



STATE OF OHIO  
OFFICE OF THE ATTORNEY GENERAL  
MARC DANN, ATTORNEY GENERAL

Constitutional Offices Section  
30 E. Broad St., 16th Fl.  
Columbus, OH 43215-3428  
Telephone: (614) 466-2872  
Facsimile: (614) 728-7592  
www.ag.state.oh.us

March 19, 2008

The Hon. Kathleen M. O'Malley  
United States District Court  
For The Northern District of Ohio  
801 West Superior Avenue  
Cleveland, Ohio 44113


Re: *American Civil Liberties Union v. Brunner, et al.*,  
Case No. 1:08-cv-145

Dear Judge O'Malley:

Pursuant to this Court's minute entry order of March 13, 2008 and the telephone status conference held on the same day, I am writing this letter to you. The Secretary of State, through her counsel, believes that S.B. 286 prohibits the use of a central count optical scan voting system in Cuyahoga County for the November 2008 general election. The Secretary also does not have any intention of permitting or enabling the Cuyahoga County Board of Elections, or any other board of elections in the State of Ohio, to use punch card or lever machines for the November 2008 general election. That would mean that the Cuyahoga County Board of Elections would be required to move to a "notice based" voting system for that election.

Sincerely,

Marc Dann  
Attorney General



---

Richard N. Coglianese  
Principal Assistant Attorney General

cc: David Lambert  
Meredith Bell-Platt