of this county race for months or years and impacts the Board's ability to conduct future elections. Ohio's election scheme does not provide for "off" years.<sup>2</sup> When one election is over, the Board begins the process of preparing for the next one. The panel decision disrupts this process and intrudes into the power of the states and their handling of federal, state and local elections.

Despite protestations to the contrary from the panel majority, its opinion not only has statewide implications, it has implications for the balance of the circuit and the nation as well.<sup>3</sup> In an unprecedented decision, the panel constitutionalizes the concept of "poll worker error" as a means for pursuing a federal challenge to a local election. Local election officials will now be subject to claims that a vote was denied because an error was not investigated and a provisional ballot was not "properly counted" based upon mere allegations. Election officials' actions will be subject to challenge in the event that they do not investigate, find, and correct even minor

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<sup>2</sup> Federal, county and state elections are held in even-numbered years and municipal elections are held in odd-numbered years. Ex. 3 (R.C. 3501.01). Elections may be set in February, May, August, November in every year; and during years in which the President will be elected, elections may also be held in March. *Id.*

<sup>3</sup> Other circuits cases that conflict with the panel decision include: *Powell v. Power*, 436 F.2d 84 (2nd Cir. 1970); *Gamza v. Aguirre*, 619 F.2d 449 (5th Cir. 1980); *Curry v. Baker*, 802 F.2d 1302 (11th Cir. 1986); and *Roe v. Alabama*, 68 F.3d 404 (11th Cir. 1995).

errors. Such perfection is desirable, but neither obtainable nor constitutionally required.

Finally, the panel decision relies upon unwarranted interpretations of federal law and existing Supreme Court decisions, conflicts with prior decisions of this Court and other Circuit Courts opinions and leaves this Board in an intractable position bound by conflicting opinions.

## II. PROCEEDINGS BELOW AND PANEL DECISION

The relevant facts of this case can be found in the Motion to Stay filed by the Board on January 18, 2011.<sup>4</sup> The Board incorporates those facts and will not repeat them in detail here. In brief, candidate John Williams for Hamilton County Juvenile Court Judge defeated candidate Tracie Hunter by a margin of 23 votes. Hunter filed the underlying district court action seeking to force the Board to investigate and count certain provisional ballots cast in the wrong precinct in the general election if poll worker error occurred. At issue in the consolidated appeals in this matter is the mandatory injunction issued by the district court on November 22, 2010 compelling the Board to conduct an investigation without specifying how it was to be conducted. R.13. Also at issue is the order of January 12, 2011, compelling the Board to count certain unidentified provisional ballots, a smaller number of known provisional ballots, and to conduct a further investigation of ballots not covered by the district court's November 22 order. R.39.

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<sup>4</sup>*Hunter v. Hamilton County Board of Elections et al*, Case no. 11-3060, Doc. 006110845728

On January 27, 2011, a panel of this Court affirmed the district court's November 22 order and affirmed and vacated in part the district court's January 12 order. The panel vacated the portion of the January 12 order directing the Board to count certain ballots and enjoined the Board from complying with Directive 2011-04. The panel further stated:

We leave to the district court in the first instance, applying the uniformity requirement of *Bush v. Gore*, to direct the Board how to proceed regarding the 9 ballots unanimously determined by the Board to have been cast in the correct precinct, the 7 ballots unanimously determined by the Board to have been miscast because of poll-worker error, the 269 ballots cast in the correct location but wrong precinct in which the determination of poll-worker error remains disputed, and, pursuant to the NEOCH Consent Decree, the NEOCH ballots.

Panel at 40, 41. Judge Rogers also delivered a separate opinion concurring in the judgment of the panel. In his concurrence, Judge Rogers departed from the majority in three important respects:

1. "I am not confident that there is a strong likelihood of success with respect to the Equal Protection claim that is the basis for the district court's November 22 order." Concurrence at 42.
2. If Ohio law does not permit counting the 27 votes, "there should be a state-law challenge to the votes erroneously cast, not a counting of a much larger number of votes county-wide that were erroneously cast in a similar – but not exactly the same – way." *Id.*
3. "The district court in the balance of equities in future orders should give great weight to the public interest in minimizing federal court control of state election law and practice. In my view, this factor weighs strongly in favor of conforming any further relief – as far as it is possible to do so consistent with the November 22 order – to the roadmap outlined by the Ohio Supreme Court." *Id.* at 43, 44.

### III. ARGUMENT

**A. The Panel Decision Creates a Question of Exceptional Importance: whether a federal court has the authority to direct how ballots in a**

county judicial race should be counted when the highest court in the state and the Secretary of State have already directed that the ballots be counted consistent with Ohio law

The Ohio Supreme Court in *State ex. rel Painter v. Brunner*, Slip Opinion No. 2011-Ohio-35, affirmed that poll worker error exceptions do not exist under Ohio law; held that in order for a provisional ballot to count, it must be cast in the voter's precinct of residence; and resolved the equal protection issues within the parameters of Ohio law. The panel found that *Painter* is insufficient to address the equal protection issues since the Board found poll worker error during this election and, therefore, must continue to use that standard or disenfranchise voters. Panel at 27. Both the district court and the panel mischaracterized the Board's activity as disenfranchising otherwise valid voters when in fact the opposite is true. The Board was looking for reasons to count ballots.

Under Ohio law, provisional ballots are not valid ballots until approved for counting by the Board. The Board's review of those ballots was conducted to ascertain which of them should be counted. R.1-3, pp. 26-28. The panel's assertion that the Board accepted or rejected each category of provisional ballots solely based upon an investigation of whether poll worker error existed is inaccurate. The Board did not investigate the 27, 686<sup>5</sup>, 13<sup>6</sup>, and 4<sup>7</sup> ballots for poll worker error.<sup>8</sup> With regard

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<sup>5</sup> The review of these 686 ballots led to a question of whether the voter provided identification. R.1-2, pp.3-5.; Ex.5 (R.C. 3505.181(B)(7)); Ex.6 (R.C. 3505.183(E)(2)).

<sup>6</sup> These 13 voters should not have been made to vote provisionally. R.1-2; Ex.5.

<sup>7</sup> The 4 ballots, like the 27, were cast at the board of elections. These 4 were approved for counting because the correct precinct was listed on the provisional envelope.

to each provisional ballot, the Board reviewed the ballot envelope, the poll-books, and the help-line records in order to determine if the ballot should be counted. See Ex.6 (R.C. 3505.183(B)). If based upon that evidence, the Board staff could determine that the provisional voter was eligible to vote in the precinct in which the ballot was cast, the ballot was approved. R.C. 3505.183(B)(3). The record shows that the Board ultimately found errors for the 27, 686, 13 and 4 ballots, but this conclusion resulted from the exact same review that was afforded all of the other provisional ballots. For the 849, 53, 9, and 74 ballots, the Board reviewed the exact same evidence (ballot envelope, poll-books, and help-line records), but was unable to conclude that those ballots should be counted. R.C. 3505.183(B)(4). Those ballots contained fatal errors, but none of the above groups were "investigated for poll worker error."

The panel stated that "[r]elying on the 'fundamental premise that 'equal weight [be] accorded to each vote,' the [district] court explained that because the Board took evidence of poll-worker error into consideration for the 27 ballots cast in the wrong precinct at the Board's office, it must do the same for all provisional ballots cast in the wrong precinct." Panel at 24 (internal citation omitted). This conclusion omits the fact that the same evidence was taken into account for all provisional ballots. Bipartisan teams of the Board staff reviewed the same information for all categories of provisional ballots. Accordingly, the Ohio Supreme Court in *Painter* found no equal

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However, when the envelope was opened, it was discovered that the ballot for the wrong precinct was given to the voter. *Id.*

<sup>8</sup> Based upon directives from Secretary of State Brunner, only ballots subject to the consent decree in NEOCH were to be investigated for poll worker error.

protection violation. *Painter* also concluded that the Board should not have counted the 27 ballots because they were invalid votes cast using ballots from the wrong precinct.<sup>9</sup> *Painter* at 22. Weeks later, however, the panel decided the opposite. The Board is faced with two binding court opinions that are in direct conflict with one another.

### **B. The Panel's Decision Irreparably Alters Ohio Election Law**

This Court has refrained from exercising jurisdiction in election matters stating:

[T]he Help America Vote Act of 2002 ... "conspicuously leaves ... to the States" the determination of "whether a provisional ballot will be counted as a valid ballot." To allow federal courts free rein in determining whether and under what circumstances a partially deficient provisional ballot will count under state law would deprive state courts of their long-established role as the "final arbiter on matters of state law."

*Ohio ex rel. Skaggs v. Brunner*, 549 F.3d 468, 477 (6th Cir. 2008) (internal citations omitted). The panel found *Skaggs* unpersuasive because "the only claims at issue here are federal." Panel at 18. Hunter's Complaint, however, raises state law issues. Hunter alleges that in the wake of the Ohio Supreme Court's decision in *State ex rel. Skaggs v. Brunner*, 120 Ohio St.3d 506, 2008-Ohio-6333 (2008), "the Secretary of State and local Boards of elections are left without statutory guidance to determine how to count provisional ballots." R.1 (Complaint ¶¶ 20, 21). The panel also raises state law issues

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<sup>9</sup> The difference between the 27 and the 849 may be explained under Ohio law. An elector may only vote provisionally at the office of the board of elections for one reason: the voter was registered to vote, but failed to update their change of address prior to the close of the registration period. Ex.4 (R.C. 3503.16). In contrast, an elector may vote provisionally at a precinct location for many other reasons. Ex. 5 (R.C. 3505.181).

by suggesting that the Ohio election laws arguably “operate together in a manner that is fundamentally unfair to the voters of Ohio, in abrogation of the Fourteenth Amendment’s guarantee of due process of law.” Panel at 34-35. Despite the fact that these equal protection and due process issues were resolved by the Ohio Supreme Court in *Painter*, the panel’s decision affects the constitutionality and practical implementation of Ohio election law. Ohio has a paramount interest in determining how its state elections are conducted. En banc review is needed to prevent this unnecessary intrusion into Ohio law.

**C. The Panel’s Decision Conflicts with this Court’s Holding in *Sandusky***

The panel decision with regard to the validity of provisional ballots created an irreconcilable conflict with this Court’s decision in the case of *Sandusky County Democratic Party v. Blackwell*, 387 F.3d 565 (6<sup>th</sup> Cir. 2004). A unanimous panel in *Sandusky* held that “ballots cast in a precinct where the voter does not reside and which would be invalid under state law for that reason are not required by HAVA<sup>10</sup> to be considered legal votes.” Id at 568. Inexplicably, however, the majority decision in this case determined that provisional ballots cast in the wrong precinct may be counted contrary to Ohio law and the requirements of HAVA. This holding cannot be reconciled with *Sandusky*, especially because the panel does not discuss *Sandusky* except to note that it is primarily the state’s responsibility to regulate elections. Panel at 36 (citing *Sandusky* at 568).

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<sup>10</sup> Help America Vote Act, 42 U.S.C. § 15301, et seq.

This Court in *Sandusky* struck down directives of the Ohio Secretary of State which placed the responsibility for confirming a provisional voter's eligibility on the poll worker. Instead, *Sandusky* held that "[i]n Ohio, HAVA requires that a provisional ballot be issued only to voters affirming that they are eligible to vote and are registered to vote in the precinct in which they seek to cast a ballot." *Id.* at 576. The result of *Sandusky* is that the eligibility determination of a voter is *not* to be made at the polling location by the poll worker. *Sandusky* significantly noted that nowhere in HAVA is there indication that Congress intended that a voter's eligibility to cast a provisional ballot should exceed her eligibility to cast a regular ballot. *Id.* at 576.

*Sandusky* held:

HAVA is quintessentially about being able to *cast* a provisional ballot. No one should be 'turned away' from the polls, but the ultimate legality of the vote cast provisionally is generally a matter of state law. . . . A voter casts a provisional ballot at the peril of not being eligible to vote under state law; if the voter is not eligible, the vote will not then be counted.

*Id.* at 576.

The panel discusses at length the equal protection issues which could occur if the Board counted the 27 ballots and not other categories of provisional ballots. Yet this result comes at the expense of the federal and state statutory scheme for determining the validity of provisional ballots. *Sandusky* specifically stated that "[t]he district court may not order the enforcement of . . . any other order requiring the counting of provisional votes cast outside the precinct of the voter's residence." *Id.* at 579. Contradicting that holding, the panel has opened the door for the counting of

wrong precinct ballots and in doing so created a glaring exception to the correct precinct voting requirements of Ohio. The panel decision, in effect, seems to mandate a “poll worker error” exception under HAVA.<sup>11</sup> If the panel is mandating a “poll worker error” exception to the precinct voting system, the panel has usurped the power of the Ohio General Assembly to determine how to conduct elections and has implemented this exception for all future Ohio elections. This is a momentous decision and should be directly addressed by the full 6<sup>th</sup> Circuit before such a fundamental change to Ohio law is to be required.

#### **D. Statewide Implications of the Panel’s Decision**

The panel holds that “we need not address whether either the initial counting of the 27 miscast ballots or the subsequent provisional-ballot investigation rises to a level of unconstitutional inequality when considered in a *hypothetical* statewide challenge.” Panel at 33 (emphasis added). While it is true that there have not been any statewide election challenges to date, the issues facing Ohio boards of elections are very real. Currently in Ohio there are state election contests in Lucas County and Erie County.<sup>12</sup> The issue in those cases is whether certain provisional ballots should be counted. Evidence was also provided by Hunter that Lucas, Seneca, Williams, and Trumbull counties counted provisional ballots cast in the wrong precinct. Panel at 32,

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<sup>11</sup> The creation of a poll worker error exception would also affect other states. See *Id.* at 568 (In at least 27 of the states using a precinct voting system, including Ohio, a voter’s ballot will only be counted as a valid ballot if it is cast in the correct precinct.).

<sup>12</sup> See *Saranton v. Lucas County Board of Elections*, Case No. CI0201008257 (Lucas County Ct. of Common Pleas) and *Paul v. Jeffrey*, Case No. 2010 CV 0983 (Erie County Ct. of Common Pleas).

referencing R.20-7. The panel concludes that these issues should be resolved in separate litigation. Panel at 33. But to what end? Ohio boards of elections are faced with applying different court decisions with contradictory results. Indeed, the Board is currently tasked with complying with the panel decision and the *Painter* decision. In addition, as the Lucas County and Erie County cases proceed, Ohio boards of elections will likely treat the ballots differently than mandated in this case as they are bound to follow *Painter*. The panel denies this is an issue for the 6<sup>th</sup> Circuit. Id. at 32,33. The impact of this case goes beyond the ballots cast for Hamilton County Juvenile Court Judge. Because similar cases are proceeding in state and federal courts, Ohio provisional voters will be subject to unequal treatment if the panel decision stands.

**E. The Panel's Equal Protection Findings Conflict with *Bush v. Gore***

The panel compounds the deficiencies of the district court's reliance on *Bush v. Gore* as a basis for granting relief in two important ways. First, the panel indicated that there are serious equal protection concerns with the Board's review of the 27 absentee ballots since the decisions of the Board were not the result of a broader policy determination by the State of Ohio. Panel at 27. To the contrary, the Board followed Ohio law and the directives of Secretary of State Brunner in reviewing the provisional ballots cast in Hamilton County. In particular, Directive 2010-74 outlined the steps the Board was to take in reviewing all provisional ballots cast in the November 2, 2010 election. R.1-2. As explained above, the same level of review was afforded to all

provisional ballots. However, if the 27 ballots should not have been counted (as held in *Painter*), this instance could have been remedied by the district court. Instead the district court ordered an investigation of wrong precinct ballots without any standards whatsoever and without regard to Ohio law. Next, Secretary of State Brunner invented an investigation procedure for "poll worker error" that did not exist for any other ballot cast in the November 2, 2010 election<sup>13</sup>; was unsupported by Ohio law; and lacked evidentiary standards. R.21-1. Even though the panel agreed that "[i]t is within the province of the Ohio Supreme Court to determine whether Secretary of State Jennifer L. Brunner's directives comply with *state law* governing election procedures"<sup>14</sup> and even though *Painter* held that "[t]he secretary of state's postelection instructions to the board of elections were not justified by Ohio law"<sup>15</sup>, the panel ultimately held that Brunner's investigation was proper under federal law. Panel at 30. Then, despite the fact that the Ohio Supreme Court found that the Brunner investigation was improper under Ohio law, the panel compounded this error by holding that the district court could consider the evidence obtained from that investigation. Panel at 31. This conclusion cannot be supported by the holding of *Bush v. Gore*. Changing the standards of review for provisional ballots after the election

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<sup>13</sup> This investigation was even much more extensive than the poll worker error standards for investigation of the ballots subject to the NEOCH Consent Decree. R.1-2 (Directive 2010-74).

<sup>14</sup> Panel at 28 (quoting *Painter* at 21).

<sup>15</sup> *Painter* at 22-23. The *Painter* court in part set aside Directive 2010-80 because it created a disparate review of Ohio provisional ballots. *Id.* at 18-19.

causes the precise type of harm the United States Supreme Court warned against. See *Bush* at 109.

Secondly, the panel maintains that, because Secretary Brunner established objective standards for review of the wrong precinct ballots in Hamilton County as opposed to Florida's statewide standardless recount, the requirements of *Bush v. Gore* have been satisfied. Panel at 30-31. But Secretary Brunner did not impose her investigation standards statewide. No other provisional ballots in Ohio received this type of excessive review.<sup>16</sup> The *Bush* Court declined to condone the recount ordered by the Florida Supreme Court since it was "obvious that the recount [could not] be conducted in compliance with the requirements of equal protection and due process without substantial additional work." *Id.* at 522. Like the *Bush* Court's refusal to uphold the Florida Supreme Court's uneven treatment of votes, the panel's remand of this case to the district court to proceed with the results of an improper investigation conducted only in Hamilton County should not be permitted.

In addition, whether the criteria under which the Board conducted its review were "objective" is entirely beside the point. *Bush v. Gore* applies only to legally cast ballots. 531 U.S. 98, 106. It explicitly provides that states must have standards for what constitutes a legal vote that are uniform in application and not subject to multiple interpretations. *Id.* at 105-109. It is legally cast ballots that may not be

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<sup>16</sup> As explained above, while the panel relies on the fact that the only race before this court is the race for Hamilton County Juvenile Judge, this is not the only race in Ohio that will be determined by how provisional ballots are treated.

accorded arbitrary and disparate treatment. *Id.* This matter concerns disparate treatment between classes of ballots ostensibly cast in violation of the uniform standards of Ohio law by which ballots cast in the wrong precinct are not to be counted. In any event, even if the questioned ballots were legally cast, the objective standards required by *Bush v. Gore* leave no room for Board, the Secretary of State, or the district court to presume irregularity, convert the absence of evidence into a finding, or rely on circumstantial inferences which may be interpreted in inconsistent ways. The Secretary did so in issuing her repudiated directive 2011-03, and the district court erred in relying upon it.

**F. The Board's Actions do not Constitute an Equal Protection nor a Due Process Violation**

The Board's decision to count the 27 ballots may be flawed, but the actions of the Board were not discriminatory. In his concurrence, Judge Rogers writes that the likelihood of an equal protection violation is not particularly strong since "[t]he two groups of wrong precinct ballots are sufficiently different that Ohio law could permit counting the 27 votes on the ground that the error was much more clearly and ascertainably not attributable to the voter than in the election-day polling place situations." Concurrence at 42. Even counsel for Intervening Plaintiff, Ohio Democratic Party, admits that the ballots cast at the Board offices prior to the election and those cast in the precincts on election day are different and should be subject to different types of review. R.40, pp. 29-31.

There were 27 voters who went to the correct jurisdiction and were handed the wrong ballot. This error was evident from the Board's review of the provisional ballot envelopes. There were 269 provisional voters who went to the incorrect jurisdiction and were handed the correct ballot for that jurisdiction. When the Board found obvious errors with regard to certain provisional ballots, they were corrected if possible based upon the evidence available. If such corrections should not have been made under state law, that is a mistake which does not violate the right to due process. See *Daniels v. Williams*, 474 U.S. 327, 328, 106 S. Ct. 662, 663, (1986) (the Due Process Clause is simply not implicated by a *negligent* act of an official). Ohio's interests in conducting timely elections should not be overlooked by this Court. What the district court initially ordered, and what the panel has now sanctioned, is that a small group of ballots cast in Hamilton County should be subjected to an additional, super review for issues that do not affect the validity of a ballot under Ohio law. This decision also invites federal court action each time a board of elections rejects a ballot regardless of whether that decision is supported by state law and irrespective of the practical implications of holding extensive investigations into the actions of thousands of poll workers.

#### IV. CONCLUSION

For the reasons advanced above, the Hamilton County Board of Elections requests that this Court rehear this matter en banc.

Respectfully submitted,  
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### CERTIFICATE OF COMPLIANCE

I hereby certify that the Brief of Defendant, Hamilton County Board of Elections, is in compliance with Rule 32(a)(7) of the Federal Rules of Appellate Procedure. I certify that this document contains no more than 15 pages in Garamond style at 14 point typeface.

/s/ James W. Harper  
James W. Harper

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was filed on February 10, 2011 using the Court's CM/ECF system, which will transmit notice of the filing to all counsel of record in this case.

/s/ James W. Harper  
James W. Harper

## DESIGNATION OF RELEVANT DISTRICT COURT DOCUMENTS

<u>Record</u>	<u>Description</u>
R.1	Complaint
R.1-2	Complaint, Exhibit A, SOS Directive 2010-74
R.1-3	Complaint, Exhibit B, BOE Meeting Transcript
R.13	Order Granting in Part Motion for TRO and Preliminary Injunction (November 22, 2010)
R.20-7	Emergency Motion for Order to Enforce Preliminary Injunction Order, Exhibit F, Board Minutes for Lucas, Seneca, Williams and Trumbull Counties
R.21-1	Notice by Hunter re Emergency Motion, Exhibit 1, SOS Directive 2010-80
R.38-1	Emergency Motion to Enforce Judgment, Exhibit 1, SOS Directive 2011-04
R.39	Order Granting in Part and Denying in Part Motion to Enforce Preliminary Injunction (January 12, 2011)
R.40	Transcript of Proceedings held December 27, 2010

## ADDENDUM

<u>Exhibit</u>	<u>Description</u>
1	Sixth Circuit Opinion, <i>Hunter v. Hamilton County Board of Elections, et al.</i> , Case Nos. 10-4481, 11-3059, and 11-3060 (January 27, 2011)
2	<i>State ex rel. Painter v. Brunner</i> , Slip Opinion No. 2011-Ohio-35 (January 7, 2011)
3	R.C. 3501.01
4	R.C. 3503.16
5	R.C. 3505.181
6	R.C. 3505.183
7	R.C. 3505.32