

**Butler County Board of Elections
Board Meeting Minutes
October 12, 2012**

The Butler County Board of Elections met on Friday, October 12, 2012, at 9:10 a.m. for a regular meeting. Roll call was taken and present were Chairman Frank Cloud, Member Bruce Carter, Member Judy Shelton, Member Tom Ellis, Director Lynn Edward Kinkaid, Deputy Director Jocelyn Bucaro, and Administrative Coordinator Tiffany Harmon. Also present was Ms. Lauren Pack, Reporter for Cox Newspapers.

Chairman Cloud asked for approval of the bills. Member Carter moved to approve the bills as submitted; seconded by Member Shelton. Roll call:

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

All in favor; motion carried.

Minutes were reviewed from the meeting of September 10, 2012. Member Carter moved to approve the Minutes as submitted, seconded by Member Shelton. Member Ellis asked that no changes be made to Board Meeting Minutes when they are circulated by staff prior to the meeting. He explained he would prefer all changes be made on record at the meeting to limit confusion. Member Carter stated that he would like to know suggested changes prior to the Board Meeting in order to be prepared. Roll call:

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

All in favor; motion carried.

Chairman Cloud stated the next order of business was to set extended hours for in-person early voting for the last weekend before the election. Director Kinkaid informed the Board that the proposed hours are included in their packets as well as Advisory 2012-01. Member Carter explained that Advisory 2012-01 does not

preclude the Board from taking action on in-person early voting hours and from what he understands, the U.S. Sixth Circuit Court of Appeals decision left it up to the Board to set their own hours. He suggested the Board vote to set the hours recommended by the Director and Deputy Director. Deputy Director Bucaro explained that in 2008 there were 10,000 early voters in the last two weeks before the election and 40% of those came in the last three days, which made them the busiest three days of early voting. She stated that is why she and Director Kinkaid agreed on the extended early voting hours prior to the Board Meeting. Member Carter moved to accept the hours proposed for November 3, 4, and 5 subject to any subsequent Directive from the Secretary of State.

Saturday, November 3	8:30am – 4:30pm
Sunday, November 4	8:30am – 4:30pm
Monday, November 5	8:30am – 3:00pm

Chairman Cloud seconded the motion. Member Shelton stated she would like to extend the voting hours on Friday, November 2 rather than open Saturday, Sunday, and Monday. Chairman Cloud stated that this Board previously agreed to be opened on the last three days before the election and now that there is nothing banning such action it is the Board's responsibility to set hours. Member Ellis questioned the staff member's preparedness for the extended hours. Deputy Director Bucaro explained that there are less staff members than in 2008 but the technical efficiencies as well as utilizing staff in more efficient ways has helped to process voters faster and without trouble. Member Ellis stated that he would like to get advice from legal counsel before taking any action. Member Carter withdrew his motion subject to resubmission.

Member Ellis moved to take a recess to seek legal advice. Member Carter seconded the motion. Roll call:

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

All in favor; motion carried.

Member Shelton moved to go into session; seconded by Member Ellis. Roll call:

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

All in favor; motion carried.

Once the meeting was called to order, Director Kinkaid explained that he and Deputy Director Bucaro spoke with Assistant Prosecuting Attorney Roger Gates who was unfamiliar with the Secretary of State Advisory and Sixth Circuit decision and could not offer advice at the time. Director Kinkaid further stated he left a message with legal counsel at the Secretary of State and he is waiting on a return call. Member Shelton requested the Board send their recommendation to the Secretary of State rather than set hours. Member Carter explained that the Board should set hours so they are known in advance rather than reconvene last minute. He explained that the Secretary of State is not requiring the Board to take action on early voting hours but he is not precluding them from doing so as the Directive precluding them has been rescinded. Member Carter suggested using poll workers or poll worker trainers if the opposing Board Members are concerned with staffing. Deputy Director Bucaro stated that her opinion is that the Board is already adequately staffed for the extended hours but if the Board Members are concerned, poll worker trainers can be on stand-by as back up. Member Ellis moved to give administration the approval of discretionary hiring of the poll worker trainers for early voting if necessary. Member Carter seconded the motion. Roll call:

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

All in favor; motion carried.

Member Carter said there is nothing restricting the Board from setting early voting hours at this time. His opinion is that the court decision and Advisory do not set restrictions on the Board but on the Secretary of State. As of right now, the Secretary of State does not have the authority to set hours for the weekend before the election and that will be left up to individual boards.

Deputy Director Bucaro called Krissy Rine, legal counsel from the Secretary of State and asked for clarification on Advisory 2012-01. Ms. Rine stated that the Advisory says their office is accepting recommendations from county boards of elections. Ms. Rine explained that the Secretary of State is requesting an opinion, not requiring it. Member Carter asked if there was anything precluding them from setting hours that weekend. Ms. Rine stated that if Mr. Carter had any questions on the U.S. Sixth Circuit Court of Appeals decision, they should speak to their legal counsel. Member Ellis asked if in submitting the recommendations if they were asking for them individually or a collective recommendation from the Board. Ms. Rine said the Advisory states bipartisan support is preferred but is not required if the Board decides to submit a recommendation. Deputy Director Bucaro thanked Ms. Rine and disconnected the call. Member Ellis stated that he wants a legal opinion from Roger Gates before making his decision, as suggested by Ms. Rine. Member Carter stated that a motion, even if it is a tie vote, could help the Secretary of State because he would be able to make a decision on the vote rather than looking at a recommendation and being unable to act. Chairman Cloud stated his opinion was that Secretary of State would decline to break a tie vote due to pending litigation. Member Shelton explained that Advisory 2012-01 appears to be a survey and she does not want a tie vote. Member Carter stated that he is inclined to take action to push the issue along.

Member Carter moved to establish weekend hours on Saturday, Sunday, and Monday in the absence of contrary advice from Roger Gates.

Saturday, November 3	8:30am – 4:30pm
Sunday, November 4	8:30am – 4:30pm
Monday, November 5	8:30am – 3:00pm

Chairman Cloud seconded the motion. Member Shelton stated that she wants to respond to the Advisory in the form of a survey and will not support a motion on early voting hours. Member Ellis stated that the Board should provide exactly what was requested by the Secretary of State rather than move in the opposite direction by setting hours before discussing it with counsel. He said his belief is

that this vote is premature. Member Ellis asked Chairman Cloud to withdraw his second. Chairman Cloud refused to withdraw his second to the motion and he explained his belief is that early voting hours for the last three days before the election are up to individual Boards of Elections and the hours presented have bipartisan support from the Director and Deputy Director. Member Shelton asked Member Carter to withdraw his motion. Member Carter stated he would not withdraw his motion. Member Shelton excused herself from the meeting. Member Carter stated that it is incumbent upon the Board not to punt their responsibility and vote. Member Carter called for a vote. Chairman Cloud asked for roll call. Roll call:

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

2-0 vote; motion carried.

Member Ellis stated that it is not out of line to ask for legal advice and quickly excused himself to make a phone call. Chairman Cloud explained that he was unsure if business could be conducted without a quorum and sent Director Kinkaid to ask Member Ellis to return to the meeting. Deputy Director Bucaro called Roger Gates and explained that two members of the Board left before the meeting had been adjourned. She then explained the question had been called and Chairman Cloud requested roll call and that during roll call Member Ellis left the meeting. Mr. Gates stated that if a quorum existed at the beginning of the meeting, the meeting will proceed until all business before the Board is completed and/or a motion to adjourn is acted upon. He further explained that the effect of an absence during the roll call vote is an abstention and the vote would result in a 2-0 vote, and pass. The remaining Board Members thanked Mr. Gates and disconnected the phone call.

Member Carter moved to adjourn the meeting; Chairman Cloud seconded the motion. Roll call:

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

All in favor; motion carried.

The meeting was adjourned at approximately 11:40 a.m.

BILLS
October 12, 2012

0001-0076-200000	Office supplies	5,041.28
0001-0076-210000	Postage	2,663.49
0001-0076-250000	Equipment, non capital	5,344.84
0001-0076-290000	Other mat'l & supplies	16,163.89
0001-0076-300310	Rental/lease - equip & vehicles	1,851.00
0001-0076-300550	Employee job related mileage	14.25
0001-0076-300750	Telephone & communications	1,042.26
0001-0076-390000	Contract services	12,483.86
0001-0076-390000-13	Temporary Contract Workers	5,798.89
	TOTAL BILLS	50,403.76
PAID FROM THE GENERAL FUND		

 Frank Cloud, Chairman

 Lynn Edward Kinkaid, Director

 Thomas W. Ellis, Member

 Judith A. Shelton, Member

 Bruce Carter, Member