

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

TRACIE HUNTER, et al.,	:	Case No. 1:10-cv-820
	:	
Plaintiffs,	:	
	:	Chief Judge Susan J. Dlott
vs.	:	
	:	
HAMILTON COUNTY BOARD OF	:	<u>DEFENDANT BOARD OF</u>
ELECTIONS, et al.	:	<u>ELECTIONS' MOTION FOR</u>
	:	<u>EMERGENCY RELIEF AND</u>
Defendants.	:	<u>REQUEST FOR IMMEDIATE</u>
	:	<u>CONFERENCE</u>
	:	

MOTION

Defendant Board of Elections hereby moves the Court for permission to transfer ballots from the containers in which they are now stored into different sealed containers and to permit the Board to prepare its voting systems for re-use in the November 2011 General Election. The reasons for the transfer of ballots and a statement of the proposed processes associated with the balloting equipment are further described in the Affidavit of Sally J. Krisel attached hereto. It is the intent of the Board to use bi-partisan teams of employees to accomplish these tasks which would be done in full view of observers appointed by the interested candidates.

The Board respectfully request that this Court adopt as its Order, the terms of the Agreed Order (Doc. 64) that has now been vacated.

Respectfully submitted,

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PROSECUTING ATTORNEY
HAMILTON COUNTY, OHIO

BY:

/s/ Colleen M. McCafferty

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Attorneys for Hamilton County Board of Elections

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed on June 24, 2011 using the Court's CM/ECF system, which will transmit notice of the filing to all counsel of record in this case.

/s/ Colleen M. McCafferty

Colleen M. McCafferty

the audio card with the November 2011 ballot options. When the paper tape is removed from the VBO it is ordinarily sealed within a labeled plastic bag and placed in the same storage area as the blue ballot bags. On both the eScan and eSlate, it is necessary to perform periodic maintenance and testing to assure that the equipment will function properly in the election.

5. Due to the pendency of this litigation, the paper tapes have not been removed from the eSlate VBOs, the internal memories of the eScan units have not been zeroed out, and the maintenance required to re-use the equipment in November 2011 has not occurred.

6. The Board requests that it be permitted to perform the maintenance on the eScan and eSlate units so that they may be used in the November 2011 election. During a November General Election, the Board uses approximately 720 eScan units (one per precinct with extra units in the event of mechanical failures) and 450 eSlate units (one per polling location with extra units in the event of mechanical failures). The Board does not possess sufficient additional eScan and eSlate units to conduct the November 2011 election. The inability of the Board to re-use the eSlate and eScan units will result in great expense to the Board and it is unknown at this time whether obtaining replacement equipment is even a possibility.

7. The Board further requests that it be permitted to remove the paper tapes from the eSlate VBO units and place them in sealed containers. The Board also requests that it be permitted to transfer the ballots from the sealed blue ballot bags to other sealed and secured containers so that the blue ballot bags can be used in the November election. During a November General Election, the Board uses 680 blue ballot bags. The Board does not have any extra blue ballot bags that it can use in the November 2011 election. The blue ballot bags are custom made items which cost approximately \$80 apiece. Even assuming that the Board is willing to buy new ones, it is unknown whether the vendor can make replacement bags prior to November 2011 election.

8. The Board has custom supply boxes that contain office supplies and signage necessary for each precinct locations containing such things as, poll notices, precinct maps, poll worker training manuals, name tags, ink pens, extension cords, highlighters, rubber fingers, and rubber bands. The Board would like to re-use these boxes for the November 2011 General Elections.

9. The costs associated with a straight replacement of all equipment and items necessary to conduct the November 2011 General Election is included on the spreadsheet attached as Exhibit 1.

10. The Board maintains a comprehensive security and risk management plan which among other things: restricts access to certain areas within the Board's premises; details how visitors to Board premises are to be identified and what locations are off-limits to them; and describes the storage, security, access and inventory control requirements for ballots and voting equipment at the board office and warehouse.

11. The procedures described in the Agreed Order (Doc. 64) are consistent with the Board's comprehensive security and risk management plan. The Board has always intended any

transfer of ballots to be accomplished by bi-partisan teams within full view of observers appointed by Ms. Hunter and Mr. Williams.

12. I have personal knowledge of the matters to which I have sworn.


Sally J. Krisel, Director
Hamilton County Board of Elections

Sworn to and subscribed in my presence this 24 day of June, 2011.


Notary Public

DAVID T. STEVENSON, Attorney at Law
NOTARY PUBLIC, STATE OF OHIO
My Commission has no expiration
date. Section 147.03 R. C.



To: Sally Krisel, Director and Amy Searcy, Deputy Director

Prepared by: Shirley Frazier and Jerry Collier
6/22/2011

469 VBO @ \$1,320.00 each	1,742,400.00
License Fee @ \$30.00 each	14,070.00
469 Audio Cards @ \$66.00 each	30,954.00
1,018 MBB @ \$66.00 each (Use 2368 have 1350 blank)	67,188.00
680 Ballot Bags @ \$80.00 Per Bag	54,400.00
710 Supply Box with Lid @ \$5.75 each	4,082.50
2,500 Thermal Paper Rolls .66 each (For JBC/eScan)	1,650.00
4,000 Election Officials Name Tags (\$34.95 per 1000)	139.80
710 Tape Rolls (680 Pcts. Plus 30 Troubleshooters)	4,260.00
7,100 Privacy Sleeves \$35.50 Per Box	2,520.50
27,800 Ink Pens @ 3.99 Box	9,244.83
710 Water Bottles @ \$1.15 each	816.50
710 Heavy Duty Extension Cords (12 Foot @ \$22.99 each)	16,322.90
710 Adapters @ .95 each	674.50
710 Highlighters @ \$1.00 each	710.00
2,130 Rubber Fingers @ 3.25 Per Box (177.50 Boxes)	578.87
Rubbers Bands @ \$11.98 Per Box (25 Boxes)	299.50
Total	1,950,311.90

