

**Butler County Board of Elections
Board Meeting Minutes
January 4, 2012**

The Butler County Board of Elections met on Wednesday, January 4, 2012 at 2:00 p.m. for a Regular Meeting and to certify Congressional and Write-In Candidates for the March 6, 2012 Primary Election. Roll call was taken and present were Chairman Thomas Ellis, Member John Holcomb, Member Frank Cloud, Director Jocelyn Bucaro, Deputy Director Lynn Kinkaid, Sr. Executive Assistant Nancy Piper and Administrative Assistant Janaya Scott. Also present was Keith Corman, Regional Liaison from the Ohio Secretary of State.

The Bills were reviewed by the Board. Director Bucaro noted significant items for the Board's attention. Specifically, we added \$14,000 to our postage meter. Also appearing on the Bills is a charge for hardware associated with our security system and approximately \$70,000 for software and hardware license agreements to Dominion Voting Systems for 2012. Director Bucaro informed the Board that our funds allowed us to pay this 2012 charge from remaining 2011 funds. Member Holcomb motioned to approve the Bills as submitted, seconded by Member Cloud. Chairman Ellis questioned the cell phone charges on the Bills, and Director Bucaro explained the charge as reimbursement to election workers who used their personal phones during the Election. She added that no staff members are provided cell phones for use year round. Roll call:

Chairman Ellis yea
Member Holcomb yea
Member Cloud yea

All in favor; motion carried.

Minutes from meetings held on December 1, December 14, and December 19, 2012 were reviewed by the Board. Member Holcomb moved to approve the Minutes of the three meetings as submitted, seconded by Member Cloud. Roll call:

Chairman Ellis yea
Member Holcomb yea
Member Cloud yea

All in favor; motion carried.

The next item on the Agenda was Certification of Congressional and Write-In Candidates for the March 6, 2012 Primary Election. Director Bucaro reminded the Board that per the Secretary of State Directive 2011-41 regarding HB 369, which established the new congressional districts as well as the new filing deadline and certification date, our office had two candidates file last week by the new deadline of Friday, December 30, 2011 for the 8th Congressional District. Republicans John Boehner and David Lewis filed with sufficient signatures and all was in order on their petitions. Member Cloud moved to certify the two Republican candidates for the 8th District, seconded by Member Holcomb. Roll call:

Chairman Ellis	yea
Member Holcomb	yea
Member Cloud	yea

All in favor; motion carried.

Director Bucaro informed the Board that there was one Write-in candidate, Cynthia Pinchback-Hines (D) who filed by the deadline of Wednesday, December 28, 2011 for the 52nd House District seat. There was one problem on her Declaration of Intent that required the Board's review which was that the date of Primary Election was listed at March 6, 2013 on the Declaration of Intent portion of the petition. Member Holcomb referred to the Board's past practice where if the date of the Election was off by one digit, and there were no other indications of any intention to deceive the petition signers, the Board would approve the petitions, and he moved to do so. Member Cloud seconded. Director Bucaro added that previous advice given from the Secretary of State was that the date of a Primary Election may be incorrect but is not a fatal error.

Roll call:

Chairman Ellis	yea
Member Holcomb	yea
Member Cloud	yea

All in favor; motion carried.

Director Bucaro reviewed the following Directives with the Board:

- 12/19/11 2011-42 Appointments to the Board of Elections in Each County for Full Terms Commencing March 1, 2012 and Reorganization**
Describes the process for county party executive committees to submit candidates for board of elections appointments between January 1 and February 15, 2012 for full terms beginning March 1, 2012. Reorganization must take place between March 2 and March 6, 2012. Completed forms must be received by the SOS no later than March 16, 2012.
- 12/20/11 2011-43 Challenges Based on Party Affiliation**
A voter can only be challenged when desiring to vote a party ballot when an election official has personal knowledge that the individual is a member of a different party. (Rescinds Directive 2010-44) In the rare instance that this occurs, either SOS form 10-W, X, or Z should be used, depending on the circumstance.
- 12/22/11 2011-44 Initiative Petition Proposing an Addition to the Ohio Revised Code filed December 22, 2011**
Petitions have been validated by our staff with certification form in Board packet. (Ohio Dog Auctions Act) There were 82 part-petitions, with one invalid part-petition; total number of valid signatures were 1,026, and 272 invalid signatures. There were 40 invalid signatures on the invalid part-petition, giving a total of 1,348 signatures that our staff verified.
- 12/27/11 2011-45 Ballots for March 6, 2012 Primary Election**
Explains the process for preparing and printing official ballot. Questions and Issues ballots only are to be sent to the Secretary of State's Office for review.
- A copy of each absentee ballot (Candidates and Questions and Issues) must be sent to the SOS office by Feb 10, 2012. The ballots will also be made available to the Board for their review.*
- 12/28/11 2011-46 2011 Annual Report: Expenses of the Board**
Due Feb 17, 2012, report shall indicate the expenditures made in administering elections, appropriations received, number of registered voters, number of elections held, and the types of voting machines used in our County.
- 12/30/11 2011-47 Election Administration Plans**
Due Jan 6, 2012, mandated EAP by the settlement agreement with the League of Women Voters in 2009. Board Members please sign for Plan to be submitted. Nancy Piper explained that a draft is ready for the Board to review and asked that the Board approve the draft so that electronic signatures may be placed on the final copy to be submitted by the deadline.

After the Board reviewed the draft, Chairman Ellis asked for a motion to approve the Election Administration Plan upon its completion for submission to the Secretary of State by the deadline. Member Holcomb motioned that the Director and Deputy Director cause an Election Administration Manual to be prepared and submitted to the

Secretary of State in accordance with Directive 2011-47 and they be authorized to affix the Board Members' signatures electronically to the Plan. Member Cloud seconded the motion. (Member Shelton's signature, being absent, would not be affixed to the document.) Roll call:

Chairman Ellis yea
Member Holcomb yea
Member Cloud yea

All in favor; motion carried.

The Director continued reviewing Directives with the Board.

12/30/11 2011-48 Battery Maintenance
This Directive directs counties to properly maintain their voting equipment, including regular inspection and replacement of batteries to ensure a fully functioning inventory of machines for use on Election Day. Five specific requirements: replace batteries if necessary contained within the voting system, fully charge all systems prior to each election, test the backup battery life of the system, change all replaceable memory card batteries, replace all M100 PCMCIA cards not purchased within two calendar years of this directive.

12/30/11 2011-49 List of Candidates Certified to the March 6, 2012 Primary Election Ballot
Includes form to report to the SOS office the names of candidates for all parties who are certified to Primary ballot. Forms must be returned by Jan 13, 2012.

There were no Advisories from the Secretary of State to review.

The following Memoranda from the Secretary of State were reviewed with the Board by Director Bucaro:

<u>Date</u>	<u>Subject</u>
12/29/11	Board Member Appointment and Reorganization – PowerPoint and Q&A (Laura Pietenpol) <i>Wednesday, December 28, 2011 Webinar</i>

The Board reviewed Other Communications as follows:

<u>Date:</u>	<u>Subject:</u>
12/22/11	Conference Agenda (Aaron Ockerman) <i>OAE0 Winter Conference, Tentative Agenda</i>
12/22/11	State Public Notice Website (Aaron Ockerman)

State of Ohio will be releasing the Public notice website in early 2012. Notices may include public hearings, legal and court notices, public sales and auctions, etc.

Under Old Business, the Board was asked by Director Bucaro to review bids for a Ballot-on-Demand System. There was one bid which was submitted by Advanced Ballot Solutions with a purchase price of \$52,586. We may subtract from that number an incentive credit of \$11,900. Our invoice would be for \$40,686 should the Board and the Commissioners approve the bid. The election set-up costs and fees include the inline folding system for the unit. Director Bucaro added that the staff has been very pleased with the equipment and the service provided by Advanced Ballot Solutions.

Chairman Ellis questioned as to whether we are still waiting for the Attorney General's Office to give us an opinion on leasing equipment. Director Bucaro stated she spoke to Roger Gates (Prosecutor's office), who spoke with the Attorney General's Office, and they indicated to him that it would be highly unlikely to have an answer by January 25th. Director Bucaro stated that she felt we should move forward with the purchase of this equipment rather than a lease. Chairman Ellis questioned as to whether Advanced Ballot Solutions had given us an extension on their incentive pending an opinion of the Attorney General's office and asked Deputy Director Kinkaid for affirmation. Member Holcomb stated that he was unable to recall the length of the extension given by ABS. Director Bucaro added that we will be using this equipment later this month to print ballots, and Chairman Ellis again questioned the extension given to us by ABS. He said that he believed the extension would be offered until the time of printing our absentee ballots, and Director Bucaro added that it could be four to six weeks before we hear from the Attorney General's office and reminded the Board that the Commissioners must approve any bid that the Board recommends.

Chairman Ellis stated that the choices before the Board were to wait until we receive an opinion from the Attorney General's Office on leasing the product or we act on the purchase at this meeting. He stated that he was not interested in owning any equipment that we do not have to own and is inclined toward "RTO" – "Rent to Own". Chairman Ellis was of the opinion to give our attorney additional time. The Board

discussed both options. Member Holcomb suggested that the Board recommend acceptance of the Bid to the Commissioners realizing Roger Gates is counsel to both the Board of Elections and the Commissioners. If Mr. Gates has reason to believe that an Opinion from the Attorney General's Office is forthcoming, he can present that to us and the Board can reconsider. Member Holcomb expressed concern that we could miss the deadline for the purchase, and the Board discussed the bid further. He motioned to recommend to the Commissioners acceptance of the bid of the Balotar System. Member Cloud seconded. Mr. Ellis stated that originally he was not in favor of this company and believed that we should have kept our relationship with Dayton Legal Blank. However, if the Director and Deputy Director and the BOE staff are happy with the equipment, he will vote yes. Roll call:

Chairman Ellis	yea
Member Holcomb	yea
Member Cloud	yea

All in favor; motion carried.

Under Old Business, Chairman Ellis stated that he recalled that a representative of the Board was serving as a witness for the Unemployment Hearing for our former Director, Tippi Slaughter, and asked Member Holcomb for an update. Member Holcomb informed the Board that Ms. Slaughter had filed an application for unemployment compensation which was denied several times. There was a scheduled conference call telephone Hearing at the Prosecutor's Office recently and he appeared as a witness for that proceeding. However, the former director failed to call into the conference call and, therefore, her application for unemployment compensation has been dismissed.

Chairman Ellis wished to report under Old Business that he had received a copy of the final billing to the county for the Board of Elections for litigation with Calfee, Halter and Griswold, LLP. The total was approximately \$110,000 that the county paid on our behalf. None was offset by the County's umbrella policy. Member Holcomb added that he believed the money was well spent and we received a favorable response. Deputy Director Kinkaid questioned the bill received by us for mediation for approximately \$5,000, and we have refused up to this point to pay this bill. Director Bucaro stated that Roger Gates sent a communication to Mr. Greer that based upon his understanding,

ES&S had agreed to pay for mediation and there was never an agreement that we pay a portion of the costs. The Board, therefore, would need to take no further action as there is nothing documented that we had agreed to pay half of the mediator fee.

Chairman Ellis referred back to "Other Communications" and the State Public Notice Website and wondered if there was something in today's technology that Butler County could do to enhance or "jazz up" our website when reporting results and make it more user-friendly. Director Bucaro stated that we have given the IT Department permission to cease "scrolling" election night results and that we are in the process now of redesigning our website and hope to launch it in February. Chairman Ellis suggested that we search out software that would make election night reporting more up to date as other counties have done.

Director Bucaro presented her Director's Report and began by speaking of our Express Poll book training, which she stated went very well. We will offer an additional training session for staff unable to attend the first class. Our Poll Worker Department is currently working on training procedures for the E-Poll books and added that while they are very easy to operate, but very confusing to set up and take down. We are color-coding the cords and ports of the machines in order to make this process easier for our poll workers. She advised the Board that our Administrative and IT staff will require a two-day training session by ES&S before we can conduct L & A Testing which is scheduled to begin on February 6, 2012.

As a follow-up to the November Election and some Provisional Envelopes where voters did not print their names making their ballots invalid, Director Bucaro shared with the Board a newly-designed Provisional Envelope which will make it easier for Poll Workers and voters to complete required information.

According to Director Bucaro, the Commissioners approved the County's 2012 budget at their meeting a week ago, and she reported that the 2012 budget for the Board of Elections was approved for the same amount as our 2011 budget. Employee salary

budget, postage budget and contract services were each cut significantly. The approved \$2.5 million ballot is the same as our 2011 budget, and the 2008 Presidential Election cost us \$4.5 million, so it will most likely be necessary for us to ask for additional funds as the election year progresses. Chairman Ellis stated that he felt it was necessary in the future for the Board to have knowledge of our budget proposals prior to the budget being presented to the Commissioners. Director Bucaro stated that our staff is working very efficiently to keep costs down as low as possible and feels that we will have no problem justifying our operating expenses.

Deputy Director Kinkaid's report included informing the Board that our security system has been installed and training will begin the following day. He felt that they did a very good job at installation.

The Performance Audit which was conducted by the Auditor of State was shared with the Board by the Deputy Director. Chairman Ellis commented that the report states that \$905,000 annually could be saved by going to an optical scan system and wondered where this figure came from. Member Holcomb commented that further in the report, it is mentioned that the savings will be reduced by the cost of the new equipment. Chairman Ellis stated that this was an argument for leasing.

Chairman Ellis asked that as recommended by our Director and in accordance with R.C. 121.22 (G) (1) a motion be made to go into Executive Session discussing personnel and salary structure. The motion was made by Member Holcomb, seconded by Member Cloud. Roll call:

Chairman Ellis	yea
Member Holcomb	yea
Member Cloud	yea

All in favor; motion carried.

Following Executive Session, Member Holcomb made the motion to grant pay increases to Cara Hardig, Tiffany Harmon and Linda Kennedy to an annual salary of

\$33,500 per year, effective January 1, 2012 for each. The motion was seconded by Member Cloud. Chairman Ellis felt that we should add to the motion that this increase was discussed during each employee's interview, where an increase may be granted following the completion of a successful General Election and the motion was amended.

Roll call:

Chairman Ellis yea
Member Holcomb yea
Member Cloud yea

All in favor; motion carried.

Member Holcomb motioned to adjourn. Chairman Ellis stated that he had one additional topic to bring before the Board. He noted that in the Board's last meeting, Member Shelton reminded the Board that Deputy Director Kinkaid had taken two months leave without pay in 2011 for budgetary reasons, and suggested that he should be compensated in some fashion for that time. Member Holcomb stated that since it was Board Member Shelton's suggestion to discuss the compensation, he would prefer to wait until she was present. Chairman Ellis hoped that the issue would be addressed prior to the Reorganization Meeting. Director Bucaro said that we tentatively have a meeting scheduled for Thursday, January 19, 2012.

Member Cloud seconded the motion to adjourn. Roll call:

Chairman Ellis yea
Member Holcomb yea
Member Cloud yea

All in favor; motion carried.

The meeting was adjourned.

BILLS
January 4, 2012

0001-0076- 200000	Office supplies	1,323.34
0001-0076- 210000	Postage	14,155.78
0001-0076- 250000	Equipment, non capital	5,715.79

0001-0076-280000	Subscriptions	156.00
0001-0076-290000	Other mat'l & supplies	6,751.69
0001-0076-300310	Rental/lease - equip & vehicles	1,851.00
0001-0076-300500	Travel & training	1,200.00
0001-0076-300750	Telephone & communications	1,040.60
0001-0076-390000	Contract services	86,876.85
0001-0076-390000-10	Advertising	167.50
0001-0076-390000-12	Election Mileage & Cell Phone	118.68
0001-0076-390000-13	Temporary Contract Workers	974.96
	TOTAL BILLS	120,332.19
PAID FROM THE GENERAL FUND		

BILLS
January 4, 2012

OFFICE SUPPLIES (200000)

All Computer Supplies

8 toners for HP printers 573.85

Office Depot

Office supplies 149.23

Office supplies 301.51

Office supplies 134.15

Security Lock

Locks for early voting conference room, 11/8/11 election 87.50

SuperMedia

2 Oxford phone directories 77.10

TOTAL OFFICE SUPPLIES (200000) 1,323.34

POSTAGE (210000)

FedEx

Shipments 12/8/11 155.78

Pitney Bowes

Postage for meter 14,000.00

TOTAL POSTAGE (210000) 14,155.78

EQUIPMENT, NON CAPITAL (250000)

**Simplex
Grinnell**

Security system hardware 5,715.79

TOTAL EQUIPMENT, NON CAPITAL (250000) 5,715.79

SUBSCRIPTIONS (280000)

Journal News

Subscription 12/21/11-12/18/12 156.00

TOTALSUBSCRIPTIONS (280000) 156.00

OTHER MATERIAL/SUPPLIES (290000)

Dayton Legal Blank

20,000 form 10-J, acknowledgement notice (VNC cards) 966.00

Home Depot

Keyhole saw, glue, tape, blades 30.87

Lowe's

Utility knives and blades 22.74

Office Depot

Signature poll books, 11/8/11 election 1,048.44

Provisional poll books, 11/8/11 election 681.70

Street directories, 11/8/11 election 2,733.10

Hanging lists, 11/8/11 election 892.38

Precinct lists, 11/8/11 election 376.46

TOTAL OTHER MATERIAL/SUPPLIES (290000) 6,751.69

RENTAL/LEASE - EQUIP & VEHICLES (300310)

Pitney Bowes

Mailing equipment and maintenance, 9/30/11 - 12/30/11 1,851.00

TOTAL RENTAL/LEASE - EQUIP & VEHICLES (300310) 1,851.00

TRAVEL & TRAINING (300500)

OAEO

Ohio registered election official class, 2 BOE staff 120.00

Registration 8 BOE staff, winter conference, 1/25/11 - 1/27/11, Columbus, OH	1,080.00
TOTAL TRAVEL & TRAINING (300500)	1,200.00
TELEPHONE & COMMUNICATIONS (300750)	
Cincinnati Bell Wireless	
Election cell phones, 11/14/11 - 12/13/11	1,040.60
TOTAL TELEPHONE & COMMUNICATIONS (300750)	1,040.60
OTHER CONTRACT SERVICES (390000)	
Data Information Management Systems	
Maintenance DIMSNet election management system, 11/1/11 - 11/30/11	5,766.13
Dominion Voting Systems	
On-site support for recount, 11/8/11 election	1,400.00
EWA for TSX and AVOS hardware maintenance, 1/1/12-12/31/12	42,114.40
SLA for TSX, AVOS and GEMS software license, 1/1/12-12/31/12	27,038.00
ESRI	
Annual maintenance Arc info primary maintenance, 1/1/12 - 12/31/12	934.00
Fairfield Township	
Custodial service at polling location, 11/8/11 election	50.00
Hamilton City School Treasurer	
Custodial service at polling locations, 11/8/11 election	990.00
Jeff Pohlman Tire & Auto Service	
Repair van; replace transmission lines, flush transmission and towing	434.82
Prosource	
Flex and color copies, 9/23/11 - 12/23/11	533.05
Simplex Grinnell	
Security system license and installation	7,616.45
TOTAL OTHER CONTRACT SERVICES (390000)	86,876.85
ADVERTISING (390000-390000010)	
Cox Media Group	
Legal ad and notice to bidders for ballot on demand printer	167.50
TOTAL ADVERTISING (390000-390000010)	167.50
ELECTION MILEAGE AND CELL PHONE (390000-390000012)	
Election workers	
11/8/11 election	118.68
TOTAL ELECTION MILEAGE AND CELL PHONE(390000-390000012)	118.68

TEMP AGENCY CONTRACT WORKERS (390000-390000013)

Robert Half International Inc

Robert Half - Office Team, week ending 11/25/11

365.61

Robert Half - Office Team, week ending 12/2/11

609.35

TOTAL TEMP AGENCY CONTRACT WORKERS (390000-390000013)

974.96

Thomas W. Ellis, Chairman

Jocelyn Bucaro, Director

John M. Holcomb, Member

Judith A. Shelton, Member

Frank Cloud, Member

Absent
