IN THE BOARD OF ELECTIONS LOGAN COUNTY OHIO

'25 JUN 24 11:34AM

Bernard Iven 1009 N. Park Street Bellefontaine, OH 43311, Complainant, v. Robert Benjamin Stahler 304 Ashbrook Drive Bellefontaine, OH 43311 Respondent.	: : : : : : : : : : : : : : :

COMPLAINT IN PROTEST

For his Complaint in Protest against Respondent Ben Stahler, Petitioner Bernard Iven states as follows.

PARTIES

1. Bernard Iven is a resident of Bellefontaine and registered voter in Logan County, Ohio.

2. Ben Stahler is a resident of Bellefontaine and a candidate for City Council of Bellefontaine.

JURISDICTION

3. This Commission has jurisdiction to review this Complaint in Protest pursuant to R.C. 3501.39. Revised code

STATEMENT OF FACTS

4. Respondent Robert Benjamin Stahler is a candidate for Bellefontaine City

Council, Logan County Ohio.

5. Stahler submitted a petition as an independent candidate. (See Exhibit B.)

6. Stahler is not truly independent.

7. Stahler is a registered Republican. (See Exhibit A, Stahler's voting registration.) In Ohio citizens become affiliated with a political party by voting in that party's primary election two consecutive years. R.C. 3513.05 ¶ 7.

8. Stahler has a history of voting in partisan primaries, most recently Republican primaries. (See Exhibit D, Stahler's voting history.)

9. Stahler has been in political office for over 30 years.

10. Stahler was the Chairman of the Logan County Democrat Central Committee.

11. Stahler was appointed by Democrats as Mayor of Bellefontaine.

12. Stahler ran as a Democrat in 2015. (See copy of the 2-15 ballot, Exhibit E.)

13. In 2019, Stahler ran again, changing his affiliation to Republican. (See copy of the 2019 ballot, Exhibit F.)

14. In 2020, Stahler was on the Bellefontaine City's website, listed as Mayor, and listed as Republican. (See Exhibit G.)

15. In 2023, Stahler ran again. This year, Stahler lost a primary challenge in Republican Party Primary Election. (See copy of the 2023 ballot, Exhibit H.)

16. Stahler regularly attends Logan County Republican Party luncheons and attended the Party's Lincoln Day Dinner in 2025.

17. Exhibit I includes a picture of Stahler at the most recent Logan County Republican Party Lincoln Day. It was taken from the following publicly-available website: https://www.peakofohio.com/local-news/yost-headline-speaker-at-republicans-lincoln-day-dinner

18. Exhibit J includes a picture of Stahler at a recent Republican Party event. This picture was obtained from the Logan County Republican Party website: https://www.logancountygop.com/

19. Stahler is on the front page of Logan County Republican Party website.

20. The following are newspaper articles, easily available online, identifying Stahler as Republican-affiliated.

> In addition to serving as mayor since 2014, he served two terms on Bellefontaine City Council, from 1990-1993; was elected to Bellefontaine Board of Education (four terms, 1996-2008); and was appointed to the Ohio Hi-Point Board of Education (1996-2003) and Logan County Board of Elections (2007–2015). - Bellefontaine Examiner, 12/20/2023
>
> https://examiner.org/mayor-stahler-reflects-on-nearly-10-year-term/
>
> The Logan County Democratic Party Central Committee has selected a new mayor for Bellefontaine after the former mayor resigned to pursue other career opportunities. The committee chose Ben Stahler, of Bellefontaine, over 10-term city council member Dave Haw in a 5-2 decision. - Springfield New-Sun, 10/23/2014
>
> https://www.springfieldnewssun.com/news/new-bellefontaine-mayor-appointed/5Ji7BdNsg6IvVmFyT7f8oJ/
>
> Logan county Democratic Chairman Ben Stahler said state party leaders held a conference call with local leaders on Tuesday to outline how the campaign for governor was being de-emphasized in favor of downticket candidates who stand a much better chance of winning than FitzGerald. - .The Columbus Dispatch, 08/21/2014

https://www.dispatch.com/story/news/politics/2014/08/21/democrats-shift-focus-away-from/23978560007/

LAW AND ANALYSIS

In order to appear on a ballot as an "Independent" candidate, the candidate must be unaffiliated or disaffiliated with any political party and the claim of independence must be made in good faith. Ohio Secretary of State Advisory Opinion 2007-05, citing *Morrison v, Colley*, 467 F,3d 503 (6th Cir, 2006) (See Exhibit K.) The facts and history in *Morrison* are attached as Exhibit K.

Here, Stahler is clearly not truly independent. Stahler is clearly a Republican, having held Republican office many times, for many years, and is currently active in the Republican Party.

CONCLUSION

For the reasons stated above, Stahler's petition to appear on the ballot as an independent candidate must be rejected.

Respectfully Submitted,

/s/ Joshua J. Brown
Joshua J. Brown (0089836)
Josh Brown Law LLC.
1554 Polaris Parkway, Suite 325
Columbus, OH 43240
P: (614) 383-8886
F: (614) 388-3947
josh@joshbrownesq.com
Attorney for Complainant
Bernard Iven

AFFIDAVIT

State of Ohio)
) SS:
County of Logan)

I, Bernard Iven, after being duly cautioned and sworn, upon personal knowledge or information, hereby avers as follows:

1. I am an adult and competent to testify as to the matters set forth in this affidavit.

2. I offer the following testimony on personal knowledge.

3. I am a resident of Bellefontaine, Ohio and a registered voter in Logan County Ohio. Exhibit A is a true and accurate copy of my online voter registration page with the Logan County Board of Elections.

4. Respondent Robert Benjamin Stahler is a candidate for Bellefontaine City Council, Logan County Ohio. Stahler submitted a petition as an independent candidate. Exhibit B is a true and accurate copy of the petition submitted by Robert Benjamine Stahler which my attorney acquired from the Logan County Board of Elections on my behalf.

5. Stahler is not truly independent.

6. Stahler is a registered Republican. Exhibit C is a true and accurate copy of Stahler's online voter registration page with the Logan County Board of Elections. In Ohio citizens become affiliated with a political party by voting in that party's primary election two consecutive years. R.C. 3513.05 ¶ 7.

7. Stahler has a history of voting in partisan primaries, most recently Republican primaries. Exhibit D is a true and accurate copy of Stahler's voting history

which my attorney accessed on my behalf from the website of the Logan County Board of Elections.

8. Stahler held various political offices over the last thirty (30) years.

9. At one point, Stahler was the Chairman of the Logan County Democrat Central Committee.

10. Stahler was appointed by Logan County Democrat Party as Mayor of Bellefontaine to fill a vacancy.

11. Stahler ran as a Democrat in 2015. Exhibit E is a true and accurate copy of a 2015 ballot my attorney acquired on my behalf, and it easily publicly available at the Logan County Board of Elections website.

12. In 2019, Stahler ran again, changing his affiliation to Republican. Exhibit F is a true and accurate copy of a 2019 ballot my attorney acquired on my behalf, and it easily publicly available at the Logan County Board of Elections website.

13. In 2020, Stahler was listed as Mayor and listed as Republican. Exhibit G is a true and accurate copy of the list my attorney acquired on my behalf of Bellefontaine City officials from the Logan County Board of Elections website.

14. In 2024, Stahler ran again. This year, Stahler ran as a Republican and lost a primary challenge in Republican Party Primary Election. Exhibit H is a true and accurate copy of a the 2024 Republican Primary ballot from the Logan County Board of Election's website that my attorney acquired on my behalf.

15. Stahler regularly attends Logan County Republican Party luncheons and attended the Party's Lincoln Day Dinner in 2025. Exhibit I is a true and accurate copy of a picture of Stalher at the most recent, 2025 Logan County Republican Party Lincoln Day Dinner. It was taken from the following publicly-available website: https://www.peakofohio.com/local-news/yost-headline-speaker-at-republicans-lincoln-day-dinner

16. Exhibit J is a true and accurate picture of Stahler at a recent Republican Party event. This picture was obtained from the Logan County Republican Party website: https://www.logancountygop.com/

17. Stahler is on the front page of Logan County Republican Party website.

18. The following are newspaper articles, easily available online at the link provided, identifying Stahler as Republican-affiliated.

> In addition to serving as mayor since 2014, he served two terms on Bellefontaine City Council, from 1990-1993; was elected to Bellefontaine Board of Education (four terms, 1996-2008); and was appointed to the Ohio Hi-Point Board of Education (1996-2003) and Logan County Board of Elections (2007–2015). - Bellefontaine Examiner, 12/20/2023
>
> https://examiner.org/mayor-stahler-reflects-on-nearly-10-year-term/
>
> The Logan County Democratic Party Central Committee has selected a new mayor for Bellefontaine after the former mayor resigned to pursue other career opportunities. The committee chose Ben Stahler, of Bellefontaine, over 10-term city council member Dave Haw in a 5-2 decision. - Springfield New-Sun, 10/23/2014
>
> https://www.springfieldnewssun.com/news/new-bellefontaine-mayor-appointed/5Ji7BdNsg6IvVmFyT7f8oJ/

Logan county Democratic Chairman Ben Stahler said state party leaders held a conference call with local leaders on Tuesday to outline how the campaign for governor was being de-emphasized in favor of downticket candidates who stand a much better chance of winning than FitzGerald. - .The Columbus Dispatch, 08/21/2014

https://www.dispatch.com/story/news/politics/2014/08/21/democrats-shift-focus-away-from/23978560007/

By signing this affidavit, I acknowledge that all the statements contained herein are true, complete, and accurate to the best of my knowledge and that the Court may rely on the truth of each of these statements. I have consulted with legal counsel about this statement and I understand that I am signing under penalty of perjury.

FURTHER AFFIANT SAYETH NOT

Date: 6/24/25 Bernard Iven

Bernard Iven

Subscribed and sworn to before me this 24 day of June, 2025

My Commission expires: Apr 23, 2028

Notary

HANNAH FIELDS - NOTARY PUBLIC
COMM EXP: APR 23, 2028
STATE OF OHIO

Exhibit A

Voter Information Search

ıe Voter Information was last updated: 06/04/25 02:55:15 AM

.ease enter your information below. Once ready, please use the submit button. If you would like to clear the results, use the reset button.

you are unable to locate your voter registration information but think you are registered to vote and you have not moved outside of your county o ·ior registration, you may be eligible to cast a provisional ballot during in-person absentee voting period at an appropriate early voting location or ıe county board of elections, or on Election Day at the correct polling place for your current address that may be counted. We encourage you to ıeck your registration status by contacting your local county board of elections. To find your polling place, please click here or call your county ɔard of elections. Click here for a full listing of Boards of Elections .

Last Name: iven

First Name: bernard

Submit Reset

'otal Records found:1
your address is not correct, please update your address information.

Voter Search Results

Full Name	Address	Precinct and Polling Location	Quick Links
IVEN, BERNARD P (Party: REP) Birth Year:1961 Voter Details	1009 PARK RD BELLEFONTAINE 43311	030 - SECOND WARD A BELLEFONTAINE H.S. CAFETERIA 555 E. LAKE AVE. BELLEFONTAINE, OH 43311	Print Absentee Request Become a Poll Worker Sample Ballots Absentee Ballot Status Directions to Polling Place

Logan County Board of Elections, Ohio
225 South Main Street
Bellefontaine, Ohio 43311-2075
Phone:(937) 599-7255 Fax:(937) 599-7270
Send an email to logan@ohiosos.gov
Go to Home Page

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Exhibit B

Logan County Board of Elections
Logan Co Board of Elections
225 S. Main St
Bellefontaine, OH 43311

Petition: 250501 Status: C - PENDING - Awaiting Sig Verify
Type: Candidate (1) Description: BEN STAHLER - PRESIDENT OF CITY COUNCIL
Candidate: ROBERT BENJAMIN STAHLER
Jurisdiction: City/BELF

1 Receipt with 2 Parts	Number of Required Signatures:	25
2 Valid Parts	Number of Valid Signatures Confirmed:	55
0 Invalid Parts with	Circulator Signature Count:	57
0 Circulator Count and 0 Actual Lines Used	Actual Signature Count:	57

Selected Criteria Summary Information

1 Receipt with 2 Parts	Number of Required Signatures:	25
2 Valid Parts	Number of Valid Signatures Confirmed:	55
0 Invalid Parts with	Circulator Signature Count:	57
0 Circulator Count and 0 Actual Lines Used	Actual Signature Count:	57

Detail of Invalid Signatures:
1 - INVALID:NR - Not Registered
1 - INVALID:NG - Not Genuine - Sig does not match
2 - Total Invalid Signatures

Receipt: 442 Filing Date: 4/9/2025 Start Date: 4/1/2025 End Date: 4/6/2025
2 Valid / 0 Invalid Circulator Count: 57 Actual Count: 57 Valid Count: 55

Part: 1 Status: VALID
Circulator: ROBERT BENJAMIN STAHLER
Signed: 04/01/2025 Circulator Count: 29 Actual Count: 29 Valid Count: 27 Invalid Count: 2
Signature Status Summary: 1 N - INVALID:NR - Not Registered
1 S - INVALID:NG - Not Genuine - Sig does not match
27 V - VALID
29 - - Total Signatures

Part: 2 Status: VALID
Circulator: ROBERT BENJAMIN STAHLER
Signed: 04/02/2025 Circulator Count: 28 Actual Count: 28 Valid Count: 28 Invalid Count: 0
Signature Status Summary: 28 V - VALID
28 - - Total Signatures

Form No. 3-N Prescribed by the Ohio Secretary of State (12/2024)

(27/29)

'25APR 9 10:11AM

Nominating Petition and Statement of Candidacy

For Municipal Office

For use in cities or any village with a population of 2,000 or more

To be filed with the Board of Elections not later than 4 p.m. the day before the primary election.

R.C. 3501.38, 3513.261, 3513.262, 3513.271

Statement of Candidacy

NOTE - The candidate must fill in, sign and date this statement of candidacy before the signatures of electors are affixed.

I, Ben Stahler,
Name of Candidate (include all prior names used in the past 5 years, excluding marriage name changes)

the undersigned, hereby declare under penalty of election falsification that my voting residence address is 304 Ashbrook Dr. (Street Number and Address (or rural route and number, if any)) Bellefontaine (City or Village), Ohio 43311 (Zip Code), and I am a qualified elector.

I further declare that I desire to be a candidate for election to the office of President of City Council (Office) the Municipality of Bellefontaine (Name of Municipality) for the:

Check one ☑ full term or ☐ unexpired term ending _____ (Unexpired Term Ending Date), in Logan (County) County, Ohio at the general election to be held on the 4 (Day) day of November, 2025 (Year).

I further declare that I am an elector qualified to vote for the office I seek.

Dated this 1 (Day) day of April (Month), 2025 (Year). Ben Stahler
Signature of Candidate

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE

I, Ben Stahler (Name of Candidate), hereby designate the persons named below as a committee to represent me:

Name	Residence
Jack Reser	1704 Whispering Pines Bellefontaine, OH 43311
Sara J. Stahler	304 Ashbrook Dr. Bellefontaine, OH 43311

Nominating Petition

We, the undersigned, qualified electors of the State of Ohio, whose voting residence is in the county, city, village, or township set opposite our names, hereby nominate Ben Stahler (Name of Candidate) as a candidate for election to the office of President of City Council (Office) in the Municipality of Bellefontaine (Name of Municipality) for the: Check one ☑ full term or ☐ unexpired term ending _____ (Unexpired Term Ending Date), to be voted for at the next general election, and certify said person is, in our opinion, well qualified to perform the duties of the office or position to which the person desires to be elected.

Signature	Voting Residence Street Number and Address	City, Village, or Township	County	Date of Signing
6.	229 ASHBROOK	BELLEFONTAINE	LOGAN	4/1/25
7. Marie Stein	229 Ashbrook	Bellefontaine	Logan	4/1/25
8. Terry J Barker	212 Ashbrook Dr.	Bellefontaine	Logan	4/1/25
9. Richard S. Dudley	212 ASHBROOK Dr.	BELLEFONTAINE	LOGAN	4/1/25
10. Belva Lantz	1109 Michigan St	Bellefontaine	Logan	4/1/25
11. Sharon M. Wheatley	300 Ashbrook Dr.	Bellefontaine	Logan	4/1/25
12. Carla Hatmer	205 Ashbrook Dr	Bellefontaine OH	Logan	4/1/25
13.	205 Ashbrook Dr	Bellefontaine OH	Logan	4/1/25
14. Adam D Whipple	521 Woodland Dr	Bellefontaine OH	Logan	4/1/25
15. Kelly Whipple	521 Woodland Dr.	BELLEFONTAINE	LOGAN	4/1/25
16.	209 GREENRIDGE DR	BELLEFONTAINE	LOGAN	4/1/25
17. Jen Jurs	209 Greenridge Dr.	Bellefontaine	Logan	4/1/25
18. Sandra J Chenoweth	102 Lakewood Dr.	Bellefontaine	Logan	4/1/25
19. Lucy Crawfis	223 Pine Ridge Cr	Bellefontaine	Logan	4/1/25
20. Michael D. Brady	121 Greenridge Dr.	Bellefontaine	LOGAN	4/1/25
21. MR Teresa C. Brady RESIDENT	121 GREENRIDGE DR	BELLEFONTAINE	LOGAN	4-1-25
22.	1704 Whispering Pines	Bellefontaine	Logan	4-2-25
23. Edith H. Reser	1704 Whispering Pines Ln	Bellefontaine	Logan	4-2-25
24.	640 E. Columbus Ave	Bellefontaine	Logan	4-3-25
25. Kimberly J Collum	114 N. Heatherhill	Bellefontaine	Logan	4-3-25
26.	1317 WOODLEEN LANE	BELLEFONTAINE	LOGAN	4-3-25
27. Rita Wilkinson	536 N Main	Bellefontaine	OH	4/3/25
28. Kelli Marie Douglas Bader	704 E Columbus Ave.	Bellefontaine	OH	4/3/25
29.	132 Lakewood Dr.	Bellefontaine	OH	4/3/25

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE

Circulator Statement

Must be completed and signed by the circulator.

I, Ben Stahler, declare under penalty of election falsification that I reside at the address

Printed Name of Circulator

Form No. 3-N Prescribed by the Ohio Secretary of State (12/2024)

28/28

'25 APR 9 10:11 AM

Nominating Petition and Statement of Candidacy

For Municipal Office

For use in cities or any village with a population of 2,000 or more

To be filed with the Board of Elections not later than 4 p.m. the day before the primary election.

R.C. 3501.38, 3513.261, 3513.262, 3513.271

Statement of Candidacy

NOTE - The candidate must fill in, sign and date this statement of candidacy before the signatures of electors are affixed.

I, Ben Stahler (Name of Candidate (include all prior names used in the past 5 years, excluding marriage name changes)),

the undersigned, hereby declare under penalty of election falsification that my voting residence address is 304 Ashbrook Dr. (Street Number and Address (or rural route and number, if any)) Bellefontaine (City or Village) Ohio 43311 (Zip Code), and I am a qualified elector.

I further declare that I desire to be a candidate for election to the office of President of City Council (Council) (Office)

the Municipality of Bellefontaine (Name of Municipality) for the:

Check one ☑ full term or ☐ unexpired term ending _____ (Unexpired Term Ending Date), in Logan (County) County, Ohio at

the general election to be held on the 4 (Day) day of November, 2025 (Year).

I further declare that I am an elector qualified to vote for the office I seek.

Dated this 2 (Day) day of April (Month), 2025 (Year). Ben Stahler (Signature of Candidate)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE

I, Ben Stahler (Name of Candidate), hereby designate the persons named below as a committee to represent me:

Name	Residence
Stephen Scott Shenkens	510 DAKOTA Rd, Bellefontaine, OH 43311
JACK RESER	1704 WHISPERING PINE Bellefontaine, OH 43311

Nominating Petition

We, the undersigned, qualified electors of the State of Ohio, whose voting residence is in the county, city, village, or township set opposite our names, hereby nominate Ben Stahler (Name of Candidate) as a candidate for election to the office of President of Council (Office) in the Municipality of Bellefontaine (Name of Municipality) for the: Check one ☑ full term or ☐ unexpired term ending _____ (Unexpired Term Ending Date), to be voted for at the next general election, and certify said person is, in our opinion, well qualified to perform the duties of the office or position to which the person desires to be elected.

Signature	Voting Residence Street Number and Address	City, Village, or Township	County	Date of Signing
6. Sherry Clem	1640 E. Columbus Ave	Bellefontaine	Logan	4-4-25
7. L. Forest Crouch	425 Washington	Bellefontaine	Logan	4-6-25
8. Patricia Orth	102 N. Heathland	Bellefontaine	Logan	4-6-25
9. Nancy Stokes	1237 Superior	Bellefont	Logan	4-6-25
10. Mary Ann Degarmo	237 Green Tree	Bellefont.	Logan	4-6-25
11. Mark Amsbary	413 Cotton Ave.	Bellefontaine	Logan	4/6/25
12. Cynthia Jenkins	228 E. Glen Dr.	Bellefontaine	Logan	4/6/25
13. Bridget D. Hall	500 Newford Drive	Bellefontaine	Logan	4/6/25
14. Jeanne Z. Ritter	1327 Omaha Rd.	Bellefontaine	Logan	4.6.2025
15. J. MacAllister Smith	717 E. Columbus Ave.	Bellefontaine	Logan	4-6-2025
16. Gary McKenzie	233 Terrence Drive	Bellefontaine	Logan	4-6-2025
17. Kai McKenzie	233 Terrence Drive	Bellefontaine	Logan	4-6-2025
18. Lane Anson Boyd	421 Ludlow Rd	Bellefontaine	Logan	4-6-25
19. Mark Butler	208 Bent Pines	Bellefontaine	Logan	4-6-25
20. Holly L. Core	604 E. Columbus	Bellefontaine	Logan	4-6-25
21. Holly VanBuskirk	417 Linden	Bellefont.	Logan	4-6-25
22. Nancy Harrington	248 Green Tree Dr	Bellef	Logan	4-6-25
23. Ruth Bowden	1309 Turner Road	Bellefontaine	Logan	4-6-25
24. Mark A. Fairing	228 Bent Pines Ct.	Bellefontaine	Logan	4-6-25
25. Stephanie A. Tissel	228 Bent Pines Ct.	Bellefontaine	Logan	4-6-25
26. [illegible]	102 LAKEWOOD DR.	BELLEFONTAINE	LOGAN	4-6-25
27. [illegible]	905 N. Park	Bellefontaine	Logan	4-6-2025
28. Dana Heydinger	905 N. Park	Bellefontaine	Logan	4-6-2025
29.				

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE

Circulator Statement

Must be completed and signed by the circulator.

I, Ben Stahler, declare under penalty of election falsification that I reside at the address

Printed Name of Circulator

Exhibit C

Voter Information Search

ıe Voter Information was last updated: 06/03/25 02:55:15 AM

.ease enter your information below. Once ready, please use the submit button. If you would like to clear the results, use the reset button.

you are unable to locate your voter registration information but think you are registered to vote and you have not moved outside of your county o ·ior registration, you may be eligible to cast a provisional ballot during in-person absentee voting period at an appropriate early voting location or ıe county board of elections, or on Election Day at the correct polling place for your current address that may be counted. We encourage you to ıeck your registration status by contacting your local county board of elections. To find your polling place, please click here or call your county ɔard of elections. Click here for a full listing of Boards of Elections .

Last Name: stahler

First Name: robert

Submit Reset

'otal Records found:1
your address is not correct, please update your address information.

Voter Search Results

Full Name	Address	Precinct and Polling Location	Quick Links
STAHLER, ROBERT BENJAMIN (Party: REP) Birth Year:1959 Voter Details	304 ASHBROOK DR BELLEFONTAINE 43311	040/1 - SECOND WARD B BELLEFONTAINE H.S. CAFETERIA 555 E. LAKE AVE. BELLEFONTAINE, OH 43311	Print Absentee Request Become a Poll Worker Sample Ballots Absentee Ballot Status Directions to Polling Place

Logan County Board of Elections, Ohio
225 South Main Street
Bellefontaine, Ohio 43311-2075
Phone:(937) 599-7255 Fax:(937) 599-7270
Send an email to logan@ohiosos.gov
Go to Home Page

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EXHIBIT D

Details

ame on File:
ROBERT BENJAMIN STAHLER

/iew Sample Ballots

:heck the status of absentee ballot

'rint Absentee Request

esidence Address on File:
f your address is not correct, please update your address information)

304 ASHBROOK DR
BELLEFONTAINE 43311

ailing Address on File:
Same as Residence Address

ear of Birth:
1959

arty:
REP

oting History (up to county's last 40 elections):
Voted:x - 05/06/2025 Primary/Special Election
Voted:x - 11/05/2024 General Election
Voted:r - 03/19/2024 Primary Election
Voted:x - 11/07/2023 General Election
Voted:x - 08/08/2023 Special Election
Voted:r - 05/02/2023 Primary/Special Election
Voted:x - 11/08/2022 General Election
Voted:r - 08/02/2022 Primary Election
Voted:r - 05/03/2022 Primary Election
Voted:x - 11/02/2021 General Election
Voted:x - 11/03/2020 General Election
Voted:r - 04/28/2020 Primary Election
Voted:x - 11/05/2019 General Election
Voted:R - 05/07/2019 Primary/Special Election
Voted:X - 11/06/2018 General Election
Voted:R - 05/08/2018 Primary Election
Voted:X - 11/07/2017 General Election
Voted:X - 11/08/2016 General Election
Voted:r - 03/15/2016 Primary Election
Voted:x - 11/03/2015 General Election
Voted:X - 08/04/2015 Special Election
Voted:X - 11/04/2014 General Election
Voted:D - 05/06/2014 Primary Election
Voted:X - 11/05/2013 General Election
Voted:X - 05/07/2013 Primary/Special Election
Voted:X - 11/06/2012 General Election
Voted:d - 03/06/2012 Primary Election
Voted:X - 11/08/2011 General Election
Voted:D - 05/03/2011 Primary/Special Election
Voted:X - 11/02/2010 General Election
Voted:D - 05/04/2010 Primary Election

ecinct:
040/1 - SECOND WARD B

olling Place:
BELLEFONTAINE H.S. CAFETERIA
555 E. LAKE AVE.
BELLEFONTAINE, OH 43311

Directions to Polling Place

our Voting Districts:
U.S. CONGRESS - 4TH CONG. DIST.
STATE SENATE - 12TH SENATE DISTRICT
STATE HOUSE - 85TH HOUSE REP.
CITIES - BELLEFONTAINE CITY
TOWNSHIPS - LAKE TWP
SCHOOL DISTS. - BELLEFONTAINE SCH
VOC. SCHOOLS - HI POINT JVS
CITY WARDS - WARD 2
COURT OF APPEAL - 3RD CRT OF APPEALS
STATE BD OF ED - 1S ST BD OF ED

ther Voters with same address:

SARA JAYNE STAHLER

Logan County Board of Elections, Ohio
225 South Main Street
Bellefontaine, Ohio 43311-2075
Phone:(937) 599-7255 Fax:(937) 599-7270
Send an email to logan@ohiosos.gov
Go to Home Page

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EXHIBIT E

This sample ballot was produced by the Logan County Board of Elections, Ohio web site.

OFFICIAL GENERAL ELECTION BALLOT

A Logan County | B General Election | C November 3, 2015

11

Instructions to Voter

- **To vote:** completely darken the oval (●) to the left of your choice.
- Note the permitted number of choices directly below the title of each candidate office. Do not mark the ballot for more choices than allowed.
- If you mark the ballot for more choices than permitted, that contest or question will not be counted.
- **To vote for a write-in candidate:** completely darken the oval (●) to the left of the blank line and write in the candidate's name. Only votes cast for candidates who filed as write-in candidates can be counted.
- Do not write in a candidate's name if that person's name already is printed on the ballot for that same contest.
- **If you make a mistake or want to change your vote:** return your ballot to an election official and get a new ballot. You may ask for a new ballot up to two times.
- **Please use a black ballpoint pen.**

21

40

41

42

43

CITY OF BELLEFONTAINE

For Mayor
(Vote for not more than 1)

- ○ **Randy Knox** Republican
- ○ **Ben Stahler** Democratic

For President of Council
(Vote for not more than 1)

51

- ○ **David J. Henry** Republican

For Auditor

For Member of Council (First Ward)
(Vote for not more than 1)

- ○ **Dave Haw** Democratic
- ○ **Zeb Wagner** Republican

TOWNSHIP OF LAKE

For Township Trustee
(Vote for not more than 1)

- ○ **James Wish**

For Township Fiscal Officer
(Vote for not more than 1)

- ○ **Bill Boy**

BELLEFONTAINE CITY SCHOOL DISTRICT

For Member of Board of Education
(Vote for not more than 3)

- ○ **Joan Haushalter**
- ○ **Timothy D. O'Rielley**
- ○ **Brenda S. Sanford**

Issue One
Creates a bipartisan, public process for drawing legislative districts

Proposed Constitutional Amendment
Proposed by Joint Resolution of the General Assembly

To enact new Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of Article XI and to repeal Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,

Issue Two
Anti-monopoly amendment; protects the initiative process from being used for personal economic benefit

Proposed Constitutional Amendment
Proposed by Joint Resolution of the General Assembly

Proposing to amend Section 1e of Article II of the Constitution of the State of Ohio.

A majority yes vote is necessary for the amendment to pass.

The proposed amendment would:

- Prohibit any petitioner from using the Ohio Constitution to grant a monopoly, oligopoly, or cartel for their exclusive financial benefit or to establish a preferential tax status.
- Prohibit any petitioner from using the Ohio Constitution to grant a commercial interest, right, or license that is not available to similarly situated persons or nonpublic entities.
- Require the bipartisan Ohio Ballot Board to determine if a proposed constitutional amendment violates the prohibitions above, and if it does, present two separate ballot questions to voters. Both ballot questions must receive a majority yes vote before the proposed amendment could take effect.
- Prohibit from taking effect any proposed constitutional amendment appearing on the November 3, 2015 General Election ballot that creates a monopoly, oligopoly, or cartel for the sale, distribution, or other use of any federal Schedule I controlled substance.
- The Ohio Supreme Court has original, exclusive jurisdiction in any action related to the proposal.

If passed, the amendment will become effective immediately.

SHALL THE AMENDMENT BE APPROVED?

- ○ **YES**
- ○ **NO**

This sample ballot was produced by the Logan County Board of Elections, Ohio web site.

OFFICIAL GENERAL ELECTION BALLOT

Issue Three

Grants a monopoly for the commercial production and sale of marijuana for recreational and medicinal purposes

Proposed Constitutional Amendment

Proposed by Initiative Petition

To add Section 12 of Article XV of the Constitution of the State of Ohio.

A majority yes vote is necessary for the amendment to pass.

The proposed amendment would:

- Endow exclusive rights for commercial marijuana growth, cultivation, and extraction to self-designated landowners who own ten predetermined parcels of land in Butler, Clermont, Franklin, Hamilton, Licking, Lorain, Lucas, Delaware, Stark, and Summit Counties. One additional growth facility may be allowed for in four years only if existing facilities cannot meet consumer demand.
- Permit retail sale of recreational marijuana at approximately 1,100 locations statewide. Such retail establishments must have a state license that may be obtained only if the electors of the precinct where the store will be located approve the use of the location for such purpose at a local option election.
- Legalize the production of marijuana-infused products, including edible products, concentrates, sprays, ointments and tinctures by marijuana product manufacturing facilities.
- Allow each person, 21 years of age or older, to grow, cultivate, use, possess, and share up to eight ounces of usable homegrown marijuana plus four flowering marijuana plants if the person holds a valid state license. Allow each person, 21 years of age or older, to purchase, possess, transport, use, and share up to 1 ounce of marijuana for recreational use. Authorize the use of medical marijuana by any person, regardless of age, who has a certification for a debilitating medical condition.
- Prohibit marijuana establishments within 1,000 feet of a house of worship, public library, public or chartered elementary or secondary school, state-licensed day-care center, or public playground, however: after a certain date, a new day-care, library, etc., cannot force a preexisting marijuana establishment to relocate by opening a new location within 1,000 feet of the business.
- Prohibit any local or state law, including zoning laws, from being applied to prohibit the development or operation of marijuana growth, cultivation, and extraction facilities, retail marijuana stores, and medical marijuana dispensaries unless the area is zoned exclusively residential as of January 1, 2015 or as of the date that an application for a license is first filed for a marijuana establishment.
- Create a special tax rate limited to 15% on gross revenue of each marijuana growth, cultivation, and extraction facility

Proposed Tax Levy (Additional) Logan County Health District

A majority affirmative vote is necessary for passage.

An additional tax for the benefit of Logan County Health District for the purpose of the current operating expenses at a rate not exceeding eight tenths (0.8) mill for each one dollar of valuation, which amounts to eight cents ($0.08) for each one hundred dollars of valuation, for five (5) years, commencing in 2015, first due in calendar year 2016.

○ **For the Tax Levy**

○ **Against the Tax Levy**

EXHIBIT F

This sample ballot was produced by the Logan County Board of Elections, Ohio web site.

OFFICIAL GENERAL ELECTION BALLOT

Instructions to Voter

- **To vote:** completely darken the oval (●) to the left of your choice.
- Note the permitted number of choices directly below the title of each candidate office. Do not mark the ballot for more choices than allowed.
- If you mark the ballot for more choices than permitted, that contest or question will not be counted.
- **To vote for a write-in candidate:** completely darken the oval (●) to the left of the blank line and write in the candidate's name. Only votes cast for candidates who filed as write-in candidates can be counted.
- Do not write in a candidate's name if that person's name already is printed on the ballot for that same contest.
- **If you make a mistake or want to change your vote:** return your ballot to an election official and get a new ballot. You may ask for a new ballot up to two times.

A Logan County | B General Election | C November 5, 2019

CITY OF BELLEFONTAINE

For Mayor
(Vote for not more than 1)

- ○ Ben Stahler
  Republican

For President of Council
(Vote for not more than 1)

- ○ Zeb Wagner
  Republican

For Auditor
(Vote for not more than 1)

- ○ Frederick Brentlinger
  Republican

For Director of Law
(Vote for not more than 1)

- ○ Joshua M. Stolly
  Republican

For Member of Council at Large
(Vote for not more than 3)

- ○ Deborah E. Baker
  Republican
- ○ Allen D. Hadley
  Republican
- ○ Kyle Springs
  Republican

For Council (1st Ward)
(Vote for not more than 1)

TOWNSHIP OF LAKE

For Township Trustee
(Vote for not more than 1)

- ○ James Wish
- ○ _____ Write-in

For Township Trustee
(Unexpired term ending 12/31/2021)
(Vote for not more than 1)

No valid petition filed

For Township Fiscal Officer
(Vote for not more than 1)

- ○ Bill Boy

BELLEFONTAINE CITY SCHOOL DISTRICT

For Member of Board of Education
(Vote for not more than 3)

- ○ Mark A. Fissel
- ○ Brenda S. Sanford
- ○ Mike Vetorino
- ○ Colin C. Yoder

Proposed Tax Levy (Replacement)

Logan County

A majority affirmative vote is necessary for passage

A replacement of a tax for the benefit of Logan County for the purpose of maintenance and operation of the Historical Society properties at a rate not exceeding one-quarter (0.25) mill for each one dollar of valuation, which amounts to two and one-half cents ($0.025) for each one hundred dollars of valuation, for five (5) years, commencing in 2020, first due in calendar year 2021.

- ○ For the Tax Levy
- ○ Against the Tax Levy

Exhibit G

2020 City of Bellefontaine Elected Officials

Mailing Address:	Meeting Location:	Phone Number:	Meeting Date & Time:	Website:	
135 N. Detroit St.	135 N. Detroit St.	(937) 592-4376	2nd & 4th Tuesday every month, 7:30 p.m.	www.ci.bellefontaine.o	
Bellefontaine, OH 43311	Bellefontaine, OH 43311				
	Name	**Political Affiliation**	**Home Address**	**Phone Number**	**Terr**
Mayor	Ben Stahler	Republican	304 Ashbrook Dr., Bellefontaine 43311	(937) 592-3048	De
President of Council	Zeb Wagner	Republican	813 Creekview, PO Box 206, Bellefontaine 43311		De
Auditor	Frederick Brentlinger	Republican	532 Woodland Dr., Bellefontaine 43311		De
Treasurer	Mark A. Fissel		228 Bent Pines Ct., Bellefontaine 43311	(937) 592-0329	De
Director of Law	Joshua M. Stolly	Republican	1266 Dakota Rd., Bellefontaine 43311		De
City Council-at-Large	Deborah E. Baker	Republican	816 N. Main St., Bellefontaine 43311	(937) 844-3366	De
	Allen D. Hadley	Republican	107 East Glen Dr., Bellefontaine 43311	(937) 441-1445	De
	Kyle Springs	Republican	640 E. Columbus Ave., Bellefontaine 43311	(937) 935-9797	De
1st Ward Council	Richard Kurtz	Republican	112 Greenridge Dr., Bellefontaine 43311	(937) 593-7227	De
2nd Ward Council	Jordan Reser	Republican	612 Park Rd., Bellefontaine 43311		De
3rd Ward Council	Peter K. DeSomma	Republican	720 N. Main, P.O. Box 315, Bellefontaine 43311	(937) 593-2066	De
4th Ward Council	Mick Lile	Republican	1157 Erie St., Bellefontaine 43311	(937) 599-6131	De
Municipal Court Judge	Ann E. Beck	Democrat	725 E. Columbus Ave., Bellefontaine 43311	(937) 592-4686	De

Updated 12/9/2019

Exhibit H

This sample ballot was produced by the Logan County Board of Elections, Ohio web site.

OFFICIAL REPUBLICAN PRIMARY BALLOT

Instructions to Voter

- **To vote:** completely darken the oval (●) to the left of your choice.
- Note the permitted number of choices directly below the title of each candidate office. Do not mark the ballot for more choices than allowed.
- If you mark the ballot for more choices than permitted, that contest or question will not be counted.
- **To vote for a write-in candidate:** completely darken the oval (●) to the left of the blank line and write in the candidate's name. Only votes cast for candidates who filed as write-in candidates can be counted.
- Do not write in a candidate's name if that person's name already is printed on the ballot for that same contest.
- **If you make a mistake or want to change your vote:** return your ballot to an election official and get a new ballot. You may ask for a new ballot up to two times.

A Logan County	B Primary-Special Election	C May 2, 2023

CITY OF BELLEFONTAINE

For Mayor
(Vote for not more than 1)

- ○ David A. Crissman
- ○ Ben Stahler

For President of Council
(Vote for not more than 1)

- ○ Zeb Wagner

For Auditor
(Vote for not more than 1)

- ○ Frederick Brentlinger

For Director of Law
(Vote for not more than 1)

- ○ Joshua Stolly

For Member of Council At Large
(Vote for not more than 3)

- ○ Deborah E. Baker
- ○ Jenna James
- ○ Kyle Springs

For Member of Council (1st Ward)
(Vote for not more than 1)

- ○ John G. Aler

BELLEFONTAINE MUNICIPAL COURT

For Judge of the Municipal Court
(Full term commencing 1-1-2024)
(Vote for not more than 1)

Exhibit I

Exhibit J

LOGAN COUNTY
REPUBLICAN PARTY

Exhibit K

JENNIFER BRUNNER
OHIO SECRETARY OF STATE
180 East Broad Street, 15th floor
Columbus, Ohio 43215-3726 USA
Tel.: 1-614-466-2655
Fax: 1-614-644-0649
www.sos.state.oh.us

ADVISORY NO. 2007-05
June 4, 2007

To: All County Boards of Elections

Re: Independent Candidates and Party Affiliation

It has come to the attention of the Secretary of State's office that the United States Court of Appeals for the Sixth Circuit decided a case in September of 2006 that has a direct impact upon the function of Ohio's boards of elections and the candidacies of some independent candidates in Ohio. The case is *Morrison v. Colley*, 467 F.3d 503 (6th Cir. 2006) (attached). The ruling in *Morrison* changes longstanding practice in Ohio, and this Advisory is intended to inform boards of elections of this change.

Longstanding practice in Ohio and the interpretations of R.C. 3513.257 made by former Ohio Secretaries of State required only that the *candidacy* of an independent candidate be independent of political party affiliation, but not that the *individual* himself or herself be entirely unaffiliated. The *Morrison* case now requires that independent candidates actually be unaffiliated and that when an unaffiliation is claimed, it must be claimed in good faith.

Facts and History of *Morrison*

In December 2005 and January 2006 Charles Morrison circulated petitions seeking election to the Madison County Republican Party Central Committee and to the Ohio Republican Party State Central Committee. Mr. Morrison subsequently filed his petitions and appeared on the ballot in the May 2006 Republican primary ballot for these positions. To appear on the ballot in these races Mr. Morrison affirmed his affiliation with the Republican Party under penalty of election falsification. Additionally, Mr. Morrison advertised his candidacy as a Republican in a newspaper advertisement.

On May 1, 2006, the day before the primary, Mr. Morrison filed as an "independent" candidate in the race for the Ohio 15th U.S. Congressional District. By filing as an independent Mr. Morrison affirmed, under penalty of election falsification, that he had no affiliation with a political party. Mr. Morrison also filed documents with the Federal Election Commission, related to his "independent" candidacy, clearly stating his affiliation with the Republican Party.

On May 2, 2006 Mr. Morrison voted in the Republican primary election in Madison County. By voting in the Republican primary Mr. Morrison again affirmed his affiliation with the Republican Party under penalty of election falsification.

On May 22, 2006 three electors protested Mr. Morrison's candidacy for the congressional seat in the 15th District, alleging that Mr. Morrison was not independent of political party affiliation under Ohio law. The Franklin County Board of Elections (the most populous county) held a protest hearing, and the Board tied 2-2 on the protest. The Board certified the tie vote to this office, and former Assistant Secretary of State Monty Lobb, presumably acting on behalf of then

Secretary of State Blackwell, broke the tie vote in favor of the protest and against certification of Mr. Morrison's candidacy. Assistant Secretary Lobb based his rationale for not certifying Mr. Morrison's petition on Mr. Morrision's failure to disaffiliate himself from the Republican Party and thereby be truly independent of political party affiliation:

> [T]he relevant law clearly requires a more definitive representation to demonstrate one's status as an independent candidate for elected office in Ohio. R.C. §3501.01 (I). Because the Supreme Court permits Ohio to determine and devise its own standard for saying when a member of a major political party has transitioned into the status of being an independent, and therefore no longer a member of that party, and because R.C. §3501.01 (I) provides that standard, the law and the facts show that Mr. Morrison was never *truly independent* at any point relevant to this matter.

Mr. Morrison filed suit in the U.S. District Court for the Southern District of Ohio seeking preliminary and permanent injunctions to preclude the Board from invalidating his candidacy and alleging that R.C. 3513.257 was unconstitutional. The district Court upheld Assistant Secretary Lobb's decision, and Mr. Morrison appealed.

The Appellate Court's Analysis

It is important to note at the outset that the *Morrison* court did not attempt to set forth specific guidelines for boards of elections to follow when determining the validity and sufficiency of independent candidates' nominating petitions. Rather, the court simply determined, under the facts of the case, that R.C. 3513.257 was not unconstitutional. However, the portion of the court's opinion relating to Mr. Morrison's claim that the statute was "void for vagueness" does indicate that there are certain threshold requirements an independent candidate must meet in order to be actually "independent." Further, the opinion indicates that the facts of each case will determine whether or not the candidate in question is actually independent and whether or not a candidate made his or her claim of unaffiliation in good faith.

The *Morrison* circuit court noted, and extended, the district court's reasoning:

> a person of ordinary intelligence, when considering O.R.C. § 3513.257 which requires the candidate to claim independence and O.R.C. § 3501.01(I) which defines an 'independent' candidate as one who claims not to be affiliated with any political party in the whole legislative scheme, would understand that an aspiring independent candidate must actually be independent, rather than merely claim it. A candidate possessing ordinary intelligence and common sense would readily understand that the claim of independence must be made in good faith -- otherwise there would be no reason for having the claim requirement, and none of the state interests animating the claim requirement would be served.

Morrison, F.3d at 509 (internal quotations omitted).

In reaching its conclusion, the circuit court noted that the statutory scheme in Ohio recognizes only voter history as a means to determine party affiliation. However, the court also noted that even if some doubt existed as to Mr. Morrison's affiliation after considering that he had voted Republican prior to 2006 as well as in the 2006 Republican primary election, and had run in the 2006 Republican primary, all doubt was dispelled by Mr. Morrison's own FEC filings (for his "independent candidacy"). Those filings indicated his affiliation with the Republican Party, and the court stated that "Morrison cannot complain if his own campaign committee's express statement of his party affiliation is considered and used to rule against him." Thus, the court concluded that because Mr. Morrison had voted in past Republican primaries, and most importantly, in the Republican primary held the day after he filed as an independent candidate, and because so voting required him to state under penalty of criminal prosecution for election falsification that he was affiliated with the Republican party, Mr. Morrison could not claim in good faith that he actually was independent of party affiliation.

The court also stated that, "most importantly, under Ohio law, if Morrison was unaffiliated with any political party on May 1, 2006," as indicated by his filing as an independent, "he could not also claim in good faith to be a Republican at the same time," as indicated by his voting in the Republican primary the next day, "without risking consequences more serious than exclusion from the ballot" such as criminal prosecution under, among other statutes, R.C. 3599.11(A).

The Court concluded that under the facts of the case, Morrison had not provided grounds to enjoin the Franklin County Board of Elections from excluding him from the ballot because he had, in fact, failed to comply with the requirements of R.C. 3513.257.

Conclusion

We advise, as indicated by the *Morrison* court, that R.C. 3513.257 requires that:

- an independent candidate actually be unaffiliated, or disaffiliated from any political party; and
- the required claim of unaffiliation by an independent candidate must be made in good faith.

However, as mentioned above, the *Morrison* court did not provide clear guidelines for determining when an independent is actually affiliated with a political party, or how to determine whether an independent candidate has claimed unaffiliation in good faith.

Absent direction from the General Assembly or a court, this office is attempting to provide some guidance on this matter to the boards of elections. Thus:

- If an independent candidate votes in a party primary election after filing as an independent, the candidate is not actually unaffiliated, and the candidate's claim of independence was either not made in good faith or is no longer current; and

- If an independent candidate was on a political party's central or executive committee at the time he or she filed as an independent candidate, or becomes such a committee member at any time during his or her independent candidacy, the candidate is not

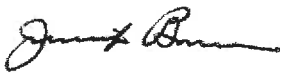
actually unaffiliated, and the candidate's claim of independence was either not made in good faith or is no longer current.

Additionally, as indicated by the *Morrison* court, indications of party affiliation such as past voting history, information submitted on required election-related filings, political advertisements, participation as a political party officer or member, or holding a public office for which the office holder was nominated through a political party's primary election and elected on a partisan ticket may serve as evidence, though not necessarily conclusive evidence, of party affiliation to support a protest against an independent candidate's candidacy. For example, voting *history*, alone, is an insufficient basis on which to disqualify an independent candidate because Ohioans are freely entitled to change or revoke their party affiliation at any time. However, voting history, together with other facts tending to indicate party affiliation, may be sufficient grounds to disqualify an independent.

Finally, please note that it is well established that boards of elections may accept filed petitions at face value. That is, because candidates file their petitions under penalty of election falsification, a board may accept the declaration of the candidate without further inquiry. However, if a board has personal knowledge or reason to believe that the declaration made by a candidate is false, or a protest is filed against an independent candidate, the board may inquire further to determine whether sufficient grounds exist to invalidate the candidate's petition and disqualify the candidate from running as an independent.

If you have additional questions or concerns please feel free to direct them to your assigned Elections Counsel at (614) 466-2585, or by e-mail to any of them.

Sincerely,



Jennifer Brunner
Ohio Secretary of State

LEXSEE 467 F3D 503

CHARLES R. MORRISON, DONALD E. ECKHART, and ALEXANDER SMITH, Plaintiffs-Appellants, v. MICHAEL F. COLLEY, CAROLYN C. PETREE, WILLIAM A. ANTHONY, JR., KIMBERLY E. MARINELLO, and FRANKLIN COUNTY BOARD OF ELECTIONS, Defendants-Appellees.

No. 06-4216

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

06a0373p.06;

467 F.3d 503; 2006 U.S. App. LEXIS 25416; 2006 FED App. 0373P (6th Cir.)

September 20, 2006, Argued
September 22, 2006, Decided
September 22, 2006, Filed *

* An interim opinion was filed in this matter on September 22, 2006. The court is now filing this more detailed opinion.

PRIOR HISTORY: [**1] Appeal from the United States District Court for the Southern District of Ohio at Columbus. No. 06-00644. George C. Smith, District Judge. *Morrison v. Colley, 2006 U.S. App. LEXIS 24028 (6th Cir.) (6th Cir. Ohio, 2006)*

DISPOSITION: Affirmed.

CASE SUMMARY:

PROCEDURAL POSTURE: Seeking preliminary and permanent injunctions, plaintiff candidate sued defendants, a county elections board and several individuals, under *42 U.S.C.S. § 1983*, alleging violation of the candidate's rights under the First and Fourteenth Amendments to the Constitution of the United States. The United States District Court for the Southern District of Ohio at Columbus denied the candidate all relief. The candidate appealed.

OVERVIEW: The candidate alleged defendants violated his constitutional rights by excluding him from a ballot as an independent candidate for a congressional seat because he was affiliated with a political party. In an interim order, the instant court upheld the trial court's decision denying the candidate injunctive relief. In the instant order, the court expounded on that decision. *Ohio Rev. Code Ann. § 3513.257* did not impose a severe restriction on an independent candidate's First and Fourteenth Amendment rights, so the statute only had to survive review for reasonableness. The First and Fourteenth Amendments did not prohibit a state from requiring independent candidates to claim on the day before a primary that they were not affiliated with any political party. *Ohio Rev. Code §§ 3513.19(A)(3)*; 3513.05, para. 7; 3513.19(B); 3513.20; and § 3599.11(A) put the candidate on notice that "claims" of party affiliation or nonaffiliation must be made in good faith. When the candidate declared that he was not affiliated with a political party, he had already made sworn statements to the contrary. Under the facts of the case, *Ohio Rev. Code Ann. § 3513.257* was not overbroad or void for vagueness.

OUTCOME: The court affirmed the judgment of the district court.

COUNSEL: SARGUED: David R. Langdon, LANGDON & HARTMAN LLC, Cincinnati, Ohio, for Appellants.

Patrick J. Piccininni, PROSECUTING ATTORNEY'S OFFICE FOR THE COUNTY OF FRANKLIN, Columbus, Ohio, for Appellees.

ON BRIEF: David R. Langdon, Curt C. Hartman, Joshua B. Bolinger, LANGDON & HARTMAN LLC, Cincinnati, Ohio, Christopher P. Finner, FINNEY, STAGNARO, SABA & KLUSMEIER CO., L.P.A., Cincinnati, Ohio, for Appellants.

Patrick J. Piccininni, Nick A. Soulas, Jr., PROSECUTING ATTORNEY'S OFFICE FOR THE COUNTY OF FRANKLIN, Columbus, Ohio, for Appellees.

JUDGES: Before: SILER, GILMAN, and GRIFFIN, Circuit Judges.

OPINION BY: Griffin

OPINION:

[*504] GRIFFIN, Circuit Judge. Plaintiff-appellant Charles R. Morrison sought to run as an independent candidate for the office of United States Representative in Ohio's Fifteenth Congressional District ("CD") in the November 7, 2006, election. Defendants-appellees Franklin County Board of Elections ("BOE"), *et al.,* excluded Morrison from the ballot on the ground that, under Ohio election law, he [*505] did not [**2] qualify as an independent candidate because he was affiliated with a political party. Morrison filed an action in the United States District Court for the Southern District of Ohio seeking preliminary and permanent injunctions requiring the BOE to place him on the ballot. Morrison claimed that the Ohio statutory provision violated his *First* and *Fourteenth Amendment* rights and those of his would-be voters because it was allegedly overbroad, illegally discriminatory, and void for vagueness. After the district court denied Morrison all relief, Morrison appealed to this court. We granted Morrison's motion to expedite the appeal and heard oral argument on September 20, 2006. On September 22, 2006, we issued a per curiam interim opinion unanimously affirming the district court, stating, "despite any constitutional infirmities that *may* exist in the relevant Ohio statutes as they might apply to others, there is no reasonable basis for Morrison to claim in good faith that he is not affiliated with a political party." (Emphasis added.) Today we explain our holding in greater detail.

I.

In December 2005 and January 2006, Morrison began circulating petitions seeking placement on the May 2, 2006, ballot [**3] for the Madison County Republican Party Central Committee and the Ohio Republican Party State Central Committee. Morrison filed his petitions, was certified as a candidate in the Republican primary for the state and county committee positions, and appeared on the May 2, 2006, Republican primary ballot. He lost both races.

Morrison filed his declaration of candidacy for the county committee on a form that stated, "This petition shall be circulated only by a member of the same political party as stated above by the candidate." Morrison signed the declaration, which also required him to state, under penalty of "election falsification," that he was a member of the Republican Party. Likewise as to the state committee, Morrison signed a declaration of candidacy that required him to state, under penalty of election falsification, that he was a member of the Republican Party.

Approximately three weeks before the May 2, 2006, Republican primary, Morrison purchased local newspaper advertisements supporting his state and county committee candidacies. In his ads, Morrison stated that he was a Republican. On May 2, 2006, Morrison requested a Republican ballot and voted in the Republican primary. [**4]

On May 1, 2006, the day before Morrison's name appeared on the ballot in the Republican primary, he filed nominating petitions with the BOE to run as an independent candidate in Ohio's Fifteenth CD.

On May 22, 2006, three residents and qualified electors from the Fifteenth CD filed a written protest challenging Morrison's congressional candidacy on the ground that he was not an independent under Ohio law, and the BOE responded by holding a protest hearing. After receiving briefs and hearing argument at the hearing, the BOE deadlocked 2-2 on whether to certify Morrison as an independent candidate. Pursuant to *Ohio Rev. Code § 3501.05*, the matter was referred to the Ohio Secretary of State, who voted in favor of the protestors and against certification.

Morrison brought suit in the district court under *42 U.S.C. § 1983*, and thereafter the district court held a hearing on the merits.

II.

Because Morrison alleged the violation of rights recognized by the *First* and [*506] *Fourteenth Amendments to the U.S. Constitution*, the district court had federal-question jurisdiction under *28 U.S.C. § 1331*. Regarding [**5] our jurisdiction, the district court consolidated the hearing on Morrison's preliminary injunction application with the hearing on the merits, and its order disposed of Morrison's complaint and request for permanent injunctive relief. Accordingly, the district court's order is final and immediately appealable. We review the district court's legal conclusions de novo and its factual findings for clear error. *Planned Parenthood Cincinnati Region v. Taft, 444 F.3d 502, 507 (6th Cir. 2006)* (citing *Taubman Co. v. Webfeats, 319 F.3d 770, 774 (6th Cir. 2003)*).

III.

Recently, in *Clingman v. Beaver, 544 U.S. 581, 125 S. Ct. 2029, 161 L. Ed. 2d 920 (2005)*, the Supreme Court emphasized that not all election regulations that burden *First Amendment* rights are subject to a strict scrutiny analysis. Rather, unless a state election regulation places a heavy or severe burden on a party, "a State's important regulatory interests will usually be enough to justify reasonable, nondiscriminatory restrictions." *Id. at 587* (quoting with approval *Timmons v. Twin Cities Area New Party, 520 U.S. 351, 358, 117 S. Ct. 1364, 137 L. Ed. 2d 589 (1997)*).

In holding [**6] that an Oklahoma statute allowing political parties to open their primary elections to only their own party members and voters registered as independents did not violate the *First Amendment*, the Supreme Court refused to apply a strict scrutiny analysis because the burden was not "severe":

> [O]ur cases since *Tashjian [v. Republican Party, 479 U.S. 208, 107 S. Ct. 544, 93 L. Ed. 2d 514 (1986)]* have clarified [that] strict scrutiny is appropriate only if the burden is severe. *[California Democratic Party v.] Jones, [530 U.S. 567, 120 S. Ct. 2402, 147 L. Ed. 2d 502 (2000)], supra, at 582, 147 L. Ed. 2d 502, 120 S. Ct. 2402*; *Timmons, 520 U.S. at 358, 137 L. Ed. 2d 589, 117 S. Ct. 1364.*
>
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> Many electoral regulations, including voter registration generally, require that voters take some action to participate in the primary process. *See, e.g., Rosario v. Rockefeller, 410 U.S. 752, 760-62, 36 L. Ed. 2d 1, 93 S. Ct. 1245 (1973)* (upholding requirement that voters change party registration 11 months in advance of the primary election). Election laws invariably "affec[t] -- at least to some degree -- the individual's [**7] right to vote and his right to associate with others for political ends." *Anderson v. Celebrezze, 460 U.S. 780, 788, 75 L. Ed. 2d 547, 103 S. Ct. 1564 (1983).*
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> These minor barriers between voter and party do not compel strict scrutiny. See *Bullock v. Carter, 405 U.S. 134, 143, 31 L. Ed. 2d 92, 92 S. Ct. 849 (1972).* To deem ordinary and widespread burdens like these severe would subject virtually every electoral regulation to strict scrutiny, hamper the ability of States to run efficient and equitable elections, and compel federal courts to rewrite state electoral codes. The Constitution does not require that result, for it is beyond question "that States may, and inevitably must, enact reasonable regulations of parties, elections, and ballots to reduce election- and campaign-related disorder." *Timmons, supra, 520 U.S. at 358, 137 L. Ed. 2d 589, 117 S. Ct. 1364*; *Storer v. Brown, 415 U.S. 724, 730, 39 L. Ed. 2d 714, 94 S. Ct. 1274 (1974).* Oklahoma's semiclosed primary system does [*507] not severely burden the associational rights of the state's citizenry.
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> When a state electoral provision places [**8] no heavy burden on associational rights, "a State's important regulatory interests will usually be enough to justify reasonable, nondiscriminatory restrictions." *Timmons, supra, at 358, 137 L. Ed. 2d 589, 117 S. Ct. 1364* (internal quotation marks omitted); *Anderson, supra, at 788, 75 L. Ed. 2d 547, 103 S. Ct. 1564.*

Clingman, 544 U.S. at 592-93. Clingman follows, and is consistent with, *Timmons*, which likewise refused to apply strict scrutiny to a challenge to a Minnesota election law prohibiting multi-party or "fusion" candidates from appearing

on the ballot. In rejecting a claim that the Minnesota regulation violated the plaintiff's *First* and *Fourteenth Amendment* rights, the Supreme Court stated,

> [I]t is also clear that States may, and inevitably must, enact reasonable regulations of parties, elections, and ballots to reduce election- and campaign-related disorder. *Burdick [v. Takushi, 504 U.S. 428, 119 L. Ed. 2d 245, 112 S. Ct. 2059 (1992)], supra, at 433* ("'[A]s a practical matter, there must be a substantial regulation of elections if they are to be fair and honest and if some sort [**9] of order, rather than chaos, is to accompany the democratic process'") (quoting *Storer v. Brown, 415 U.S. 724, 730, 94 S. Ct. 1274, 39 L. Ed. 2d 714 (1974)*); *Tashjian, supra, at 217* (The Constitution grants States "broad power to prescribe the 'Time, Places and Manner of holding elections for Senators and Representatives', Art. I, § 4, cl. 1, which power is matched by state control over the election process for state offices").
>
> When deciding whether a state election law violates *First* and *Fourteenth Amendment* associational rights, we weigh the "'character and magnitude'" of the burden the State's rule imposes on those rights against the interests the State contends justify that burden, and consider the extent to which the State's concerns make the burden necessary. *Burdick, supra, at 434* (quoting *Anderson v. Celebrezze, 460 U.S. 780, 789, 103 S. Ct. 1564, 75 L. Ed. 2d 547 (1983)*). Regulations imposing severe burdens on plaintiffs' rights must be narrowly tailored and advance a compelling state interest. Lesser burdens, however, trigger less exacting review, and a State's "'important regulatory interests'" will usually be enough to justify [**10] "'reasonable, nondiscriminatory restrictions.'" *Burdick, supra, at 434* (quoting *Anderson, supra, at 788*); *Norman [v. Reed, 502 U.S. 279, 116 L. Ed. 2d 711, 112 S. Ct. 698 (1992)], supra, at 288-289* (requiring "corresponding interest sufficiently weighty to justify the limitation"). No bright line separates permissible election-related regulation from unconstitutional infringements on *First Amendment* freedoms. *Storer, supra, at 730* ("[N]o litmus-paper test . . . separat[es] those restrictions that are valid from those that are invidious . . . . The rule is not self-executing and is no substitute for the hard judgments that must be made.").

Timmons, 520 U.S. at 358-59.

The district court concluded correctly that *Ohio Rev. Code § 3513.257* does not impose a severe restriction on the *First* and *Fourteenth Amendment* rights of Morrison or other potential independent candidates or voters. *See Lawrence v. Blackwell, 430 F.3d 368 (6th Cir.)* (Ohio [*508] statute requiring independent congressional candidates to file statement of candidacy and nominating [**11] petition on the day preceding the primary election did not impose a severe burden on independent candidates' or voters' constitutional rights, so strict scrutiny was not warranted), *cert. denied, __ U.S. __, 126 S. Ct. 2352, 165 L. Ed. 2d 278 (2006)*. The election regulation at issue is merely a reasonable, nondiscriminatory regulation to require would-be independent candidates to claim, no later than 4:00 p.m. of the day before the primary elections, that they are free of affiliation with any political party. Therefore, Ohio need only show that this requirement advances an important state interest, not a compelling state interest. *Id.* For the reasons stated by the district court, the non-affiliation requirement passes muster under this deferential standard. In addition, the statute itself specifies the following important state interests furthered by the election regulation:

> The purpose of establishing a filing deadline for independent candidates prior to the primary election immediately preceding the general election at which the candidacy is to be voted on by the voters is to recognize that the state has a substantial and compelling interest [**12] in protecting its electoral process by encouraging political stability, ensuring that the winner of the election will represent a majority of the community, providing the electorate with an understandable ballot, and enhancing voter education, thus fostering informed and educated expressions of the popular will in a general election. The filing deadline for independent candidates required in this section prevents splintered parties and unrestrained factionalism, avoids political fragmentation, and maintains the integrity of the ballot. The deadline, one day prior to the primary election, is the least drastic or restrictive means of protecting these state interests. The general assembly finds that the filing deadline for independent candidates in primary elections required in this section is reasonably related to the state's purpose of ensuring fair and honest elections

while leaving unimpaired the political, voting, and associational rights secured by the *first* and *fourteenth amendments to the United States Constitution*.

OHIO REV. CODE § 3513.257.

As the Supreme Court recognized in *Timmons*, a state may, consistent with the *First Amendment*, ban [**13] "fusion" or multi-party candidates in order to reduce election disorder. *Cf. Libertarian Party of Ohio v. Blackwell, 462 F.3d 579, 462 F.3d 579, 2006 U.S. App. LEXIS 22639 (6th Cir. 2006).*

In summary, we hold that the *First* and *Fourteenth Amendments* do not prohibit the Ohio General Assembly from requiring independent candidates to claim on the day before the primary that they are not affiliated with any political party.

IV.

Next, Morrison argues that the statute is void for vagueness because it allegedly fails to specify what a putative independent candidate must do to get on the ballot, and because it does not provide objective standards for enforcement. His argument is wholly unpersuasive under the facts of this case.

Under *Grayned v. City of Rockford, 408 U.S. 104, 108, 92 S. Ct. 2294, 33 L. Ed. 2d 222 (1972)*, a statute must "give the person of ordinary intelligence a reasonable opportunity to know what is prohibited" or, in this case, what is required. In addition, the statute "must provide explicit standards for those who apply them." *Id. Cf. Risbridger v. Connelly, 275 F.3d 565, 572* [*509] *(6th Cir. 2002)* ("[T]he void-for-vagueness doctrine requires that a penal statute define the criminal [**14] offense with sufficient definiteness that ordinary people can understand what conduct is prohibited and in a manner that does not encourage arbitrary and discriminatory enforcement.") (quoting *Kolender v. Lawson, 461 U.S. 352, 357, 103 S. Ct. 1855, 75 L. Ed. 2d 903 (1983)*).

The district court rejected Morrison's argument that the statute "creates confusion as to . . . whether a person desiring to become an independent candidate can merely claim not to be affiliated with a political party or whether they must truly be unaffiliated with a political party." The district court reasoned, "a person of ordinary intelligence, when considering *O.R.C. § 3513.257* [which requires the candidate to claim independence] and *O.R.C. § 3501.01(I)* [which defines an 'independent' candidate as one 'who claims not to be affiliated with any political party'] in the whole legislative scheme, would understand that an aspiring independent candidate 'must actually be independent, rather than merely claim it.'" A candidate possessing ordinary intelligence and common sense would readily understand that the claim of independence must be made in [**15] good faith -- otherwise there would be no reason for having the claim requirement, and none of the state interests animating the claim requirement would be served. *See United States v. Gjieli, 717 F.2d 968, 972 (6th Cir. 1983).*

In addition to the common-sense meaning of "claim" in *Ohio Rev. Code § 3513.257*, other sections of the Ohio election code put Morrison on notice that his actions were incompatible with his contemporaneous claim that he was not affiliated with any political party. Provisions of the Ohio election code other than *§ 3513.257* discuss political party affiliation and specify how it may be determined when challenged. This is significant, because typically "identical words used in different parts of the same act are intended to have the same meaning." *OfficeMax, Inc. v. United States, 428 F.3d 583, 591 (6th Cir. 2005)* (quoting *Gustafson v. Alloyd Co., Inc., 513 U.S. 561, 570, 115 S. Ct. 1061, 131 L. Ed. 2d 1 (1995)*). n1

n1 *See also Lewis v. Philip Morris, Inc., 355 F.3d 515, 536 (6th Cir.)* (Moore, J., for the court, joined in pertinent part by Katz, U.S.D.J.) (referring to "[t]he usual presumption that 'the same words used twice in the same act have the same meaning'") (quoting 2A NORMAN J. SINGER, SUTHERLAND ON STATUTES AND STATUTORY CONSTRUCTION, § 46.06, at 193 (6th ed. 2000)), *cert. denied, 543 U.S. 821, 125 S. Ct. 61, 160 L. Ed. 2d 31 (2004)*; *Lake Cumberland Trust, Inc. v. EPA, 954 F.2d 1218, 1222 (6th Cir. 1994)* ("We must presume that words used more than once in the same statute have the same meaning.") (citation omitted).

[**16]

First, *Ohio Rev. Code § 3513.19(A)(3)* provides that a person's right to vote in a party's primary can be challenged on the basis that he "is not affiliated with or is not a member of" that party. That section also states, in pertinent part, that "[s]uch party affiliation shall be determined by examining the elector's voting record for the current year and the

immediately preceding two calendar years as shown on the voter's registration card, using the standards of affiliation specified in the seventh paragraph of *section 3513.05* of the Revised Code." *OHIO REV. CODE. § 3513.19(A)(3)*. In turn, *§ 3513.05 P 7* considers a voter to be affiliated with a party if he was registered with that party and voted in that party's primaries during the current year and the two preceding years. Morrison has never denied that he was registered as a Republican and voted in the May 2, 2006, Republican primary, nor has he claimed that he was ever registered [*510] as something other than a Republican or that he voted in non-Republican primaries during the preceding two calendar years.

Moreover, the next subsection of the statute, *Ohio Rev. Code § 3513.19(B)* [**17] , provides:

> When the right of a person to vote is challenged upon the ground set forth in division (A)(3) of this section, membership in or political affiliation with a political party shall be determined by the person's statement, *made under penalty of election falsification*, that the person desires to be affiliated with and supports the principles of the political party whose primary ballot the person desires to vote.

(Emphasis added.) By registering as a Republican and then affirmatively requesting and voting the Republican Party primary ballot on May 2, 2006, Morrison necessarily evinced a desire to be affiliated with the Republican Party at that time. Indeed, when Morrison presented himself as eligible to vote in the Republican primary on May 2, 2006, Ohio law required him to be prepared to prove, *under penalty of punishment for false statement*, that he was affiliated with the Republican Party:

> Before any challenged person shall be allowed to vote at a primary election, the person shall make a statement, *under penalty of election falsification*, before one of the precinct officials . . . stating that the person desires to be affiliated [**18] with and supports the principles of the political party whose ballot the person desires to vote; and giving all other facts necessary to determine whether the person is entitled to vote in that primary election. The statement shall be returned to the office of the board with the poll-books and tally sheets.

OHIO REV. CODE § 3513.20.

If there were any doubt whether registering Republican, running as a Republican in the primary, and voting in the Republican primary precluded a good faith claim to be unaffiliated with any party, Morrison's own Federal Election Commission ("FEC") filing dispels it. Morrison conceded that his own congressional campaign committee's statement of organization, FEC Form 1, listed him as affiliated with the Republican Party.

Morrison cannot complain if his own campaign committee's express statement of his party affiliation is considered and used to rule against him. *Cf. In re El-Amin, 252 B.R. 652, 659 (Bankr. E.D. Va. 2000)* ("The party who made the admission cannot complain that they [sic] were prejudiced by their own words."); *Levy v. United States*, 1858 U.S. Ct. Cl. LEXIS 58, 1858 WL 4645, at *27 (Ct. Cl. May 4, 1858) [**19] Morrison cannot complain if his own campaign committee's express statement of his party affiliation is considered and used to rule against him. *Cf. In re El-Amin, 252 B.R. 652, 659 (Bankr. E.D. Va. 2000)* ("The party who made the admission cannot complain that they [sic] were prejudiced by their own words."); *Levy v. United States*, 1858 U.S. Ct. Cl. LEXIS 58, 1858 WL 4645, at *27 (Ct. Cl. May 4, 1858) [**19] ("The petitioner cannot object to this conclusion, because it is in exact accordance with his own export manifest, rendered on his own oath."). n2

> n2 *Cf. also United States v. Beal, 940 F.2d 1159, 1162 (8th Cir. 1991)* ("[D]efendant cannot complain if his own admissions . . . [are] received in evidence against him.");
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> *United States v. Alvarez, 810 F.2d 879, 889 (9th Cir. 1987)* ("The defendant cannot complain when his own testimony fixes the time of his arrest.");
>
> *Courtney v. United States, 518 F.2d 514, 517 (4th Cir. 1975)* ("[T]he defendant cannot be heard to complain that he was convicted on the basis of his own testimony.");

United States v. Bates, 141 F.2d 436, 439 (7th Cir.) ("Defendant cannot complain if the jury accepted at their face value his own statements . . . ."), *vac'd on other grounds, 323 U.S. 15, 65 S. Ct. 15, 89 L. Ed. 13 (1944)*;

The Eroe, 9 Ben. 191, 8 F. Cas. 774, 775, F. Cas. No. 4521 (E.D.N.Y. 1877) (No. 4,521) ("[T]he respondents can resort to this bill rendered . . . there being no other proof, it must be taken of evidence of the amount of such difference. Of this the consignees cannot complain, as it is their own bill."), *aff'd, 17 Blatchf. 16, 8 F. Cas. 775, F. Cas. No. 4522 (C.C.S.D.N.Y. 1879)* (No. 4,522).

[**20]

[*511] Most importantly, under Ohio law, if Morrison was unaffiliated with any political party on May 1, 2006, as he contends, he could not also claim in good faith to be a Republican at the same time without risking consequences more serious than exclusion from the ballot. Specifically, *Ohio Rev. Code § 3599.11(A)* provides the following criminal penalties for false swearing: "No person shall knowingly swear or affirm falsely upon a lawful examination by or before any registering officer; or make, print, or issue, any false . . . certificate of registration . . . . No person shall . . . knowingly make any false statement on any form for registration or change of registration . . . . Whoever violates this division is guilty of a felony of the fifth degree."

A person of ordinary intelligence in the position of Morrison is put on notice that "claims" of party affiliation or non-affiliation must be made in good faith; otherwise the person is subject to criminal prosecution.

We conclude that the statutes at issue gave Morrison sufficient notice that his claims of party affiliation or non-affiliation had to be made in good faith when he filed his independent congressional [**21] candidacy petition on May 1, 2006. Further, under the undisputed facts of this case, Morrison's claim of unaffiliation with a political party was not made in good faith.

For these reasons, we hold that, under the facts of this case, *Ohio Rev. Code § 3513.257* is not void for vagueness. *Cf. McEntee v. MSPB, 404 F.3d 1320, 1333-34 (Fed. Cir.), cert. denied, __ U.S. __, 126 S. Ct. 381, 163 L. Ed. 2d 167 (2005)*. In addition, for the reasons stated by the district court, we hold that *Ohio Rev. Code § 3513.257* is not overbroad, nor was it applied in a manner that illegally discriminated against Morrison.

V.

In conclusion, we affirm the district court's denial of Morrison's application for preliminary and permanent injunctive relief. Morrison has not provided grounds to enjoin defendants from excluding him from the November 2006 congressional ballot due to his non-compliance with *Ohio Rev. Code § 3513.257*.

Affirmed.