

TEL Petition Challenge

*Language from the petition challenge documents
filed with the county boards of elections.*

Re: Protest against the Tax and Expenditure Limitation Amendment Initiative
Petition.

Dear Director and Deputy Director:

I am a qualified elector of the State of Ohio, and, pursuant to Ohio Revised Code §3519.16, I hereby file this protest with the Ashtabula County Board of Elections (the "Board") against certain findings made with respect to the Tax and Expenditure Limitation Amendment Initiative Petition. The specific part-petitions and grounds for this protest are set forth in the attached part-petition schedules.

There are three broad grounds for the protest set forth in this letter and the attached schedules identify specific defects on specific part-petitions.

First, Ohio law requires circulators of initiative petitions to disclose the employer for whom they work in circulating part-petitions. R.C. §3501.38(E)(1). On many of the part-petitions submitted to the Board, the circulator listed inaccurate and false employer information. The employer has been listed on various part-petitions as Reform Ohio Now, Citizens for Tax Relief, or other names which do not reflect that Citizens for Tax Reform was the entity actually paying for the circulation effort. (See attached schedule under "Employer Information" heading for specific protest of individual part-petitions).

Second, R.C. §3501.38(E)(1) also requires a petition circulator, under penalty of election falsification, to list the number of signatures he or she witnessed being affixed to the part-petition. In many instances, the number affixed by the circulator on part-petitions submitted to the Board was false on its face. In other instances, the number listed by the circulator was changed by unknown persons to a different number which was still false. In both instances, the entire part-petitions must be ruled invalid. As such, these part-petitions are invalid. (See attached schedule under "False No. Signatures Attested" heading for specific protest of individual part-petitions).

Third, R.C. §3519.05 requires a circulator to complete a compensation statement prior to the circulation of a part-petition. On a number of the part-petitions submitted to the Board, the information required to be contained in the compensation statement was omitted, false, altered, or interlineated, invalidating the entire part-petition pursuant to R.C. §3519.06. (See attachment under "Compensation Statement" heading for specific protest of individual part-petitions).

If the Board declines to invalidate the part-petitions identified on the attached schedules, Ohio law requires that the Board file an action in the Court of Common Pleas for a determination of this protest within three (3) days of the filing of the protest.

I am reserving the right to amend this protest or file a new protest in the future.

Please direct all correspondence regarding this matter to my legal counsel, Robert A. Beattey, Jr. at the Law Offices of Donald J. McTigue, 3886 N. High St., Columbus, Ohio 43214, (614) 263-7000 (voice), (614) 263-7078 (fax).

Respectfully submitted,

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