

**Butler County Board of Elections
Board Meeting Minutes
March 19, 2012**

The Butler County Board of Elections met on Monday, March 19, 2012 at 9:00 am, for a special meeting to approve the opening of Valid Provisional Ballots from the March 6, 2012 Primary Election. Roll call was taken and present were Chairman Frank Cloud, Member Bruce Carter, Member Thomas Ellis, Member Judy Shelton, Director Lynn Kinkaid, and Deputy Director Jocelyn Bucaro. Also present were Administrative Assistant Tiffany Harmon, Sr. Executive Assistant Nancy Piper; Registration Manager, Diane Noonan; Early Voting Clerk, JacRisla McKinnon; and IT Manager, Jay Klein. T.C. Rogers, Candidate for Butler County Commissioner; Courtney Combs, Candidate for Butler County Commissioner; Sheila Mclaughan, Reporter for the Cincinnati Enquirer; and Beth Ryan, Attorney for the law firm of Taft Stettinius & Hollister LLP.

Chairman Cloud referred to the Agenda and declared that the purpose of the meeting was to vote on the validity of provisional ballots per Directive 2012-01.

Member Ellis moved to begin review of the Ballots and Member Shelton

seconded the motion. Roll call:

Chairman Cloud	yea
Member Carter	yea
Member Ellis	yea
Member Shelton	yea

All in favor; motion carried.

Diane Noonan presented the provisional ballots to the Board. She explained the first seven Provisional Ballots were cast in the incorrect polling location.

Member Carter moved to invalidate the seven provisional ballots due to incorrect polling location per directive Directive 2012-01, seconded by Member Shelton.

Member Ellis suggested that in the future poll workers should be required to sign a document stating they directed the voter to the correct location and inform them that their vote will not count if cast in the incorrect location. Roll call:

Chairman Cloud	yea
Member Carter	yea

Member Ellis yea
Member Shelton yea

All in favor; motion carried.

Diane Noonan presented fifty provisional ballots to the Board. These voters were at the correct location and voted in the wrong precinct due to poll worker error. She explained that all of these voters included a Social Security Number on the envelope and do fall under the NEOCH exception. Member Ellis moved to approve all fifty provisional ballots for opening under Directive 2012-06. Member Shelton seconded the motion. Member Carter requested to separate the Provisional Ballots into two groups based on proven poll worker error and hypothetical poll worker error. Member Ellis stated there is no way to differentiate which poll worker in each precinct processed the provisional ballot. Each location had a minimum of one poll worker processing provisional ballots incorrectly and stood fast with his motion that the fifty provisional ballots should be accepted under Directive 2012-06 as NEOCH Ballots. Roll call:

Chairman Cloud yea
Member Carter nay
Member Ellis yea
Member Shelton yea

Motion carried by majority vote.

Member Carter moved to recess briefly. Member Shelton seconded the motion and roll call was taken:

Chairman Cloud yea
Member Carter yea
Member Ellis yea
Member Shelton yea

All in favor, Motion carried.

Following recess, Chairman Cloud moved to resume the meeting. Member Shelton seconded the motion.

Roll Call:

Chairman Cloud yea
Member Carter yea
Member Ellis yea
Member Shelton yea

All in favor, Motion carried.

Diane Noonan contacted the Secretary of State's office for an explanation of the NEOCH exception. It was explained to her that if a provisional envelope has both a social security number and a driver's license number as identification they can not be classified as NEOCH under Directive 2012-06. In order to be a NEOCH ballot, the voter can only list the Social Security number as identification on the provisional envelope. Member Ellis moved to rescind his previous motion to accept all fifty ballots based on the clarification from the Secretary of State, and Member Shelton seconded the motion. Roll call:

Chairman Cloud	yea
Member Carter	yea
Member Ellis	yea
Member Shelton	yea

All in favor; motion carried.

Upon further discussion the board decided to separate the fifty provisional ballots into two groups. These groups included twenty-eight Provisional Ballots that clearly meet NEOCH standards under Directive 2012-06 and the twenty two additional ballots in question.

Member Carter moved to accept the twenty eight NEOCH ballots where the voter provided only the Social Security number as identification on the provisional envelope. Member Shelton seconded the motion. With no further discussion, roll call was taken:

Chairman Cloud	yea
Member Carter	yea
Member Ellis	yea
Member Shelton	yea

All in favor; motion carried.

Member Carter moved to reject the twenty-two provisional ballots that have both the voters' Social Security numbers and the driver's license numbers listed as a form of identification and therefore do not meet the NEOCH exception. Chairman Cloud seconded the motion. Roll call:

Chairman Cloud	yea
Member Carter	yea
Member Ellis	yes
Member Shelton	yes

All in favor; motion carried.

Diane Noonan presented eight provisional ballots that were cast in the correct location, incorrect precinct, and did not list the Social Security Number as identification. Director Kinkaid stated that the poll worker department are working on procedures geared on prevent poll worker error. Member Carter moved to reject the eight provisional ballots before the Board. Chairman Cloud seconded the motion. Roll call:

Chairman Cloud	yea
Member Carter	yea
Member Shelton	yea
Member Ellis	yes

All in favor; motion carried.

Deputy Director Bucaro presented a single provisional ballot cast in the wrong precinct that should have been processed as an optical scan ballot. The envelope does not fall under the NEOCH exception. A hand-written note from the Presiding Judge stated that the signature pad was out of order, and the voter had erroneously been given a provisional ballot. Ms. Bucaro stated that there is a procedure in place for a failed signature pad in which the voter would be given an optical scan. Member Carter moved to reject the ballot, Chairman Cloud seconded the motion. Member Ellis questioned if the Board has the ability to reclassify a Provisional Ballot to an Optical Scan. Member Carter rescinded his motion to reject the Provisional Ballot pending clarification from the Secretary of State.

Ms. Noonan presented seven provisional ballots that should have been processed as Optical Scan Ballots. She requested the Ballots be opened and reclassified as an Optical Scan. Member Carter moved to reclassify the seven Provisional Ballots as Optical Scan. Member Shelton seconded the motion. Roll call:

Chairman Cloud	yea
Member Carter	yea
Member Shelton	yea
Member Ellis	yea

All in favor; motion carried

Member Carter moved to accept all 313 provisional ballots deemed valid by the Board of Elections Staff in bipartisan teams per Directive 2012-01. Member Shelton seconded the motion. Roll call:

Chairman Cloud	yea
Member Carter	yea
Member Shelton	yea
Member Ellis	yea

All in favor; motion carried

Member Cloud informed the board that they must follow Provisional Law and are unable to count the single provisional ballot cast because of a failed signature pad because it does not fall under NEOCH. Member Carter moved to reject the ballot even though there was gross poll worker error. Chairman Cloud seconded the motion. There was no further discussion and roll call was taken:

Chairman Cloud	yea
Member Carter	yea
Member Shelton	yea
Member Ellis	yea

All in favor; motion carried

Ms. Noonan presented three provisional ballots with no identification. Krissy Rine, legal counsel from the Secretary of State's office informed the Board that they are unable to use the identification on the back of the envelope since the back is actually for voter registration. Member Carter moved to invalidate the three Provisional Ballots. Member Shelton seconded the motion and roll call was taken:

Chairman Cloud	yea
Member Carter	yea
Member Shelton	yea
Member Ellis	yea

All in favor; motion carried

Ms. Noonan presented a single provisional ballot with no printed name and a social security number as the only form of identification which triggers a question of NEOCH under Directive 2012-06. Member Carter moved to accept the ballot.

Member Shelton seconded the motion. Roll call:

Chairman Cloud	yea
Member Carter	yea
Member Shelton	yea
Member Ellis	yea

All in favor; motion carried

Ms. Noonan presented a provisional ballot missing a printed name. Reluctantly

Member Carter moved to invalidate ballot. Member Shelton seconded the

motion. Roll Call:

Chairman Cloud	yea
Member Carter	yea
Member Shelton	yea
Member Ellis	yea

All in favor; motion carried

A single ballot that was voted in Butler County was presented to the Board. The

voter filled out the provisional envelope stating he currently lives in Hamilton

County. Member Carter moved to invalidate the ballot. Chairman Cloud

seconded the motion. Member Shelton questioned how this happened. Deputy

Director Bucaro explained that the voter filled out a change of address to

Hamilton County on the provisional envelope but voted the ballot in Butler

County. Roll call:

Chairman Cloud	yea
Member Carter	yea
Member Shelton	yea
Member Ellis	yea

All in favor; motion carried

Ms. Noonan presented thirty-eight provisional ballots whereas the voters were

not registered in the state of Ohio. Member Carter moved to reject the thirty-eight

provisional ballots. Member Shelton seconded the motion. There was no

discussion. Roll call:

Chairman Cloud	yea
Member Carter	yea
Member Shelton	yea
Member Ellis	yea

All in favor; motion carried

Member Carter moved for a ten-minute recess. Member Shelton seconded the

motion. Roll call:

Chairman Cloud	yea
Member Carter	yea
Member Shelton	yea
Member Ellis	yea

All in favor; motion carried

Chairman Cloud called the meeting back into order. The next order of business was to review absentee ballots. Nancy Piper presented the ballots that were received by mail. Ten absentee ballots were received on March 7, 2012 and one ballot was received on March 12, 2012. Dates are difficult to read and Ms. Piper explained that they must be postmarked by March 5, 2012 to be valid absentee ballots. Ms. McKinnon explained the ballots can be received up to ten days after the deadline if they are postmarked by March 5, 2012.

Member Carter moved to reject the first nine Absentee Ballots containing postmarks on the sixth. Member Shelton seconded the motion. Roll call:

Chairman Cloud	yea
Member Carter	yea
Member Shelton	yea
Member Ellis	yea

All in favor; motion carried

The tenth ballot was received on March 7th and the board employees could not determine the date postmarked on the envelope. Member Carter moved to accept, absent any evidence that it was mailed after March 5th. Member Shelton seconded the motion. Roll call:

Chairman Cloud	yea
Member Carter	yea
Member Shelton	yea
Member Ellis	yea

All in favor; motion carried

The eleventh ballot was received on March 12, 2012. Member Carter stated that he believed that this was postmarked March 6th, and Member Shelton agreed.

Member Carter moved to reject the ballot due to the late postmark. Member Shelton seconded the motion. Roll call:

Chairman Cloud	yea
Member Carter	yea
Member Shelton	yea
Member Ellis	yea

All in favor; motion carried

Member Carter moved to add thirty-six additional absentee ballots that have been scanned to be included in the official count, totaling ninety ballots to be added to the official run. Member Shelton seconded the motion. It was explained by Mr. Klein that three decks which account for the thirty six ballots were scanned after 11:00 pm on election night. They had not been added to the unofficial count due to staff error. Member Carter withdrew his motion to clarify and restate.

Member Carter moved to add the thirty-six ballots that were scanned late on election night to be added to the official tally. Chairman Cloud seconded the motion. Roll call:

Chairman Cloud	yea
Member Carter	yea
Member Shelton	yea
Member Ellis	yea

All in favor; motion carried

Member Carter moved to approve the scanning and add the additional fifty-four absentee ballots to the official tally. Member Shelton seconded the motion.

Member Shelton stated she was glad to have such a great response from voters and received so many timely absentee ballots after Election Day. Roll call:

Chairman Cloud	yea
Member Carter	yea
Member Shelton	yea
Member Ellis	yea

All in favor; motion carried

Lynn Kinkaid gave the breakdown of provisional ballots as follows;

Total valid 352. Total invalid 81. Total Provisional Ballots 426.

At approximately 12:43 p.m. Member Ellis moved to adjourn the meeting.

Member Shelton seconded the motion. Roll call:

Chairman Cloud	yea
Member Carter	yea
Member Shelton	yea
Member Ellis	yea

Motion passed.

The meeting was adjourned at approximately 12:45 p.m.

Frank Cloud, Chairman

Lynn Edward Kinkaid, Director

.

Thomas W. Ellis, Member

Judith A. Shelton, Member

Bruce Carter, Member