



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

30 E. Broad St., 17th Fl.  
Columbus, OH 43215-3428  
Telephone: (614) 466-2872  
Facsimile: (614) 728-7592  
www.ag.state.oh.us

July 10, 2007

Clifford O. Arnebeck, Jr.  
Arnebeck Law Office  
1000 E Main St  
Columbus, OH 43205

RE: Ballots

Dear Mr. Arnebeck:

The Secretary of State has checked with the various boards of elections to determine whether they have preserved all ballots from the 2004 general election. The various boards have responded. In case a board's production was deficient, that board was to inform the Secretary of the reason for the decision. Enclosed, is a copy of the responses the Boards of Elections gave the Secretary of State on missing ballots.

Very truly yours,

MARC DANN  
Attorney General

A handwritten signature in black ink, appearing to read "Richard Coglianesse", written over the typed name and title.

RICHARD COGLIANESE  
Principal Assistant Attorney General

RC:am  
Enclosure



**JENNIFER BRUNNER**  
**OHIO SECRETARY OF STATE**

180 East Broad Street, 15<sup>th</sup> floor  
Columbus, Ohio 43215-3726 USA  
Tel.: 1-614-466-2655  
Fax: 1-614-644-0649  
[www.sos.state.oh.us](http://www.sos.state.oh.us)

**DIRECTIVE 2007-07**

April 9, 2007

To: ALL COUNTY BOARDS OF ELECTIONS

Re: ALL BALLOTS FROM THE 2004 PRESIDENTIAL ELECTION

This directive concerns the secretary of state's efforts to address the boards of elections' continued court-ordered obligation to maintain all ballots from the 2004 presidential election.

On September 11, 2006, the U.S. District Court for the Southern District of Ohio ordered all boards of elections "to preserve all ballots from the 2004 Presidential election, on paper or in any other format, including electronic data, unless and until such time otherwise instructed by this Court." (*King Lincoln Bronzeville Neighborhood Assn. v. Brunner*, Case. No. C-1-06-0745).

It has come to the attention of our office that the ongoing expense and space limitations of maintaining all ballots from the 2004 presidential election have created hardships for many boards of elections. In order to alleviate this hardship and to insure the ballots remain secure until the resolution of the court proceeding, our office has obtained permission from the federal district court to take custody of the ballots and remove them to a secure location in Columbus. A copy of the April 6, 2007 court order is attached to this directive.

The purpose of this directive is to provide the procedure for the Secretary of State's office to take custody of the ballots and to insure that a proper chain of custody is maintained. The boards of elections are to use the attached inventory sheet to account for the ballots from the 2004 election, including voted ballots, unvoted ballots, and soiled ballots. For the purposes of this directive, "ballots" includes ballots contained "on paper or in any other format, including electronic data." For boards who used punch card voting systems in the 2004 general election, "ballots" must also include the punch card ballot pages. For boards who transferred electronic ballot data to CD-ROM format in accordance with Advisory No. 2005-04, the ballots turned over will be the CD-ROMs. Additionally, in order to anticipate the storage requirements needed for the Secretary of State to take custody of and maintain these ballots, boards must describe the amount of storage space they have utilized to store these ballots.

To enable the Secretary of State to take custody of the 2004 general election ballots in adequate time so as not to cause disruption with any municipal primary or special elections to be held May 8, 2007, boards must complete the attached inventory form within three (3) days and fax it to the Elections Division at 614-752-4360. Your regional liaison or a designated employee of the Columbus office who will be identified to you in advance will then contact you to make arrangements to take custody of the ballots and thereafter transport them to Columbus.

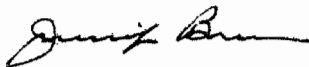
Once you have received a date and time of transferring custody of the 2004 general election ballots, please prepare the ballots for transport by packaging or bundling and clearly labeling them according to precinct. A list of precincts for your county should accompany the packaged or bundled and labeled ballots. We request that packaging be secure to prevent damage to ballots in transportation or their disorganization during transport. This packaging will aid in secure and organized storage of the ballots as we await further order of the court.

On the date and at the time arranged, the regional liaison or designated employee of our office will review your board's completed inventory form with the director and deputy director, and all three must sign the form to acknowledge that the regional liaison or designated employee of our office has received the ballots as accounted for on the inventory form and taken physical custody of the ballots. The board must keep a copy of the signed inventory form for its records, fax a copy to the Secretary of State's office at the fax number listed above, and tender the original to the regional liaison or designated employee of our office along with the ballots and listing of precincts in the county for the 2004 election.

Once the regional liaison or designated employee of the Secretary of State's office signs the inventory form and takes physical custody of the ballots and list, the regional liaison or designated employee will directly and promptly deliver the ballots and list to our secure location in Columbus. Chief of security for the Secretary of State's office, will receive the ballots and lists on behalf of the Secretary of State and verify that the accounting of ballots on the completed inventory form comports with the number and descriptions of actual ballots delivered, along with the list of precincts. The chief of security will then sign the inventory form and take physical possession of the inventory form, the ballots, and the lists on behalf of the Secretary of State. Thereafter, the Secretary of State will maintain the ballots and lists at a single secure location until further order of the court as to their final disposition.

We believe that these actions will assist you in preparing for elections you must administer this year and next and provide you with needed space for carrying out your duties. Thank you for your cooperation and patience in complying with the court's orders. If you have any questions or need additional information then please contact the Elections Division legal staff assigned to your board at 614-466-2585.

Sincerely,



Jennifer Brunner  
Secretary of State

**OHIO SECRETARY OF STATE JENNIFER BRUNNER  
INVENTORY SHEET  
FOR 2004 PRESIDENTIAL BALLOTS**

County \_\_\_\_\_

Voting System Used In Precinct(s) For 2004 Presidential Election

\_\_\_\_\_

Voting System Used By Disabled Voters For 2004 Presidential Election

\_\_\_\_\_

Voting System Used For Absentee Ballots For 2004 Presidential Election

\_\_\_\_\_

Total Number Of Voted Ballots \_\_\_\_\_

Total Number Of Unvoted Ballots \_\_\_\_\_

Total Number Of Absentee Ballots \_\_\_\_\_

Total Number Of Provisional Ballots \_\_\_\_\_

Total Number Of Soiled Ballots \_\_\_\_\_

For Punch Card Systems, Total Number Of Punch Card Ballot Pages

\_\_\_\_\_

For Electronic Systems, Total Number Of CD-Roms \_\_\_\_\_

List Of Precincts In County Has Been Provided To Regional Liaison Or Designated  
Secretary Of State Employee \_\_\_\_\_

(Use check mark here)

**Description Of The Amount Of Storage Space Utilized By The Board To Maintain The Ballots Accounted For Above (such as the number and dimensions of boxes):**

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**CERTIFICATION BY DIRECTOR AND DEPUTY DIRECTOR:**

I hereby certify that the number of ballots, punch card ballot pages, and/or CD-ROMS as reported above accurately reflects the total number of ballots currently in the possession of the board of elections and maintained in accordance with federal court order, and I have further provided these ballots and ballot pages, along with a list of the precincts in the county for the 2004 general election, to the Secretary of State's regional liaison or designated employee who has signed the certification below in my presence.

\_\_\_\_\_  
Director

\_\_\_\_\_  
Deputy Director

Date and time: \_\_\_\_\_

Date and time: \_\_\_\_\_

***Director and Deputy Director: You must fax a signed copy of this Inventory Sheet to the Elections Division of the Secretary of State's office at 614-752-4360 as soon as the Secretary of State's employee leaves your premises with the ballots, ballot pages and precinct list described above.***

**CERTIFICATION BY SECRETARY OF STATE REGIONAL LIAISON OR DESIGNATED SECRETARY OF STATE EMPLOYEE:**

I hereby certify that I have been authorized by the Secretary of State to take custody of the ballots, ballot pages and list of precincts in the county from the 2004 presidential election from the \_\_\_\_\_  
\_\_\_\_\_ County Board of Elections. I have reviewed and confirmed that the accounting listed

above is accurate and that I am taking custody of all the ballots, ballot pages and list(s) as described above. I have signed this certification in the presence of the Director and Deputy Director of the \_\_\_\_\_ County Board of Elections and further certify that I will promptly deliver said ballots, ballot pages and list(s) of precincts for the county to the secure location as directed by the Secretary of State.

\_\_\_\_\_  
Employee of Secretary of State

\_\_\_\_\_  
Date and time of taking custody

**CERTIFICATION BY SECRETARY OF STATE DIRECTOR OF SECURITY:**

I hereby certify that I have been authorized by the Secretary of State to receive the ballots, ballot pages and lists of precincts from the 2004 presidential election that were delivered by \_\_\_\_\_ from the \_\_\_\_\_ County Board of Elections. I further certify that I have reviewed and confirmed that the ballots, ballot pages and lists that I have received comport with the numbers and descriptions as accounted for, certified and listed above.

\_\_\_\_\_  
Doug Miller, Director of Security  
Office of Secretary of State of Ohio

\_\_\_\_\_  
Date and time of taking custody

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>KING LINCOLN BRONZEVILLE</b>	:	
<b>NEIGHBORHOOD ASSOCIATION, <i>et al.</i></b>	:	
	:	
<b>Plaintiffs,</b>	:	<b>Case No. C2-06-745</b>
	:	
<b>v.</b>	:	<b>JUDGE ALGENON L. MARBLEY</b>
	:	
<b>JENNIFER BRUNNER, <i>et al.</i>,</b>	:	<b>Magistrate Judge Abel</b>
	:	
<b>Defendants.</b>	:	

**AGREED ORDER**

This matter came before the Court upon the Joint Motion Regarding Disposition of All Ballots From 2004 Presidential Election. The Court finds the Joint Motion to be well-taken and it is hereby Ordered that

The Secretary of State of Ohio, Jennifer Brunner, shall prepare a directive pursuant to R.C. 3501.05 requiring the 88 county boards of elections to transfer to the custody of the Secretary of State of Ohio all ballots from the 2004 Presidential election, on paper or in any other form, including electronic data, previously preserved in accordance with the Court’s September 11, 2006 Opinion and Order. It is further ordered that

The 88 county boards of elections shall comply with the Secretary’s directive requiring the transfer of all ballots from the 2004 presidential election to the custody of the Secretary of State. It is further ordered that

The stay in this matter shall be lifted for the sole purpose of entering this Order, and upon entry of this Order and by agreement of the parties, this Order shall serve to reimpose the stay previously entered in this matter. It is further ordered that

The Secretary of State shall maintain all ballots from the 2004 presidential election in a secure location pending the final resolution of this matter.

**IT IS SO ORDERED.**

s/Algenon L. Marbley  
**ALGENON L. MARBLEY**  
**United States District Court Judge**

**DATED: April 6, 2007**



**JENNIFER BRUNNER**  
**OHIO SECRETARY OF STATE**

180 East Broad Street, 15<sup>th</sup> floor  
Columbus, Ohio 43215-3726 USA  
Tel.: 1-614-466-2655  
Fax: 1-614-644-0649  
www.sos.state.oh.us

April 18, 2007

**TO:** All Ohio Boards of Elections

**FR:** David M. Farrell, Deputy Assistant Secretary of State and Director of Elections  
Eleanor Speelman, General Counsel

**RE:** Collection of 2004 General Election Ballots

If your Board of Elections is no longer in possession of all the 2004 General Election ballots and other materials that federal court Judge Marbley's order and SOS Directive 2007-07 require to be transferred to this office, then the Board must submit a "Letter of Explanation" that contains the information described below:

1. A description of the ballots and material described in Directive 2007-07 that the Board is unable to transfer to this office. The description should identify the categories of ballots, i.e., voted, unvoted, absentee, provisional, soiled, etc., that are unavailable
2. As to ballots and other materials described in Directive 2007-07 that you are unable to transfer, a statement describing the following:
  - a. whether steps were taken following the 2004 general election to preserve the ballots, and if so, what those steps were;
  - b. whether the ballots were **intentionally destroyed**, pursuant to a retention schedule or otherwise and, if so, the date of that occurrence;
  - c. whether the ballots were **accidentally destroyed** and, if so, the date and circumstances of that occurrence;
  - d. whether the **ballots exist in any form at the current time**, or are capable of being replicated.
3. A statement indicating whether the Board received notice, either written or otherwise, of Judge Marbley's order of September 11, 2006, and:
  - a. if so, the circumstances, including the date and manner, surrounding receipt of the notice;
  - b. if not, a description of the Board's efforts, if any, to determine why the Board had not received the notice.
4. Please provide **any other information** you believe will explain your inability to comply with Judge Marbley's order and Directive 2007-07.

Your responses to the above must be provided to David Farrell, Deputy Assistant Secretary of State and Director of Elections, on or before **5:00 p.m., Wednesday, May 16, 2007.**

**ADAMS COUNTY BOARD OF ELECTIONS**  
**215 N. CROSS ST., ROOM 103**  
**WEST UNION, OH 45693**  
**PHONE : (937)544-2633 or FAX: (937)544-5111**

**BOARD MEMBERS:**

TIM LEWIS  
 CHAIRMAN  
 EDWINMCDOWELL  
 CAROL KNAUFF  
 VIRGINIA GROOMS

STEPHANIE THOMPSON  
 DIRECTOR

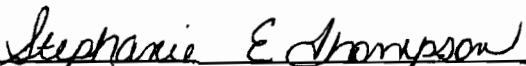
MARY FANNIN  
 DEPUTY DIRECTOR

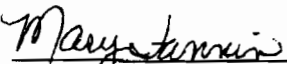
April 12, 2007

TO: Ohio Secretary of State

RE: Directive 2007-07

Please be advised that our office does not have in it's possession the punch card ballot pages from the November 2004 General Election. Copies of the Absentee Booklets used in this election have been included to show each rotation per precinct. We have also included in the submitted election material, the ballot rotation sheets which were sent to the polls on election day.

  
 \_\_\_\_\_  
 Stephanie E. Thompson, Director

  
 \_\_\_\_\_  
 Mary Fannin, Deputy Director

# ALLEN COUNTY BOARD OF ELECTIONS

204 N. Main Street • Lima, Ohio 45801  
Phone (419) 223-8530 • Fax (419) 222-0311

RECEIVED

MAY 11 2007

Secretary of State

Gary Frueh, Chairman  
Charles A. Rossfeld  
Beverly O. McCoy  
Keith A. Cheney

Keith A. Cunningham, Director  
Ida Kay Keller, Deputy Director

May 10, 2007

Mr. David M. Farrell  
Deputy Assistant Secretary of State  
Ohio Secretary of State  
180 E. Broad Street, 15<sup>th</sup> Floor  
Columbus, OH 43215-3726

Dear M. Farrell,

Following the 2004 General Election the Allen County Board of Elections boxed and labeled all voted ballots and placed them in our vault for the required 22 months of storage.

Throughout the latter part of 2004 and into 2005 the Allen County Board of Elections began to experience problems with storm water migrating and subsequently penetrating our primary storage areas including our vault. In 2005, after several significant rain events, the County Commission approved the necessary funds for county maintenance personnel to begin addressing the problem.

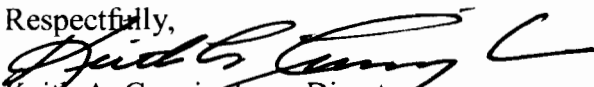
In the spring of 2006, county maintenance crews along with private contractors performed a series of tasks designed to remediate the migrating water as well as the subsequent mold and mildew resulting from the water damage. Beginning with repairing the gutters and downspouts, directing water away from the foundation of the building and installing a sump pump, to removing drywall, replacement of floor and ceiling tiles, and installation of a commercial dehumidifier, these crews worked throughout the summer of 2006 getting the problems under control.

As a result of these events, much of what was stored in our vault, including the 2004 General Election ballots, was compromised by water damage and subsequently destroyed on or about August 20, 2006. Pursuant to the recommendations of the Allen County Health Department, the boxes displaying mold or mildew were set aside to be discarded. Unfortunately, the contractor hired to remove the damaged boxes also accidentally removed the undamaged boxes as well. Some items relating to the 2004 General Election were salvaged. Those items include; Poll Books, Clerks Books and a box containing 498 write-in ballots.

The Allen County Board of Elections State computer indicates that Judge Marbley's order was sent via e mail on September 8, 2006 at 2:28 P.M. however it is not known exactly when it was read. It is safe to assume that it was opened somewhere between the time it was sent and Monday September 9<sup>th</sup>. The Allen County Board of elections is also in receipt of Secretary of State Directive 2007-07.

Please do not hesitate to contact me with any questions or concerns regarding this matter.

Respectfully,

  
Keith A. Cunningham, Director

Enclosures:



# ASHLAND COUNTY BOARD OF ELECTIONS

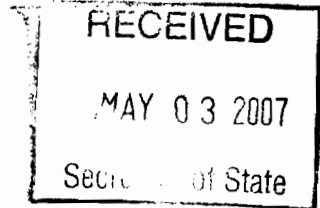
110 Cottage Street • Ashland, Ohio 44805 • (419) 282-4224 • Fax: (419) 282-4260  
Email: khowman@ashlandcounty.org www.ashlandboe.com

**Kathy J. Howman**  
Director  
(419) 282-4224



**Shannon Leininger**  
Deputy Director  
(419) 282-4321

April 30, 2007



David Farrell  
Deputy Assistant Secretary of State,  
Director of Elections  
180 E. Broad St., 15<sup>th</sup> Floor  
Columbus, Oh 43215-3726

Dear Mr. Farrell:

The Ashland County Board of Elections is unable to transfer the **unvoted ballots** from the 2004 General Election. All other ballots were transferred to your staff April 23, 2007.

The ballots were mistakenly destroyed by the staff after looking at the retention schedule. The retention schedule states we must retain cast ballots for 22 months if a Federal Election, it does not state unvoted ballots must be saved. The staff states that after 60 days passed they discarded the unused ballots from the 2004 General Election.

We were an optical scan county in 2004 and have the ability to produce ballots for each ballot face in that 2004 General election. We also have copies of each of those ballots saved in our 2004 General Election file.

We received notice by email of the court order from Lisa Brooks at the request of Cassandra Hicks, General Counsel of the Secretary of State's Office on September 8, 2006. By the date we received the first notice to save all ballots they had already been destroyed. Thank you.

Sincerely,

Kathy Howman, Director  
Ashland Co. Board of Elections  
110 Cottage St.  
Ashland, Oh 44805

**THOMAS L. SARTINI**  
**PROSECUTING ATTORNEY**  
ASHTABULA COUNTY COURTHOUSE  
25 WEST JEFFERSON STREET  
JEFFERSON, OHIO 44047-1092

GENE BARRETT  
BRUCE W. BENNETT  
CATHERINE R. COLGAN  
AMANDA A. CONDON  
REBECCA K. DRYGOK  
CAROL ANN GARRATT  
ROBERT L. HERMAN  
SHELLEY M. PRATT  
MARCUS E. SPECHT, JR.  
SUSAN R. THOMAS  
TAMARA A. WETTERHOLT

TELEPHONE  
(440) 576-3661  
CRIMINAL OFFICE FAX  
(440) 576-3692  
CIVIL OFFICE FAX  
(440) 576-3688  
TAX UNIT  
(440) 576-3734  
VICTIMS/WITNESS ASSISTANCE  
CYNTHIA VAN ALLEN  
(440) 576-3223  
BONNIE ELLIOTT  
(440) 576-3523

April 16, 2007

Hon. Jennifer Brunner  
Ohio Secretary of State  
180 East Broad Street, 15<sup>th</sup> Floor  
Columbus, OH 43215-3726

RE: Directive 2007-07  
Ashtabula County Board of Election Response

Dear Secretary Brunner:

This response is on behalf of the Ashtabula County Board of Elections to Directive 2007-07 dated April 9, 2007.

I am enclosing the Inventory Sheets included with the Directive which have been filled out to the extent possible based on information and records available.

The information provided was obtained from the 2004 abstract and the 2004 presidential election clerk books which list the names of the persons who voted, those that voted provisionally, and which ballots were soiled.

Unfortunately, the actual ballot cards were inadvertently discarded and destroyed by the Ashtabula County Board of Elections just prior to receipt by the Board of Judge Marbley's Order and the subsequent directive by your office.

Accordingly, the Director and Deputy Director of the Ashtabula County Board of Elections are neither able to certify that the ballots are currently in their possession nor able to turn them over to the Regional Liaison.

Please let me know if anything further is required regarding this matter.

Very truly yours,  
  
THOMAS L. SARTINI  
PROSECUTING ATTORNEY

TLS/dh  
cc: Brian P. Green, Elections Counsel  
Ashtabula County Board of Elections

**Athens County Board of Elections**

15 South Court St., Room 130

Athens, Ohio 45701

(740) 592-3201

Fax (740) 592-3262

*Susan Gwinn*

*Chair*

*William A. Lavelle*

*Member*

*Debra L. Quivey*

*Director*

*Howard E. Stevens*

*Member*

*Penny L. Brooks*

*Deputy Director*

*Aundrea S. Carpenter-Colvin*

*Member*

April 20, 2007

David M. Farrell  
Deputy Assistant Secretary of State  
And Director of Elections  
Office of the Ohio Secretary of State  
180 E. Broad St., 15<sup>th</sup> Floor  
Columbus, OH 43215

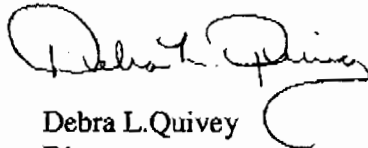
Dear Mr. Farrell;

We have as required with Directive 2007-07 transferred the ballots and related materials for the 2004 General Election in possession of the Athens County Board of Elections to the Secretary of State.

We are writing this letter of explanation regarding unvoted ballots from the 2004 General Election (from the polls) . The Director in 2004 has retired and we feel that these unvoted ballots from the polls were inadvertently discarded.

If you have any questions related to this letter feel free to contact us at 740-592-3201.

Sincerely,

  
Debra L. Quivey  
Director

  
Penny L. Brooks  
Deputy Director

**BROWN COUNTY BOARD OF ELECTIONS**  
800 Mt Orab Pike  
Georgetown OH 45121  
937-378-3008  
Fax 937-378-6457  
[www.electionsonthe.net](http://www.electionsonthe.net)  
[brown@sos.state.oh.us](mailto:brown@sos.state.oh.us)

Kerrin Cushing, Board Member  
Bill Herdman, Board Member  
Linda Ondre, Board Member

Sue McIntosh, Director  
Kathy Long, Deputy Director

May 10, 2007

David Farrell, Deputy Assistant Secretary of State  
180 E. Broad St., 15<sup>th</sup> Floors  
Columbus, Ohio 43215-3726

Subject: Letter of Explanation

Dear David,

In November 2004 we were using a punch card voting system. We are unable to transfer absentee booklets for precincts 60-Franklin Township and 240-Georgetown Village North from that election. We ran out of booklets for precinct 240 and had to make up booklets for that precinct. We were unable to locate booklets for precinct 60. It is possible they may be in the boxes but were mixed in with another precinct.

All ballots and election materials for that election were stored together in sealed boxes under a double lock in our storage building,

The absentee booklets for these precincts were not intentionally destroyed. We do not believe the booklets were accidentally destroyed. We believe they are either in the boxes we sent or have been misplaced.


Originals of the booklets have been sent to the Secretary of States office prior to the election. We also have an original of each booklct that we have to keep in our office. We could make copies of the booklets and send to you.

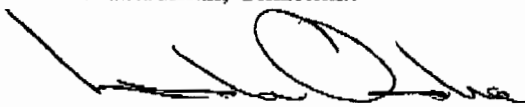
We received the order by email from the Secretary of State's office on September 8, 2006.

Sincerely,

Brown County Board of Elections

  
Bill Herdman, Chairman

  
Kerrin Cushing, Board Member

  
Linda Ondre, Board Member

## ***Butler County Board of Elections***

**THOMAS W. ELLIS**  
Chairman

**315 High Street, Suite 1050**  
**Hamilton, Ohio 45011-6056**

**BETTY L. MCGARY**  
Director

**JOHN M. HOLCOMB**  
**JUDITH A. SHELTON**  
**JACK A. ZETTLER**

**LYNN EDWARD KINKAID**  
Deputy Director

SENT VIA FACSIMILE TO 614-485-7060

TO: David M. Farrell, Deputy Assistant Secretary of State and Director of Elections

FR: Betty L. McGary, Director, Butler County Board of Elections  
Lynn Edward Kinkaid, Deputy Director, Butler County Board of Elections

Date: May 9, 2007

RE: 2004 General Election Ballots, Directive 2007-07

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The Butler County Board of Elections has compiled the material in compliance with Directive 2007-07. We have 64 boxes from the 2004 General Election Ballots, including voted, unvoted, absentee, provisional, and soiled.

### **Description of Ballots and/or Material Unable to Transfer**

We have discovered that we are unable to fulfill the requirement related to returning the 2004 General Election Ballot Pages. Ballots pages are interpreted in this statement to mean the "Official Presidential Ballot, General Election – November 2, 2004, Butler County" which was in the wire frames and used in conjunction with the punch card system.

### **Statement Describing Steps Taken to Preserve Ballots and Circumstances Resulting in the Loss of Ballot Pages**

All the ballot material from the 2004 General Election was stored at our off site warehouse. All staff members of the Board of Elections had been instructed by the Director and Deputy Director as well as the Board to comply with Judge Marbley's court order to preserve and not destroy any ballots in reaction to Directive 2006-59.

In early March of 2007, we were in the process of creating an inventory of all storage items being held in our off-site warehouse. At that time, a request to discard unused forms from the 2004 Precinct Kits was approved. When these instructions were related via telephone to our offsite warehouse staff, a miscommunication occurred. The instructions were interpreted as to include boxes containing the 2004 ballot pages – as they were being stored next to the unused forms boxes. At no time was anyone specifically instructed to discard these items. Our staff unintentionally discarded boxes

## ***Champaign County Board of Elections***

1512 S. U. S. Highway 68 Suite L-100  
Urbana, Ohio 43078  
Phone: 937-484-1575  
Fax: 937-484-1578

### **Members of the Board**

Roger L. Terry  
Robert G. Hamilton  
Lynn R. Mintchell  
Meredith L. Heath

Robin Y. Burden, Director  
Marcia J. Nash, Deputy Director

April 19, 2007

**TO: David M. Farrell, Deputy Assistant Secretary of State and Director of Elections**

**RE: Collection of 2004 General Election Ballots**

The Champaign County Board of Elections will not be transporting any unused ballots or crimped ballot pages from the 2004 General election.

The Champaign County Board of Elections was following the retention schedule (County Board of Elections – CBE, Revised 1996) supplied by the Secretary of State in the Election Officials Manual for County Board of Elections. This does not state any retention period for these items and these items have always been destroyed.

Unused ballots and crimped pages were destroyed in summer of 2005. In preparation for new voting equipment, re-vamping of silver voting booths, Re-Call election for Mayor of the City of Urbana, Primary Election and General Election of 2006.

Robin Y. Burden



Director

# CLARK COUNTY BOARD OF ELECTIONS

# Memo

**To:** DAVID FARRELL  
**From:** LINDA ROSICKA  
**CC:**  
**Date:** 4/19/2007  
**Re:** 2004 ELECTION MATERIALS

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## MATERIALS INCLUDED IN SHIPMENT:

<input type="checkbox"/>	VOTED BALLOTS
<input type="checkbox"/>	UNVOTED BALLOTS/STUBS
<input type="checkbox"/>	IN-OFFICE SOILED & DEFACED
<input type="checkbox"/>	AV SOILED & DEFACED
<input type="checkbox"/>	PROVISIONAL SOILED & DEFACED
<input type="checkbox"/>	ROTATION CHECKING SHEET
<input type="checkbox"/>	SECRETARY OF STATE INVENTORY SHEET

## MATERIALS NOT INCLUDED IN SHIPMENT

<input type="checkbox"/>	CRIMPED ASSEMBLY PAGES
<input type="checkbox"/>	PRECINCT SOILED AND DEFACED

May 10, 2007

Ohio Secretary of State  
Elections Division  
Columbus, OH 43215

Re: Inventory Sheet 2004 Presidential Ballots

“Total Number of Unvoted Ballots” could not locate.

The Clermont County Board of Elections, have been unable to locate the unused ballots regarding the 2004 Election. In interviewing the staff, no one could remember the disposition of said ballots. The office had gone through a complete remodeling, and re-location after that cycle. No one remembers specifically discarding the ballots. There is a possibility that the ballots will surface as we complete the re-organization of our warehouse section, as well as a re-visit to our records storage facility. If/when we locate the unused ballots we will notify our Liaison, for disposition.

Mike Keeley, Director  
Board of Elections  
Clermont County OH

**STATEMENT OF ELIZABETH F. HART**

I was not employed by the Clinton County Board of Elections during the November 2004 Presidential Election. I started to work as the Director on February 6, 2006.

Pursuant to Ohio Secretary of State's Directive 2007-07 my staff and I retrieved the 2004 Presidential records from the Clinton County Records Department and began to inventory the ballots and punch card ballot pages.

I discovered the punch card ballot pages were not included in the boxes from the Records Department and began to search for them immediately. I called previous Board of Elections' employees and searched our office. Pat Patty (Rep.) and I (Dem.) opened and searched each box stored at the Records Department for the ballot pages. The 2004 Presidential ballot pages were not found. The 2004 Presidential absentee ballots are among the records.

Dated: April 11, 2007

E F Hart

Elizabeth F. Hart, Director  
Clinton County Board of Elections

## Warren, Sally

---

**From:** Farrell, David  
**Sent:** Tuesday, April 17, 2007 1:48 PM  
**To:** Warren, Sally  
**Subject:** FW: 2004 Ballot Transfer to SOS



Ballot Transfer  
Doc.pdf

Please print attachment for your records.

David M. Farrell  
Deputy Assistant Secretary of State  
and Director of Elections  
Office of the Ohio Secretary of State  
180 E. Broad Street - 15th Floor  
Columbus, OH 43215  
(614) 995-5221 (w)  
(614) 485-7060 (fax)

-----Original Message-----

From: Jane Platten [mailto:bejmp@cuyahogacounty.us]  
Sent: Tuesday, April 17, 2007 12:14 PM  
To: Nance, Christopher; Farrell, David  
Cc: Reno Oradini  
Subject: 2004 Ballot Transfer to SOS

Chris and David,  
As follow up to our discussion this morning, please know that all 2004 ballots have been packed up and are at this time being driven to your office. Ed Monroe of your office and Gary Barna of the CCBOE are delivering the ballots.

I amended the certification statement on the inventory sheet to reflect the fact that I could only estimate the number of ballots being delivered. As I only assumed the position of Interim Director of this agency on March 1, 2007, I do not know the history of chain of custody or storage of those ballots since the November 2004 election. None of the persons in the Administration responsible for those ballots since that election work at the BOE any longer.

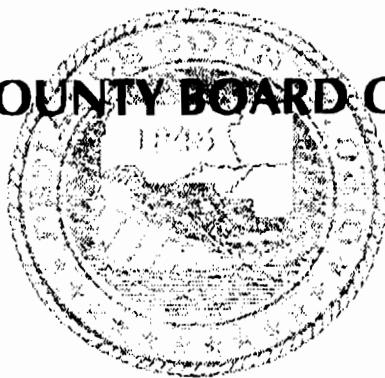
Relative to the total number of unvoted ballots, we arrived at the number 438,005 by subtracting the total number of ballots cast by the total number of ballots ordered. I cannot though attest to that number being present and accounted for in the delivery.

In summary, to the best of my knowledge, we have sent to you all ballots in our possession from the November 2004 election per the SOS Directive 2007-07.

---

Jane Platten  
Interim Director  
Cuyahoga County Board of Elections  
216-443-6485  
bejmp@cuyahogacounty.us

# DEFIANCE COUNTY BOARD OF ELECTIONS



**MEMBERS OF BOARD**

BRENDA GRIFFITH, Defiance, Ohio  
Phone, Residence 419-782-4366

VICTOR VOGEL, Defiance, Ohio  
Phone, Residence 419-784-4121

Director  
WAYNE OLSSON

**MEMBERS OF BOARD**

JOSEPH TULLIS, Chairman, Defiance, Ohio  
Phone, Residence 419-784-4227

SUSAN J. BACON, Defiance, Ohio  
Phone, Residence 419-782-9455

Deputy Director  
LAURA L. HOWELL

April 12, 2007

Ohio Secretary of State  
180 E. Broad St. 15<sup>th</sup> Floor  
Columbus, OH 43215

Re: 2004 Presidential Ballots

Per a conversation with Erick Gale, the Defiance County Board of Elections was advised to include the following additional material:

Soiled Secrecy Sleeves	77
Write-in Secrecy Sleeves	1810
Re-makes of Original Ballots	90

Yours truly

Wayne Olsson  
Director

Laura Howell  
Deputy Director

**DEMOCRATIC MEMBERS OF THE BOARD**

**DAVID E. GIESE**

5029 Mapleview Dr., Vermilion, Ohio 44089

**CLARENCE W. SEAVERS**

1490 Dixon Dr., Sandusky, Ohio 44870

**DEBORAH D. McDOWELL, Director**

5708 Schenk Rd., Sandusky, Ohio 44870

**REPUBLICAN MEMBERS OF THE BOARD**

**CHRISTOPHER M. MARINKO, CHAIRMAN**

8613 Furnace Rd., Vermilion, Ohio 44089

**MELVIN A. SAFERSTEIN**

922 Strowbridge Dr., Huron, Ohio 44839

**JENNIFER L. FERBACK, Deputy Director**

506-A Cleveland Rd. W, Huron, Ohio 44839

**ERIE COUNTY BOARD OF ELECTIONS**

**2900 COLUMBUS AVENUE**

**SANDUSKY, OHIO 44870**

**TELEPHONE: (419) 627-7601 \* FAX (419) 626-0034**

April 19, 2007

**TO: David M. Farrell, Deputy Assistant Secretary of State and Director of Elections**

**FROM: Erie County Board of Elections**

Erie County does not have the unvoted ballots from the 2004 General Election. The retention schedule we were using at that time, and are still using, states we need only keep the Ballots Cast. Until the order from Judge Marbley we were unaware we needed to keep unvoted ballots.

Sincerely,



Deborah D. McDowell, Director

**Fairfield County Board of Elections**

951 Liberty Drive  
Lancaster, OH 43130-8045  
www.fairfieldelections.com

(740) 687-7000 / (614) 837-0765  
fax (740) 681-4727  
info@fairfieldelections.com

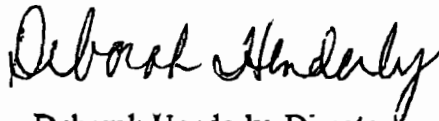
May 29, 2007

To Whom It May Concern:

This office inadvertently discovered three (3) additional boxes of 2004 General Election material. We discovered one box of voided absentee ballots; one box of General Election pages; and one box of absentee ballot pages.

We apologize for this inconvenience, and are asking that these additional boxes be placed with our previous 2004 General Election materials which were already signed over to Martha Sullivan, Regional Liaison for the Secretary of State.

Thank you again.



Deborah Henderly, Director



Peter Kukla, Deputy Director

## Fayette County Board of Elections

DAVID BIHL  
Chairman  
JUDITHA CRAIG  
RON PALMER  
MYRON PRIEST

133 SOUTH MAIN STREET, SUITE 404  
WASHINGTON C.H., OHIO 43160  
PHONE 740-335-1190 FAX 740-333-3574

BETH ANN SNYDER  
Director  
JAMIE BROOKS  
Deputy Director

TO: David M. Farrell, Deputy Assistant Secretary of State

FROM: Fayette County Board of Elections

DATE: May 14, 2007


RE: Collection of 2004 General Election Ballots

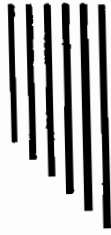
The Fayette County Board of Elections submits this "Letter of Explanation" as to why we no longer possess all of the 2004 General Election ballots and other materials that Directive 2007-07 requested.

1. The following items are no longer in our possession.
  - a) stubs
  - b) un-voted election day ballots
  - c) election day ballot pages
  
2. The above three items were intentionally destroyed.
  - a) The stubs once removed from the ballots have never been historically considered as part of the ballots, so have always been destroyed them shortly following each election.
  - b) This office has always followed the County Board of Election (CBE) Records Retention schedule and have only retained the *cast ballots* in the past. The 2004 General Election un-voted ballots would have been destroyed a month before, April 2005, the next election we would have needed the transfer cases.
  - c) The actual election day ballot *pages* would have been destroyed a month before the next election so we could reuse the frames. In this case that would have been April 2005. We did send however, one copy of absentee flimsie pages for each precinct. It would be possible for you to replicate the election day pages from those flimsies.
  
3. The Fayette County Board of Elections received an e-mail on Friday, September 08, 2006 @ 2:28 PM from Lisa Brooks at the request of Cassandra Hicks, General Counsel of the Secretary of State's office, a copy of Judge Marbley's order of September 7, 2006.

If you need any more information please advise.

  
David Bihl, Chairman

  
Beth Ann Snyder, Director

**Guernsey County Board of Elections**

627 Wheeling Ave.  
Suite 101  
Cambridge, OH 43725

Phone: 740-432-2680  
Fax: 740-432-6784  
E-mail: [guernsey@sov.state.oh.us](mailto:guernsey@sov.state.oh.us)

April 25, 2007

Dear Mr. Farrell,

Let this serve as official notice of the explanation of why the Guernsey County Board of Elections was not able to comply with Directive 2007-07 which required all ballots be transferred to the Ohio Secretary of State's office.

The unvoted ballots as well as the punch card ballot pages, were destroyed in error due to the county maintenance worker, when collecting trash, picked up the boxes that contained the unused and the ballot pages.

The ballot pages can be reproduced by precinct by copying the absentee ballot pages.

I have enclosed all documentation that this office has surrounding the events that involve the notices received from the Secretary of State's office concerning the order to maintain the 2004 ballots.

Should you need more information, please contact me at the above listed telephone number.

Respectfully,

Jacqueline J. Neuhart  
Director

# Board of Elections

HAMILTON COUNTY, OHIO  
824 BROADWAY  
CINCINNATI, OHIO 45202-1345  
513 / 632-7000  
FAX 513 / 579-0988 - 513 / 744-9038  
[www.hamilton-co.org/boe](http://www.hamilton-co.org/boe)

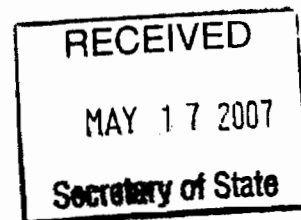
TIMOTHY M. BURKE  
Chairman

CHARLES H. GERHARDT, III  
V. DANIEL RADFORD  
GEORGE H. VINCENT

JOHN M. WILLIAMS  
Director of Elections

PAMELA M. SWAFFORD  
Deputy Director of Elections

May 16, 2007



Mr. David Farrell  
Deputy Assistant Secretary of State  
And Director of Elections  
Office of Ohio Secretary of State  
180 East Broad Street, 15<sup>th</sup> Floor  
Columbus, Ohio 43215-3726

Dear Mr. Farrell:

The Hamilton County Board of Elections was unable to transfer the unvoted precinct ballots and soiled precinct ballots from the 2004 Presidential Election per Judge Marbley's Order.

The above ballots were secured after the election in a basement storage area. In January of '06, the staff was engaged in a sizeable effort to make room for the Hart voting system. To the best of my knowledge, the above ballots were inadvertently shredded between January 19<sup>th</sup> and 26<sup>th</sup> of '06 in an effort to make room for the new Hart voting system. The unvoted ballots were stored in boxes and wheeled carts. The voted ballots were not destroyed as they were stored in punch card filing cabinets that were also located in the basement area. The unvoted punch card ballots cannot be replicated.

On September 8<sup>th</sup> 2006, we received the initial order from Judge Marbley by email from the SOS office. If you have any further questions, please contact me at 513-632-7077.

Sincerely,

A handwritten signature in black ink that reads "John M. Williams".

John M. Williams  
Director of Elections

Cc: Timothy M. Burke  
Charles H. Gerhardt, III  
V. Daniel Radford  
George H. Vincent

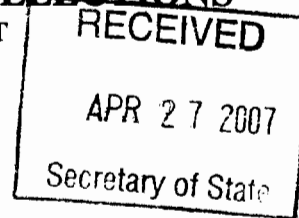
# HANCOCK COUNTY BOARD OF ELECTIONS

209 WEST MAIN CROSS STREET  
SUITE 103  
FINDLAY, OHIO 45840

TELEPHONE: (419) 422-3245  
FAX: (419) 424-7293

E-MAIL: [bdelections@co.hancock.oh.us](mailto:bdelections@co.hancock.oh.us)

WEB PAGE: [WWW.HANCOCKBOARDOFELECTIONS.COM](http://WWW.HANCOCKBOARDOFELECTIONS.COM)



CHARLES M. HYMES, CHAIRMAN  
P. RICHARD LARICK  
ARLEN L. LOWERY  
JAMES A. SMITH

DIRECTOR  
LORI M. MILLER  
DEPUTY DIRECTOR  
JODY B. O'BRIEN

April 25, 2007

Ohio Secretary of State  
Attention: David Farrell, Deputy Assistant Secretary of State and Director of Elections  
180 East Broad Street – 15<sup>th</sup> Floor  
Columbus, OH 43215-3726

Dear Mr. Farrell,

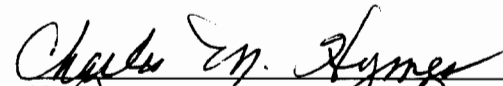

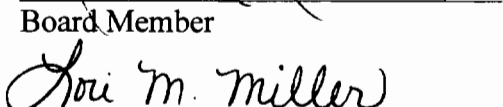
The Hancock County Board of Elections 2004 voted General Election ballots were transferred to the Secretary of State on April 19, 2007 at 11:30 a.m. The Board is no longer in possession of the 2004 General Election unvoted or soiled ballots. We received verbal direction by administration under the former Secretary of State's office that unused and soiled ballots did not have to be retained and these items were destroyed.

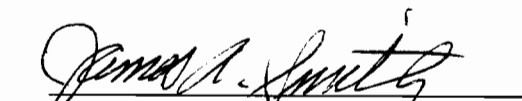
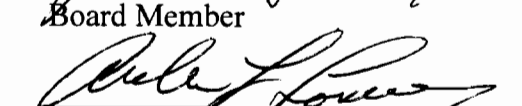
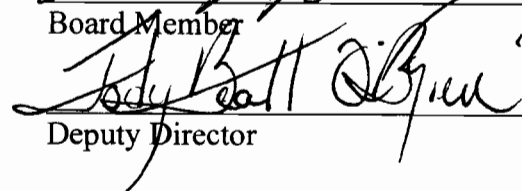
The Board started retaining the unvoted and soiled ballots with the 2006 elections and these items are retained per the ballot retention schedule.

If you have any questions, please contact our office at (419) 422-3245.

Sincerely,

HANCOCK COUNTY BOARD OF ELECTIONS

  
Chairman  
  
Board Member  
  
Director

  
Board Member  
  
Board Member  
  
Deputy Director



# Board of Elections

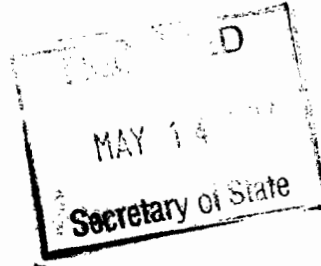
Hardin County Courthouse  
One Courthouse Square, Suite 170  
Kenton, Ohio 43326-1575  
419-674-2211

hardin@sos.state.oh.us  
hardincountyelections.com

Sandy Bookmyer, Director  
Janice E. Aller, Deputy Director

Board Members:

James L. Crates, Chairman  
Shirley J. Howard  
Donald L. Traxler  
S. Anne Boston




May 11, 2007

To Whom It May Concern:

Hardin County's 2004 ballots from the general election were transferred to the Secretary of State via Jean Burklo on April 19, 2007. We sent 14 boxes each approximately 11 in. X 17 in. 9 ½ in. high. Included in the boxes were voted, absentee, provision and soiled ballots. No unvoted ballots were included as they had been destroyed prior to the court order. A letter signed by all board members, director and deputy director stating the unvoted ballots were destroyed was included with the transfer of the ballots. Enclosed is another copy of that letter.

We did receive by e-mail on September 8, 2006 a notice of Judge Marbley's court order to preserve the ballots from the 2004 Presidential election and we did not destroy any ballots. The unvoted ballots were destroyed prior to the court order. Enclosed is a copy of that e-mail.

Sincerely,

  
Sandy Bookmyer, Director

## **Holmes County Board of Elections**

**Clinton Street Office Building 75 E. Clinton St., Suite 108 Millersburg, OH 44654**  
**Phone (330) 674-5921 Fax (330) 674-5978**

Georgianna Cool, Chairman      Ann E. Stotler, Member  
Lucille L. Hastings, Member      Wesley J. Schmucker, Member

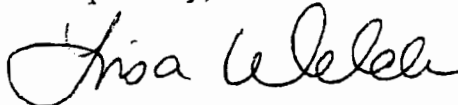
April 10, 2007

This letter is regarding the 2004 Presidential Ballots stored in the Holmes County Board of Elections office.

A shelving unit collapsed in the Board of Elections storeroom on the morning of Friday, April 7, 2006. That shelving unit held the voted ballots, stubs, soiled and defaced ballot envelopes, and ballot accounting charts from the 2004 General Election. The shelves and stored items collapsed onto a side table holding a working coffee maker. The carafe on the coffee maker was full at the time of the incident. Many of the stored items had to be destroyed due to the broken glass and hot coffee. The ballot pages and unused ballots were stored on a neighboring shelf and were not damaged.

The following inventory of ballots lists what remains of the ballots from the November 2004 Presidential General Election. These items are available for removal for storage at the Secretary of State's office.

Respectfully,



Lisa Welch  
Director

**JACKSON COUNTY BOARD OF ELECTIONS**  
**JACKSON COUNTY COURTHOUSE ANNEX**  
**275 PORTSMOUTH STREET, SUITE 2**  
**JACKSON, OHIO 45640**  
**(740) 286-2905 Fax: (740) 288-3631**  
**Email: jackson@sos.state.oh.us**

**JAMES S. MILLIKEN**  
Director

**MAXINE ROBBINS**  
Deputy Director

**RODNEY SMITH**  
Board Member

May 10, 2007

Mr. David M. Farrell  
Deputy Assistant Secretary of State and Director of Elections  
180 East Broad Street, 15<sup>th</sup> Floor  
Columbus, Ohio 43215-3726

Dear Mr. Farrell,

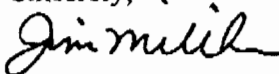
As to your question concerning the steps taken following the 2004 general election to preserve the ballots, I was not director at that time and have no knowledge to what immediate steps were taken to preserve that information. We currently preserve all elections in cardboard boxes and designate on the side of those boxes the date of the election and the date we can destroy that election.

As for the destruction of the November 2004 election, one of several events could have occurred. They may have been destroyed pursuant to the retention schedule as we had many elections that were past the retention time when I received this appointment. I therefore instructed the clerks to destroy any elections that were past due and to label the boxes of any future elections and the date we could discard them.

Another possibility is that this particular election was retained, but accidentally destroyed when we moved our Board of Elections office. That would have occurred in February 2007. As we have found two large boxes of unvoted March 2004 election ballots, there is also the possibility that when the Primary of 2004 was to be destroyed, a portion of the General 2004 was mistakenly destroyed also.

After an exhaustive search, we have found a partial portion of the 2004 General Election that measures approximately 19 inches X 17 inches X 10 inches. If necessary, I can make you a copy of the entire file of the results of the 2004 General Election that we have maintained. If you should need any further information, please contact me.

Sincerely,

  
Jim Milliken  
Director

**YOLANDA QUEEN**  
Chairman

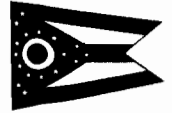
**ROBERT RHODES**  
Board Member

**WENDELL JONES**  
Board Member

# LOGAN COUNTY BOARD OF ELECTIONS



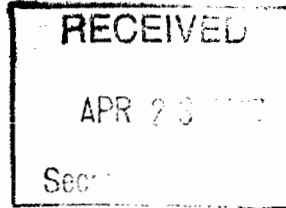
COURT HOUSE  
101 SOUTH MAIN ST., ROOM 1  
BELLEFONTAINE, OHIO 43311



PHONE: (937) 599-7255 FAX: (937) 599-7270

LuCinda Holycross, Director  
Diana Gamble, Deputy Director

Ann E. Beck, Chairman  
Nancy J. Knight  
James K. Cox  
Robert B. Stahler



April 20, 2007

Jennifer Brunner  
Ohio Secretary of State  
180 East Broad Street, 15<sup>th</sup> Floor  
Columbus OH 43215-3726  
Attn: David M. Farrell

RE: Letter of Explanation

Dear Mr. Farrell:

The Logan County Field Representative, Jean Burklo has transported our voted ballots to the Secretary of State on April 19, 2007. Included in the voted punch card ballots were the absentee and provisional ballots. We have also included the first rotation of the ballot pages, and a list of precincts for Logan County.

Ballots that we were unable to transfer to the office of the Secretary of State were unused ballots and soiled ballots. We were instructed by the previous Director, who is now retired, to destroy all unvoted and soiled ballots as pursuant to the Ohio Revised Code. The date of this occurrence is unknown.

The Logan County Board of Elections received the notice of Judge Marbley's court order from Eric Stewart, Assistant Prosecutor, who then forwarded the notice to the Logan County Board of Elections.

Sincerely,

LuCinda Holycross  
Director

Enc.

To: David Farrell, Deputy Assistant Secretary of State  
Eleanor Speelman, General Counsel

From: Thomas P. McCabe  
Director, Mahoning County Board of Elections

Re: Collection/disposal of 2004 Election Ballots

In response to Correspondence received at our office on April 18, 2007 from David Farrell of the Secretary of State's office, this communication should be considered the official "Letter of Explanation" that is required from counties that are unable to fully comply with Directive 2007-07. To fully comply with above mentioned correspondence the below responses shall be in order requested by Mr. David Farrell.

1. A description of the ballots and materials described in Directive 2007-07 that the Board is unable to transfer to this office.

Upon review of materials requested by the Secretary of State office regarding directive 2007-07 the Mahoning County Board of Elections will be able to comply with all records requested except for the 2004 Absentee ballots- both voted and un-voted.

2a. Steps taken after the 2004 election to preserve the ballots and what those steps were.

All ballots were placed in ballot cans and locked in the records room of the Board. The ballot cans were subsequently marked with the court order barring their disposal of after the 22 month expiration for discarding.

2b/c. Whether the ballots were intentionally destroyed or were accidentally destroyed and date and circumstances that it occurred.

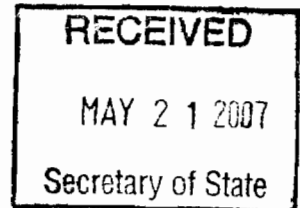
The ballots were accidentally disposed of on Friday, March 23<sup>rd</sup> of 2007. On Wednesday the 21<sup>st</sup> the warehouse supervisor asked the Director, Thomas P. McCabe, if it was acceptable to have the Mahoning County Green Team pick up all recyclables in the storage room for disposal pursuant to the retention schedule. The Director gave the affirmative that it was acceptable. Lost in the communication was the previous memorandum between said two of the September court order to retain all 2004 materials past the retention date.

2d. Do the ballots exist in any form at this time or are they capable of being replicated.

The answer is no and no.

3a. A statement indicating whether the Board received notification of the court order of September 11, 2006 and the circumstances surrounding receipt of notice.

MARION COUNTY BOARD OF ELECTIONS  
222 WEST CENTER STREET  
MARIO, OHIO 43302  
Phone 740-223-4090 Fax 740-223-4099



May 17, 2007

TO: David M. Farrell, Deputy Assistant Secretary of State and Director of Elections

FROM: Marion County Board of Elections

RE: Letter of Explanation 2004 General Election Ballots

Punch cards were still in use in Marion County in the General 2004 Election. These ballots were destroyed on September 9, 2006 pursuant to the retention schedule. Marion County did not receive the Court order until September 11, 2006.

If you have any questions please contact Chris Smith, Director Marion County Board of Elections.

**DEMOCRATS**

**THOMAS E. WOLFE**  
CHAIRMAN

**PAMELA B. MILLER**  
MEMBER

**JANET B. PILAT**  
DEPUTY DIRECTOR

**MEDINA COUNTY BOARD OF ELECTIONS**



**REPUBLICANS**

**RAY E. LARIBEE**  
MEMBER

**RALPH A. BERRY, JR.**  
MEMBER

**SUSAN K. STRASSER**  
DIRECTOR

April 11, 2007

To whom it may concern:

The Medina County Board of Elections destroyed the 2004 Ballots on September 8, 2006. This was done following the record retention schedule number CBE-6 (050-036) as prescribed by The Secretary of State. We received the order to retain the ballots on September 12, 2006.

Respectfully,

Handwritten signature of Susan K. Strasser in cursive.

Susan K. Strasser

Director

Handwritten signature of Janet B. Pilat in cursive.

Janet B. Pilat

Deputy Director

## Mercer County Board of Elections

101 North Main Street Room 107 Celina, Ohio 45822  
Phone: (419) 586-2215 Fax: (419) 586-2748 E-Mail: Mercer@sos.state.oh.us  
Board Members: Del Kramer (Chair) Betty Cook Mark Uhlenhake Owen Hall  
Lynn Wylds – Director Denise Fullenkamp – Deputy Director

---

May 14, 2007

Ohio Secretary of State  
David Farrell  
180 E. Broad St. 15<sup>th</sup> Floor  
Columbus Ohio 43215

RE: 2004 General Election Ballots

Mr. Farrell:

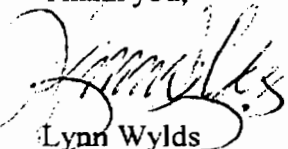
This letter is to inform the Secretary of State's office that the 2004 General Election un-voted ballots for Mercer County Board of Elections were disposed of in January 2005.


The Board Members received a copy of the September 11, 2006 directive with Judge Marbley's court order in the September 2006 meeting. However by the time the directive was provided the un-voted ballots had already been disposed of.

It is possible that the un-used ballots were marked to be disposed due to the 1996 Retention Schedule stating ballots cast (CBE-6 050-037).

Please feel free to contact the Mercer County Board of Elections if you have any questions at 419-586-2215.

Thank you,

  
Lynn Wylds  
Director

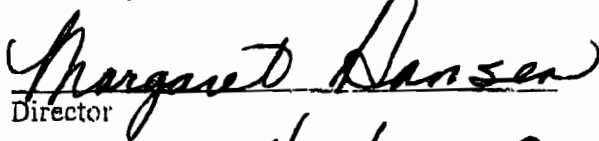
  
Denise Fullenkamp  
Deputy Director

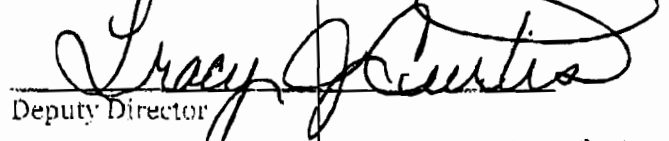
**Description Of The Amount Of Storage Space Utilized By The Board To Maintain The Ballots Accounted For Above (such as the number and dimensions of boxes):**

FOR THE NOV. 2004 ELECTION THE ONLY STORAGE WE NEED IS 2<sup>FOR</sup> BALLOT BOXES. WE HAVE ONLY THE VOTED BALLOTS AS WE WERE ABLE TO DESTROY THE UNUSED BALLOTS ACCORDING TO THE RETENTION SCHEDULE - A LONG TIME BEFORE THE JUDGE'S ORDER.

**CERTIFICATION BY DIRECTOR AND DEPUTY DIRECTOR:**

I hereby certify that the number of ballots, punch card ballot pages, and/or CD-ROMS as reported above accurately reflects the total number of ballots currently in the possession of the board of elections and maintained in accordance with federal court order, and I have further provided these ballots and ballot pages, along with a list of the precincts in the county for the 2004 general election, to the Secretary of State's regional liaison or designated employee who has signed the certification below in my presence.

  
Director

  
Deputy Director

Date and time: 04/30/2007 - 9:20 am Date and time: 04-30-2007 9:20 am

**Director and Deputy Director:** You must fax a signed copy of this Inventory Sheet to the Elections Division of the Secretary of State's office at 614-752-4360 as soon as the Secretary of State's employee leaves your premises with the ballots, ballot pages and precinct list described above.

**CERTIFICATION BY SECRETARY OF STATE REGIONAL LIAISON OR DESIGNATED SECRETARY OF STATE EMPLOYEE:**

I hereby certify that I have been authorized by the Secretary of State to take custody of the ballots, ballot pages and list of precincts in the county from the 2004 presidential election from the MONROE County Board of Elections. I have reviewed and confirmed that the accounting listed



RECEIVED  
APR 23 2007  
Secretary of State

**MORROW COUNTY BOARD OF ELECTIONS**

619 W. MARION RD., ROOM 146 • MT. GILEAD, OHIO 43338

Marilyn L. Smith

*Director*

Penny J. Porter

*Deputy Director*

Dan E. Osborne

*Chairman*

DAVID M. FARRELL  
180 EAST BROAD ST 15TH FLOOR  
COLUMBUS, OHIO 43215-3726

Phone: (419) 946-4026

Fax: (419) 946-9861

APRIL 20, 2007

W. Timothy Sharrock

Don R. Weaver

James L. Smith

*Board Members*

RE: 2004 GENERAL ELECTION

DAVID:

ON APRIL 20, 2007 DEAN EVANS PICKED UP OUR 2004 GENERAL ELECTION BALLOTS.

WE DID NOT SAVE THE FRAMES FOR ANY OF OUR ELECTIONS, AS IT DOES NOT SAY TO IN THE RETENTION SCHEDULE.

WE CAN RECONSTRUCTION THEM IF THEY WILL NEED THEM OUR PAPER BALLOT.

IF YOU NEED ANYTHING ELSE PLEASE LET ME KNOW.

SINCERELY;

MARILYN L. SMITH

DIRECTOR

**DEMOCRATIC**  
Carol W. Pennington, Chairman  
Linda S. Apling

**REPUBLICAN**  
Terry A. Lowe  
Harold R. Clagg

**OTTAWA COUNTY BOARD OF ELECTIONS**  
8444 W. State Route 163, Suite 101  
Oak Harbor, Ohio 43449-8885

JoAnn B. Friar, Director  
Monette L. Garn, Deputy Director

Phone: (419) 898-3071  
Fax: (419)898-3146

Date: 5/16/07

**FAX**

TO: Sad

FROM: Jo Friar

FAX # (419) 898-3146

PAGES: 4 (Including this cover sheet)

COMMENTS: Sorry I forgot to fax this  
yesterday.

Please note that we now had  
only 19 boxes. When we "sorted  
the ballots by precincts," we were  
able to consolidate a bit.

Jo

If you have problems receiving this FAX message,  
please call us at (419) 898-3071

Janet L. Commers, Director  
Brenda J. Crawford, Deputy

Ellen R. Schlegel, Chairman  
Stanley D. Harmon  
Karl A. (Tony) Langham  
Ron Farnsworth

Phone: 419-399-8230  
Fax: 419-399-8250  
Email: paulding@sos.state.oh.us

## Paulding County Board of Elections

105 East Perry Street, Paulding, OH 45879-1412

VIA facsimile 614-644-0649

May 16, 2007

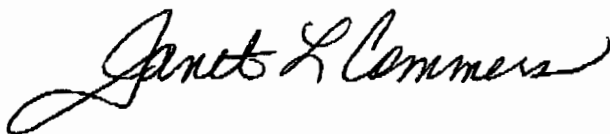
David M. Farrell,  
Deputy Assistant Secretary of State and Director of Elections  
180 East Broad Street, 15th floor  
Columbus, OH 43215-3726

David,

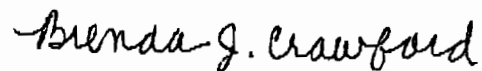
In response to your letter dated April 18, 2007:

- We sent all items requested except the hard ballot pages from our votomatics.
- The ballot pages were destroyed after the official and the recounts were certified and concluded.
- We included copies of the ballot pages with the items that were taken to Columbus by Jean Burklo.
- To the best of our knowledge the only way that we know of Judge Marbley's order was through an emailed Gongwer Article from Aaron Ockerman to the OAEO Legislative Committee.

Please let us know if you need additional information.



Janet L. Commers, Director



Brenda J. Crawford, Deputy



# Perry County Board of Elections

Administration Building  
P.O. Box 187 • 121 W. Brown St.  
New Lexington, Ohio 43764

Phone (740) 342-2134 • FAX (740) 342-4787

April 20, 2007

Mr. David M. Farrell

Deputy Assistant Secretary of State/Director of Elections

Re: Collection of 2004 General Election Ballots

Dear Mr. Farrell:

As you requested in your correspondence dated April 18, 2007, I am providing you with a "Letter of Explanation" as to why the Perry County Board of Elections is unable to transfer the unvoted ballots for the above referenced election to your office.

I started my position as Director of the Perry County Board of Elections in April of 2004. I was totally unprepared for the General Election of 2004 and the onslaught of difficulties it entailed. I am not using this as an excuse, I am merely telling the truth. It is my understanding that the unused ballots were destroyed shortly after the election. Therefore, I am unable to transfer them to your office.

Secondly, is the order by Judge Marbley dated September 7, 2006. I do not have the actual copy of the order, but I do remember it coming via e-mail and after such a time lapse, the unused ballots had already been destroyed. The order itself did not come in the form as a Directive, Memorandum or Advisory. Otherwise, I would have retained it. I do recall forwarding it to my Prosecuting Attorney as we were instructed to do.

I also wanted to mention the Records Retention Schedule dated 1996 does not specifically state that we are to keep "unused" ballots. It does state "Ballots Cast (actual ballots)".

If you need any further explanation please feel free to contact me.

Sincerely, .

  
Janie DePinto, Director

Perry County Board of Elections

Janie DePinto  
Director

Charles S. Harnetty  
Board Chairman

Patrick J. Hannum  
Board Member

Timothy M. Green  
Deputy Director

Nancy C. Flautt  
Board Member

James Poorman  
Board Member



# Board of Elections

PORTAGE COUNTY

JEAN DAVIS, Chairman  
CRAIG M. STEPHENS, Vice Chairman  
NORMAN SANDVOSS, Member  
DENNIS M. ZAVINSKI, Member



LOIS ENLOW  
Director

GLENDA F. ENDERS  
Deputy Director

449 S. MERIDIAN STREET  
RAVENNA, OHIO 44266  
Phone (330) 297-3511  
Fax (330) 297-3518

April 10, 2007

Jennifer Brunner  
Secretary of State  
180 E. Broad St.  
Columbus, OH 43215

Dear Secretary Brunner,

Re: Directive 2007-07

Our office should complete the inventory in the required time period. Depending on when a pick up is scheduled for Portage County, it is possible that one or both of us will be out of town. If that is the case, we wish to designate the following clerks to sign the chain of custody papers:

Linda Marcial – Democratic Clerk  
Tina Whitmore – Republican Clerk

If you have any questions or this presents a problem please contact one of us.

Sincerely,

Lois Enlow, Director

Glenda F. Enders, Deputy Director

**PREBLE COUNTY BOARD OF ELECTIONS**

COURTHOUSE, 101 E. MAIN STREET, EATON, OH 45320

Phone: 937-456-8117

Fax: 937-456-2986

Website: [www.electionsonthe.net/oh/preble](http://www.electionsonthe.net/oh/preble)

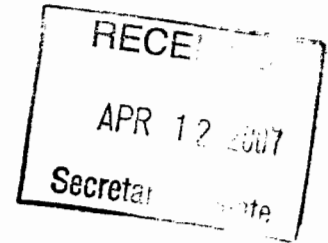
E-mail: [preble@electionsonthe.net](mailto:preble@electionsonthe.net)

Gene R. Lindley, Chairman  
Stephen R. Bruns  
Ruth M. Siehl  
Roy A. Spencer

Virginia L. Weiler  
Director  
Terri L. Hans  
Deputy Director

April 10, 2007

Patricia A. Wolfe  
Elections Administrator  
Ohio Secretary of State  
P.O. Box 2828  
Columbus, Ohio 43216



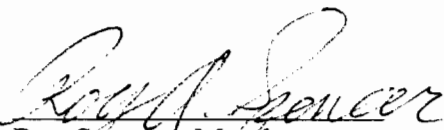
Dear Ms. Wolfe:

We are in receipt of Secretary Brunner's Directive #2007-07 requesting delivery of the 2004 general election ballots to her office. Upon receipt of that Directive our director and deputy director went to our storage area to retrieve the ballots but were unable to find them. They contacted our recently retired director to see if she might know where they were located. She told them that she had been aware that they were not where they were supposed to be and thought it likely that they had been inadvertently discarded by the Courthouse maintenance staff when room had to be made for our new electronic voting equipment.

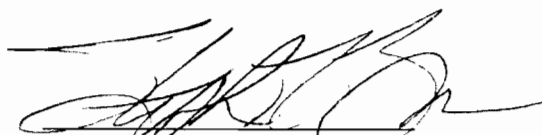
We wanted to let you know what we had discovered as soon as possible. Please let us know if you need any additional information or if there are any other steps you would like us to pursue.

Very truly,

  
Gene Lindley, Chairman

  
Roy Spencer, Member

  
Ruth Siehl, Member

  
Stephen Bruns, Member

Virginia Price  
Director  
21717 Road 19  
Ft. Jennings, OH 45844

Carla S. Tooman  
Deputy Director  
6727 Road  
Leipsic, OH 45856

PUTNAM COUNTY BOARD OF ELECTIONS  
ANNEX BUILDING  
336 E. MAIN ST.  
OTTAWA, OH 45875  
419-523-3343  
FAX 419-523-3417

Ann S. Dillinger  
Member (D)  
11201 Ottawa Dr.,  
Ottawa, OH 45875

Lyle R. McKanna  
Member (R)  
12000 Road R  
Col. Grove, OH 45830

Donna J. Berger  
Chairperson (D)  
303 E. Broadway St.  
Leipsic, OH 45856

Dianna L. Geiger  
Member (R)  
5254 Old State Route 224  
Ottawa, OH 45875

Date: April 10, 2007

To Whom It May Concern:

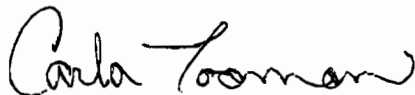
Following the 2004 General Election all unused ballots were destroyed for security purposes.

SINCERELY,

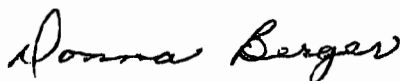
VIRGINIA PRICE,  
DIRECTOR



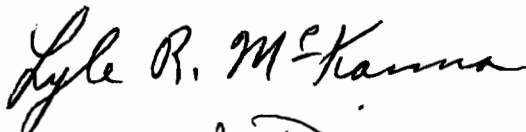
CARLA TOOMAN,  
DEPUTY DIRECTOR



DONNA BERGER,  
CHAIRPERSON



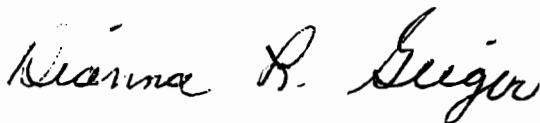
LYLE MCKANNA,  
BOARD MEMBER



ANN DILLINGER,  
BOARD MEMBER



DIANNA GEIGER,  
BOARD MEMBER



# Board of Elections

**OFFICIALS:**

PAULETTE HANKINS.....Director  
JEFF WILKINSON.....Deputy Director

**RICHLAND COUNTY, OHIO**

1495 W. Longview Avenue, Suite 101  
Mansfield, Ohio 44908

Telephone: 419-774-5530

FAX Number: 419-774-5534

[www.richlandcountyoh.us/boe](http://www.richlandcountyoh.us/boe)

email:

[boardofelections@richlandcountyoh.us](mailto:boardofelections@richlandcountyoh.us)

**BOARD MEMBERS:**

DONALD E. HOOVER.....Chairman  
EDWARD T. MEEHAN.....Vice-Chair  
JOSEPH H. MUDRA.....Member  
CASSANDRA M. STEIN.....Member

April 24, 2007

David Farrell  
Assistant Secretary of State  
180 E. Broad Street 15<sup>th</sup> Floor  
Columbus, Oh 43215

Dear Mr. Farrell,

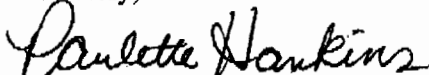
Our voted ballots, including provisional ballot cards, for the 2004 General Election were picked up on Monday April 23<sup>rd</sup>, 2007 by our Field Representative, Alice Teynor.

We were not able to locate the spoiled ballots, the unused ballots, or the ballot pages from this specific election. The only explanation we have is that they were inadvertently misplaced or destroyed during our office relocation in December of 2005. We have not been able to locate them since moving to our current location. Outside movers were hired to move our office equipment and furnishings. We have no knowledge of whether the unused ballots and pages were destroyed or lost by the movers or by our staff.

We cannot give an exact date since we are not certain of the actual manner in which they were disposed of, but our office move occurred on the 15<sup>th</sup> and 16<sup>th</sup> of December 2005.

We did receive notice, by email, of Judge Marbley's order of September 11, 2006.

Sincerely,



Paulette Hankins  
Director of Elections  
Richland County

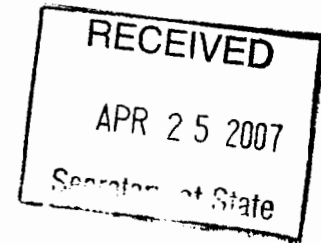


# Ross County Board of Elections

Stephen A. Madru, Chairman \* Ron Fields \* Don E. Fuller \* Beth Neal  
Nancy Bell, Director \* Nora Madru, Deputy Director

April 24, 2007

Mr. David Farrell  
Deputy Assistant  
180 E. Broad St.  
Columbus, Ohio 43215



Dear Mr. Farrell:

We have boxed up and returned all information that we had regarding the 2004 Presidential Election. We enclosed the actual voted optical scan absentee cards but were unable to send the printed ballots. We printed our own ballot on demand as we needed them and used Microvote Direct Recording Electronic Machines at that time. We no longer have that particular system in our office or in storage and are unable to duplicate these ballots.

We also sent you an electronic file of our election results.

We have taken all precautions to preserve all materials we had in order to comply with Judge Marbley's order.

I hope this answers any questions you may have regarding our 2004 Election.

Very Truly Yours,

A handwritten signature in cursive script that reads "Nancy Bell".

Nancy Bell  
Director

A handwritten signature in cursive script that reads "Nora Madru".

Nora Madru  
Deputy Director

**Description Of The Amount Of Storage Space Utilized By The Board To Maintain The Ballots Accounted For Above (such as the number and dimensions of boxes):**

BALLOTS DESTROYED PER RETENTION SCHEDULE AS WE  
HAVE NO EVIDENCE OF RECEIVING COURT ORDER NOT TO  
DESTROY

**CERTIFICATION BY DIRECTOR AND DEPUTY DIRECTOR:**

I hereby certify that the number of ballots, punch card ballot pages, and/or CD-ROMS as reported above accurately reflects the total number of ballots currently in the possession of the board of elections and maintained in accordance with federal court order, and I have further provided these ballots and ballot pages, along with a list of the precincts in the county for the 2004 general election, to the Secretary of State's regional liaison or designated employee who has signed the certification below in my presence.

Barbara M. Tuckerman  
Director

Tim J. Hynley  
Deputy Director

Date and time: 4/13/07 2:36PM

Date and time: 4-13-07 2:35pm

**Director and Deputy Director: You must fax a signed copy of this Inventory Sheet to the Elections Division of the Secretary of State's office at 614-752-4360 as soon as the Secretary of State's employee leaves your premises with the ballots, ballot pages and precinct list described above.**

**CERTIFICATION BY SECRETARY OF STATE REGIONAL LIAISON OR DESIGNATED SECRETARY OF STATE EMPLOYEE:**

I hereby certify that I have been authorized by the Secretary of State to take custody of the ballots, ballot pages and list of precincts in the county from the 2004 presidential election from the \_\_\_\_\_  
\_\_\_\_\_ County Board of Elections. I have reviewed and confirmed that the accounting listed

STEVEN L. MOWERY, Chairman  
9050 Ohio River Road  
Wheelersburg, Ohio 45694

RODNEY H. BARNETT  
1824 Webster Hope Road  
P.O. Box 357  
South Webster, Ohio 45682

RANDY E. BASHAM  
11672 Gallia Pike  
Wheelersburg, Ohio 45694

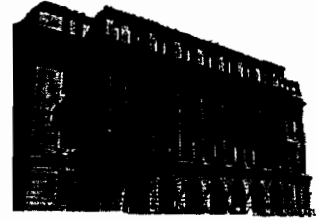
MAXINE ARNETT  
811 Court Street  
Portsmouth, Ohio 45662

NANCY SHEPHERD, Director  
90 Highland Avenue  
McDermott, Ohio 45652

JANE ANN SADDLER, Deputy Director  
1818 Mabert Road  
Portsmouth, Ohio 45662

CLERKS/TECH  
JULIA GEARHEART  
TERESA KNITTEL

**BOARD OF ELECTIONS  
SCIOTO COUNTY**  
602 7<sup>th</sup> Street Room 105  
Portsmouth, Ohio 45662  
Phone 740-353-4178 Fax 740-355-8363

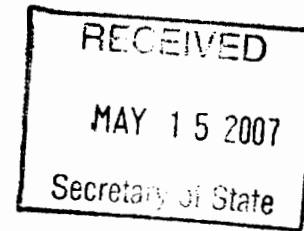


SAM SINK, Equipment Manager

**SCIOTO COUNTY BOARD OF ELECTIONS  
LETTER OF EXPLANATION**

David M. Farrell, Deputy Assistant  
Secretary of State and Director of Elections

Eleanor Speelman  
General Counsel



**RE: Collection of 2004 General Election Ballots**

The Scioto County Board of Elections offers this Letter of Explanation in response to the correspondence dated April 18, 2007, from Mr. David Farrell.

1. The Scioto County Board of Elections has been unable to locate the voted punch-card ballots for Porter Township precincts B, C, D, E, F, G, H, I, J, K, and L, and Rush Township precincts A, B, and C. All of these ballots were stored in a single box, totaling 6,219 ballots. The total number of voted ballots for Scioto County in the 2004 General Election was 36,043.

2. Throughout the twenty-two (22) month retention period, the ballots for the 2004 General Election were retained under double lock in a storage room maintained by the Scioto County Board of Elections in the Scioto County Courthouse.

Un-voted ballots were released and shredded following the twenty-two (22) month retention period and prior to our receipt of Judge Marbley's order on September 11, 2006. Our staff has searched diligently and thoroughly for the box of missing voted ballots but they have not been located, to date. The ballots have not been intentionally destroyed. It is unknown whether the ballots were accidentally destroyed or have been otherwise misplaced. The ballots do not exist in any form at this time and they are not capable of being replicated.

Ballot pages have not been retained by our Board of Elections following the official certification and balloting in any election. They are not on our retention schedule and the ballot page frames have been historically returned to Dayton Legal Blank after the election results are certified.

SENECA COUNTY BOARD OF ELECTIONS  
71 SOUTH WASHINGTON STREET SUITE 1101  
TIFFIN OH 44883

Telephone (419) 447-4424  
Fax (419) 443-7925

MEMBERS OF THE BOARD

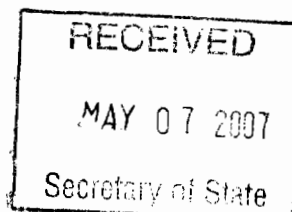
*Francis M. Marley, Jr. (Dem.)*  
*Kenneth H. Egbert, Sr. (Rep.)*  
*Mary D. Puffenberger (Dem.)*  
*Dale L. Stacy (Rep.)*

OFFICERS

*Francis M. Marley, Jr. Chairman*  
*Janet L. Leahy, Director*  
*Jane M. Sheeley, Dep. Director*

April 26, 2007

David Farrell, Deputy Assistant Secretary of State  
Director of Elections  
Ohio Secretary of State  
180 East Broad Street, 15<sup>th</sup> Floor  
Columbus, Ohio 43215



Dear Mr. Farrell;

This is to inform you that Seneca County has no record of receiving federal court Judge Marbley's September 11, 2006 Opinion and Order via e-mail. The records retention schedule states that federal ballots must be retained for 22 months, which would be September 2, 2006 for the November 2, 2004 ballots. The ballots were disposed of after this date during the first week of September due to the fact that space was needed for storage of the county's new voting equipment. If you have any questions, please contact our office. Thank you.

Sincerely;

A handwritten signature in cursive script, reading "Francis M. Marley, Jr.", written over a horizontal line.

Chairman  
Seneca County Board of Elections

A handwritten signature in cursive script, reading "Janet Leahy", written over a horizontal line.

Director

# SHELBY COUNTY BOARD OF ELECTIONS



Shelby County Annex Building, 129 East Court Street, Sidney, Ohio 45365  
Phone (937) 498-7207      Email: [shelby@sos.state.oh.us](mailto:shelby@sos.state.oh.us)      FAX (937) 498-7326

Jennifer Brunner  
Ohio Secretary of State  
180 E. Broad St., 15th Floor  
Columbus, OH 43215

TO: David M. Farrell, Eleanor Speelman

RE: 2004 General Election Ballots Letter of Explanation

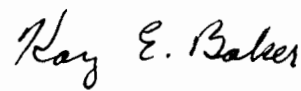
- 1.) **Voted Ballots** returned to SOS office on 4/18/2007 by Jean Burklo SOS Regional Liason, including all Voted Absentee and Provisional Ballots
- 2.) **Unvoted and Soiled Ballots** were destroyed pursuant to retention schedule, do not remember the date they were shredded
- 3.) **Ballot Pages** were destroyed pursuant to retention schedule

It appears Board received an email in regards to Judge Marbley court order on September 8, 2006. It was the understanding of Shelby County that all ballots would mean voted ballots from the November 2004 election.

Sincerely,

Shelby County Board of Elections

  
Dawn Billing  
Director

  
Kay E. Baker  
Deputy Director

# Stark County Board of Elections

Randy Gonzalez  
*Chairman*  
Frank C. Braden  
William S. Cline  
Johnnie A. Maier, Jr.

201 3<sup>rd</sup> Street N.E.  
Canton, Ohio 44702-1296  
Phone: (330) 451-8683  
Fax: (330) 451-7000  
Toll Free: 1-866-878-VOTE  
Website: [www.boe.co.stark.oh.us](http://www.boe.co.stark.oh.us)

Jeffrey A. Matthews  
*Director*

Jeanette Mullane  
*Deputy Director*

May 15, 2007

David M. Farrell  
Deputy Assistant Secretary of State  
Ohio Secretary of State  
180 E. Broad St, 15<sup>th</sup> Floor  
Columbus OH 43215

RE: Secretary of State Directive 2007-07  
Letter of Explanation

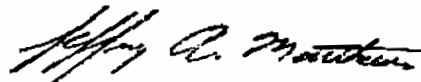
Dear David:

The Stark County Board of Elections is no longer in possession of the following items that Secretary of State Directive 2007-07 required to be transferred to your office.

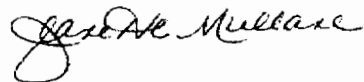
1. Spoiled, defaced, unvoted & unused regular and absentee ballots were destroyed prior to notification of Judge Marbley's order.
2. The only ballots preserved were the voted ballots. Those ballots have been transferred to your office as directed.
  - a. The unvoted and unused ballots were destroyed approximately 60 days after the 2004 General election as part of the customary disposal of unnecessary post election items.
3. The Stark County Board of Elections received order dated September 7, 2006 from Judge Marbley. The order was issued through an email sent by Lisa Brooks on September 8, 2006.
4. The Stark County Board of Elections is unable to comply with Judge Marbley's order only in reference to the unvoted and unused ballots. The Board has already complied with all other parts of the order.

Please contact us if you have any questions.

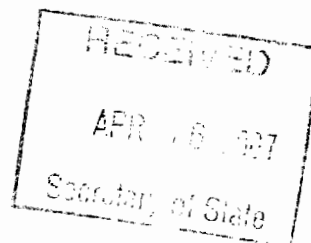
Very truly yours,



Jeff Matthews  
Director



Jeanette Mullane  
Deputy Director



**April 10, 2007**

**TO WHOM IT MAY CONCERN:**

**RE: UNVOTED BALLOTS  
11/02/04 GENERAL ELECTION**

**After a thorough search of our basement (where most of our equipment and supplies are kept) and our office, we are unable to find any unvoted ballot cards from the November 2, 2004 General Election.**

**We assume that these ballots were discarded.**

**Sincerely,**

**Linda Stutz  
Director**

**Jeanne Zeigler  
Deputy Director**

**/lss**

# BOARD OF ELECTIONS

**LESLIE J. SPAETH**  
*Chairman*  
**DAVID P. FORNSHELL**  
**BEVERLY A. MOORE**  
**BARBARA SIZEMORE**

**WARREN COUNTY, OHIO**  
**406 JUSTICE DR., ROOM 323**  
**LEBANON, OHIO 45036**

**MICHAEL E. MOORE**  
*Director of Elections*  
  
**SUSAN JOHNSON**  
*Deputy Director of Elections*

David M. Farrell  
Deputy Assistant Secretary of State  
And Director of Elections  
Office of the Ohio Secretary of State  
180 E. Broad Street – 15<sup>th</sup> Floor  
Columbus, Ohio 43215

Mr. Farrell,

The only ballots not accounted for in the shipment sent out pursuant to the Secretary of the State Directive 2007-07 were 22,726 unused punch card ballots. These ballots were destroyed after 60 days had passed from the 2004 Presidential election. They were kept in the Precinct Supply bags after the election and were locked in a room at our Board of Elections offices. They were stored separate and apart from the voted ballots until they were removed and destroyed in order to prepare for the next election. The next election in the county took place on February 2<sup>nd</sup>, 2005.

Specific responses to the "Questions" asked in the April 18, 2007 Memo follow directly below:

1. 22, 726 punch card ballots were not transferred to the custody of the Secretary of State on Friday April the 13<sup>th</sup>, 2007. All of the ballots not transferred were unused punch card ballots.
2. The ballots were intentionally destroyed. They were kept in the Precinct Supply bags after the November 2004 election and were locked in a room at the Board of Elections offices. The unused ballots were stored separate and apart from the voted ballots. The unused ballots were destroyed 60 days after the November 2004 election.
3. They were not accidentally destroyed. They were destroyed pursuant to standard practices that had been used by the Board of Elections for many years in Warren County regarding unused punch card ballots.
4. The 22,726 unused punch card ballots do not exist in any form.

**Washington County Board of Elections  
205 Putnam St.  
Marietta, OH 45750  
(740) 374-6828 Ph  
(740) 374-7698 Fx**

**Angie Binegar, Director  
Peggy Byers, Deputy Director**

**Tom Cox, Chair  
Charles Wentz  
Dennis Sipe  
James Huggins**

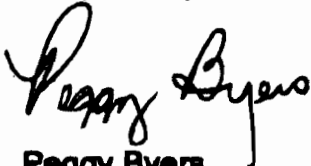
**April 9, 2007**

**To Whom It May Concern:**

**This form was filled out by Peggy Byers, Carolyn Walker and Tara Hupp. None of us worked here in 2004. The Director from 2004 was not reappointed and the Deputy Director retired since 2004.**

**We dug out the abstract and the 2004 file and tried to answer your questions to the best of our ability.**

**Respectfully,**



**Peggy Byers  
Deputy Director**