

**Butler County Board of Elections  
Special Board Meeting Minutes  
September 25, 2024**

The Butler County Board of Elections met on Wednesday, September 25, 2024, at 9:00 a.m., for a special meeting. Roll call was taken, and present were Chairman Frank Cloud, Member mariann penska, Member Hall, Director Nicole Unzicker, Deputy Director Eric Corbin, and several members of the public.

Member Hall lead the pledge of allegiance.

Under New Business Director Unzicker introduced Document 1, Review of Filed Candidate Protest. She explained the protest was filed via email with the Board of Elections at 4:32PM on September 6, 2024. Document 1 includes relevant dates from the Ohio Elections Calendar regarding protests as well as relevant sections of the Ohio Revised Code. Section 3513.05 refers to the deadline of January 5, 2024, seventy-four days before the primary election to file a protest against a candidate’s declaration of candidacy. Section 3513.263 refers to the deadline of August 23, 2024, seventy-four days before the general election to file a protest against a candidate’s nominating petitions. Section 3501.39(B) states, *“a board of elections shall not invalidate any declaration of candidacy or nominating petition under division (A) (4) of this section after the sixtieth day prior to the election at which the candidate seeks nomination to office, if the candidate filed a declaration of candidacy, or election to office, if the candidate filed a nominating petition.”* Member penska moved to deny the protest; seconded by Member Hall. Roll call:

Chairman Cloud	yea
Member penska	yea
Member Hall	yea
Member Wunnenberg	absent

All in favor; motion carried.

Protest Letter

See attached

Dates

January 5, 2024	74 days before primary election	Protests against partisan candidates' petitions must be filed by 4 p.m. (74 days before presidential primary election)
August 23, 2024	74 days before general election	Protests against candidates for nonpartisan office must be filed by this date (74 days before general election)
September 6, 2024	60 days before general election	Protest was filed with BOE via email at 4:32PM

Section 3513.05 | Deadline for filing declaration of candidacy.

Protests against the candidacy of any person filing a declaration of candidacy for party nomination or for election to an office or position, as provided in this section, may be filed by any qualified elector who is a member of the same political party as the candidate and who is eligible to vote at the primary election for the candidate whose declaration of candidacy the elector objects to, or by the controlling committee of that political party. The protest shall be in writing, and shall be filed not later than four p.m. of the seventy-fourth day before the day of the primary election.

Section 3513.263 | Processing nominating petitions

Written protests against such nominating petitions may be filed by any qualified elector eligible to vote for the candidate whose nominating petition the elector objects to, not later than the seventy-fourth day before the general election. Such protests shall be filed with the election officials with whom the nominating petition was filed.

Section 3501.39(B) | Grounds for rejection of petition or declaration of candidacy.

Except as otherwise provided in division (C) of this section or section 3513.052 of the Revised Code, a board of elections shall not invalidate any declaration of candidacy or nominating petition under division (A) (4) of this section after the sixtieth day prior to the election at which the candidate seeks nomination to office, if the candidate filed a declaration of candidacy, or election to office, if the candidate filed a nominating petition.

See also, *State ex. Rel. Harbarger v. Cuyahoga Cty. Bd. Of Elections*, 75 Ohio St.3d 44 (1996).

Board Action

Grant Protest

Deny Protest

Director Unzicker said the next item of business on the agenda is to determine the 257 Challenge of Right to Vote and Correction of Registration List form that was filed. She explained that a 257 form was filed on September 17, 2024, as a correction of registration list and included a list of 82 voters. The filing asked for a correction of the registration list for the precinct and ward listed for each voter. After reviewing the records, the precincts and wards are correct for the individuals included. The submission we determined to be insufficient because the precincts did not need to be corrected and the referenced statute on the 257 form does not address the correction of the current voter rolls but rather, what identification is needed for voting in-person and by mail. The voters listed have been found to be fully qualified electors as stated in Directive 2023-24 and are required to remain on the rolls as fully qualified electors.

She also mentioned that while the board does not currently have the authority to require those voters to cast a provisional ballot for the reason that the information supplied on their registration card does not match what is on file at the Bureau of Motor Vehicles or the Social Security Administration. She said the office is aware that Secretary of State LaRose stated in a letter to state leaders proposed legislative changes that would include the expansion of provisional ballots being required in this scenario. The legislature is not scheduled to meet before the November 5, 2024, General Election. Member Cloud asked if that change would

conflict with federal law. Director Unzicker said we do not know how that would work, but if there is a change in the laws or directives, the office will adhere to those changes as usual.

Deputy Director Corbin introduced the last item, Document 3, Updated 2024 Board Meeting Schedule. Ohio Secretary of State Directive 2024-22 requires and expedited canvass of the general election which will require changes to some of the meeting dates. Member Hall moved to approve the board meeting dates; seconded by Member penska. Roll call:

Chairman Cloud	yea
Member penska	yea
Member Hall	yea
Member Wunnenberg	absent

All in favor; motion carried.

With no further business, Member Hall moved to adjourn the meeting; seconded by Member penska. Roll call:

Chairman Cloud	yea
Member penska	yea
Member Hall	yea
Member Wunnenberg	absent

All in favor; motion carried.

The meeting was adjourned at approximately 9:09 a.m.

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Frank Cloud, Chairman

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Nicole Unzicker, Director

ABSENT

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Todd Hall, Member

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Chris Wunnenberg III, Member

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mariann penska, Member