



**VIA REGULAR MAIL AND FACSIMILE: 937.496.7798**

December 5, 2006

Steven P. Harsman, Director  
Board of Elections, Montgomery County  
51 W. Third Street  
Dayton, OH 45481-8705

RE: Public Records Request – Provisional Ballots/Purging Practices

Dear Director Harsman:

Pursuant to Ohio Revised Code, Section 149.43, I am requesting copies of the following public information:

- 1) Total number of voters in your county who cast provisional ballots in the November 7, 2006 elections (“provisional voters”);
- 2) All procedures, guidance, and internal memos created by or received by your office related to determining whether a provisional voter is a registered voter;
- 3) Copies of all poll worker provisional ballot verification statements and provisional voters’ affirmation statements;
- 4) For each and every provisional voter whose ballot was counted, his or her name, address, precinct and the basis for the voter casting a provisional ballot;
- 5) For each and every provisional voter who cast a provisional ballot that was not counted, his or her name, address, and precinct; the purported reason(s) that the ballot was not counted; the voter registration application(s) of the voter; and any correspondence between the voter and election officials;
- 6) Poll worker logs of voter complaints.

Additionally, I am requesting the following information in regards to Ohio voter purging practices:

- 7) All correspondence, procedures, and/or guidelines related to purging voters from the HAVA mandated statewide database; the records of all voters who were purged and documents related to the purging of those records;
- 8) Copy of Montgomery county’s November 7, 2006 statewide database; copy of Montgomery county’s most up-to-date statewide database;
- 9) All procedures used to remove voters from voter registration rolls as a result of the newly mandated HAVA statewide voter registration database;
- 10) Name and address of each and every voter removed from the voter registration rolls since 2004 and the basis for removing voters from the rolls; copies of all correspondence sent to notify such voters of their pending removal from voter rolls;

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11) Please confirm whether your office has preserved hard copies of all voter registration applications of all voters whose names were input in the HAVA- mandated statewide voter registration database since its inception.

With respect to existing documents, we request that you respond to this public records request by *December 15, 2006*. If you are unable or unwilling to provide documentation within this time frame, please contact me by *December 13, 2006* to advise me of the reasons for your noncompliance and the time frames within which you are able to comply.

I am further requesting that all documents be provided electronically, if possible. Furthermore, prior to incurring any costs in excess of \$100.00 relating to production of these documents, please contact me at (973) 760-4076 or by email at: [djudge@advancementproject.org](mailto:djudge@advancementproject.org) or Attorney Sylvia Tolliver Brown at (614) 314-5369.

Thank you, in advance, for your prompt response to my request.

Sincerely,

Donita Judge  
Staff Attorney\*

cc: Attorney Sylvia Tolliver Brown

\*Licensed in New Jersey

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