

**COURT OF COMMON PLEAS  
STARK COUNTY, OHIO**

**LOOK AHEAD AMERICA**  
% Curt C. Hartman, Legal Counsel  
7394 Ridgepoint Drive, Suite 8  
Cincinnati, Ohio 45230,

and

**MERRY LYNNE RINI**  
5064 High Mill Avenue NW  
Massillon, Ohio 44647,

Plaintiffs,

v.

**STARK COUNTY BOARD OF ELECTIONS**  
% Kyle L. Stone, Stark County Prosecutor  
110 Central Plaza South, Suite 510  
Canton, Ohio 44702,

and

**SAMUEL J. FERRUCCIO, JR.**  
Member, Stark County Board of Elections  
1255 Cobblefield Street NE  
North Canton, Ohio 44721,

and

**FRANK C. BRADEN**  
Member, Stark County Board of Elections  
353 Briar Avenue NE  
North Canton, Ohio 44720,

and

**WILLIAM S. CLINE**  
Member, Stark County Board of Elections  
515 Rose Lane SW  
North Canton, Ohio 44720,

: Case No. \_\_\_\_\_

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: Judge \_\_\_\_\_

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: **COMPLAINT**

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**and** :  
: **KODY V. GONZALEZ** :  
: **Member, Stark County Board of Elections** :  
: **6476 Shenandoah Avenue NW** :  
: **Canton, Ohio 44718,** :

**Defendants.**

Come now LOOK AHEAD AMERICA and MERRY LYNNE RINI and, for their Complaint, allege as follows:

1. Plaintiff LOOK AHEAD AMERICA is a non-profit corporation organized in Washington, DC, and is dedicated to empowering everyday Americans by protecting the election process.
2. Plaintiff MERRY LYNNE RINI is a resident and taxpayer of Stark County, Ohio, and a citizen of the State of Ohio.
3. Defendant STARK COUNTY BOARD OF ELECTIONS is the four-member public body responsible in Stark County, Ohio, for the enforcement of the election laws of the State of Ohio.
4. Defendant SAMUEL J. FERRUCCIO, JR., is one of the four members of the STARK COUNTY BOARD OF ELECTIONS.
5. Defendant FRANK C. BRADEN is one of the four members of the STARK COUNTY BOARD OF ELECTIONS.
6. Defendant WILLIAM S. CLINE is one of the four members of the STARK COUNTY BOARD OF ELECTIONS.
7. Defendant KODY V. GONZALEZ is one of the four members of the STARK COUNTY

BOARD OF ELECTIONS.

8. Defendants SAMUEL J. FERRUCCIO, JR., FRANK C. BRADEN, WILLIAM S. CLINE, and KODY V. GONZALEZ are referred collectively herein as “BOARD MEMBERS”.

9. The STARK COUNTY BOARD OF ELECTIONS is a “public office” as defined in R.C. 121.22(B)(4) which incorporates, by reference, the definition of “public office” in R.C. 149.011(A).

10. The STARK COUNTY BOARD OF ELECTIONS and the BOARD MEMBERS are subject to, *inter alia*, the mandates and restrictions within the Open Meetings Act, *i.e.*, R.C. 121.22.

**Overview of the Open Meetings Act**

11. The Open Meetings Act, R.C. 121.22, was enacted in order to require that all governmental decisions, as well as the discussions or deliberations thereon, are undertaken publicly and only at properly called and noticed meetings of the pertinent public body conducted in conformity with the requirements of law, including the Open Meetings Act.

12. The Open Meetings Act mandates and imposes certain restrictions and limitations upon the conducting of private executive sessions by members of a public body, including the BOARD MEMBERS.

13. Executive sessions are closed-door sessions convened by a public body during the course of a meeting of the public body wherein the general public is excluded from observing the public business being considered by the public body, including the discussions and deliberations of the members of the public body.

14. Pursuant to R.C. 121.22(G), the members of a public body may hold an executive session but only after a majority of a quorum of the public body determines, by a roll call vote, to hold an

executive session and only for purposes specifically authorized by that division.

15. Pursuant to R.C. 121.22(G), “[i]f a public body holds an executive session to consider any of the matters listed in divisions (G)(2) to (8) of this section, the motion and vote to hold that executive session shall state which one or more of the approved matters listed in those divisions are to be considered at the executive session.”

16. Pursuant to R.C. 121.22(G)(2), the members of a public body may meet in an executive session “[t]o consider the purchase of property for public purposes [or] the sale of property at competitive bidding ..., if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest.”

17. Thus, pursuant to R.C. 121.22(G)(2), the members of a public body may meet in an executive session to consider “the purchase of property for public purposes” but if and only if “premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest.”

18. Pursuant to R.C. 121.22(H), “[a] resolution, rule, or formal action adopted in an open meeting that results from deliberations in a meeting not open to the public is invalid unless the deliberations were for a purpose specifically authorized in division (G) ... of this section and conducted at an executive session held in compliance with this section.”

19. As developed below, the BOARD MEMBERS have been holding and conducting numerous executive sessions not in conformity with or limited to the specific purposes authorized by R.C. 121.22(G)(2).

20. As developed below, the BOARD MEMBERS have been holding and conducting

numerous executive sessions purportedly pursuant to R.C. 121.22(G)(2) but the motion and vote to hold that executive session failed to state fully which approved matter listed in R.C. 121.22(G)(2) was to be considered at the executive sessions.

***Events Leading to Action by Board of Elections  
Relative to Purchase of Equipment from Dominion Voting Systems, Inc.***

21. In the second half of 2018, the STARK COUNTY BOARD OF ELECTIONS contacted different vendors to obtain information and schedule on-site demonstrations of voting equipment relative to the potential purchase of new voting equipment. As a result, there were many in-depth conversations between the vendors and the STARK COUNTY BOARD OF ELECTIONS, including the staff of the BOARD OF ELECTIONS.

22. In September 2018, on-site demonstrations of potential voting equipment were made by potential vendors to the STARK COUNTY BOARD OF ELECTIONS and staff.

23. Ultimately, two vendors tendered proposals to the STARK COUNTY BOARD OF ELECTIONS for new voting equipment: (i) Electronic Systems & Software; and (ii) Dominion Voting Systems, Inc.

24. A true and accurate copy of the proposal submitted by Electronic Systems & Software tendered to the STARK COUNTY BOARD OF ELECTIONS in 2019 is attached hereto as *Exhibit A*.

25. A true and accurate copy of a revised proposal submitted by Electronic Systems & Software tendered to the STARK COUNTY BOARD OF ELECTIONS in 2020 is attached hereto as *Exhibit B*.

26. A true and accurate copy of a revised proposal submitted by Dominion Voting Systems,

Inc., tendered to the STARK COUNTY BOARD OF ELECTIONS in 2019 is attached hereto as *Exhibit C*; there was no revision to this proposal,

27. The proposals by Electronic Systems & Software and Dominion Voting Systems, Inc., were received by the STARK COUNTY BOARD OF ELECTIONS significantly prior to December 9, 2020.

28. In advance of a special meeting of the STARK COUNTY BOARD OF ELECTIONS scheduled for December 9, 2020, staff of the STARK COUNTY BOARD OF ELECTIONS made a bipartisan recommendation relative to the purchase of new voting equipment and specifically recommended acceptance of the proposal tendered by Dominion Voting Systems, Inc.

29. A true and accurate copy of the recommendation of the staff of the STARK COUNTY BOARD OF ELECTIONS for the purchase of new voting equipment and specifically recommending acceptance of the proposal tendered by Dominion Voting Systems, Inc., tendered in advance of the special meeting of the STARK COUNTY BOARD OF ELECTIONS scheduled for December 9, 2020, is attached hereto as *Exhibit D*.

30. In the morning of December 9, 2020, Jeffrey A. Matthews, the director of the Stark County Board of Elections, personally stated and declared to Brant Luther, the Stark County Administrator, that the STARK COUNTY BOARD OF ELECTIONS would be voting later that day to purchase voting machines from Dominion Voting Systems, Inc.

31. In the morning of December 9, 2020, Jeffrey A. Matthews, the director of the Stark County Board of Elections, personally stated and declared to Janet Weir Creighton, one of the three members of the Stark County Board of County Commissioners, that the STARK COUNTY BOARD OF ELECTIONS would be voting later that day to purchase voting machines from

Dominion Voting Systems, Inc.

32. Thus, the STARK COUNTY BOARD OF ELECTIONS considered that it possessed all information necessary to the selection of a vendor to provide new voting equipment and such information was fully submitted to the STARK COUNTY BOARD OF ELECTIONS and/or its staff in advance of the special meeting of the STARK COUNTY BOARD OF ELECTIONS held on December 9, 2020.

*Executive Session – December 9, 2020*

33. On December 9, 2020, the BOARD MEMBERS met and conducted a special meeting of the STARK COUNTY BOARD OF ELECTIONS.

34. A true and accurate copy of the meeting minutes of the STARK COUNTY BOARD OF ELECTIONS for the meeting held on December 9, 2020, and as produced pursuant to a public records request is attached hereto as *Exhibit E*.

35. During the course of and as part of the special meeting of the STARK COUNTY BOARD OF ELECTIONS held on December 9, 2020, the BOARD MEMBERS held and conducted a meeting in executive session under the auspices, according to its meeting minutes, of discussing “the purchase of property for public purposes”.

36. Nothing within the motion or vote to conduct part of the meeting of the STARK COUNTY BOARD OF ELECTIONS on December 9, 2020, in an executive session indicated or included that such executive session was necessary because the “premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest.”

37. Upon concluding the foregoing executive session during the course of and as part of the

meeting of the STARK COUNTY BOARD OF ELECTIONS held on December 9, 2020, the very next order of business was consideration of and approval of the purchase of voting equipment.

38. Specifically, and as indicated in the minutes of the meeting, *i.e.*, *Exhibit E*, immediately following the BOARD MEMBERS meeting in executive session under the purported auspices of considering, discussing, and/or deliberating “the purchase of property for public purposes” (but not that such consideration, discussions, and/or deliberations were necessary to prevent the “premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest”), the STARK COUNTY BOARD OF ELECTIONS formally approved the purchase of voting equipment from Dominion Voting Systems, Inc.

39. Based upon information and belief, when meeting in executive session immediately before approving the purchase of voting equipment from Dominion Voting Systems, Inc., on December 9, 2020, the BOARD MEMBERS discussed, considered, and/or deliberated in the executive session the purchase of the voting equipment from Dominion Voting Systems, Inc., which it then approved after concluding the executive sessions.

40. Based upon information and belief, at the time the BOARD MEMBERS met in executive session during the course of the meeting of the STARK COUNTY BOARD OF ELECTIONS on December 9, 2020, there was, at that time, no information the premature disclosure of which would give an unfair competitive or bargaining advantage to a person whose personal, private interest was adverse to the general public interest.

41. The general public was excluded from the executive session held and conducted during the course of the meeting of the STARK COUNTY BOARD OF ELECTIONS on December 9,

2020.

42. The resolution or action of the STARK COUNTY BOARD OF ELECTIONS on December 9, 2020, of approving the purchase of voting equipment from Dominion Voting Systems, Inc., was the result, in whole or in part, of the discussions, consideration, and/or deliberations that occurred in and as part of the executive session held and conducted during the course of the meeting of the STARK COUNTY BOARD OF ELECTIONS on December 9, 2020.

43. In holding and conducting part of the meeting of the STARK COUNTY BOARD OF ELECTIONS in executive session on December 9, 2020, the STARK COUNTY BOARD OF ELECTIONS and the BOARD MEMBERS have violated the letter and spirit of the Open Meetings Act.

*Executive Session – January 6, 2021*

44. On January 6, 2021, the BOARD MEMBERS met and conducted a regular meeting of the STARK COUNTY BOARD OF ELECTIONS.

45. A true and accurate copy of the meeting minutes of the STARK COUNTY BOARD OF ELECTIONS for the meeting held on January 6, 2021, is attached hereto as *Exhibit F*.

46. During the course of and as part of the regular meeting of the STARK COUNTY BOARD OF ELECTIONS held on January 6, 2021, the BOARD MEMBERS held and conducted a meeting in executive session under the auspices, according to its meeting minutes, of discussing “the purchase of property for public purposes”.

47. Nothing within the motion or vote to conduct part of the meeting of the STARK COUNTY BOARD OF ELECTIONS on January 6, 2021, in an executive session indicated or

included that such executive session was necessary because the “premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest.”

48. Upon concluding the foregoing executive session during the course of and as part of the meeting of the STARK COUNTY BOARD OF ELECTIONS held on January 6, 2021, the very next business addressed publicly by the STARK COUNTY BOARD OF ELECTIONS concerned the previous decision of the BOARD OF ELECTIONS to purchase the voting equipment from Dominion Voting Systems, Inc., including the pronouncement of the decision to stand by the prior decision for the adoption and purchase of the Dominion voting systems equipment.

49. Immediately after the BOARD MEMBERS met in executive session during the course of and as part of the meeting of the STARK COUNTY BOARD OF ELECTIONS held on January 6, 2021, SAMUEL J. FERRUCCIO, JR., publicly stated “we’ve discussed and revisited our decision with respect to Dominion Voting Systems, we’ve considered the claims that have been made against them, which we’ve determined to be false in 99.9% of the claims, and we stand by the decision for the adoption of the Dominion Voting System....”

50. During the course of the meeting of the STARK COUNTY BOARD OF ELECTIONS held on January 6, 2021, no vote was taken by the BOARD MEMBERS in public session by which the STARK COUNTY BOARD OF ELECTION adopted the position or made the decision to stand by the decision it had made for the purchase of voting equipment from Dominion Voting Systems, Inc.

51. Based upon information and belief, the decision by the BOARD MEMBERS to adopt the position or make the decision to stand by the decision it had made for the purchase of voting

equipment from Dominion Voting Systems, Inc., was made during the course of the executive session held during the course of and as part of the meeting of the STARK COUNTY BOARD OF ELECTIONS held on January 6, 2021.

52. During the course of the meeting of the STARK COUNTY BOARD OF ELECTIONS held on January 6, 2021, no vote was taken by the BOARD MEMBERS in public session by which the STARK COUNTY BOARD OF ELECTION determined that 99.9% of claims concerning voting equipment provided by Dominion Voting Systems, Inc., were false.

53. Based upon information and belief, the decision by the BOARD MEMBERS to adopt the position or make the conclusion that 99.9% of claims concerning voting equipment provided by Dominion Voting Systems, Inc., were false was made during the course of the executive session held during the course of and as part of the meeting of the STARK COUNTY BOARD OF ELECTIONS held on January 6, 2021.

54. During the course of the meeting of the STARK COUNTY BOARD OF ELECTIONS held on January 6, 2021, no discussion or information was presented to the STARK COUNTY BOARD OF ELECTION in public session concerning the claims concerning voting equipment provided by Dominion Voting Systems, Inc., including the validity *vel non* of such claims.

55. Based upon information and belief, the consideration, discussion, and/or deliberation by which the BOARD MEMBERS adopted the position or made the conclusion that 99.9% of claims concerning voting equipment provided by Dominion Voting Systems, Inc., occurred during the course of the executive session held during the course of and as part of the meeting of the STARK COUNTY BOARD OF ELECTIONS held on January 6, 2021.

56. Based upon information and belief, at the time the BOARD MEMBERS met in executive

session during the course of the meeting of the STARK COUNTY BOARD OF ELECTIONS on January 6, 2021, there was, at that time, no information the premature disclosure of which would give an unfair competitive or bargaining advantage to a person whose personal, private interest was adverse to the general public interest.

57. The general public was excluded from the executive session held and conducted during the course of the meeting of the STARK COUNTY BOARD OF ELECTIONS on January 6, 2021.

58. In holding and conducting part of the meeting of the STARK COUNTY BOARD OF ELECTIONS in executive session on January 6, 2021, the STARK COUNTY BOARD OF ELECTIONS and the BOARD MEMBERS have violated the letter and spirit of the Open Meetings Act.

***Executive Session – February 9, 2021***

59. On February 9, 2021, the BOARD MEMBERS met and conducted a regular meeting of the STARK COUNTY BOARD OF ELECTIONS.

60. A true and accurate copy of the meeting minutes of the STARK COUNTY BOARD OF ELECTIONS for the meeting held on February 9, 2021, is attached hereto as *Exhibit G*.

61. During the course of and as part of the regular meeting of the STARK COUNTY BOARD OF ELECTIONS held on February 9, 2021, the BOARD MEMBERS held and conducted a meeting in executive session under the auspices, according to its meeting minutes, of discussing “the purchase of property for public purposes”.

62. Nothing within the motion or vote to conduct part of the meeting of the STARK COUNTY BOARD OF ELECTIONS on February 9, 2021, in an executive session indicated or

included that such executive session was necessary because the “premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest.”

63. Upon concluding the foregoing executive session during the course of and as part of the meeting of the STARK COUNTY BOARD OF ELECTIONS held on February 9

64. Immediately after the BOARD MEMBERS met in executive session during the course of and as part of the meeting of the STARK COUNTY BOARD OF ELECTIONS held on February 9, 2021, SAMUEL J. FERRUCCIO, JR., publicly stated the STARK COUNTY BOARD OF ELECTIONS was directing the staff to contact the Stark County Board of County Commissioner to seek a firm date by which the Board of County Commissioner would make its decision on whether it would proceed forward to authorize the purchase of voting equipment from Dominion Voting Systems, Inc., as well as to direct staff to review the legal options of the BOARD OF ELECTIONS moving forward.

65. During the course of the meeting of the STARK COUNTY BOARD OF ELECTIONS held on February 9, 2021, no vote was taken by the BOARD MEMBERS in public session by which the STARK COUNTY BOARD OF ELECTION adopted the position or made the decision to direct staff to contact the Stark County Board of County Commissioner to seek a firm date by which the Board of County Commissioner would make its decision on whether it would proceed forward to authorize the purchase of voting equipment from Dominion Voting Systems, Inc.

66. Based upon information and belief, the decision by the BOARD MEMBERS to adopt the position or make the decision to direct staff to contact the Stark County Board of County Commissioner to seek a firm date by which the Board of County Commissioner would make its

decision on whether it would proceed forward to authorize the purchase of voting equipment from Dominion Voting Systems, Inc., was made during the course of the executive session held during the course of and as part of the meeting of the STARK COUNTY BOARD OF ELECTIONS held on February 9, 2021.

67. During the course of the meeting of the STARK COUNTY BOARD OF ELECTIONS held on February 9, 2021, no vote was taken by the BOARD MEMBERS in public session by which the STARK COUNTY BOARD OF ELECTION directed its staff to review legal options concerning the effort by the STARK COUNTY BOARD OF ELECTIONS to purchase voting equipment from Dominion Voting Systems, Inc.

68. Based upon information and belief, the decision by the BOARD MEMBERS to direct its staff to review legal options concerning the effort by the STARK COUNTY BOARD OF ELECTIONS to purchase voting equipment from Dominion Voting Systems, Inc., was made during the course of the executive session held during the course of and as part of the meeting of the STARK COUNTY BOARD OF ELECTIONS held on February 9, 2021.

69. Based upon information and belief, at the time the BOARD MEMBERS met in executive session during the course of the meeting of the STARK COUNTY BOARD OF ELECTIONS on February 9, 2021, there was, at that time, no information the premature disclosure of which would give an unfair competitive or bargaining advantage to a person whose personal, private interest was adverse to the general public interest.

70. The general public was excluded from the executive session held and conducted during the course of the meeting of the STARK COUNTY BOARD OF ELECTIONS on February 9, 2021.

71. In holding and conducting part of the meeting of the STARK COUNTY BOARD OF ELECTIONS in executive session on February 9, 2021, the STARK COUNTY BOARD OF ELECTIONS and the BOARD MEMBERS have violated the letter and spirit of the Open Meetings Act.

*Executive Session – March 15, 2021*

72. On March 15, 2021, the BOARD MEMBERS met and conducted a special meeting of the STARK COUNTY BOARD OF ELECTIONS.

73. A true and accurate copy of the draft meeting minutes of the STARK COUNTY BOARD OF ELECTIONS for the meeting held on March 15, 2021, is attached hereto as *Exhibit H*.

74. Based upon information and belief, the draft meeting minutes of the STARK COUNTY BOARD OF ELECTIONS for the meeting held on March 15, 2021, *i.e.*, *Exhibit H*, have been approved by the STARK COUNTY BOARD OF ELECTIONS.

75. During the course of and as part of the regular meeting of the STARK COUNTY BOARD OF ELECTIONS held on March 15, 2021, the BOARD MEMBERS held and conducted a meeting in executive session under the auspices, according to its meeting minutes, of discussing “the purchase of property for public purposes”.

76. Nothing within the motion or vote to conduct part of the meeting of the STARK COUNTY BOARD OF ELECTIONS on March 15, 2021, in an executive session indicated or included that such executive session was necessary because the “premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest.”

77. Immediately after the BOARD MEMBERS met in executive session during the course

of and as part of the meeting of the STARK COUNTY BOARD OF ELECTIONS held on March 15, 2021, SAMUEL J. FERRUCCIO, JR., publicly stated the STARK COUNTY BOARD OF ELECTIONS had no inclination to revisit the decision of the STARK COUNTY BOARD OF ELECTIONS to purchase voting equipment from Dominion Voting Systems, Inc.

78. Based upon information and belief, the position of the STARK COUNTY BOARD OF ELECTIONS as to revisiting its decision to purchase voting equipment from Dominion Voting Systems, Inc., was made in the executive session held during the course of the meeting of the STARK COUNTY BOARD OF ELECTIONS held on March 15, 2021, and the consideration, discussions, and/or deliberations taking place in that executive session.

79. Based upon information and belief, at the time the BOARD MEMBERS met in executive session during the course of the meeting of the STARK COUNTY BOARD OF ELECTIONS on March 15, 2021, there was, at that time, no information the premature disclosure of which would give an unfair competitive or bargaining advantage to a person whose personal, private interest was adverse to the general public interest.

80. The general public was excluded from the executive session held and conducted during the course of the meeting of the STARK COUNTY BOARD OF ELECTIONS on March 15, 2021.

81. In holding and conducting part of the meeting of the STARK COUNTY BOARD OF ELECTIONS in executive session on March 15, 2021, the STARK COUNTY BOARD OF ELECTIONS and the BOARD MEMBERS have violated the letter and spirit of the Open Meetings Act.

**Cause of Action**  
**Violation of Open Meetings Act**

82. The foregoing paragraphs are incorporated herein by reference as if fully restated.

83. By engaging in the conduct alleged herein, the STARK COUNTY BOARD OF ELECTIONS and the BOARD MEMBERS have violated and continue to threaten to violate the mandates and requirements of the Open Meetings Act, R.C. 121.22.

84. Due to the violations of or continued threatened violations of the Open Meetings Act, irreparable harm and prejudice is conclusively and irrebuttably presumed. *See* R.C. 121.22(I)(3).

85. Due to the violations of or continued threatened violations of the Open Meetings Act, the issuance of a statutory injunction is mandatory so as to compel the STARK COUNTY BOARD OF ELECTIONS and the BOARD MEMBERS to comply with the provisions of the Open Meetings Act, including, in particular, limiting meetings convened in executive session under R.C. 121.22(G)(2) only to those situation when the “premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest.” *See* R.C. 121.22(I)(1).

86. Because resolutions, rules, and/or formal action by the STARK COUNTY BOARD OF ELECTIONS resulted from deliberations in meetings of the STARK COUNTY BOARD OF ELECTIONS not open to the public and in violation of the Open Meetings Act, all such resolutions, rules, and/or formal action of any kind are invalid, *see* R.C. 121.22(H), including, without limitation, the action of the STARK COUNTY BOARD OF ELECTION at its meeting of December 9, 2020, wherein it approved the purchase of voting equipment from Dominion Voting Systems, Inc.

87. Due to the violations of or continued threatened violations of the Open Meetings Act,

Plaintiffs are entitled to a civil forfeiture against the STARK COUNTY BOARD OF ELECTIONS and the BOARD MEMBERS in the amount of five hundred dollars for each distinct violation of the Open Meetings Act, together with an award of attorney fees and court costs. *See* R.C. 121.22(I)(2)(a).

Wherefore, LOOK AHEAD AMERICA and MERRY LYNNE RINI here pray that the Court:

- a. issue judgment in their favor and against the STARK COUNTY BOARD OF ELECTIONS and the BOARD MEMBERS.
- b. declare that the STARK COUNTY BOARD OF ELECTIONS and the BOARD MEMBERS have violated the requirements and mandates of the Open Meetings Act in considering, discussing and/or deliberating in executive sessions beyond the scope authorized by the Open Meetings Act, including considering, discussing, and/or deliberating in executive session concerning the purchase of voting equipment from Dominion Voting Systems, Inc.
- c. issue an injunction compelling the STARK COUNTY BOARD OF ELECTIONS and the BOARD MEMBERS to comply with all provisions of the Open Meetings Act, including, without limitation, limiting meetings convened in executive session under R.C. 121.22(G)(2) only to those situations when the “premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest.”
- d. declare that all resolutions, rules, and/or formal action of any kind by the STARK COUNTY BOARD OF ELECTIONS that resulted from deliberations in meetings of the STARK COUNTY BOARD OF ELECTIONS not open to the public and in violation of the Open Meetings Act are invalid and, in particular, declare the action of the STARK COUNTY BOARD OF ELECTION at its meeting of December 9, 2020, wherein it approved the purchase of voting equipment from Dominion Voting Systems, Inc., to be invalid and of no legal effect.
- e. issue an injunction prohibiting the STARK COUNTY BOARD OF ELECTIONS and the BOARD MEMBERS from taking any further actions relative to effectuating or implementing the action of the STARK COUNTY BOARD OF ELECTION at its meeting of December 9, 2020, wherein it approved the purchase of voting equipment from Dominion Voting Systems, Inc.
- f. for matters discussed during any executive session that was held, in whole or in

part, in violation of the Open Meetings Act, including, without limitation, discussions or actions at the executive sessions identified above, issuance of an injunction directing the STARK COUNTY BOARD OF ELECTIONS and the BOARD MEMBERS to publicly declare, reveal, and document all discussions improperly held in executive session and to do so in a manner that complies fully with the legal obligation of the STARK COUNTY BOARD OF ELECTIONS and the BOARD MEMBERS that the minutes of all meetings (including those illegally held in executive session) contain sufficient facts and information to permit the public to understand and appreciate the rationale behind the BOARD MEMBER's decisions;

- g. award Plaintiffs a civil forfeiture of five hundred dollars for each distinct violation of the Open Meetings Act, as well as an award of all court costs and reasonable attorney's fees.
- h. grant such other relief to which Plaintiffs may be entitled in law or in equity.

Respectfully submitted,

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Curt C. Hartman (0064242)  
THE LAW FIRM OF CURT C. HARTMAN  
7394 Ridgepoint Drive, Suite 8  
Cincinnati, Ohio 45230  
(513) 379-2923  
*hartmanlawfirm@fuse.net*

Christopher P. Finney (0038998)  
FINNEY LAW FIRM LLC  
4270 Ivy Pointe Blvd., Suite 225  
Cincinnati, Ohio 45245  
(513) 943-6655

*Attorneys for Plaintiffs*  
*Look Ahead America and Merry Lynne Rini*



**Stark County, Ohio**  
**Purchase Proposal Quote**  
 Submitted by Election Systems & Software

Purchase Solution Includes:

Quantity	Item Description	Unit Price	Extended Price
<b>State-Funded Hardware Items</b>			
<b>Model DS850 High Speed Digital Image Scanner:</b>			
2	Model DS850 Version 1.0 (Includes Scanner, Steel Table/Cart, Start-up Kit, Dust Cover, Reports Printer, Audit Printer, Battery Backup, Two (2) USB Cables, Three (3) Standard 8GB Memory Devices, and Five (5) Year Extended Hardware Warranty with Biennial Maintenance)	\$108,270.00	\$216,540.00
	DS850 Initial Annual License Fee	Included	Included
<b>ExpressVote Tabulator with Hub and Reports Printer:</b>			
175	ExpressVote Tabulator Version 2.1 (Includes Tabulator Terminal, Internal Backup Battery, Rolling Kiosk with Card Bin, Hub with Reports Printer, Paper Roll, ADA Keypad, Headphones, One (1) Standard 4GB Memory Device, and Five (5) Year Extended Hardware Warranty)	\$4,423.00	\$774,025.00
<b>ExpressVote Tabulator WITHOUT Hub or Reports Printer:</b>			
1,275	ExpressVote Tabulator Version 2.1 (Includes Tabulator Terminal, Internal Backup Battery, Rolling Kiosk with Card Bin, ADA Keypad, Headphones, One (1) Standard 4GB Memory Device, and Five (5) Year Extended Hardware Warranty)	\$3,955.00	\$5,042,625.00
<b>Ballot On Demand:</b>			
3	C711 OkiData Compact Printer with Five (5) Year Hardware Warranty	\$3,795.00	\$11,385.00
2	Ballot On Demand Laptop Computer	\$1,320.00	\$2,640.00
<b>State-Funded Software and Third Party EMS</b>			
1	ElectionWare Software - EVS 6.x.x.x PYO Standard (Base Package with English Language Synthesized Voice Files)	\$15,395.00	\$15,395.00
	Balotat Software with MRS and SRS Capability (One (1) License Required Per Ballot On Demand Laptop)	\$2,845.00	\$5,690.00
<b>Third Party Products</b>			
1	EMS Third Party Hardware		\$14,998.00
<b>State-Funded Election Services</b>			
X	Equipment and Software Installation		\$202,175.00
X	1 Year Firmware and Software Warranty (See Years 2-5 Pricing Below)		Included
<b>Shipping &amp; Other</b>			
X	Shipping and Handling		See Note Below
<b>Total State-Funded Implementation Price</b>			<b>\$6,285,473.00</b>

**Note:**

1. Total State-Funded Implementation Purchase Price does not include Shipping & Handling costs which will be billed at actual.

<b>Years 2-5 State-Funded Software and Firmware Licensing and Support</b>			
<b>Firmware License and Support Fees:</b>			
2	Firmware License - DS850	\$6,300.00	\$12,600.00
1,450	Firmware License - ExpressVote Tabulator	\$260.00	\$377,000.00
<b>Software License and Support Fees:</b>			
1	ElectionWare Software - EVS 6.x.x.x PYO Standard (Base Package with English Language Synthesized Voice Files)	\$61,580.00	\$61,580.00
2	Balotat Software with MRS and SRS Capability	\$7,380.00	\$14,760.00
<b>Total Years 2-5 Software and Firmware Licensing and Support Fees</b>			<b>\$465,940.00</b>
<b>Total State-Funded Implementation Price Plus Years 2-5 State-Funded Software and Firmware Licensing and Support Fees</b>			<b>\$6,751,413.00</b>
<b>Funds Allocated to Stark County, Ohio by the Secretary of State's Office</b>			<b>\$3,268,344.74</b>
<b>Remaining State-Funded Items balance to be paid by Stark County, Ohio</b>			<b>\$3,483,068.26</b>

**Exhibit A**



**Stark County, Ohio**  
**Purchase Proposal Quote**  
 Submitted by Election Systems & Software

Purchase Solution Includes:

<u>Quantity</u>	<u>Item Description</u>	<u>Unit Price</u>	<u>Extended Price</u>
<b>Non-State-Funded Hardware</b>			
	<b>ExpressVote:</b>		
380	ExpressVote Printer (For Printing of ExpressVote Activation Cards)	\$725.00	\$275,500.00
<b>Non-State-Funded Election Services</b>			
5	Project Management	\$1,700.00 Per Day	\$8,500.00
2	Equipment Operations Training	\$1,700.00 Per Day	\$3,400.00
X	Software Training	\$1,700.00 Per Day	\$8,500.00
1	Election On-Site Support (One Event includes a person on-site the day before, day of, and day after election)	\$4,675.00 Per Event	\$4,675.00
X	Discount for Non-State-Funded Hardware		(\$275,500.00)
<b>Total Non-State-Funded Implementation Price</b>			<b>\$25,075.00</b>
<b>Remaining State-Funded Items balance to be paid by Stark County, Ohio</b>			<b>\$3,483,068.26</b>
<b>Total Purchase Solution Price Owed by Stark County, Ohio</b>			<b>\$3,508,143.26</b>
<b>Non-State-Funded Ballot On Demand Processing Fees</b>			
	Ballot Processing Fee for each Black & White Ballot Sheet Printed:		\$0.35 Per Sheet
	Ballot Processing Fee for each Ballot Sheet Printed with Color:		\$0.45 Per Sheet
	Ballot Processing Fees Include The Following Consumables:		
	Black Toner		
	Waste Toner Boxes		
	Black Image Drums		
	Color Toners		
	Color Drums		
	Transfer Belts		
	Fusers		
	Shipping & Handling for Consumables listed above		
	Blank Ballot Stock		\$0.10 Per Sheet Plus Shipping & Handling
	<b>Pre-Election Setup for Ballot On Demand System</b>		
	<b>If Off-Site setup is chosen by Customer:</b>		
	- \$350.00 per election set-up + \$1.00 per unique pdf (up to 4 computers) plus \$40.00 per computer over 4 units		
	<b>Rework of set up due to customer changes after initial set up is complete:</b>		
	- \$175.00 per change event		
	- \$40.00 per computer over 4 units		
	<b>If Off-Site setup is not chosen by Customer:</b>		
	- On-Site Setup fee charged of \$1,700.00 per person, per day		
<b>Annual Post-Warranty License and Maintenance and Support Fees for Years 6-10</b>			
<b>Annual Post-Warranty Hardware Maintenance and Support Fees:</b>			
2	HMA DS850 - Extended Warranty with Biennial Maintenance	\$2,803.00	\$5,606.00
1,450	HMA ExpressVote Tabulator - Extended Warranty	\$111.00	\$160,950.00
<b>Annual Post-Warranty Firmware License and Maintenance and Support Fees:</b>			
2	Firmware License - DS850	\$1,748.00	\$3,496.00
1,450	Firmware License - ExpressVote Tabulator	\$72.00	\$104,400.00
<b>Annual Post-Warranty Software License and Maintenance and Support Fees:</b>			
1	ElectionWare Software - EVS 6.x.x.x PYO Standard (Base Package with English Language Synthesized Voice Files and Digital Adjudication)	\$19,225.00	\$19,225.00
1	Ballot Software with MRS and SRS Capability	\$2,304.00	\$2,304.00
<b>Total Annual Post-Warranty License and Maintenance and Support Fees for Years 6-10</b>			<b>\$295,981.00</b>
<b>Years 6-10 Total License and Maintenance and Support Fees</b>			<b>\$1,479,905.00</b>

**Footnotes:**

1. This quote is an estimate and is subject to final review and approval by both ES&S and the Customer.
2. Rates valid for 60 days and thereafter may change.
3. Any applicable (City & State) sales taxes have not been included in pricing and are the responsibility of the customer.



**Stark County, Ohio**  
**Purchase Proposal Quote**  
 Submitted by Election Systems & Software

Purchase Solution Includes:

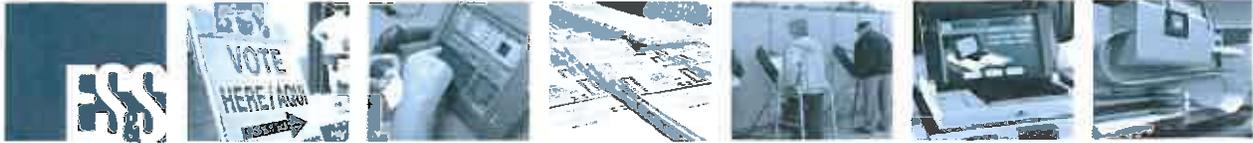
<u>Quantity</u>	<u>Item Description</u>	<u>Unit Price</u>	<u>Extended Price</u>
<b>State-Funded Hardware Items</b>			
	<b>Model DS850 High Speed Digital Image Scanner:</b>		
2	Model DS850 Version 1.0 (Includes Scanner, Steel Table/Cart, Start-up Kit, Dust Cover, Reports Printer, Audit Printer, Battery Backup, Two (2) USB Cables, Three (3) Standard 8GB Memory Devices, and Five (5) Year Extended Hardware Warranty with Biennial Maintenance)	\$108,270.00	\$216,540.00
2	DS850 Initial Annual License Fee	Included	Included
10	Standard 8GB Memory Device (Additional)	\$210.00	\$2,100.00
	<b>ExpressVote Tabulator with Hub and Reports Printer:</b>		
175	ExpressVote Tabulator Version 2.1 (Includes Tabulator Terminal, Internal Backup Battery, Rolling Kiosk with Card Bin, Hub with Reports Printer, Paper Roll, ADA Keypad, Headphones, One (1) Standard 4GB Memory Device, and Five (5) Year Extended Hardware Warranty)	\$4,423.00	\$774,025.00
	<b>ExpressVote Tabulator WITHOUT Hub or Reports Printer:</b>		
1,275	ExpressVote Tabulator Version 2.1 (Includes Tabulator Terminal, Internal Backup Battery, Rolling Kiosk with Card Bin, ADA Keypad, Headphones, One (1) Standard 4GB Memory Device, and Five (5) Year Extended Hardware Warranty)	\$3,955.00	\$5,042,625.00
100	Standard 4GB Memory Device (Additional)	\$105.00	\$10,500.00
	<b>Ballot On Demand:</b>		
3	C711 OkiData Compact Printer with Five (5) Year Hardware Warranty	\$3,795.00	\$11,385.00
2	Ballot On Demand Laptop Computer	\$1,320.00	\$2,640.00
<b>State-Funded Software and Third Party EMS</b>			
1	ElectionWare Software - EVS 6.x.x.x PYO Standard (Base Package with English Language Synthesized Voice Files)	\$15,395.00	\$15,395.00
2	Ballot Software with MRS and SRS Capability (One (1) License Required Per Ballot On Demand Laptop)	\$2,845.00	\$5,690.00
	<b>Third Party Products</b>		
1	EMS Third Party Hardware		\$14,998.00
<b>State-Funded Election Services</b>			
X	Equipment and Software Installation		\$202,175.00
X	1 Year Firmware and Software Warranty (See Years 2-5 Pricing Below)		Included
	<b>Shipping &amp; Other</b>		
X	Shipping and Handling		See Note Below
<b>Total State-Funded Implementation Price</b>			<b>\$6,298,073.00</b>

**Note:**

- Total State-Funded Implementation Purchase Price does not include Shipping & Handling costs which will be billed at actual.

<b>Funds Allocated to Stark County, Ohio by the Secretary of State's Office</b>		<b>\$3,248,344.74</b>	
<b>Remaining State-Funded Items balance to be paid by Stark County, Ohio</b>		<b>\$3,029,728.26</b>	
<b>Non-State-Funded Hardware</b>			
	<b>ExpressVote:</b>		
380	ExpressVote Printer (For Printing of ExpressVote Activation Cards)	\$725.00	\$275,500.00
<b>Non-State-Funded Election Services</b>			
5	Project Management	\$1,700.00 Per Day	\$8,500.00
2	Equipment Operations Training	\$1,700.00 Per Day	\$3,400.00
5	Software Training	\$1,700.00 Per Day	\$8,500.00
1	Election On-Site Support (One Event includes a person on-site the day before, day of, and day after election)	\$4,675.00 Per Event	\$4,675.00
X	Discount for Non-State-Funded Hardware		(\$275,500.00)
<b>Total Non-State-Funded Implementation Price</b>			<b>\$25,075.00</b>
<b>Remaining State-Funded Items balance to be paid by Stark County, Ohio</b>			<b>\$3,029,728.26</b>
<b>Total Purchase Solution Price Owed by Stark County, Ohio</b>			<b>\$3,054,803.26</b>

**Exhibit B**



**Stark County, Ohio**  
**Purchase Proposal Quote**  
 Submitted by Election Systems & Software

Purchase Solution Includes:

<u>Quantity</u>	<u>Item Description</u>	<u>Unit Price</u>	<u>Extended Price</u>
<b>Non-State-Funded Ballot On Demand Processing Fees</b>			
	Ballot Processing Fee for each Black & White Ballot Sheet Printed:		\$0.35 Per Sheet
	Ballot Processing Fee for each Ballot Sheet Printed with Color:		\$0.45 Per Sheet
	Ballot Processing Fees Include The Following Consumables:		
	Black Toner		
	Waste Toner Boxes		
	Black Image Drums		
	Color Toners		
	Color Drums		
	Transfer Belts		
	Fusers		
	Shipping & Handling for Consumables listed above		
	Blank Ballot Stock		\$0.10 Per Sheet Plus Shipping & Handling
	<b>Pre-Election Setup for Ballot On Demand System</b>		
	<b>If Off-Site setup is chosen by Customer:</b>		
	- \$350.00 per election set-up + \$1.00 per unique pdf (up to 4 computers) plus \$40.00 per computer over 4 units		
	<b>Rework of set up due to customer changes after initial set up is complete:</b>		
	- \$175.00 per change event		
	- \$40.00 per computer over 4 units		
	<b>If Off-Site setup is not chosen by Customer:</b>		
	- On-Site Setup fee charged of \$1,700.00 per person, per day		
<b>Annual Software and Firmware Licensing and Support for Years 2-5</b>			
	<b>Firmware License and Support Fees:</b>		
2	Firmware License - DS850	\$1,575.00	\$3,150.00
1,450	Firmware License - ExpressVote Tabulator	\$65.00	\$94,250.00
	<b>Software License and Support Fees:</b>		
1	ElectionWare Software - EVS 6.x.x.x PYO Standard (Base Package with English Language Synthesized Voice Files)	\$15,395.00	\$15,395.00
2	Balotat Software with MRS and SRS Capability	\$1,845.00	\$3,690.00
	<b>Annual Software and Firmware Licensing and Support Fees (Starting in Year 2)</b>		<b><u>\$116,485.00</u></b>
<b>Annual Post-Warranty License and Maintenance and Support Fees for Years 6-10</b>			
	<b>Annual Post-Warranty Hardware Maintenance and Support Fees:</b>		
2	HMA DS850 - Extended Warranty with Biennial Maintenance	\$2,803.00	\$5,606.00
1,450	HMA ExpressVote Tabulator - Extended Warranty	\$111.00	\$160,950.00
	<b>Annual Post-Warranty Firmware License and Maintenance and Support Fees:</b>		
2	Firmware License - DS850	\$1,748.00	\$3,496.00
1,450	Firmware License - ExpressVote Tabulator	\$72.00	\$104,400.00
	<b>Annual Post-Warranty Software License and Maintenance and Support Fees:</b>		
1	ElectionWare Software - EVS 6.x.x.x PYO Standard (Base Package with English Language Synthesized Voice Files and Digital Adjudication)	\$19,225.00	\$19,225.00
1	Balotat Software with MRS and SRS Capability	\$2,304.00	\$2,304.00
	<b>Total Annual Post-Warranty License and Maintenance and Support Fees for Years 6-10</b>		<b><u>\$295,981.00</u></b>
	<b>Years 6-10 Total License and Maintenance and Support Fees</b>		<b><u>\$1,479,905.00</u></b>

**Footnotes:**

- This quote is an estimate and is subject to final review and approval by both ES&S and the Customer.
- Rates valid for 60 days and thereafter may change.
- Any applicable (City & State) sales taxes have not been included in pricing and are the responsibility of the customer.
- ES&S will provide Customer a \$250,000 credit on account that can be used towards the future purchase of Table B items at any time between the effective date of the contract and December 31, 2022.

**EXHIBIT A**

**TO THE VOTING SYSTEM AND SERVICES AGREEMENT  
BY AND BETWEEN DOMINION VOTING SYSTEMS, INC.  
AND THE COUNTY OF STARK, OHIO**

**PRICING SUMMARY AND DELIVERABLES DESCRIPTION**

1. **Pricing Summary** - Prices of equipment, technical facilities, software, and other related services for voting, vote counting, and result processing. All pricing in U.S. Dollars.

**Table A: State-Funded Items pursuant to Exhibit C**

DESCRIPTION	QTY	UNIT PRICE	EXTENSION PRICE
<b>Central Scanning Solution: Absentee / Vote By Mail Hardware</b>			
ImageCast Central Kit: Canon DR-G2140 high speed document scanner includes: ImageCast Central Software, Dell OptiPlex All-in-One, iButton programmer and key, cables	4	\$ 25,000.00	\$ 100,000.00
<b>Sub-Total:</b>			<b>\$100,000.00</b>
<b>In-Person Voting Solution: Polling Location Hardware</b>			
ImageCast X DRE w/VVPAT (21 inch) Kit includes: ICX Firmware, Tablet, 5 voter activation cards, VVPAT, cables, power cord	1,450	\$ 3,500.00	\$5,075,000.00
ATI Accessible Voting Kit for ICX USB	150	\$ 375.00	\$56,250.00
ImageCast X Voting Leg Stand	1,450	\$350.00	\$507,500.00
BOD System includes Lexmark CS932 printer, laptop, cables, cart	3	13,500.00	\$40,500.00
ICX Technician Smartcard	150	\$ 8.00	\$1,200.00
Dual Bay Battery Charger	75	\$ 165.00	\$12,375.00
8GB USB Flash Drive	1,450	\$17.00	\$24,650.00
<b>Sub-Total:</b>			<b>\$5,717,475.00</b>
<b>Election Management Hardware</b>			
Democracy Suite EMS Express Server - up to 7 clients	1	\$ 17,000.00	\$ 17,000.00
EMS Client Workstation Configuration Kit	6	\$ 2,500.00	\$ 15,000.00
EMS Report Printer	2	\$ 250.00	\$ 500.00
Adjudication workstation	1	\$1,900.00	\$1,900.00
Smart Card Reader/Writer	5	\$22.00	\$110.00
<b>Sub-Total:</b>			<b>\$34,510.00</b>
<b>Software (initial purchase)</b>			
Democracy Suite (EMS) Application v. 5.5	1	\$ 170,000.00	\$ 170,000.00
Adjudication Software	1	\$35,000.00	\$35,000.00
<b>Sub-Total</b>			<b>\$205,000.00</b>
<b>Implementation Services</b>		<b>Days</b>	
Voting System Deployment (e.g., software, installation & configuration, acceptance testing, etc.)	40	\$ 2,000.00	\$80,000.00
<b>Sub-Total:</b>			<b>\$80,000.00</b>

<b>Election Services</b>	<b>#</b>		
Logic and Accuracy Testing Support	5	\$ 2,000.00	\$10,000.00
<b>Sub-Total:</b>			<b>\$10,000.00</b>
<b>Purchase - Year 1 Sub-Total:</b>			<b>\$6,146,985.00</b>
Shipping	1		\$25,000.00
<b>Purchase - Year 1 Total:</b>			<b>\$6,171,985.00</b>
<b>State Payment Obligation</b>			<b>(\$3,268,344.74)</b>
<b>Customer Payment Obligation (pre trade-in allowance)</b>			<b>\$2,903,640.30</b>

**Table B: Non-State Funded Items pursuant to Exhibit C**

DESCRIPTION	QTY	UNIT PRICE	EXTENSION PRICE
<b>In-Person Voting Solution: Polling Location Hardware</b>			
Backup Battery	150	\$168.00	\$25,200.00
Bag – ICX Prime = VVPAT + ICX Stand	1,450	\$100.00	\$145,000.00
<b>Sub-Total:</b>			<b>\$170,200.00</b>
<b>Additional Supplies</b>			
Seals – Sticker (tamper evident – 25 pack)	60	\$16.75	\$1,005.00
Seals – Sticker (pull quick – 100 pack)	120	\$6.75	\$810.00
VVPAT Paper Rolls	1,450	\$4.00	\$5,800.00
<b>Sub-Total:</b>			<b>\$7,615.00</b>
<b>Implementation Services</b>			
	<b>Days</b>		
Training	15	\$ 2,000.00	\$ 30,000.00
<b>Sub-Total:</b>			<b>\$30,000.00</b>
<b>Election Services</b>			
	<b>Days</b>		
Election Ballot Setup (per Election)	1	\$ 20,000.00	\$ 20,000.00
Election On-Site Support (3 day per Election)	2	\$ 4,500.00	\$ 9,000.00
Additional On-Site Support (per day)	15	\$ 2,000.00	\$ 30,000.00
Additional			
Off-Site Support (per hour)	40	\$ 235.00	\$ 9,400.00
<b>Sub-Total:</b>			<b>\$68,400.00</b>
<b>Purchase Year 1 Sub-Total:</b>			<b>\$276,215.00</b>
Trade-in Equipment Allowance			<b>(\$1,704,119.80)</b>
<b>Non-State-Funded Purchase - Year 1 Total:</b>			<b>(\$1,427,904.80)</b>
<b>Customer Payment Obligation (with trade-in allowance)</b>			<b>\$1,475,735.50</b>

**ANNUAL SOFTWARE LICENSE FEES**

(Beginning January 1, 2022. All invoices will be issued on January 1 of each year)

<b>ANNUAL LICENSE FEE: YEARS 2022 - 2030</b>			
Democracy Suite (EMS) Software License	1	\$ 34,000.00	\$ 34,000.00
ICC Adjudication Software License	1	\$ 7,000.00	\$ 7,000.00
ICC Annual Software License – G2140	4	\$ 2,575.00	\$ 10,300.00
ICX DRE with VVPAT Software License	1,450	\$ 95.00	\$137,750.00
BOD Ballot Printing (Ballot on Demand – Runbeck)	3	\$2,000.00	\$6,000.00
<b>Total:</b>			<b>\$195,050.00</b>
	<b>Total Years 2-5</b>		<b>\$780,200.00</b>
	<b>Total Years 6-10</b>		<b>\$975,250.00</b>

**ANNUAL HARDWARE WARRANTY FEES**

(Beginning January 1, 2022. All invoices will be issued on January 1 of each year)

<b>ANNUAL HARDWARE WARRANTY FEE: YEARS 2022 - 2030</b>			
ICC Hardware Warranty – G2140	4	\$ 1,500.00	\$ 6,000.00
ICX DRE with VVPAT Hardware Warranty	1,450	\$ 90.00	\$ 130,500.00
<b>Total:</b>			<b>\$136,500.00</b>
	<b>Total Years 2-5</b>		<b>\$546,000.00</b>
	<b>Total Years 6-10</b>		<b>\$682,500.00</b>

2. **Payment Schedule** - Dominion shall provide invoices to the Customer for the Year 1 System and services as described below. Ongoing licenses and warranties will be invoiced annually, and services will be invoiced immediately after the service is provided. The Customer shall pay invoices in a timely manner and no later than thirty (30) calendar days from receipt of a Dominion invoice. Payments specified in this Exhibit A are exclusive of all excise, sale, use and other taxes imposed by any governmental authority, all of which taxes shall be reimbursed by the Customer.

<b>ID</b>	<b>Payment Invoice Detail</b>	<b>Payment Amount</b>
1	Agreement Signing	20% of the Customer Obligation for Year 1 Purchase Amount
2	System Acceptance	70% of the Customer Obligation for Year 1 Purchase Amount
3	Certification of First Election	10% of the Customer Obligation for Year 1 Purchase Amount

ID	Payment Invoice Detail	Payment Amount
	<b>Annual Software and Warranty Fees (2022 – 2025)</b>	<b>Invoice issued January 1 of each year</b>
4	Software License Fee	<b>\$195,050.00</b>
5	Hardware Warranty Fee	<b>\$136,500.00</b>
	<b>Annual Software and Warranty Fees (2026 – 2030)</b>	<b>Invoice issued January 1 of each year</b>
6	Software License Fee	<b>\$195,050.00</b>
7	Hardware Warranty Fee	<b>\$136,500.00</b>

## Revised Exhibit A

Samuel J. Ferruccio, Jr.  
*Chairman*  
Frank C. Braden  
William S. Cline  
Dimitrios Pousoulides

# Stark County Board of Elections

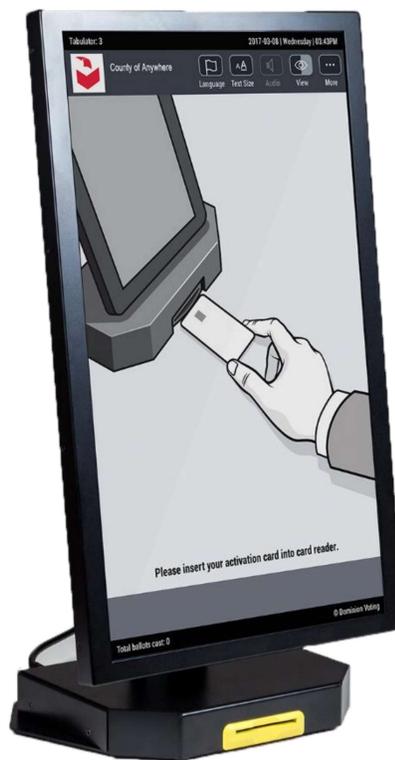
3525 Regent Ave. NE  
Canton, Ohio 44705-3917  
Phone: (330) 451-8683  
Fax: (330) 451-7000  
Website:  
[www.starkcountyohio.gov/elections](http://www.starkcountyohio.gov/elections)

Jeffrey A. Matthews  
*Director*

Regine D. Johnson  
*Deputy Director*

### Members of the Board:

The Director, Deputy Director and Staff of the Stark County Board of Elections are making a recommendation for the purchase of new voting equipment. After much consideration, we are recommending the purchase of Dominion Voting Systems, ICX.



The ICX is Dominion's Direct-Recording Electronic Voting Machine (DRE) and is similar to the TSX machine that has been used by voters in Stark County for nearly fifteen years. This familiarity will help the voters, poll workers and staff transition to the new equipment.

The Stark County Board of Elections will be using the Voting Equipment Acquisition Program that was passed by the Ohio General Assembly in Am. Sub. S.B. 135 on June 27, 2018. The program allocated \$3,268,345 to Stark County for the purchase of new voting equipment.

VOTE

VOTE

VOTE

Exhibit D

Revised Exhibit A

Samuel J. Ferruccio, Jr.  
*Chairman*  
 Frank C. Braden  
 William S. Cline  
 Dimitrios Pousoulides

# Stark County Board of Elections

3525 Regent Ave. NE  
 Canton, Ohio 44705-3917  
 Phone: (330) 451-8683  
 Fax: (330) 451-7000  
 Website:  
[www.starkcountyohio.gov/elections](http://www.starkcountyohio.gov/elections)

Jeffrey A. Matthews  
*Director*

Regine D. Johnson  
*Deputy Director*

The costs of the Dominion Voting Systems, ICX are broken out below:

Items Eligible for the use of State Funding

Product/Service	Description	Qty	Unit Price	Extension
Image Cast Central Kit	Optical Ballot Scanners	4	\$25,000.00	\$100,000.00
Mobile Ballot Printing Kit	Optical Scan Ballot Printers	3	\$13,500.00	\$40,500.00
ImageCast X Kit Prime VVPAT	DRE Voting Machine	1,450	\$3,500.00	\$5,075,000.00
ImageCast X Prime Stand	DRE Base with Legs	1,450	\$350.00	\$507,500.00
ImageCast X Smart Card Writer	Smart Card Writer for Voter and Supervisor Cards	5	\$22.00	\$110.00
ImageCast X Prime Battery Charger	Dual Batter Charger	75	\$165.00	\$12,375.00
ATI Kit-ICX-USB	ADA Voting Device	150	\$375.00	\$56,250.00
USB Flash Drive – 8GB	Memory Cards for Voting Machines	1,450	\$17.00	\$24,650.00
ImageCast X Technician Card	Admin Smart Card	150	\$8.00	\$1,200.00
EMS Standard Server Kit	Election Management Server	1	\$17,000.00	\$17,000.00
EMS Ajudication Workstation	Scanning Management PC	1	\$1,900.00	\$1,900.00
EMS Client Workstation Kit	Election Management PC	6	\$2,500.00	\$15,000.00
EMS Report Printer	Printer and Management Printers	2	\$250.00	\$500.00
Democracy Suite Standard	Software	1	\$170,000.00	\$170,000.00
Ajudication Module	Ajudication Software	1	\$35,000.00	\$35,000.00

VOTE

VOTE

VOTE

Revised Exhibit A

Samuel J. Ferruccio, Jr.  
*Chairman*  
Frank C. Braden  
William S. Cline  
Dimitrios Pousoulides

# Stark County Board of Elections

3525 Regent Ave. NE  
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[www.starkcountyohio.gov/elections](http://www.starkcountyohio.gov/elections)

Jeffrey A. Matthews  
*Director*

Regine D. Johnson  
*Deputy Director*

Project Management	Acceptance Testing per day	40	\$2,000.00	\$80,000.00
L&A Support	Logic and Accuracy Testing	5	\$2,000.00	\$10,000.00
			<b>TOTAL</b>	<b>\$6,146,985.00</b>
			<b>State Funding</b>	<b>(\$3,268,344.74)</b>
			<b>Remaining</b>	<b>\$2,878,640.26</b>



VOTE

VOTE

VOTE

Revised Exhibit A

Samuel J. Ferruccio, Jr.  
*Chairman*  
 Frank C. Braden  
 William S. Cline  
 Dimitrios Pousoulides

# Stark County Board of Elections

3525 Regent Ave. NE  
 Canton, Ohio 44705-3917  
 Phone: (330) 451-8683  
 Fax: (330) 451-7000  
 Website:  
[www.starkcountyohio.gov/elections](http://www.starkcountyohio.gov/elections)

Jeffrey A. Matthews  
*Director*

Regine D. Johnson  
*Deputy Director*

Items Not Eligible for the use of State Funding

Product/Service	Description	Qty	Unit Price	Extension
Transport Bag	Transport bags for Election Day	1,450	\$100.00	\$145,000.00
ImageCast X VVPAT Paper	Paper Rolls for voting machines	1,450	\$4.00	\$5,800.00
Seals – Pull Quick (25/pack)	Security Seal	60	\$16.75	\$810.00
Seals – Tamper Evident Seal (25/pack)	Security Seal	60	\$16.75	\$1,005.00
ImageCast X Prime Backup Battery	Backup battery	150	\$168.00	\$25,200.00
Shipping	Estimated Shipping	1	\$25,000.00	\$25,000.00
On-Site Services	Non Election Day Support per day	15	\$2,000.00	\$30,000.00
Off-Site Services	Off-Site Support per hour	40	\$235.00	\$9,400.00
On-Site Services	Election Day Service	2	\$4,500.00	\$9,000.00
Training	Staff Training per day	15	\$2,000.00	\$30,000.00
Election Setup	Election and Ballot Setup First Year	1	\$20,000.00	\$20,000.00
			<b>TOTAL</b>	<b>\$301,215.00</b>

VOTE

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Revised Exhibit A

Samuel J. Ferruccio, Jr.  
*Chairman*  
 Frank C. Braden  
 William S. Cline  
 Dimitrios Pousoulides

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## Project Total Summary

<b>Total Eligible for State Funding</b>	<b>\$6,146,985.00</b>
<b>Total Non Eligible for State Funding</b>	<b>\$301,215.00</b>
<b>TOTAL PROJECT COST</b>	<b>\$6,448,200.00</b>
<b>Stark State Funding Allocation</b>	<b>(\$3,268,344.74)</b>
<b>Trade-In Value for Current Inventory</b>	<b>(\$1,704,119.80)</b>
<b>Stark County Cost</b>	<b>\$1,475,735.46</b>

## Annual Costs of Licenses and Warranties\*

<b>Product/Service</b>	<b>Description</b>	<b>Qty</b>	<b>Unit Price</b>	<b>Extension</b>
ImageCast Central Firmware License	License for Optical Ballot Scanner	4	\$2,575.00	\$10,300.00
Democracy Suite Annual License	Software License	1	\$34,000.00	\$34,000.00
Ajudication License Fee	Ajudication Software License	1	\$7,000.00	\$7,000.00
Mobile Ballot Printing License	Mobile Ballot Printing License	3	\$2,000.00	\$6,000.00
ImageCastX Firmware License	Voting Machine Firmware	1,450	\$95.00	\$137,750.00
ImageCast Central Warranty	ImageCast Central Annual Warranty	4	\$1,500.00	\$6,000.00
ImageCast X Warranty	Voting Machine Annual Warranty	1,450	\$90.00	\$130,500.00
	*Annual costs due in 2022		<b>TOTAL</b>	<b>\$331,550.00</b>

VOTE

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The Stark County Board of Elections has been projecting the expense for new voting equipment for a number of years. In the budget proposal submitted to the Board of County Commissioners for 2016, the Board of Elections projected a cost of \$4,000,000 would be needed within the next two years (at that time 2017-2018) for new voting equipment.

That estimate remained until the 2018 budget when the full cost of implementing a new voting system was realized and the estimate submitted to the Board of County Commissioners was increased to \$7,600,000 within the next two years (at that time 2019-2020). The Board of Elections has maintained the estimated costs of new voting equipment to be \$7,600,000 through the 2019 and 2020 budget proposals which were submitted to the Board of Commissioners.

The proposal being presented now offers a price tag much lower than the previous estimates, due to the state contributions provided through the Voting Equipment Acquisition Program as well as the trade-in credit that is being supplied by Dominion Voting Services.

Very truly yours,

Jeffrey A. Matthews  
Director

Regine D. Johnson  
Deputy Director

VOTE

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Stark County Board of Elections  
**Special Board Meeting**  
Wednesday, December 9, 2020 at 4:00 p.m.

This Meeting took place via video conference, teleconference and in-person attendance. The media and public were able to access the audio of the live meeting by calling (614) 230-0229 and using the meeting ID of 41663.  
The media and public were able to attend the meeting at the Stark County Board of Elections at 3525 Regent Ave. NE Canton, Ohio 44705.

**I. Call to order:** Chairman Ferruccio called the meeting to order on Wednesday, December 9, 2020 at approximately 4:00 p.m.

<b>II. Roll call:</b> Chairman Samuel J. Ferruccio, Jr.	Present (Remote)
Member Frank C. Braden	Present (Remote)
Member William Cline	Present (Remote)
Member Dimitrios Pousoulides	Present (Remote)

**III. Approval of Minutes.**

Regular Board Meeting of September 15, 2020  
Regular Board Meeting of October 1, 2020  
Special Board Meeting of October 16, 2020  
Special Board Meeting of October 23, 2020  
Special Board Meeting of October 27, 2020  
Special Board Meeting of October 30, 2020  
Special Board Meeting of November 2, 2020  
Election Day Board Meeting of November 3, 2020  
Special Board Meeting of November 14, 2020  
Special Board Meeting of November 17, 2020  
Regular Board Meeting of December 1, 2020

**MOTION 1:** Member Cline moved to approve the minutes of the Board Meetings as presented. Member Pousoulides seconded the motion.

Vote: All ayes.

**IV. Items to discuss.**

**1. Certify the results of the post-election audit.**

**MOTION 2:** Member Braden moved to certify the results of the post-election audit. Member Pousoulides seconded the motion.

Vote: All ayes.

**2. Approval to send the 2021 Jury File.**

**MOTION 3:** Member Braden moved to approve sending the 2021 Jury File. Member Pousoulides seconded the motion.

Director Matthews stated that the Jury File will be sent to the Jury Commissioner.

Vote: All ayes.

**3. Executive Session: The purchase of property for public purposes.**

**MOTION 4:** Member Braden moved to enter Executive Session to discuss the purchase of property for public purposes. Member Pousoulides seconded the motion.

Roll call vote:           Chairman Ferruccio: Yes  
                          Member Braden:     Yes  
                          Member Cline:       Yes  
                          Member Pousoulides: Yes

The meeting entered Executive session at 4:06 p.m.

The meeting exited Executive Session at 4:24 p.m.

**4. Approval to send the recommendation for the purchase of voting equipment to the County Commissioners and County Data Board. Exhibit A.**

**MOTION 5:** Member Cline moved that the bipartisan Board acquire the Dominion Voting Systems equipment described in the staff recommendation of the ICX System and Direct Recording Electronic Voting Machines, DRE's which have a verified voter paper trail, and add one additional scanner to the equipment recommendation that was received; and that the Board notify the Commissioners of the selection and request funding from them for the purchase on the terms that have been presented; and that the Board explain to the County Commissioners the vetting process gone through for the past approximately three years to acquire replacement voting equipment for the old DRE equipment. Member Pousoulides seconded the motion.

Member Cline noted that the staff recommendation includes the Project Total Summary, which gives a Stark County Cost of \$1,441,735. The Board has added an additional \$25,000 for one more high-speed scanner.

Member Braden thanked the staff for the years of work they put into the recommendation. He added that Board members had also been reviewing equipment for three years, and that there had been a vendor demonstration for the County Commissioners. He thanked Director Matthews for his work as Chairman of the Board of Voting Machine Examiners and agreed with Chairman Ferruccio that this gave Stark County "a front row seat" to examine and understand these machines, making sure that the Board would choose wisely to purchase equipment and make a strong decision for the voters of Stark County.

Member Cline added that the members of the bipartisan Board are fully cognizant of the allegations which have been made in other states in regard to Dominion Voting Systems equipment and software. The public needs to be assured that there has been no verifiable proof or substance to those allegations; they are just allegations. The Board has examined at length information obtained through Dominion and public media sources, ranging from the Attorney General of the United States, Mr. Barr, who has concluded that there is no evidence to support these theories, to the *Wall Street Journal*. The public needs to know that this Dominion system is entirely credible; it is not vulnerable, and what they have been reading in some parts of the press and the internet has no basis in fact. The Board has considered these allegations and is clear that they are making the right decision.

Chairman Ferruccio stated that the Stark County Board of Elections has been doing business with this company for several years and has had no problems with the machines and equipment. There has been a bipartisan review of the new system. He added that it is disconcerting to read the newspaper and see what is in the news. It is a slap in the face to all the election officials across the country who are doing their job in a bipartisan fashion and doing the hard work to make our elections fair and safe and reliable. He stated that he is happy with this particular company, which has always been responsive to the needs of Stark County. He added that it is a great recommendation.

Member Braden stated that the pricing worked out well. Member Cline noted that by waiting for the second round, and not jumping in from the beginning, the Board saved the Stark County electorate a substantial amount of money that will certainly be put to good use by the Commissioners. It is a great savings and a good deal, and that is why he made the motion and will vote for it, and is sure that this will be appreciated by the Commissioners. Chairman Ferruccio added that the Exhibit shows state funding is over \$3,200,000, and there is also a significant trade-in value for current inventory of over \$1,700,000. He agreed that this is an excellent deal for Stark County and for Stark County voters.

Roll call vote:	Chairman Ferruccio:	Yes
	Member Braden:	Yes
	Member Cline:	Yes
	Member Pousoulides:	Yes

Chairman Ferruccio noted that that the selection would be timely communicated to the County Commissioners and any others that need to receive it, including the Secretary of State's office.

Chairman Ferruccio added that the regular meeting will be held on January 6, 2021 at 9:00 a.m.

Member Cline stated that in addition to the good things the Board had previously said about how the staff handled the election, the Stark County Board of Elections has also received a "pat on the back" from the Secretary of State's office recognizing that things in Stark County went very well. This a tribute to all the efforts of the Director, Deputy Director, IT Department, and the entire staff, including poll workers and others.

**MOTION 6:** Member Braden moved to adjourn. Member Pousoulides seconded the motion.

Vote: All ayes.

The meeting adjourned at approximately 4:34 p.m.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Director

**Stark County Board of Elections  
Regular Board meeting and Auditing Committee meeting  
Wednesday, January 6, 2021 at 9:00 am**

This Meeting took place via video conference, teleconference and in-person attendance. The media and public were able to access the audio of the live meeting by calling (614) 230-0229 and using the meeting ID of 41663.

The media and public were able to attend the meeting at the Stark County Board of Elections at 3525 Regent Ave. NE Canton, Ohio 44705.

**I. Call to order.** Chairman Ferruccio called the meeting to order on Wednesday, January 6, 2021 at 9:00 am.

**II. Roll call:**

Chairman Samuel J. Ferruccio, Jr.	Present
Member Frank C. Braden	Present (remote)
Member William Cline	Present (remote)
Member Dimitrios Pousoulides	Present (remote)

**III. Approval of Minutes.**

Special Board Meeting of November 18, 2020

Special Board Meeting of December 9, 2020

**MOTION 1:** Member Braden moved to approve the minutes. Member Pousoulides seconded the motion.

Vote: All ayes.

**IV. Items to discuss.**

**1. Approval of bills as submitted by the Director and approved by the auditing committee. Exhibit A.**

**MOTION 2:** Member Braden moved to approve the bills as submitted by the Director and Deputy Director per the audit committee in Exhibit A. Member Pousoulides seconded the motion.

Member Braden stated that several items were being paid through Federal funding secured in support of the election such as personal protection.

Roll call vote:	Chairman Ferruccio:	Yes
	Member Braden:	Yes
	Member Cline:	Yes
	Member Pousoulides:	Yes

**2. Approval of pay-ins. Exhibit B.**

**MOTION 3:** Member Braden moved to approve the pay-ins as presented on Exhibit B. Member Pousoulides seconded the motion.

Roll call vote:	Chairman Ferruccio:	Yes
	Member Braden:	Yes
	Member Cline:	Yes
	Member Pousoulides:	Yes

**Exhibit F**

**3. Approval of the data transfer for the November 3, 2020 General Election. Exhibit C.**

**MOTION 4:** Member Braden moved to approve the data transfer as presented. Member Pousoulides seconded the motion.

Vote: All ayes.

**4. Set the date and time for future board meetings.** (Week of February 8th to certify validity and sufficiency of candidate petitions and issues. March 2-6 for reorganization meeting.)

**MOTION 5:** Member Cline moved to set the meeting to certify validity and sufficiency of candidate petitions on Tuesday, February 9 at 8:30 am. Member Pousoulides seconded the motion.

Vote: All ayes.

**MOTION 6:** Member Cline moved to set the date for the Board Reorganization meeting on March 4, 2021 at 4:00 pm. Member Pousoulides seconded the motion.

Vote: All ayes

**5. Executive Session: The purchase of property for public purposes.**

**MOTION 7:** Member Cline moved to go into executive session to discuss the purchase of property for public purposes. Member Pousoulides seconded the motion.

Roll call vote:	Chairman Ferruccio:	Yes
	Member Braden:	Yes
	Member Cline:	Yes
	Member Pousoulides:	Yes

The meeting entered executive session at 9:09 am.

The meeting exited executive session at 9:45 am.

The Board discussed and revisited the decision with respect to the purchase of Dominion voting systems and reconsidered the claims made against them, which they have determined to be false. The Board stands by their decision for the adoption of the Dominion Voting System, and will be in touch with the County Commissioners in hopes of having the equipment in place for the Primary Election to be held on May 4, 2021.

**V. New Business.**

There was no new business.

**MOTION 8:** Member Braden moved to adjourn the meeting. Member Pousoulides seconded the motion.

Vote: All ayes.

The meeting adjourned at 9:46 am.

  
Chairman

  
Director

**Stark County Board of Elections  
Regular Board Meeting  
Tuesday, February 9, 2021 at 8:30 AM**

This Meeting will take place via video conference, teleconference and in-person attendance. The media and public can access the audio of the live meeting by calling (614) 230-0229 and using the meeting ID of 41663.

The media and public may also attend the meeting at the Stark County Board of Elections at 3525 Regent Ave. NE Canton, Ohio 44705.

**I. Call to order.** Chairman Sam Ferruccio called the meeting to order at 8:30am

**II. Roll call.**

Chairman Samuel J. Ferruccio, Jr.	Present (remote)
Member Frank C. Braden	Present
Member William Cline	Present (remote)
Member Dimitrios Pousoulides	Present (remote)

**III. Items to Discuss**

**1. Approval of Bills as submitted by the Director and approved by the Auditing Committee. Exhibit A.**

**MOTION 1:** Member Braden motions to approve the Bills as submitted in Exhibit A. Member Pousoulides seconded the motion.

<b>Roll call vote:</b>	Chairman Ferruccio:	Yes
	Member Braden:	Yes
	Member Cline:	Yes
	Member Pousoulides:	Yes

**2. Certify the validity and sufficiency of candidates for the May 4, 2021 Primary Election. Exhibit B.**

**MOTION 2:** Member Cline motioned to certify the validity and sufficiency of candidates for the May 4, 2021 Primary Election as presented in Exhibit B-1 Candidates List excluding one disqualified petitioner on Exhibit B-2. Motion seconded by Member Pousoulides.

Vote: All ayes.

**3. Certify the validity and sufficiency of Issues for the May 4, 2021 Primary Election. Exhibit C.**

**MOTION 3:** Motion by Member Braden to certify the validity and sufficiency of Issues for the May 4, 2021 as presented by staff in Exhibit C. Motion seconded by Member Pousoulides.

Vote: All ayes.

**Exhibit G**

**MOTION 9:** Member Braden motioned to go into Executive Session to discuss the purchase of property for public purposes. Seconded by Pousoulides.

<b>Roll call vote:</b>	Chairman Ferruccio:	Yes
	Member Braden:	Yes
	Member Cline:	Yes
	Member Pousoulides:	Yes

Entered into Executive Session at 8:45 am.  
Returned from Executive Session at 9:25am.

The Board is directing the staff to contact the County Commissioners for a firm date as to when they are going to make their decision on the Board's request. And, to review legal options going forward.

**IV. New Business.**

Member Pousoulides mentioned that his term has come to an end on March 1, and that he would like to thank fellow board members and staff for having the opportunity to serve. Indicated that he has learned a lot about the process, felt that we produce great product and wanted to thank everyone for everything they do .

Chairman Ferruccio reminded Board Members of Write-In Deadline on February 22, and, the Reorganizational Board Meeting on March 4, 2021, 4:00 pm.

**MOTION 10:** Member Cline motioned to adjourn. Seconded by Member Pousoulides.

Vote: All ayes

Meeting adjourned at 9:30am.

  
Chairman

  
Director

**Stark County Board of Elections  
Special Board Meeting  
Monday, March 15, 2021 at 2:30 pm**

This Meeting took place via video conference, teleconference and in-person attendance.  
The media and public were able to access the audio of the live meeting by calling  
(614) 230-0229 and using the meeting ID of 41663.  
The media and public were also able to attend the meeting at the Stark County Board of Elections at  
3525 Regent Ave. NE, Canton, Ohio 44705.

I. **Call to order.** Chairman Ferruccio called the Special Board meeting of the Stark County Board of Elections to order on Monday, March 15, 2021 at approximately 2:30 pm.

II. **Roll call:**

Chairman Samuel J. Ferruccio, Jr.	Present
Member Frank C. Braden	Present
Member William S. Cline	Present (remote)
Member Kody Gonzalez	Present

III. **Items to Discuss**

1. **Executive Session: The purchase of property for public purposes.**

**MOTION 1:** Member Gonzalez moved to go into Executive Session for the purpose of discussing the purchase of property for public purposes. Member Cline seconded the motion.

Roll call vote:

Chairman Ferruccio	Yes
Member Braden	Yes
Member Cline	Yes
Member Gonzalez	Yes

The meeting entered into Executive Session at approximately 2:32 pm.  
The meeting exited Executive Session at 2:50 pm.

Chairman Ferruccio stated that there is no inclination to revisit the Board's previous recommendation and decision. It would be unfair to consider ES&S. When presented to our Board, the Dominion Voting Systems bid was lower than the ES&S bid. The Commissioners took it upon themselves to contact the company that our Board did not select, and to accept a revised bid. That decision was ill-advised and detrimental to the integrity of the process.

Member Cline echoed the Chairman in stating that it was manifestly unfair to other bidders to allow a losing bidder to come in and take another bite at the apple. At best it was unfair and arguably not ethical either to solicit the bid or to make it. One could give other reasons as well, but it was not the right thing to do and certainly not fair to the other bidders.

Member Braden also stated an objection to the bid, because it includes used, or refurbished, equipment when the Board is looking to buy new equipment.

**2. Executive Session: Discussion of Imminent court action with legal counsel.**

Deborah Dawson, Assistant Chief of the Civil Division, was present as legal counsel.

**MOTION 2:** Member Gonzalez moved to go into Executive Session for the discussion of imminent court action with legal counsel. Member Cline seconded the motion.

Roll call vote:	Chairman Ferruccio	Yes
	Member Braden	Yes
	Member Cline	Yes
	Member Gonzalez	Yes

The meeting entered into Executive Session at 2:54 pm.  
The meeting exited Executive Session at approximately 3:10 pm.

Chairman Ferruccio stated that after speaking with counsel it appears there is a potential conflict.

**MOTION 3:** Member Gonzalez moved that the Board of Elections initiate litigation against the Stark County Board of Commissioners to enforce the selection made by the Stark County Board of Elections on December 9<sup>th</sup> to purchase the voting equipment from Dominion Voting Systems. Member Cline seconded the motion.

Roll call vote:	Chairman Ferruccio	Yes
	Member Braden	Yes
	Member Cline	Yes
	Member Gonzalez	Yes

Chairman Ferruccio reiterated that the Board has decided to move to enforce the bipartisan selection made on December 9, 2020 regarding Dominion Voting Systems.

**MOTION 4:** Member Cline moved to adjourn. Member Gonzalez seconded the motion.

Vote: All ayes.

The meeting adjourned at 3:17 pm.

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Chairman

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Director