

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

Derek Hamilton	:	Case No.
Mohican Juvenile Correctional Facility	:	
1012 ODNR Mohican 51	:	
Perrysville, Ohio 44864,	:	
	:	Judge
Xavier Brock	:	
Mohican Juvenile Correctional Facility	:	
1012 ODNR Mohican 51	:	
Perrysville, Ohio 44864,	:	Magistrate Judge
David Lee Sweazy	:	
Mohican Juvenile Correctional Facility	:	
1012 ODNR Mohican 51	:	
Perrysville, Ohio 44864,	:	<b><u>COMPLAINT</u></b>
	:	
Chevin Joseph Rout	:	
Mohican Juvenile Correctional Facility	:	
1012 ODNR Mohican 51	:	
Perrysville, Ohio 44864,	:	
	:	
Javon D. Patton	:	
Mohican Juvenile Correctional Facility	:	
1012 ODNR Mohican 51	:	
Perrysville, Ohio 44864,	:	
	:	
Jeremiah M. Ramos	:	
Mohican Juvenile Correctional Facility	:	
1012 ODNR Mohican 51	:	
Perrysville, Ohio 44864,	:	
	:	
Jabrail A. Wofford	:	
Mohican Juvenile Correctional Facility	:	
1012 ODNR Mohican 51	:	
Perrysville, Ohio 44864,	:	
	:	
Rameon J. Sumlin	:	
Mohican Juvenile Correctional Facility	:	
1012 ODNR Mohican 51	:	
Perrysville, Ohio 44864,	:	
	:	
James Mack	:	
Mohican Juvenile Correctional Facility	:	
1012 ODNR Mohican 51	:	

Perrysville, Ohio 44864,	:
Markus H. Barrett	:
Mohican Juvenile Correctional Facility	:
1012 ODNR Mohican 51	:
Perrysville, Ohio 44864,	:
Raymond L. Welcher	:
Mohican Juvenile Correctional Facility	:
1012 ODNR Mohican 51	:
Perrysville, Ohio 44864,	:
Nicholas M. Seefong	:
Mohican Juvenile Correctional Facility	:
1012 ODNR Mohican 51	:
Perrysville, Ohio 44864,	:
Taronn L. Allen	:
Mohican Juvenile Correctional Facility	:
1012 ODNR Mohican 51	:
Perrysville, Ohio 44864,	:
Troy Tomlin	:
Mohican Juvenile Correctional Facility	:
1012 ODNR Mohican 51	:
Perrysville, Ohio 44864,	:
Nick S. Mallison	:
Mohican Juvenile Correctional Facility	:
1012 ODNR Mohican 51	:
Perrysville, Ohio 44864,	:
and	:
Roget Carr	:
Mohican Juvenile Correctional Facility	:
1012 ODNR Mohican 51	:
Perrysville, Ohio 44864,	:
Plaintiffs,	:
vs.	:
Ashland County Board of Elections	:
110 Cottage Street,	:
Ashland, Ohio 44805,	:

Dennis Ragle	:
in his official capacity	:
Ashland County Board of Elections	:
110 Cottage Street,	:
Ashland, Ohio 44805,	:
Bonnie Manos	:
in her official capacity	:
Ashland County Board of Elections	:
110 Cottage Street,	:
Ashland, Ohio 44805,	:
George Bringman	:
in his official capacity	:
Ashland County Board of Elections	:
110 Cottage Street,	:
Ashland, Ohio 44805,	:
David Samsel	:
Ashland County Board of Elections	:
110 Cottage Street,	:
Ashland, Ohio 44805,	:
and	:
Jennifer Brunner	:
Secretary of State, State of Ohio	:
in her official capacity	:
180 East Broad Street, 16 <sup>th</sup> Floor	:
Columbus, Ohio 43215	:
Defendants.	:

### **PRELIMINARY STATEMENT**

1. Plaintiffs, all first time voters, bring this action to enjoin Defendants from the imminent, unlawful deprivation of the Plaintiffs' fundamental right to vote. The Defendants have disenfranchised Plaintiffs by removing their names from the registration list without

adequate notice or procedural protections, and in clear violation of state law registration requirements.

2. Plaintiffs are eighteen years or older and are eligible to vote. Each resides at the Mohican Juvenile Correctional Facility in Ashland County, Ohio (“Mohican”). Each registered to vote by the October 6, 2008 deadline. Each will have resided there for more than 30 days before the November 4, 2008 election. None are scheduled to be released from Mohican before the election. Accordingly, they are each entitled to vote in Ashland County.

3. On October 15, 2008, a local resident filed a challenge to Plaintiffs’ voter registrations, claiming that they should not be allowed to vote in Ashland County because they were only residing there temporarily. The Board of Elections scheduled a challenge hearing for October 24, 2008. Plaintiffs, however, did not receive notice of the hearing until October 23, 2008. Because they are incarcerated in a secure facility, Plaintiffs were unable to obtain court orders to allow them to attend the hearing, or to obtain the assistance of counsel to represent them at the hearing.

4. Despite the fact that not a single Plaintiff was in attendance, the Board proceeded to hold this hearing and determined that Plaintiffs were ineligible to vote pursuant to R.C. 3503.02, the default rule for determining residence. But, the Board failed to consider that Plaintiffs are eligible to vote pursuant to R.C. § 3503.04, which requires inmates of public institutions to register in the county in which the institution is located. Had plaintiffs been afforded an opportunity to attend the hearing, they would have informed the Board of their right to register in Ashland County. Instead, the Board voted to remove Plaintiffs from the registration list and deprive them of their fundamental right to vote.



5. Plaintiffs seek emergency injunctive relief ordering Defendant Board of Elections officials to reinstate Plaintiffs' voter registrations and permit them to vote in Ashland County via absentee ballot.

### **JURISDICTION AND VENUE**

6. This action is brought under the 42 U.S.C. ¶ 1983. Jurisdiction over claims brought under the Civil Rights Act of 1871 is conferred on this Court by 28 U.S.C. §§1331, 1343 (3) and (4).

7. Supplemental jurisdiction over Plaintiffs' state law claims may be exercised by this Court pursuant to 28 U.S.C. §1367.

8. Venue is proper pursuant to 28 U.S.C. § 1391(b) and Civ. R. 82.1 because Defendants reside in the Northern District of Ohio, Eastern Division.

### **PARTIES**

#### **Plaintiffs**

#### **Derek Hamilton**

9. Plaintiff Derek Hamilton is an eighteen year-old United States citizen who resides at Mohican. He will have resided at Mohican in excess of thirty days immediately before the November 4, 2008 election. He is not scheduled to be released before November 4, 2008. Plaintiff Hamilton registered to vote in Ashland County before the October 6, 2008 deadline, and requested that he be provided an absentee ballot.

10. Plaintiff Hamilton explains the importance of his voting rights as follows: "My voting rights are very important to me – especially now that I have a young son. There are a lot of issues that matter to me and my family and it is very important to me that I make my voice be heard by voting."

#### **Xavier Brock**

11. Plaintiff Xavier Brock is an eighteen year-old United States citizen who resides at Mohican. He will have resided at Mohican in excess of thirty days immediately before the November 4, 2008 election. He is not scheduled to be released before November 4, 2008. Plaintiff Brock registered to vote in Ashland County before the October 6, 2008 deadline, and requested that he be provided an absentee ballot.

12. Plaintiff Brock explains the importance of his voting rights as follows: "It is very important that I be able to vote. This is my first election and I am concerned about the future of the country. I want my future to be bright. Some day I hope to own a business. Who the president is could impact my life and whether I will be able to achieve my dreams."

**David Lee Sweazy**

13. Plaintiff David Lee Sweazy is an eighteen year-old United States citizen who resides at Mohican. He will have resided at Mohican in excess of thirty days immediately before the November 4, 2008 election. He is not scheduled to be released before November 4, 2008. Plaintiff Sweazy registered to vote in Ashland County before the October 6, 2008 deadline, and requested that he be provided an absentee ballot.

14. Plaintiff Sweazy explains the importance of his voting rights as follows: "I really want to vote. I am worried about gas prices and high food costs. I am worried about my family. I want my voice to be heard."

**Chevin Joseph Rought**

15. Plaintiff Chevin Joseph Rought is an eighteen year-old United States citizen who resides at Mohican. He will have resided at Mohican in excess of thirty days immediately before the November 4, 2008 election. He is not scheduled to be released before November 4, 2008.

Plaintiff Rought registered to vote in Ashland County before the October 6, 2008 deadline, and requested that he be provided an absentee ballot.

16. Plaintiff Rought explains the importance of his voting rights as follows: “I want to vote for a couple of important reasons. First, I want to make my voice heard. Second, I just recently had a son. When my boy is old enough to understand, I want to tell him that I voted in my first election. I want to set an example for him to follow when he is old enough to vote.”

**Javon D. Patton**

17. Plaintiff Javon D. Patton is a nineteen year-old United States citizen who resides at Mohican. He will have resided at Mohican in excess of thirty days immediately before the November 4, 2008 election. He is not scheduled to be released before November 4, 2008. Plaintiff Patton registered to vote in Ashland County before the October 6, 2008 deadline, and requested that he be provided an absentee ballot.

18. Plaintiff Patton explains the importance of his voting rights as follows: “Voting is a big part of being an American. I want to vote so that I can make my voice heard on how the country should be run.”

**Jeremiah M. Ramos**

19. Plaintiff Jeremiah M. Ramos is an eighteen year-old United States citizen who resides at Mohican. He will have resided at Mohican in excess of thirty days immediately before the November 4, 2008 election. He is not scheduled to be released before November 4, 2008. Plaintiff Ramos registered to vote in Ashland County before the October 6, 2008 deadline, and requested that he be provided an absentee ballot.

20. Plaintiff Ramos explains the importance of his voting rights as follows: “I want to vote because this is an important election. I keep hearing that the presidential election could

come down to Ohio and that it could be close. I believe that every vote matters. I want to vote and have my voice heard.”

**Jabrail A. Wofford**

21. Plaintiff Jabrail A. Wofford is an eighteen year-old United States citizen who resides at Mohican. He will have resided at Mohican in excess of thirty days immediately before the November 4, 2008 election. He is not scheduled to be released before November 4, 2008. Plaintiff Wofford registered to vote in Ashland County before the October 6, 2008 deadline, and requested that he be provided an absentee ballot.

22. Plaintiff Wofford explains the importance of his voting rights as follows: “People I respect tell me that every vote matters and that I shouldn’t let my opportunity to vote go to waste. That’s why I want to vote.”

**Rameon J. Sumlin**

23. Plaintiff Rameon J. Sumlin is an eighteen year-old United States citizen who resides at Mohican. He will have resided at Mohican in excess of thirty days immediately before the November 4, 2008 election. He is not scheduled to be released before November 4, 2008. Plaintiff Sumlin registered to vote in Ashland County before the October 6, 2008 deadline, and requested that he be provided an absentee ballot.

24. Plaintiff Sumlin explains the importance of his voting rights as follows: “Voting is important to me because there are not too many people in my family who take the opportunity to vote. I feel that because I am of age I should vote. Voting gives me the chance to express my views about who should run the country. Voting is an important responsibility.”

**James Mack**



25. Plaintiff James Mack is an eighteen year-old United States citizen who resides at Mohican. He will have resided at Mohican in excess of thirty days immediately before the November 4, 2008 election. He is not scheduled to be released before November 4, 2008. Plaintiff Mack registered to vote in Ashland County before the October 6, 2008 deadline, and requested that he be provided an absentee ballot.

26. Plaintiff Mack explains the importance of his voting rights as follows: "I really want to vote to make a difference and to have my voice heard. Voting is my right."

**Markus H. Barrett**

27. Plaintiff Markus H. Barrett is over eighteen years old and is a United States citizen. He resides at Mohican. He will have resided at Mohican in excess of thirty days immediately before the November 4, 2008 election. He is not scheduled to be released before November 4, 2008. Plaintiff Barrett registered to vote in Ashland County before the October 6, 2008 deadline, and requested that he be provided an absentee ballot.

28. Plaintiff Barrett explains the importance of his voting rights as follows: "It is very important to me that I vote on November 4, 2008 because I want to make a difference."

**Raymond L. Welcher**

29. Plaintiff Raymond L. Welcher is an eighteen year-old United States citizen who resides at Mohican. He will have resided at Mohican in excess of thirty days immediately before the November 4, 2008 election. He is not scheduled to be released before November 4, 2008. Plaintiff Welcher registered to vote in Ashland County before the October 6, 2008 deadline, and requested that he be provided an absentee ballot.

30. Plaintiff Welcher explained the importance of his voting rights as follows: "I really want to vote to have my say in how society should change."



**Nicholas M. Seefong**

31. Plaintiff Nicholas M. Seefong is a twenty year-old United States citizen who resides at Mohican. He will have resided at Mohican in excess of thirty days immediately before the November 4, 2008 election. He is not scheduled to be released before November 4, 2008. Plaintiff Seefong registered to vote in Ashland County before the October 6, 2008 deadline, and requested that he be provided an absentee ballot.

32. Plaintiff Seefong explains the importance of his voting rights as follows: "I want to vote because I will be released and I would like to have a voice and opinion about who leads this country since I will be impacted by his decisions and policies."

**Taronn L. Allen**

33. Plaintiff Taronn L. Allen is an eighteen year-old United States citizen who resides at Mohican. He will have resided at Mohican in excess of thirty days immediately before the November 4, 2008 election. He is not scheduled to be released before November 4, 2008. Plaintiff Allen registered to vote in Ashland County before the October 6, 2008 deadline, and requested that he be provided an absentee ballot.

34. Plaintiff Allen explains the importance of his voting rights as follows: "I really want to vote. Now that I am old enough, I realize how important voting is. I've been paying attention to the election and want to vote."

**Troy Tomlin**

35. Plaintiff Troy Tomlin is an eighteen year-old United States citizen who resides at Mohican. He will have resided at Mohican in excess of thirty days immediately before the November 4, 2008 election. He is not scheduled to be released before November 4, 2008.

Plaintiff Tomlin registered to vote in Ashland County before the October 6, 2008 deadline, and requested that he be provided an absentee ballot.

36. Plaintiff Tomlin explains the importance of his voting rights as follows: “Because I am 18, I have the right to vote. Voting is something that is very important to me.”

**Nick S. Mallison**

37. Plaintiff Nick S. Mallison is an eighteen year-old United States citizen, who resides at Mohican. He will have resided at Mohican in excess of thirty days immediately before the November 4, 2008 election. He is not scheduled to be released before November 4, 2008. Plaintiff Mallison registered to vote in Ashland County before the October 6, 2008 deadline, and requested that he be provided an absentee ballot.

38. Plaintiff Mallison explains the importance of his voting rights as follows: “I want to vote because one vote can make a difference. I want to be a part of deciding who runs the country. Now that I’ve turned eighteen, I want to make my voice heard by voting.”

**Roget Carr**

39. Plaintiff Roget Carr is an eighteen year-old United States citizen who resides at Mohican. He will have resided at Mohican in excess of thirty days immediately before the November 4, 2008 election. He is not scheduled to be released before November 4, 2008. Plaintiff Carr registered to vote in Ashland County before the October 6, 2008 deadline, and requested that he be provided an absentee ballot.

40. Plaintiff Carr explains the importance of his voting rights as follows: “I want to vote because my opinion is just as important as anyone else’s. Now that I am eighteen, I want to help choose who runs the country.”

**Defendants**

**Ashland County Board of Elections (County Defendant)**

41. Defendant Ashland County Board of Elections is, and at all times relevant hereto was, a public quasi-corporation organized under the laws of the State of Ohio, charged with conducting, managing, and overseeing elections within its geographical jurisdiction. As part of its duties, Defendant Ashland County Board of Elections determines voter eligibility and provides information to Ashland County residents, including ex-offenders, inquiring about their eligibility to vote. Defendant Ashland County Board of Elections is, for all purposes herein, a “person” within the meaning of 42 U.S.C. §1983.

**Dennis Ragle (County Defendant)**

42. Defendant Dennis Ragle is a member of the Ashland County Board of Elections. As such, he is responsible for discharging the duties of the Board, including determining voter eligibility. Defendant Ragle is sued in his official capacity.

**Bonnie Manos (County Defendant)**

43. Defendant Bonnie Manos is a member of the Ashland County Board of Elections. As such, she is responsible for discharging the duties of the Board, including determining voter eligibility. Defendant Manos is sued in her official capacity.

**George Bringman (County Defendant)**

44. Defendant George Bringman is a member of the Ashland County Board of Elections. As such, he is responsible for discharging the duties of the Board, including determining voter eligibility. Defendant Bringman is sued in his official capacity.

**David Samsel (County Defendant)**

45. Defendant David Samsel is a member of the Ashland County Board of Elections. As such, he is responsible for discharging the duties of the Board, including determining voter eligibility. Defendant Samsel is sued in his official capacity.

**Jennifer Brunner**

46. Defendant Jennifer Brunner is the Secretary of State for the State of Ohio. She is the chief elections official of the State. As such, she and her agents are responsible for supervising the administration of election laws in Ohio, and compelling elections officers to comply with all state and federal election laws. Defendant Brunner is sued in her official capacity.

**THE PERTINENT VOTER REGISTRATION PROVISIONS**

47. To vote in a general election in Ohio, an individual must register thirty days before the election and reside in the county in which he seeks to vote. R.C. § 3503.01. In order to qualify to register, an individual need only be a citizen, eighteen years old, “and who, if he continues to reside in the precinct until the next election, will at that time have fulfilled all the requirements as to length of residence to qualify him as an elector.” R.C. § 3505.07.

48. Ohio has three statutory provisions to determine the county of residence. The default rules for determining residence are found in R.C. § 3503.02. There are two default rules relevant here. R.C. § 3503.02 (A) states: “That place shall be considered the residence of a person in which the person's habitation is fixed and to which, whenever the person is absent, the person has the intention of returning.” R.C. § 3503.02 (C) states: “A person shall not be considered to have gained a residence in any county of this state into which the person comes for temporary purposes only, without the intention of making such county the permanent place of abode.”



49. But Ohio has two exceptions to these default rules, one for “inmates” of soldiers’ homes and one for inmates of public or private institutions. R.C. § 3503.03; R.C. § 3503.04. These exceptions mandate that these inmates “shall have their lawful residence in the county, city, village and township in which said institution is located....,” provided the inmates are “qualified as to age and residence within the county....” R.C. § 3503.03; R.C. § 3503.04.

50. The age and residency qualifications are set forth in R. C. § 3503.07 which states that any person who is a citizen, eighteen years old, and resides in the precinct for thirty days is qualified to register.

51. Ohio law allows a qualified voter to challenge the right to vote of any registered voter and seek a cancellation of his right to vote, but the challenge “shall be filed with the board on a form prescribed by the secretary of state and shall be signed under penalty of election falsification.” R.C. § 3503.24. When a proper challenge is filed, a county board of elections is required to set a hearing and send notice to the challenged voter at least three days before the hearing. *Id.* A challenge may be filed to question whether the voter has registered in the correct county.

### **FACTUAL ALLEGATIONS**

52. Plaintiffs incorporate, herein, ¶¶ 10-51 above.

53. On or about October 15, 2008, Michael Barrett, an Ashland County registered voter, challenged Plaintiffs’ registrations alleging that Plaintiffs are only temporary residents of Ashland County.

54. Barrett did not file his challenge on the forms prescribed by the Secretary of State’s Office under penalty of election falsification.



55. County Defendants scheduled a hearing on Barrett's challenge for October 24, 2008.

56. Plaintiffs did not receive the notice until October 23, 2008.

57. Because Plaintiffs are incarcerated, they would have had to first obtain a court order to be released to attend any hearing outside the facility. Plaintiffs did not have counsel at the time they received notice of the October 24, 2008 hearing and were unable to arrange for a court order to attend the hearing. Accordingly, Plaintiffs were unable to attend the October 24<sup>th</sup> hearing.

58. County Defendants had the authority to issue subpoenas compelling Plaintiffs to attend the hearing. Defendants failed to do so.

59. At the hearing on October 24, 2008, County Defendants voted to uphold Barrett's challenge, and have declared Plaintiffs ineligible to vote.

60. County Defendants have not provided absentee ballots to Plaintiffs.

**CLAIM FOR RELIEF – VIOLATION OF THE DUE PROCESS CLAUSE OF THE  
FOURTEENTH AMENDMENT**

61. Paragraphs 10-60 above are incorporated herein.

62. Plaintiffs were unable to attend the hearing due to inadequate notice. County Defendants held the hearing without giving them a meaningful opportunity to be heard.

63. County Defendants disenfranchised Plaintiffs without adequate notice and an opportunity to be heard in violation of Plaintiffs' Due Process Rights.

**CLAIM FOR RELIEF – VIOLATION OF THE EQUAL PROTECTION CLAUSE OF  
THE FOURTEENTH AMENDMENT**

64. Paragraphs 10-60 are incorporated herein.

65. Defendant Brunner's office instructed Ohio Justice & Policy Center ("OJPC") staff that eligible youth incarcerated at Division of Youth Services ("DYS") facilities, like Mohican, should register to vote in their county of confinement. Based on this information, OJPC staff and volunteers registered eligible youth at six DHS facilities in six separate counties.

66. Plaintiffs' believe that they were the only DHS residents to have their voter registration canceled.

67. Defendant Brunner is responsible for ensuring that Ohio's voting laws are fairly and uniformly administered throughout the State.

68. In short, Plaintiffs have been denied the right to vote where similarly situated DHS residents in other counties are being allowed to vote. As a result, Defendants have denied Plaintiffs equal protection of the law. .

#### **CLAIM FOR RELIEF – VIOLATION OF STATE REGISTRATION LAW**

69. Although Ohio law allows electors to challenge the right to vote of any registered elector, but, the challenge "shall be filed with the board on a form prescribed by the secretary of state and shall be signed under penalty of election falsification." R.C. § 3503.24. Because Barrett's challenge was unlawfully filed, County Defendants violated R.C. § 3503.24 by hearing the challenge and then upholding it.

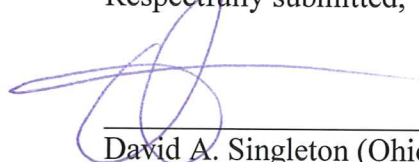
70. Even if the hearing were proper, the Board failed to apply the correct residency statute to the Plaintiffs. Instead of recognizing that R.C. § 3503.04 required Plaintiffs to register in Ashland County, County Defendants purged Plaintiffs' lawful registrations based on R.C. § 3503.02 in violation of Ohio law.

#### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs pray for relief as follows:

- A. A temporary restraining order directing Defendants to immediately restore Plaintiffs' names to the Ashland County registration list.
- B. An injunction prohibiting Defendants from removing Plaintiffs from the voter registration list in Ashland County before Plaintiffs vote in the November 4, 2008 election.
- C. An injunction requiring Defendants to deliver absentee ballots to Plaintiffs.
- D. An order granting Plaintiffs' counsel reasonable attorneys' fees and cost incurred in prosecuting this action pursuant to statutory and common law; and
- E. An order granting such other and further relief as this Court finds just and equitable.

Respectfully submitted,



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David A. Singleton (Ohio #0074556)  
Attorney for Plaintiffs  
Stephen JohnsonGrove (Ohio#0078999)  
Margie Slagle (Ohio #0082217) \*  
Co-Counsel for Plaintiffs  
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215 E. 9th Street, Suite 601  
Cincinnati, OH 45202  
Tel.: (513) 421-1108 ext.17  
Fax: (513) 562-3200  
Email: dsingleton@ohiojpc.org  
sjohnsongrove@ohiojpc.org  
mslagle@ohiojpc.org

\* Seeking admission pro hac vice



## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

Derek Hamilton, et al.

(b) County of Residence of First Listed Plaintiff Ashland  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Ohio Justice & Policy Center, 215 East 9th Street, Suite 601,  
Cincinnati, Ohio 45202 513-421-1108

## DEFENDANTS

Ashland County Board of Elections, et al.

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys (If Known)

Ramona Rogers, Ashland County Prosecuting Attorney, 307  
Orange Street, Ashland, Ohio 44805 419-289-8857

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |                                         |                            |                            |                                                               |                            |                            |
|-----------------------------------------|----------------------------|----------------------------|---------------------------------------------------------------|----------------------------|----------------------------|
|                                         | PTF                        | DEF                        |                                                               | PTF                        | DEF                        |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation                                                | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury  <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other  <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act  <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input checked="" type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

## V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
42 U.S.C. Sec. 1983

Brief description of cause:  
Challenge to Ashland County Board of Elections decision to disenfranchise plaintiffs.

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

## DEMAND \$

CHECK YES only if demanded in complaint:  
**JURY DEMAND:** ☐ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

10/27/2008

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO**

I. Civil Categories: (Please check one category only).

1. ☒ General Civil  
2. ☐ Administrative Review/Social Security  
3. ☐ Habeas Corpus Death Penalty

\*If under Title 28, §2255, name the SENTENCING JUDGE: \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_

II. **RELATED OR REFILED CASES.** See LR 3.1 which provides in pertinent part: "If an action is filed or removed to this Court and assigned to a District Judge after which it is discontinued, dismissed or remanded to a State court, and subsequently refiled, it shall be assigned to the same Judge who received the initial case assignment without regard for the place of holding court in which the case was refiled. Counsel or a party without counsel shall be responsible for bringing such cases to the attention of the Court by responding to the questions included on the Civil Cover Sheet."

This action is ☐ **RELATED** to another **PENDING** civil case. This action is ☐ **REFILED** pursuant to **LR 3.1**.

If applicable, please indicate on page 1 in section VIII, the name of the Judge and case number.

III. In accordance with Local Civil Rule **3.8**, actions involving counties in the Eastern Division shall be filed at any of the divisional offices therein. Actions involving counties in the Western Division shall be filed at the Toledo office. For the purpose of determining the proper division, and for statistical reasons, the following information is requested.

ANSWER ONE PARAGRAPH ONLY. ANSWER PARAGRAPHS 1 THRU 3 IN ORDER. UPON FINDING WHICH PARAGRAPH APPLIES TO YOUR CASE, ANSWER IT AND STOP.

(1) **Resident defendant.** If the defendant resides in a county within this district, please set forth the name of such county

**COUNTY:** Ashland County.

**Corporation** For the purpose of answering the above, a corporation is deemed to be a resident of that county in which it has its principal place of business in that district.

(2) **Non-Resident defendant.** If no defendant is a resident of a county in this district, please set forth the county wherein the cause of action arose or the event complained of occurred.

**COUNTY:**

(3) **Other Cases.** If no defendant is a resident of this district, or if the defendant is a corporation not having a principle place of business within the district, and the cause of action arose or the event complained of occurred outside this district, please set forth the county of the plaintiff's residence.

**COUNTY:**

IV. The Counties in the Northern District of Ohio are divided into divisions as shown below. After the county is determined in Section III, please check the appropriate division.

**EASTERN DIVISION**

- |                                               |                                                                                               |
|-----------------------------------------------|-----------------------------------------------------------------------------------------------|
| <input type="checkbox"/> AKRON                | (Counties: Carroll, Holmes, Portage, Stark, Summit, Tuscarawas and Wayne)                     |
| <input checked="" type="checkbox"/> CLEVELAND | (Counties: Ashland, Ashtabula, Crawford, Cuyahoga, Geauga, Lake, Lorain, Medina and Richland) |
| <input type="checkbox"/> YOUNGSTOWN           | (Counties: Columbiana, Mahoning and Trumbull)                                                 |

**WESTERN DIVISION**

- |                                 |                                                                                                                                                                                           |
|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> TOLEDO | (Counties: Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca VanWert, Williams, Wood and Wyandot) |
|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



# UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

_____	)	
Plaintiff	)	
v.	)	Civil Action No.
_____	)	
Defendant	)	

## Summons in a Civil Action

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within \_\_\_\_ days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

\_\_\_\_\_  
Name of clerk of court

Date: \_\_\_\_\_

\_\_\_\_\_  
Deputy clerk's signature

*(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)*

### Proof of Service

I declare under penalty of perjury that I served the summons and complaint in this case on \_\_\_\_\_,  
by:

- (1) personally delivering a copy of each to the individual at this place, \_\_\_\_\_;  
\_\_\_\_\_; or
- (2) leaving a copy of each at the individual's dwelling or usual place of abode with \_\_\_\_\_  
who resides there and is of suitable age and discretion; or
- (3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is  
\_\_\_\_\_; or
- (4) returning the summons unexecuted to the court clerk on \_\_\_\_\_; or
- (5) other (*specify*) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

Date: \_\_\_\_\_

\_\_\_\_\_  
Server's signature

\_\_\_\_\_  
Printed name and title

\_\_\_\_\_  
Server's address

# UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

_____	)	
Plaintiff	)	
v.	)	Civil Action No.
_____	)	
Defendant	)	

## Summons in a Civil Action

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within \_\_\_\_ days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

\_\_\_\_\_  
Name of clerk of court

Date: \_\_\_\_\_

\_\_\_\_\_  
Deputy clerk's signature

*(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)*

### Proof of Service

I declare under penalty of perjury that I served the summons and complaint in this case on \_\_\_\_\_,  
by:

(1) personally delivering a copy of each to the individual at this place, \_\_\_\_\_;  
\_\_\_\_\_ ; or

(2) leaving a copy of each at the individual's dwelling or usual place of abode with \_\_\_\_\_  
who resides there and is of suitable age and discretion; or

(3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is  
\_\_\_\_\_ ; or

(4) returning the summons unexecuted to the court clerk on \_\_\_\_\_ ; or

(5) other (*specify*) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

Date: \_\_\_\_\_

\_\_\_\_\_  
Server's signature

\_\_\_\_\_  
Printed name and title

\_\_\_\_\_  
Server's address

# UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

_____	)	
Plaintiff	)	
v.	)	Civil Action No.
_____	)	
Defendant	)	

## Summons in a Civil Action

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within \_\_\_\_ days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

\_\_\_\_\_  
Name of clerk of court

Date: \_\_\_\_\_

\_\_\_\_\_  
Deputy clerk's signature

*(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)*



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### Proof of Service

I declare under penalty of perjury that I served the summons and complaint in this case on \_\_\_\_\_,  
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(1) personally delivering a copy of each to the individual at this place, \_\_\_\_\_;  
\_\_\_\_\_; or

(2) leaving a copy of each at the individual's dwelling or usual place of abode with \_\_\_\_\_  
who resides there and is of suitable age and discretion; or

(3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is  
\_\_\_\_\_; or

(4) returning the summons unexecuted to the court clerk on \_\_\_\_\_; or

(5) other (*specify*) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

Date: \_\_\_\_\_

\_\_\_\_\_  
Server's signature

\_\_\_\_\_  
Printed name and title

\_\_\_\_\_  
Server's address

# UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

_____	)	
Plaintiff	)	
v.	)	Civil Action No.
_____	)	
Defendant	)	

## Summons in a Civil Action

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within \_\_\_\_ days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

\_\_\_\_\_  
Name of clerk of court

Date: \_\_\_\_\_

\_\_\_\_\_  
Deputy clerk's signature

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by:

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\_\_\_\_\_; or
- (2) leaving a copy of each at the individual's dwelling or usual place of abode with \_\_\_\_\_  
who resides there and is of suitable age and discretion; or
- (3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is  
\_\_\_\_\_; or
- (4) returning the summons unexecuted to the court clerk on \_\_\_\_\_; or
- (5) other (*specify*) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

Date: \_\_\_\_\_

\_\_\_\_\_  
Server's signature

\_\_\_\_\_  
Printed name and title

\_\_\_\_\_  
Server's address

# UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

_____	)	
Plaintiff	)	
v.	)	Civil Action No.
_____	)	
Defendant	)	

## Summons in a Civil Action

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within \_\_\_\_ days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

\_\_\_\_\_  
Name of clerk of court

Date: \_\_\_\_\_

\_\_\_\_\_  
Deputy clerk's signature

*(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)*

### Proof of Service

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by:

(1) personally delivering a copy of each to the individual at this place, \_\_\_\_\_;  
\_\_\_\_\_ ; or

(2) leaving a copy of each at the individual's dwelling or usual place of abode with \_\_\_\_\_  
who resides there and is of suitable age and discretion; or

(3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is  
\_\_\_\_\_ ; or

(4) returning the summons unexecuted to the court clerk on \_\_\_\_\_ ; or

(5) other (*specify*) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

Date: \_\_\_\_\_

\_\_\_\_\_  
Server's signature

\_\_\_\_\_  
Printed name and title

\_\_\_\_\_  
Server's address

# UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

_____	)	
Plaintiff	)	
v.	)	Civil Action No.
_____	)	
Defendant	)	

## Summons in a Civil Action

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within \_\_\_\_ days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

\_\_\_\_\_  
Name of clerk of court

Date: \_\_\_\_\_

\_\_\_\_\_  
Deputy clerk's signature

*(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)*

### Proof of Service

I declare under penalty of perjury that I served the summons and complaint in this case on \_\_\_\_\_,  
by:

(1) personally delivering a copy of each to the individual at this place, \_\_\_\_\_;  
\_\_\_\_\_ ; or

(2) leaving a copy of each at the individual's dwelling or usual place of abode with \_\_\_\_\_  
who resides there and is of suitable age and discretion; or

(3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is  
\_\_\_\_\_ ; or

(4) returning the summons unexecuted to the court clerk on \_\_\_\_\_ ; or

(5) other (*specify*) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

Date: \_\_\_\_\_

\_\_\_\_\_  
Server's signature

\_\_\_\_\_  
Printed name and title

\_\_\_\_\_  
Server's address