

607 CHILLICOTHE STREET  
PORTSMOUTH, OH 45662-4023

December 26, 2008

**A BETTER GOVERNMENT COALITION**  
**POLITICAL ACTION COMMITTEE**

Hon. Mark Kuhn,  
Scioto County Prosecutor  
602 Seventh Street  
Portsmouth, OH 45662-3950

Dear Mr. Kuhn:

The Elections Office of the Ohio Secretary of State recently advised me that I have two options of recourse available to me regarding a particular election concern (below) – these options are to contact you, as your office is responsible for local election law, or to file suit via the local courts. I am, now, pursuing this first option.

My concern is related to the City of Portsmouth's Charter, in which Section 82, titled "Political Activity Prohibited," reads as follows:

***No person receiving remuneration from the City and holding an appointive office or place in the City government shall act as an officer of a political organization, take part in a political campaign, serve as a member of a committee of any such organization, or circulate, or seek signatures to any petition provided for by primary or election laws, or act as a worker in favor of or in opposition to any candidate for public office. (My emphasis.)***

During the campaign concerning the Marting's City Center/Justice Center leading up to the November 4 general election, two elected officials of the City participated in this campaign on behalf of the City Center/Justice Center ballot initiative.

City Solicitor Mike Jones attended and spoke at functions arranged for soliciting support for the City Center/Justice Center ballot initiative. These functions included service clubs, senior centers and political organizations. He was also quoted, quite often, in the *Portsmouth Daily Times*, as a key supporter of this ballot initiative.

Councilman (First Ward) Michael H. Mearan, Esq., was seen distributing literature on behalf of the ballot initiative on Election Day at a local precinct (Hudson House, located at 610 Fifth Street). In addition, Progress Portsmouth – the political vehicle created to support this ballot initiative – reported that Mr. Mearan contributed \$600.00 toward the passage of this initiative.

I suggest that Messrs. Jones and Mearan have violated the City Charter by their having taken part in a political campaign.

As there shall be City initiatives on the ballot in February and May of 2009, that these individuals shall oppose or support, I am also concerned that these individuals may continue to violate the City Charter.

As I wish to avoid seeking relief from the courts, I seek your guidance and opinion – according to the advice I have received from the Office of the Ohio Secretary of State.

Most sincerely,

Kevin W. Johnson,  
Political Adviser

cc: Messrs. Jones and Mearan; Progress Portsmouth; *Portsmouth Daily Times*

**PAUL E. JOHNSON, CHAIRMAN ~~~~~ LARRY C. ESSMAN, TREASURER**  
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