

ballots if one exists and reason for rejection of each such ballot. (See attached, December 4, 2006, Letter from Kilroy counsel to Franklin County Board of Elections). That same day, Defendant Board of Elections informed Plaintiff that Defendant Board would not provide the requested information because the Help America Vote Act (HAVA) limits access to this information. (See attached December 4, 2006, Letter from Franklin County Board of Elections to Kilroy counsel).

5. Pursuant to R.C. 3515.01, et seq., Plaintiff is entitled to view the provisional ballot applications for provisional ballots cast but not counted in the 15th Congressional District election as part of the recount of that election and to obtain a list of such ballots if one exists and reason for rejection of each such ballot as part of the recount process.
6. Pursuant to the First and Fourteenth Amendments to the United States Constitution, candidates or designated observers have a right to view the provisional ballot applications for provisional ballots cast but not counted in the 15th Congressional District election as part of the recount of that election and to obtain a list of such ballots if one exists and reason for rejection of each such ballot.
7. Pursuant to R.C. 149.43, Plaintiff is entitled to view provisional ballot applications for provisional ballots cast but not counted in the 15th Congressional District election as part of the recount of that election and to obtain a list of such ballots if one exists and reason for rejection of each such ballot.

WHEREFORE, Plaintiff respectfully pray the Court to grant the following relief:

- A. Issue a Declaratory Judgment that the candidates or the designated observers for the candidates are permitted to view the provisional ballot applications for provisional ballots cast but not counted in the 15th Congressional District election as part of the recount of that election and to obtain a list of such ballots if one exists and reason for rejection of each such ballot;
- B. Assess the costs of this action against Defendant;
- C. Award Plaintiff her attorney fees and expenses;
- D. Award such other relief as may be appropriate.

Respectfully submitted,

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COUNSEL FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served, via facsimile machine, this _____ day of December, 2006, upon:

Patrick J. Piccininni
FRANKLIN COUNTY ASSISTANT PROSECUTING ATTORNEY
373 South High Street, 14th Floor
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Mark A. McGinnis, Attorney at Law