

**Butler County Board of Elections  
Board Meeting Minutes  
January 19, 2016**

The Butler County Board of Elections met on Tuesday, January 19, 2016, at 9:00 a.m. for a Regular meeting. 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 Eric Corbin and Attorney Bob Selak.

Chairman Cloud submitted the minutes for November 23<sup>rd</sup> and November 30<sup>th</sup> for approval. Member Carter moved to approve the minutes; seconded by Member Hall. Roll call:

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

All in favor; motion carried.

Director Noonan stated that four directives have been received from the Secretary of State and that Deputy Director Bucaro would further explain Directive 2016-01 Re-Review of Ohio Drug Price Relief Act Part-Petitions. Deputy Director Bucaro explained they are seeking direction from the board members in this matter. She has spoken with Roger Gates at the Prosecutor's office as well as with representatives from other counties at the conference last week. She stated there are two specific reasons why each county should re-review the petitions according to the directive. The first reason petitions should be re-reviewed is to examine whether the signer or the circulator struck a signature from the petitions. A signer and the circulator are the only two people permitted under Ohio law to strike a signature from a petition. The directive is specifically asking boards to look at each petition and determine whether a similar method such as a black marker or the same colored marker was used to strike signatures on different petitions and to determine whether someone other than the signer or circulator may have struck the signature in violation of state law. The second reason petitions should be re-reviewed to determine whether

the circulator statement may have been pre-completed or completed in a way that is not in compliance with state law because of the large number of part-petitions containing significantly fewer signatures than what the circulator indicated in the statement. Assistant Prosecuting Attorney Roger Gates advised that he did not see that the Board could determine fraud on the first question, and indicated the law is not clear regarding the second question but felt over-reporting is something the Board may wish to investigate by holding a hearing. He felt that collecting data on what part-petitions contained strikethroughs and over-reporting and looking for patterns in the circulators or companies was sufficient. Deputy Director Bucaro shared the initial findings with the Board, noting staff is still recording the data from the re-review and then asked the Board Members if they would be interested in issuing subpoenas or holding a hearing to question the circulators or their employers. Member Hall asked what the state's position is on the issue. Deputy Director Bucaro said the state did not give direction but asked the Board to determine whether the petitions meet state law. Director Noonan and Deputy Director Bucaro said in their opinion the office has already met this requirement. Roger Gates also raised a question as to whether the employer of the circulator can strike a signature from the petition in his conversations with Deputy Director Bucaro. She went on to say Roger Gates felt what the office is doing is appropriate in response to the Directive and the decision to have a hearing is up to the Board. Director Noonan added that we are doing the same thing as other counties. Member Carter pointed out that if the Board were to subpoena people they would not be able to remember what specifically happened months ago. He suggested there is no more action that should be taken unless there is a red flag indicating fraud. Chairman Cloud agreed. Deputy Director Bucaro stated two hundred twenty-four part petitions were received. Member Wunnenburg said he thinks what the office is doing is very appropriate.

Director Noonan then introduced a letter written to Chairman Cloud from Pat Wolfe at the Secretary of State's Office. The letter was written to underscore the importance of complying with all applicable election laws and procedures,

particularly related to the Lemon Township Public Safety Levy that showed up on the ballot in precincts that were not eligible to vote on the issue in the November 2015 General Election.

Under Election Business Director Noonan introduced the revised Machine Allocation for the 2016 Primary and Special Congressional Election. She explained that the number of TSX machines in Morgan Township was increased to twelve. Member Carter moved to approve the amended Machine Allocation, seconded by Member Hall. Roll call:

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

All in favor; motion carried.

Director Noonan explained that the office has completed the Precinct Election Official Skill Assessments for each polling location in Butler County. She said we were not required to do this assessment but we would be required to in the 2016 elections. Eighty-nine locations were assessed. Poll workers at seventy-seven met the requirements, while workers at twelve locations will need to be retrained. No poll workers are recommended for dismissal.

Under Old Business, Director Noonan pointed out there is an issue with the Board meeting schedule. In order to certify the June 7, 2016 General Election as required by law, the Board will have to meet before June 27, 2016. The Board decided to cancel the meeting on June 27, 2016 and extend the meeting on June 20, 2016 to allow time for tabulation. Member Hall moved to accept the changes to the Board meeting schedule, seconded by Member Wunnenberg. Roll call:

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

All in favor; motion carried.

Under New Business, Director Noonan introduced the chargebacks from the November 3, 2015 General Election. Member Wunnenberg asked who is getting charged for the cost of the election. Deputy Director Bucaro explained the total cost of the election, \$374,274 was calculated and then divided by the number of precincts to determine the cost per precinct of \$1,322.53. The cost per precinct is then split between the number of districts on each precinct's ballot. Member Wunnenberg moved to approve the chargebacks from the November 3, 2015 General Election, seconded by Member Carter. Roll call:

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

All in favor; motion carried.

Under the Director's Report, Director Noonan noted that members of the staff attended the OAEO Winter Conference. She also said the Poll Worker Department is still looking for election workers and an article in the Journal News generated interest. Part-time workers are scheduled to start on Monday, January 25, 2016. The Poll Worker Department also has a new part-time person.

Under the Deputy Director's Report, Deputy Director Bucaro said all of the documentation requested in the subpoenas for the Necho vs. Husted case was shipped to the attorney so it would arrive before the deadline. On Friday, January 22, 2016, Deputy Director Bucaro and Mickey Smith will be sworn in for the deposition. Director Noonan will not participate because she was not the Director in 2014. The March 15, 2016 Election Administration Plan was submitted on January 15, 2016 to the Secretary of State's Office. The deadline for submitting poll worker materials was also met by the office. Deputy Director Bucaro announced that she was elected to be the Second Vice-President of the Ohio Association of Election Officials. Next year, she will be the First Vice-President and the following year the President of the Association. She explained that this will raise Butler County's profile and allow the agenda of the association to focus on the concerns of large suburban counties, which are underrepresented in the

association because there are so few. Deputy Director Bucaro and Member Carter still serve on the Legislative Committee.

Member Carter moved to go into Executive Session to discuss employment and compensation according to O.R.C. 121.22 (G) (1); seconded by Member Hall.

Roll call:

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

All in favor; motion carried.

Chairman Cloud stated the Board is back in regular session.

With no further business, Chairman Cloud moved to adjourn; seconded by

Member Hall. 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 10:45 a.m.

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Frank Cloud, Chairman

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Diane Noonan, Director

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Todd Hall, Member

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Chris Wunnenberg, III Member

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Bruce Carter, Member