

Butler County Board of Elections
Board Meeting Minutes
August 29, 2023

The Butler County Board of Elections met on Tuesday, August 29, 2023, at 9:00 a.m. for a regular meeting. Roll call was taken and present were Chairman Cloud, Member mariann penska, Member Chris Wunnenberg III, Director Nicole Unzicker, Deputy Director Eric Corbin, Early Voting Administrator Stephanie Webb, Candidate Michael Hudson for Butler County Educational Services, Butler County Resident Greg Whitted, Candidate Jennifer Carter for Middletown City Council, Circulator Deborah Duger for Ms. Carter, Candidate Curt Pennington for Village of Millville Mayor, Solicitor Harrison Green for Village of Millville, Ohio Democratic Party Representative Kevin O'Neil, and Poll Worker Administrator/Executive Assistant Melissa Trotta.

Under New Business, Director Unzicker presented the August 8, 2023, Special Election Results to be certified. Member penska moved to certify the August 8, 2023, Special Election Results; seconded by Member Wunnenberg. Roll Call:

Chairman Cloud	yea
Member penska	yea
Member Hall	absent
Member Wunnenberg	yea

All in favor; motion carried.

Deputy Director Corbin presented Document 1, the Post-Audit Election Criteria. Deputy Director Corbin stated the audit will be conducted on Wednesday, September 6, 2023, at 9:00 a.m. Deputy Director Corbin stated there was a total of 90,116 ballots cast for the August 8, 2023, Special Election, and the board will need to select a total of 4,506 votes to meet the five percent of the total votes cast. Deputy Director Corbin asked the Board Members to make a motion to conduct the audit by tabulators, as listed in Document 1. Member Wunnenberg moved to select the Post-Audit Election Criteria as listed in Document 1 for the August 8, 2023, Special Election; seconded by Member penska. Roll Call:

Chairman Cloud	yea
Member penska	yea
Member Hall	absent
Member Wunnenberg	yea

All in favor; motion carried.

Members of the board pulled the following tabulators until the five percent threshold was met.

August 8, 2023 Special Election Audit
Batch Selection

90,116 Total Ballots Cast
4,506 5% of Ballots Cast

Progress Indication	Batches Selected	Ballots Selected	Percent of Total Ballots	Remaining Ballots to Select
Enough batches have been selected	83	4,520	5.02%	14 Over

Draw Number	Tabulator Name	Tabulator	Batch	Ballots Cast	Percent of all votes
1047	ABS ICC 3	1184	48	20	0.02%
1027	ABS ICC 3	1184	28	28	0.03%
1007	ABS ICC 3	1184	8	8	0.01%
1028	ABS ICC 3	1184	29	32	0.04%
1017	ABS ICC 3	1184	18	113	0.13%
1109	ABSENTEE 9	1170	1	823	0.91%
1961	CHEROKEE ELEMENTARY SCHOOL-ICX 15	154	1	40	0.04%
1918	CHEROKEE ELEMENTARY SCHOOL-ICX 2	141	1	64	0.07%
1910	CHEROKEE ELEMENTARY SCHOOL-ICX 5	144	1	28	0.03%
1945	CHEROKEE ELEMENTARY SCHOOL-ICX 7	146	1	96	0.11%
1680	EDGEWOOD MIDDLE SCHOOL-ICX 36	249	1	2	0.00%
1190	ELDA ELEMENTARY SCHOOL-ICX 10	263	1	27	0.03%
1272	FAIRFIELD EAST ELEM SCHOOL-ICX 11	288	1	208	0.23%
1277	FAIRFIELD EAST ELEM SCHOOL-ICX 5	282	1	5	0.01%
1278	FAIRFIELD EAST ELEM SCHOOL-ICX 7	284	1	26	0.03%
1270	FAIRFIELD EAST ELEM SCHOOL-ICX 9	286	1	100	0.11%
1434	FAIRFIELD FIRE DEPT - STATION 2-ICX 2	297	1	16	0.02%
2036	FAIRFIELD MUNICIPAL BLDG-ICX 3	321	1	100	0.11%
2046	FAIRFIELD MUNICIPAL BLDG-ICX 4	322	1	80	0.09%
2160	FAIRFIELD WEST ELEM SCHOOL-ICX 12	384	1	15	0.02%
2126	FAIRFIELD WEST ELEM SCHOOL-ICX 3	375	1	123	0.14%
2156	FAIRFIELD WEST ELEM SCHOOL-ICX 6	378	1	129	0.14%
1536	FIRST BAPTIST CHURCH-ICX 2	392	1	29	0.03%
1526	FIRST BAPTIST CHURCH-ICX 7	397	1	66	0.07%
1166	FREEDOM ELEMENTARY SCHOOL-ICX 13	414	1	54	0.06%
1156	FREEDOM ELEMENTARY SCHOOL-ICX 14	415	1	7	0.01%
2056	GARFIELD MIDDLE SCHOOL-ICX 10	426	1	94	0.10%
2041	GARFIELD MIDDLE SCHOOL-ICX 6	422	1	8	0.01%
2066	GARFIELD MIDDLE SCHOOL-ICX 8	424	1	32	0.04%
1271	HAMILTON CHRISTIAN CENTER-ICX 2	439	1	32	0.04%
1273	HAMILTON CHRISTIAN CENTER-ICX 6	443	1	109	0.12%
1311	HAMILTON FRESHMAN SCHOOL-ICX 3	451	1	50	0.06%
1315	HAMILTON FRESHMAN SCHOOL-ICX 6	454	1	53	0.06%
1319	HAMILTON FRESHMAN SCHOOL-ICX 7	455	1	39	0.04%
1120	HANOVER TWP COMMUNITY CENTER-ICX 3	481	1	101	0.11%
1365	HERITAGE EARLY CHILDHOOD-ICX 13	495	1	131	0.15%
1361	HERITAGE EARLY CHILDHOOD-ICX 8	490	1	5	0.01%
1136	HILLTOP BAPTIST CHURCH-ICX 6	525	1	57	0.06%
1200	HOPEWELL EARLY CHILDHOOD-ICX 7	536	1	45	0.05%
2116	INDEPENDENCE ELEMENTARY SCHOOL-ICX 13	562	1	60	0.07%
2094	INDEPENDENCE ELEMENTARY SCHOOL-ICX 7	556	1	29	0.03%
2098	INDEPENDENCE ELEMENTARY SCHOOL-ICX 8	557	1	69	0.08%
2154	KRAMER ELEMENTARY SCHOOL-ICX 12	581	1	9	0.01%
2180	KRAMER ELEMENTARY SCHOOL-ICX 5	574	1	52	0.06%
1874	LAKOTA EAST FRESHMAN CAMPUS-ICX 14	596	1	23	0.03%
1884	LAKOTA EAST FRESHMAN CAMPUS-ICX 17	599	1	8	0.01%
2194	LAKOTA EAST HIGH SCHOOL-ICX 9	613	1	6	0.01%
2080	LAKOTA WEST FRESHMAN SCHOOL-ICX 1	651	1	4	0.00%
2127	LAKOTA WEST FRESHMAN SCHOOL-ICX 12	662	1	81	0.09%
2117	LAKOTA WEST FRESHMAN SCHOOL-ICX 4	654	1	4	0.00%

August 8, 2023 Special Election Audit
Batch Selection

90,116 Total Ballots Cast
4,506 5% of Ballots Cast

Progress Indication	Batches Selected	Ballots Selected	Percent of Total Ballots	Remaining Ballots to Select
Enough batches have been selected	83	4,520	5.02%	14 Over

Draw Number	Tabulator Name	Tabulator	Batch	Ballots Cast	Percent of all votes
2076	LAKOTA WEST FRESHMAN SCHOOL-ICX 5	655	1	1	0.00%
2084	LAKOTA WEST FRESHMAN SCHOOL-ICX 6	656	1	32	0.04%
1304	LAKOTA WEST HIGH SCHOOL-ICX 10	687	1	35	0.04%
2209	MADISON LOCAL SCHOOL-ICX 13	720	1	2	0.00%
1985	MAYFIELD ELEMENTARY SCHOOL-ICX 3	724	1	49	0.05%
1282	MIAMI SCHOOL-ICX 1	739	1	21	0.02%
1294	MIAMI SCHOOL-ICX 3	741	1	48	0.05%
1287	MIAMI SCHOOL-ICX 6	744	1	45	0.05%
1130	MIAMI UNIVERSITY - HAMILTON-ICX 1	745	1	62	0.07%
1546	MIAMI UNIVERSITY - MIDDLETOWN-ICX 2	763	1	117	0.13%
1541	MIAMI UNIVERSITY - MIDDLETOWN-ICX 5	766	1	35	0.04%
1454	MIAMI UNIVERSITY - OXFORD-ICX 3	758	1	13	0.01%
1451	MIAMI UNIVERSITY - OXFORD-ICX 4	759	1	20	0.02%
2051	MIDPOINTE MIDDLETOWN LIBRARY-ICX 2	772	1	16	0.02%
1951	MONROE LIBRARY COMMUNITY CENTER-ICX 5	815	1	34	0.04%
1943	MONROE LIBRARY COMMUNITY CENTER-ICX 9	819	1	8	0.01%
2238	MONROE NAZARENE CHURCH-ICX 15	836	1	5	0.01%
2239	MONROE NAZARENE CHURCH-ICX 16	837	1	4	0.00%
1745	MORGAN TOWNSHIP ADMINISTRATION-ICX 8	850	1	52	0.06%
1180	OHIO MEANS JOBS BUTLER COUNTY-ICX 6	890	1	107	0.12%
1119	P@P ICC 3	1192	2	2	0.00%
1521	POASTTOWN FIRST CHURCH OF GOD-ICX 4	902	1	101	0.11%
2251	PROV ICC 3	1188	7	96	0.11%
1859	RIDGEWAY ELEMENTARY SCHOOL-ICX 11	933	1	2	0.00%
1514	RIVERVIEW ELEMENTARY SCHOOL-ICX 7	943	1	1	0.00%
1780	ROSA PARKS ELEMENTARY SCHOOL-ICX 4	953	1	5	0.01%
2182	ST CLAIR TWP COMMUNITY CENTER-ICX 5	1006	1	62	0.07%
2092	TALAWANDA HIGH SCHOOL-ICX 3	1009	1	32	0.04%
1232	VOICE OF AMERICA - METRO PARKS-ICX 11	1077	1	7	0.01%
1854	WEST CHESTER NAZARENE-ICX 11	1112	1	63	0.07%
1883	WEST CHESTER NAZARENE-ICX 5	1106	1	12	0.01%
2164	WILDWOOD ELEMENTARY SCHOOL-ICX 11	1134	1	85	0.09%
2144	WILDWOOD ELEMENTARY SCHOOL-ICX 6	1129	1	6	0.01%

Director Unzicker presented Document 2, Candidates to be Certified to the November 7, 2023, General Election. Director Unzicker stated the candidates have met the statutory requirements to appear on the ballot. Member penska moved to certify the candidates as listed on Document 2; seconded by Member Wunnenberg. Member Wunnenberg clarified two candidates were write-in candidates. Member penska amended the motion to reflect Kristin Ann Asbury and James Chesnut were write-in candidates. Roll Call:
 Chairman Cloud yea
 Member penska yea
 Member Hall absent
 Member Wunnenberg yea
 All in favor; motion carried.



Candidates

The following candidates have met the statutory requirements.

Certified MSJ 8-29-23
Admin. Sign & Date

Middletown City Council Member

- John Ferrando
- Kristi Ann Asbury (Write-in candidate)

New Miami Village Mayor

- James Chesnut (Write-in candidate)

Deputy Director Corbin presented Document 3, Candidate Petitions in Question for the November 7, 2023, General Election. Deputy Director Corbin stated that the candidates signed the statement of candidacy after the date of the elector signatures. Deputy Director Corbin said both candidates were present at the meeting. Chairman Cloud allowed the candidates to speak. Butler County Educational Services Board Member Candidate Michael Hudson explained to the board members he understood that he made an error in the date. Mr. Hudson explained he dated the statement of candidacy the day the petitions were filed. Mr. Hudson said he was a first-time candidate and was given the candidate petition general rules and candidate filing checklist when he pulled the petitions and that he should have reviewed the filing checklist more closely.

Middletown City Council Candidate Jennifer Carter stated the nominating petition and statement of candidacy were filled out before the petitions were circulated. However, she was under the impression she should date the statement of candidacy the day the petitions were filed. Member Wunnenberg moved to certify the candidates as listed on Document 3; seconded by Member penska. Roll Call:

Chairman Cloud	yea
Member penska	yea
Member Hall	absent
Member Wunnenberg	yea

All in favor; motion carried.

Candidates

The following candidates filed a petition that raise questions of fact for the Board to determine which will, in turn, determine whether the petitions should be certified for substantially complying with Ohio law or rejected for noncompliance with Ohio law regarding candidate petitions.

WJ 8-29-23
Admin. Sign & Date

Michael Hudson – Butler County ESC Governing Board Member

- The Statement of Candidacy of the petition is dated August 7th, the same day the candidate filed petition. Per the EOM, this presents a question of fact for the Board to determine whether the Statement of Candidacy was completed before voters signed and understood what they were signing. If these part-petitions are treated as invalid, then the candidate lacks sufficient signatures to qualify for the ballot.
 - Number of valid signatures required – 50
 - Number of signatures submitted – 100
 - Number of valid signatures if part-petitions at issue are considered invalid – 8
 - Number of valid signatures if part-petitions at issue are considered valid – 83

Certified Not Certified

Jennifer Burg-Carter – Middletown City Council

- The Statement of Candidacy of the part-petitions 3 and 4 are dated after voters signed. Per the EOM, this presents a question of fact for the Board to determine whether the Statement of Candidacy was completed before voters signed and understood what they were signing. If these part-petitions are treated as invalid, then the candidate lacks sufficient signatures to qualify for the ballot.
 - Number of valid signatures required – 50
 - Number of signatures submitted – 89
 - Number of valid signatures if part-petitions at issue are considered invalid – 44
 - Number of valid signatures if part-petitions at issue are considered valid – 63

Certified Not Certified

Director Unzicker presented Document 4, Reject Insufficient Candidate Petitions to the the November 7, 2023, General Election. Director Unzicker stated the candidates have failed to meet the statutory requirements to appear on the ballot for the reasons listed. Member penska moved to reject the candidates for the November 7, 2023, General Election as listed on Document 4; seconded by Member Wunnenberg. Chairman Cloud asked if there were any comments or questions. Member Wunnenberg confirmed the motion was to reject the Candidate Insufficient Petitions. Member penska stated yes. Roll Call:

Chairman Cloud	yea
Member penska	yea
Member Hall	absent
Member Wunnenberg	yea

All in favor; motion carried.

Candidates

The following candidate failed to meet the statutory requirements to appear on the ballot for the reasons stated below. Unless indicated otherwise below, the Board hereby rejects the petition for certification for the ballot

Rejected MS 8.29.23
Admin. Sign & Date

Brian J. Hill – Ross Local School Board

- The petition filing consists of one petition sheet of the required Statement of Candidacy and Nomination Petition section along with three voter signatures, a separate page of twenty voter signatures and a third page consisting of seventeen voter signatures and a signed circulator's statement by the candidate indicating he had witnessed 40 signatures for his petition. Together, the three pages have 40 signatures.
- R.C. 3513.261 states: "If the petition consists of more than one separate petition paper, the statement of candidacy of the candidate or joint candidates named need be signed by the candidate or joint candidates on only one of such separate petition papers, **but the statement of candidacy so signed shall be copied on each other separate petition paper before the signatures of electors are placed on it**" (emphasis added).
- In *State, ex rel. Maras v. LaRose* (2022), 167 Ohio St.3d 144, 2022-Ohio-866, ¶ 22, the Ohio Supreme Court stated: "R.C. 3513.09 is unambiguous: if a petition consists of more than one part-petition, then the declaration of candidacy 'shall be copied on each other separate petition paper before the signature[s] of electors are placed on it.' Plainly, Maras did not comply with this requirement: the declaration was not 'copied on' the Maras part-petition forms before or after the signatures were affixed."
- The Court upheld the denial of certification of the candidate for the ballot for not having a copy of the signed statement of candidacy for each signature page stating that "[s]ubstantial compliance does not contemplate complete omission." (Citing *State, ex rel. Weller v. Tuscarawas County Board of Elections* (2019), 158 Ohio St. 3d 266, 2019-Ohio-4300, ¶ 12.)
- Based on the foregoing, it would appear the failure of the petition to have a separate individual copy of the signed statement of candidacy accompanying each voter signature page violates the statutory requirements of a valid candidate petition under R.C. 3513.261 under Ohio Supreme Court precedent.

Deputy Director Corbin presented Document 5, Motion to Reconsider. Deputy Director Corbin stated Monroe City Council Candidate Christina McElefresh and Village of New Miami Mayor Candidate Jewel Hayes-Hensley's petitions were rejected at the last board meeting for failing to meet the statutory valid signature requirements. He said both candidates have requested a motion to reconsider. Deputy Director Corbin stated the hearing will be held on Wednesday, September 6, 2023. Member penska moved to grant the Motion to Reconsider hearing as listed on Document 5; seconded by Member Wunnenberg. Roll Call:

Chairman Cloud	yea
Member penska	yea
Member Hall	absent
Member Wunnenberg	yea

All in favor; motion carried.

Candidates

The following candidates were rejected for failing to meet the statutory requirements to appear on the ballot for the reasons stated below. The candidates have requested that the Board reconsider its decision for the reasons stated below and wish to present evidence in a hearing for consideration. If granted, the matter will be set for a full hearing by the Board at its September 6, 2023 meeting.

MS 8-29-23
Admin. Sign & Date

Christina McElfresh – Monroe City Council

- At the last Board meeting, the Board rejected her petition for insufficient valid signatures.
 - Number of valid signatures required - 50
 - Number of signatures submitted - 58
 - Number of valid signatures left due to invalid part-petition - 47
- Candidate has timely requested the Board to reconsider its decision so she can present via testimony/affidavit witnesses who would testify (or swear via affidavit) that despite the staff finding their signatures were not genuine based on the signature on file with DIMS, they did, in fact, sign the petition as indicated and that their signatures should be considered valid.
- If three signatures previously considered invalid because they appeared to not be genuine were accepted as genuine and otherwise valid, then the candidate would have established she submitted sufficient signatures to be certified as a candidate for the ballot.

Granted Denied

Jewel Hayes Hensley – Village of New Miami Mayor

- At the last Board meeting, the Board rejected her petition for insufficient valid signatures.
 - Number of valid signatures required - 50
 - Number of signatures submitted - 84
 - Number of valid signatures left due to invalid part-petition - 47
- Candidate has timely requested the Board to reconsider its decision so she can present via testimony/affidavit witnesses who would testify (or swear via affidavit) that despite the staff finding their signatures were not genuine based on the signature on file with DIMS, they did, in fact, sign the petition as indicated and that their signatures should be considered valid.
- If three signatures previously considered invalid because they appeared to not be genuine were accepted as genuine and otherwise valid, then the candidate would have established she submitted sufficient signatures to be certified as a candidate for the ballot.

Granted Denied

Director Unzicker presented Document 6, Sufficient Ballot Issue for the November 7, 2023, General Election. Director Unzicker stated the ballot issues have met the statutory requirements to appear on the ballot. Director Unzicker noted there are a few issues contingent upon approval by the Secretary of State. Member Wunnenberg moved to certify the ballot issue as listed on Document 6; seconded by Member penska. Roll Call:

Chairman Cloud	yea
Member penska	yea
Member Hall	absent
Member Wunnenberg	yea

All in favor; motion carried.

Ballot Issues

All statutory requirements have been satisfied, or approval is contingent on conditions respectively below being met where noted.

Certified WY 8-29-23
Admin. Sign & Date

Village of Jacksonburg – Electric Aggregation

- Approved by County Prosecutor on August 17, 2023.
- Approved by the Ohio Secretary of State on August 10, 2023.

Village of New Miami – Electric Aggregation

- Approved by County Prosecutor on August 17, 2023.
- Approved by the Ohio Secretary of State on August 10, 2023.

Village of New Miami – Natural Gas Aggregation

- Approved by County Prosecutor on August 17, 2023.
- Approved by the Ohio Secretary of State on August 10, 2023.

Village of Seven Mile – Electric Aggregation

- Approved by County Prosecutor on August 17, 2023.
- Approved by the Ohio Secretary of State on August 10, 2023.

Village of Seven Mile – Natural Gas Aggregation

- Approved by County Prosecutor on August 17, 2023.
- Approved by the Ohio Secretary of State on August 10, 2023.

Wayne Township (Fire District #1 & #2) – Fire (Additional) 4 mills / CPT

- Approved by County Prosecutor on August 3, 2023.
- Pending final approval by the Ohio Secretary of State (submitted 7/24/23).

Local Liquor Options

Jay's Food Mart – Sunday sales – Fair8wd3

- Approved by County Prosecutor on August 24, 2023.
- Approved by the Ohio Secretary of State on August 28, 2023.

Pohlman Lanes – Sunday sales – Ham2wd1

- Approved by County Prosecutor on August 3, 2023.
- Pending final approval by the Ohio Secretary of State (submitted 7/27/23).

Riverside Racquet Club – Sunday sales – Ham2wd1

- Approved by County Prosecutor on August 24, 2023.
- Approved by the Ohio Secretary of State on August 15, 2023.

Fair Food Mart – Sunday sales – Ham2wd4

- Approved by County Prosecutor on August 3, 2023.
- Pending final approval by the Ohio Secretary of State (submitted 7/27/23).

Aldi 86 – Sunday sales – Liberty1

- Approved by County Prosecutor on August 24, 2023.
- Approved by the Ohio Secretary of State on August 18, 2023.

Cracked Pot Coffee & Crepes LLC – Sunday sales – Midd2wd3

- Approved by County Prosecutor on August 3, 2023.
- Pending final approval by the Ohio Secretary of State (submitted 7/27/23).

Pinot's Palette – Sunday sales – WC11

- Approved by County Prosecutor on August 3, 2023.
- Pending final approval by the Ohio Secretary of State (submitted 7/27/23).

Deputy Director Corbin presented Document 7, Ballot Issue in Question. Deputy Director Corbin stated the document outlines the issues found by the County Prosecutor's office. He said representatives for the village are attending the meeting. Solicitor for Village of Millville Harrison Green stated the Village worked with Butler County Prosecutor's office on the ballot issue. He said the language was written twice, approved by the prosecutor, and passed by twice the village council members three times. Chairman Cloud asked Deputy Director Corbin if the board had spoken to the prosecutor's office. Deputy Director Corbin stated yes. Deputy Director Corbin explained one of the issues is the language in the second resolution to proceed was not the same language as stated in the first resolution. Member Wunnenberg asked who created the document. Deputy Director Corbin said the document is a summary from the Prosecutor's office. Member Wunnenberg asked Mr. Green if the Prosecutor approved the issue. Mr. Green stated the Prosecutor approved it the first time but was told later that the language needed to be updated due to the changes in the Ohio Revised Code. Member Penska asked if the new resolutions were passed in the three council meetings. Mr. Green stated both languages were passed in three council meetings. Deputy Director Corbin stated with the new laws, there has been several localities with issues in regard to how millages are formatted. Chairman Cloud asked when the filing deadline was to approve the ballot issue. Deputy Director Corbin said that there was not a set date. Member Wunnenberg asked which resolution they would certify if the board chooses to certify the ballot issue. Deputy Director Corbin stated that if the board certified the issue, the Prosecutor's instructions were to use the same purpose originally on the ballot. He explained the ballot issue is a renewal tax levy therefore, the purpose must be the same. Member Wunnenberg moved to certify the ballot issue as listed on Document 7; seconded by Member penska. Roll Call:

Chairman Cloud yea
 Member penska yea
 Member Hall absent
 Member Wunnenberg yea
 All in favor; motion carried.



November 7, 2023 General Election
 Ballot Issue in Question

Ballot Issues

The following proposed ballot issue has the following identified deficiencies which may prevent it from being certified for the ballot.

WY 8/29/23
 Admin. Sign & Date

Village of Millville (Renewal) – Fire – 2.75 mills / 5 years

- The resolution to proceed has a blank number in the “Adopted” section indicating the number of meetings the resolution received before being adopted. Given the dates of the other documents, it is unlikely the resolution was passed in regular order in three readings over three separate meetings. However, the resolution does not state, nor do any other documents filed by the village indicate, that the resolution to proceed was passed as an emergency measure such that it could pass with one reading in a single meeting. Therefore, there is a question whether this resolution was passed in compliance with Ohio law to be legally effective under R.C. 731.17(A)(2).
- The language for the purpose of the levy as stated in the second resolution is not the same as stated in its own Exhibit A or as stated in the first resolution.
- The second resolution, the resolution to proceed, omits a reference to the section of the Revised Code authorizing a property tax levy for the stated purpose. It is stated in the first resolution and it is unclear whether the Ohio Revised Code requires it be stated in the second resolution although it customarily is.
- Neither resolution clearly states whether it is to be presented to the entire territory of the village or just a portion as required under R.C. 5705.03(B)(1)(g). This item is not clearly required by the Revised Code, but it is highly relevant as it aids the Board of Election in providing clear direction to ensure ballot issues appear on the correct precinct and split precinct ballots.

Certified

Not Certified

Director Unzicker presented Document 8, Reject Insufficient Issues. Director Unzicker stated the document outlines the issues found by the County Prosecutor’s office. Member Wunnenberg moved to reject the insufficient ballot issues as listed on Document 8; seconded by Member penska. Roll Call:

Chairman Cloud yea
 Member penska yea
 Member Hall absent
 Member Wunnenberg yea
 All in favor; motion carried.

Ballot Issues

The following ballot question failed to meet the statutory requirements to appear on the ballot for the reasons stated below. The Board hereby rejects this issue for certification for the ballot.

Rejected MS 8-29-23
Admin. Sign & Date

City of Trenton – Fire (Additional) 2 mills / Continuing period of time

- According to the Resolution to Proceed (Trenton City Council Resolution 18-2023) the Resolution received four out of seven votes in favor, a bare simple majority, among the members of the Trenton City Council. R.C. 5705.19 requires that such a resolution pass with a two-thirds majority, which in the case of Trenton City’s Council, would require no less than five out seven votes in favor. Despite the certification of the Clerk of Council in the Resolution to the contrary, it failed to pass with the required two-thirds majority and therefore lacked the votes to place the levy on the ballot.

Deputy Director Corbin presented Document 9, Candidates to be Certified to the March 19, 2024, Primary Election. Deputy Director Corbin stated the candidates have met the statutory requirements to appear on the ballot. Member penska moved to certify the candidates as listed on Document 9; seconded by Member Wunnenberg. Roll Call:

Chairman Cloud	yea
Member penska	yea
Member Hall	absent
Member Wunnenberg	yea

All in favor; motion carried.

Candidate

The following candidate has met the statutory requirements.

Certified MY 8-29-23
Admin. Sign & Date

County Commissioner (Full term commencing 1/2/25)

- T.C. Rogers - Republican

Director Unzicker presented Document 10, Public Terminal for Signature Verification. Director Unzicker stated the County Board of Elections is prohibited from pre-checking signatures. She explained the service was offered in the past. Director Unzicker stated once the board received a security directive set forth by the Ohio Secretary of State (SOS), the public terminal was removed in January 2020. She said the board has been working with the Secretary of State's Office, Butler County Information Technology Services department, and Board of Elections Database Administrators to see if there is a way to secure a public terminal while complying with the security directive. Director Unzicker stated one of the main issues is sharing passwords to log into the terminal. She said the security directive prohibits sharing passwords, so one employee would have to be assigned the multi-factor token and that they would have to be available when the candidate or members of the public come in to verify the signatures. There was further discussion about one employee being available, procedures and access for candidates or members of public, and what voter information would be available. Member penska requested additional information regarding security assurance.n

Deputy Director Corbin presented Advisory 2023-03 Acquiring Electronic Pollbooks with State Funding. There was a short discussion regarding purchasing new electronic pollbooks.

Chairman Cloud stated the time of the board meeting on Wednesday, September 6, 2023, has been changed from 9:00 a.m. to 1:00 p.m.

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

Chairman Cloud	yea
Member penska	yea
Member Hall	absent
Member Wunnenberg	yea

All in favor; motion carried.

The meeting was adjourned at approximately 10:31 a.m.

Frank Cloud, Chairman

Nicole Unzicker, Director

Absent

Todd Hall, Member

Chris Wunnenberg III, Member

mariann penska, Member