

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

<b>OHIO REPUBLICAN PARTY, et al.</b>	:	
	:	
<b>Plaintiffs,</b>	:	
	:	<b>Case No. 2:08CV913</b>
<b>v.</b>	:	
	:	<b>JUDGE SMITH</b>
<b>JENNIFER BRUNNER,</b>	:	
<b>Secretary of State of Ohio,</b>	:	<b>MAGISTRATE JUDGE KING</b>
	:	
<b>Defendant</b>	:	

**NOTICE OF CORRECTING RECORD**

Counsel for Secretary of State Brunner files this notice to correct a prior statement he made before the District Court. During argument, the undersigned counsel informed this Court that the “BMV Conf” line in the voter registration database query system showed whether the BMV was able to confirm all information in its records with the information supplied from the Statewide Voter Registration Database. Counsel believed that to be true at the time. Counsel has since learned from the client that is not necessarily true. Counsel is still attempting to verify through the client the exact scope of the various fields in the Statewide Voter Registration Database. This unfortunate situation underscores the need for meaningful fact finding and analysis before any action is taken to modify the Statewide Voter Registration Database.

Counsel can assure the Court that his statement that the Secretary forwards all information it receives to the BMV and that the BMV compares that information to its own is true. Counsel has further attached three different screenshots from the Secretary's database showing that if mismatches occur between the Statewide Voter Registration Database and the BMV database, the county boards of elections have access to that information. In these screenshots, the database shows that mismatches concerning zip code or date of birth occurred during the computerized comparison of databases.

Counsel apologizes to the Court for any confusion this may have caused. This was not done with the intention to mislead the Court. Rather, this mistake by counsel was a result of the expedited time frame under which this case was heard. Absent the opportunity to present fact witnesses, counsel undertook his best efforts to familiarize himself with all aspects of the Statewide Voter Registration Database within the tight timeframe of this case. Counsel has learned that he made an inadvertent misrepresentation to this Court about the graphic display. He apologizes for the error and believes on the basis of subsequent discussions with Secretary of State staff that the rest of his argument concerning the functionality of the Statewide Voter Registration Database was correct.

Respectfully submitted,

**NANCY H. ROGERS**  
**ATTORNEY GENERAL**

/s Richard N. Coglianesse

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**CERTIFICATE OF SERVICE**

This is to certify a copy of the foregoing was served upon all counsel of record by means of the Court's electronic filing system on this 13<sup>th</sup> day of October, 2008.

*/s Richard N. Coglianes*