

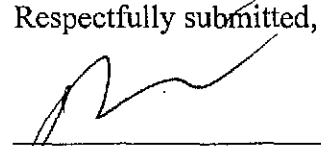
SUBMISSION OF EVIDENCE

Pursuant to S. Ct. Prac. R. X, Section 7, Respondent Secretary of State Jennifer Brunner submits the following evidence in support of her arguments in this case:

Exhibit A - Revised McCain Absentee Ballot Application

Exhibit B - Affidavit of Jacqueline Rothschuh

Respectfully submitted,



NANCY H. ROGERS
Attorney General of Ohio

Richard N. Coglianesse (0066830)*

**Counsel of Record*

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Attorneys for Respondent

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing *Respondent's Submission of Evidence* was served on this 29th day of September, 2008, by electronic mail, facsimile transmission and ordinary, postage prepaid U.S. mail to:

James E. Burke (0032731)
Charles M. Miller (0073844)*
**Counsel of Record*
KEATING MUETHING & KLEKAMP PLL
One East Fourth Street, Suite 1400
Cincinnati, OH 45202

Attorneys for Relators



Pearl M. Chin (0078810)

VOTE-BY-MAIL REQUEST CARD

Rhonda M Emmert
NAME

400 Woodview Dr
VOTER REGISTRATION ADDRESS

Bellefontaine, Oh 43311-2667
CITY/STATE/ZIP

Address to mail ballot:
(if different from voter registration address);

Same
VOTER MAILING ADDRESS

CITY/STATE/ZIP

Date of birth: 05/15/1977

Signature: Rhonda Emmert Date: 9-16-2008

To my county Board of Elections: by signing this form, I am notifying you that I am a qualified elector and am officially requesting an absentee ballot for the November 4, 2008 General Election.

You must include one of the following:

Ohio driver's license number RS570116

Last four digits of Social Security number _____

A copy of your current and valid photo identification, military identification, bank statement, government check, paycheck, or other government document that shows your name and current address. (Note: You cannot use as proof of identification a notice that the board of elections mailed to you.)

RECEIVED

SEP 18 2008

LOGAN COUNTY
BOARD OF ELECTIONS

PERIOD 800-631-6939
EXHIBIT
A

IN THE SUPREME COURT OF OHIO

THE STATE OF OHIO ex rel WILLIAM
MYLES, *et al.*, :

Relators, :

vs. :

JENNIFER BRUNNER,
OHIO SECRETARY OF STATE, :

Respondent. :

Case No. 08-1842

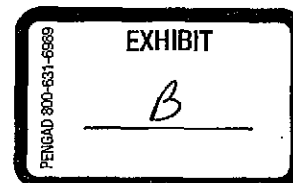
Original Action in Mandamus

Expedited Election Matter
Under S.Ct. Prac.R. X § 9

AFFIDAVIT OF JACQUELINE ROTHSCHUH

I, Jacqueline Rothschuh, having been duly sworn and cautioned according to law, hereby state that I am over the age of eighteen years and am competent to testify to the facts set forth below based upon my personal knowledge.

1. I serve as Assistant Elections Administrator in the office of Ohio Secretary of State Jennifer Brunner.
2. I have been employed by the office of the Secretary of State for approximately nine months.
3. Prior to working for the Ohio Secretary of State, I was director of the Guernsey County Board of Elections for 15 ½ years.
4. A requirement of my position with the Ohio Secretary of State and as director of the Guernsey County Board of Elections is knowledge of how county boards of elections process absentee ballot applications.



5. When a board of elections receives an absentee ballot application, the board must review the application for completeness so that all the information required in R.C. 3509.03 has been provided.
6. If the application is insufficient or incomplete (i.e., it does not contain all the required information), the director of the board of elections notifies the applicant of the additional information required to be provided by the applicant to complete that application. See R.C. 3509.04.
7. Secretary of State Directive 2008-82 requires that this notification be made as soon as practicable but in no case more than 48 hours after receiving the absentee ballot application.
8. Based on my experience as a director of a county board of elections and as Assistant Elections Administrator in the Secretary of State's office, when boards of elections receive insufficient or incomplete absentee ballot applications, the boards notify the applicant by mail and send the applicant a new application form.
9. To complete the insufficient application, an elector may personally appear at the board of elections office to insert any missing information or the elector may complete and submit a new application by mail.
10. During my 15 ½ years of employment as director of the Guernsey County Board of Elections, it was not uncommon for the board of elections to receive a number of incomplete or insufficient absentee ballot applications for each election. If the board received an incomplete or insufficient application, the office notified the applicant and sent the applicant a new application.

FURTHER AFFIANT SAYETH NAUGHT.

Jacqueline Rothschuh
Jacqueline Rothschuh

Sworn and subscribed before me this 26th day of September, 2008.



BRANDI R. LASER SESKES, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.

Brandi
Notary Public