

## RESOLUTION

Authorizing legal counsel to enter into a stipulation that the Cuyahoga County Board of Elections intends to adopt, for the November, 2008 General Election, a voting system that will include notice technology for in-precinct voting by the electorate.

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WHEREAS, the Honorable Kathleen M. O'Malley, Judge of the United States District Court, Northern District of Ohio, Eastern Division, and being assigned to preside over the case of *American Civil Liberties Union of Ohio, et al. v. Jennifer Brunner, Secretary of State of the State of Ohio, et al*, being U.S. Dist. Ct., N. Dist. of Ohio Case No 1:08-cv-0145, has requested that the Cuyahoga County Board of Elections state its intentions as to the type of voting technology it will adopt for use in the November, 2008, General Election for in-precinct voting by the electorate of Cuyahoga County;

AND WHEREAS, the enactment of S.B. 286 by the Ohio General Assembly forbids the utilization of central count optical scan tabulation of the unofficial results of ballots cast on election day by in-precinct voters in the November, 2008, General Election and elections held thereafter;

AND WHEREAS, given the strictures of the Help America Vote Act of 2002, Public Law 107-252, 42 USC §§ 15301-15545 ("HAVA");

NOW THEREFORE, BE IT RESOLVED by the Cuyahoga County Board of Elections that legal counsel for the Board are authorized to enter into a stipulation in the case of *American Civil Liberties Union of Ohio, et al. v. Jennifer Brunner, Secretary of State of the State of Ohio, et al*, being U.S. Dist. Ct., N. Dist. of Ohio Case No. 1:08-cv-0145, evidencing the fact that it is this Board's intention to adopt a voting system for Cuyahoga County that will incorporate notice technology for in-precinct voting

BE IT FURTHER RESOLVED that said stipulation reflects the intention of the Cuyahoga County Board of Elections to adopt said voting system, incorporating notice technology, in time for its use in the November, 2008 General Election.

On the Motion of Chairman Hastings, seconded by Board Member Frost, the foregoing resolution was duly adopted.

Ayes:           Chairman Hastings  
                  Board Member Frost

Nays:           Board Member McNair

Resolution adopted

Linda Steimle  
Clerk of the Board

Date: March 17, 2007