

1 RESOLUTION NO. 2023-033

First Reading Passage Requested
(L. Reed)

2
3 SPONSOR Executive Shapiro

4
5 DATE February 13, 2023

COMMITTEE Finance

6
7 **A Resolution pursuant to Section 177.18 of the Codified Ordinances of the County of Summit**
8 **authorizing the disposal by the Executive of Election System and Software (“ES&S”) voting**
9 **equipment, excluding three ES&S 850 high-speed scanners, and authorizing the Executive**
10 **to execute documents concerning the same, for the Board of Elections, and declaring an**
11 **emergency.**

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13 WHEREAS, as noted in Resolution Number 2022-346, the Ohio General Assembly
14 authorized the Ohio Secretary of State to provide financing to Ohio counties for the acquisition of
15 voting systems; and

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17 WHEREAS, the Board of Elections has utilized this financing in the acquisition of a new
18 voting system through Clear Ballot Group making Election System and Software (“ES&S”) voting
19 equipment no longer necessary to store or maintain; and

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21 WHEREAS, the Board of Elections, at its December 13, 2022 meeting, approved the disposal
22 of ES&S voting equipment after meeting the requirements to inventory and record the equipment;
23 and

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25 WHEREAS, ES&S may buy back three of its 850 high-speed scanners, upon the approval of
26 the office of the Ohio Secretary of State, which will be presented to Council at a later date; and

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28 WHEREAS, Ohio Revised Code §3599.27 prohibits the selling or donating of voting
29 equipment to private individuals or non-government entities, but permits the selling or donating of
30 such equipment to other county board of elections within the State of Ohio; and

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32 WHEREAS, the aforementioned voting equipment has an estimated value of over \$25,000.00
33 and Section 177.18(b)(2) of the Codified Ordinances of the County of Summit provides that where
34 surplus property exceeds \$25,000.00, the Executive, with the approval of this Council, may sell or
35 transfer the property, through the Purchasing Division; and

36
37 WHEREAS, Section 177.18(e) of the Codified Ordinances of the County of Summit permits
38 the Executive, with the approval of this Council, to dispose of property not needed for public use,
39 without conducting a public auction or sealed bids provided this Council finds good cause as to why
40 these methods are not warranted to dispose of surplus equipment; and

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42 WHEREAS, this Council finds, pursuant to Section 177.18(e) of the Codified Ordinances of
43 the County of Summit, that good cause exists that a public auction or sealed bid is not warranted for
44 the disposal of the above referenced voting equipment;

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46 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
47 of Ohio, that;

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4 SECTION 1

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6 This Council hereby finds and determines, pursuant to Section 177.18(e) of the Codified
7 Ordinances of the County of Summit, that good cause exists and that a public auction or sealed bid
8 is not warranted for the disposal by the Executive of the Election System and Software ("ES&S")
9 voting equipment, excluding three ES&S 850 high-speed scanners. The Executive is hereby
10 authorized, pursuant to Sections 177.18(b)(2) and (e) of the Codified Ordinances of the County of
11 Summit to dispose of the remaining voting equipment.

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13 SECTION 2

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15 This Resolution is hereby declared an emergency in the interest of the health, safety and
16 welfare of the residents of Summit County, and for the further purpose of immediately authorizing
17 the Executive to dispose of certain ES&S voting equipment so that the Board of Elections may have
18 adequate storage space for the new voting equipment.

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20 SECTION 3

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22 Provided this Resolution receives the affirmative vote of eight members, it shall take effect
23 immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and
24 be in force at the earliest time provided by law.

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26 SECTION 4

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28 It is found and determined that all formal actions of this Council concerning and relating
29 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
30 deliberations of this Council and any of its committees that resulted in such formal action, were
31 in meetings open to the public, in compliance with all legal requirements, including Section
32 121.22 of the Ohio Revised Code.

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34
35 INTRODUCED February 13, 2023
36 February 13, 2023

37 ADOPTED _____

38
39 *Hansen March*
40 CLERK OF COUNCIL
41 February 13, 2023

Vernice Sims
PRESIDENT OF COUNCIL

42
43 APPROVED _____

44
45
46 EXECUTIVE *Lee Shapiro*

February 13, 2023
ENACTED EFFECTIVE _____

Voice Vote - YES: 11-0: Darrow, DeVitis, Dickinson, Donofrio, McKenney, Rodgers,
Schmidt, Sims, Walters, Wiedie Higham, Wilhite