Calle or text as soon as u. R up. I m in car

Sent from my iPhone

On Mar 7, 2014, at 3:30 AM, "Christopher, Jack" <Christopher@ohiosecretaryofstate.gov> wrote:

For what they're worth, (and their probably not cogent at 3:30 in the a.m.) here are my Evans thoughts...Generally ar inconsistent even, decision:

In Evans, the Court identified the affected circulators as Independent Contractors hired by Arno, and, determined the (and that ACS was not the proper party) to be listed in the “circulator statement.”

p.8: (Arno, in turn, retained and paid circulators as independent contractors.)

Doesn’t this necessarily mean that the circulators who, again, were determined by the court to be Independent Contractor to complete the circulator statement with Arno’s information? (I can’t escape the fact that the Court is essentially requ IMO, the case was not solely about determining whether a particular circulator was, in fact, an Independent Contract “Employee” (and, therefore, as Prof. Brown would argue, ipso facto not need to disclose anyone).

Instead, I think the court was “choosing” among “payors” to determine which of them was the correct entity for the circulator statement. (i.e., Who is the correct “employer” to put on the form when there is more than one option?)

I don’t think the Court ever considered that there would be no disclosure. In other words, I don’t think the court meant Independent Contractor you do not have to disclose anyone.

If that were the case, then there would never need to be any disclosure because:

1. A party could directly hire an Independent Contractor only to circulate.
2. Under Brown’s argument, that means no filling out circulator statement.
3. But, because the I/C is not “managing, supervising, organizing per 3501.381, NO ONE would need to fill out t!

I think the above analysis is supported by dicta later in the Evans opinion:

Appellants are free to use paid circulators; those circulators must simply disclose the correct employment informati

...requiring the disclosure of the person hiring and paying a circulator for collecting signatures is a direct way of gathe
to deter fraud, diminish corruption, and investigate potential abuse by a circulator or the entity that paid the circulat
signatures. Thus, this disclosure requirement serves a substantial government interest.

Against this backdrop, it makes sense that the legislature would have focused its efforts on requiring the disclosure o
paying a circulator

...the “person employing” provision is all about informing election officials about the entity that hired the circulator.

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Further affiant sayeth naught. 😊