

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

THE NORTHEAST OHIO COALITION : Civil Action No. C2-06-896  
FOR THE HOMELESS, et al., :

Plaintiffs, :

vs. :

JENNIFER BRUNNER, in her official :  
capacity as Secretary of State of Ohio, :

Defendant. :

**MOTION OF PLAINTIFF-INTERVENOR  
OHIO DEMOCRATIC PARTY AND  
NORTHEAST OHIO COALITION FOR  
THE HOMELESS FOR A TEMPORARY  
RESTRAINING ORDER AND  
PRELIMINARY INJUNCTION**

\_\_\_\_\_  
THE NORTHEAST OHIO COALITION :  
FOR THE HOMELESS, et al., :

Plaintiffs, :

vs. :

THE STATE OF OHIO, :

Intervenor-Defendant. :

\_\_\_\_\_  
Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiff-Intervenor Ohio Democratic Party (“ODP”) and Plaintiff Northeast Coalition for the Homeless (“NEOCH”) respectfully move this Court for a Temporary Restraining Order and Preliminary Injunction barring the Ohio Secretary of State from instructing the 88 County Boards of Election to withhold the addresses, dates of birth, telephone numbers and e-mail addresses of voters who cast provisional ballots in the 2010 general election. Such information is subject to Ohio’s Public Records Act, is made public in every other context by way of the Ohio Voter Registration Database, and is critical to monitor compliance with the Consent Decree issued in this matter.

ODP and NEOCH also seek that the Order compel production of the description notated on the outer envelope of each sealed provisional ballot identifying the defects warranting provisional status and subject to potential cure within the ten day statutory period. It is only by access to this data that ODP, NEOCH and the interested public can verify that this Court's Consent Decree is actually being followed at the polls. Timely delivery of this information is also critical to assist the individual provisional voters in curing the alleged defects within the ten day statutory period permitted under Ohio law.

The grounds for this Motion are set forth in the attached Memorandum.

Respectfully submitted,

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Attorneys for Plaintiff,  
Northeast Coalition for the Homeless

**MEMORANDUM IN SUPPORT OF  
PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION**

Intervening Plaintiff Ohio Democratic Party (“ODP”) and Plaintiff Northeast Coalition for the Homeless (“NEOCH”) request that this Court order the Ohio Secretary of State to require the state’s 88 Boards of Election to uniformly produce public records pertaining to provisional ballots in response to Public Records Act requests. Specifically, the Secretary of State should direct Boards of Elections statewide to uniformly produce the addresses, dates of birth, telephone number and e-mail addresses of voters that cast provisional ballots. The Secretary of State should also be directed to require that Boards of Election produce the data on the outside of the provisional envelope, providing the basis as to why the vote could only be cast provisionally.

It is beyond dispute that the entire statewide voter registration database, including all of the above listed voter identifying data, is already a public record and subject to complete disclosure under the Public Records Act. It is equally beyond dispute that this same database also includes voter histories, specifically delineating past instances when individual voters have cast provisional ballots. Yet, despite the breadth of data that should thus be available, the Secretary of State has issued an Advisory Opinion urging boards of election to release only the names and precincts of voters casting provisional ballots. This instruction makes it practically impossible to monitor compliance with the Consent Decree pertaining to provisional ballots in this matter, and runs counter to the express purposes of both Ohio’s elections laws and Ohio’s Public Records Act. It is predicated on a misreading of R.C. 3505.181(B) as well as its federal counterpart, 42 U.S.C. 15482, and is insupportable under Ohio law.

There is only a ten day window after an election for Ohio’s voters to cure alleged defects in their provisional ballots. R.C. 3501.181(B)(8). Accordingly, after November 12, 2010, it will be impossible for ODP, NEOCH, members of the public, or the voters themselves to challenge

the criteria by which the various Boards of Elections implement the Consent Decree in this case, or otherwise determine provisional voter eligibility. Accordingly, if the stated purposes of this Court's Consent Decree are to be applied, so as to ensure that all legitimately cast votes are counted in the general election on November 2, 2010, Ohio's Boards of Elections must provide verification data of sufficient transparency as might trace, in short order, which votes are counted and which votes will be discarded.

Critically, the instant Motion does not seek confidential voter data, such as social security numbers or financial data. Nor does this Motion intrude, in any way whatsoever, on the confidentiality of the actual ballot being provisionally cast. To the contrary, ODP and NEOCH seek only that data from the outside of the sealed provisional envelopes as will permit a meaningful verification that votes are not being improperly invalidated, and as would allow timely cure where appropriate. Such data is necessary to ensure that the stated purposes of this Court's Consent Decree of April 19, 2010 are actually being honored, and that Ohio's voters are not deprived of their right to have their legal votes counted in this election.

#### **I. PROCEDURAL HISTORY**

As this Court is well-aware, this matter is subject to a Consent Decree establishing a detailed framework for the circumstances by which Ohio voters must be permitted to cast provisional ballots. As this Court expressly noted,

The purposes of this Decree are to ensure that:

- (c) The legal votes cast by these voters will be counted even if they are cast by provisional ballots on Election Day;
- (d) These voters will not be deprived of their fundamental right to vote because of differing interpretations and applications of the Provisional Ballot Laws by Ohio's 88 Boards of Elections.

Consent Decree, April 19, 2010, at 2. The upcoming election on November 2, 2010 marks the first opportunity to test adherence to the Consent Decree in the context of a statewide general election.

On October 31, 2010, Nicholas Martin, acting on behalf of Plaintiff-Intervenor Ohio Democratic Party, made a request of the Lucas County Board of Elections for the addresses, birth date, telephone numbers and e-mail address of Lucas County voters whose early voting had been cast provisionally. *See* Martin Affidavit, attached hereto as Ex. 1, at ¶ 4. The Board of Election indicated that:

Based on Advisory 2008-22 from the Ohio Secretary of State, we have been instructed to release only the names and precincts of provisional voters.

*Id.*, at ¶ 7, *see also id.*, at Ex. 1-A. On November 1, the Lucas County Board of Elections supplemented its response, asserting that:

I am attaching the precincts and names of provisional voters. According to federal law, this is all we are allowed to provide. Please see Secretary of State Advisory 2008-22 about the release of provisional voter data.

*Id.*, at Ex. 1-B. These assertions run flatly contrary to actual Ohio and federal law, however, and makes verification of the instant Consent Decree prospectively untestable before the election is certified and closed.

## **II. LAW AND ARGUMENT**

### **A. The Provisional Voter Identifying Data Are Public Records.**

The fundamental requirements of Ohio's public records law are set forth in R.C. 149.43(B)(1), which requires a public office, with limited exceptions, to promptly prepare its public records and make them available for inspection to any person "at all reasonable times during regular business hours." R.C. 149.43(B)(1) further requires a public office to make

copies of its public records available at cost within a reasonable time. *See also* R.C. 149.43(A)(1) (broadly defining “public record” as “records kept by any public office”) (emphasis added).

Applying this broad precept, the General Assembly specifically provided for public access to voter records maintained by the state’s 88 Boards of Election. As stated in R.C. 3501.13, “[e]xcept as otherwise provided by state or federal law, the records of the board and papers and books filed in its office are public records and open to inspection under such reasonable regulations as shall be established by the board.” As used in R.C.149.43, records “includes any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in [R.C. 1306.01], created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.”

Ohio’s Public Records Act must be liberally construed in favor of public access. *State ex rel. Carter v. N. Olmsted*, 69 Ohio St.3d 315, 320 (1994). Thus, in construing R.C. 149.43, “any doubt should be resolved in favor of disclosure.” *State ex. rel. Warren Newspapers v. Hutson*, 70 Ohio St.3d 619, 621 (1994). *Accord State ex rel. Cincinnati Post v. Schweikert*, 38 Ohio St.3d 170, 173 (1988). Moreover, where public records contain certain information exempt from disclosure, the public office may redact the exempt portion; but must produce the remainder of the record. 149.43(B)(1). Finally, records not fitting clearly under an exemption must be disclosed. *State ex rel. Cincinnati Enquirer v. Hamilton Cty.*, 75 Ohio St.3d 374 (1996).

Ohio law expressly and routinely permits public access to voter records of the sort instantly sought here. For instance, voter registration applications, including the applicant’s

name, current address, former address, birth date, telephone number and e-mail address are open to the public for on-site inspection at each and every Board of Election under Ohio law.

Specifically:

Except as otherwise provided by state or federal law, registration forms submitted by applicants and the statewide voter registration database established under section 3503.15 of the Revised Code shall be open to public inspection at all times when the office of the board of elections is open for business, under such regulations as the board adopts, provided that no person shall be permitted to inspect voter registration forms except in the presence of an employee of the board.

Ohio R.C. 3503.13 (emphasis added). Indeed, Ohio law expressly requires that the most substantial portion of these individual voter records are also publicly available over the internet to anyone with a computer and modem:

Except as otherwise provided in division (G)(1)(b) of this section, only the following information from the statewide voter registration database regarding a registered voter shall be made available on the web site:

- (i) the voter's name;
- (ii) the voter's address;
- (iii) the voter's precinct number;
- (iv) the voter's voting history.

R.C. 3503.15(G)(1)(a) (emphasis added). Indeed, this fourth element, "voting history" specifically includes whether the voter cast a regular or provisional ballot in any particular election. *See* Martin Affidavit, attached hereto as Ex. 1, at ¶ 4.

Under current law, voters casting a provisional ballot pursuant to R.C. 3505.18 through 3505.183 must complete a provisional ballot envelope and affirmation statement in addition to

voting the ballot itself. *Advisory 2008-22*, at 1. The provisional ballot envelope must provide personal information so that the appropriate county board of election may determine:

- whether the voter is the person he or she purports to be;
- whether the voter is properly registered to vote
- whether the voter cast his or her provisional ballot in the correct precinct; and
- whether the provisional ballot should count toward the official results of the election.

*Id.* This information, recorded on the outside of the envelope containing the provisional ballot, is separate from the provisional ballot itself, and contains no information whatsoever as to how the vote has been cast. *Id.* To the contrary, the outer envelope contains only that procedural data critical for spot-checking the integrity of the provisional balloting process in any particular instance—the name, address and associated information for the provisional voter.<sup>1</sup> It also contains a short description of the alleged defect causing it to be cast provisionally. All such data, collected and implemented by the state’s 88 Boards of Election, fall squarely within the definition of public records. Indeed, this same voter identifying data, about these very same individual voters, is already available to all members of the public in every context except when

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<sup>1</sup> In addition to name, address, and phone number, individual provisional voters sometimes include further identifying information on the outside of the provisional ballot envelopes. This additional information may include driver’s license information, date of birth, partial social security number or even financial information. None of that additional data, which might otherwise raise legitimate privacy concerns, is sought here. To the extent that confidential information is co-mingled with the data being instantly sought, the Public Records Act contemplates its redaction prior to delivery of the remaining, public data:

If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or the person responsible for the public record shall make available all of the information within the public record that is not exempt. When making the public record available for public inspection or copying that public record, the public office or the person responsible for the public record shall notify the requester of any redaction or make that redaction plainly visible...

R.C. 149.43(B)(1) (emphasis added).

it matters most—during that narrow window between the moment the ballot is accepted only provisionally, and the time 10 days thereafter when the election is certified. Neither law nor logic dictates such an outcome, however.

**B. There Is No Statutory Prohibition On Releasing the Provisional Voter Identifying Data.**

Despite the fact that voter names, addresses, dates of birth, e-mail addresses and telephone numbers are readily available in every other context, the Ohio Secretary of State has issued an Advisory Opinion that Boards of Election may release only the name and precinct numbers for provisional voters. Adv. Op 2008-22. In reaching this conclusion, the Secretary of State seemingly claims that the provisional ballot sections of Ohio election law and its federal counterpart broadly require such an outcome. *See id.*, at 2 (citing R.C. 3505.181(B)(5)(b) and 42 U.S.C. 15482(a)(5)(B)). In fact, however, neither section contains any such putative dichotomy between voter name and precinct on the one hand, and all remaining generally available voter contact information on the other.

Indeed, the sections of Ohio and federal law that the Secretary of State cited in Advisory Opinion 2008-22, actually have nothing to do with public records requests under the Ohio Public Records Act or its FOIA counterpart. To the contrary, the cited provisions deal with the much narrower question of information that may be disclosed telephonically over the toll free voter access system established by the 2002 Help America Vote Act (“HAVA”).

Thus for example, the Secretary of State opines that “R.C. 3505.181(B)(5)(b) provides that: ‘[a]ccess to information about an individual ballot shall be restricted to the individual who cast the ballot.’” Adv. Op. 2008-22, at 2. In fact, however, the entire section, read in context, shows a much narrower construct focused only on what information may be disclosed over the newly created “free access” toll-free telephone hotline:

(b) The appropriate state or local election official shall establish a free access system, in the form of a toll-free telephone number, that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and if the vote was not counted, the reason that the vote was not counted. The free access system established under this division also shall provide to an individual whose provisional ballot was not counted information explaining how that individual may contact the board of elections to register to vote or to resolve problems with the individual's voter registration.

The appropriate state or local election official shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system established under this division. Access to information about an individual ballot shall be restricted to the individual who cast the ballot.

O.R.C. 3505.181(b)(5) (emphasis added). *See also* 42 U.S.C. 15482(a)(5)(B) (providing a corollary free access hotline provision under HAVA). These sections say nothing about the broader panoply of voter information already available under Ohio's Public Records Act, and certainly do nothing to curtail such access in the context of provisional balloting.

Facing some of these same issues, one Washington State Superior Court construed HAVA several years after its passing. *Wash. State Rep. Pty. v. Wash. State Dem. Pty.*, Case No. 04-2-36048-0 SEA (Nov. 16, 2004). In that case, the Court noted the absurdity of construing HAVA to preclude lists otherwise already available. As the Court explained:

In this case, King County [Board of Elections] admitted that the provisional ballot voter list would qualify as a public record if it existed in paper form, that other counties were releasing similar lists as public records and that both political parties in those counties were contacting provisional ballot voters with those lists. King County admitted that lists of all other registered voters, including absentees, were a matter of public record, yet argued that the federal Help America Vote Act (HAVA) somehow prevented disclosure.

*Id.* (adding that "[w]hen read in context and together with other state and federal election statutes, however, it is clear that HAVA only precludes disclosure of for whom (or for what) the

provisional voter voted, not whether that voter's ballot had been counted or the identity of that provisional voter") (emphasis added).

Simply put, there is no legislative, judicial, or even logical basis for broadly drawing the dichotomy set forth by the Secretary of State in Advisory Opinion 2008-22. There is no statutory basis for distinguishing public records requests regarding provisional voters from the routine voter identification requests uniformly (and appropriately) permitted in every other context. Voter names, addresses, birthdates, telephone numbers, e-mails and the like are public records. There is nothing in the provisional balloting laws of O.R.C. 3505.181 and U.S.C. 15482(a)(5)(B) that should be read to give the public lesser oversight when a Board of Election accepts a voter's ballot only on a provisional basis. Indeed, such circumstances are when public transparency becomes most critical.

### **III. THE REMAINING FACTORS WEIGH IN FAVOR OF GRANTING THE REQUESTED RELIEF.**

Federal Rule of Civil Procedure 65 governs temporary restraining orders and preliminary injunctions. When ruling on a motion for preliminary injunction, this Court must balance four factors: (1) whether the movant has a strong or substantial likelihood of success on the merits, (2) whether the movant will suffer irreparable harm without the relief requested, (3) whether granting the relief requested will cause substantial harm to others, and (4) whether the public interest will be served by granting the relief requested. *Memphis Planned Parenthood, Inc. v. Sundquist*, 175 F.3d 456, 460 (6<sup>th</sup> Cir. 1999). "In general, the likelihood of success that need be shown ... will vary inversely with the degree of injury the plaintiff will suffer absent an injunction." *Friendship Materials, Inc. v. Michigan Brick, Inc.*, 679 F.2d 100, 105 (6<sup>th</sup> Cir. 1982) (internal quotations and citation omitted).

As demonstrated in the prior sections of this motion, ODP and NEOCH have established a strong likelihood of success on the merits. Simply put, there is no statutory support for the artificial dichotomy drawn by the Secretary of State between the types of voter information generally available as public records, and those sharply curtailed disclosures specifically pertaining to provisional voters. On that basis alone, the Motion should be granted. The remaining factors also weigh in favor of granting the Motion.

A. **ODP And NEOCH Will Suffer Irreparable Harm If This Court Does Not Grant The Relief.**

This Court expressly recognized ODP's and NEOCH's interest in the outcome of the underlying action and through the Consent Decree. ODP and NEOCH actively participated in establishing the Consent Decree, and now seek only that publicly available information necessary to timely examine whether the Consent Decree is being properly enforced. The movants also have a legitimate interest in ensuring that provisional ballots are fully counted to the extent provided by law within the narrow window of time before the November 2010 general election is certified. As Mr. Martin of ODP explains:

The Ohio Democratic Party seeks the information associated with such requests to ensure that voters were not improperly purged from the voter rolls, to monitor compliance with the Consent Decree and, where possible, to assist voters in curing within the statutory ten day period any issues of documentation and registration that have caused their ballot to be marked provisional. Such assistance could include providing transportation to Boards of Election, and ensuring that homebound voters understand that arrangements can be made for Board of Elections officials to meet with them at their residence to cure certain defects associated with their provisional ballots.

Martin Affidavit, attached hereto as Ex. 1, at ¶ 6. The only way those interests can be protected is by providing ODP, NEOCH and the public at large with sufficient transparency of process to

identify which votes were provisionally cast, what deficiencies were asserted, and what cure may be effected within the ten day window.

**B. Granting The Requested Relief Will Not Harm Others.**

An order granting the requested injunctive relief will not cause substantial harm to others. The information instantly sought is only that which is already available in every other context of Ohio election law. There is no meaningful risk that any individual will be harmed by the disclosure of provisional voter registration data that mirrors the voter registration data available elsewhere within the voter registration database.

**C. The Public Interest Will Be Served By Granting The Requested Relief.**

As this Court has noted, among the purposes of the Consent Decree in this matter are to ensure that:

- (c) The legal votes cast by [Ohio] voters will be counted even if they are cast by provisional ballots on Election Day;
- (d) These voters will not be deprived of their fundamental right to vote because of differing interpretations and applications of the Provisional Ballot Laws by Ohio's 88 Boards of Elections.

These interests, and the broader interests of the public are aligned towards ensuring a fair and transparent provisional voting process. The public further holds an interest in seeing that the prior Orders of this Court are being fully and fairly implemented. The twin goals of transparency and respect for process militate for the relief instantly sought by this Motion.

**V. CONCLUSION**

For the reasons stated, the instant Motion should be granted. ODP and NEOCH request that this Court order the Ohio Secretary of State to require Ohio's 88 Boards of Election to uniformly produce public records pertaining to provisional ballots in response to Public Records Act requests. Specifically, the Secretary of State should require Boards of Elections statewide to

uniformly produce the addresses, dates of birth, telephone number and e-mail addresses of voters that cast provisional ballots as required by Ohio law, as well as the defects asserted as a basis for assigning the voter provisional status.

Respectfully submitted,

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Tel: (216) 578-1700  
Fax: (216) 578-1800  
Email: Subodh.Chandra@StanfordAlumni.org

Attorneys for Plaintiff,  
Northeast Coalition for the Homeless

**CERTIFICATE OF SERVICE**

I hereby certify that on Nov. 1, 2010, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the counsel of record in this case.

/s Carl A. Aveni  
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Carl A. Aveni II (0070664)  
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*Attorneys for Plaintiff-Intervenor  
Ohio Democratic Party*

IN THE UNITED STATES DISTRICT COURT  
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Defendant. :

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THE NORTHEAST OHIO COALITION  
FOR THE HOMELESS, et al., :

Plaintiffs, :

vs. :

THE STATE OF OHIO, :

Intervenor-Defendant. :

**AFFIDAVIT OF NICHOLAS MARTIN**

SS: Ohio  
County: Franklin

And now, having been duly sworn and cautioned according to law, affiant Nicholas Martin avers and deposes as follows:

1. I am over the age of 18, and am testifying to all matters in this affidavit based upon my personal experience and following reasonable investigation.
2. I am employed by the Ohio Democratic Party, 340 East Fulton Street, Columbus, Ohio 43215 as a Targeting Analyst. In that capacity, I am regularly in contact

with County Boards of Election throughout Ohio for purposes of gathering voter data by way of Public Record Requests per O.R.C. 149.43.

3. The voter data that I routinely gather from County Boards of Election include:

- Name
- Current Address
- Former Address
- Birth Date
- Former Name
- Telephone Number(s)
- E-mail Address

All of this information is publicly available as part of Ohio's Voter Registration Database. The database also includes "voter history" which details whether the vote in any particular election was cast provisionally or otherwise.

4. On October 31, 2010, I sent the attached request to the Lucas County Board of Elections, seeking the above-referenced data associated with provisional votes cast on or before November 2, 2010.
5. I also asked for information contained on the outside of each provisional envelope, detailing why the Board of Elections had determined that the vote must be cast provisionally.
6. The Ohio Democratic Party seeks the information associated with such requests to ensure that voters were not improperly purged from the voter rolls, to monitor compliance with the Consent Decree and, where possible, to assist voters in curing within the statutory ten day period any issues of documentation and registration that have caused their ballot to be marked provisional. Such assistance could include providing transportation to Boards of Election, and ensuring that homebound voters understand that arrangements can be made for

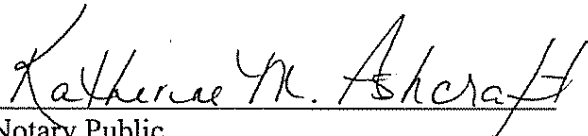
Board of Elections officials to meet with them at their residence to cure certain defects associated with their provisional ballots.

7. In response to my Public Records Act request, the Lucas County Board of Election informed me that: "Based on Advisory 2008-22 from the Ohio Secretary of State, we have been instructed to release only the names and precincts of Provisional Voters."
8. The documents attached hereto are true and correct copies of that correspondence.

FURTHER AFFIANT SAYETH NAUGHT.

  
\_\_\_\_\_  
Nicholas Martin

Sworn and subscribed to in my presence this 1<sup>st</sup> day of November 2010.

  
\_\_\_\_\_  
Notary Public  
My Commission expires: 23 March '13



**KATHERINE M. ASHCRAFT  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES MARCH 23, 2013**

**Subject:** Request for Information on Provisional Voters

**From:** Linda Howe [mailto:lhowe@co.lucas.oh.us]  
**Sent:** Sunday, October 31, 2010 8:13 PM  
**To:** Nicholas Martin  
**Cc:** John Borell; Jeremy Demagall  
**Subject:** Re: Request for Information on Provisional Voters

Based on Advisory 2008-22 from the Ohio Secretary of State, we have been instructed to release only the names and precincts of Provisional Voters.

>>> "Nicholas Martin" 10/31/10 7:21 PM >>>  
To the Lucas County Board of Elections:

In accordance with ORC 149.43, please provide all of the following information regarding every provisional vote cast on or before November 2, 2010 associated with the election held on November 2, 2010:

- o Name
- o Current Address
- o Former Address
- o Birth date
- o Former Name
- o Phone Number(s)
- o Email Address
- o Reason provided for Voting Provisional Ballot
- o Box checked by Election Official (or other form in which information was provided) regarding Need for voter to provide additional information or that application or challenge hearing was postponed until after the election
- o Box checked by Election Official (or other form in which information was provided) regarding type of ID provided by voter or reason voter did not provide ID
- o Information provided by voter who does not have any form of acceptable ID about reason (s) for not having any form of acceptable ID

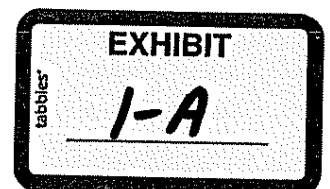
I would prefer to receive this information in electronic form, but if it is not maintained in that form by the Board, I would ask that copies of the forms filed with provisional ballots (either as separate forms or on the face of a provisional ballot envelopes) be copied and provided to me with any necessary redactions of additional information contained on those forms.

Please begin providing this information as soon as possible on a rolling basis with information provided as soon as it is available rather than waiting for all information to have been compiled.

Very truly yours,  
Nick Martin

**Error! Filename not specified.**  
Ohio Democratic Party  
a | 340 E Fulton St, Columbus, OH 43215  
c | 614 370.1973  
e | [nmartin@ohiodems.org](mailto:nmartin@ohiodems.org)

11/1/2010



**Subject:** Request for Information on Provisional Voters

**Attachments:** provisionals through 10-30.xls



provisionals  
through 10-30.xls...

-----Original Message-----

From: Marty Limmer [mailto:MLimmer@co.lucas.oh.us]  
Sent: Monday, November 01, 2010 9:57 AM  
To: Nicholas Martin  
Subject: Re: Request for Information on Provisional Voters

Nick,

I am attaching the precincts and names of provisional voters. According to federal law, this is all we are allowed to provide.

Please see Secretary of State Advisory 2008-22 about the release of provisional voter data.

Thanks,

Marty Limmer  
Information Services Manager  
Lucas County Board of Elections  
Toledo OH 43604-2250

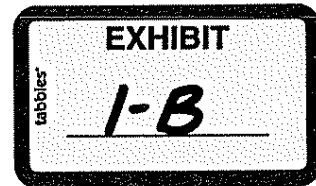
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>>> "Nicholas Martin" <nmartin@ohiodems.org> 10/31/2010 6:29 PM >>>  
To the Lucas County Board of Elections:

In accordance with ORC 149.43, please provide all of the following information regarding every provisional vote cast on or before November 2, 2010 associated with the election held on November 2, 2010:

- o Name
- o Current Address
- o Former Address
- o Birth date
- o Former Name
- o Phone Number(s)
- o Email Address
- o Reason provided for Voting Provisional Ballot
- o Box checked by Election Official (or other form in which information was provided) regarding Need for voter to provide additional information or that application or challenge hearing was postponed until after the election
- o Box checked by Election Official (or other form in which



information was provided) regarding type of ID provided by voter or reason voter did not provide ID

o Information provided by voter who does not have any form of acceptable ID about reason(s) for not having any form of acceptable ID

I would prefer to receive this information in electronic form, but if it is not maintained in that form by the Board, I would ask that copies of the forms filed with provisional ballots (either as separate forms or on the face of a provisional ballot envelopes) be copied and provided to me with any necessary redactions of additional information contained on those forms.

Please begin providing this information as soon as possible on a rolling basis with information provided as soon as it is available rather than waiting for all information to have been compiled.

Very truly yours,

Nick Martin

<<http://ohiodems.org/>>

Ohio Democratic Party

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c | 614.370.1973

e | [nmartin@ohiodems.org](mailto:nmartin@ohiodems.org)