DECLARATION OF ROBERT FITRAKIS IN SUPPORT OF MOTION FOR
SUMMARY JUDGMENT
(pursuant to 28 U.S.C. § 1746)

My name is Robert Fitrakis 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 Detroit, Michigan and moved to Columbus, Ohio in January 1987.

2. I obtained a Bachelor of Arts in Political Science from Grand Valley State University, a Master of Arts in Political Science from Wayne State University, a Doctor of Philosophy from Wayne State University, and a Juris Doctorate from The Ohio State University.

3. I have served as a Professor of Political Science at Columbus State Community College for the past 27 years.

4. I have served as a Co-Chair of the Ohio Green Party ("GPOHIO") since 2010 and I am also currently serving as a Co-Chair of the Franklin County Green Party.

5. I am the 2014 GPOHIO candidate for Lieutenant Governor.

6. In the past, I have run for other elected offices as a GPOHIO candidate (or with my candidacy being endorsed by GPOHIO). In 2003, I ran for Columbus City Council as an independent candidate endorsed by GPOHIO. In 2006, I ran for Governor as an independent candidate endorsed by GPOHIO. In 2012, I ran as a GPOHIO candidate to serve residents of the 3rd Congressional District of Ohio in the U.S. House.

7. In 2003 and 2006, I was unable to officially run as a GPOHIO candidate because the ballot access laws that were in place in Ohio at that time made it difficult for GPOHIO to become an officially recognized minor party.
8. Since 2008, GPOHIO has operated as an officially recognized minor political party in Ohio.

9. GPOHIO is dedicated to shaping public policy in accordance with party values. These values include: striving toward a sustainable ecological balance, fostering community-based economics, and fighting for gender equality.

10. I have supported GPOHIO since the 2000 presidential elections, when Ralph Nader ran as an independent endorsed by GPOHIO.

11. I have been a member of, and increasingly took on a leadership role in, GPOHIO since 2003, largely because of the Party’s principled stance opposing the Iraq War. I consider the two major parties pro-war parties. I have been officially affiliated with GPOHIO since it has been recognized as a minor political party by the State of Ohio.

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

12. GPOHIO believes that a two-party democratic system inherently avoids controversial issues, and that GPOHIO is positioned to serve as an incubator of new ideas by creating space for people to address topics that fall outside the mainstream political spectrum.

13. Under the requirements imposed by S.B. 193, should GPOHIO be dissolved this year, it will have to reform by petition.

14. The petitions GPOHIO will have to file under S.B. 193 impose several severe burdens on our party.

15. First, under S.B. 193, GPOHIO will be unable to reform and field candidates in 2015. Thus, while the Democratic and Republican parties will be able to remain intact next year and would, therefore, be capable of competing in local partisan elections in 2015, GPOHIO will be completely barred from participating in these elections.
16. This places a significant burden on GPOHIO, because our party has previously run
candidates in local partisan elections held in odd-numbered years and we have plans to
continue such efforts in 2015.

17. In the past, GPOHIO has run candidates for municipal offices in Toledo, Bowling Green,
Youngstown, and Cleveland -- where one of our members was elected to City Council. A
Green Party member was also elected to the Boardman Local School Board in Northeast
Ohio.

18. Additionally, the Green Party is already planning to run candidates for Columbus City
Council in 2015 and produce a sample ballot to help support these campaigns.

19. Running candidates in these local elections helps GPOHIO educate individuals across the
state about our party and its platforms.

20. Second, S.B. 193 denies voters the ability to affiliate with GPOHIO and forecloses
GPOHIO’s ability to build its membership.

21. Under Ohio law, voters can affiliate with a political party only by requesting a ballot for
that party in a primary election.

22. If GPOHIO is dissolved, its members will cease to be affiliated with the party. And,
because GPOHIO will not exist as a party in the state in 2015 and will be denied access
to the primary in 2016, voters will be denied the opportunity to affiliate with GPOHIO
until at least 2017.

23. This means that GPOHIO will be unable to identify individuals who wish to affiliate with
our party and who would be willing to lend physical and financial support to our party
and its candidates.
24. Because of the way that the system is set up in Ohio, primary elections are much more than a system for nominating candidates – they are also tools that political parties use to drum up support, raise funds, gain publicity, and identify motivated members that can be used during the campaigns as petition circulators and in other roles.

25. Practically speaking, S.B. 193 narrows a voter’s choice of party affiliation down to two: Republican and Democrat.

26. Furthermore, by stripping GPOHIO of all its members and denying voters the opportunity to affiliate with our party, S.B. 193 will also destroy the momentum that GPOHIO has gained in the past six years (since it ran a candidate in the 2008 Presidential Election).

27. In 2008, the first year that GPOHIO was officially allowed on the ballot after Ohio’s previous ballot access scheme was declared unconstitutional, GPOHIO’s candidate for President, Cynthia McKinney, received 8,158 votes. Four years later, in 2012, the GPOHIO candidate for President, Jill Stein, received 18,573 votes. This example is illustrative of the growth GPOHIO has experienced over the past six years – growth that, I believe, is attributed to GPOHIO’s continued recognition as a political party in the State.

28. S.B. 193 will dismantle and destroy both GPOHIO and its local county branches by removing the party affiliation of all current party members.

29. Currently, the Green Party has 454 members in Franklin County. Additionally, Brian Cummings, a Cleveland City Councilman and member of GPOHIO, will no longer be affiliated with our party despite the fact that he won his seat on the Cleveland City Council when running as a GPOHIO candidate.
30. Third, the party formation petition and nominating petition requirements established by S.B. 193 place significant hurdles on the ability of GPOHIO to re-form and field candidates.

31. In order to re-form parties must meet the same requirements regardless of whether they wish to run a candidate for in a statewide or a local election. Specifically, the law states that sufficient party formation petitions must be signed by qualified electors equal to at least one percent of the vote for governor or presidential nominees in the most recent general election for such office and that these signatures must be gathered from at least 500 electors that reside in “each of at least” half of Ohio’s congressional districts.

32. Additionally, regardless of the fact that GPOHIO will be foreclosed from the political process for nearly two years, have no affiliated members, and its candidates need not gather nominating petition signatures until after the primary election has already taken place, S.B. 193 restricts the individuals qualified to sign nominating petitions to qualified electors who have not voted for a different political party in a primary election held in the current year or past two years.

33. Thus, in addition to being completely foreclosed from the 2015 elections, S.B. 193 makes it difficult for GPOHIO and its candidates to obtain ballot access in 2016 and other even-numbered years.

34. GPOHIO typically runs candidates for executive positions (Governor and/or President) because running candidates for these offices allows us to draw attention to issues that are important to us in an open public forum. For example, issues such as the decriminalization of marijuana and the economic potential for industrialized hemp would be ignored if GPOHIO did not force debate on these topics.
35. Furthermore, by running a candidate for an executive position, GPOHIO is able to build its brand. The extra attention our party gathers when participating in races for major political offices helps invigorate our grassroots base, increases our visibility, and contributes to our growth.

36. S.B. 193 threatens GPOHIO’s ability to run candidates in the races for Governor and President, as well as in other statewide and local races.

37. Under S.B. 193, GPOHIO candidates will, once again, be forced to run as independents (as they were prior to 2008).

38. This means that voters will not be able to easily identify the true political identity of our candidates.

39. Being able to have the GPOHIO party label appear on the ballot, as opposed to merely endorsing a candidate who is listed as independent, is a powerful tool.

40. For instance, in 2006, I was the GPOHIO-endorsed gubernatorial candidate. Because of the ballot access laws in place at the time — laws that have since been struck down as unconstitutional — I was officially listed as “Independent” on the ballot. I received slightly less than 41,000 votes. In the 2010 gubernatorial elections, after Ohio’s ballot-access scheme changed, GPOHIO was actually able to run a candidate for Governor, Dennis Spisak. Spisak received about 18,000 more votes than I had in 2006. One possible explanation for this is that Spisak was officially listed as a GPOHIO candidate.

41. When voters see the GPOHIO label beside the names of one of our candidates, they know what the candidate stands for, which, in turn, helps the candidate accrue votes.

42. Fourth, even if GPOHIO and its candidates are able to submit sufficient petitions, S.B. 193 prevents us from competing until the very last minute in the election cycle.
43. Under S.B. 193, any time that a party must seek to form (or re-form) via petition, they must wait until 95 days before the General Election in which they are seeking to compete to find out whether their party formation petitions and candidate petitions are sufficient.

44. This means that when GPOHIO would *finally* be permitted to re-form and field candidates (in 2016), GPOHIO will have to wait until 95 days before the General Election to find out if its petitions are sufficient.

45. During the time that GPOHIO and its candidates are collecting signatures for their petitions and waiting to find out whether they will be permitted to compete in the 2016 General Election, Democratic and Republican candidates will have been determined and had many months to conduct their campaigns and undertake fundraising efforts. This clearly gives the major parties an unfair competitive advantage.

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

Executed on August 31, 2014

Robert Fitrakis