

No-Bid Contract for Election Software

Fitrakis v. Husted

(Gregory L. Frost, S.D. Ohio 2:12-cv-1015)

A voter filed a federal complaint¹ and a motion for a temporary restraining order² in the Southern District of Ohio on the day before the 2012 general election, complaining that Ohio's secretary of state had entered into contracts for voting software and equipment on September 18 without opening them up to public bidding.

Judge Gregory L. Frost held a telephonic conference at 2:30 p.m. on the day the case was filed³ and set the matter for hearing at 9:00 a.m. on election day.⁴ One expert testified at the hearing by telephone.⁵ After the hearing, Judge Frost denied the plaintiff immediate relief.⁶ Ohio's evidence was that the purpose of the software was not the tabulation of votes but the reporting of tabulations by the counties to the secretary's office.⁷ Judge Frost found the plaintiff's concerns too speculative for immediate relief.⁸

The plaintiff dismissed the case voluntarily on November 20.⁹

1. [Complaint](#), *Fitrakis v. Husted*, No. 2:12-cv-1015 (S.D. Ohio Nov. 5, 2012), D.E. 2.

2. [Temporary Restraining Order Motion](#), *id.* (Nov. 5, 2012), D.E. 3.

3. [Notice](#), *id.* (Nov. 5, 2012), D.E. 6.

4. [Notice](#), *id.* (Nov. 6, 2012), D.E. 8; *see Minutes*, *id.* (Nov. 6, 2012), D.E. 12.

5. [Opinion](#) at 3, *id.* (Nov. 6, 2012), D.E. 13, *available at* [2012 WL 5411381](#).

6. *Id.* at 1, 10; *see* Mary Beth Lane, *Voter Finds Maiden Name in Poll Book*, Columbus Dispatch, Nov. 8, 2012, at 8A.

7. [Opinion](#), *supra* note 5, at 4–6.

8. *Id.* at 7.

9. [Notice](#), *Fitrakis*, No. 2:12-cv-1015 (S.D. Ohio Nov. 20, 2012), D.E. 14.