

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED
JAMES BONINI
CLERK

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U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

OHIO RIGHT TO LIFE SOCIETY, INC. :
665 E. Dublin Granville Road, Suite 200 :
Columbus, Ohio 43229 :

Plaintiff, :

v. :

OHIO ELECTIONS COMMISSION :
21 W. Broad Street :
Columbus, Ohio 43215 :

and :

MARTIN O. PARKS, WILLIAM L. :
OGG, CHARLES E. CALVERT, :
JOHN R. MROCZKOWSKI, AND :
HARVEY H. SHAPIRO, :

In their Official Capacity as Members of :
The Ohio Elections Commission :
21 W. Broad Street :
Columbus, Ohio 43215 :

and :

JENNIFER BRUNNER :
Ohio Secretary of State :
100 E. Broad Street :
Columbus, Ohio 43215 :

Defendants. :

2 : 08 cv 498

Case No. _____

JUDGE SMITH
MAGISTRATE JUDGE KING

**VERIFIED COMPLAINT FOR TEMPORARY
RESTRAINING ORDER AND PRELIMINARY AND
PERMANENT INJUNCTION**

1. Plaintiff Ohio Right to Life Society, Inc. ("ORTL") files this Complaint for a Temporary Restraining Order, and Preliminary and Permanent Injunction to protect its rights to

freedom of speech, and freedom of association, guaranteed by the First and Fourteenth Amendments of the United States Constitution.

NATURE OF ACTION

2. This is an action to protect and vindicate the critical First Amendment rights of freedom of speech and freedom of association, that are infringed by facially vague and untailed provisions of Ohio law.

3. Plaintiff, Ohio Right to Life Society, Inc. ("ORTL") desires to engage in the public discussion of important issues during the time period Ohioans will be focused upon political issues, in the fall of 2008.

4. However, as a result of provisions of Ohio law in Ohio Revised Code Chapters 3517 and 3599, ORTL is unable to fully and freely articulate its position on important public issues without fear of threatened civil and criminal penalties.

5. Therefore, ORTL seeks a temporary restraining order, a preliminary and permanent injunction, expedited declaratory relief, and other necessary and proper relief to invalidate the laws challenged in this action or, in the alternative, limit them to a narrowly tailored construction that ORTL can apply with confidence that its exercise of constitutionally protected political speech and right of association will not subject it to unwarranted punishment.

PARTIES AND BACKGROUND

6. Plaintiff, Ohio Right to Life Society, Inc. ("ORTL") is a non-profit, membership, Ohio corporation, that is tax exempt under Section 501(c)(4) of the Internal Revenue Code. ORTL has been active in Ohio in articulating pro-life positions in the public sphere for over 40 years. The mission of ORTL is to advance pro-life positions in Ohio legislation and, otherwise, in Ohio.

7. In the past, ORTL has extensively engaged in activity that constitutes independent

issue advocacy. ORTL desires, and intends, to continue its advocacy of pro-life issues, during 2008 and into the future, throughout the State of Ohio. ORTL does not coordinate (as that term is defined in R.C. § 3517.1011(A)(5)) its activities with any candidate and always conducts these activities independently of candidates, campaign committees and political parties.

8. During 2008, ORTL desires to run ads on broadcast media relating to Ohio Senate Bill 174, that was sponsored by Senator Steven Buehrer, and assigned to the Ohio Senate, Judiciary – Civil Justice Committee. Ohio Senate Bill 174 would generally ban, as violative of Ohio law, the practice of human cloning. Despite the intrinsic importance of this legislation there has been essentially no action on this important public policy measure that ORTL desires, consistent with its mission, to have enacted as part of Ohio's laws.

9. ORTL plans to run independent "broadcast" ads beginning in June 2008 through December 2008 (that would meet the definitions of "electioneering communication" and would not meet the definition of "coordinated electioneering communication" in O.R.C. § 3517.1011) that would provide, as follows:

- (i) That Ohio Senate Bill 174 is an important public policy measure that should be enacted into law;
- (ii) That, to date, there has been no significant action on this important legislation;
- (iii) That concerned individuals should call one or more of the following Ohio Senators, each of whom is a Member of the Senate Judiciary-Civil Justice Committee to express their opinions, and request action on this legislation;
- (iv) That the broadcast commercials would expressly mention one or more of the following Ohio Senators to be called by the public:

Senate President Bill Harris
Senator David Goodman, Chair
Senator Kurt Schuring, Vice Chair
Senator Steve Buehrer
Senator Keith Faber

Senator Bill Seitz
Senator Steve Stivers
Senator Eric Kearney
Senator Teresa Fedor; and/or
Senator Lance T. Mason; and

- (v) The broadcast ads would contain no reference to the fact one or more of these Ohio Senators is a candidate for election at the November 4, 2008 general election, as "candidate" is defined in O.R.C. § 3501.01(H).
- (vi) Draft broadcast ads are attached hereto as Exhibits A and B.

10. ORTL is informed, and therefore believes, that Senator David Goodman, Senator Keith Faber, and Senator Bill Seitz, are each qualified candidates for political offices in Ohio at the general election in November 2008 and are therefore "candidates," as defined in O.R.C. § 3501.01(H). Therefore, Ohio law imposes an unwarranted and unconstitutional regulatory burden upon ORTL hampering its ability to raise money for the proposed ad, under O.R.C. § 3517.1011, during the time period ending 30 days prior to the general election. In addition, these provisions completely prevent ORTL from running this ad during the "blackout" period set forth in O.R.C. § 3517.01(B)(6), during the 30 days immediately preceding the general election.

11. Similarly, ORTL is informed, and therefore believes, that Senator Kurt Schuring and Senator Steve Stivers will be candidates for the U.S. House of Representatives from the Sixteenth Ohio Congressional District and the Fifteenth Ohio Congressional District, respectively. According to the provisions of Title 35 of the Ohio Revised Code set forth in paragraph 9, the same restrictions upon ORTL's ability to raise money without onerous disclosure obligations, or to run this ad, would also apply to the use of Senator Schuring's name and Senator Stiver's name, because Title 35 of the Ohio Revised Code does not expressly exempt "candidates" for federal office from its scope, insofar as those provisions relate to issue advocacy ads, that are falsely labeled "electioneering" ads.

12. Defendant, Ohio Elections Commission (the "OEC") is an administrative body created under O.R.C. Chapter 3517 and charged with the enforcement of various Ohio election laws, including O.R.C. § 3517.1011, that expressly regulates core political speech, labeled as "electioneering communication." The Ohio definition of "electioneering communication" includes core political speech that is generally and customarily described as "issue advocacy."

13. Defendants, Martin O. Parks, William L. Ogg, Charles E. Calvert, John R. Mroczkowski, and Harvey H. Shapiro are currently serving as Members of the Ohio Elections Commission (collectively, the "OEC Members"). In their official capacity, the OEC Members regularly receive, review and determine cases arising under Title 35 of the Ohio Revised Code that address a myriad of situations that constitute core political speech, protected under the U.S. Constitution. The OEC Members are empowered to assess extraordinary civil fines for what they determine to be violations of Ohio laws restricting various aspects of core political speech, and are further empowered to recommend that certain cases be prosecuted by county prosecutors under Ohio criminal law. In fact, pursuant to O.R.C. § 3517.153, the OEC Members have express and exclusive jurisdiction to impose extraordinary civil penalties and recommend criminal prosecution against individuals and/or organizations who engage in the types of "issue advocacy" described in O.R.C. § 3517.1011 and O.R.C. § 3517.01(B)(6).

14. Defendant, Jennifer Brunner, Ohio Secretary of State (hereinafter "Ohio Secretary of State"), has the responsibility to "report" alleged failures to comply with O.R.C. Chapter 3517 to the Ohio Elections Commission. O.R.C. § 3501.50. In addition, the Ohio Secretary of State has the authority to interpret the statute in O.R.C. Chapter and issue rules to supplement their meaning, pursuant to O.R.C. § 3517.23. For example, the Ohio Secretary of State is required under O.R.C. § 3517.23 to provide "... written instructions and explanations ..." regarding the provisions of O.R.C. § 3517.1011.

JURISDICTION AND VENUE

15. This Court has subject matter jurisdiction over the claims asserted herein pursuant to 28 U.S.C. §§ 1331, 1343 and 42 U.S.C. § 1983, as this is an action to redress the deprivation, under color of state law, of rights secured by the First and Fourteenth Amendments to the United States Constitution.

16. Plaintiff seeks declaratory relief pursuant to 28 U.S.C. §§ 2201 and 2202. An actual controversy exists between the parties, as is more fully set forth below.

17. This Court has personal jurisdiction over the Defendants. The Ohio Secretary of State is an executive official of the State of Ohio, whose position is created in Article III, Section I of the Ohio Constitution, and is further described, insofar as it is pertinent herein, in Title 35 of the Ohio Revised Code. The Ohio Election Commission is a statutory creation of the State of Ohio, whose duties and responsibilities are described in Chapter 3517 of the Ohio Revised Code.

18. Venue is proper for this action in this district and division, pursuant to 28 U.S.C. § 1391(b), in that the events giving rise to this claim occurred, and/or will occur in this judicial district and division.

THE UNCONSTITUTIONAL OHIO LAWS

19. In Chapter 3517 of the Ohio Revised Code, the State of Ohio has adopted a facially unconstitutional regime to regulate core political speech generally known as "issue advocacy." The Ohio laws regulating "issue advocacy," falsely labeled as "electioneering communication," are located at O.R.C. § 3517.01(B)(6), O.R.C. § 3517.1011, and the penalty sections in O.R.C. § 3517.992 (CC). These laws place unconstitutional funding "source" restrictions upon groups that desire to engage in "issue advocacy," (O.R.C. § 3517.1011(H); O.R.C. § 3599.03) as well as onerous disclosure burdens that unconstitutionally infringe upon their freedom of association protected by the First Amendment (O.R.C. § 3517.1011(C)-(F)).

20. In addition, the Ohio Secretary of State has adopted regulations at Ohio Administrative Code 111-4-10, that exacerbate the unconstitutional definition of "electioneering communication," and Ohio Administrative Code 111-3-05 that attempts to unconstitutionally restrict the funds that ORTL is permitted to utilize for issue advocacy purposes.

21. The provisions of O.R.C. § 3517.01(B)(6) state, in pertinent part, that:

During the thirty days preceding a primary or general election, any disbursement to pay the direct costs of producing or airing a broadcast, cable, or satellite communication that refers to a clearly identified candidate shall be considered to be made for the purpose of influencing the results of that election and shall be reported as an expenditure or as an independent expenditure under Section 3517.10 or 3517.105 of the Revised Code, as applicable, except that the information required to be reported regarding contributions for those expenditures or independent expenditures shall be the same as the information required to be reported under Divisions (D)(1) and (2) of Section 3517.1011 of the Revised Code.

22. In effect, the provisions of O.R.C. § 3517.01(B)(6) prevent independent speakers such as ORTL, in an unconstitutional manner, from expending funds to discuss public issues on radio or television, whenever a candidate for public office in Ohio (as defined in O.R.C. § 3501.01(H)) is mentioned or referred to, even if the content of the communication: (i) deals solely with a core political issue message; and (ii) does not express an opinion, or position, on the candidate's election. Thus, these provisions prohibit pure independent issue advocacy ads that are financed by any contributions provided from a corporation or a labor organization. O.R.C. § 3517.1011(H).

23. The provisions of O.R.C. § 3517.01(B)(6) are unconstitutionally vague, overbroad, and constitute an unwarranted burden on ORTL's ability to speak freely about public issues because:

- (i) The statute "magically" converts independent speech about public issues into regulated express advocacy whenever the name of a candidate is mentioned under the circumstances

described in the statute;

- (ii) The statute absolutely prohibits all corporations (for profit and non-profit) and labor organizations from making any contributions to finance the described ads, no matter the content of the ads, if a candidate's name is mentioned;
- (iii) The statute is facially overbroad and vague, casting a bitter chill over the ability of ORTL to discuss important public issues during a time period Ohioans are closely attuned to political issues; and,
- (iv) The statute creates a more frequent and intrusive reporting requirement applicable to ORTL's proposed conduct than would be otherwise applicable to similar political speech on issues if it were uttered by a political party, a political action committee, an individual, or a candidate.
- (v) Attempt to regulate core political speech without a foundation that the law and regulations are necessary to achieve a compelling state interest, that they are narrowly tailored, or that this is the least restrictive manner of regulating this speech.

24. Similarly, the provisions of O.R.C. § 3517.1011 broadly address core political speech, that is generally known as "issue advocacy," in an unconstitutionally vague and overbroad manner. O.R.C. § 3517.1011 defines the scope of regulated "electioneering communication" as:

... any broadcast, cable or satellite communication that refers to a clearly identified candidate and that is made during either of the following periods of time:

- (i) If the person becomes a candidate before the day of the primary election at which candidate will be nominated for election to that office, between the date that the person becomes a candidate and the thirtieth day prior to that primary election, and between the date of the primary election and the thirtieth day prior to the general election at which a candidate will be elected to that office;
- (ii) If the person becomes a candidate after the day of the primary election at which candidate were nominated for

election to that office, between the date of the primary election and the thirtieth day prior to the general election at which a candidate will be elected to that office.

O.R.C. § 3517.1011(A)(7)(a)

25. The provisions of O.R.C. § 3517.1011 are unconstitutionally vague and overbroad insofar as they:

- (i) Attempt to regulate core political issue speech that is articulated by independent groups such as ORTL;
- (ii) Attempt to regulate core political speech that merely mentions a candidate's name, through the euphemism of labeling protected political speech as "electioneering communication";
- (iii) Attempt to regulate core political speech for an extraordinary and undefined period of time prior to any election, that has no defined starting date;
- (iv) Impose extraordinary and unnecessarily burdensome reporting and disclosure requirements upon any person seeking to make "electioneering" communications, that amount to a prior restraint upon this form of speech and an unconstitutional infringement upon ORTL's members right to freedom of association;
- (v) Attempt to regulate core political speech without a foundation that the law and regulations are necessary to achieve compelling state interest, that they are narrowly tailored, or that this is the least restrictive manner of regulating this speech.
- (vi) Prohibit all forms of corporations, including non-profit entities that are tax exempt under Section 501(c) of the Internal Revenue Code, from contributing any funds to broadcast ... "any broadcast, cable, or satellite communications that refers to a clearly identified candidate, during two thirty day "blackout" periods." O.R.C. § 3517.1011 (H); O.R.C. § 3599.03.

LEGAL BACKGROUND

26. The First Amendment to the United States Constitution ("First

Amendment") guarantees the rights of free speech and free association. Those rights are incorporated within and made enforceable against the various States by the Fourteenth Amendment of the United States Constitution ("Fourteenth Amendment").

27. The protections of the First Amendment require, in pertinent part, that political speech that does not "expressly advocate" for the election or defeat of a candidate for political office may not be regulated under Ohio's election law. As interpreted by the United States Supreme Court, the "express advocacy" standard requires words expressly exhorting particular electoral action from the recipients of the communication in order for the speech to qualify for regulation. *Buckley v. Valeo*, 424 U.S. 1 (1976), *cf.*, *McConnell v. F.E.C.*, 540 U.S. 93 (2004) upholding limited restrictions upon speech that is the functional equivalent to "express advocacy."

28. Under the express advocacy standard, any speech, by private speakers such as Plaintiff, that merely, implicitly or impliedly, advocates for or against the election of a candidate cannot be regulated by Ohio as "political" speech. Accordingly, the scope of permissible regulation under Ohio's election laws is limited to speech and speakers that expressly advocate for or against the election of a candidate, or engage in a properly defined category of "equivalent" express advocacy.

29. State regulation of political speech and the freedom of association is greatly restricted by the breadth of First Amendment protections. State laws and regulations may not have the effect of chilling conduct that is not actually proscribed or limited. Ohio stands alone in the extraordinary breadth of its efforts to regulate independent core political speech, that it euphemismistically labels "electioneering communication," in derogation of the First Amendment.

30. In *Federal Election Commission v. Wisconsin Right to Life* 551 U.S. _____, 127 S. Ct. 2652, (2007) ("*WRTL*"), the U.S. Supreme Court carefully articulated the outermost limit that government regulation in this area cannot exceed without violating the First Amendment. Chief Justice Roberts stated for the Court that an ad involving core political speech can only be regulated if: (i) the ad contains express advocacy concepts; or, (ii) " ... if an ad is susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific candidate. *WRTL* at 2667.

31. Chief Justice Roberts further stated in *WRTL* that simply defining a particular time period before general elections or primary elections is insufficient, without actual "express advocacy" or a carefully drawn, and narrowly tailored functional equivalent standard, to permit government to regulate political speech that only addresses issues. *WRTL* at 2668.

32. The Ohio statutes and regulations at issue in this case cannot meet the clear constitutional standard articulated in *WRTL*. These Ohio statutes and regulations are vague, overbroad and, accordingly, attempt to regulate significant quantities of independent core political speech that cannot be restricted, without violating the First Amendment rights of ORTL.

33. Moreover, the proposed ads that ORTL desires to run throughout this 2008 fall election period, as described in paragraph eight through paragraph eleven above, are clearly the type of independent core political speech ("issue advocacy") that cannot be subjected to regulation by the State of Ohio. Applying these statutes and regulations to the proposed ads will violate the First Amendment rights of ORTL.

CLAIMS FOR RELIEF

COUNT I

34. ORTL fully incorporates herein, paragraphs 1-33, inclusive.

35. The foregoing facts demonstrate that, on its face, Ohio's statutory and regulatory

scheme, carried out by and through the individual Defendants, unduly burdening and restraining ORTL's independent core political speech violates ORTL's rights to freedom of speech and freedom of association that are protected under the First Amendment of the U.S. Constitution.

36. These facts further demonstrate that the Defendants' conduct has, and will unless restrained, violate the rights of ORTL, and its members, secured under 42 U.S.C. § 1983.

COUNT II

37. ORTL fully incorporates herein, paragraphs 1-33, inclusive.

38. The foregoing facts demonstrate that the threat of application of O.R.C. § 3517.01(B)(6), O.R.C. § 3517.1011, O.R.C. § 3599.03, and the penalty sections in O.R.C. § 3517.992(C) to ORTL, in the event that ORTL proceeds with its plans to air broadcast commercials related to Ohio Senate Bill 174 in 2008, will violate ORTL's rights to freedom of speech and freedom of association that are protected under the First Amendment to the U.S. Constitution.

39. These facts further demonstrate that Defendants' conduct will, unless restrained by the Court, violate the rights of ORTL, and its members, secured under 42. U.S.C. § 1983.

COUNT III

40. ORTL fully incorporates herein, paragraphs 1-33, inclusive.

41. The foregoing facts establish that the provisions of R.C. § 3517.01(B)(6), insofar as they prevent an independent non-profit membership corporation, such as ORTL, from broadcasting any independent core political speech that simply mentions the name of a candidate, during the thirty day period prior to an Ohio election is unconstitutional on its face.

42. These facts further demonstrate that the Defendants' conduct has, and will unless restrained, violate the rights of ORTL, and its members protected by the First Amendment of the United States Constitution, and secured under 42 U.S.C. § 1983.

COUNT IV

43. ORTL fully incorporates herein, paragraphs 1-33, inclusive.

44. The foregoing facts establish that the provisions of R.C. § 3517.01(B)(6), insofar as they prevent an independent non-profit membership corporation, such as ORTL, from broadcasting a message containing core political speech, such as described in Paragraph 9, are unconstitutional unless the language of this statute is given a narrowed construction by this Court and limited to be applicable only to a message that can: "...be susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific candidate." Otherwise, the statute will be unconstitutionally applied to ORTL's core political message.

45. These facts further demonstrate that Defendants' conduct has, and will, unless restrained, violate the rights of ORTL, and its members, protected by the First Amendment of the United States Constitution, and secured under 42 U.S.C. § 1983.

COUNT V

46. ORTL fully incorporates herein, paragraphs 1-33, inclusive.

47. The foregoing facts establish that the provisions of R.C. § 3517.1011, create an extraordinary regulatory burden upon ORTL in the event that it contemplates articulating any independent core political message as defined in that statute, that mentions the name of a "candidate" during the undefined time period from the time the individual becomes a candidate and through the general election at which the candidate seeks to be elected to office (with the potential exception of a potential 30 day period prior to a primary during which time ORTL would be prohibited from articulating such a message, at all).

48. This extraordinary regulatory burden includes, but is not limited to:

- (i) A prior restraint upon articulating an independent core political message set forth in R.C. § 3517.1011(C);
- (ii) Onerous reporting requirements that set forth the details of

each disbursement mentioning a political candidate, on a weekly basis, which is a far more rigorous requirement than is applicable to a candidate campaign committee, political action committee, or any other political committees under Ohio law. R.C. § 3517.1011(C)-(F).

- (iii) Onerous reporting requirements that would force ORTL to disclose the identity of its members and donors who contribute over \$200 to ORTL, unless the funds could expressly be determined is not supporting the ORTL's efforts to broadcast a political message naming a candidate. R.C. § 3517.1011(C)-(F).

49. The facts further demonstrate that Defendants' conduct has, and will continue, unless restrained, to violate the rights of ORTL and its members, protected by the freedom of speech and freedom of association guaranteed by the First Amendment of the United States Constitution, and secured under 42 U.S.C. § 1983.

COUNT VI

50. ORTL fully incorporates herein, paragraphs 1-33, inclusive.

51. The foregoing facts establish the provisions of R.C. § 3517.01(B)(6), and R.C. § 3517.1011 are preempted by Section 203 of the Federal Bipartisan Campaign Reform Act of 2002, 2 U.S.C. § 4416(b)(2), and accordingly should be ruled inapplicable to "candidates" for federal offices.

COUNT VII

52. ORTL fully incorporates herein, paragraphs 1-33, inclusive.

53. The foregoing facts establish that Ohio's statutory and regulating scheme governing "issue advocacy" core political messages, set forth in O.R.C. § 3517.01(B)(6), O.R.C. § 3517.1011, and O.R.C. § 3517.992 violates the constitutional rights of ORTL and its members. Accordingly, pursuant to 28 U.S.C. §§ 2201 and 2202 this Court should declare that this regulatory scheme violates the First Amendment of the U.S. Constitution and is unenforceable.

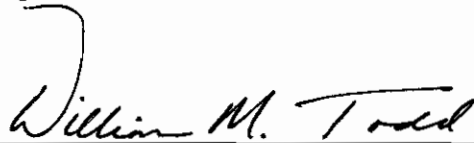
PRAYER FOR RELIEF

For the reasons set forth above, Plaintiff Ohio Right to Life Society, Inc. respectfully requests relief from this Court, as follows:

1. That this Court temporarily restrain, and then preliminarily and permanently enjoin the enforcement of O.R.C. § 3517.01(B)(6), because, on its face, it violates the freedom of speech rights of ORTL that are protected under the First Amendment.
2. In the alternative, that this Court temporarily restrain, and then preliminarily and permanently enjoin the enforcement O.R.C. § 3517.01(B)(6) from being applicable to the proposed ORTL broadcast ads, or any similar ads, though adopting a narrowing construction of O.R.C. § 3517.01(B)(6) that forbids its enforcement against any core political speech that is neither express advocacy, nor can only be construed as the functional equivalent of express advocacy.
3. That this Court temporarily restrain, and then preliminarily and permanently enjoin the enforcement of O.R.C. § 3517.1011 because on its face, it violates the freedom of speech and freedom of association rights of ORTL, and its members, that are protected under the First Amendment.
4. In the alternative, that this Court temporarily restrain, and then preliminarily and permanently enjoin the enforcement of O.R.C. § 3517.1011 from being applied to ORTL, its members and the proposed ORTL broadcast ads, or any similar ads, through adopting a narrowing construction of O.R.C. § 3517.1011 that:
 - (i) serves a compelling state interest, is narrowly tailored, and is the least restrictive alternative;
 - (ii) limits the applicability of the statute to no more than 60 days prior to the election;
 - (iii) limits the applicability of the statute to "electioneering" ads that are the functional equivalent of express advocacy, insofar as they can be susceptible of no reasonable interpretation other than appeal to vote for or against a specific candidates; and,

- (iv) limits the onerous regulatory burden of disclosure of contributions and expenditures to a reasonable level.
5. That this Court temporarily restrain and then temporarily and permanently enjoin the State of Ohio from attempting to regulate the ORTL proposed pure issue advocacy ads, or any similar ads, that do not contain, express advocacy statements or other words that can only be construed as demonstrating support for or against a particular candidate.
6. That this Court enter declaratory relief in favor of ORTL, and its members, determining that the foregoing provisions of Ohio law are an unconstitutional violation of the First Amendment, and accordingly, that ORTL cannot be punished pursuant to the provisions of O.R.C. § 3517.992 and/or O.R.C. § 3599.03 for simply attempting to articulate positions on important public policy issues within Ohio.
7. That Plaintiff ORTL be granted such other and further relief as may appear during this action including an award of costs and attorney's fees, under 42 U.S.C. § 1988.

Respectfully submitted,



William M. Todd, Trial Attorney (0023061)
Benesch Friedlander Coplan & Aronoff LLP
2600 Huntington Center
41 South High Street
Columbus, Ohio 43215-6197
Tel: (614) 223-9348
Fax: (614) 223-3300
Email: wtodd@bfca.com

*Counsel for Plaintiff
Ohio Right to Life Society, Inc.*

Of Counsel:

Stephen M. Hoersting, Esq. (0066915)
Center for Competitive Politics
124 West South Street
Alexandria, Virginia 22314
Tel: (202) 747-4952
Fax: (703) 682-9321
Email: shoersting@campaignfreedom.org


VERIFICATION

STATE OF OHIO

COUNTY OF FRANKLIN SS

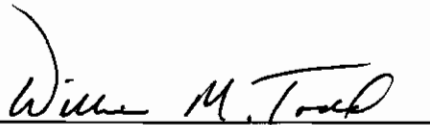
Michael Gonidakis, being first duly sworn, deposes and states as follows:

I have read the foregoing Complaint and verify that the facts stated therein are true and accurate based on my own knowledge, information and belief.



Michael Gonidakis
Executive Director
Ohio Right to Life Society, Inc.

SUBSCRIBED and SWORN to before me this 20 day of May, 2008.


Notary Public

WILLIAM M. TODD
ATTORNEY AT LAW
NOTARY PUBLIC - STATE OF OHIO
LIFETIME COMMISSION

Wilson★Grand

COMMUNICATIONS

OHIO RIGHT TO LIFE
Wilson Grand Communications
Radio :30 Seconds

“Stop Cloning”

MALE NARRATOR: If you are pro life, help us stop human cloning in Ohio.

We're Ohio Right to Life and we need your help to pass Senate Bill 174 – the ban on human cloning.

These Senators need to hear from you. (Read one or two names only) Tell them you support SB 174.

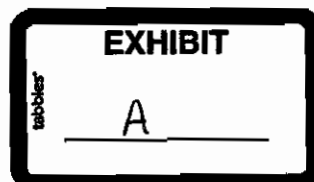
Human cloning is immoral. It is unethical.

Call Senators _____ and _____.

Say you support Senate Bill 174 – the ban on human cloning.

Paid for by Ohio Right To Life, Mike Gonidakis, Director.

Senator David Goodman	Senator Steve Stivers	Senator Kurt Schuring
Senator Steve Buehrer	Senator Bill Seitz	Senator Eric Kearney
Senator Teresa Fedor	Senator Keith Faber	Senator Lance Mason



Wilson★Grand

COMMUNICATIONS

OHIO RIGHT TO LIFE SOCIETY
Wilson Grand Communications
Radio: 60 Seconds

“Line in the Sand”

WOMAN NARRATOR: If you believe in the Right to Life.

MAN: If you oppose abortion.

WOMAN: If you think partial birth abortion is a horrible indefensible procedure.

MAN: Then help us.

WOMAN: We are Ohio Right To Life.

MAN: And we need your help to ban human cloning.

WOMAN: The Ohio Senate is considering an important bill to ban human cloning.

MAN: Senate Bill 174 will ban maverick scientists from cloning and experimenting on human embryos.

WOMAN: Call state Senators _____ and _____ .

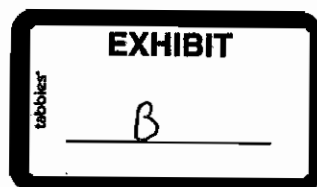
MAN: Embryonic cloning has not produced one single cure.

WOMAN: But adult stem cells have produced near miraculous cures.

MAN: It is unethical to create embryos solely for the purpose of research.

WOMAN: We must draw a moral line in the sand.

WOMAN: We can not let companies profit by experimenting on human life



MAN: Ohio must stop human cloning.

WOMAN: It is immoral.

MAN: So call state senators _____ and _____ and _____.

WOMAN: Tell them to pass Senate Bill 174 – the ban on human cloning.

MAN: Paid for by the Ohio Right To Life Society, Mike Gonidakis Director

Senator David Goodman
Senator Kurt Schuring
Senator Steve Buehrer
Senator Keith Faber
Senator Bill Seitz
Senator Steve Stivers
Senator Eric Kearney
Senator Teresa Fedor
Senator Lance Mason