



**CUYAHOGA COUNTY  
BOARD OF ELECTIONS**

**Henry F Curtis, IV, Chairman**

**Anthony W. Perlatti, Director**

**Inajo Davis Chappell, Board Member**

**Anthony Kaloger, Deputy Director**

**Terence M. McCafferty, Board Member**

**Lisa M. Stickan, Board Member**

**MEETING AGENDA**

**August 7, 2023**

**9:30 a.m.**

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**THE PLEDGE OF ALLEGIANCE**

**ADMINISTRATIVE**

1. Approval of the minutes from the July 17, 2023, Board Meeting
2. Follow-up to Stephanie McCarroll-King's voter registration challenge

**BALLOT**

3. Acknowledgment of the Ballot Proofs for the September 12, 2023, Primary Election in accordance with the Ballot Proofing Policy approved by the Board at the March 12, 2021, Board Meeting

**CANDIDATE AND PETITION SERVICES**

4. Acknowledgment of resignations from, and appointment to elected office
5. Acknowledgment of candidate withdrawal from the November 7, 2023, General Election

**ELECTION SUPPORT**

6. Final authorization for the allocation of voting booths for the September 12, 2023, Primary Election. Allocation quantities are based on 1 voting booth for every 175 registered voters per polling location. A total of 26 voting booths will be allocated + 4 ClearCast Go scanners + 2 ADA ClearAccess voting units and 4 Electronic Poll books

**FISCAL SERVICES**

7. Approval of vouchers and resolutions for a) DIMS Maintenance (ESSVR, LLC), b) Voter Information Guide for the September 12, 2023, Primary Election (Angstrom Graphics)
8. Approval to terminate contract with ES & S

**NEW BUSINESS**

- August 8, 2023, Special Election Update

**PUBLIC COMMENT<sup>1</sup>**

**EXECUTIVE SESSION**

Discussion of personnel issues (to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official) and disputes involving the public body that are the subject of pending or imminent court action.

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Video of this meeting can be viewed at <https://www.youtube.com/CuyahogaCountyBOE>

<sup>1</sup> Please email [mbejjani@cuyahogacounty.gov](mailto:mbejjani@cuyahogacounty.gov) or [dwhite1@cuyahogacounty.gov](mailto:dwhite1@cuyahogacounty.gov) with your name and the nature of your comment so we can fully assist you.

## 2023 Board Meeting Schedule

### August 2023

<b>Monday, August 7<sup>th</sup> @ 9:30AM</b>	Meeting for the August 8, 2023 Special Election
<b>Tuesday, August 8<sup>th</sup></b>	August 8, 2023 Special Election
<b>Wednesday, August 16<sup>th</sup> @9:30AM</b>	Provisional verification for the August 8, 2023 Special Election
<b>Monday, August 21<sup>st</sup> @ 9:30AM</b>	Certification of candidates and issues for the November 7, 2023 General Election
<b>Tuesday, August 29<sup>th</sup> @ 9:30AM</b>	Certification of the August 8, 2023 Special Election

### September 2023

<b>Monday, September 11<sup>th</sup> @ 9:30AM</b>	Audit/Recount Certification of the August 8, 2023 Special Election Certification of remaining candidates for the November 7, 2023 General Election Certification of remaining issues and charter amendments for the November 7, 2023 General Election Certification of write-in candidates for the November 7, 2023 General Election
<b>Tuesday, September 12<sup>th</sup></b>	September 12, 2023 Primary Election
<b>Wednesday, September 20<sup>th</sup> @9:30AM</b>	Provisional verification for the September 12, 2023 Primary Election
<b>Wednesday, September 27<sup>th</sup> @ 9:30AM</b>	Certification of the September 12, 2023 Primary Election

### October 2023

<b>Wednesday, October 18<sup>th</sup> @ 9:30AM</b>	October Board Meeting
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### November 2023

<b>Friday, November 3<sup>rd</sup> @ 9:30AM</b>	Meeting for the November 7, 2023 General Election
<b>Tuesday, November 7<sup>th</sup></b>	November 7, 2023 General Election
<b>Monday, November 20<sup>th</sup> @ 9:30AM</b>	Provisional Verification for the November 7, 2023 General Election
<b>Tuesday, November 28<sup>th</sup> @ 9:30AM</b>	Certification of the November 7, 2023 General Election

## December 2023

**Monday, December 18<sup>th</sup> @ 9:30AM**

Audit Certification of the November 7, 2023 General Election

Certification of candidates and issues for the March 5, 2024 Primary Election

## January 2024

**Monday, January 8<sup>th</sup> @ 9:30AM**

Certification of remaining issues and charter amendments for the March 5, 2024 Primary Election

Certification of write-in candidates for the March 5, 2024 Primary Election

# Agenda Item

#1

# VOTE CUYAHOGA COUNTY BOARD OF ELECTIONS

**Board Meeting**  
**7/17/2023**

**Attending:**

Henry F Curtis, IV, Chairman  
Inajo Davis Chappell, Board Member  
Terence M. McCafferty, Board Member  
Lisa M. Stickan, Board Member  
Anthony Perlatti, Director  
Tony Kaloger, Deputy Director

Mary Bejjani, Clerk to the Board  
Skip White, Clerk to the Board

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The Cuyahoga County Board of Elections Meeting began at 9:30 a.m. Hereinafter referred to as the CCBOE/Board.

Chairman Curtis noted that all Board Members were in attendance.

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**Agenda Item 1: Approval of the minutes from the June 8, 2023, and June 21, 2023, Board Meetings**

Chairman Curtis moved to approve the minutes from the June 8, 2023, and June 21, 2023, Board Meetings. Board Member Davis Chappell seconded. The motion passed unanimously.

**Agenda Item 2: Acknowledgment of Secretary of State Directives and Memorandum: Directive 2023-12: Instructions Regarding the Review, Examination, and Verification of the Petition Proposing a Constitutional Amendment (The Right to Reproductive Freedom with Protections for Health and Safety Amendment); Directive 2023-13: August 8, 2023, Special Election Canvass Instructions; Directive 2023-14: Instructions Regarding the Review, Examination, and Verification of the Supplementary Petition Proposing an Initiated Statute (An Act to Control and Regulate Adult Use Cannabis); Memorandum 2023-02: Responsibilities of Sheriffs and Police in the August 8, 2023 Election (confidential – not for disclosure)**

Chairman Curtis moved to acknowledge Secretary of State Directives and Memorandum: Directive 2023-12: Instructions Regarding the Review, Examination, and Verification of the Petition Proposing a Constitutional Amendment (The Right to Reproductive Freedom with Protections for Health and Safety Amendment); Directive 2023-13: August 8, 2023, Special Election Canvass Instructions; Directive 2023-14: Instructions Regarding the Review, Examination, and Verification of the Supplementary Petition Proposing an Initiated Statute (An Act to Control and Regulate Adult Use Cannabis); Memorandum 2023-02: Responsibilities of Sheriffs and Police in the August 8, 2023 Election (confidential – not for disclosure). Board Member Davis Chappell seconded. The motion passed unanimously.

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Narrative that is underlined in the CCBOE minutes relates to a motion that was acted on by the Board.

### **Agenda Item 3: Discussion to refer Norma King, Norman King, and Cecil King to the SOS Public Integrity Division**

*A transcript of the hearings can be obtained by contacting Mary Bejjani, CCBOE Clerk to the Board at 216-443-6430/mbejjani@cuyahogacounty.gov.*

Chairman Curtis stated the Board would have a discussion based on the May 23, 2023, voter residency challenges in East Cleveland for Norma King, Norman King, and Cecil King. Board Member Davis Chappell requested a written explanation for the record regarding why Stephanie McCarroll-King was not recommended for referral to the Secretary of State (SOS) Public Integrity Division. Director Perlatti stated that the CCBOE staff will provide the requested information at the next board meeting. Deputy Director Kaloger then provided a summary of East Cleveland Challenge of Voter Residency regarding Norma King, Norman King, and Cecil King, recommending the three individuals be referred to the SOS Public Integrity Division for further investigation. Board Member McCafferty asked if a referral to the Public Integrity Division would then be followed up by the State or would the case directly be sent to the CCPO. Director Perlatti stated he would inquire about the subsequent process and advise the Board.

The Board requested a status update on any other outstanding voter irregularity referrals to the Cuyahoga County Prosecutors Office (CCPO). Board Member Davis Chappell asked if there was any update on a current case of a voter being prosecuted for voting in both Florida and Cuyahoga County. Director Perlatti stated that Deputy Director Kaloger was called to testify at the trial on Wednesday, July 12, 2023. Deputy Director Kaloger said the Registration Department did the initial research and provided the documents to the SOS as part of the investigation. Deputy Director Kaloger appeared at the bench trial to explain the CCBOE processes, transaction logs, and voter history documents. Assistant Prosecutor Musson stated he only knew what was publically reported, and the trial closed on Friday, July 14, 2023, and all the evidence had been submitted. Mr. Musson stated Judge Santoli is taking it under advisement and will issue an opinion around August 8, 2023.

Board Member Davis Chappell motioned that the CCBOE move the matter of the East Cleveland Challenges of voter residency forward to the Public Integrity body in the Secretary of States Office. Board Member Stickan seconded. The motion passed unanimously.

### **Agenda Item 4: Discussion to refer Black Fork Strategies to the SOS Public Integrity Division**

*A transcript of the hearing can be obtained by contacting Mary Bejjani, CCBOE Clerk to the Board at 216-443-6430/mbejjani@cuyahogacounty.gov.*

Deputy Director Kaloger provided a summary of the CCBOE investigations into 18 irregular irregularities in voter registration cards and address updates Black Fork Strategies submitted to the CCBOE. The CCBOE staff recommendation was to refer Black Fork Strategies to the SOS Public Integrity Division.

Board Member Davis Chappell motioned to make the referral and support the recommendation of Black Fork Strategies issues to the SOS Public Integrity Division. Chairman Curtis seconded. The motion passed unanimously.

**Agenda Item 5: Acknowledgment of the Ballot Proofs for the August 8, 2023, Special Election in accordance with the Ballot Proofing Policy approved by the Board at the March 12, 2021, Board Meeting**

Chairman Curtis moved to acknowledge the Ballot Proofs for the August 8, 2023, Special Election in accordance with the Ballot Proofing Policy approved by the Board at the March 12, 2021, Board Meeting. Board Member Davis Chappell seconded. The motion passed unanimously.

**Agenda Item 6: Final approval of the ballot order for the August 8, 2023, Special Election**

Chairman Curtis moved to approve the final ballot order for the August 8, 2023, Special Election, as set forth in the board materials. Board Member Davis Chappell seconded. The motion passed unanimously.

**Agenda Item 7: Acknowledgment of resignations from, and appointments to elected office**

Chairman Curtis moved to acknowledge the resignations from, and appointments to elected office, as set forth in the board materials. Board Member Davis Chappell seconded. The motion passed unanimously.

**Agenda Item 8: Acknowledgment of candidate withdrawals**

Chairman Curtis moved to acknowledge the candidate withdrawals, as set forth in the board materials. Board Member Davis Chappell seconded. The motion passed unanimously.

**Agenda Item 9: Final authorization for the allocation of voting booths for the August 8, 2023, Special Election. Allocation quantities are based on one voting booth for every 175 registered voters per polling location. A total of 4,941 voting booths will be allocated + 706 ClearCast Go scanners + 291 ADA ClearAccess voting units and 1,074 Electronic Poll Books**

Chairman Curtis moved to authorize the final allocation of voting booths for the August 8, 2023, Special Election. Allocation quantities are based on one voting booth for every 175 registered voters per polling location. A total of 4,941 voting booths will be allocated + 706 ClearCast Go scanners + 291 ADA ClearAccess voting units and 1,074 Electronic Poll Books. Board Member Davis Chappell seconded. The motion passed unanimously.

**Agenda Item 10: Approval of contract and resolution a)Enterprise Contract for Election Van rentals**

Shaunquitta Walker, Fiscal Services Manager, presented information regarding the contract and resolution for the Enterprise Contract for election van rentals.

Chairman Curtis moved to approve the contract and resolution for the Enterprise Contract for election van rentals. Board Member Davis Chappell seconded. The motion passed unanimously.



**Agenda Item 11: Approval of vouchers and resolutions for a) Election IQ for provisional envelope printing b) Willo Security for Election Day Drivers**

Shaunquitta Walker, Fiscal Services Manager, presented information on the vouchers and resolutions summary from the Board Materials.

Chairman Curtis moved to approve the voucher and resolution for a) Election IQ for provisional envelope printing. Board Member Davis Chappell seconded. The motion passed unanimously.

Chairman Curtis moved to approve the voucher and resolution for b) Willo Security for Election Day Drivers. Board Member Davis Chappell seconded. The motion passed unanimously.

**Agenda Item 12: Approval of the personnel agenda**

Chairman Curtis moved to approve the personnel agenda, as set forth in the board materials. Board Member Davis Chappell seconded. The motion passed unanimously.

**NEW BUSINESS**

**August 8, 2023, Special Election Update**

Director Perlatti provided an update on the August 8, 2023, Special Election. He stated there is no comparable election to this Statewide August special election. The CCBOE has received over 50,000 Vote-by-Mail (VBM) ballot applications which have been processed and sent out. Compared to the same number of days into the August 2022 Statewide Primary Election, the CCBOE had processed 21,000 VBM applications. The CCBOE is also receiving approximately 3,000 VBM ballot applications per day. The projection is the CCBOE will process around 80,000 VBM ballot applications for the August 8, 2023, Special Election. Board Member Davis Chappell requested the Track Your VBM Ballot feature be more publicized through various media outlets. Director Perlatti said yes and will include the feature in his upcoming FaceBook Live feature. Early In-Person (EIP) voting is using the new voting equipment, including the ballot on-demand printers, and the new equipment is a positive game changer making the voting process quicker. The CCBOE is averaging 702 In-Person voters per day. Compared to the November 2022 Gubernatorial General Election, the average was 506 voters a day, and over 20,000 EIP voters voted. If the EIP turnout continues at the same level, there will be over 20,000 voters for the August Special Election. The CCBOE is receiving positive comments about the process and experience. Voters were expecting to see long lines, but because of the Ballot-on-Demand printers, people can get through the voting process faster. The Election Officials Department recruitment for Precinct Election Officials (PEO) is at about 73% of poll workers trained, which is a good place to be at this point in the cycle. There are enough open training seats to get workers into the classes. Board Member Davis Chappell confirmed the poll worker training is on the new equipment and asked if there were any comments from poll workers about the new equipment or if there were any difficulties. Director Perlatti stated the feedback has been positive and confident. The ballot scanner equipment is easier to use because it identifies where to place the ballot for scanning. People also like the new ADA units. Director Perlatti thanked Rocky River Mayor Bobst and Richmond Heights Mayor Thomas for making their government facilities available to hold numerous training classes and store the training equipment. Director Perlatti added that the Community Outreach Department will begin the library tour featuring the new equipment next week and discuss House Bill 458. There will also be an ADA training session on the new equipment at the RTA Harvard Garage Training Center. Several ADA groups have been invited to attend. The CCBOE was behind on the Logic and Accuracy testing due to the ballot language changes that came from the



Secretary of State's Office. L&A testing will be completed on Monday, July 17, 2023. The Ballot Department has been working overtime to catch up, so the Election Support Department can receive the information to get the election equipment and supplies ready to send to the voting locations. The Halle Building received nineteen pallets of ballots on Friday, July 14, 2023. The ballot intake process is currently being completed, and Election Support will be working overtime to prepare the ballots for the voting locations. The departments have been working together to prioritize the delivery schedule with Berman's. The first equipment shipment is ready for Berman's to pick up on Wednesday, July 19, 2023. Election Support is working with the new transport cages, which are more secure and easier to move around. The units are being loaded according to templates to ensure maximum efficiency. The Registration Department has accomplished its goals in completing the Statewide petitions and a City of Cleveland petition with over 6,000 valid signatures. The City of Cleveland, Clerk of Council, will determine if the Cleveland petition meets the City Charter requirements to be placed on the November ballot. Deputy Director Kaloger added that the Human Resources Department was able to recruit good seasonal workers for the CCBOE. Director Perlatti stated the CCBOE is moving along and hitting all its goals.

### **TeamDynamix Issue Tracker Update**

Director Perlatti stated the CCBOE currently uses an issue tracker program for the CCBOE call center on Election Day. When poll workers or voters call in with an issue, the item is input into a software program, which is then dispatched to the various areas, including the Hughes and Halle buildings and the Command Center, which then focus on a resolution. A former employee created the current program, and it has seen its life expectancy. The CCBOE is now negotiating with TeamDynamix to purchase a program used by hospitals and municipalities and is a secure program that can handle large volumes. The CCBOE is working with staff, County Assistant Prosecutor Musson, and TeamDynamix's team and their attorneys to work through a software agreement. The Board then discussed the matter. Director Perlatti stated the contract may or may not appear at the next Board Meeting.

### **Walk on Agenda Item:**

Director Perlatti stated that on Friday, July 14, 2023, late afternoon, the CCBOE was notified by Cleveland Metropolitan School District (CMSD) that Mary Bethune School, which is a voting location for Cleveland Ward 9, would not be available for the August 8, 2023, Special Election. The School is currently undergoing construction updates, which will not be completed before the Election. The CCBOE will be reaching out to Cleveland City Councilman Kevin Conwell to discuss the alternative locations. Director Perlatti stated the Board needs to acknowledge that the Mary Bethune School will not be a polling location for the August 8, 2023, Special Election, and an alternate location deemed appropriate is to be determined by CCBOE staff. Board Member Davis Chappell asked if the Election Officials Manual requires identifying an actual place. Peter James, Election Compliance Administrator, confirmed just the change from the original location and not the new polling location needs to be acknowledged. Board Member Stickan stated that proximity, traffic, parking, and accessibility need to be considered for the alternate location. Chairman Curtis moved to acknowledge the change of location from Mary Bethune School to an alternate location to be named soon, as deemed appropriate by staff. Board Member Davis Chappell seconded. The motion passed unanimously.

The Board presented a Resolution Upon the Retirement to Dane Thomas, Election Support Assistant Manager, for his twenty-three years of service at the CCBOE.

## **PUBLIC COMMENT**

Dontez Taylor provided public comment on ballot boxes.

## **EXECUTIVE SESSION**

There was no executive session

Chairman Curtis moved to recess the meeting at 10:45 a.m. Board Member Davis Chappell seconded. The motion passed unanimously.

Certification: I have reviewed the above minutes and certify that they are an accurate summary of the actions taken by the Cuyahoga County Board of Elections at its meeting held on July 17, 2023.

Henry F Curtis, IV, Chairman



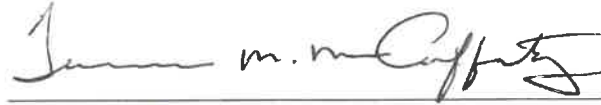
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Inajo Davis Chappell, Board Member



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Terence M. McCafferty, Board Member



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Lisa M. Stickan, Board Member



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Anthony Perlatti, Director



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# Agenda Item

#2

# VOTE CUYAHOGA COUNTY BOARD OF ELECTIONS

## Stephanie McCarroll-King

Stephanie McCarroll-King provided testimony before the Board at a May 23, 2023 voter registration hearing that in early 2022 she moved to 20230 Glen Russ Lane, Euclid, Ohio after selling her home at 3837 East Antisdale Road, South Euclid.

Upon moving, Mrs. King did not update her voter registration address prior to the November 2022 General Election nor did she appear at her new polling location and update her address by voting provisionally on Election Day.

However, on General Election Day 2022, Mrs. McCarroll-King returned to her previous voting location (University Heights Library) and incorrectly voted a **South Euclid 4A** ballot rather than traveling to Chance Light Euclid School and voting a provisional **Euclid 1A** ballot.

It is not known if she intentionally voted in the wrong precinct or did so for lack of knowledge of Ohio's voter registration rules. Below is a timeline of the facts derived from Stephanie McCarroll-King's May 23, 2023, testimony before the Board and Registration Department records:

### Timeline:

- July 27, 2011
  - Stephanie McCarroll-King registered to vote at 3837 East Antisdale Road, South Euclid.
  - She was a regular voter from this location and precinct (South Euclid 4A).
- February 2022
  - Stephanie McCarroll-King married Brandon King on February 22, 2022.
  - Stephanie McCarroll-King sold her residence at 3837 East Antisdale Road, South Euclid in February 2022.
- November 2022
  - Despite having sold the property at 3837 East Antisdale Road, South Euclid, and moving to Euclid, Ohio, she voted at her former polling location that aligned with her voter registration record with the CCBOE at the time. She voted a South Euclid 4A ballot at the University Heights Library polling location during the November 2022 General Election.
- January 6, 2023
  - Stephanie McCarroll-King changed her voting registration to 1735 Elsinore Avenue, East Cleveland via an online transaction.

- April 17, 2023
  - Eric Brewer submitted an Ohio Secretary of State prescribed Form #257, a Challenge of Right to Vote and Correction of Registration List, for Brandon King, Cecil King, Jr., Norma King, and Norman King and Stephanie McCarroll-King.
  - All were registered to vote at 1735 East Elsinore Avenue, East Cleveland.
- May 17, 2023
  - Stephanie McCarroll-King changed her voting registration from 1735 Elsinore Avenue, East Cleveland to 20230 Glen Russ Lane, Euclid (Precinct Euclid 1-A).
  - Mrs. McCarroll-King stated that 20230 Glen Russ Lane, Euclid is owned by a family member of Brandon King.
- May 23, 2023
  - Mrs. McCarroll-King stated that she has never lived with Brandon King.
  - Mrs. McCarroll-King stated that she intended to move to East Cleveland but was delayed.
  - She stated that she and Brandon King intended to build a house in East Cleveland possibly towards the end of 2023.
  - Mrs. McCarroll-King stated that she registered to vote at 1735 Elsinore Avenue in East Cleveland because she was in-between temporary housing, and that address was used for business purposes.
  - The Board denied the Challenge of Voter Residency for Brandon King.
  - The challenge to Stephanie McCarroll-King's registration was rendered moot by the fact that she had changed her registration to the current address at 20230 Glen Russ Lane in Euclid, Ohio.
  - The voting registrations of Cecil King, Jr., Norma King, and Norman King were cancelled via Board Hearing after it was determined that these three individuals do not reside at 1735 Elsinore Avenue in East Cleveland based on testimony from Norma King.
- July 17, 2023
  - The Cuyahoga County Board of Elections referred Cecil King, Jr., Norma King, and Norman King to the Office of the Ohio Secretary of State Public Integrity Division to determine if any election laws were broken.

**Additional Information:**

- ***Board Practice Wrong Precinct Wrong Location Provisional Voters: In the November 2022 election there were 108 provisional voters who voted in the Wrong Precinct Wrong Location. During the provisional verification process staff will identify voters who voted in the Wrong Precinct and Wrong Location. Staff will review Election Day Logs, Memo's and Electronic Pollbook entries to verify the voter only voted once in that election. When necessary, staff will contact the voters and poll workers to gather additional information. Often times it is found that voters were either unaware of the voter registration updating regulations or unclear of the importance of the provisional voting process. Board policy has been to send the voter a letter notifying them that they voted in the Wrong precinct and Wrong location and include the voters correct voting location and precinct.***

- **Nearly Identical Ballots:** Staff examined the Election Day ballots for South Euclid 4A and Euclid 1A and found both ballots to be identical except for the uncontested race of Tim Sterkel for Municipal Court Judge. Ms. McCarroll King was not voting on the Mayoral Recall question of her husband Mayor Brandon King.

**Staff have not mailed Mrs. McCarroll King a letter similar to those mailed to Wrong Precinct Wrong Location provisional voters on account of the ongoing deliberations regarding Mrs. McCarroll King's actions.**



# Agenda Item

#3

### Agenda Item #3:

Acknowledgment of the Ballot Proofs for the September 12, 2023, Primary Election in accordance with the Ballot Proofing Policy approved by the Board at the March 12, 2021, Board Meeting

# Agenda Item

#4

**Resignations from Elected Office**

1. Keith Ari Benjamin, Village of Bratenahl, Member of Council<sup>1</sup>
2. Jalen Brown, Maple Heights City School District, Board Member<sup>2</sup>

**Appointment to Elected Office**

1. David Dews, Village of Bratenahl, Member of Council

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<sup>1</sup>Term ends 12/31/2025. Per ORC 731.43, the appointee fills the remainder of the term; no special election is required.

<sup>2</sup> Term ends 12-31-2023; no special election is required.

## Keith Ari Benjamin

10017 Burton Avenue, Bratenahl, Ohio 44108  
p: 216.288.6378 e: kbenjamin@bratenahl.org

June 30, 2023

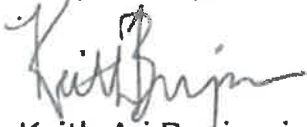
Ms. Diana Cooks  
Clerk of Council  
Village of Bratenahl  
411 Bratenahl Road  
Bratenahl, Ohio 44108

Dear Clerk Cooks:

Please accept this letter as notification that I will be resigning my position as a member of Bratenahl Council effective July 1, 2023, at which time I will immediately assume my new role as Mayor.

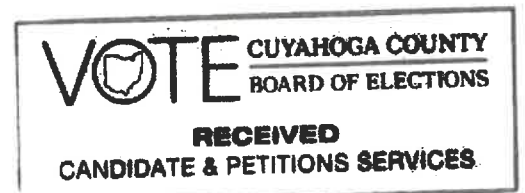
Please don't hesitate to let me know if you have any questions or need any additional information.

Respectfully,



Keith Ari Benjamin  
Bratenahl Village Council

'23 JUL 13 PM 1:29



**FW: President Brown's Resignation**

Friedrich, Taylor <Taylor.Friedrich@mapleschools.com>

Mon 7/24/2023 2:53 PM

To:Cory Milne <cmilne@cuyahogacounty.gov>

Cory,

Please see below for the resignation from Mr. Jalen Brown.

Please let me know if anything else is needed at this time?

Thank you,

Taylor Friedrich

Treasurer/CFO

Maple Heights City Schools

5740 Lawn Avenue

Maple Heights, OH 44137

PH: 216-587-6100 X3100

FX: 216-518-2675

**From:** Brown, Jalen <Jalen.Brown@mapleschools.com>

**Sent:** Thursday, June 22, 2023 7:14 PM

**To:** Friedrich, Taylor <Taylor.Friedrich@mapleschools.com>; Keenan, Charlie <Charlie.Keenan@mapleschools.com>

**Cc:** Blackwell, Alonzo <Alonzo.Blackwell@mapleschools.com>

**Subject:** President Brown's Resignation

Dear Treasurer Friedrich:

Due to my upcoming relocation and change of residency beyond the borders of the Maple Heights City School District, I hereby submit my irrevocable resignation from the unexpired term on the Maple Heights City School District Board of Education ("Board") ending December 31, 2023, and request that the Board accept the same effective at 12:01 a.m. on July 21, 2023. It has been both a honor and privilege to serve this city, the scholars and our community. Best wishes!

With Mustang Pride,

Jalen Brown, M.Ed

Board President

Maple Heights City School District Board of Education



'23 JUL 24 PM3:08

ATTACHMENT 1

BOARD OF EDUCATION OF THE  
MAPLE HEIGHTS CITY SCHOOLS

RESOLUTION NUMBER 23-55  
JULY 7, 2023

Mrs. Moore Moved, and Ms Granger seconded to approve the following resolution:

**RESOLUTION ANNOUNCING BOARD MEMBER VACANCY AND PROCESS FOR  
FILLING THE SAME IN THE MAPLE HEIGHTS CITY SCHOOL DISTRICT**

**RESOLVED**, Due to the upcoming vacancy of Board President Jalen Brown's unexpired term on the Maple Heights City School District Board of Education ("Board") ending December 31, 2023, and caused by the Board's acceptance of President Brown's irrevocable resignation effective at 12:01 a.m. on July 21, 2023, the Board hereby:

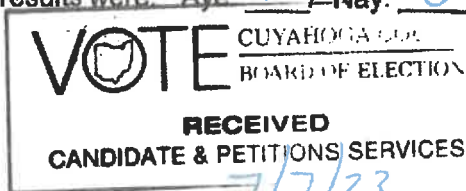
1. Directs the Treasurer to post the vacancy of the unexpired term ending December 31, 2023, in the ordinary course of business.
2. Directs all eligible persons interested in being appointed to fill the vacancy to submit letters of interest to the Treasurer only on or before 12:00 p.m. on July 21, 2023, and to strictly comply with this resolution.
3. Directs the Treasurer to disregard any letter of interest submitted to anyone other than the Treasurer only and/or submitted to the Treasurer after 12:00 p.m. on July 21, 2023, without exception.
4. Directs the Treasurer to schedule interviews with all eligible persons to be held in executive sessions on properly noticed dates and times to be determined solely by the Treasurer to be held within the period commencing July 21, 2023, and ending July 30, 2023, without exception.
5. Directs the Treasurer not to disclose the identity of any eligible person interested in being appointed to the vacancy or the interview dates and times of such persons to anyone including, but not limited to, the Board until after 12:01 p.m. on July 21, 2023, without exception.
6. Permits the Board to only consider the appointment of all eligible persons, in executive sessions, on properly noticed dates and times between July 21, 2023, and July 30, 2023, as such dates are earlier than ten (10) calendar days after the vacancy occurred.
7. Directs the Board, by a majority vote of all the remaining members of the Board, to appoint one (1) eligible person to fill the vacancy at the next properly noticed regular or special meeting held on or after July 31, 2023, which is not earlier than ten (10) calendar days after the vacancy occurred.
8. Directs the Treasurer to give written notice to the Cuyahoga County Board of Elections that the vacancy has been filled and the name of the person appointed to fill the vacancy.
9. Directs the Treasurer and Board to comply with all applicable laws including, but not limited to, R.C. 121.22, R.C.3313.16, R.C. 3313.11, and Board Policy ABAB in performing the obligations set forth in this resolution.

**BE IT FURTHER RESOLVED**, that it is hereby found and determined that all formal actions of the Board of Education of the Maple Heights City School District concerning and relating to the adoption of this resolution were adopted in an open meeting of the Board, and that all deliberations of the Board and of any of its committees that resulted in such formal action were in meetings open to the public, when required by law, in full compliance with all legal requirements, including O.R.C. 121.22.

After discussion, a roll call vote was taken and the results were: Aye: 3 / Nay: 0  
The Resolution was passed

ATTEST:

Treasurer: Jalen Brown



Dated: 7/7/23

23 JUL 24 PM 8:08



# Certification to Fill Vacancy in Elected Office

07/27/2023

Bratenahl, Ohio

## To the Board of Elections of Cuyahoga County

The undersigned respectfully certify/affirm that a vacancy in the office of Council member, in the Village of Bratenahl has occurred on June 30, 2023, due to the resignation of Keith A. Benjamin. Mayor Keith Benjamin has appointed David Dews, in accordance with law 731.43, who is a qualified elector residing at 2 Bratenahl Place, 12BC, Bratenahl OH 44108, to hold the office and to perform the duties thereof until a successor is elected and qualified as provided by law.



\_\_\_\_\_, Clerk of Council

July 27, 2023

**\*\*This document shall be certified or notarized to the Board of Elections**

- **Provide the Board of Elections with the Appointees executed Oath of Office**
- **If the appointment required action at a public meeting, list the meeting date July 22, 2023 and provide a copy of the agenda or meeting minutes.**
- **Attach a copy of the ORC/Charter sections listed above.**

**WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.**

23 JUL 27 PM 12:58

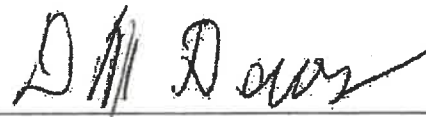


THE VILLAGE OF  
**Bratenahl**

Cuyahoga County            )  
  )  
State of Ohio                 )

I, David Dews, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Ohio, and that I will faithfully, honestly, and impartially discharge the duties as a member of Village Council for the Village of Bratenahl, Ohio during my term in said office, which expires December 31, 2025.

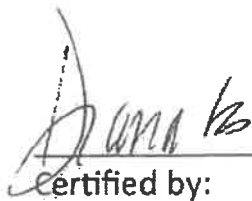
Sworn to before me and subscribed in my presence this 27<sup>th</sup>  
Day of July, 2023.



Mr. David Dews



Keith Benjamin, Mayor



Certified by:  
Diana Cooks, Chief Fiscal Officer

23 JUL 27 PM 12:59

Name				BURKE-JONES			HOEFLING			HUFFMAN			MCDONALD			YONCHAK		
Vote	Aye	Nay	Abs	Aye	Nay	Abs	Aye	Nay	Abs	Aye	Nay	Abs	Aye	Nay	Abs	Aye	Nay	Abs
Suspension				✓			✓			✓			✓			✓		
Passage				✓			ABSTAIN			✓			✓			✓		

RESOLUTION NO: 1316

INTRODUCED BY: *Huffman / McDonald / McDonald*

A RESOLUTION APPOINTING *David Dewis* AS  
 COUNCILPERSON TO FILL THE UNEXPIRED TERM OF KEITH A. BENJAMIN;  
 AND DECLARING AN EMERGENCY


NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Bratenahl, County of Cuyahoga, State of Ohio, that:

SECTION 1. Council hereby appoints *David Dewis* as councilperson to fill the unexpired term of Keith A. Benjamin, to be effective from the date hereof.

SECTION 2. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the inhabitants of the Village of Bratenahl by reason of the immediate necessity to enable the Village of Bratenahl Council to properly perform its functions; wherefore, this Resolution shall be in full force and effect from and immediately after its adoption.

PASSED: *7/22/23*

APPROVED:

  
 Keith A. Benjamin, Mayor

ATTEST:



Diana L. Cooks, Village Fiscal Officer

23 JUL 27 PM 12:59

## Section 731.43 | Vacancy in village legislative authority.

Ohio Revised Code / Title 7 Municipal Corporations / Chapter 731 Organization

*Effective: March 17, 1998    Latest Legislation: House Bill 445 - 122nd General Assembly*

---

(A)(1) Except as otherwise provided in division (A)(2) of this section, when the office of a member of the legislative authority of a village becomes vacant, the vacancy shall be filled by election by the legislative authority for the unexpired term. If the legislative authority fails within thirty days to fill such vacancy, the mayor shall fill it by appointment except that, subject to division (A)(2) of this section, when the vacancy occurs because of the operation of section 733.25 of the Revised Code, the successor shall hold office only for the period the president pro tempore of the legislative authority holds the office of mayor.

(2) When a vacancy occurs in the office of a member of the legislative authority of a village with a population of less than two thousand because of the operation of section 733.25 of the Revised Code, at the time the president pro tempore becomes mayor the president pro tempore shall decide whether the president pro tempore wishes to serve the remainder of the president pro tempore's unexpired term as a member of the legislative authority of the village when the mayor's successor is elected and qualified in accordance with that section. If the president pro tempore decides to serve the remainder of the president pro tempore's unexpired term as a member of the legislative authority, the vacancy on the legislative authority shall not be filled and the president pro tempore shall resume serving the president pro tempore's unexpired term on the legislative authority as soon as the mayor's successor is elected and qualified. If the president pro tempore decides not to resume serving the remainder of the president pro tempore's unexpired term as a member of the legislative authority as soon as the mayor's successor is elected and qualified, then the vacancy in the office of member of the legislative authority shall be filled in accordance with this section.

(B) Except as otherwise provided in this division, when the office of a member of the legislative authority of a city becomes vacant either because a member ceases to hold the office before the end of the member's term or because a member-elect fails to take office, the vacancy shall be filled for the remainder of the unexpired term by a person chosen by the residents of that city who are members of the county central committee of the political party by which the last occupant of that office or the member-elect was nominated. If the vacancy occurs in the office of a ward representative in a city where the political party which nominated the last occupant of that office is organized into a city controlling committee with more than one member from the ward where the vacancy exists, the members of the city controlling committee representing that ward shall choose the person to fill the vacancy.

(C) Not less than five nor more than forty-five days after a vacancy occurs, the specified members of the city or county committee shall meet to make an appointment to fill the vacancy. At least four days before the date of such meeting the chairperson or secretary of the city or county committee shall notify each committee member eligible to vote on filling the vacancy by first class mail of the date, time, and place of the meeting and its purpose. A majority of all eligible committee members constitutes a quorum, and a majority of the quorum is required to make the appointment. If election to the office so vacated took place at a nonpartisan election, or if the office was occupied by, or was to be occupied by a person not nominated at a primary election, or if the appointment was not made by the committee members in accordance with this section, the vacancy shall be filled in the same manner as a vacancy in the legislative authority of a village, as provided in this section.

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## Available Versions of this Section

March 17, 1998 – House Bill 445 - 122nd General Assembly

# Agenda Item

#5

**Candidate Withdrawal Acknowledgment**

**Candidates Withdrawn from the November 7, 2023 General Election**

<b><u>Office</u></b>	<b><u>Name</u></b>	<b><u>Party</u></b>
Fairview Park CSD Board Member	Jennifer Bolander	Nonpartisan





CUYAHOGA COUNTY  
BOARD OF ELECTIONS

Date: 7/14/2023

I, Jennifer Bolander, withdraw my candidacy for

(check one):

- May 2, 2023 Primary Election  
 September 12, 2023 Primary Election  
 November 7, 2023 General Election  
 Other: \_\_\_\_\_

Party (if applicable): \_\_\_\_\_

Office: School Board - Fairview Park

Term date (if applicable): Full

Signature: Jennifer Bolander

Printed Name: Jennifer Bolander

Street Address: 4075 W 226 Fairview Park

City / Zip Code: Fairview Park 44126

Phone: 216-392-9377

Email: READBOOKS2@HOTMAIL.COM

# Agenda Item

#6

## Agenda Item Request

Requested By: Victor Rush Department: Election Support

Requested Action:  Approval  
 Authorization  
 Other \_\_\_\_\_

Type of Request

- |   |  |
|---|--|
| <input type="checkbox"/> RFP/contract           | <input type="checkbox"/> Certification |
| <input type="checkbox"/> Travel/Training        | <input type="checkbox"/> Protest       |
| <input type="checkbox"/> Personnel              | <input type="checkbox"/> Other _____   |
| <input type="checkbox"/> Provisional Rejections |  |
| <input type="checkbox"/> Absentee Rejection     |  |

Specific description of request:

Allocation of voting booths for the September 12, 2023, Municipal Primary Election. Allocation quantities are based on 1 voting booth for every 175 registered voters per polling location. A total of 26 voting booths will be allocated + 4 ClearCast Go scanners + 2 ADA ClearAccess voting units and 4 Electronic Poll books.

Estimated Expense: \_\_\_\_\_


Budgeted Item: Yes \_\_\_\_\_ No \_\_\_\_\_

Requestor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Manager Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Deputy Director:  Date: 8/2/2023

Director Approved: Yes  No \_\_\_\_\_

Director's Signature:  Date: 08.02.23

\*Please enclose all associated documentation along with this request form to the Clerk of Board.\*

Forward to the Clerk of the Board: Date: 8/1/2023

Received by the Clerk of the Board: Date: 8/1/2023

# Agenda Item

#7

a)

**Resolution No. R2023-8-7-7-A**

WHEREAS, the Cuyahoga County Fiscal Office (CCFO) requires the Cuyahoga County Board of Elections (CCBOE) to provide multiple documents to the CCFO to facilitate the procurement and subsequent accounts payable functions associated with CCBOE contracts for goods and services from vendors. The Resolution is necessary for the CCBOE to continue to provide for the usual operational services critical to election administration.

RESOLVED, that the Cuyahoga County Board of Elections hereby authorizes the Director, on behalf of the Board, to undertake all actions necessary to procure and subsequently pay the items identified as the annual maintenance fee for the DIMS voter registration system and the software license in an amount not to exceed \$61,352.04 (Purchase Order and Invoice Attached).

RESOLVED, this Resolution shall take effect and be in force immediately upon receiving the affirmative vote of a quorum of members of the CCBOE. All formal actions of this Board relating to the adoption of this Resolution were adopted in an open meeting of the Board, open to the public, and in compliance with all legal requirements of the Ohio Revised Code.

FURTHER RESOLVED, the Director and Chair are authorized to authenticate this resolution upon adoption through their signatures thereon, and the Director is instructed to transmit copies of this resolution to those individuals deemed necessary to effectuate the intent of its adoption.

Board Meeting Date: August 7, 2023

Agenda Item: Fiscal Services

Vendor: ESSVR, LLC 7-A

Motion: (as presented on the agenda with any edits made during the meeting)

Motion made by: ----- Chairman Curtis

Motion seconded by: ----- BOARD Member Davis Chappell

Vote of the Board Members:

Henry F Curtis, IV, Chairman	<input checked="" type="checkbox"/> Yay	<input type="checkbox"/> Nay
Inajo Davis Chappell, Member	<input checked="" type="checkbox"/> Yay	<input type="checkbox"/> Nay
Lisa M. Stickan, Member	<input checked="" type="checkbox"/> Yay	<input type="checkbox"/> Nay
Terence McCafferty, Member	<input checked="" type="checkbox"/> Yay	<input type="checkbox"/> Nay

Resolution adopted at the Cuyahoga County Board of Elections meeting on 7th  
AUGUST 2023

Signature of Chairman Henry F Curtis, IV

Signature of Director Art Lett

**DEPARTMENT APPROVAL**  
 CUYAHOGA COUNTY BOARD OF ELECTIONS

**Vendor Name:** ESSVR LLC

**Vendor Number:** 31195

**PO Number:** 23003318 EXTB

**Requested By:** Robin Roy, IS

<p><b>BILL TO:</b>          Board of Elections          2925 Euclid Avenue          Cleveland, OH 44115</p>
<p><b>DELIVER TO:</b>          Board of Elections          2925 Euclid Avenue          Cleveland, OH 44115</p>

**Date:** 8/3/23

Item	Quantity	UOM	Description	Unit Price	Total Price
1	1	LO	DIMSNET Annual Maintenance Fee (July 1, 2023 - June 30, 2024)	\$ 61,352.04	\$ 61,352.04
<b>PO TOTAL:</b>					\$ 61,352.04

<b>Accounting Unit:</b>	BE100125
<b>Account:</b>	55220
<b>Sub-Account:</b>	0
<b>Type:</b>	Service
<b>Asset:</b>	N/A

  
 Authorized Department Signature





ESSVR, LLC  
 11128 John Galt Blvd., Suite  
 200  
 Omaha, NE 68137  
 (877) 377-8683



**Invoice**

Invoice Date  
6/27/23  
 Order Date  
6/27/23  
 Customer Number  
38170  
 Customer's PO No

Terms of Payment  
30 Days Net  
 Order Number  
156666

**ORIGINAL**

Invoice Number  
CD700373  
 Election Date  
  
 Page  
1 (1)

**Invoice Address**  
 CUYAHOGA COUNTY, OHIO  
 BOARD OF ELECTIONS  
 2925 EUCLID AVE  
 CLEVELAND OH 44115-2497

**Delivery Address**  
 Cuyahoga County, Ohio  
 BOE Warehouse - Matt Fratiani  
 3951 Perkins Ave  
 Cleveland, OH 44114

Invoice for Service Contract: 173, VR, Cuyahoga County, Ohio

**Sales**

Pos	Description	Sales Qty	Unit	Price	Disc %	Tax %	Net Amount USD
1	<b>DIMSNET Maintenance Fee</b> 01-JUL-23 to 30-JUN-24	1.00	EA	61,352.040	0.00	0.00	61,352.04

**Sub Total Amount 61,352.04**

**Total Exclusive Tax 61,352.04**

**Total Tax 0.00**  
**Invoice Amount 61,352.04**

<b>Customer Number</b>	<b>Invoice Number</b>	<b>INVOICE AMOUNT</b>	<b>ESSVR</b>
38170	CD700373	61,352.04	ABA Routing No: 111000025
			Account No: 004797964743

OH: Ohio  
 PLEASE DETACH AND RETURN THIS STUB WITH YOUR PAYMENT. THANK YOU.

b)

**Resolution No. R2023-8-7-7-B**

WHEREAS, the Cuyahoga County Fiscal Office (CCFO) requires the Cuyahoga County Board of Elections (CCBOE) to provide multiple documents to the CCFO to facilitate the procurement and subsequent accounts payable functions associated with CCBOE contracts for goods and services from vendors. The Resolution is necessary for the CCBOE to continue to provide for the usual operational services critical to election administration.

RESOLVED, that the Cuyahoga County Board of Elections hereby authorizes the Director, on behalf of the Board, to undertake all actions necessary to procure and subsequently pay the items identified as the printing and mailing of the Voter Information Guides for all registers households in the September, 2023 General Election in an amount not to exceed \$1,278.75 (PO Attached).

RESOLVED, this Resolution shall take effect and be in force immediately upon receiving the affirmative vote of a quorum of members of the CCBOE. All formal actions of this Board relating to the adoption of this Resolution were adopted in an open meeting of the Board, open to the public, and in compliance with all legal requirements of the Ohio Revised Code.

FURTHER RESOLVED, the Director and Chair are authorized to authenticate this resolution upon adoption through their signatures thereon, and the Director is instructed to transmit copies of this resolution to those individuals deemed necessary to effectuate the intent of its adoption.

Board Meeting Date: August 7, 2023

Agenda Item: Fiscal Services

Vendor: Angstrom Graphics 7-B

Motion: (as presented on the agenda with any edits made during the meeting)

Motion made by: ----- CHAIRMAN CURTIS

Motion seconded by: ----- BOARD MEMBER DAVIS CHAPPELL

Vote of the Board Members:

Henry F Curtis, IV, Member	<input checked="" type="checkbox"/> Yay	<input type="checkbox"/> Nay
Inajo Davis Chappell, Member	<input checked="" type="checkbox"/> Yay	<input type="checkbox"/> Nay
Lisa M. Stickan, Member	<input checked="" type="checkbox"/> Yay	<input type="checkbox"/> Nay
Terence McCafferty, Member	<input checked="" type="checkbox"/> Yay	<input type="checkbox"/> Nay

Resolution adopted at the Cuyahoga County Board of Elections meeting on 7th  
AUGUST 2023

Signature of Chairman Henry F Curtis IV

Signature of Director Anthony W. Perabon

**DEPARTMENT APPROVAL**  
 CUYAHOGA COUNTY BOARD OF ELECTIONS

**Vendor Name:** Angstrom Graphics

**Vendor Number:** 35618

**PO Number:** 23003491 EXT B

**Requested By:** Vicki Racette

**Date:** 7/26/23

**DELIVER TO:**  
 USPS BMEU  
 2400 Orange Avenue  
 Cleveland, OH 44101

Item	Quantity	UOM	Description	Unit Price	Total Price
1	1	LO	Printing of Voter Information Guides for Sept 2023 Primary Election	\$ 701.25	\$ 701.25
2	1	LO	Mailing of Voter Information Guides for Sept 2023 Primary Election	\$ 577.50	\$ 577.50
<b>PO TOTAL:</b>					\$ 1,278.75

**Justification for not receiving three quotes:**  
 \*Director's Discretion:  
 Under \$5,000

<b>Accounting Unit:</b>	BE100105
<b>Account:</b>	54450
<b>Sub-Account:</b>	0
<b>Type:</b>	S
<b>Asset:</b>	No

  
 \_\_\_\_\_  
 Authorized Department Signature

# Agenda Item

#8



# CUYAHOGA COUNTY BOARD OF ELECTIONS

**Henry F Curtis, IV**  
Chairman

**Inajo Davis Chappell**  
Member

**Lisa M. Stickan**  
Member

**Terence M. McCafferty**  
Member

**Anthony W. Perlatti**  
Director

**Anthony N. Kaloger**  
Deputy Director

August 7, 2023

VIA CERTIFIED MAIL  
Election Systems & Software, LLC  
Richard Jablonski, V.P. of Finance  
11208 John Galt Blvd.  
Omaha, NE 68137

**RE: Notice to Terminate Contract with Election Systems & Software, LLC for Voting Equipment Hardware & Software Maintenance and Support Services– CM1856**

Dear Mr. Jablonski,

As you are aware, the Cuyahoga County Board of Elections (the “Board”) and ES&S entered into a Third Amendment, dated September 17, 2018, to the Hardware and Software Maintenance and Support Service Agreement (“Agreement”) that established a right for the Board to cancel the Agreement upon 30-day’s notice in recognition that the Board was in the process of purchasing new voting equipment. Since that time, the Board has taken the steps necessary to acquire and implement the newly purchased voting equipment.

This letter serves to provide notice that the Board is terminating the current agreement with Election Systems & Software, LLC effective 30 days after notice is effectuated under the Agreement.

As I’m sure you recognize, this cancellation does not reflect any change in the positive relationship the Board has built with Election Systems & Software, LLC through its many years of collaborative relationship with the Board. This decision is merely representative of the Board’s accelerated implementation of new voting equipment to accommodate the August 8, 2023 Special Election. The Board looks forward to its continued partnership with Election Systems & Software, LLC on other matters.

Sincerely,

Anthony W. Perlatti, Director  
Cuyahoga County Board of Elections

### **THIRD AMENDMENT TO AGREEMENT**

This Third Amendment ("Amendment") shall be deemed a material part of the Hardware and Software Maintenance and Support Services Agreement by and between Election Systems & Software, LLC, a Delaware limited liability company ("ES&S"), and Cuyahoga County, Ohio ("County"), dated July 30, 2013 ("Initial Agreement") as amended by the First Amendment To Agreement dated December 1, 2013 ("First Amendment") and by the Second Amendment To Agreement dated September 8, 2014 ("Second Amendment"). The Initial Agreement, First Amendment, and Second Amendment shall be collectively referred to herein as the "Agreement". The terms of this Amendment shall modify and supersede any and all inconsistent terms of the Agreement. Capitalized terms not otherwise defined herein shall have the same meanings ascribed to them in the Agreement.

### **RECITALS**

WHEREAS, ES&S and County entered into the Agreement under which ES&S will be supplying hardware and software maintenance and support services to County; and

WHEREAS, the State of Ohio, via Senate Bill 135, has made funding available to all boards of elections for the purpose of purchasing new voting equipment; and

WHEREAS, the intent of Senate Bill 135 was to allow boards of elections to purchase and implement new voting equipment prior to the November 5, 2019 General Election so as to be ready for the presidential elections in 2020; and

WHEREAS, County is currently in the process of evaluating prospective vendors for new voting equipment that will be purchased using funds made available by Senate Bill 135; and

WHEREAS, County may enter into a contract for new voting equipment for a period of time that overlaps with this Agreement; and

WHEREAS, both ES&S and County wish to amend the Agreement with respect to said hardware and software maintenance and support services to County; and

WHEREAS, the Agreement is a valid and subsisting agreement between ES&S and County and both parties shall continue to be bound by the terms and conditions of the Agreement not otherwise amended herein.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. **Incorporation of Recitals.** The foregoing recitals are hereby specifically incorporated into, and deemed a material part of, this Amendment.

2. **Cancellation.** The following Section 4 of Article 1 is hereby added to the Agreement:

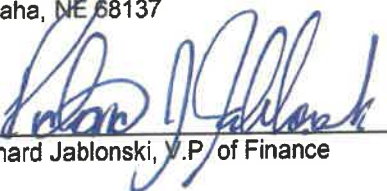
"County may cancel this Agreement at any time. If County elects to cancel this Agreement, it shall provide Notice to ES&S at least thirty (30) days prior to the effective date of cancellation. ES&S shall continue to meet all terms set forth by this Agreement until the effective date of cancellation, and shall be reimbursed for all services and materials rendered prior to such date in accordance with this Agreement. In the event that ES&S has not yet performed Routine Maintenance Services, per Section 1(a) of Article 2 of this Agreement, for the current Renewal Period, then

ES&S shall return to County a prorated share of the Hardware Maintenance and Software Maintenance and Support Fees for such Renewal Period. The prorated share shall be in the amount of \$33,577.92 for each full month remaining in the Renewal Period. County may elect for ES&S to provide the total prorated amount via check, which shall be due within thirty (30) days after the effective date of cancellation, or as a credit to be applied to future County purchase(s) of services, supplies, and/or equipment from ES&S. In the event ES&S has performed Routine Maintenance Services, per Section 1(a) of Article 2 of this Agreement, for the current Renewal Period prior to the effective date of cancellation, then ES&S shall not owe the County a refund of the Hardware Maintenance and Software Maintenance and Support Fees or a credit for the remaining term of the Renewal Period."

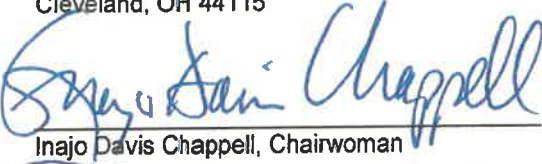
3. **Continuing Validity of Agreement.** Except as specifically set forth in this Amendment, all remaining terms and conditions of the Agreement shall remain in full force and effect.


EXECUTED as of the 17<sup>th</sup> day of September, 2018.

ELECTION SYSTEMS & SOFTWARE, LLC  
11208 John Galt Blvd.  
Omaha, NE 68137

  
Richard Jablonski, V.P. of Finance

CUYAHOGA COUNTY, OHIO  
2925 Euclid Avenue  
Cleveland, OH 44115

  
Inajo Davis Chappell, Chairwoman

  
Pat McDonald, Director