

IN THE COURT OF COMMON PLEAS

CUYAHOGA COUNTY, OHIO

OHIO DEMOCRATIC PARTY, on behalf of itself )  
and its members )  
271 E. State Street )  
Columbus, OH 43215 )

and )

TERI HORNE )  
17418 Tarkington Avenue )  
Cleveland, OH 44128 )

Plaintiffs )

v. )

J. KENNETH BLACKWELL, in his capacity as )  
Ohio Secretary of State )  
180 East Broad Street, 16<sup>th</sup> Floor )  
Columbus, OH 43215 )

and )

CUYAHOGA COUNTY BOARD OF ELECTIONS )  
2925 Euclid Avenue )  
Cleveland, OH 44115 )

Defendants )

CASE NO. CV 06 606270

**JUDGMENT**

***Timothy E. McMonagle, J.:***

This matter came on before the Court on this 6<sup>th</sup> day of November, 2006, on the Plaintiff's Verified Complaint for Declaratory and Injunctive Relief. After review of the supporting memorandum and the law, the Court hereby finds that the Plaintiffs are entitled to declaratory judgment pursuant to O.R.C. §3505.21. Plaintiffs are hereby permitted to amend its notice of appointment of observers consistent with the following directive.

This Court hereby further declares that the following directive be issued by the Secretary of State to all Boards of Election throughout the State of Ohio:

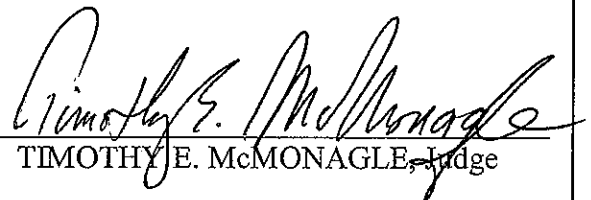
“Under 3505.21, the deletion, substitution or addition of an observer is permitted in any precinct, provided that the amendment to the notification takes place by four p.m. of the day before the election. For example, R.C. 3505.21 permits the amendment of a prior-filed appointment of observer to identify any new individual as a substitute for a prior identified individual assigned to any or multiple precincts, or identified to serve as an observer in any other capacity under R.C. 3505.21. Additionally, the addition of a new observer to substitute for a prior-identified observer is permitted. The addition of a new observer to serve in a precinct for which no observer was previously identified is permitted. Any amendments may be submitted to the Board of Elections by facsimile or email.”

The Court suggests that the parties designate as observers only those individuals who will actually serve in that capacity in order to assist the local Boards of Election in implementing this Order.

The Secretary of State is hereby further ordered to immediately distribute this directive to all Boards of Elections to achieve consistency of application throughout the State of Ohio.

**JUDGMENT IS HEREBY ISSUED ACCORDINGLY.**

Date: November 6, 2006

  
TIMOTHY E. McMONAGLE, Judge