



Matt Dole, Chairman | 48 N 4th Street | Newark | Ohio | 43080

February 2, 2024

VIA CERTIFIED MAIL

AND EMAIL vroth@lawersonyourside.com and bfete@lawersonyourside.com

Schulman, Roth & Associates Co., L.P.A.
The Carnegie Building
236 Third Street SW
Canton, OH 44702

Dear Ms. Roth:

Thank you for your offer to extend “two (2) days” to respond to your letter to this organization dated February 1, 2024, but it’s not necessary for us to take that long.

We will **not** take down DemocratDelaney.com – it’s all true and the truth should not be hidden. In fact, we appreciate that Ms. Delaney provided us with **additional** content for the website and for distribution to Republican voters in the Fifth District. I’m speaking of course, of Ms. Delaney’s “false statement” about her partisan status and her “false statement” about Ohio’s now defunct false statement statute.

Your letter claims that the Licking County Republican Executive Committee “paid for and published blatantly false information regarding the party status of Judge Delaney.” Your claim of false information is tied to the statement “Patricia Delaney is a Democrat,” and you offer an exhibit showing the list of candidates for the primary election.

Ms. Delaney **is**, of course, a Democrat. I would attach an exhibit, but – first – I don’t have any of those fancy exhibit stickers that lawyers use and – second – Ms. Delaney’s clear Democratic voting history is already included with your “exhibit A.” That was helpful!

Let’s be clear – Ms. Delaney may have filed paperwork signaling her intention to be a candidate in the Republican primary, but there is only one way in Ohio for a person to take on a partisan designation as a registered voter and that is to vote in a partisan primary election. Judge Delaney’s **only** partisan votes on record are in Democratic primaries.

This is not an instance where Ms. Delaney can magically turn herself into a Republican by twitching her nose. [citation: TV's *Bewitched*]. Or, to cite a more recent pop culture example: just as Michael Scott from TV's *The Office* couldn't declare bankruptcy by loudly yelling "I declare bankruptcy," neither does Ms. Delaney legally become an Ohio Republican voter just because she says so. Suggesting otherwise is, however, sitcom-level funny.

Ms. Delaney is running in the Republican primary (hence the important message "don't let her fool you" on DemocratDelaney.com). Being a candidate in a Republican primary doesn't make someone a Republican. It's shocking to me (and will be to voters when we tell them) that Ms. Delaney doesn't understand the difference.

Perhaps after the March 19th primary, if Ms. Delaney pulls a Republican ballot, then she'll be a Republican. Until that happens, the list of certified candidates simply means that seemingly anyone can run in a Republican primary – even Democrat Delaney!

As I've already made clear (replete with a few lighthearted TV references), we have made no false statements about Ms. Delaney's standing as a Democrat. The truth is, she's a Democrat!

But let's, just for the sake of argument, discuss the false statement statute in Ohio – which you (speaking, of course for Ms. Delaney) cite and quote from as Ohio Revised Code 3517.21, Section (B)(10).

This particular section of Ohio Revised Code was challenged during a lengthy legal process between 2011 and 2016. It was reviewed in federal district court, by the U.S. 6th Circuit Court of Appeals, and the United States Supreme Court -- which sent the case back to the district court. There, Ohio's false statement statute was permanently enjoined with the decision upheld by the 6th Circuit court of appeals. I only describe the long route of the lawsuit because it was in the news. A lot. The Columbus *Dispatch* covered the story extensively, including [this coverage](#) of the court decision striking it down.

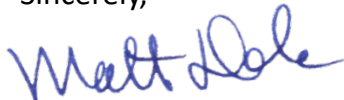
Republican voters expect a judge who rules on appeals cases involving the Ohio Revised Code to know which sections of the code have been struck down as unconstitutional. The fact that she didn't know that is another reason why Republican voters shouldn't vote for her. That's why we're adding her lack of legal knowledge on this point to DemocratDelaney.com. Voters expect more legal competence than that from a sitting judge!

This is bad politics **and** bad legal work. And to top it off, Democrat Delaney engaged a law firm with a known Democratic tilt to help her bully a county Republican Party. Your late founder Allen Schulman was a major player in Ohio Democratic politics, even being named Stark County [Democrat of the Year](#). According to public records, both of **you** are fellow Democrats with Democrat Delaney!

So what we have here is a self-proclaimed Republican hiring a gang of Democrats (or gaggle? I'm not sure the term) to accuse **us** of wrongdoing based on a legally incompetent citation to a law that federal courts have found unconstitutional. Voters across the Fifth District will be very interested in all of this.

Please confirm for me when Judge Delaney has taken the time to review the pertinent facts and case law so that she is more fully informed on the state of the law in this area. You can take more than two (2) days if you'd like, we're not in any rush.

Sincerely,



Matt Dole

Chairman, Licking County Republican Executive Committee