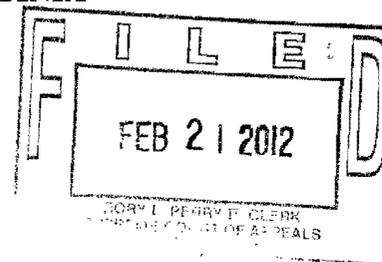


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IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA  
Upon Original Jurisdiction  
No. 12-0185



STATE OF WEST VIRGINIA, ex rel.  
DONNA J. BOLEY,

Petitioner,

v.

NATALIE E. TENNANT,  
SECRETARY OF STATE OF THE  
STATE OF WEST VIRGINIA,  
and FRANK DEEM,

Respondents.

---

APPENDIX TO RESPONSE OF FRANK DEEM TO THE EMERGENCY  
PETITION FOR WRIT OF MANDAMUS OF PETITIONER DONNA J. BOLEY

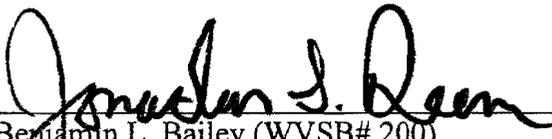
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Benjamin L. Bailey (WVSB#200)  
Jonathan S. Deem (WVSB#10344)  
209 Capitol Street  
Charleston, WV 25301  
Phone: 304-345-6555  
[bbailey@baileyglasser.com](mailto:bbailey@baileyglasser.com)  
[jdeem@baileyglasser.com](mailto:jdeem@baileyglasser.com)  
*Counsel for Respondent Frank Deem*

February 21, 2012

CERTIFICATE OF ACCURACY OF APPENDIX CONTENTS

I, Jonathan S. Deem, counsel for Respondent, do, on this the 21<sup>st</sup> day of February 2012, hereby certify, pursuant to the provisions of Rule 7(c)(2) and Rule 16(3) of the Revised Rules of Appellate Procedure, that the contents of this Appendix are, to the best of my knowledge and belief, accurate copies of the items that I have described in the TABLE OF CONTENTS OF THIS APPENDIX and RESPONSE OF FRANK DEEM TO THE EMERGENCY PETITION FOR WRIT OF MANDAMUS OF PETITIONER DONNA J. BOLEY to which this Appendix is appended.

  
Benjamin L. Bailey (WVSB# 200)  
Jonathan S. Deem (WVSB# 10344)  
Bailey & Glasser, LLP  
209 Capitol Street  
Charleston, WV 25301  
Phone: (304) 345-6555  
Fax: (304) 342-1110  
*Counsel for Respondent Frank Deem*

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## List Of Candidates For 05/08/2012 -- PRIMARY 2012

### Office/District Division

Party	Candidate	Address	City	County
<b>State Senator</b>				
<b>1st Senatorial District</b>				
Republican	PAT MCGEEHAN	616 FLORIDA AVE APT.#5 CHESTER WV 26034	Chester	Hancock
Democrat	JACK YOST	1413 PLEASANT AVENUE WELLSBURG WV 26070	Wellsburg	Brooke
<b>2nd Senatorial District</b>				
Democrat	JEFFREY V. KESSLER	607 WHEELING AVENUE GLEN DALE WV 26038	Glen Dale	Marshall
<b>3rd Senatorial District</b>				
Republican	DONNA J. BOLEY	2332 GREENS RUN RD ST. MARYS WV 26170	St. Marys	Pleasants
Republican	FRANK DEEM	5518 2ND AVENUE VIENNA WV 26105 - 1916	Vienna	Wood
<b>4th Senatorial District</b>				
Republican	MITCH B. CARMICHAEL	2 Colonial Drive RIPLEY WV 25271	Ripley	Jackson
Democrat	MARLA DEE INGELS	161 LYNN DRIVE NEW HAVEN WV 25265 - 0000	New Haven	Mason
Democrat	MICHAEL "Mike" BRIGHT	475 WEST VIEW DR RIPLEY WV 25271	Ripley	Jackson
<b>5th Senatorial District</b>				
Democrat	ROBERT H. "Bob" PLYMALE	206 CLIFFVIEW DR HUNTINGTON WV 25704	Huntington	Wayne
<b>6th Senatorial District</b>				
Republican	BILL COLE	404 OAKHURST AVENUE BLUEFIELD WV 24701	Bluefield	Mercer
Democrat	MARK WILLS	218 HALE AVENUE PRINCETON WV 24740	Princeton	Mercer
Democrat	MICHAEL "Mike" MITCHEM	LAEGER - SANDY RIVER DISTRICT COONBRANCH RD.	laeger	Mcdowell
<b>7th Senatorial District</b>				
Democrat	ART KIRKENDOLL	12 KIRKENDOLL LANE CHAPMANVILLE WV 25508	Chapmanville	Logan
Democrat	SAMMY D. DALTON	RT 1 BOX 378 HARTS WV 25524	Harts	Logan
<b>8th Senatorial District</b>				
Republican	CHRIS WALTERS	Route 1 Box 150 RED HOUSE WV 25168	Red House	Putnam
Democrat	JENNIFER SCRAGG KARR	1750 CROSS CR BUFFALO WV 25033	Buffalo	Putnam
Democrat	JOSHUA R. MARTIN	10 BRANDY LANE POCA WV 25159	Poca	Putnam
<b>9th Senatorial District</b>				
Republican	EPP E. CLINE	119 U-DELL DR OCEANA WV 24870 - 0000	Oceana	Wyoming
Democrat	DANIEL HALL	136 Upper Oak Grove OCEANA WV 24870	Oceana	Wyoming
Democrat	RICHARD BROWNING	303 MULBERRY ST OCEANA WV 24870 - 0000	Oceana	Wyoming
<b>10th Senatorial District</b>				
Democrat	WILLIAM R. LAIRD IV	225 HIGHLAND AVE OAK HILL WV 25901	Oak Hill	Fayette
<b>11th Senatorial District</b>				
Republican	CLARK BARNES	RT 2 BOX 12-C BEVERLY WV 26253	Beverly	Randolph
Democrat	MARGARET KERR BECKWITH	136 VECTOR AVENUE ELKINS WV 26241	Elkins	Randolph
Democrat	PAUL "P.J." LOUK	DRY RUN RD MILL CREEK WV 26241	Mill Creek	Randolph



## List Of Candidates For 05/08/2012 -- PRIMARY 2012

### Office/District Division

Party	Candidate	Address	City	County
<b>12th Senatorial District</b>				
Democrat	DOUG FACEMIRE	255 N HILLCREST DR P O BOX 215	Sutton	Braxton
<b>13th Senatorial District</b>				
Republican	CASEY MAYER	1010 EAST BROOKSIDE DR FAIRMONT WV 26554	Fairmont	Marion
Democrat	ROMAN W. PREZIOSO, JR.	1806 DOGWOOD DRIVE FAIRMONT WV 26554	Fairmont	Marion
<b>14th Senatorial District</b>				
Democrat	BOB WILLIAMS	131 FOREST DRIVE BRIDGEPORT WV 26330	Bridgeport	Taylor
<b>15th Senatorial District</b>				
Republican	CRAIG P. BLAIR	47 WASSER DRIVE MARTINSBURG WV 25403	Martinsburg	Berkeley
<b>16th Senatorial District</b>				
Republican	JIM RULAND	51 REBELS ROOST CT HARPERS FERRY WV 25425 - 0000	Harpers Ferry	Jefferson
Democrat	HERB SNYDER	1113 SHENANDOAH JUNCTION RD SHENANDOAH JUNCTION WV	Shenandoah	Jefferson
<b>17th Senatorial District</b>				
Democrat	COREY PALUMBO	1206 WILLIAMSBURG WAY CHARLESTON WV 25314	Charleston	Kanawha
<b>Total Candidates : 32</b>				

**District 3**

Pleasants WV County	7,605
Roane WV County	
VTD: 15	359
VTD: 16	576
VTD: 25 (part)	934
VTD: 28	985
VTD: 4	504
VTD: 5	1,720
VTD: 7	531
<b>Roane WV County Subtotal</b>	<b>5,609</b>
Wirt WV County	5,717
Wood WV County	86,956
<b>District 3 Subtotal</b>	<b>105,887</b>
<b>District 4</b>	

West Virginia Voter Registration						
Senatorial District 3						
County	Democrat	Republican	Mountain	No Party Affiliation	Other	Total
PLEASANTS	2564	1585	0	832	139	5120
ROANE	1757	1202	5	755	7	3726
WIRT	2090	1483	5	703	62	4343
WOOD	21035	21531	40	11052	424	54082
						0
<b>Total</b>	<b>27446</b>	<b>25801</b>	<b>50</b>	<b>13342</b>	<b>632</b>	<b>67271</b>

Source: West Virginia Statewide Voter Registration System (01:00:00 February 17, 2012)





STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON 25305

ARCH A. MOORE, JR.  
GOVERNOR

May 14, 1985

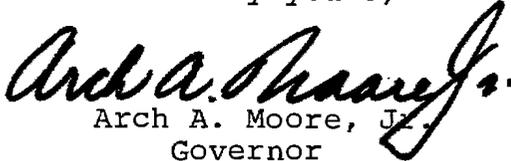
The Honorable Ken Hechler  
Secretary of State  
State Capitol  
Charleston, West Virginia 25305

Dear Mr. Secretary:

As Governor of the State of West Virginia, I have today appointed Donna J. Boley of St. Marys, Pleasants County, West Virginia, to serve the vacancy presently existing in the Third Senatorial District which was created by the resignation of Senator Sam White.

Please issue commission accordingly.

Sincerely yours,

  
Arch A. Moore, Jr.  
Governor

BY THE GOVERNOR:

SECRETARY OF STATE

cc: The Honorable Dan Tonkovich  
The Honorable Donna J. Boley  
The Honorable C. N. Harman



# Donna Boley

## From Ballotpedia

**Donna Boley** is a Republican member of the West Virginia State Senate. She has represented District 3 since her appointment in 1985.

She served as Senate Minority Leader from 1991 to 1997. She also worked as a Senior Advisor for the George W. Bush for President, West Virginia Campaign in the year 2000. In 2008 she worked as Chair for West Virginia Women, McCain for President.

Boley received her diploma from Sistersville High School in 1953. She went on to attend West Virginia University, Parkersburg in 1981.

Boley has worked as both a businessperson and bookkeeper.<sup>[1]</sup>

## Committee assignments

### 2011-2012

In the 2011-2012 legislative session, Boley has been appointed to these committees:

- Children, Juveniles and Other Issues Committee, West Virginia State Legislature
- Council of Finance and Administration, West Virginia State Legislature
- Education Committee, West Virginia State Senate
- Education Committee, West Virginia State Legislature
- Education Accountability Committee, West Virginia State Legislature
- Finance Committee, West Virginia State Senate
- Finance Committee, West Virginia State Legislature
- Government Organization Committee, West Virginia State Senate
- Government Organization Committee, West Virginia State Legislature
- Health and Human Resources Committee, West Virginia State Senate
- Health and Human Resources Accountability Committee, West Virginia State Legislature
- Military Committee, West Virginia State Senate
- Natural Resources Committee, West Virginia State Senate
- Rule-Making Review Committee, West Virginia State Legislature
- Rules Committee, West Virginia State Senate
- Special Investigations Committee, West Virginia State Legislature

### 2009-2010

In the 2009-2010 legislative session, Boley served on these committees:

- Education Committee, West Virginia Senate
- Finance Committee, West Virginia Senate
- Government Organization Committee, West Virginia Senate
- Health and Human Resources Committee, West Virginia Senate

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**Donna Boley**



**West Virginia State Senate District 3**

**Incumbent**

**In office**

1985-Present

**Term ends**

January 9, 2013

**Years in position** 27

**Party** Republican

### Compensation

**Base salary** \$20,000/year

**Per diem** \$131/day during session

### Elections and appointments

**Last election** 2008

**First elected** 1984

**Next election** November 6, 2012

**Term limits** N/A

### Education

**High school** Sistersville High School, 1953

### Personal

**Birthday** December 9, 1935

**Place of birth** Tyler County, WV

**Religion** Methodist

### Websites

**Office website** (<http://www.legis.state.wv.us/Senate1/Members/senmemview.cfm?input=Senator%20Boley>)



E

Strong, M. B., 1872.  
 ker, John M., 1923 - 25.  
 ris, L. O., 1935 - 37.  
 son, Raymond, 1917 - 19.  
 rell, Thomas, 1875 - 77.  
 rdman, Sylvester, 1893 - 95.  
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Slemaker, G. B., 1911 - 13.  
 Smith, Anthony, 1883 - 85; 1899 - 1901.  
 Sweeney, John D., 1887 - 89.  
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Arnold, Gohen C., 1917 - 19 - 21 - 23.  
 Arnold, Stark W., 1865 - 87.  
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 \*Hinkle, James D., Jr., 1970 - 71 - 72 - 73 -  
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 \*Post, William, 1906.  
 \*Roberts, William H., 1932.  
 \*Talbot, W. D., 1906 - 07.  
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 \*Brubeck, Hatfield, 1957.  
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 \*Sammons, Bernard, 1958.  
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 \*Null, D. Walter, 1933.  
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 \*Snodgrass, Glen, 1931.  
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 \*Thomas, Wayne A., 1989 - 90.  
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 \*Burk, Robert W., Jr., 1969 - 70.  
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 Gardlan, Thomas, 1907 - 09.  
 Gregory, Robert L., 1915 - 17.  
 \*Handlan, Joseph M., 1966 - 59 - 60 - 61 - 62.  
 Henderson, H. C., 1893 - 95.  
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 Johnson, Okey, 1871.  
 Leonard, George K., 1869 - 70.  
 Loomis, George, 1875 - 77.  
 Marsh, Harvey, 1923 - 25.  
 \*Miller, Jack L., 1963 - 64 - 65 - 66 - 67 - 68 - 69.  
 Neale, Howard P., 1931 - 33.  
 Petarkin, W. G., 1911 - 13.  
 Staats, Edgar R., 1919 - 21.  
 Stevenson, William E., 1863 - 68.  
 Stuel, John W., 1879 - 81.  
 \*Swearingen, Andy, 1951 - 55 - 56 - 57.  
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\*Bailey, Billy Wayne, Jr., 1991 - 92 - 93 - 94 -  
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 \*Bailey, R. D., 1843.  
 Cook, Mitchell, 1870 - 71.  
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 \*Rundle, Juliet Walker, 1989 - 90.  
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EXHIBIT

6

tables

# Frank Deem

## From Ballotpedia

**Frank Deem** (b. March 20, 1928) is a former Republican member of the West Virginia State Senate, representing District 3 from 1994 to 2010 and from 1964 to 1978. Deem is a 2012 Republican candidate for District 3 of the West Virginia State Senate.

Deem has served as a delegate in the West Virginia House of Delegates two times. He served from 1954 to 1962, and then again from 1988 to 1990. Deem has also served two separate terms in the West Virginia State Senate. His first term was from 1964 to 1978, and he has also served from 1994 to 2010.

Deem has attended both West Virginia University and Mountain State Business College. He went on to earn his BS from Marietta College.

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<b>Frank Deem</b>	
<b>West Virginia State Senate, District 3</b>	
<b>Former member</b>	
<b>In office</b>	
1994 - 2010	
1964 - 1978	
<b>Party</b>	Republican
<b>Prior offices</b>	
<b>West Virginia House of Delegates</b>	
1954 - 1962	
1988 - 1990	
<b>Education</b>	
<b>Bachelor's</b>	Marietta College
<b>Military service</b>	
<b>Service/branch</b>	United States Navy

Deem has served in the United States Navy. He has also worked as an oil and gas producer as well as a businessman.<sup>[1]</sup>

## Committee assignments

While a member of the West Virginia State Senate, Deem served on the following committees:

- Banking and Insurance Committee, West Virginia Senate
- Energy, Industry and Mining Committee, West Virginia Senate
- Judiciary Committee, West Virginia Senate
- Labor Committee, West Virginia Senate
- Natural Resources Committee, West Virginia Senate
- Pensions Committee, West Virginia Senate

## Elections

### 2012

*See also: West Virginia State Senate elections, 2012*

Deem is running in the 2012 election for West Virginia State Senate, District 3. Deem is opposed by incumbent Donna J. Boley in the May 8 primary election. The general election takes place on November 6, 2012.<sup>[2]</sup>

### 2010

Frank Deem was defeated by David Nohe in the May 11 primary in his bid for re-election to the West Virginia State Senate, District 3.<sup>[3]</sup>

### 2006

On November 7, 2006, Frank Deem won re-election to the West Virginia State Senate, District 3.<sup>[4]</sup>

Deem raised \$17,750 for his campaign.<sup>[5]</sup>



### Donna Boley's Historical Election Opponents

<b>Year</b>	<b>Office</b>	<b>Primary/General</b>	<b>Opponent/Hometown</b>
1988	State Senate-3rd	Primary	No Opponent
1988	State Senate-3rd	General	Bruce Martin/Friendly (Tyler Co.)
1992	State Senate-3rd	Primary	No Opponent
1992	State Senate-3rd	General	Ronald Blakenship/Grantsville (Calhoun)
1996	State Senate-3rd	Primary	No Opponent
1996	State Senate-3rd	General	Louis F. Flade/St. Marys (Pleasants Co.)
2000	State Senate-3rd	Primary	No Opponent
2000	State Senate-3rd	General	Louis F. Flade/St. Marys (Pleasants Co.)
2004	State Senate-3rd	Primary	No Opponent
2004	State Senate-3rd	General	No Opponent
2008	State Senate-3rd	Primary	No Opponent
2008	State Senate-3rd	General	No Opponent