DECLARATION OF DONALD R. SHRADER IN SUPPORT OF MOTION FOR
SUMMARY JUDGMENT
(pursuant to 28 U.S.C. § 1746)

My name is Donald R. Shrader and I am over the age of 18 and fully competent to make
this declaration. Under penalty of perjury, I declare that the following is true and correct:

**Personal Background**

1. I was born in Springfield, Missouri and raised in Oxford, Ohio.
2. I moved to Eaton, Ohio in 1983.
3. I graduated from Miami University with a Bachelor of Science in Industrial Technology.
4. I have been self-employed as a Technical Marketing Consultant since 1987.
5. I first became affiliated with the Constitution Party of Ohio ("CPO") in 2010.
6. In April 2012, I became the State Chairman for the CPO.
7. I became, and have remained, a member of the CPO because the party’s platform reflects
   my values. I share the CPO’s belief that our country should return to a constitutional
   republic that interprets our founding documents – The Declaration of Independence and
   the U.S. Constitution – according to the actual intent of our Founding Fathers.

**The Effects that Ohio’s New Ballot Access Law (S.B. 193) has on CPO**

8. S.B. 193 imposes a requirement that parties field candidates for governor or president and
   that their candidates poll at least two percent of the vote for 2014, and three percent of the
   vote in subsequent years, in order to avoid dissolution.
9. Therefore, the new ballot access scheme created by S.B. 193 forces our party to run
   candidates in some of the most expensive political races -- the races for president and/or
   governor -- even though it is not in our best interest to allocate precious party resources to
   these expensive races.
10. Because we are an emerging political party, our plan for party growth is to concentrate on local elections in counties and municipalities where we believe our message will really resonate with voters. To this end, the CPO believes that our resources are best spent fielding candidates in local races, where our candidates have a better shot at winning.

11. S.B. 193 has forced the CPO to abandon its strategy of focusing on local elections by requiring us to divert resources and time on efforts to field candidates for governor and/or president.

12. To have a shot at getting three percent of the popular vote in a gubernatorial election, I estimate that we would need to spend over a hundred thousand dollars, and likely hundreds of thousands of dollars. For a party that has trouble raising tens of thousands of dollars, this is a daunting, if not impossible, task. Even the cost of printing enough signs to ensure that a sufficient number of people are aware that the CPO is running a candidate for a statewide position is almost cost-prohibitive for us. When you have those kinds of odds against you—and those kinds of costs—sometimes you feel like there is nothing you can do but give up.

13. As the popular saying goes, “A third party cannot win!” With these kinds of obstacles, they are essentially correct.

14. A big part of the reason why our vision for the near-future is to focus on local elections is that it is what we can reasonably afford at this stage in our party’s life cycle.

15. CPO has just begun preparations for the 2015 election cycle.

16. Most of the elections in odd-numbered years are non-partisan races for school board or city council positions, but there are some partisan races as well. While we do not yet have a specific plan in place for the partisan races, the CPO has identified a number of
the partisan races throughout the state and is currently examining our options for competing in some of those races in 2015.

17. If CPO is dissolved after the November 2014 General Election, which is certain to happen if S.B. 193 takes effect after the 2014 election cycle, our party will lose legal recognition and be disqualified from running candidates in partisan races in 2015.

18. We have CPO members who currently are interested in running in partisan races in 2015. Being able to field candidates in 2015 will help CPO increase awareness of our party in localities across the state and grow from the ground up.

19. Additionally, if CPO is dissolved after the 2014 General Election, S.B. 193’s petition scheme will bar us from the 2016 primary election and make it difficult for us to access the 2016 general election ballot.

20. CPO plans to field a number of candidates in the 2016 elections. Not only does CPO intend to field our national party’s nominees for President and Vice President, but we will also likely run candidates in a number other elections, especially those seeking to fill positions at the state and local levels.

21. For several apparent reasons, one of the biggest burdens that CPO currently faces is losing access to primary elections.

22. First, the ballot access scheme enacted by S.B. 193 requires that CPO nominate candidates by petition and by submitting a slate of candidates to the state, rather than allowing the party to compete in the primary election.

23. While the state holds primaries in March in presidential election years and May in gubernatorial election years, under S.B. 193, CPO’s party formation petition and candidate nominating petitions would not be due until July. Additionally, under the
state’s new ballot access scheme, the state does not even need to determine the sufficiency of CPO’s party formation petition or the petitions submitted by its candidates until August – months after the primary election has taken place.

24. Furthermore, our candidate’s nominating petitions may not be signed by voters who cast a partisan ballot in the current year’s primary election or the primary elections held in the previous two years. This means that after the Republican and Democratic candidates are selected and while these candidates are out campaigning, raising money, and drumming up support from their bases, we will be spending money trying to track down politically unmotivated voters to sign our candidate’s nominating petition. I say politically unmotivated because Ohio’s new ballot access law forces us to find Ohioans who haven’t voted in a primary election in the last three years. That usually means teenagers or people who for one reason or another have not voted in years. Additionally, most people that I have spoken to cannot even recall if they voted in a primary in the last three years.

25. In essence, S.B. 193 causes CPO and other similarly situated parties to lose both time and money.

26. Second, by being prohibited from participating in primary elections, CPO also is denied access to valuable political tools, such as voter rolls and name recognition.

27. Name recognition is especially valuable to us because some people would not know that our party existed without seeing us listed on primary election ballots. Sometimes, voters see our name on the primary ballot, look up what our party is about on the internet, and then decide to affiliate with us or donate to our party. This means that rather than having to spend money reaching out to folks to spread our message, we can focus on raising money to support the campaigns of CPO candidates.
28. I would say name recognition is the biggest element CPO loses when we are prohibited from joining the major parties in the primaries. We have a much larger hill to climb when we have to reach out to voters in a secondary manner to let them know what we are about, instead of voters looking us up and reaching out to us.

29. Third, in Ohio, the only opportunity that voters have to affiliate with political parties is by requesting the ballot type for the political party with which they wish to be affiliated at the primary election. So what can a voter do when they want to affiliate with CPO, the Libertarian Party, or the Green Party, when we are not represented at the primary and when the state will not even make a determination about the sufficiency of our party’s petition until months after the primary election has already taken place?

30. S.B. 193 essentially limits a voter’s choice of political affiliation to a choice between two parties: the Democrats and the Republicans.

31. CPO understands and supports the idea that parties and candidates need to show that they have a certain amount of support before they can appear on the ballot. However, S.B. 193 ballot access law inherently favors the two major parties over all others.

I declare under penalty of perjury that the forgoing is true and correct.

Executed on August 1, 2014.

[Signature]

Donald R. Shrader