

**Butler County Board of Elections
Board Meeting Minutes
August 26, 2015**

The Butler County Board of Elections met on Wednesday, August 26, 2015, at 9:10 a.m. for a special meeting. Roll call was taken and present were Chairman Frank Cloud, Member Judy Shelton, Member Bruce Carter, Member Todd Hall, Director Diane Noonan, Deputy Director Jocelyn Bucaro, Executive Assistant Donna DeFazio, Executive Assistant JacRisya McKinnon. Also present were Matt Von Stein, Steven Black, Carla Fiehrer, Larry Fiehrer, and Archie Johnson.

Director Noonan submitted the list to certify city charter and write-in candidates to the November ballot.

**Butler County Board of Elections
November 3, 2015 General Election
Candidate Petitions to be Certified**

Certified _____
Admin. Sign & Date

Lawrence Mulligan	For Mayor of Middletown City
Roy Gordon	For Member of Council at Large of Middletown City
Anita Scott Jones	For Member of Council at Large of Middletown City

Member Carter moved to certify the candidates to the City of Middletown for the November ballot; seconded by Member Shelton. Roll call:

Chairman Cloud	yea
Member Carter	yea
Member Shelton	yea
Member Hall	yea

Majority in favor; motion carried.

Director Noonan discussed the discrepancy with Archie Johnson's candidate petition for Hamilton City Council, which contained an error made by the clerk who notarized his affidavit. She mistakenly put the incorrect date. Mr. Johnson stated that he notarized his petition around 3:30 pm prior to coming to the Board of Elections to file his petition. Director Noonan circulated a letter from the notary

attesting to the error and a screen shot photo with a date and time stamp from the bank at the time Mr. Johnson obtained the notarized signature.

Deputy Director Bucaro next explained an issue with Carla Fiehrer and Matt Von Stein's petitions. She explained that the City of Hamilton's petition form for use by city council candidates is different from the Secretary of State's prescribed form. The Secretary of State form requires candidates to sign their Declaration of Candidacy and date it before they circulate their petition and collect signatures. The Board of Elections provides general instructions that are given to all candidates when they pull their petitions that instruct candidates to sign the Declaration of Candidacy before circulating per the Secretary of State requirements. Ms. Fiehrer followed these instructions step by step, signing and dating her Acceptance of Nomination before circulating. The Hamilton form includes the verbage "We hereby nominate" and "I hereby accept", raising the question of whether her acceptance needed to be dated after she collected signatures. We questioned the Hamilton law director as to whether the Charter requires candidates to sign and date after circulating. The law director advised the Charter was silent on this requirement and that we should follow state law requirements. Based on this advice, we feel this error is not fatal and Carla Fiehrer should be certified.

Deputy Director Bucaro then explained another issue related to the form of Hamilton's petition that raised a concern on Mr. Von Stein's petition. On his circulator affidavit, Mr. Von Stein signed on the line after the word "I", but did not sign on the line following the paragraph. Deputy Director Bucaro circulated a blank petition and Mr. Von Stein's petition showing the location of the signature line, its lack of space and designation as a signature line. She noted that this has happened before with other candidates, and we have certified them. The Hamilton law director offered no advice as to the sufficiency of Mr. Von Stein's signature. Assistant Prosecutor Mary Ann Nardiello advised it is a Board decision as to whether his signature is sufficient.

Ms. Fiehrer discussed plans for the Hamilton Charter Review Commission to revise the form, hopefully getting it on the ballot in the March 2016 Primary so that the form complies with the state's forms.

Member Carter moved to certify the candidates, Archie Johnson, Carla Fiehrer, and Matt Von Stein for Hamilton City Council on the November 3, 2015 ballot; seconded by Member Shelton. Roll call:

Chairman Cloud	yea
Member Carter	yea
Member Shelton	yea
Member Hall	yea

Majority in favor; motion carried.

**Butler County Board of Elections
November 3, 2015 General Election
Petitions in Question:**

Certified _____
Admin. Sign & Date

Certified X Not Certified _____

Archie Johnson – Hamilton City Council

- Circulator Statement – Notary public sworn date is August 15, 2015. The elector's signatures are dated on or after the notary public's date.
- See attached letter

Certified X Not Certified _____

Carla J. Fiehrer – Hamilton City Council

- Acceptance of Nomination – Dated April 15, 2015
- One petition was not notarized as required by charter
 - Contained 16 signatures

Certified X Not Certified _____

Matthew R. Von Stein – Hamilton City Council

- Did not sign after circulator statement

Director Noonan next considered write-in candidates for the November election.

Member Carter moved to certify the write-in candidates with no discrepancies to the November 3, 2015 ballot; seconded by Member Shelton. Roll call:

Chairman Cloud	yea
Member Carter	yea
Member Shelton	yea
Member Hall	yea

Majority in favor; motion carried.

Butler County Board of Elections
November 3, 2015 General Election
Write – In Candidates

Certified _____
Admin. Sign & Date

Jacksonburg Village Mayor

- Michael W. Sword
4623 Oxford-Middletown Rd.
Middletown, Ohio 45042

Jacksonburg Village Council

- Laura M. Sword
4623 Oxford-Middletown Rd.
Middletown, Ohio 45042
- Ivan S. Northern
4556 Oxford-Middletown Rd.
Middletown, Ohio 45042

Monroe City Council

- James R. Tubbs
360 Pebblestone Dr.
Monroe, Ohio 45050

New Miami Mayor

- Earsel Cheek
142 Rose Lea Ave.
Hamilton, Ohio 45011

New Miami Council

- Kenneth E. Cheek
313 Rose Lea Ave.
Hamilton, Ohio 45011

Director Noonan addressed Steven Black's Declaration to be a Write-In candidate in Lemon Township. Mr. Black previously filed a petition for Monroe City Council and was not certified because he did not sign the declaration of candidacy. Mr. Black then sought to be a write-in candidate for Monroe City Council, but was informed he could not file twice for the same office in the same election per R.C. 3513.04. He then filed as a write-in candidate in Lemon Township. We confirmed with the Prosecutor's office that Mr. Black could not file to be a write-in candidate for a separate office in the same election. Mr. Black acknowledged that he did not properly file his petition for the Monroe City Council and would like to be allowed to file as a write-in for another office and feels he

should be able to do so because in his opinion it is not clearly defined in the Ohio Revised Code that he may not file as a write-in in the same election.

Deputy Director Bucaro explained that there is related case law that upholds the prohibition on candidates filing for one office and subsequently filing for another office without a timely withdrawal. Member Carter moved to not certify Steven Black as a write-in candidate to the November ballot; seconded by Member Shelton. Member Carter withdrew his motion. Mr. Black provided a hand written note stating that he is officially withdrawing his candidacy for Lemon Township Trustee.

Chairman Cloud read aloud Steven Black's official communication withdrawing his candidacy for Lemon Township Trustee on August 26, 2015.

Director Noonan presented the Ballot Quantities to Order for the November 3, 2015 General Election, reflecting a total of 8,530 ballots, including 5,430 Optical Scan and 3,100 Provisional Ballots. Member Hall moved to approve the allocation of ballot quantities to order for the November 3, 2015 election; seconded by Member Carter. Roll call:

Chairman Cloud	yea
Member Carter	yea
Member Shelton	yea
Member Hall	yea

Majority in favor; motion carried.

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

Chairman Cloud	yea
Member Carter	yea
Member Shelton	yea
Member Hall	yea

All in favor; motion carried.

The next Board meeting will be held on Monday, September 14th at 9:00 a.m.

The meeting was adjourned at approximately 10:25 a.m.

Frank Cloud, Chairman

Diane Noonan, Director

Resigned 9.14.15

Todd Hall, Member

Judith A. Shelton, Member

Bruce Carter, Member