

In the Court of Common Pleas  
Wayne County, Ohio

Ian Kelbly, <i>et al.</i>	:	CASE NO.: 2017 CVC-H 000225
	:	
Plaintiffs,	:	
	:	
vs.	:	JUDGE: Corey E. Spitler
	:	
Wayne County Board of Elections, <i>et al.</i>	:	
	:	
Defendants.	:	Agreed Entry


This matter came on for consideration upon agreement of the parties seeking a just resolution of this matter. The parties to this action now jointly consent and agree to the following:

1. The Wayne County Board of Elections waives all procedural defects in the service, manner, and form in which said Complaint for Election Contest was filed and concedes that it is the sole proper party to this action.
2. The Wayne County Board of Elections admits that as the result of a proofreading oversight on its part during the May 2, 2017 Special Election, an election irregularity occurred with respect to the Baughman Township, Wayne County, Ohio Road District Levy.
3. The Wayne County Board of Elections admits all of the allegations as set forth in the Complaint for Election Contest, including that the aforementioned election irregularity altered the results of the May 2, 2017 Special Election for the Baughman Township Road District Levy.
4. The Ohio Secretary of State Jon Husted and Baughman Township Trustees Mike Geiser, Robert Graber, and Timothy Horst are improper parties to this action and shall be dismissed from this action pursuant to Civ.R. 21.
5. The Wayne County Board of Elections, pursuant to R.C. 3515.09, shall be responsible for the costs of this action, excluding attorney's fees, and shall pay the costs of the May 2, 2017 Special Election for the Baughman Township Road District Levy.

This Court cannot disturb an election result unless the evidence establishes that the result was contrary to the will of the electorate. Based upon the foregoing, this Court finds that an election irregularity occurred during the May 2, 2017 Special Election for the Baughman Township Road District Levy and that said election irregularity affected enough votes to change the result of the election, resulting in an outcome contrary to the will of the electorate.

It is, therefore, ORDERED:

1. The results of the May 2, 2017 Special Election with respect to the Baughman Township Road District Levy are set aside.
2. Baughman Township Trustees Mike Geiser, Robert Graber and Timothy Horst are dismissed from this action in accordance with Civ.R. 21 as improper parties.
3. Ohio Secretary of State Jon Husted is dismissed from this action in accordance with Civ.R. 21 as an improper party.
4. The Wayne County Board of Elections shall pay the costs of this action, excluding attorney's fees, and shall pay the costs of the May 2, 2017 Special Election for the Baughman Township Road District Levy, Wayne County, Ohio.

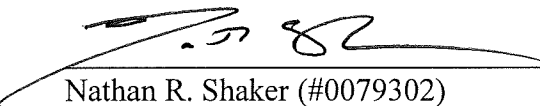
  
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JUDGE COREY E. SPITLER  
06/21/2017

Approved:

Telephone Approval 6/20/2017


Daniel W. Kauffman (#0074981)

*Attorney for Plaintiffs*

  
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Nathan R. Shaker (#0079302)

Assistant Prosecuting Attorney

*Attorney for the Wayne County Board of Elections*

  
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Andrea D. Uhler (#0090056)

Assistant Prosecuting Attorney

*Attorney for Baughman Township Trustees*

Email Approval 6/21/2017

Nicole M. Koppitch (#0082129)

Assistant Attorney General

*Attorney for Ohio Secretary of State Jon Husted*