

### Multiple Documents

Part	Description
1	12 pages
2	Exhibit 1: Printouts from CBOE websites

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

OHIO DEMOCRATIC PARTY;  
DEMOCRATIC PARTY OF CUYAHOGA  
COUNTY; MONTGOMERY COUNTY  
DEMOCRATIC PARTY; JORDAN ISERN;  
CAROL BIEHLE; and BRUCE BUTCHER,

Plaintiffs,

v.

JON HUSTED, in his official capacity as  
Secretary of State of the State of Ohio; and  
MIKE DEWINE, in his official capacity as  
Attorney General of the State of Ohio,

Defendants.

**Case No. 2:15 CV 1802**

**JUDGE WATSON**

**MAGISTRATE JUDGE KING**

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**PLAINTIFFS' OPPOSITION TO DEFENDANTS'  
MOTION FOR A STAY PENDING APPEAL**

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**INTRODUCTION**

After waiting for a week following the issuance of the Court's opinion in this case, and without consulting opposing counsel, Defendants have moved for a stay pending appeal—ostensibly based on concerns relating to low-turnout special elections that will be held in a limited number of jurisdictions on August 2, 2016. As set forth below, however, Defendants have not established that they are likely to succeed on appeal; they have provided no concrete evidence that election administrators will be irreparably harmed absent a stay; and they have simply ignored the powerful interest of Plaintiffs and the public in having in place a voting regime that is free of discriminatory and unconstitutional burdens. Moreover, the issuance of a stay pending appeal would risk unnecessarily manufacturing a *Purcell* issue with respect to the 2016 presidential election, *see generally Purcell v. Gonzalez*, 549 U.S. 1 (2006), when millions of Ohioans will be exercising their right to vote. Defendants' motion should be denied.

## ARGUMENT

Defendants have failed to demonstrate that they are entitled to a stay pending appeal. In determining whether to grant such a stay, a court must consider four factors: (1) the likelihood that the party seeking the stay will prevail on the merits of the appeal; (2) the likelihood that the moving party will be irreparably harmed absent a stay; (3) the prospect that others will be harmed if the court grants the stay; and (4) the public interest in granting the stay. *Ohio ex rel. Celebrezze v. Nuclear Regulatory Comm'n*, 812 F.2d 288, 290 (6th Cir. 1987). As the moving party, Defendants bear the burden of showing that they are entitled to the requested stay. *Overstreet v. Lexington-Fayette Urban Cnty. Gov't*, 305 F.3d 566, 573 (6th Cir. 2002).

Significantly here, the demonstration of a mere “possibility” of success on the merits is insufficient, *see Mason Cnty. Med. Ass'n v. Knebel*, 563 F.2d 256, 261 n.4 (6th Cir. 1977); the party seeking a stay must demonstrate that there is “a likelihood of reversal” by the appeals court. *Mich. Coal. of Radioactive Material Users, Inc. v. Griepentrog*, 945 F.2d 150, 153 (6th Cir. 1991); *see also id.* (“a movant seeking a stay pending review on the merits of a district court’s judgment will have greater difficulty in demonstrating a likelihood of success on the merits” than would a party seeking a preliminary injunction); *cf. Obama for Am. v. Husted*, 697 F.3d 423, 436 (6th Cir. 2012) (“When a party seeks a preliminary injunction on the basis of a potential constitutional violation, the likelihood of success on the merits often will be the determinative factor.”). In addition, the irreparable harm to the movant must “decidedly outweigh[] the harm that will be inflicted on others if a stay is granted.” *Baker v. Adams Cnty./Ohio Valley Sch. Bd.*, 310 F.3d 927, 928 (6th Cir. 2002). Defendants have not made either showing in this case.

**A. Likelihood of Success on the Merits**

Most significantly, Defendants' likelihood of success on appeal is low. As this Court's opinion explains, "this is not the first time that S.B. 238 has been challenged." Dkt. 117, Findings of Fact and Conclusions of Law ("Op.") at 29. In *Ohio State Conference of N.A.A.C.P. v. Husted*, 43 F. Supp. 3d 808 (S.D. Ohio 2014), "another judge of [the Southern District of Ohio] declared S.B. 238 unconstitutional and in violation of § 2 of the VRA and granted a preliminary injunction enjoining its enforcement," and the "United States Court of Appeals for the Sixth Circuit affirmed the district court's decision in *Ohio State Conference of N.A.A.C.P. v. Husted*, 768 F.3d 524 (6th Cir. 2014)." Op. at 29. This Court's ruling is thus the third separate decision to find that the elimination of Golden Week violated the Equal Protection Clause and the Voting Rights Act. And one of those decisions was issued by the very court that will decide the appeal in this case. This history alone provides powerful evidence that Defendants are unlikely to succeed on appeal.

The nature of the Court's opinion in this case confirms that conclusion. Because the Court enjoined the elimination of Golden Week on two separate grounds, Defendants, to succeed on appeal, will need to establish that the Court erred in its analysis of Golden Week under *both* the Equal Protection Clause and the VRA. That would be an uphill climb in an ordinary case. But here, the Court issued a heavily cited, comprehensive 120-page opinion. The Court's finding that the elimination of Golden Week imposes a racially disparate burden on the right to vote involves a detailed factual analysis that spans more than a dozen pages of its opinion. *See* Op. at 35-48. And the Court's conclusions that "Defendants' justifications for S.B. 238, while they may be legitimate, are minimal, unsupported, or not accomplished by S.B. 238"; that "S.B. 238 was passed based upon tenuous justifications"; and that "Defendants have failed to establish

that the justifications are ‘actually necessary’ to burden the right to vote of African Americans,” *id.* at 56, 107, are rooted in expansive and careful analysis. *See id.* at 48-56; *see also id.* at 101-07 (assessing the Senate Factors and finding, based on those factors and the totality of the circumstances, that “S.B. 238 interacts with the historical and social conditions facing African Americans in Ohio to reduce their opportunity to participate in Ohio’s political process relative to other groups of voters”). Such a fact-intensive opinion, decided on two separate grounds, is not likely to be overturned on appeal.

Notably, Defendants’ motion for a stay does not point to some clear factual error in the Court’s opinion or a critical issue that the Court failed to consider. Instead, the motion recycles arguments—in some cases verbatim—that were already before this Court and that were rejected in the Court’s opinion in this case. *Compare* Mot. to Stay Pending Appeal and Memo. in Support (“Motion”) at 8-11, *with* Defs.’ PFOF/COL ¶¶ 182-192; *compare* Motion at 12-14, *with* Defs.’ PFOF/COL ¶¶ 214, 218-221. The motion itself therefore provides no reason to conclude that Defendants’ arguments with respect to Golden Week are likely to fare any better on appeal than they have here. For this reason, and those set forth above, Defendants’ likelihood of success on appeal is low, and this factor weighs heavily against the issuance of a stay pending appeal.

**B. Balance of the Equities**

The balance of the equities also weighs against the issuance of a stay pending appeal. Whereas Defendants have failed to provide concrete evidence of irreparable harm that they or Ohio’s election administrators will suffer absent a stay, Plaintiffs and the public have a clear interest in having Ohio’s elections conducted in a nondiscriminatory, constitutional manner.

**1. Defendants will not be irreparably harmed absent a stay**

To begin with, Defendants’ motion for a stay presents almost no actual evidence that election officials will be burdened in any way by the reinstatement of Golden Week for the August 2016 special elections. Defendants do not identify the number of jurisdictions that will be holding special elections or the percentage of Ohio voters who will be eligible to vote in such elections, *see* Motion at 3, 6 (“several jurisdictions” will be holding special elections); *see also id.* at 3 (“only a limited number of voting districts hold special elections”), much less testimony that was subject to cross-examination or even declarations in support of their claims that election officials will be burdened absent a stay. *Cf. Mich. Coal.*, 945 F.2d at 154 (moving party must address each pertinent factor and provide “specific facts and affidavits supporting assertions that these factors exist,” and must allege irreparable harm that is “both certain and immediate, rather than speculative or theoretical”).

The evidence that is available demonstrates that election officials will not be materially burdened—and certainly will not be irreparably harmed—by having Golden Week in effect for the August special elections. There are no statewide races or issues being contested this August. Publicly available information suggests that only about 19 of Ohio’s 88 counties will be holding special elections; and in many of those counties, only one or a handful of towns or cities are holding elections.<sup>1</sup> Further, turnout for these elections will be extremely low. In the analogous elections in 2012, there were a total—not during Golden Week, but overall—of 172 ballots cast

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<sup>1</sup> Seventeen counties appear to have posted the (required) Election Notice for Use With the Federal Write-In Absentee Ballot identifying the candidates/issues for the August special elections. Two other counties that appear not to have posted such a notice list early voting hours on their websites for the August special elections. Copies of these materials, which were obtained from websites for the pertinent county boards of elections, are attached as Exhibit 1.

in Fulton County and 2,933 ballots cast in Franklin County.<sup>2</sup> In the analogous elections in 2014, a total of 690 ballots were cast in Hamilton County.<sup>3</sup> *See also* Motion at 3 (asserting that “only a limited number of voting districts hold special elections, and given the low turnout during the start of early voting, few (if any) voters will be impacted by a stay”).

Given these numbers, Defendants’ claim that election officials will be burdened if Golden Week voting is available during the August special elections is absurd on its face. Moreover, these numbers show why the situation presented here is fundamentally different from the one that was presented to the Supreme Court in late September of 2014: In the general election of 2014, in stark contrast to the extremely low turnout elections that will take place in August of this year, over 3 million ballots were cast in Ohio, including nearly 300,000 ballots cast in Franklin County, nearly 250,000 ballots cast in Hamilton County, and 11,000 ballots cast in Fulton County. *See* Website of Secretary of State Jon Husted, 2014 Election Results, *available at* <http://www.sos.state.oh.us/SOS/elections/Research/electResultsMain/2014Results.aspx>.

Tellingly, in their Rule 26(f) Report in this case, Defendants identified a variety of problems with Plaintiffs’ proposed trial dates of February 15 or March 1, 2016, *see* Dkt. 20 at 7-8 (“Either way, the trial would fall during the worst possible time for Ohio’s election officials . . . : right in the middle of preparing for and managing the presidential primary election.”), but they did not identify any of the concerns now being raised in connection with their alternative

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<sup>2</sup> *See* Fulton County Special Elections Results for August 7, 2012, *available at* [www.fultoncountyoh.com/DocumentCenter/View/904](http://www.fultoncountyoh.com/DocumentCenter/View/904); Franklin County Official Summary Report of August 7, 2012 Special Election, *available at* [vote.franklincountyohio.gov/assets/downloads/election-information/2012/\(3\)%20Special%20Election%20-%20August%202012/\(1\)%20Election%20Results/Official\\_Summary\\_Results%20Franklin%20County%20Only.pdf](http://vote.franklincountyohio.gov/assets/downloads/election-information/2012/(3)%20Special%20Election%20-%20August%202012/(1)%20Election%20Results/Official_Summary_Results%20Franklin%20County%20Only.pdf).

<sup>3</sup> *See* Hamilton County Canvass Report for August 5, 2014 Special Election, *available at* [boe.hamilton-co.org/files/files/electionsArchive/special/Aug14offcanvass.pdf](http://boe.hamilton-co.org/files/files/electionsArchive/special/Aug14offcanvass.pdf).

proposal of a trial beginning on April 11, 2016, *see id.* at 6—a trial date that plainly would not have resulted in the issuance of a final order in this case prior to May 2016. And, in opposing Plaintiffs’ request for a *four-day* extension (including two weekend days) to the due date for post-trial briefs, Defendants emphasized that “[f]inality will serve the interests of election administration and voters.” Dkt. 107 at 1.

In any event, the Court’s opinion in this case already demonstrates why any burden on election officials from offering voting during Golden Week will be *de minimis*:

Ohio law requires BOEs to keep their offices open until 9 p.m. on the final day of registration and to remain open for a period of time necessary for the performance of its duties at all other times during each week. Ohio Rev. Code § 3501.10(B). *Golden Week would therefore presumably take place during times when BOEs are already open for business. See* Tr. Trans. 202, ECF No. 100 (Burke) (Hamilton County BOE was open for business during the week that would have been Golden Week in 2014). Therefore, any BOEs that conduct EIP voting at their offices are unlikely to incur substantial additional overhead costs. *See N.A.A.C.P. v. Husted II*, 768 F.3d at 549 (affirming a similar finding in *N.A.A.C.P. v. Husted I*).

Op. at 53-54 (emphasis added). The opinion further explains that “Defendants have not offered any evidence that counties were unable to manage the minimal costs of maintaining Golden Week in the past or would be unable to do so in the future,” and that “Defendants fail to present sufficient evidence that BOEs were unable to manage . . . administrative burdens when Golden Week was in place or that they will be unable to do so should it be reinstated.” *Id.* at 54-55. Indeed, the opinion notes that “the record also includes evidence that Golden Week aids in election administration in that it (1) provided boards more time to mail out and process absentee ballots and (2) relieved pressure on the polls on Election Day.” *Id.* at 55 n.18 (internal citations omitted). In short, no irreparable harm will result from the reinstatement of Golden Week voting for the August special elections.

**2. A stay will irreparably harm Plaintiffs and the public interest**

In contrast to Defendants' negligible showing of irreparable harm, Plaintiffs and the public interest will be irreparably harmed if a stay is issued. "When constitutional rights are threatened or impaired, irreparable injury is presumed. A restriction on the fundamental right to vote therefore constitutes irreparable injury." *Obama for Am.*, 697 F.3d at 436. *See generally* Op. at 31 ("Voting is a fundamental right, and '[o]ther rights, even the most basic, are illusory if the right to vote is undermined.") (quoting *Wesberry v. Sanders*, 376 U.S. 1, 17 (1964)). Further, "[t]he public interest . . . favors permitting as many qualified voters to vote as possible." *Obama for Am.*, 697 F.3d at 436. Here, the Court has found that S.B. 238's elimination of Golden Week unconstitutionally burdens the right to vote and interacts with historical and social conditions facing African Americans in Ohio in a fashion that reduces their opportunity, relative to other voters, to participate in the political process. *See generally* Op. at 56-57, 107-08. Once the August elections are held, they cannot be undone, meaning that, if the reinstatement of Golden Week is stayed through that election, voters will suffer the irreparable harm of having cast ballots under an unlawful, unconstitutional regime.

Concerns about voter confusion also militate in favor of denying the requested stay. While Defendants assert that "[t]he possibility of a mid-stream change to early voting in a presidential election year poses too great a risk of voter confusion" and that "[c]hanging the days and hours now, only to have them potentially changed again in a few weeks, will create needless confusion that can be simply avoided by a stay of this Court's Order pending appeal," Motion at 7, these arguments are premised on the notion that Defendants are likely to succeed on appeal. As set forth above, however, that assumption is unfounded and likely wrong.

Viewed (appropriately) through the lens of Plaintiffs' likely success on appeal, Defendants' arguments about voter confusion support *denial* of a stay. This Court's Order reinstating Golden Week received substantial public attention,<sup>4</sup> and many voters have therefore learned that Golden Week voting will again be available to the public. To stay that Order now, only to have the Sixth Circuit lift the stay following the appeal, would introduce unnecessary confusion that will be avoided if the Court's Order reinstating Golden Week simply remains in effect.

Moreover, the issuance of a stay pending appeal would introduce the serious risk of a *Purcell* problem with respect to the 2016 presidential election, when millions of Ohioans will cast ballots. There is ample time between now and November for the State of Ohio to ensure that Golden Week voting is available and can run smoothly. But if this Court's Order is stayed until the Sixth Circuit rules, there is little question that Defendants will argue that the Sixth Circuit's ruling has come too late to be implemented in time for the presidential election, potentially forcing millions of Ohioans to vote under a regime that violates the Equal Protection Clause and imposes a discriminatory burden on African Americans. For that reason alone, the balance of the equities weighs heavily in Plaintiffs' favor.

### CONCLUSION

Defendants have failed to establish either that they are likely to succeed on appeal or that the balance of the equities weighs in favor of the issuance of a stay. For each of these reasons,

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<sup>4</sup> See, e.g., Darrel Rowland, "Judge Rules Ohio Voter Rights Violated," *Columbus Dispatch*, May 25, 2016, available at [www.dispatch.com/content/stories/local/2016/05/24/ohio-golden-week-ruling.html](http://www.dispatch.com/content/stories/local/2016/05/24/ohio-golden-week-ruling.html); Associated Press, "Judge: Law Trimming Early Voting in Ohio Unconstitutional," May 24, 2016, available at [www.cincinnati.com/story/news/2016/05/24/judge-law-trimming-early-voting-ohio-unconstitutional/84865138](http://www.cincinnati.com/story/news/2016/05/24/judge-law-trimming-early-voting-ohio-unconstitutional/84865138); Jackie Borchardt, "Federal Judge Blocks Ohio Law that Eliminated 'Golden Week' Voting," *Cleveland Plain Dealer*, May 24, 2016, available at [www.cleveland.com/open/index.ssf/2016/05/federal\\_judge\\_blocks\\_ohio\\_law.html](http://www.cleveland.com/open/index.ssf/2016/05/federal_judge_blocks_ohio_law.html).

their motion for a stay should be denied. *See Mich. Coal.*, 945 F.2d at 153 (party seeking stay must demonstrate “a likelihood of reversal”); *Baker*, 310 F.3d at 928 (irreparable harm to movant must “decidedly outweigh[] the harm that will be inflicted on others if a stay is granted”). *See generally Obama for Am.*, 697 F.3d at 436 (“When a party seeks a preliminary injunction on the basis of a potential constitutional violation, the likelihood of success on the merits often will be the determinative factor.”).

In the alternative, should the Court determine that a stay of its Order is appropriate with respect to the August special elections, Plaintiffs request that such stay be limited to the August special elections only and reject Defendants’ broader request for a stay that applies until the appeal in this case is resolved. In so doing, the Court would address Defendants’ purported concerns related to the August special elections but not permit Defendants to manufacture a *Purcell* issue for the November general elections.

Dated: June 3, 2016

Respectfully submitted,

*/s/ Bruce V. Spiva*

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was electronically filed with the United States District Court, Southern District of Ohio, on June 3, 2016, and served upon all parties of record via the court's electronic filing system.

*/s/ Bruce V. Spiva* \_\_\_\_\_

# **Exhibit 1**

**ELECTION NOTICE FOR USE WITH THE  
FEDERAL WRITE-IN ABSENTEE BALLOT (FWAB)  
R.C. 3511.16**

**Issued by the Butler County Board of Elections**

✓ Initial notification (to be posted 100 days prior to date of election)

**AUGUST 2, 2016 SPECIAL ELECTION**

Local Questions and Issues		
Number	Title	Precincts
	Southwest Local School District - Bond Issue & Tax Levy - 3.95 mil 38-year & 0.5 mil CPT-Construction & Improvements	Parts of Hamilton County and Morgan1

**INSTRUCTIONS TO VOTER FOR INDICATING YOUR CHOICES ON A  
FEDERAL WRITE-IN ABSENTEE BALLOT (FWAB):**

To complete a Federal Write-In Absentee Ballot (FWAB), go to [www.fvap.gov](http://www.fvap.gov). You have the option of downloading a blank, hard copy FWAB to complete by hand, or proceeding through electronic completion of the FWAB using the website's FWAB Wizard.

The first page of the FWAB is a Voter Declaration/Affirmation you must complete in order for your ballot to count.

After completing the Voter Declaration/Affirmation, use the initial election notice issued on the 100<sup>th</sup> day before the election and the updated election notice issued on the 45<sup>th</sup> day before the election as a guide to:

- (1) write the name of each candidate or issue contest for which you are casting a vote and then
- (2) write the name of your choice of candidate or choice for or against an issue.

After you have completed the FWAB, you must **PRINT the ballot and MAIL it to the Butler County Board of Elections at: 1802 Princeton Rd., Suite 600 Hamilton, Ohio 45011-4742**. A complete listing of all county board of elections mailing addresses and contact information is available at <http://www.sos.state.oh.us/SOS/elections/electionofficials/boeDirectory.aspx#dir>.

**Do not send your ballot via e-mail or fax; Ohio law prohibits electronic transmission of a voted ballot.**

Form No. 120 Prescribed by Secretary of State (5-12)

**ELECTION NOTICE FOR USE WITH THE  
FEDERAL WRITE-IN ABSENTEE BALLOT (FWAB)**

R.C. 3511.16

**Issued by the Coshocton County Board of Elections**

BOE to check one:       Initial notification (to be posted 100 days prior to date of election)  
                                   Updated notification (to be posted 45 days prior to date of election)

**SPECIAL ELECTION**

(August 2, 2016)

<b>Local Questions and Issues</b>		
<b>Number</b>	<b>Title</b>	<b>Precinets</b>
	Proposed Bond Issue and Tax Levy River View Local School District 1) Shall bond be issued by the Board of Education of the River View Local School District to pay the local share of school construction under the State of Ohio Classroom Facilities Assistance Program in the principal amount of \$43,456,780 to be repaid annually over a maximum period of 38 years, and an annual levy of property taxes be made outside the ten-mill limitation, estimated by the county auditor to average over the repayment period of the bond issue 4.7 mills for each one dollar of tax valuation, which amounts to \$0.47 for each one hundred dollars of tax valuation to pay the annual debt charges on the bonds and to pay debt charges on any notes issued in anticipation of the bond? 2) Additional levy of taxes be made for a period of 23 years to benefit River View Local School District, the proceeds of which shall be used to pay the cost of maintaining the classroom facilities included in the project at the rate of 0.50 mills for each one dollar of valuation?	River View School District ONLY

**ELECTION NOTICE FOR USE WITH THE FEDERAL WRITE-IN ABSENTEE BALLOT (FWAB)**

**R.C.3511.16  
Issued by the Cuyahoga County Board of Elections**

Initial Notification (to be posted 100 days prior to the date of the election)

**AUGUST 2, 2016 SPECIAL ELECTION**

**CUYAHOGA HEIGHTS**

Village Of Cuyahoga Heights | Municipio De Cuyahoga Heights

Proposed Municipal Income Tax  
(Increase)  
Village of Cuyahoga Heights

A majority affirmative vote is necessary for passage.

Shall the Ordinance providing for a 0.5% levy increase on income, to a rate of 2.5% per annum, for the purpose of general municipal functions, effective January 1, 2017, be passed?

Propuesta de Impuesto Municipal Sobre el Ingreso (Aumento)  
Municipio de Cuyahoga Heights

Se requiere un voto afirmativo por mayoría para su aprobación.

¿Deberá aprobarse la Ordenanza que dispone un aumento del 0.5% en la recaudación sobre el ingreso, a una tasa del 2.5% anual, con el fin de financiar las funciones municipales generales de la ciudad, con entrada en vigor el 1 de enero de 2017?

Form No. 120 Prescribed by Secretary of State (5-12)

**ELECTION NOTICE FOR USE WITH THE  
FEDERAL WRITE-IN ABSENTEE BALLOT (FWAB)**

R.C. 3511.16

**Issued by the Delaware County Board of Elections**

- BOE to check one:       Initial notification (to be posted 100 days prior to date of election)  
                                  Updated notification (to be posted 45 days prior to date of election)

**August 2, 2016 SPECIAL ELECTION**

Revised 5/24/2016

<b>Local Questions and Issues</b>		
<b>Subdivision</b>	<b>Purpose</b>	<b>Precinets</b>
City of Columbus	Proposed Charter Amendment – To create city council districts, provide for the election of council members from districts, and change the number of council members elected at-large to three.	Columbus A, B, C, D, E and F

Form No. 120 Prescribed by Secretary of State (5-12)

**ELECTION NOTICE FOR USE WITH THE  
FEDERAL WRITE-IN ABSENTEE BALLOT (FWAB)**  
R.C. 3511.16

**Issued by the Fairfield County Board of Elections**

BOE to check one:       Initial notification (to be posted 100 days prior to date of election)  
                                   Updated notification (to be posted 45 days prior to date of election)

**August 2, 2016 Special Election**  
(month, date, year, primary/general/special)

Schools	Millage/ Percent	Type	Add'l, Renew, Replace	Purpose	Period	Precincts/ Portions	
	<b>Title</b>			<b>Precincts</b>			
1	Walnut Township LSD	1.7 Mills	Tax Levy	Renewal	Emergency Requirements of the School District, commencing in 2016, first due 2017	5 yrs.	LI-C.WAL, WA-A.BLV, WA-A.WAL, WA-B.WAL, WA-C.MIV, WA-C.WAL, WA-D.WAL

Form No. 120 Prescribed by Secretary of State (5-12)

**ELECTION NOTICE FOR USE WITH THE  
FEDERAL WRITE-IN ABSENTEE BALLOT (FWAB)**

R.C. 3511.16

**Issued by the Franklin County Board of Elections**

BOE to check one:       Initial notification (to be posted 100 days prior to date of election)  
                                   Updated notification (to be posted 45 days prior to date of election)

**AUGUST 2, 2016 – SPECIAL ELECTION**

State Issues		
Number	Title	Precincts

Local Questions and Issues		
Number	Title	Precincts
	Minerva Park Tax Levy (Renewal) 3.2 mills for a period of 5 years commencing in 2016 first due in 2017 for Current Expenses	Village of Minerva Park
	City of Columbus Initiated Charter Amendment: To amend the charter to create city council districts, provide for election of council member from districts, and change the number of council members elected at large to three.	City of Columbus

Form No. 120 Prescribed by Secretary of State (5-12)

**ELECTION NOTICE FOR USE WITH THE  
FEDERAL WRITE-IN ABSENTEE BALLOT (FWAB)**

R.C. 3511.16

**Issued by the Fulton County Board of Elections**

BOE to check one:       Initial notification (to be posted 100 days prior to date of election)  
                                   Updated notification (to be posted 45 days prior to date of election)

**AUGUST 2, 2016 SPECIAL ELECTION**

(month, date, year, primary/general/special)

Local Questions and Issues		
Number	Title	Precincts
1	<p><b>Proposed Bond Issue and Levy Fayette Local School District</b></p> <p>Shall the Fayette Local School District be authorized to do the following:</p> <p>1. Issue bonds for the purpose of <b>new construction, improvements, renovations and additions to school facilities, and providing equipment, furnishings, and site acquisition and improvements therefor, and capitalized interest</b>, in the principal amount of \$1,400,000 to be repaid annually over a maximum period of 20 years, and levy a property tax outside of the ten-mill limitation, estimated by the county auditor to average over the bond repayment period of 1.6 mills for each one dollar of tax valuation, which amounts to \$0.16 for each one hundred dollars of tax valuation, commencing in 2016, first due in calendar year 2017, to pay the annual debt charges on the bonds, and to pay debt charges on any notes issued in anticipation of those bonds?</p> <p>2. Levy an additional property tax to <b>provide funds for the acquisition, construction, enlargement, renovation, and financing of general permanent improvements</b> at a rate not exceeding 1.1 mills for each one dollar of tax valuation, which amounts to \$0.11 for each one hundred dollars of tax valuation, for a continuing period of time, commencing in 2016, first due in calendar year 2017?</p> <p><b>FOR THE BOND ISSUE AND LEVY</b></p> <p><b>AGAINST THE BOND ISSUE AND LEVY</b></p>	Fr-Fay, Fay, Gor

Form No. 120 Prescribed by Secretary of State (5-12)

**ELECTION NOTICE FOR USE WITH THE  
FEDERAL WRITE-IN ABSENTEE BALLOT (FWAB)**

R.C. 3511.16

**Issued by the Geauga County Board of Elections**

BOE to check one:       Initial notification (to be posted 100 days prior to date of election)  
                                   Updated notification (to be posted 45 days prior to date of election)

**AUGUST 2, 2016 SPECIAL ELECTION  
LOCAL QUESTIONS AND ISSUES**

**Subdivisions and taxing authorities may place questions or issues on the ballot for  
August 2, 2016 Special Election – ISSUE FILING DEADLINE FOR ANY  
AUGUST 2, 2016 SPECIAL ELECTION IS MAY 4, 2016**

Local Questions and Issues		
Number	Title	Precincts
	<b><u>Parkman Township</u></b> – Tax Levy-2 mills- Additional-Streets, Roads and Bridges-5 years- Commencing 2016, first due in 2017	Parkman Twp A, B
	<b><u>Cardinal Local School District</u></b> – Tax Levy-4.5 mills-Additional-Current Expenses-CPT- Commencing 2016, first due in 2017	Huntsburg Twp A, B, Middlefield Vill A, B, Middlefield Twp A, B, Parkman Twp A, B, Troy Twp A overlap

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- (2) write the name of your choice of candidate or choice for or against an issue.

After you have completed the FWAB, you must **PRINT** the ballot and **MAIL** it to your county board of elections at **this address: Geauga County Board of Elections, 470 Center St., Bldg. 6-A, Chardon, OH 44024**. A complete listing of all county board of elections mailing addresses and contact information is available at

Form No. 120 Prescribed by Secretary of State (5-12)

**ELECTION NOTICE FOR USE WITH THE  
FEDERAL WRITE-IN ABSENTEE BALLOT (FWAB)  
R.C. 3511.16**

**Issued by the Hamilton County Board of Elections**

- BOE to check one:       Initial notification (to be posted 100 days prior to date of election)  
                                   Updated notification (to be posted 45 days prior to date of election)

**AUGUST 2, 2016 SPECIAL ELECTION**

Local Questions and Issues		
Number	Title	Precincts
1	City of Mt. Healthy - Tax Levy - Renewal 1.54ml CPT - CE	CITY OF MT. HEALTHY - ALL
2	Vil of Elmwood Pl. - Tax Levy - Renewal 2ml CPT - Fire/EMS	VIL OF ELMWOOD PL - ALL
3	Vil of Elmwood Pl. - Tax Levy - Renewal 1.5ml CPT - Police	VIL OF ELMWOOD PL - ALL
4	Southwest Local Sch - Bond Issue & Tax Levy - 3.95ml 38yr & 0.5ml CPT- Construction & Improvements	CITY OF HARRISON - A,B,C,D,E,F, CROSBY TWP - A,B, HARRISON TWP - AA,BB,CC WHITEWATER TWP - A,B,C

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- (2) write the name of your choice of candidate or choice for or against an issue.

After you have completed the FWAB, **you must PRINT the ballot and MAIL it to your county board of elections at this address: 824 Broadway, Cincinnati, OH 45202**. A complete listing of all county board of elections mailing addresses and contact information is available at

<http://www.sos.state.oh.us/SOS/elections/electionofficials/boeDirectory.aspx#dir>.

**Do not send your ballot via e-mail or fax; Ohio law prohibits electronic transmission of a voted ballot.**

Form No. 120 Prescribed by Secretary of State (5-12)

**ELECTION NOTICE FOR USE WITH THE  
FEDERAL WRITE-IN ABSENTEE BALLOT (FWAB)**

R.C. 3511.16

Issued by the LICKING County Board of Elections

BOE to check one:       XXX Initial notification (to be posted 100 days prior to date of election)  
                                  Updated notification (to be posted 45 days prior to date of election)

**AUGUST 2, 2016 – SPECIAL ELECTION**

FILING DEADLINE FOR THE SPECIAL ELECTION IS MAY 4, 2016 AT 4PM

Local Questions and Issues		
Number	Title	Precincts
	RIVER VIEW LOCAL SCHOOL DISTRICT (COSHOCKTON COUNTY MOST POPULOUS) Bond Issue for \$ 43,456,780 for 38 years – estimated 4.7 mills – for school construction and Additional .5 mills for 23 years for maintaining classroom facilities	Eden/Fallsbury Township – the portion that is in River View School District

LORAIN COUNTY BOARD OF ELECTIONS

LIST OF QUESTIONS AND ISSUES FOR THE 2016 AUGUST SPECIAL ELECTION

NO	SUBDIVISION	ISSUE	PURPOSE	YEARS
	SCHOOLO/OTHER	0.25% Income Tax and 3.61 mills Bond	General Permanent Improvements and Construction	Continuous Income tax and 36 year Bond
	Firelands Local School District			

**ELECTION NOTICE FOR USE WITH THE  
FEDERAL WRITE-IN ABSENTEE BALLOT (FWAB) R.C. 3511.16**

**ISSUED BY MEDINA COUNTY BOARD OF ELECTIONS**

Updated notification (to be posted 100 days prior to date of election)  
updated 05-06-2016

**AUGUST 2, 2016 SPECIAL ELECTION**

**Local Questions and Issues**

**Lafayette Township**

Precincts: Lafayette Tp A - D; Chippewa Lake VI

**Property tax to pay debt on**

**bonds for constructing &**

**furnishing fire & rescue**

**building**

**Additional**

**2.5 mills**

**\$0.25**

**15 years commencing 2017**

**INSTRUCTIONS TO VOTER FOR INDICATING YOUR CHOICES  
ON A FEDERAL WRITE-IN ABSENTEE BALLOT (FWAB):**

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  - (1) write the name of each candidate or issue contest for which you are casting a vote and then
  - (2) write the name of your choice of candidate or choice for or against an issue.
- 4) After you have completed the FWAB, you must PRINT the ballot and MAIL it to: **Medina County Board of Elections, P.O. Box 506, Medina, OH 44258**. A complete listing of all county board of elections mailing addresses and contact information is available at <http://www.sos.state.oh.us/SOS/elections/electionsofficials/bocDirectory.aspx#dir>.
- 5) **Do not send your ballot via e-mail or fax; Ohio law prohibits electronic transmission of a voted ballot.**



# BIRTHPLACE *of* INNOVATION

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## BOARD OF ELECTIONS

Montgomery County Board of Elections  
451 W. Third St. Dayton, OH 45422-1501  
Phone: (937) 225-5656  
Fax: (937) 496-7798  
E-mail: [mcboe@mcoho.org](mailto:mcboe@mcoho.org)

### Special Election August 2, 2016- Voters in Germantown only

EARLY IN-PERSON VOTING HOURS FOR SPECIAL ELECTION  
451 W. Third St. Dayton

July 6 - 22	Monday - Friday	8:00 am - 5:00 pm
July 25 - 29	Monday - Friday	8:00 am - 7:00 pm
July 30	Saturday	8:00 am - 4:00 pm
July 31	Sunday	1:00 pm - 5:00 pm
August 1	Monday	8:00 am - 2:00 pm

Form No. 120 Prescribed by Secretary of State (5-12)

**ELECTION NOTICE FOR USE WITH THE  
FEDERAL WRITE-IN ABSENTEE BALLOT (FWAB)**

R.C. 3511.16

**Issued by the Portage County Board of Elections**

BOE to check one:       Initial notification (to be posted 100 days prior to date of election)  
                                   Updated notification (to be posted 45 days prior to date of election)

**AUGUST 2, 2016 SPECIAL ELECTION**

CANDIDATES		
Name(s) of Candidate	Party	Precincts
None to date		

Local Questions and Issues		
Number	Title	Precincts
1	Springfield Local School District Renewal Tax Levy – 3.68 mills Emergency Requirements	Suffield E, split 2

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# Board of Elections

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Contact Info

Sandusky County, Ohio  
622 Croghan St.  
Fremont, Ohio 43420

## OFFICIAL RESULTS MARCH 15, 2016



Address: 2020 Countryside Drive Fremont, Ohio 43420

Telephone: 419-334-6180 in

Fax: 419-334-6184

Office Hours: 8:00AM to 4:30PM Monday-Friday

Email:

Barb Tuckerman - Director

Lisa Hartley- Deputy Director

Website: [www.sos.state.oh.us](http://www.sos.state.oh.us)

Board Members:

Christopher Knight, Chairman

Peg Rettig

Sandra Wise

Thomas Younker

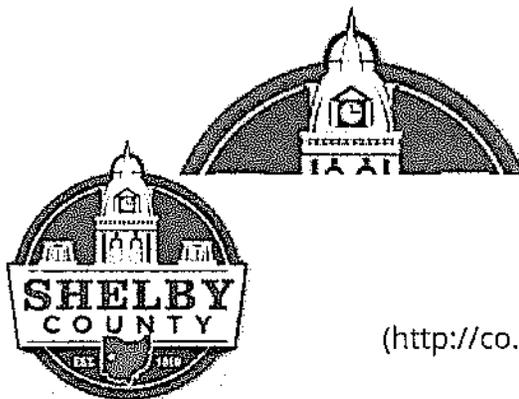
The Board of Elections will meet on Wednesday, June 15 at 8:00 a.m. for its monthly board meeting. The meeting will be held at the Board of Elections office, 2020 Countryside Dr., Fremont.

### Absentee/In Person Voting Hours for

#### August 2, 2016 Special Election (WOODMORE SD ONLY)

- 8:00 a.m. to 5:00 p.m. - Wednesday, July 6, 2016 through Friday, July 8, 2016
- 8:00 a.m. to 5:00 p.m. - Monday, July 11, 2016 through Friday, July 15, 2016
- 8:00 a.m. to 5:00 p.m. - Monday, July 18, 2016 through Friday, July 22, 2016
- 8:00 a.m. to 7:00 p.m. - Monday, July 25, 2016 through Friday, July 29, 2016
- 8:00 a.m. to 4:00 p.m. - Saturday, July 30, 2016
- 1:00 p.m. to 5:00 p.m. - Sunday, July 31, 2016
- 8:00 a.m. to 2:00 p.m. - Monday, August 1, 2016

Any voters in line at the end of these regular business hours must be permitted to make their application and vote.



(http://co.shelby.oh.us/)

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## SHELBY COUNTY BOARD OF ELECTIONS

230 E. Court St.  
Sidney, OH 45365  
P: (937) 498-7207  
F: (937) 498-7326  
E: shelby@sos.state.oh.us (mailto:shelby@sos.state.oh.us )

BOARD OF ELECTIONS (HTTP://CO.SHELBY.OH.US/BOARD-OF-ELECTIONS)

UPCOMING ELECTIONS (HTTP://CO.SHELBY.OH.US/BOARD-OF-ELECTIONS/UPCOMING-ELECTIONS)

POLLING LOCATIONS (HTTP://CO.SHELBY.OH.US/BOARD-OF-ELECTIONS/POLLING-LOCATIONS)

VOTER REGISTRATION (HTTP://CO.SHELBY.OH.US/BOARD-OF-ELECTIONS/VOTER-REGISTRATION)

ABSENTEE VOTING (HTTP://CO.SHELBY.OH.US/BOARD-OF-ELECTIONS/ABSENTEE-VOTING)

ELECTED OFFICIALS (HTTP://CO.SHELBY.OH.US/WP-CONTENT/UPLOADS/2016/05/ELECTED-OFFICIALS-PAMPHLET.PDF)

# Upcoming Elections

## Dates and Deadlines

The voter registration deadline is 30 days before any election.

## Special Election

Tuesday, August 2, 2016

*Registration Deadline: Tuesday, July 5, 2016*

### **Sidney City School District**

*An additional tax for the benefit of the Sidney City School District FOR THE PURPOSE OF PROVIDING FUNDS FOR PERMANENT IMPROVEMENTS at a rate not exceeding three (3.0) mills for each dollar of valuation, which amounts to thirty cents (\$0.30) for each one hundred dollars of valuation, for a period of five (5) years, commencing in 2016, first due in calendar year 2017.*

**Tri-Star Career Compact** – (Minster, New Bremen, New Knoxville School Districts)

**STARK COUNTY QUESTIONS & ISSUES LIST  
AUGUST 2, 2016 – SPECIAL ELECTION**

**CITY OF MASSILLON**

**FILED 5/4/2016**

Increase in the municipal income tax rate from one and eight-tenths percent (1.8%) to two percent (2.0%) for 5 years.

Form No. 120 Prescribed by Secretary of State (5-12)

**ELECTION NOTICE FOR USE WITH THE  
FEDERAL WRITE-IN ABSENTEE BALLOT (FWAB)**  
R.C. 3511.16

**Issued by the Summit County Board of Elections**

BOE to check one:       Initial notification (to be posted 100 days prior to date of election)  
                                   Updated notification (to be posted 45 days prior to date of election)

**AUGUST 2, 2016 SPECIAL ELECTION**  
(month, date, year, primary/general/special)

Local Questions and Issues		
Number	Title	Precincts
	<p><b>Proposed Tax Levy (Renewal) Springfield Local School District</b></p> <p>A majority affirmative vote is necessary for passage.</p> <p>Shall a levy renewing an existing levy be imposed by the Springfield Local School District for the purpose of <b>providing for the emergency requirements of the Springfield Local School District</b> in the sum of \$1,500,000 and a levy of taxes to be made outside of the ten-mill limitation estimated by the county fiscal officer to average 3.68 mills for each one dollar of valuation, which amounts to 36.8 cents for each one hundred dollars of valuation, for a period of 5 years, commencing in 2016, first due in calendar year 2017?</p> <p align="center"><b>FOR THE TAX LEVY</b></p> <p align="center"><b>AGAINST THE TAX LEVY</b></p>	<p>City of Akron, Wards 6 A(02), 6 E(02), 6 K(02) &amp; (03), 6 M(02), 7 H(04)                      Lakemore Village A-B                      Township of Coventry D(01) &amp; (03)                      Township of Springfield A-G, H(01), I-J</p>

Form No. 120 Prescribed by Secretary of State (5-12)

**ELECTION NOTICE FOR USE WITH THE  
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R.C. 3511.16**

**Issued by the Trumbull County Board of Elections**

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**AUGUST 2, 2016 SPECIAL ELECTION**  
 (month, date, year, primary/general/special)

Local Questions and Issues		
Number	Title	Precincts
	Proposed Tax Levy – Cardinal Local School District – Additional Current Expenses 4.5 mills	Part Mesopotamia Twp. A

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<http://www.sos.state.oh.us/SOS/elections/electionofficials/boeDirectory.aspx#dir>.

**Do not send your ballot via e-mail or fax; Ohio law prohibits electronic transmission of a voted ballot.**

## General Information

<b>Court</b>	United States District Court for the Southern District of Ohio; United States District Court for the Southern District of Ohio
<b>Federal Nature of Suit</b>	Civil Rights - Voting[441]
<b>Docket Number</b>	2:15-cv-01802
<b>Status</b>	Closed