

MOTION TO SUPPRESS

Motion: “The Clark County Board of Elections Board Members cannot in good conscience sign the Certificate of Appointment issued to Daren Cotter for Interim Clark County Commissioner; thereby I move that we shall withhold our signatures from his certification.”

We have 2 different certifications to consider. One made in accordance with Ohio law, while the other made in violation of several Ohio laws.

The signers of Daren Cotter’s Form 291 and organizers of the January 6, 2026 meeting resulting in his “appointment” violated the statutory requirements found in Ohio Revised Code §121.22 (5)(F) which states, “Every public body, by rule, shall establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings” because:

1. They failed to announce their January 6, 2026 appointment meeting in a newspaper or on their website. The Sunshine Laws Chapter IX (B)(3) state, “Courts have found that publication of meeting information in a newspaper is one reasonable method of noticing the public of its meetings.” A website meeting announcement is speculative fallback but they did not even do that.
2. They failed to announce in a newspaper the process of how to apply for the appointment. The Sunshine Laws Chapter IX (B)(2) state, “The Open Meetings Act requires every public body to adopt rules establishing reasonable methods to notify the public of the time and place of all regularly scheduled meetings, and the time, place, and purpose of all special meetings.” They failed to publish the process which should have involved several special meetings to screen candidates.

The signers of Daren Cotter’s Form 291 and organizers of the January 6, 2026 appointment meeting not only failed to meet these statutory requirements, they further failed to notify members in accordance with Ohio Revised Code §305.02 which states in part, “... **Not less than four days** before the date of such meeting the chairperson or secretary of such central committee shall send by first class mail to every member of such central committee a written notice which shall state the time and place of such meeting and the purpose thereof ...”

1. Central committee members were not given a 4-day minimum advance notice of the January 6, 2026 appointment meeting by first-class mail in violation of this code. The meeting announcement letter was postmarked **3 days in advance** of the meeting and did not arrive until either the day of or days after the meeting, in violation of the 4-day requirement. Some members, not all, were called 2 to 3 days prior to the meeting. They “stacked the deck.”

Furthermore, the Sunshine Laws specifically nullify Daren Cotter’s certification. Daren Cotter’s “appointment” is **VOID AB INITIO** as written in the Sunshine Laws Chapter XI (B)(1) “Invalidity” clause stating, “A resolution, rule, or formal action of any kind is invalid unless a public body adopts it in an open meeting. And when a public body takes formal action in a meeting for which it did not properly give notice, **the action is invalid.**” (*Keystone Comm. v. Switzerland of Ohio School Dist. Bd. of Edn.*, 2016-Ohio-4663)

As a result of these violations, the public was denied the opportunity to: 1) apply for the appointment as there were 2 additional candidates who did not apply for the bogus January 6, 2026 appointment because of its hidden nature; 2) attend the January 6, 2026 meeting – not even the Springfield News Sun attended the bogus meeting; and 3) voice their opinion through their representative members of the central committee. They **VIOLATED THE PUBLIC TRUST** as they kept the process secret and stacked the deck thereby denying the public its constitutionally guaranteed form of representational government and opportunity to vote, protected by both the US and Ohio Constitutions. This is called voter disenfranchisement.

We all know there is turmoil in the county's Republican central committee. But, even if there had been only one appointment, and the circumstances still violated the law, the certification would be nullified and the organizers, should the public hold them accountable, would have to try again.

Luckily, the central committee had a second chance and on January 8, 2026 voted to appoint Mark Sanders, whose name is on the other certificate. Central Committee Chairman William Lindsey, who is a 3-term elected precinct captain, former police officer, Notary Public, and Mayor of News Carlisle; Secretary Carol Godin, a 2-term elected precinct captain and secretary; and Mark Sanders, a county employee all signed the Mark Sander's appointment Form 291 in good faith as they knew that it was lawfully executed.

In my capacity as Executive Chairman and 3-term State Central Committee Woman, I oversaw the process leading up to the lawfully executed January 8, 2026 meeting and Chairman Lindsey made sure it was done right. As duly elected government officials and employees, we never would have signed off on an illegal process like the Daren Cotter signers did. The Daren Cotter signers evidently had no oversight, no knowledge of the legal mandates, and failed to uphold the law. They represent a group whose "executive chairwoman" is now also their treasurer and whose designation of treasurer forms and campaign finance reports are deficient, unsigned, and auditible. But I digress.

Who are we to judge? As Ohio Election Officials, we judge things all the time. And it is our duty to ensure that what we place our signatures on is lawful. Should the BOE approve Daren Cotter's illegitimate certificate, it will open itself to accusations of election fraud, a fifth-degree state-level felony, as indicated on Form 291. Our certification could further be construed as "Passive Concealment: Failure to Report a Crime" violations of Ohio Revised Code §2921.22*, a misdemeanor of the fourth-degree, as we would be signing a certificate we have been warned is potentially fraudulent. As a 2-term Board Member, I am not willing to sign my name on any apparently fraudulent document and I implore my colleagues to abstain as well.

I, Laura Rosenberger, as a duly appointed Board Member of the Clark County Board of Elections have made this motion on Monday, January 12, 2026 at the BOE's regularly scheduled meeting.

Signed:

Dated:

***ORC §2921.22 (A)(1)**

"Except as provided in division (A)(2) of this section, no person, knowing that a felony has been or is being committed, shall knowingly fail to report such information to law enforcement authorities."