To: Ohio Secretary of State J. Kenneth Blackwell

From: Gretchen A. Quinn, Hearing Officer

Date: September 28, 2004

Re: Protest against Statement of Candidacy and Nominating Petition of Ralph Nader for President of the United States & Jan D. Pierce / Peter Miguel Camejo for Vice President of the United States — relative to the November 2, 2004 Election.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

BACKGROUND

On August 18, 2004, a Joint Statement of Candidacy and Nominating Petition was filed with the Elections Division of the Office of the Ohio Secretary of State ("the Secretary") on behalf of Ralph Nader and Jan D. Pierce as independent joint candidates for the offices of President and Vice-President of the United States, respectively, pursuant to section 3513.263 of the Revised Code of Ohio. The petition consisted of many parts and contained 14,473 signatures.

Subsequently on August 18, members of the five-person committee named on the petition to represent the joint candidacy filed three additional documents with the Elections Division: Mr. Pierce’s written and signed statement withdrawing as the vice-presidential nominee, the committee’s written appointment of Peter Miguel Camejo to fill the vacancy in the joint candidacy created by Mr. Pierce’s withdrawal, and Mr. Camejo’s written and signed acceptance of that appointment.

The Elections Division processed the Nader petition and sent the part-petitions to the appropriate Ohio county boards of elections to determine how many of the signatures and part-petitions were valid, in accordance with law. At the same time, the Division sent to the boards part-petitions filed by other independent candidates for president and vice-president, and the United States Senate. The boards were instructed to report their findings regarding those petition papers to the Elections Division on or before September 3.

In re Protest of Nader Petition
On August 30, 2004, Benson A. Wolman and twelve other Ohio electors ("the protesters") filed this protest challenging, on several grounds, the validity of many of the remaining 6,464 signatures contained in the joint nominating petition. On August 31, 2004, the office of the Secretary of State advised a member of the five-person committee representing the Nader/Camejo joint candidacy that the protest had been filed. The office subsequently sent via First Class U.S. Mail a copy of the protest to Mr. Nader, Mr. Camejo and the five members of the committee: Herman Blankenship, Kim Blankenship, Julie Coyle, Logan Martinez and Larry Snider.

On September 8, having reviewed the boards' findings relating to the Nader-Pierce petition, the Elections Division determined that 6,464 signatures on that petition were valid, satisfying the requirement that the petition contain at least 5,000 valid signatures of Ohio electors.

A hearing on the timely filed protest was held at the Office of the Secretary of State on September 21-24, 2004. Both the protesters and the Nader/Camejo campaign were represented by legal counsel and given the opportunity to offer evidence and make statements on behalf of their clients. Testimony was limited to the 6,464 signatures validated by the boards of elections, as the protest was moot with respect to the signatures that the boards already had invalidated.

The evidence adduced at the hearing demonstrated a number of significant problems relating to the petition, particularly in regard to the people who purportedly had circulated many of the part-petitions that were subject to the protest. For the reasons set forth below, I recommend the protest be upheld in part and denied in part.

FINDINGS

I. The Protest Was Validly Filed

1. Protests against nominating petitions of persons desiring to become independent joint candidates for the offices of President and Vice-President of the United States must be made in writing, set forth with specificity the basis for the challenge, be signed by a qualified elector, and be filed with the Secretary of State not later than 64 days before the general election. R.C. 3513.263. The written protest at issue here set forth specific challenges to the petition and was timely filed in the Secretary's office on August 30, 2004. (Ex. 37).

2. At least one qualified elector must be a party to any such protest. R.C. 3513.264. The protesters in this action are all qualified electors. Benson Wolman, one of the protesters, testified that he is a registered voter in Ohio and that he resides at the address listed on his voter registration. (Tr. 420-21).

3. Consequently, the protest was validly filed pursuant to R.C. 3513.263.

In re Protest of Nader Petition for President
II. The Protest Hearing

4. In accordance with R.C. 3513.263, this office scheduled a hearing on the protest. The date of the hearing was set for September 21, in order for the county boards of elections to have sufficient time to review the separate parts of the petition for validity and sufficiency and to report those findings to this office; for those findings to be shared with the protesters and the challenged joint candidates; for the joint candidates to retain legal counsel to represent them at the hearing; and for the challenged candidates' counsel to have a reasonable opportunity to review the protest and prepare for the hearing. I served as the Hearing Officer in the protest proceeding, which began September 21 and concluded September 24, 2004.

5. Although the protest procedure is provided for in law, the law is silent as to how the hearing is to be conducted. However, it is well established in this state that, because the protester seeks to prevent a candidacy issue being submitted to the electorate, the protester has the burden of going forward with the protest and substantiating the specific challenge(s) to the candidacy or ballot issue that is the subject of the protest.

6. The protesters were represented by counsel Donald J. McTigue, Andrew Chubok, Jennifer Levy and Gregory Corbett. Nader was represented by counsel Daniel Hilson, Charles Dyas, Michael Cassidy, Melissa Hoeftel and Eve Ellinger.

7. At the requests of the parties, the Secretary issued subpoenas to purported circulators of Nader petitions and to other persons. Significant documentary evidence was produced pursuant to some of the subpoenas issued by the Secretary. In some instances, counsel for the protesters and candidates were able to reach stipulations as to the facts. Ten live witnesses gave testimony and were subjected to cross-examination. I have assessed the testimony and the credibility of the witnesses and the other evidence submitted, and on that basis make the following findings of fact, conclusions of law, and recommendations.

III. Evidence and Testimony About Petition Circulators

A. Jill Lane: Challenged for signing as the circulator part-petitions that she had not circulated

8. The Nader petition included part-petitions purportedly circulated by Jill Lane. Of those, 43 part-petitions contain 295 signatures that were included among the 6,464 signatures validated by the county Boards of Elections. (Ex. 3).

9. Ms. Lane testified that she personally signed the Circulator Statements of some of those 43 part-petitions. With respect to the other part-petitions bearing her name, Ms. Lane testified that the
signatures on those Circulator Statements were forged. And with respect to still other part-petitions, she testified that she was unable to tell whether her purported signature was genuine or a forgery.

10. Ms. Lane testified that she never personally circulated Nader part-petitions, and she never witnessed the affixing of any signatures to the part-petitions. (Tr. 67-68, 77, 124).

11. Ms. Lane testified that her cousin, Michael Jones, who is not a resident of Ohio, visited her for about two weeks, during which time he told Ms. Lane that he was circulating petitions against same-sex marriage. (Tr. 54-58, 61-66).

12. Mr. Jones and another man asked Ms. Lane to sign the circulator statements of several of the part-petitions they had circulated, and Ms. Lane did so. (Tr. 68-71, 73). Ms. Lane testified that she heard Mr. Jones speaking with his boss, whom he called “Dick,” on the telephone, and that Mr. Jones told her it was all right to sign the petitions. (Tr. 66-67). Although this testimony constitutes hearsay, I include in these Findings so that the Secretary will understand the context in which Ms. Lane acted, and to demonstrate the possible link between that conduct and JSM, the signature gathering firm hired by the Nader campaign to collect signatures from Ohio electors to obtain ballot access.

13. Nader later produced at the hearing two documents that identified a number of the individuals whom JSM, Inc. — a Florida company headed by Jenny and Dick Breslin — paid in connection with the company’s Nader petition efforts; those documents not only list Ms. Lane as one of the persons who was to be paid for collecting signatures, but also referenced Mr. Jones. (Ex. 94 & 95).

14. R.C. 3501.38(E) states that petition circulators must attest under penalty of election falsification that they witnessed the affixing of every signature. The failure of a circulator personally to witness the affixing of every signature invalidates the entire part-petition. See, e.g., State ex rel. Comm. for the Referendum of City of Lorain Ordinance No. 77-01 v. Lorain County Bd. of Elections, 96 Ohio St. 3d 308, 316 (2002) (entire part-petition is invalid due to false circulator statement where circulator did not witness every signature on part-petition).

15. After Ms. Lane testified that she never circulated any of the petitions bearing her signature, the parties stipulated that the remaining valid signatures on part-petitions with Circulator Statements bearing Ms. Lane’s name would be deemed invalid. (Tr. 157-58).

16. I find that all previously validated part-petitions purportedly circulated by Jill Lane are invalid because she did not circulate any part-petition nor witness the affixing of any signatures to a part-petition. Accordingly, I find that any signatures contained on any otherwise valid part-petition having Ms. Lane’s name in the Circulator Statement must be deemed invalid. Such part-petitions include the following numbered part-petitions: 2707, 504108, 504109, 504114, 504117, 504118, 504119, 504120, 504121, 504123, 504149, 504150, 504151, 504153, 504154, 504156, 504157, 504158, 504159, 504160,

In re Protest of Nader Petition for President
501461, 501462, 501463, 501464, 501465, 501466, 501467, 501468, 501469, 501470, 501471, 501472, 
501473, 501474, 501475, 501476, 501477, 501478, 501479, 501480, 501481, 501482, and 501483.

17. These 43 part-petitions account for 295 of the 6,464 signatures preliminarily validated by the county Boards of Elections. I find these 295 signatures to be invalid under Ohio law.

B. Michael Cottrell: Challenged for signing as the circulator part-petitions that he had not circulated

16. The Nader petition included part-petitions bearing the name of Michael Cottrell on the signature line of the Circulator Statements. Of those, five part-petitions contain 32 signatures that were included among the 6,464 signatures validated by the county Boards of Elections. (Ex. 5).

17. Mr. Cottrell testified that, although he signed the Circulator Statements of five part-petitions, he never actually circulated any petitions nor witnessed the affixing of any signatures to the part-petitions bearing his name. (Tr. 147-48). Mr. Cottrell testified that Michael Jones asked him to sign Circulator Statements for part-petitions that Michael Jones, not Mr. Cottrell, had circulated. (Tr. 142, 151). After Mr. Cottrell testified that he never circulated any of the petitions bearing his signature, the parties stipulated that all remaining valid signatures on part-petitions with Circulator Statements bearing his name would be deemed invalid. (Tr. 152).

18. I find that all previously validated part-petitions purportedly circulated by Michael Cottrell are invalid because he did not circulate any part-petition nor witnessed the affixing of any signatures to a part-petition. Accordingly, I find any signatures contained on any valid part-petition having Mr. Cottrell's name in the Circulator Statement must be deemed invalid. Such part-petitions include the following numbered part petitions: 501437, 501438, 501439, 501440, and 501441.

19. These part-petitions account for 32 of the 6,464 signatures preliminarily validated by the county Boards of Elections. I find these 32 signatures to be invalid.

C. Melody Hudson: Challenged for signing as the circulator part-petitions that she had not circulated

20. The Nader petition included part-petitions bearing the name of Melody Hudson on the signature line of the circulator statements. Of those, 12 part petitions contain 33 signatures that were included among the 6,464 signatures validated by the county Boards of Elections. (Ex. 7).

21. Ms. Hudson is the daughter of Jill Lane. Ms. Hudson testified that although she signed the circulator statements on 12 part-petitions, she never circulated any part-petitions and never witnessed the affixing of any signatures to any of the part-petitions bearing her name. (Tr. 166, 175). She testified that she does not even know who Ralph Nader is. (Tr. 161). She testified that she saw other people, including
Michael Jones, circulating petitions claiming to be related to same-sex marriage, and she was informed that the petitions she signed related to same-sex marriage. (Tr. 164-65; 168).

22. After Ms. Hudson testified that she never circulated any of the petitions bearing her signature, the parties stipulated that remaining valid signatures on part-petitions with Circulator Statements bearing her name would be deemed invalid. (Tr. 176).

23. I find that all previously validated part-petitions purportedly circulated by Melody Hudson are invalid because she did not circulate any part-petition nor witness the affixing of any signatures to a part-petition. Accordingly, I find any signatures contained on any valid part-petition having Ms. Hudson’s name in the circulator statements must be deemed invalid because Ms. Hudson did not actually circulate any petitions or witness any signatures. Such part-petitions include the following numbered part-petitions: 504110, 504183, 504184, 504185, 504186, 504187, 504188, 504190, 504191, 504192, 504194, and 504195.

24. These part-petitions account for 33 of the 6,464 signatures preliminarily validated by the county Boards of Elections. I find these 33 signatures invalid.

D. Richard Hudson: Challenged for signing as the circulator part-petitions that he had not circulated.

25. The Nader Petition included part-petitions bearing the name of Richard Hudson on the signature line of the Circulator Statements. Of those, six part-petitions contain 45 signatures that were included among the 6,464 signatures validated by the county Boards of Elections. (Ex. 3).

26. Mr. Hudson is the son of Jill Lane. He testified that, although he signed the circulator statements on six part-petitions, he never acted as a circulator and did not witness the affixing of any signatures to the part-petitions by any qualified electors. (Tr. 182, 187). He further testified that he does not even know who Ralph Nader is. (Tr. 181). He testified that he saw people circulating petitions who were claiming that the petitions related to same-sex marriage, and he was told that the petitions he signed related to same-sex marriage. (Tr. 183-84, 186-87).

27. Mr. Hudson testified that Michael Jones asked him to sign the circulation statement on part-petitions that had been circulated by Michael Jones and/or Mr. Jones’ friends. (Tr. 182-84). Mr. Hudson also testified that Mr. Jones recently called him and told him to testify falsely that Mr. Hudson had in fact circulated those part-petitions. (Tr. 195-96).

28. After Mr. Hudson testified that he never circulated any of the petitions bearing his signature, the parties stipulated that remaining valid signatures on part-petitions with Circulator Statements bearing his name would be deemed invalid. (Tr. 193-94).
29. I find that all previously validated part-petitions purportedly circulated by Richard Hudson are invalid because he did not circulate any part-petition nor witness the affixing of any signatures to a part-petition. Accordingly, I find any signatures contained on any valid part-petition having Mr. Hudson’s name in the circulator statements must be deemed invalid. Such part-petitions include the following numbered part petitions: 504196, 504197, 504198, 504199, 504200, and 504201.

30. These part-petitions account for 45 of the 6,464 signatures validated by the county Boards of Elections. I find these 45 signatures invalid.

E. Michael Bonham: Testimony that no one who lived at his residence had circulated any part-petition

31. The Nader petition included part-petitions bearing the name Michael Dowham as the circulator and providing a residence address of 6152 Fireside Drive, Centerville, Ohio. Of those, one part-petition contains one signature that was included among the 6,464 signatures validated by the county Boards of Elections. (Ex. 11).

32. I find that the part-petition bearing Mr. Dowham’s name must be invalidated because there is no Michael “Dowham” who actually circulated any petitions or witnessed any signatures.

33. Michael Bonham testified that he resides at 6152 Fireside Drive, that he has lived there for three months, and that there is no Michael Dowham at that address.

34. After the parties agreed that the signature on this part-petition was a forgery, the parties agreed that the remaining preliminarily valid signature on this part-petition would be deemed invalid. (Tr. 225).

35. I find that the one signature contained on part-petition number 2986 is invalid.

F. Greg Reese: Challenged for signing as the circulator part-petitions that he had not circulated, which could not be distinguished from those part-petitions that he had circulated

36. The Nader petition included part-petitions bearing the name of Greg Reese on the signature line of the Circulator Statements. Of those, 16 part-petitions contain 81 signatures that were included among the 6,464 signatures validated by the county Boards of Elections. (Ex. 14).

37. Mr. Reese testified that he personally circulated and witnessed signatures on only eight of the 22 total part-petitions that were submitted bearing his name. (Tr. 235-40; 261).

38. Specifically, Mr. Reese testified that Cheryl, the manager of the Nader petitioning effort in the Cincinnati area, asked him to sign Circulator Statements of approximately 10-15 part-petitions that he had not circulated, and that he did so. (Tr. 236-39). Mr. Reese further testified that Richard Breslin (known as “Dick”) was present when he was asked to “sign-off” on the part-petitions that he had not
circulated. (Tr. 242-43). Mr. Reese is one of the individuals listed on the JSM documents as someone who was to be paid in connection with the company’s Nader petition efforts. (Ex. 94 & 95).

39. I find that Mr. Reese did circulate some of the part-petitions he submitted and did personally witness the signatures on those petitions.

40. However, I further find that the boards of elections validated 16 part-petitions bearing Mr. Reese’s signature as the circulator – twice the number of part-petitions that Mr. Reese had lawfully circulated. I find that the part-petitions that Mr. Reese signed but did not circulate cannot be legally valid. See, e.g., State ex rel. Comm. for the Referendum of City of Lorain Ordinance No. 77-01 v. Lorain County Bd. of Elections, 96 Ohio St. 3d 308, 316 (2002) (entire part-petition is invalid due to false circulator statement where circulator did not witness every single signature on part-petition). Mr. Reese testified that he was unable to distinguish which, if any, of those 16 part-petitions he personally circulated. (Tr. 241, 267-68).

41. If Mr. Reese cannot determine which, if any, of the 16 part-petitions is valid, election officials cannot make that determination. Mr. Reese’s testimony established that as few as eight and as many as 16 of the validated part-petitions are, in fact, invalid under law. To count as valid all the signatures on all those 16 part-petitions is contrary to public policy, as it would validate fraud in the petition process and undermine the integrity of the electoral process.

42. Accordingly, I find that, in the interest of public policy, any signatures contained on any valid part-petition having Mr. Reese’s name in the Circulator Statement must be deemed invalid. Such part-petitions include the following numbered part petitions: 2884, 2885, 2946, 2947, 503966, 503967, 503968, 503969, 503970, 503979, 503980, 503981, 503982, 503983, 503984, and 503985.

43. These 16 part-petitions account for 81 of the 6,464 signatures validated by the county Boards of Elections. I find these 81 signatures to be invalid.

G. Antoine Jackson: Challenged for signing as the circulator part-petitions that he had not circulated, which could not be distinguished from those part-petitions he had circulated

44. The Nader petition included part-petitions bearing the name of Antoine Jackson on the signature line of the circulator statements. Of those, 36 part-petitions contain 268 signatures that were included among the 6,464 signatures preliminarily validated by the county Boards of Elections. (Ex. 19).

45. Mr. Jackson testified that he did not personally circulate, and thus did not witness the affixing of any signatures on approximately 25-30 of the 46 part-petitions that were submitted bearing his name as the circulator. (Tr. 321, 347-48).

46. Specifically, Mr. Jackson testified that somebody who called himself “Joc,” who was not a resident of Ohio, asked him to sign the circulator statements on approximately 25-30 part-petitions.
Mr. Jackson had not circulated. (Tr. 336-337). Mr. Jackson “signed-off” on the other man’s circulator statements at a table “where everybody else was turning in their petitions to Cheryl and the others.” (Tr. 337). Mr. Jackson also testified that he did personally circulate about an equal number of additional part-petitions and was paid for the signatures he obtained. (Tr. 321-23, 345). Mr. Jackson is one of the individuals listed on the JSM documents as someone who was to be paid in connection with JSM’s Nader petition efforts. (Ex. 94 & 95).

47. I find that Mr. Jackson did circulate as many as one-half of the part-petitions that were submitted bearing his name and did personally witness at least some of the signatures on those part-petitions.

48. However, I further find that the part-petitions that Mr. Jackson signed but did not circulate cannot be legally valid. See, e.g., State ex rel. Comm. for the Referendum of City of Lorain Ordinance No. 77-01 v. Lorain County Bd. of Elections, 96 Ohio St. 3d 308, 316 (2002) (entire part-petition is invalid due to false circulator statement where circulator did not witness every single signature on part-petition).

49. Mr. Jackson also testified that he was unable to distinguish those part-petitions that he actually circulated from those he did not. (Tr. 340). If Mr. Jackson cannot determine which, if any, of the part-petitions that he purportedly circulated are valid, election officials cannot make that determination. Mr. Jackson’s testimony established that as many as half of the validated part-petitions are, in fact, invalid under law. To count as valid all the signatures on all those part-petitions is contrary to public policy, as it would validate fraud in the petition process and undermine the integrity of the electoral process. See, e.g., State ex rel. Citizens for Responsible Taxation, 65 Ohio St. 3d at 174 (submission entirely invalid if circulator “knowingly” commits fraud with respect to any part of it and “is aware of existing facts”); In re Brooks, 155 Ohio App. 3d at 389 (same); Prince, 1998 WL 894724, at *4 (same). Any other rule would nullify the prohibitions against fraud set forth in R.C. 3501.38 and would further facilitate and reward election falsification.

50. Accordingly, I find that all previously validated part-petitions purportedly circulated by Antoine Jackson are invalid, and any signatures contained on any previously validated part-petition having Mr. Jackson’s name in the circulator statement are deemed invalid. Such part-petitions include the following numbered part-petitions: 2733, 2877, 503831, 503832, 503833, 503834, 503835, 503836, 503837, 503838, 503839, 503840, 503841, 503842, 503843, 503844, 503845, 503846, 503850, 503848, 503849, 503851, 503852, 503853, 503855, 503856, 503857, 503936, 503937, 503938, 503939, 503940, 503941, 503942, 503943, and 503988.

51. These part-petitions account for 268 of the 6,464 signatures validated by the county Boards of Elections. I find these 268 signatures to be invalid.

In re Protest of Nader Petition for President
H. Robert Ellis: Challenged as to his status as an Ohio resident and elector

52. The Nader petition included part-petitions bearing the name of Robert Ellis on the signature line of the Circulator Statements. Of those, 12 part-petitions contain 66 signatures that were included among the 6,464 signatures validated by the county Boards of Elections. (Ex. 21).

53. On his part-petitions, which bear signatures dated August 3-5, 2004, Mr. Ellis stated under penalty of election falsification that he resided at 1320 Republic Street, #2, Cincinnati, Ohio 45202. (Ex. 21).

54. Mr. Ellis signed a voter registration card using the same address on August 3, 2004. (Ex. 22). The evidence produced at the hearing established that Mr. Ellis did not reside at the stated address at the time he signed the circulator statements.

55. The process server in this proceeding attempted to effectuate service on Robert Ellis at the address as listed on his petitions, but was unable to do so. The resident at that address, Darlene Behanan, told him that Robert Ellis does not live there. (Ex. 25).

56. Darlene Behanan testified by affidavit that she has lived at 1320 Republic St. #2 with her two children since June of 2004, and that Robert Ellis did not live at that address in the summer of 2004. (Ex. 23).

57. Joyce Morris of Model Management – the company that manages the property located at 1320 Republic Street – provided a sworn statement attaching additional documentation evidencing the fact that Mr. Ellis was not a resident of the property in August 2004 as he stated. (Ex. 24). Ms. Morris stated that the building at 1320 Republic Street was vacated and rehabbed in 2003, and that the only family to occupy unit #2 since that time was the Behanan family. (Id.) In addition, the property at 1320 Republic Street is a HUD tax credit project, for which the managers are required to collect certain data, including information about household composition and income certification for purposes of HUD’s administrative eligibility processes. (Id.) The certifications provided by Model Management confirm that the only residents of 1320 Republic Street #2 from 2003 to the present were Darlene Behanan and her children Marlene and Rodney. (Id)

58. Moreover, Mr. Ellis was named as the circulator on dozens of Marriage Protection Amendment petitions circulated in Ohio as late as July 31, 2004. (Ex. 26, 27). On all of the Marriage Protection Amendment part-petitions – which were circulated as late as four days prior to his Nader part-petitions – Mr. Ellis identified his address as 46 West 147th Street, Dolton, Illinois 60419. (Ex. 26 & 27.) Mr. Ellis is also one of the individuals listed on the JSM documents as someone who was to be paid in connection with the company’s Nader petition efforts. (Ex. 94 & 95).

59. Nader attempted to rehabilitate Mr. Ellis as a valid circulator by producing a voter registration from Mr. Ellis from four days earlier, dated July 29, 2004, that gave his voting residence...
address as 10110 Princeton-Glendale Road, Cincinnati, Ohio 45246. (Ex. D). However, the
acknowledgement notice that the Clermont County Board of Elections had mailed to Mr. Ellis at the
Princeton-Glendale address pursuant to R.C. 3503.19 was returned to the board with the U.S.P.S. notice,
“Not deliverable as addressed – Unable to forward.” (Ex. 106).

60. Additional evidence produced at the hearing established that 10110 Princeton-Glendale Road
is a hotel. (Ex. 107). The hotel desk clerk indicated that Mr. Ellis was no longer a guest, and that there
were no records of him in their computer. (Friday Rough Tr. P.M. 106).

61. Under Ohio law, only a qualified elector of the state may circulate a nominating petition on
behalf of any candidate. R.C. 3503.06. To be a qualified elector, a person must be a resident of the State.
See Ohio Const. Art. V, § 1; R.C. 3503.01. This residency requirement has been upheld repeatedly by the
U.S. Supreme Court “as a needful integrity-policing measure” even for initiative petitions, and therefore
certainly for candidate nominating petitions as well. Buckley v. American Constitutional Law Fedn., Inc.,

62. Ohio law provides that a person’s voting residence is that place “in which the person’s
habitation is fixed and to which, whenever the person is absent, the person has the intention of returning.”
R.C. 3503.02(A). Under Ohio law, a person does not reside where they come “for temporary purposes
only, without the intention of making such county the permanent place of abode.” R.C. 3503.02(C).
Listing the address of a hotel does not constitute a valid residence address. See In re Protest of Brooks,
2003 WL 22994777, *3-4 (Ohio App. 3 Dist. 2003) (making distinction between temporary address and
permanent residence); In re Brooks, 155 Ohio App. 3d 370, 381 (Ohio App. 3 Dist. 2003) (same).

63. In the Kelley’s Island case, the Secretary of State, the U.S. District Court, and the Sixth
Circuit all held that persons who were not legitimate residents at their stated location “were improperly
registered in the first place” and “were therefore ineligible to vote” at that illegitimate residence. Bell v.
Marinko, 367 F.3d 588, 592 (6th Cir. 2004); Bell v. Marinko, 235 F. Supp. 2d 772 (N.D. Ohio 2002);
Ohio Secretary of State Tie Vote Decision on Challenges to the Residency Qualifications of Kelley’s
Island Voters Paul S. Finnegan and Victoria J. Finnegan (July 8, 2002). In that case, the Sixth Circuit
concluded that Ohio could require voters to be bona fide residents, and that to hold otherwise “would
effectively grant and then protect the franchise of persons not eligible to vote.” Id.

64. Based on the evidence produced, I find that Mr. Ellis did not reside, and thus was improperly
registered to vote, at both 1320 Republic Street, #2, Cincinnati, Ohio 45202 and 10110 Princeton-
Glendale Road, Cincinnati, Ohio 45246. Therefore, part-petitions circulated by Mr. Ellis are invalid on
the separate grounds that he swore to a false residence address, and he is not a qualified elector of Ohio.

65. Accordingly, I find that all previously validated part-petitions circulated by Robert Ellis are
invalid, and I find that the signatures contained on all part-petitions having Mr. Ellis’ name and the either
1370 Republic St., #2 or the 10110 Princeton-Glendale Road address in the Circulator Statement are deemed invalid. These part-petitions include the following numbered part-petitions: 503859, 503860, 503861, 503862, 503863, 503864, 503865, 503866, 503867, 503868, 503869, and 503870.

66. These part-petitions account for 66 of the 6,464 signatures validated by the county Boards of Elections. I find these 66 signatures to be invalid.

I. Curtis Warner: Challenged as to his status as an Ohio resident and elector

69. The Nader petition included part-petitions bearing the name of Curtis Warner on the signature line of the Circulator Statements. Of those, 22 part-petitions contain 189 signatures that were included among the 6,464 signatures preliminarily validated by the county Boards of Elections. (Ex. 30).

70. On his part-petitions, which bear signatures dated August 2-4, 2004, Mr. Warner stated under penalty of election falsification that he resided at 1722 Cedar, #8, Cincinnati, Ohio 45224. (Ex. 30). In addition, Candidate’s counsel introduced evidence that Mr. Warner also signed a voter registration card using the same address on August 5, 2004. (Ex. C).

71. The manifest weight of the evidence presented at the hearing makes clear that Mr. Warner did not reside at the stated address at the time he signed the Circulator Statements and the voter registration.

72. The process server in this proceeding attempted to effectuate service on Curtis Warner at the address listed on his petitions, but was unable to do so. The resident at that address, Lori Madison, told the process server that Mr. Warner did not live there. (Ex. 35).

73. Lori Madison testified via affidavit that she has lived at 1722 Cedar, Apartment #8 with her two daughters since February 2004, and that no one with the name Curtis Warner has resided at 1722 Cedar, Apartment #8 since she moved in to that address in February 2004. (Ex. 31). Ms. Madison stated that she has never heard of Curtis Warner. (Id.)

74. In addition, Pauline Henry, the apartment manager for the property located at 1722 Cedar, submitted a sworn statement and accompanying documents concerning the property located at 1722 Cedar, #8, in Cincinnati. (Exs. 32-34). The records include the reports required by federal law on public housing facilities, which detail the residents of each unit on a monthly basis going back as far as May of 2003. The data confirms that no person by the name of Curtis Warner resided at that property address from May 2003 to the present. (Id.)

75. Moreover, the protesters introduced evidence Mr. Warner is named as the circulator on dozens of Marriage Protection Amendment petitions circulated in Ohio as late as August 1, 2004. (Ex. 28). On all of the Marriage Protection Amendment part-petitions — which were circulated up to the day before his Nader part-petitions — Mr. Warner identified his address as 645 5th Street, Stockton, California.
96206. (Ex. 28, 29.) Mr. Warner is also one of the individuals who is listed on the JSM documents as someone who is to be paid in connection with the company’s Nader petition efforts. (Ex. 94 & 95).

76. Mr. Warner did not reside and was improperly registered to vote at the address he listed as 1722 Cedar #8. Therefore, as was discussed above regarding Robert Ellis, I find that part-petitions circulated by Mr. Warner and previously validated by the boards of elections are invalid on the separate grounds that Mr. Warner swore to a false residence address, and that he is not a qualified elector of Ohio.

77. Accordingly, I find that all previously validated part-petitions circulated by Curtis Warner are invalid, and I find the signatures contained on all part-petitions circulated by Mr. Warner’s name and the 1722 Cedar #8 address in the Circulator Statement are invalid. These part-petitions include the following numbered part-petitions: 503948, 503949, 503950, 503952, 503955, 503953, 503955, 503954, 503955, 503956, 503957, 503958, 503959, 503960, 503961, 503962, 503963, 503964, 503965, 503974, 503.975, 503.976, 503.977, and 503.978.

78. These part-petitions account for 189 of the 6,464 signatures preliminarily validated by the county Boards of Elections. I find these 189 signatures invalid.

J. Daryl Oberg: Challenged as to his status as an Ohio resident and elector

79. The Nader petition included part-petitions bearing the name of Daryl Oberg on the signature line of the Circulator Statements. Of those, 45 part-petitions contain 341 signatures that were included among the 6,464 signatures preliminarily validated by the county Boards of Elections. (Ex. 39).

80. On some of his part-petitions, which bear signatures dated August 3-7, 2004, Mr. Oberg stated under penalty of election falsification that he resided at 9610 Cove Drive in North Royalton, OH 44133. The manifest weight of the evidence produced at the hearing established that Mr. Oberg did not reside at that address at the time he signed the Circulator Statements.

81. The process server in this proceeding attempted to effectuate service on Daryl Oberg at the address listed on his petitions, but was unable to do so. The resident at that address told the process server that Mr. Oberg did not live there. (Ex. 38).

82. David Musacchia, the landlord for the condominium located at 9610 Cove Drive submitted a sworn affidavit stating that he had rented the unit to Daryl Oberg beginning in 1998, but that Mr. Oberg moved from that address in June or July 2000 and has not resided there at any time since. (Ex. 40).

Mr. Musacchia further stated that the condominium was consistently rented to other tenants from the time Mr. Oberg moved out through the present, with the exception of a two-month period when the unit was vacant. (Id.)

83. In response, counsel for Nader cited an 08/02/1999 docket sheet from the Berea Municipal Court listing the Cove Drive address, along with an internet report showing that the Cove Drive address
(as well as numerous Cleveland addresses and an address in Clearwater, Florida) comes up as one of the addresses possibly associated with Daryl and Corinne Oberg when their names and social security numbers are entered. (Ex. O, R). I do not find these exhibits persuasive to establish that the Oberg's are residents at the Cove Drive address in light of the landlord's sworn statement that they have not resided there since 2000.

84. Mr. Oberg registered to vote using the 9610 Cove Drive address on July 3, 2000, either shortly before or shortly after he moved from that address. (Ex. 41). Although Daryl Oberg is still listed on the voter rolls in Cuyahoga County, on September 8, 2003, he registered to vote at 3225 Midway Drive, San Diego, California 92110. (Ex. 42). At the time Mr. Oberg registered to vote in San Diego, he listed his previous address as 1701 West Sixth Street, Corona, California 92721. (Ex. 42).

85. On other of his part-petitions, which bear signatures dated August 14-18, 2004, Mr. Oberg stated under penalty of election falsification that he resided at 10665 Techwoods Circle in Blue Ash, Ohio 45242 (Hamilton County). (Ex. 39). Although counsel for Nader noted that Mr. Oberg also registered to vote at the Techwoods address on July 31, 2004 — three days before he circulated the part-petitions listing his 9610 Cove Drive address. (Ex. L) — the evidence placed in the record indicates that the Techwoods Circle address also is invalid.

86. The process servers in this proceeding attempted to effectuate service on Daryl Oberg at 10665 Techwoods Circle, which is the address of the Candlewood Suites, a motel. (Ex. 86).

87. Documents produced by the motel subject to a subpoena duces tecum issued by this office stated “Mr. Oberg was a guest of the Candlewood Suites ... from July 17, 2004 to September 6, 2004.” (Ex. 48). When Mr. Oberg originally checked into the motel, his anticipated departure date was September 13, 2004, but he actually left on September 6, 2004. (Ex. 47). The motel’s records identify JSM as Mr. Oberg’s company, and list as Mr. Oberg’s telephone number, one that begins with a 904 area code, which is the Jacksonville, Florida area. (id.)

88. In a further effort to support the motel address as a valid Ohio residence for Daryl Oberg, counsel for Nader offered an Internet report indicating that Mr. Oberg secured an Ohio state identification card on August 23, 2004, which listed the hotel address. (Ex. P).

89. Also introduced at the hearing was a second letter from the Candlewood Suites that evidenced that the Oberg's had no intention of making the Candlewood Suites their place of permanent habitation, to wit: “We physically do not have a forwarding address for the Oberg’s, nor do we know their current whereabouts other than traveling to Las Vegas. They do not have any future reservations with the Candlewood Suite nor do they have any further contractual agreements with us as well. After their departure of [sic] September 6, 2004, we have not had any further communication with the Oberg’s.” (Ex. M).
90. Nader's counsel attempted to use this same letter to suggest that Mr. Oberg's actual residence was in "the Cleveland area." In support of that position, counsel for Nader focused on the statement in the letter in which the General Manager writes that the Obergs told him that "their next project was in Las Vegas, NV, and then they would be traveling back home to the Cleveland area after the political elections." (Ex. M).

91. Nader's counsel also introduced an affidavit from Daryl Oberg stating, "I am a current resident of the state of Ohio. I am temporarily out of the state on a work-related project. Upon completion of this project, I intend to return to the state of Ohio where I permanently reside." (Ex. J). Counsel introduced a second affidavit from Corinne Oberg stating, "I am currently a resident of the state of Ohio. My husband, Daryl Oberg, and I have, from time to time, been separated over the past four years. We currently reside together and are temporarily out of Ohio working as professional circulators of ballot petitions. We plan to return home to Ohio after the petition circulation season ends." (Ex. Q).

92. I accord no weight to these self-serving statements, which were faxed from a Nevada motel. Neither affidavit stated where in Ohio the Obergs purport to "permanently reside."

93. Under Ohio law, the residence of one spouse is relevant to determining the residence of the other spouse. R.C. 3503.02(D). Daryl Oberg is married to Corinne Oberg, as evidenced in this record by their marriage license and Corinne's affidavit. (Ex. 43). Corinne Oberg was registered to vote at one time in North Royalton at the same address as Daryl, but her registration was later canceled because her voter information records show that she had moved from Ohio to the City of Corona, California. (Ex. 96). A Corona address, once again, was listed by Daryl Oberg as his prior address when he later registered to vote in San Diego. (Ex. 42). In addition, Daryl Oberg and Corinne Oberg are both listed on the JSM documents to be paid in connection with the company's Nader petition efforts. (Ex. 94 & 95).

94. Ohio law provides that, "If a person removes to another state with the intention of making such state the person's residence, the person shall be considered to have lost the person's residence in this state." R.C. 3503.02(E). When Daryl Oberg vacated his condominium in North Royalton, he severed any continuing connection to that property and moved to California. He has had no further connection to the North Royalton address – neither by lease nor ownership nor physical presence nor any other continuing relationship to the property. Therefore, under this statutory provision he lost his residence in Ohio when he moved to California. At a minimum, Mr. Oberg does not reside at the address in North Royalton and has not had a valid residence there for more than four years. As a result, all of Daryl Oberg's petitions submitted with his sworn certification that he currently resides at the address of 9610 Cove Drive in North Royalton are invalid. In the Kelley's Island case, the Secretary of State, the U.S. District Court, and the Sixth Circuit all held that persons who were not legitimate residents at their stated location "were improperly registered in the first place" and "were therefore ineligible to vote." Bell v. Marinko, 367 F.3d
588, 592 (6th Cir. 2004); Bell v. Marinka, 235 F. Supp. 2d 772 (N.D. Ohio 2002); Ohio Secretary of State
Tie Vote Decision on Challenges to the Residency Qualifications of Kelley’s Island Voters Paul S.
Finnegan and Victoria J. Finnegan (July 8, 2002). Under Ohio law, a person’s qualifying voting residence
is that place “in which the person’s habitation is fixed and to which, whenever the person is absent, the
person has the intention of returning.” R.C. 3593.02(A). Daryl Oberg has no permanent habitation in
Ohio. His former residence in North Royalton is no longer valid for him and he can have no valid intent
to return to a condominium that he does not own and that has been occupied by other tenants for more
than four years. Under Ohio law, a person does not reside where they come “for temporary purposes only,
without the intention of making such county the permanent place of abode.” R.C. 3503.02(C). Listing
the address of a hotel does not constitute a valid residence address. See In re Protest of Brooks, 2003 WL
22994777, *3-4 (Ohio App. 3 Dist. 2003) (making distinction between temporary address and permanent
residence); In re Brooks, 155 Ohio App. 3d 370, 381 (Ohio App. 3 Dist. 2003) (same). Mr. Oberg thus fits
within the category of itinerant nonresidents described in one of the Brooks cases, who also tried to list a
hotel address in violation of Ohio law, and whom the court described as “a petition initiative carpetbagger
who left town when the deed was done and is now incapable of being subpoenaed to testify in response to
any protests.” In re Brooks, 122 Ohio Misc. 2d 33, 37 (Common Pleas Ct. 2003). Accordingly, I find that
the signatures contained on all part-petitions having Mr. Oberg’s name in the Circulator Statement must
be invalid. Such part-petitions include the following labeled part-petitions: 2736, 2738, 2739, 2740,
2741, 2742, 2743, 2746, 2750, 2751, 2752, 2753, 2758, 2759, 2886, 2887, 2953, 2954, 2955, 503752,
503754, 503756, 503757, 503758, 503763, 503764, 503765, 503766, 503767, 503768, 503769, 503772,
503778, 503797, 503798, 503799, 503800, 503804, 503806, 503814, 503815, 503829, 503830, 503944,
and 503946.

103. These part-petitions account for 34! of the 6,464 signatures preliminarily validated by the
county Boards of Elections. I find these 341 signatures to be invalid.

K. George Woods: Challenged as to his status as an Ohio resident and elector and the
circulator of certain part-petitions

104. The Nader petition included part-petitions bearing the name of George Woods on the
signature line of the circulator statements. Of those, seven part-petitions contain 44 signatures that were
included among the 6,464 signatures preliminarily validated by the county Boards of Elections. (Ex. 88).

105. On the part-petitions Mr. Woods allegedly circulated, he stated under penalty of election
falsification that he resides at 2626 Germantown Road, Dayton, Ohio 45406. (Ex. 49). The process server
designated by the Secretary of State for this proceeding attempted to serve George Woods there, but was
informed by the current resident — Tony Allen, Mr. Wood’s nephew — that Mr. Woods “does not reside at address.” (Ex. 50.)

106. Tony Allen submitted a sworn affidavit in which he testified that George Woods is his uncle, that Mr. Woods visited him “during the month of July for a few days,” and that Mr. Woods actually resides in Texas. (Ex. 51).

107. The record in this case reflects that Mr. Woods had registered to vote at his nephew’s Germantown address on September 9, 2000. But, consistent with his nephew’s sworn testimony, Mr. Woods has since moved to 3613 Blanco Court in Corpus Christi, Texas, where he has been registered to vote since February 10, 2004. (Ex. 54).

108. Documents provided by Mr. Allen and subpoenaed from Continental Airlines establish that Mr. Woods flew from Texas to Ohio on July 23, 2004 to initiate his visit with his nephew Tony Allen and returned home to Texas on August 3, 2004. (Ex. 55 & 56).

109. The petitions submitted by Mr. Woods on behalf of Nader were all signed by individuals on July 21 and July 22, 2004 — prior to his arrival in Columbus from San Antonio. Thus, it seems most unlikely that Mr. Woods personally witnessed those individuals signing the petitions. (Ex. 49).

110. Mr. Woods also is one of the individuals listed on the JSM documents as someone who was to be paid in connection with the company’s Nader petition efforts. (Ex. 94 & 95).

111. R.C. 3501.38(E) states that petition circulators must attest under penalty of election falsification that they witnessed the affixing of every signature. The failure of a circulator personally to witness the affixing of every signature invalidates the entire part-petition. See, e.g., State ex rel. Comm. for the Referendum of City of Lorain Ordinance No. 77-01 v. Lorain County Bd. of Elections, 96 Ohio St. 3d 308, 316 (2002) (entire part-petition is invalid due to false circulator statement where circulator did not witness every signature on part-petition).

112. R.C. 3503.06 sets forth the statutory qualifications required for someone to circulate a nominating petition in the State of Ohio. Mr. Woods is not an Ohio resident, and thus he is an invalid circulator. See Ohio Const. Art. V, § 1; R.C. 3503.01; see also Bell, 367 F.3d at 592; Bell v. Marinko, 235 F. Supp. 2d 772 (N.D. Ohio 2002); Ohio Secretary of State Tie Vote Decision on Challenges to the Residency Qualifications of Kelley’s Island Voters Paul S. Finnegan and Victoria J. Finnegan (July 8, 2002).

113. Accordingly, I find that any signatures contained on any valid part-petition purportedly circulated by Mr. Woods must be invalid. Such part-petitions include the following numbered part-petitions: 504101, 504102, 504103, 504104, 504105, 504106, and 504182.

114. These part-petitions account for 44 of the 6,464 signatures previously validated by the county Boards of Elections. I find these 44 signatures invalid.
L. Ronald Waller: Challenged as to his status as an Ohio resident and elector

115. The Nader petition included part-petitions bearing the name of Ronald Waller on the signature line of the Circulator Statements. Of those, 58 part-petitions contain 366 signatures that were included among the 6,464 signatures preliminarily validated by the county Boards of Elections. (Ex. 88).

116. The Circulator Statements in the part-petitions containing Mr. Waller’s name attest, under penalty of election falsification, that he resides at 400 West Ninth Street, Cincinnati, Ohio 45202. (Ex. 88). The part-petitions show signature dates ranging from August 3, 2004 through August 18, 2004. (Id.) Mr. Waller is one of the individuals listed on the JSM documents as someone who was to be paid in connection with the company’s Nader petition efforts. (Ex. 94 & 95).

117. Despite the attestation on the circulator statements, Mr. Waller did not reside at 400 West Ninth Street during the time period in which the petitions that bear his name were circulated. To the contrary, according to the sworn affidavit of Mr. Waller’s mother, Patricia Hutchinson, Mr. Waller had not lived at that address since approximately March 2004. (Ex. 91).

118. The Secretary of State issued a subpoena to Mr. Waller to obtain testimony and documents from him, but the designated process server was unable to effectuate service at 400 West Ninth Street. The return information on the subpoenas indicates: “9-16-04 – Resident stated Ronald Waller does not live here.” (Ex. 90).

119. Counsel for Nader submitted an Internet report that listed Mr. Waller’s address is listed at 400 9th St. W. Apt. 901. (Ex. F). However, there was no qualifying testimony to explain what, if anything, this document was intended to prove, and there are no indicia of reliability. Moreover, this document is inconsistent with the sworn statement of Mr. Waller’s mother who stated that it has been approximately six months since he resided at that address listed in the circulator statements. Even so, protesters failed to show that Mr. Waller did not establish another residence in Ohio after moving out of his mother’s house earlier this year.

120. However, evidence was produced at the hearing to demonstrate another problem with part-petitions purportedly circulated by Mr. Waller. The signatures that appear on many of the part-petitions that bear Mr. Waller’s name plainly do not comport with the signature on Mr. Waller’s voter registration form. (Compare Ex. 88 with Ex. 89.)

121. As further evidence that the part-petitions bearing Mr. Waller’s name were the product of fraud, the protesters submitted the sworn affidavit of Anderson Behanan, whose signature appears on line 7 of part-petition number 503917. Mr. Behanan testified that the petition, which bears an apparently forged signature of Ronald Waller, was circulated by a white man and woman. (Ex. 103). Similarly, Wayne Hambrick, whose signature appears on line 15 of petition number 503904, which also bears an
apparently forged signature of Ronald Waller, stated that the circulator of the petition that witnessed his signature was a white woman. (Ex. 104). Mr. Waller is an African-American male. (Ex. 92).

122. R.C. 3501.38(E) states that petition circulators must attest under penalty of election falsification that they witnessed the affixing of every signature. The failure of a circulator personally to witness the affixing of every signature invalidates the entire petition. See, e.g., State ex rel. Comm. for the Referendum of City of Lorain Ordinance No. 77-01 v. Lorain County Bd. of Elections, 96 Ohio St. 3d 308, 316 (2002) (entire petition is invalid due to false circulator statement where circulator did not witness every signature on petition).

123. Where the evidence shows that the part-petitions submitted by a circulator are the product of election falsification, see R.C. 3501.38, those part-petitions must be deemed invalid. See, e.g., State ex rel. Citizens for Responsible Taxation, 65 Ohio St. 3d at 174; In re Brooks, 155 Ohio App. 3d at 389; Prince, 1998 WL 894724, at *4. Any other rule would nullify the prohibitions against fraud set forth in R.C. 3501.38 and would further facilitate and reward election falsification.

124. The evidence does not support the conclusion that Mr. Waller is not an Ohio resident and elector, only that he currently is not a resident of the address set forth in his circulator’s statement.

125. However, the evidence does support the conclusion that other people actually circulated two part-petitions purportedly circulated by Mr. Waller. Accordingly, I find that any signatures part-petitions numbered 303904 and 303917 are invalid.

126. These two part-petitions account for 15 of the 6,464 signatures preliminarily validated by the county Boards of Elections. I find these 15 signatures to be invalid.

M. John M. Laws: Challenged as to his status as an Ohio resident and elector

127. Nader submitted petitions purportedly circulated by John Laws. Of those, 54 part-petitions contain 544 signatures that were included among the 6,464 signatures preliminarily validated by the county Boards of Elections. (Ex. 57).

128. Part-petitions circulated by John Laws bear signatures dated July 21 - August 5, 2004. Mr. Laws stated under penalty of election falsification that he resided at 4207 Columbo Lane in Lorain, Ohio 44055. (Ex. 57). He also has been registered to vote there. (Ex. 61). Mr. Laws is one of the individuals listed on the JSM documents as someone who was to be paid in connection with the company’s Nader petition efforts. (Ex. 94, 95).

129. The process server in this proceeding attempted to serve a subpoena on John Laws at the Columbo Lane address listed on his petitions, but was unable to effectuate service. The process server noted that the property was vacant, and was informed by a neighbor that John Laws no longer lived there. (Ex. 58).
130. Documents introduced into evidence established that John Laws vacated the house on Columbus Lane months before he began circulating Nader petitions in Ohio. His wife, Leslie Laws, stated in a sworn affidavit that John Laws had moved out of the Columbus Lane address in the fall of 2003. (Ex. 59). The Ohio Savings Bank began foreclosure proceedings on the property on May 9, 2003. (Id. at tab B). The water in the house was turned off on January 14, 2004. (Id. at tab A).

131. In the meantime, an agent of the mortgage holder prepared to move forward with a foreclosure sale of the Columbus Lane property. The agent's inspection report noted that the house was vacant as early as January 30, 2004 and remained vacant through the bank sale in June 2004. (Exs. 59, 60).

132. On August 12, 2003, John Laws registered to vote at 1755 Canyon Drive, Los Angeles, California 90028, thereby evidencing his intention to reside in California and effectively canceling his earlier voter registration in Lorain County, Ohio. (Exs. 61, 62). The California voter registration form that John Laws executed on August 12, 2003 listed as his prior address another address in California, not an address in Lorain County or any other place in Ohio. (Ex. 62).

133. On July 5, 2004, well after the house on Columbus Lane had been vacated and after it had been sold at Sheriff's sale – John Laws circulated Nader petitions in Nevada. (Ex. 63). On those petitions, Laws swore under penalty of perjury that his residence was 4855 Boulder Highway, #3202, in Las Vegas, Nevada. (Id.)

134. Nader's counsel submitted two affidavits in an effort to re-establish Mr. Laws' residency in Ohio. The first was an affidavit from Michelle Laws, John Laws' aunt, stating, "John Laws is living in the Lorain area, generally with his girlfriend. I retrieved mail for my nephew that was sent to him at his girlfriend's residence. (See Attachment 2). John Laws general [sic] stops by our place on a rather frequent basis, approximately every two or three weeks." (Ex. G). The mail attached to the affidavit was: (1) a letter to John Laws from the IRS related to monies owed in tax period 2002; (2) a July 28, 2003 letter from the Ohio Attorney General's office Collections Enforcement division; (3) an August 8, 1997 receipt for a Social security card; (4) an Ohio Edison utility bill referencing a Percentage of Income Payment Plan; and (5) an overdue medical bill.

135. This affidavit and the attached documents fail to re-establish Mr. Laws' residency in Ohio in the face of his own sworn statement to the contrary. At most, they demonstrate that Mr. Laws failed to pay his bills on time or to notify his creditors of his change of address when the bank foreclosed on his house.

136. The second affidavit introduced by Nader's counsel in an effort to overcome John Laws' own sworn statement regarding his out-of-state residency contradicts the sworn statement of his aunt. Phillip P. Taylor, an attorney who purports to have represented John Laws for the past 1½ years in
bankruptcy and defended him against criminal domestic violence charges states under oath that “it is his positive information and belief that John Laws is a permanent resident of Lorain County, Ohio U.S.A. with the address of 3234 Norfolk Avenue, Lorain, Ohio, with his mother Edna Laws. . . . Affiant can certify that John Laws is a truthful and honest person.” (Ex. H). I afford this affidavit no weight in light of the fact that the resident of 3234 Norfolk Avenue, in her simultaneously offered affidavit, stated that John Laws does not live at that address. (Ex. H, G).

137. The argument by counsel for Nader that John Laws must have been a resident of Ohio when he signed circulator statements on Nader part-petitions in July and August 2004 because he was arrested and charged for domestic violence in Lorain County in February 2004 has little merit. Titles XIX and XXXV of the Revised Code of Ohio code serve very different purposes, and the definitions in one are not binding on the other. The statute that governs here is R.C. 3503.02, not any provision of the Criminal Code.

138. In the *Kelley's Island* case, the Secretary of State, the U.S. District Court, and the Sixth Circuit all held that persons who were not legitimate residents at their stated location “were improperly registered in the first place” and “were therefore ineligible to vote.” *Bell v. Mariño*, 367 F.3d 588, 592 (6th Cir. 2004); *Bell v. Mariño*, 235 F. Supp. 2d 772 (N.D. Ohio 2002); *Ohio Secretary of State The Vote Decision on Challenges to the Residency Qualifications of Kelley’s Island Voters Paul S. Finnegan and Victoria J. Finnegan* (July 8, 2002). The Sixth Circuit concluded that to hold otherwise “would effectively grant and then protect, the franchise of persons not eligible to vote.” *Id.* On the contrary, “Ohio is free to take reasonable steps, as have other states, to see that all applicants for registration to vote actually fulfill the requirement of bona fide residents.” It is also black letter law that a vacant house is not a “residence or abode,” as there is no “regularity of use or any predictability” or showing of an intent to return to the house. “The mere fact of ownership does not make” a vacant house a residence. See, e.g. *Close, Jensen & Miller v. Lomangino*, 1991 WL 144434, at *1 (Conn. Super. 1991).

140. Under Ohio law, “If a person removes to another state with the intention of making such state the person’s residence, the person shall be considered to have lost the person’s residence in this state.” R.C. § 3503.02(E). The evidence demonstrates that John Laws has recently claimed two addresses in California as his residences, and on July 5, 2004 swore that he was a resident of Nevada. 141. The evidence adduced at the hearing tends to demonstrate that John Laws is not an Ohio resident, and thus lacks a necessary qualification to be an Ohio elector. Accordingly, I find that any signatures contained on any otherwise valid part-petition that has John Laws’ name in the Circulator Statement must be deemed invalid. Such part-petitions include the following numbered part-petitions: 2922, 3030, 3034, 3038, 3039, 3041, 3042, 3043, 3044, 3045, 3046, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3080, 3085, 3087, 3090, 3092, 3101, 3102, 3103.
142. These part-petitions account for 544 of the 6,464 signatures previously validated by the county Boards of Elections. I find these 544 signatures to be invalid.

143. In addition, numerous affidavits have been gathered from many of the purported signers on John Laws’ Nader petitions who swear that either they never signed a Nader petition or that, if they did, it was misrepresented as a petition for the gay marriage amendment. (Ex. 65).

N. Steven Larry Laws: Challenged as to his status as an Ohio resident and elector

144. The Nader petition included part-petitions purportedly circulated by Steven Laws aka Steven Larry Laws. Of these, 100 part-petitions contain 772 signatures that were included among the 6,464 signatures validated by the county Boards of Elections. (Ex. 66).

145. Part-petitions circulated by Steven Laws state that he resides at 3234 Norfolk Avenue, Lorain, Ohio 44055. (Ex. 66). He registered to vote there on September 30, 1980. (Ex. 68). Mr. Laws is also one of the individuals listed on the JSM documents as someone who was to be paid in connection with the company’s Nader petition efforts. (Ex. 94 & 95).

146. The process server in this proceeding attempted to effectuate service on Steven Laws at the Norfolk Avenue address, which is the residence of his sister, Michelle Laws. The subpoena was left September 16, 2004, with Michelle Laws, who commented, “Steven Laws was in Nevada.” (Ex. 67.)

147. Documents introduced at the hearing evidenced that Mr. Laws registered to vote at 5335 West Desert Inn, #1028, Las Vegas, Nevada 89146 on January 7, 2000, (Ex. 69). On his Nevada voter registration form, Mr. Laws swore under penalty of perjury that “the present address listed herein is my sole legal place of residence and I claim no other place as my legal residence.” (Id.) His Nevada registration lists 1510 Waldram, Los Angeles, California as the address of his last voter registration. (Id.)

148. On March 13, 2002, Steven Laws registered to vote at 20408 Leewood Avenue, Carson, California 90745. (Ex. 70).

149. On April 19, 2002, Steven Laws registered to vote at 4323 Farquhar Avenue, Los Alamitos, California 90720. (Ex. 71).

150. On August 8, 2003, Steven Laws registered to vote at 1755 Canyon Drive, Hollywood, California 90027, where he remains an active voter. (Ex. 72).

151. Under Ohio law, “If a person removes to another state with the intention of making such state the person’s residence, the person shall be considered to have lost the person’s residence in this state.” R.C. 3503.02(E).
152. On October 7, 2003, Steven Laws voted in California’s statewide special election regarding the recall of California’s governor, as evidenced by the voting records in Los Angeles County, California. (Ex. 73).

153. Ohio law provides that, “If a person goes into another state and while there exercises the right of a citizen by voting, the person shall be considered to have lost the person’s residence in this state.” R.C. 3503.02(H).

154. By voting in the California recall election last year, Mr. Steven Laws ceased to be an Ohio elector by operation of law. Therefore, Steven Laws could not be a qualified elector of Ohio unless he re-established a qualifying voting residence in Ohio, registered to vote at that Ohio address, and otherwise satisfied Ohio’s voter eligibility requirements. Nothing in the record indicates that Mr. Laws registered to vote in Ohio after voting California. Consequently, every part-petition he circulated is invalid as a matter of law.

155. Additional documents were introduced at the hearing that demonstrated that Steven Laws is, and has been, a California resident. On July 7, 2002, Steven Laws was indicted for criminal nonsupport, a fifth-degree felony. (Ex. 74). The records of the Court of Common Pleas of Lorain County, Ohio indicate that Steven Laws was in California, specifically at 4323 Farquhar Avenue, Los Alamitos, California. (Ex. 75, p. 1).

156. On February 6, 2004, Steven Laws was sentenced on a felony conviction to five years of community control, a form of probation. (Ex. 75, p. 3). The court entered an order approving the transfer of Mr. Laws’ probation to California for purposes of monitoring his conduct at his place of residence there. (Ex. 76, p. 3). At the sentencing hearing, Mr. Laws’ attorney was questioned specifically about Mr. Laws state of residency, and the attorney represented to the court that Mr. Laws was a resident of California:

Mr. Taylor (Mr. Laws’ attorney): Your Honor, this is Steven Laws. He’s a resident of California.

* * *

Mr. Taylor: Thank you, Your Honor.

The Court: Anything further?

Mr. Katsaras (prosecutor): Other than, for the record, is he a resident of this state, Phil?

Mr. Taylor: No, he’s a resident of California.

Mr. Katsaras (prosecutor): Okay.

(Ex. 77, p.2).

157. The same lawyer who made these representations to the Lorain County Court of Common Pleas – Phillip Taylor – submitted an affidavit in these proceedings attesting that Mr. Laws is a resident of California.
Ohio. (Ex. V) Given the conflicting nature of Mr. Taylor’s representations, I afford his affidavit no
weight.

158. Similarly, I afford no weight to two self-serving, write-in affidavits executed by Mr. Laws
and faxed to counsel for Nader in which he claimed that his permanent place of residence is 3234 Norfolk
Ave., Lorain, Ohio 44055, the residence of his parents. (Exs. S, T). The second of the two affidavits of
Steven Laws purports to absolve Mr. Laws of responsibility for election falsifications he committed in
Ohio by placing the blame on both the Lorain County Board of Elections and on Mr. Donald McTigue.
(Ex. T).

159. I afford no weight to Steven Laws’ affidavits claiming continuous Ohio residency and voter
eligibility in light of the fact that he has clear ties to California and voted in the recall election conducted
in that State on October 7, 2003.

160. Accordingly, I find that any signatures contained on any valid part-petition that have
Steven Laws’ name in the Circulator Statement are deemed invalid. Such part-petitions include the
following numbered part-petitions: 5658, 5698, 2747, 2749, 2961, 2962, 2967, 2970, 2993, 2994, 3031,
3032, 3035, 3037, 3047, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3081,
3082, 3083, 3084, 3091, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3109, 3110, 3111, 3112, 3113,
3114, 3115, 3116, 3118, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136,
3137, 3138, 3139, 3140, 3141, 3142, 3143, 3145, 3146, 3147, 3148, 503554, 503556, 503557, 503558,
503567, 503568, 503569, 503574, 503708, 503709, 503719, 503722, 503725, 503727, 503729, 503730,
503731, 503734, 503749, 503813, 503921, 503923, 504060, 504062, 504077, 504079, and 504179.

161. These part-petitions account for 772 of the 6,464 signatures previously validated by the
county Boards of Elections. I find these 772 signatures invalid.

IV. Information Provided by the Nader/Camejo 2004 Campaign

162. Protesters seek to impeach the alleged misconduct of certain individuals and circulators of
the Nader petition to the Nader campaign. I do not find that allegation to be well taken.

163. Ms. Theresa Amato testified that she is Ralph Nader’s campaign manager, and she is in
charge of “all aspects of the campaign.” (Friday A.M. Rough. Tr. at 80-81).

164. Ms. Amato testified that she first heard about JSM in Spring 2004 and that she did not
know anything about JSM except that it “were a signature gathering firm.” (Id. at 86-88). On the basis of
one to three telephone conversations with Jenny Breelin, the president of JSM, Ms. Amato retained the
firm. (Id. at 90-93). Ms. Amato obtained no references from any of JSM’s other clients prior to hiring
them. (Id. at 100-101). Ms. Amato believes that one of her field staffers may have called “multiple
firms” and that “another petitions company recommended them.” (Id. at 110-111). Prior to their work in
Ohio, ISM had collected signatures for the Nader campaign in four or five other states over a three to four month period. (Id. at 99)

165. Ms. Amato testified that she thought that the campaign might only need "a couple thousand signatures" in Ohio. (Friday Rough Tr. A.M. 103). In approximately the first week of August, she entered into an oral agreement with Ms. Breslin for ISM to begin petition-gathering efforts in Ohio. (Id. at 101). That agreement was memorialized in an August 11, 2004 contract signed by Ms. Amato (but, as of the time Ms. Amato testified on September 24, she had not received the counter-signed contract from ISM. (Id. at 104; Ex. 105).

166. Ms. Amato admitted that when she orally contracted with ISM to collect signatures for the Nader campaign in Ohio, she was aware of various "allegations of misconduct regarding ISM petition gathering methods" in West Virginia (Id. at 114-119).

167. Despite knowing about those allegations, the only instruction Ms. Amato gave to ISM was that she "would require a 70 percent validity rate to be guaranteed," which ISM's Jenny Breslin told her that "was not necessarily possible" because of the high volume of recently submitted voter registrations that the Ohio county boards of elections still needed to process. (Id. at 120-21). Aside from the boilerplate language contained in the contract, Ms. Amato "did not communicate any instructions to ISM regarding how to go about collecting signatures in Ohio." (Id. at 125). Nor did she insist upon any training for ISM. (Id.). Ms. Amato defended her action stating, "You hire a company, and they conduct the work." (Id.)

168. I conclude from Ms. Amato's testimony that the Nader campaign was careless with respect to its association with ISM's signature gathering effort in Ohio. However, there is no evidence that the Nader campaign directed or condoned the collection of signatures in any manner that violated Ohio law.

V. Additional Evidence to Invalidate Signatures and Part-Petitions

A. Missing Dates

169. Of the remaining 6,464 valid signatures on the Nader petitions, 17 of the signatures are invalid because the signer included no information to indicate the date of signing. Ohio law requires that each signer must also identify on the petition "the date of signing." R.C. 3501.38(C). The Ohio Supreme Court has held that an incorrect, unclear, or missing date invalidates a signature on a petition. See State ex rel. Yiamouyiannis v. Taft, 65 Ohio St. 3d 305, 208-09 (1992).

170. Accordingly, I find that the 17 signatures contained on various valid part-petitions that lack a date of signing must be deemed invalid. Such part-petitions include the following numbered part-petitions, line numbers, and circulators: 503978, line 5 (Warner); 504028, line 14 (Coyle); 503251, lines
3 & 4 (Brox); 503713, line 7 (Waller); 503719, line 16 (Waller); 503723, line 22 (Waller); 503738, lines 9 & 19 (Waller); 503909, lines 3 & 12 (Waller); 503913, line 17 (Waller); 503932, line 19 (Waller); 503861, line 7 (Ellis); 503921, line 18 (S. Laws); 503946, line 13 (D. Oberg); 503961, line 17 (Warner). (Ex. 93).

B. Challenge of Signatures of Voters Who Used Their Initials Before Their Surnames

171. Of the remaining 6,464 valid signatures on the Nader petitions, protesters challenge 33 of the signatures on the basis that the signers provided only their initials before their surnames, which did not correspond with their signatures on their voter registration cards.

172. Ohio law requires that each signer must sign “using the person’s legal mark used in the person’s regular business and legal affairs,” which “shall be considered to be the mark of that elector as it appears on the elector’s voter registration record.” R.C. 3501.011(C).

173. Historically, the boards of elections have had discretion in determining the validity and sufficiency of voters’ signatures. A board does not abuse its discretion if, after comparing the signature as written on a part-petition to the signature on file with the board for that person, it determines that the signature is genuine, even if the signature on the part-petition is not identical to that in the board’s records. In State ex rel. Rogers v. Taft (1992), 64 Ohio St.3d 193, the Ohio Supreme Court held that a board of elections did not abuse its discretion or otherwise err by rejecting a signature on a candidate petition because the name was signed “Loretta Sheldon” on the petition and “Loretta Floyd-Sheldon” on the registration card. Conversely, the board in that case could have validated the signature, a determination that the Court also would have upheld.

174. To interpret R.C. 3501.011 as requiring every signature on a petition to be identical in every respect to the signature as it appears on the person’s voter registration record is unnecessarily restrictive. Under this interpretation, a board would have to invalidate the signature on a petition if an elector who had signed his first name on his voter registration form “Robert” signed a petition using “Rob” or “Bob.” Election officials can protect the State’s interests in ensuring the integrity of the electoral process by comparing signatures on petitions with those on voter registration records and determining whether the signatures comport.

175. Accordingly, I find that this aspect of the protest is not well taken and should be rejected.

C. Challenges Based on Inaccurate Numbers in Circulator Statements

176. Protesters’ challenged circulator statements on the basis that the circulators witnessed 22 signatures, when in fact far fewer signature lines had been completed. This challenge raises valid concerns about the long-standing instructions issued by this office that an otherwise valid part-petition
should not be invalidated so long as the number of signatures the circulator claims to have witnessed is equal to or greater than the number of signatures on the part-petition. Based on the evidence produced at the hearing, I find that the policy needs to be revisited for possible revision. However, I do not find that the current policy should be thrown out wholesale at this time, and thus recommend that this aspect of the protest be rejected.

D. Math Errors

177. The protesters challenged the accuracy of numerical findings reported by the Hamilton County Board of Elections as to certain part-petitions. This challenge is well taken, as there appear to be several mathematical issues affecting the exhibits introduced into the record in this proceeding. The Secretary of State’s tally reported 1,375 valid signatures from Hamilton County, whereas the actual number should be 1,363. Three specific part-petitions seem to be improperly counted:

   Exhibit 21. There is a math error on part-petition 503868 (Ellis). The front page reports 18 signatures valid and 3 invalid. The back page shows that the numbers should properly be reversed, for the Board checked 3 signatures valid and 18 invalid.

   Exhibit 30. There is a math error on part-petition 503952 (Warner). The front page reports 16 signatures valid and 6 invalid. The back page shows that the numbers should properly be reversed, for the Board checked 6 signatures valid and 16 invalid.

   Exhibit 19. There is a math error on part-petition 503943 (Jackson). The front page reports 16 signatures valid and 27 invalid, which is incomprehensible. The back page shows that the numbers should be 11 signatures valid and 11 invalid.

Other errors resulted in the board reporting fewer valid signatures than there actually were.

VI. Under Ohio Election Law, Fraud Causes Invalidation

A. False Address of Circulator

178. Protesters contend that R.C. 3513.261 requires every circulator to state his or her actual current residence when signing on a part-petition, under penalty of election falsification, that the address below his name is where he resides. Further, protesters argue that strict compliance applies to the Circulator’s Statement. This argument is not well taken, as it is overbroad.

179. There may be reasonable explanations for why a circulator provides a particular address in his or her circulator statements. A person could have registered at one Ohio address and subsequently moved to another Ohio address without updating his or her voter registration to reflect the new voting
address. However, that person continues to have the qualifications of an elector and may wait until the day of an election to update his or her registration to the current qualifying address. R.C. 3503.16.

180. It has long been the policy of this office to construe the governing statutory provisions liberally in favor of promoting full, robust and competitive elections. The rationale for having each circulator provide an address is two-fold. First, if the circulator is required to be an Ohio elector, election officials can verify that the person is registered to vote in this state. Second, it provides a mechanism for election officials to contact a circulator, if questions or concerns should arise relative to a part-petition circulated by that person.

181. The Ohio courts have held that there must be substantial compliance with the requirements of the election laws, unless a controlling statute specifies that the requirement is mandatory. The only statutory provision that requires that the address on a petition paper match the address on file with election officials pertains to people who sign in support of the candidacy or issue that is the subject of the petition. R.C. 3501.38(C). To apply that standard to the circulator would require this office to apply a standard that currently is not provided for in statute.

B. Candidate Responsibility

182. The transcript of the hearing indicates that protesters want to hold Candidate Ralph Nader personally responsible for all the defects and problems associated with his nominating petition. By contrast, counsel for Nader argues that the Nader/Camejo joint candidacy should not be penalized for the alleged misconduct of circulators, and that the Ohio electors who signed the petition should not be denied to have the candidacy of their choice on the ballot.

Neither argument is wholly accurate. Ohio law holds the candidate responsible for knowing and complying with the legal requirements for candidacy and ballot access. As a general rule (and subject to certain exceptions), a candidate’s detrimental reliance on misinformation — even from election officials — will not save an otherwise invalid or insufficient petition. State ex rel. McMillan v. Ahtabula County Board of Elections (1992), 65 Ohio St.3d 186. But the law does not presume that the candidate intended the error or omission or, with respect to this protest, the misconduct of certain circulators.

Not every violation of, or non-compliance with, the election laws will result in a referral for criminal prosecution. Election officials have the duty to investigate apparent violations and to determine whether the violation is of such a nature that they must refer their findings to the appropriate law enforcement agency.

However, the argument that the Nader part-petitions should not be rejected because the signer was not aware of the fraud committed by the circulators is without merit. Such petitions are no less fraudulent. The candidate cannot benefit from the fraudulent or otherwise illegal conduct of circulators.
C. **Challenge of the petition on the grounds of "Pervasive Fraud"**

183. Protesters request that the entire Nader petition be invalidated on the basis of pervasive fraud. They cite in support of their request *State ex rel Gongwer v. Groves* (1914), 90 Ohio St. 311, which states in part that "[w]here it appears from the evidence that any circulators of parts of a petition have been guilty of a systematic course of fraud and forgery in procuring and writing names thereon, and have willfully and intentionally sworn to false affidavits attached thereto, it is neither fraudulent nor an abuse of discretion on the part of the secretary of state to reject all parts of the petition procured by such circulators."

This aspect of the protest is not well taken. Laws governing petitions and the conduct of petition signers and circulators have changed between 1914 and today. Current law requires election officials to review each part-petition separately and determine whether that part-petition is valid and sufficient under the law. If the election officials determine that a part-petition is valid and sufficient, they then determine if the individual signatures on that part-petition are valid and sufficient. Each part-petition is reviewed on its own merits and may be wholly invalidated only if that part-petition is found to be invalid or insufficient, not because other part-petitions circulated by the same person were invalidated for violations of the election laws.

**VII. Summary**

The testimonial and documentary evidence produced at this four-day protest hearing was voluminous. Live testimony was presented by 10 witnesses: Jill Lane, Michael Courrell, Melody Hudson, Richard Hudson, Greg Reese, Antone Jackson, Michael Bonham, Benson Wolman, Julie Coyle and Theresa Amato. Protesters introduced into evidence 108 exhibits; the candidate introduced 22 exhibits (A-V).

The manifest weight of that evidence, even when viewed in a light most favorable to the candidate, establishes that many parts of the Nader petition did not comply with the laws of Ohio, and that the conduct of several paid circulators and non-circulators violated state law. The evidence does not support any claim that the misconduct is attributable to the Nader campaign, which nonetheless bears the unfortunate consequences of the improper conduct of certain individuals identified during the course of the hearing, to wit: the invalidation of additional part-petitions and, therefore, the valid signatures contained on those part-petitions.

The statutory provisions governing the signing and circulating of petitions exist to promote fair and proper access to the ballot, thus protecting the legitimacy and integrity of our
electoral process. Allowing a candidate to benefit from the unscrupulous conduct of petition circulators would undermine public confidence in that process.

RECOMMENDATIONS

1. For the foregoing reasons, I recommend that 2,756 of the signatures on part-petitions validated by the county board of elections be deemed invalid, as follows:

   Stipulated – Person who signed did not circulate [405]:
   - Jill Lane: 295
   - Michael Cottrell: 32
   - Melody Hudson: 33
   - Richard Hudson: 45

   Stipulated - Not a resident at address claimed; apparent forgery [1]:
   - "Michael Dowham": 1

   Legitimately circulated fewer part-petitions than were validated; unable to determine which are valid [349]:
   - Greg Reese: 81
   - Antoine Jackson: 268

   Not Ohio residents/electors [1956]:
   - Robert Ellis: 66
   - Curtis Warner: 189
   - Daryl Oberg: 341
   - George Woods: 44
   - John Laws: 544
   - Steven Larry Laws: 772

   Not identified by petition signers as the person who obtained their signatures on part-petitions [15]:
   - Ronald Waller: 15

   Undated Signature improperly validated by boards of elections: 17

   Correction of mathematical errors in boards’ reports of their findings: 13 more invalidated

2. If the signatures enumerated in Recommendations Paragraph 1, above, are held to be invalid, the Nader petition will have 3,708 valid signatures, which is less than the minimum 5000 valid signatures necessary to appear on the presidential ballot in the State of Ohio. This office must advise boards of elections immediately to remove the Nader/Camejo joint candidacy from the presidential ballot or to otherwise notify voters that a vote cast for the Nader/Camejo candidacy will not be counted.

3. I recommend that this office conduct further investigations into the conduct of the circulators identified at the hearing as being used and compensated by JSM to collect signatures of Ohio electors for the Nader petition.
4. I recommend that this office refer such of these findings of facts and conclusions of law to the appropriate law enforcement agencies regarding the apparent violations of the Ohio election laws as indicated by the testimonial and documentary evidence introduced during the hearing and in subsequent investigations into the conduct of the circulators identified at the hearing as being used and compensated by JSW to collect signatures of Ohio electors for the Nader petition.

Respectfully submitted.

Gretchen A. Quinn, Hearing Officer
Assistant Elections Counsel
Office of the Ohio the Secretary of State

September 28, 2004