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

OHIO REPUBLICAN PARTY, et al.	:	
	:	
Plaintiffs,	:	
	:	**Case No. 2:08CV913**
v.	:	
	:	**JUDGE SMITH**
JENNIFER BRUNNER,	:	
Secretary of State of Ohio,	:	**MAGISTRATE JUDGE KING**
	:	
Defendant.	:	

STATUS REPORT OF DEFENDANT
SECRETARY OF STATE JENNIFER BRUNNER

Defendant Secretary of State Jennifer Brunner hereby submits this report on the efforts of the Office of the Secretary of State to comply with this Court's temporary restraining order (Doc. 55)

On October 10, 2008, this Court issued its order and opinion granting Plaintiffs' Renewed Motion for Temporary Restraining Order and ordering Defendant Secretary of State Brunner to establish a process by October 17, 2008, by which the county boards of elections can access the information generated by the Statewide Voter Registration Database ("SWVRD") and review "mismatches." The Court provided two methods by which the Secretary can comply with its order: (1) The Secretary can provide lists of the mismatches to all the boards of elections; or (2) The Secretary can provide all the boards of elections with a method to search the SWVRD database such that they can isolate and review the mismatches and take appropriate action. Order, Oct. 10, 2008, at ¶ 4 (Doc. 55).

Since the Court's order, the Information Technology and Legal departments of the Secretary of State's office have been working diligently to implement a solution that would

comply with this Court's Order. See Affidavit of G. Thomas Worley, attached. These efforts continued despite the fact that the Sixth Circuit Court of Appeals Stayed this Court's temporary restraining order on October 10, 2008 before reinstating this Court's Order on October 14, 2008. *Id*. In an effort to determine in detail the capabilities and working of the SWVRD, Secretary Brunner's office has discovered several unresolved issues with the database which may be caused by the process in which the Ohio Department of Public Safety, Bureau of Motor Vehicles ("BMV") processes the SWVRD information sent to it by the Secretary Brunner's office, including its process of sending information to the Social Security Administration ("SSA") in order to perform verification checks. *Id*. the Secretary of State's Office discovered that there may be issues related to the manner in which searches are processed by the Bureau of Motor Vehicles ("BMV") or the Social Security Administration, and the manner in which the results are displayed for review by the board of elections. Display issues appear to have resulted from modifications made by the Secretary of State's Office in June 2006. Search issues are related to applications administered by the BMV. The BMV has been made aware of the potential problems with the current programming of the SWVRD and they have informed the Secretary of State's Office that they are looking into the issues as well. *Id*.

Secretary Brunner's office is continuing to work towards compliance of this Court's Order. Tomorrow, October 16, 2008 at 9 A.M. individuals from Secretary Brunner's office (including IT staff, legal counsel), along with members of the Ohio Attorney General's office are meeting with individuals from BMV, including Director Guzman, the assistant director, and members of the IT and legal staff to discuss the issues that have very recently surfaced. *Id*.

Secretary Brunner will update this Court as more information is available

Respectfully submitted,

NANCY H. ROGERS
ATTORNEY GENERAL

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Certificate of Service

This is to certify a copy of the foregoing was served upon all counsel of record by means of the Court's electronic filing system.

/s Richard N. Coglianese
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