

Butler County Board of Elections Hearing Minutes November 12, 2015

The Butler County Board of Elections met on Thursday, November 12, 2015, at 1:00 p.m. for a hearing. Roll call was taken and present were Chairman Frank Cloud, Member Bruce Carter, Member Todd Hall, Member Chris Wunnenberg, Director Diane Noonan, Deputy Director Jocelyn Bucaro, Executive Assistant Donna DeFazio and several guests.

Chairman Cloud stated the purpose of the special meeting is to hear testimony over three challenges for the right to vote. He reviewed what led up to hearing by stating that on October 26, 2015, Michael Presta filed a challenge to right to vote on Marilyn Hatfield. On October 29, 2015, Robyn and Dale Short filed a challenge of right to vote on Marilyn Hatfield. The Director and Deputy Director reviewed the challenges and asked the Board to schedule a hearing, which we scheduled for today.

At this time, Chairman Cloud introduced the Board Members, Chris Wunnenberg, Todd Hall and Bruce Carter, Director Diane Noonan, Deputy Director Jocelyn Bucaro as well as himself, Chairman Frank Cloud. He also introduced Roger Gates from the Prosecutor's Office and stated that he will have no part in the decision of the challenges and is here only to answer questions concerning the law. Chairman Cloud also introduced Jane Fitch, Court Reporter who will record everything just like in a court hearing.

Chairman Cloud requested that all parties introduce themselves for the record. Chris Pagan, a private attorney introduced himself as representing the challenged voter, Marilyn Hatfield. The guests included Mary Swain, Clerk of Courts, and Greg Howard, who is the Regional Chair for the Republican Party Central Committee in which Marilyn Hatfield lives.

Chairman Cloud stated that the Board has the Challenge of Right Vote documents from Michael Presta, Dale and Robyn Short stating they believe she lives at 3010 Court Louise, Middletown, Ohio. We also have a certificate of registration, declaration of candidacy for Central Committee for Marilyn Hatfield stating her address is 310 Regent Dr., Middletown, Ohio, and a request for an absentee ballot for November 3, 2015 Election with a return envelope showing 310 Regent Dr., Middletown, Ohio.

Member Hall asked if Mr. Presta or Mr. & Mrs. Short are present. They were not present at the meeting.

Chairman Cloud noted that those filing the challenges have the burden of proof and must show by a preponderance of the evidence that the voter does not live where she is registered. Chairman Cloud asked if there are any questions from anyone. Attorney Pagan stated he has no questions. Chairman Cloud asked if there were any witnesses being called to testify.

Member Carter stated the Board has to make a decision on whether the challenge forms in and of themselves are sufficient to make a decision adverse to Ms. Hatfield since Mr. Presta and Mr. and Mrs. Short are not present to present their proof. In Member Carter's view, if the challenge forms aren't sufficient there is no need for any evidence because the challengers were given an opportunity but did not choose to show up and support their allegations even though they were provided the date and time of the meeting. Member Hall stated he agreed with Member Carter that since they did not show up to present any supporting documents, it is cut and dry in his opinion. Member Carter stated that they could be running late so we will give them until 1:10 p.m. to appear before the Board. Member Hall asked Executive Assistant Donna DeFazio to check with the office staff to see if they have called to state they are on their way. Director Noonan stated that she spoke with Mr. Presta and he is not attending the meeting. There were no phone calls received from Mr. & Mrs. Short.

Mr. Pagan stated they would present testimony if the Board wanted them to.

Member Carter stated he has a question of her objective and intent, regardless of her current address. Mr. Pagan stated her testimony would be that she is living at 310 Regent Dr. now. Member Carter asked that Ms. Hatfield be sworn in to answer that question.

The court reporter swore in Ms. Hatfield.

Member Carter asked Ms. Hatfield to state her current address. Ms. Hatfield stated her address is 310 Regent Dr., Middletown, Ohio. Member Carter asked if she lives elsewhere at times and Ms. Hatfield replied she has stayed at her dad's house. Member Carter asked if she considers 310 Regent Dr. her permanent home, and Ms. Hatfield replied yes. Member Carter asked that on the times that she spent the night elsewhere, was it her intent to always go back to her home at 310 Regent Dr. Ms. Hatfield stated yes, they are trying to clean out and packing up the house at Court Louise. Mr. Pagan asked what the purpose of packing the house on Court Louise was. Ms. Hatfield stated to move home to 310 Regent Dr. Member Carter stated he has no other questions. The other Board Members had no further questions.

Member Carter stated that the deadline of 1:10 p.m. has arrived so at this point the Board needs to deliberate or make a motion to decide the challenge.

Member Carter moved to reject the challenges; seconded by Member

Wunnenberg. Roll call:

Chairman Cloud	yea
Member Carter	yea
Member Hall	yea
Member Wunnenberg	yea

All in favor; motion carried.

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

Chairman Cloud	yea
Member Carter	yea
Member Hall	yea
Member Wunnenberg	yea

All in favor; motion carried.

The meeting was adjourned at approximately 1:10 p.m.

Frank Cloud, Chairman

Diane J. Noonan, Director

Todd Hall, Member

Chris Wunnenberg, III Member

Bruce Carter, Member