



Via Electronic Mail

July 17, 2020

Director Stephanie Penrose  
Deputy Director Ronald Massullo  
Trumbull County Board of Elections  
2947 Youngstown Rd., S.E.  
Warren, Ohio 44484

Re: Tie Vote Regarding Candidacy of Dennis Malloy

Dear Director Penrose and Deputy Director Massullo:

On June 2, 2020, the Trumbull County Board of Elections submitted a tie vote to my Office concerning Dennis Malloy's independent candidacy for the office of Trumbull County Commissioner. The Board initially did not certify his candidacy, but after granting a reconsideration hearing, the members tied over whether "to accept the protest and reinstate Mr. Malloy's candidacy."

Shortly after the tie vote was submitted to my Office, but before the statutory deadline, Mauro Cantalamessa filed a protest against Mr. Malloy's nominating petition. I decided at that time that it would be premature to break the tie vote before the protest was heard and sent a letter to the Trumbull County Board of Elections communicating that on June 22, 2020. On July 7, the Board held a protest hearing, and the members tied again. The primary issue was whether to invalidate all of the signatures on the part petition circulated by Kevin Wyndham. I now resolve both tie votes.

Denying a candidate the opportunity to appear on the ballot must not be taken lightly. The candidate and protestor presented conflicting evidence at the hearings that leaves a reader with more questions than answers. In fact, the conflicting evidence resulted in a bipartisan split on each of the tie votes. Similarly, I am not persuaded that the evidence justifies the serious action of rejecting Mr. Malloy's petition. Therefore, I break both tie votes in favor of certifying Mr. Malloy as an independent candidate for Trumbull County Commissioner. After these hearings and tie votes, Mr. Malloy may proceed with campaigning for the election.<sup>1</sup>

Yours in service,

A handwritten signature in blue ink that reads "Frank LaRose".

Frank LaRose  
Ohio Secretary of State

cc: Mark Alberini, Chair, Trumbull County Board of Elections  
Kathi Creed, Member, Trumbull County Board of Elections  
Ronald Knight, Member, Trumbull County Board of Elections  
Diana Marchese, Member, Trumbull County Board of Elections

---

<sup>1</sup> "When reviewing a factual determination in this context, [a court] will not substitute [its] judgment for that of the secretary of state or a board of elections when there is conflicting evidence on the issue." *State ex rel. Simonetti v. Summit Cty. Bd. of Elections*, 151 Ohio St.3d 50, 2017-Ohio-8115, 85 N.E.3d 728, ¶ 19.