

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

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| <b>TRACIE HUNTER, et al.</b>                          | : | <b>Case No. 1:10-cv-820</b>  |
|   | : |  |
| <b>Plaintiffs</b>                                     | : | <b>Judge Susan J. Dlott</b>  |
|   | : |  |
| <b>v.</b>   | : |  |
|   | : |  |
| <b>HAMILTON COUNTY BOARD OF<br/>ELECTIONS, et al.</b> | : | <b>ORDER PERMITTING TRANSFER<br/>OF BALLOTS AND RE-USE OF<br/>EQUIPMENT AND SUPPLIES</b> |
|   | : |  |
| <b>Defendants</b>                                     | : |  |

The Hamilton County Board of Elections is permitted to transfer ballots from the November 2, 2010 General Election and re-use equipment and supplies as follows:

1. To the extent that it is necessary to examine, review, or otherwise handle ballots, paper rolls, equipment and supplies to perform duties required of the Board, such activities shall be performed by bi-partisan teams.

2. Each and every activity designated herein shall be done in an area and in a manner in which it may be viewed by observers designated by the parties. Each party to this matter, any candidate who has requested and paid for a recount, and any committee supporting or opposing a local question or issue subject to a mandatory recount may designate observers to oversee the activities of the bi-partisan teams. No more than two observers representing an entity described above may be present during the activities designated herein.

3. The Board may not conduct more than one of the activities described herein at any one time.

4. With respect to the ballots scanned and counted at precinct polling locations by the Board during the General Election of November 2, 2010, the Board may remove them from the sealed containers (“blue ballot bags”) in which they have been stored since the election, immediately place them in another sealable container which shall then be immediately sealed. Provisional ballots and other ballots scanned and counted at the offices of the board shall remain in the sealed containers in which they were placed following the official canvass of the November 2, 2011 General Election. All ballots shall be stored in secure locations at the offices of the Board pending the completion of all recounts and contests and appeals thereof and the final certification of all election abstracts of results. Such location shall be secured in the same manner as specified in paragraph 9 below.

5. The rejected wrong precinct provisional ballots shall be stored in sealed containers and placed inside a fireproof cabinet. The cabinet containing such ballots will be kept in secure location at the offices of the Board pending the completion of all recounts and contests and appeals thereof and the final certification of all election abstracts of results. Such location shall be secured in the same manner as specified in paragraph 9 below.

6. The Voter Verified Paper Audit Trail / Verifiable Ballot Option (VVPAT/VBO) equipment used in the November 2, 2010 General Election shall be unsealed and the paper roll contained therein on which each vote cast on such device has been recorded, shall be removed and immediately placed in a sealable container which shall then be immediately sealed. The VVPAT/VBO paper rolls shall be stored in secure locations at the offices of the Board. Such location shall be secured in the same manner as specified in paragraph 9 below.

7. As the information contained thereon is electronically stored in other multiple locations, eScan and JBC/eSlate voting equipment and corresponding audio cards may be re-set

for use in the General Election occurring in November, 2011. In addition, such devices may be inspected, maintained, serviced, and repaired if required.


8. The supply boxes used in the November 2, 2010 General Election with exception of Silverton A, may be reused in the General Election occurring in November, 2011. The Silverton A supply box shall be kept in the same secure location as the provisional and other centrally counted ballots. Such location shall be secured in the same manner as specified in paragraph 9 below.

9. The locations designated for storage as referenced herein shall be secured consistent with SOS Dir. 2008-56, which requires dual lock systems with keys. Access to such locations will be restricted as follows:

a. Access to the "Cages" on the first floor of 800 Broadway will be restricted to the following persons each possessing a key to one of the dual locks: Sally Krisel, Amy Searcy, Sherry Poland, Shirley Frazier, Dennis Predmore, and Chuck Swafford.

b. Access to the "Vote Counting" room on the third floor of 800 Broadway will be restricted to following persons each possessing a key to one of the dual locks: Sally Krisel, Amy Searcy, Dennis Predmore, Chuck Swafford. The Director, Sally Krisel, may name Fran Kloepfer as her designee to access the Vote Counting room in her absence. The Deputy Director, Amy Searcy, may name Kristie Davis as her designee to access the Vote Counting room in her absence.

It is so ordered.

  
HON. SUSAN J. DLOTT  
UNITED STATES DISTRICT COURT