



Cuyahoga County Board of Elections
2925 Euclid Avenue
Cleveland, OH 44115

Delivered and presented in person at December 27, 2007 BOE meeting

Dear Members of the Board:

The ACLU of Ohio urges this Board to reconsider the decision from Friday, December 21, 2007, to abandon Cuyahoga County's current voting technology in favor of a switch to Central Count Optical Scan (CCOS) voting machines.

In addition to the reasons presented to this Board by Professor Daniel Tokaji at the December 17, 2007 meeting, and the reasons articulated by Meredith Bell-Platts of the ACLU's Voting Rights Project in her letter dated December 10, 2007 (both attached to this letter for reference), the decision to move to CCOS voting machines violates the letter of state law.

Ohio Revised Code Section 3506.10 governs the requirements for voting machines to be "purchased, rented, or otherwise acquired, or used" in Ohio elections. One of the requirements listed, RC § 3506.10(C), expressly prohibits voting machines unless they preclude an elector from overvoting, or casting more votes than the elector is eligible to cast.

As Professor Tokaji and Ms. Bell-Platts have already pointed out to this Board and to Secretary of State Brunner, CCOS technology does not provide a voter with notice of overvoting (or undervoting). So, in addition to the Equal Protection and Voting Rights Act concerns raised previously, the current choice of CCOS voting machines for the 2008 election cycle also runs afoul of state law which requires the state to only use voting machines that preclude a voter from overvoting.

In light of this, we strongly urge the Cuyahoga County Board of Elections to reject changing to non-notice CCOS voting machines.

Sincerely,

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cc: Jennifer Brunner
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