

Case No. 08-1950

---

IN THE SUPREME COURT OF OHIO

---

**STATE OF OHIO EX REL. DEWEY STOKES,**

*Relator,*

v.

**JENNIFER BRUNNER,  
SECRETARY OF STATE OF OHIO,**

*Respondent.*

**Original Action in Mandamus**

**Expedited Election Matter Under S.CT.PRAC.R. X, §9**

---

**EVIDENCE SUBMITTED BY RELATOR  
IN SUPPORT OF PETITION FOR WRIT OF MANDAMUS**

---

James B. Hadden (0059315)  
Attorney of Record  
Matthew D. Crumpton (0082095)  
PORTER, WRIGHT, MORRIS & ARTHUR LLP  
41 South High Street  
Columbus, Ohio 43215  
Tel: (614) 227-2000  
Fax: (614) 227-2100  
jhadden@porterwright.com  
mcrumpton@porterwright.com

*Counsel for Relator*

**FILED**

OCT 14 2008

CLERK OF COURT

SUPREME COURT OF OHIO

NANCY ROGERS  
Attorney General of Ohio

Richard N. Coglianesse (0066830)  
Attorney of Record  
Damian W. Sikora (0075224)  
Pearl M. Chin (0078810)  
Assistant Attorneys General  
30 East Broad Street, 16<sup>th</sup> Floor  
Columbus, Ohio 43215  
Tel: (614) 466-2872  
Fax: (614) 728-7592  
rcoglianesse@ag.state.oh.us  
dsikora@ag.state.oh.us  
pchin@ag.state.oh.us  
*Counsel for Respondent*

# **Evidence Exhibit A**

## **AFFIDAVIT OF KERI HERTEL**

IN THE SUPREME COURT OF OHIO

THE STATE OF OHIO ex rel. )  
DEWEY STOKES )  
750 Willow Bend Lane )  
Columbus, OH 43204 )

Case No. 08-1950

Original Action in Mandamus

Expedited Election Matter  
Under S. Ct. Prac. R. X. § 9

Relator,

vs.

JENNIFER BRUNNER, )  
Ohio Secretary of State )  
180 East Broad Street, 16th Floor )  
Columbus, Ohio 43215 )

Respondent. )

---

Declaration of Kari B. Hertel

---

I, Kari B. Hertel, declare and state as follows:

1. I am the Ohio Election Day Operations Director for the Ohio Republican Party. In the ordinary course of my duties I actively monitor election activities throughout Ohio and am knowledgeable regarding election procedures and current conditions in nearly all eighty-eight counties of the State of Ohio. In addition, I have first-hand knowledge regarding election procedures and current conditions in many parts of the State of Ohio.

2. As detailed in my attached curriculum vitae, attached as Exhibit A, I have specialized knowledge, skill, experience, and education regarding election rules and laws and current and past election procedures.

3. Through my experience as Director of Election Day Operations, I have become very familiar with the process by which Ohioans register to vote; the process by which registrations are verified; the rules and practices relating to election observers; and the way that the bipartisan local boards of elections determine who votes, and in what manner, on and before election day.

4. It is my understanding that the boards of elections of Franklin, Montgomery, and Summit counties are currently deadlocked on the question of whether to permit election observers at sites where in-person absentee voting is occurring. It is also my understanding that the Secretary of State has not voted to break the deadlock, as is her responsibility under Ohio law.

5. It is my understanding that the boards of elections of Franklin, Mahoning, Montgomery and Summit counties are currently not permitting election observers at sites where in-person absentee voting is taking place. Approximately 18.3% percent of registered Ohio voters reside in these counties.

6. It is my understanding that the boards of elections of Allen, Cuyahoga, Darke, Hamilton and Muskingum counties are permitting election observers at sites where in-person absentee voting is taking place.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 14th day of October, 2008 in Franklin County, Ohio.

  
Kari B. Hertel

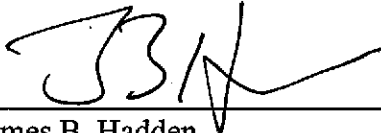
CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of Evidence Submitted By Relator In Support of Petition for Writ of Mandamus was served upon the following, by electronic delivery, this 14<sup>th</sup> Day of October, 2008:

NANCY ROGERS  
Attorney General of Ohio

Richard N. Coglianese (0066830)  
Attorney of Record  
Damian W. Sikora (0075224)  
Pearl M. Chin (0078810)  
Assistant Attorneys General  
30 East Broad Street, 16<sup>th</sup> Floor  
Columbus, Ohio 43215  
Tel: (614) 466-2872  
Fax: (614) 728-7592  
rcoglianese@ag.state.oh.us  
dsikora@ag.state.oh.us  
pchin@ag.state.oh.us

*Counsel for Respondent*

  
\_\_\_\_\_  
James B. Hadden