

**OHIO ELECTIONS COMMISSION**

Complaint against Better Ballot for Cincinnati.

STATE OF OHIO                    )  
  ) SS:  
COUNTY OF HAMILTON    )

G. Jeffrey Berding, being first duly cautioned and sworn, deposes and says as follows:

1.       My address is 5001 Shattuc Avenue, Cincinnati, Ohio 45208; telephone number 513-378-0245; fax number 513-621-3670.

2.       On November 4, 2008, at the general election, voters in the City of Cincinnati will have the opportunity to vote on a proposed Charter amendment to change the way in which voters elect members of Cincinnati City Council. The measure, Issue 8 on the ballot, would make Cincinnati the second city in the country, after Cambridge, Massachusetts, to have its elected officials determined by this method of what is known as proportional representation.

3.       The campaign committee supporting Issue 8 is Better Ballot for Cincinnati, Bobbie Sterne, Treasurer, 830 Main Street, Suite 900, Cincinnati, OH 45202. The telephone number for the committee is 513-381-3661.

4.       Better Ballot for Cincinnati is passing out literature stating that, under proportional representation, “Every vote will count – just like proportional representation worked in this year’s presidential primaries.” The Better Ballot for Cincinnati web site also contains the statement, “Every vote counts.” In fact, depending upon how the counting of ballots proceeds under the complicated and convoluted instructions for determining which candidates are determined to be elected, many voter’s ballots simply do not count – once a candidate is determined to be elected in the system, random choice determines which of that candidate’s

“excess ballots” is to be counted and which ones are not. By the time a voter’s ballot is reviewed, each of the ranked choices may be determined to have been already elected to City Council or unable to win election in such case the vote is not counted.

**Vote YES! on Issue 8**  
Visit [8isGREAT.com](http://8isGREAT.com) for more info.

“When Cincinnati elected its council through proportional representation, *Fortune* magazine ranked us the best governed city in the nation. Join me in voting YES! on Issue 8 and bring back what made Cincinnati great.”

**Bobbie Sterne**  
Former Mayor

**Rep. Tyrone Yates**

“I believe proportional representation is the best and fairest method of electing Cincinnati City Council Members.”

**CHANGE BEGINS AT HOME : FAIR REPRESENTATION FOR CINCINNATI**

**Issue 8 Will Restore Cincinnati's History of *Better Representation* through Proportional Representation:**

- Candidates won't need special interest money
- City Hall will be more accountable to voters than party leaders
- Most of us will elect our first choice – someone we can trust
- Every vote will count – just like proportional representation worked in this year's presidential primaries

Paid for by Better Ballot Cincinnati  
Treasurer: Bobbie Sterne  
830 Main Street, Suite 900  
Cincinnati, OH 45202

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CINCINNATI, OH  
PERMIT# 6657

5. Moreover, and contrary to the statement made, the proposed proportional representation works nothing like the presidential primary ballots. In those, each voter cast a single vote for a single candidate, not a first choice vote, second choice vote, *etc.* Votes were tallied within districts (Congressional districts) and candidate delegates were awarded based on the total of votes achieved within that district, with delegates choosing the nominee at a party convention. Under the proportional representation proposal, city elections would still be conducted citywide (without districts), and there would be no awarding of delegates and no party

convention. And the counting of ballots in the presidential primaries did not require 3 pages of instructions on how to record each voter's preference.

6. Under Ohio law, "No person during the course of any campaign in advocacy of or in opposition to the adoption of any proposition or issue submitted to the voters shall knowingly and with intent to affect the outcome of such campaign ... Post, publish, circulate, distribute, or otherwise disseminate, a false statement, either knowing the same to be false or acting with reckless disregard of whether it was false or not, that is designed to promote the adoption or defeat of any ballot proposition or issue." Ohio Rev. Code §3517.22(A). The statements that Better Ballot for Cincinnati are making are false statements, known by them to be false, and are designed to promote the adoption of the ballot proposition.

7. I would request that the Commission issue an order prohibiting Better Ballot for Cincinnati from passing out, mailing or otherwise delivering any literature containing the false statements identified above; an order further requiring Better Ballot for Cincinnati to remove the false statements from its website and any other advertising; and such further relief as the Commission finds appropriate and is authorized to grant under Ohio law.

8. If the Commission requires additional information, I can be reached at the address or telephone number above. Thank you very much for your attention.

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G. Jeffrey Berding

Sworn to and subscribed before me, a Notary Public, for the State of Ohio this 6<sup>th</sup> day of October, 2008.

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Notary Public