



Via Electronic Mail

November 15, 2021

Anthony W. Perlatti, Director
Anthony N. Kaloger, Deputy Director
Cuyahoga County Board of Elections
2925 Euclid Avenue
Cleveland, Ohio 44115

Re: Challenge to Mordechai Rennert's Right to Vote

Dear Director Perlatti and Deputy Director Kaloger:

On October 18, 2021, the Cuyahoga County Board of Elections reached a tie vote on a challenge against Mordechai Rennert's right to vote. Though Mr. Rennert was a candidate in the 2021 General Election, this challenge is not a protest against his candidacy. The tie vote solely relates to whether Mr. Rennert is a qualified elector in Cuyahoga County.¹ In accordance with R.C. 3501.11(X) and the procedures outlined in the Ohio Election Official Manual, the Board submitted the tie vote to me on November 1, 2021.

Ohio law provides the rules for determining the residency qualifications of an Ohio elector.² The following portions of R.C. 3503.02 are relevant to this matter:

- (A) That place shall be considered the residence of a person in which the person's habitation is fixed and to which, whenever the person is absent, the person has the intention of returning.
- (B) A person shall not be considered to have lost the person's residence who leaves the person's home and goes into another state or county of this state, for temporary purposes only, with the intention of returning.
- (C) A person shall not be considered to have gained a residence in any county of this state into which the person comes for temporary purposes only, without the intention of making such county the permanent place of abode.

The challenge against Mr. Rennert's right to vote was based on a single source of evidence – a statement within deposition testimony in an unrelated case from July 1, 2021. When the Board conducted a proper quasi-judicial hearing, Mr. Rennert testified under oath that he resides in University Heights, Ohio and intends to remain there. He voted in the November 3, 2020 General Election and August 3, 2021 Special Election in Ohio; obtained an Ohio driver's license on August

¹ See [R.C. 3503.24](#).

² [R.C. 3503.02](#).

29, 2020; incorporated his business in Ohio; and pays income tax in Ohio. In addition, Mr. Rennert's business card indicates that his employer is in South Euclid, Ohio. Moreover, he intends to build a house in Ohio, and he currently rents out his home in New York. His children attend school in Cleveland Heights.

The person challenging an elector's qualifications bears the burden of proving ineligibility by "clear and convincing evidence."³ In fact the Board's hearing produced substantial evidence that Mordechai Rennert lives in University Heights, Ohio, and whenever he is away, he intends to return there. As such, I do not believe the challenger has met the burden of proof to justify cancelling Mr. Rennert's registration. Therefore, I break the tie against the challenge. Mordechai Rennert will remain a qualified elector of Cuyahoga County.

Yours in service,



Frank LaRose
Ohio Secretary of State

cc: Jeff Hastings, Chairman of Cuyahoga County Board of Elections
Inajo Davis Chappell, Member of Cuyahoga County Board of Elections
Lisa M. Stickan, Member of Cuyahoga County Board of Elections
David J. Wondolowski, Member of Cuyahoga County Board of Elections

³ See *State ex rel. Husted v. Brunner*, 123 Ohio St.3d 288 (2009) and *State ex rel. Holwadel v. Hamilton County Bd. of Elections*, 144 Ohio St.3d 579 (2015).