

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

**LIBERTARIAN PARTY OF
OHIO , et al.,**

Plaintiffs,

Case No. 08-555

v.

Judge Sargus

**JENNIFER BRUNNER,
Ohio Secretary of State,
in her official capacity,**

Magistrate Judge King

Defendant.

REQUESTED

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NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiffs hereby submit the following supplemental authority:

Baldwin v. Trowbridge (1866), is reported in Chester H. Rowell, A Historical and Legal Digest of all the Contested Election Cases in the House of Representatives of the United States from the First to the Fifty-Sixth Congress 1789-1901, 200-01 (1901) (The Michigan legislature passed a law that allowed soldiers outside the state, who were otherwise Michigan citizens, to cast ballots where encamped for the House. One candidate (Baldwin) had won a majority of votes case inside the state, while the other (Trowbridge) won with the soldiers' votes added to his total. Michigan's Constitution required that votes be cast only by those present in the state. The House Committee ruled that the legislature's law was valid, since "a constitutional convention could not exercise [the power to regulate federal elections] or inhibit the legislature from exercising it." The Committee's resolution seating Trowbridge passed the full House 108 to 30.);

In re Opinion of Justices, 45 N.H. 595 (1864) (A law authorizing soldiers to vote where encamped was found to be supported by the Election Clause, notwithstanding that it contradicted the New Hampshire Constitution); and

In re Opinion of Judges (Vermont 1863) (The New Hampshire high court referred to a Vermont high court opinion (apparently not reported) that reached the same conclusion, upholding a Vermont law that authorized soldiers to vote where encamped for both House and presidential elections.)

Respectfully submitted,

/s/ Mark R. Brown

Mark R. Brown (# 0081941)
Newton D. Baker/Baker &
Hostetler Professor of Law
Capital University*
303 E. Broad Street
Columbus, OH 43220
Phone (614) 236-6590
Fax (614) 236-6596

* For identification only

CERTIFICATE OF SERVICE

I hereby certify that copies of the Complaint, this Notice was electronically mailed to the Ohio Attorney General's Office, c/o Richard N. Coglianesse (rcoglianesse@ag.state.oh.us), Assistant Attorney General, 30 E. Broad Street, 17th Floor, Columbus, OH 43215-3428 (FAX (614) 728-7592), and was served pursuant to the Court's electronic filing system this 14th day of July, 2008.

/s/ Mark R. Brown

Mark R. Brown