

Butler County Board of Elections
Board Meeting Minutes
January 9, 2024

The Butler County Board of Elections met on Tuesday, January 9, 2024, at 9:00 a.m., for a regular meeting. Roll call was taken, and present were Chairman Frank Cloud, Member mariann penska, Member Todd Hall, Member Chris Wunnenberg III, Director Nicole Unzicker, Deputy Director Eric Corbin, and Tracy Allen from Elite Reporting Agency.

BUTLER COUNTY BOARD OF ELECTIONS
REGULAR BOARD MEETING

Date and Time: Tuesday, January 9, 2024
9:00 a.m.
Place: Butler County Board of
Elections
1802 Princeton Road
Hamilton, Ohio 45011
Board members: Frank Cloud, Chairman
Mariann Penska
Todd Hall
Chris Wunnenberg, III
Director: Nicole Unzicker
Deputy
Director: Eric Corbin
Reporter: Tracy L. Allen, RPR, RMR
Notary Public - State of Ohio

1 P-R-O-C-E-E-D-I-N-G-S

2 MR. CORBIN: I'm on the record.

3 THE CHAIRMAN: I'd like to call the
4 regular meeting of the Butler County
5 Board of Elections to order on
6 January 9th, 2024 at 9:00.

7 Roll call, please.

8 MR. CORBIN: Chairman Cloud?

9 THE CHAIRMAN: Here.

10 MR. CORBIN: Member Penska?

11 MS. PENSKA: Here.

12 MR. CORBIN: Member Hall?

13 MR. HALL: Yes.

14 MR. CORBIN: Member Wunnenberg?

15 MR. WUNNENBERG: Yes.

16 MR. CORBIN: Also present at today's
17 meeting, our director Nicole Unzicker,
18 deputy director Eric Corbin, and Tracy
19 Allen from Elite Reporting Agency.

20 THE CHAIRMAN: All right. The first
21 thing we got here is you got a set of
22 bills in front of you.

23 MS. PENSKA: Make a motion to
24 approve the regular board meeting bills,
25 Document 1, in the amount of \$22,266.86.

1 MR. WUNNENBERG: Second.

2 THE CHAIRMAN: I have a motion and a
3 second to pay the bills.

4 Is there any comments or questions?

5 Roll call, please.

6 MR. CORBIN: Chairman Cloud?

7 THE CHAIRMAN: Aye.

8 MR. CORBIN: Member Penska?

9 MS. PENSKA: Yes.

10 MR. CORBIN: Member Hall?

11 MR. HALL: Yes.

12 MR. CORBIN: Member Wunnenberg?

13 MR. WUNNENBERG: Yes.

14 THE CHAIRMAN: The motion carries.

15 The next thing we got, out of order
16 here a little bit, but we got some
17 meeting minutes --

18 MR. HALL: They are out of order.

19 THE CHAIRMAN: -- in front of you to
20 be approved.

21 MS. PENSKA: Motion to approve the
22 Butler County Board of Elections Board
23 meeting minutes for December 11th, 2023.

24 MR. WUNNENBERG: Second.

25 THE CHAIRMAN: We have a motion and

1 a second to approve the board meeting
2 minutes from December 11, 2023.

3 Is there any comments or questions?

4 Roll call, please.

5 MR. CORBIN: Chairman Cloud?

6 THE CHAIRMAN: Aye.

7 MR. CORBIN: Member Penska?

8 MS. PENSKA: Yes.

9 MR. CORBIN: Member Hall?

10 MR. HALL: Abstain.

11 MR. CORBIN: Member Wunnenberg?

12 MR. WUNNENBERG: Yes.

13 THE CHAIRMAN: The motion carries.

14 MS. PENSKA: Motion to approve the
15 Butler County Board of Elections Board
16 meeting minutes for December 18th, 2023.

17 MR. WUNNENBERG: Second.

18 THE CHAIRMAN: We have a motion and
19 a second to approve the board meeting
20 minutes from December 18th, 2023.

21 Is there any comments or questions?

22 Roll call, please.

23 MR. CORBIN: Chairman Cloud?

24 THE CHAIRMAN: Aye.

25 MR. CORBIN: Member Penska?

1 MS. PENSKA: Yes.

2 MR. CORBIN: Member Hall?

3 MR. HALL: Yes.

4 MR. CORBIN: Member Wunnenberg?

5 MR. WUNNENBERG: Yes.

6 THE CHAIRMAN: The motion carries.

7 MR. HALL: Motion to approve
8 Document 4, Board meeting minutes, dated
9 December 19th, 2023.

10 MS. PENSKA: Second.

11 THE CHAIRMAN: We have a motion and
12 a second to approve the Board meeting
13 minutes from December 19th, 2023.

14 Is there any comments or questions?

15 Roll call, please.

16 MR. CORBIN: Chairman Cloud?

17 THE CHAIRMAN: Aye.

18 MR. CORBIN: Member Penska?

19 MS. PENSKA: Yes.

20 MR. CORBIN: Member Hall?

21 MR. HALL: Yes.

22 MR. CORBIN: Member Wunnenberg?

23 MR. WUNNENBERG: Yes.

24 THE CHAIRMAN: The motion carries.

25 MR. HALL: Motion to approve

1 January 2nd Butler County Board of
2 Elections Board meeting minutes,
3 Document 5.

4 MS. PENSKA: Second.

5 THE CHAIRMAN: We have a motion and
6 a second to approve the Board meeting
7 minutes from January 2nd, 2024.

8 Is there any comments or questions?

9 Roll call, please.

10 MR. CORBIN: Chairman Cloud?

11 THE CHAIRMAN: Aye.

12 MR. CORBIN: Member Penska?

13 MS. PENSKA: Yes.

14 MR. CORBIN: Member Hall?

15 MR. HALL: Yes.

16 MR. CORBIN: Member Wunnenberg?

17 MR. WUNNENBERG: Yes.

18 THE CHAIRMAN: Motion carries.

19 MS. UNZICKER: We have two
20 directives. The first directive is
21 2023-38.

22 These make up quite a few
23 directives, 2023-21 through 2023-37.
24 These are all the updates that remain to
25 the election official manual.

1 We do have a copy of the actual
2 binder there if you would like to look at
3 all of those.

4 These were just updates made in
5 regards to the change in the law of the
6 voting ID requirements.

7 We also have Directive 2023-39,
8 which was the Examination and
9 Verification of Petitions Filed with the
10 Secretary of State's office.

11 We had no advisories and no
12 memoranda.

13 MS. PENSKA: In Directive 2023-38,
14 all the changes that went in the manual,
15 I'm assuming that stuff is already
16 updated online, too, as well?

17 MS. UNZICKER: Yes, it is.

18 MR. CORBIN: All right. Ready for
19 new business?

20 THE CHAIRMAN: No other advisories?

21 MS. UNZICKER: No advisories and no
22 memoranda.

23 THE CHAIRMAN: Moving to new
24 business.

25 MR. CORBIN: Our first, Document 6,

1 under new business, is the chargebacks
2 for the November 2023 general election.

3 Nicole and I looked at this after it
4 was prepared, and we're -- if you have
5 any questions.

6 MR. HALL: Motion to approve
7 chargebacks for 2023 general election,
8 January 9, 2024, Document 6.

9 MS. PENSKA: Second.

10 THE CHAIRMAN: We have a motion and
11 a second to approve the chargebacks in
12 Document 6.

13 Is there any comments or questions?

14 Roll call, please.

15 MR. CORBIN: Chairman Cloud?

16 THE CHAIRMAN: Aye.

17 MR. CORBIN: Member Penska?

18 MS. PENSKA: Yes.

19 MR. CORBIN: Member Hall?

20 MR. HALL: Yes.

21 MR. CORBIN: Member Wunnenberg?

22 MR. WUNNENBERG: Yes.

23 THE CHAIRMAN: Motion carries.

24 MS. UNZICKER: The next item we have
25 is certify sufficient write-in candidates

1 for the March 19th, 2024 primary
2 election.

3 The deadline for write-in candidates
4 to file was yesterday at 4:00 p.m. and we
5 had no write-in candidates file.

6 MR. HALL: Non-applicable?

7 MS. UNZICKER: Yes.

8 MR. HALL: Thank you.

9 MR. CORBIN: So the next item we
10 have is Document 7. This is a request
11 for a records disposal.

12 You can see the records on page 2
13 and 3 that have met their retention time
14 and we would like to destroy.

15 MS. PENSKA: Motion to approve the
16 records disposal scheduled in Document 7.

17 MR. HALL: Second.

18 THE CHAIRMAN: We have a motion and
19 a second to approve the records disposal
20 in Document 7.

21 Are there any comments or questions?

22 MR. HALL: Can I have a minute,
23 Mr. Chairman?

24 THE CHAIRMAN: Sure.

25 MR. HALL: Thank you.

1 MR. WUNNENBERG: Literally, it looks
2 like some of these audits we don't have
3 to -- we don't have to retain them for
4 very long.

5 MS. UNZICKER: No.

6 MR. CORBIN: I think it's about
7 60 days. For federal election it's
8 22 months.

9 MR. WUNNENBERG: Okay.

10 MR. CORBIN: So for this off year
11 that's why it's short.

12 MR. WUNNENBERG: Why it's so short.

13 MR. HALL: I don't need any more
14 time, Mr. Chairman.

15 THE CHAIRMAN: Any other comments or
16 questions?

17 Roll call, please.

18 MR. CORBIN: Chairman Cloud?

19 THE CHAIRMAN: Aye.

20 MR. CORBIN: Member Penska?

21 MS. PENSKA: Yes.

22 MR. CORBIN: Member Hall?

23 MR. HALL: Yes.

24 MR. CORBIN: Member Wunnenberg?

25 MR. WUNNENBERG: Yes.

1 THE CHAIRMAN: Motion carries.

2 MS. UNZICKER: The next item we have
3 up is to conduct the candidate protest
4 hearing for a Zachary Stacy.

5 MR. HALL: What time was the meeting
6 scheduled for?

7 THE CHAIRMAN: 9:00 a.m.

8 MS. UNZICKER: 9:00 a.m.

9 MR. HALL: I thought it was 9:30.

10 MS. UNZICKER: For the hearing, for
11 the protest hearing, yes, it was 9:30.

12 MR. HALL: So are we going to have a
13 scheduled 9:30 meeting at nine-oh --

14 THE CHAIRMAN: Well, if it was
15 actually scheduled with the protester and
16 the candidate for 9:30, we'll have to
17 wait until 9:30.

18 MS. UNZICKER: Okay.

19 THE CHAIRMAN: So we'll move on.

20 MR. HALL: Thank you, Mr. Chairman.

21 THE CHAIRMAN: Next item.

22 MR. HALL: I'm all for efficiency,
23 but --

24 THE CHAIRMAN: I totally understand.
25 I'm just saying, well, it says 9:00 a.m.

1 here.

2 MS. PENSKA: Speaking about
3 efficiency, I have a question just when
4 we get to that.

5 Some of the claims that were made
6 were regarding a petition that had been
7 withdrawn, correct?

8 MS. UNZICKER: This is correct.

9 MS. PENSKA: Do we have to
10 address -- can we move that we not
11 consider the complaints for a withdraw
12 and motion?

13 MR. HALL: I don't want to have the
14 conversation until 9:30 about anything.

15 MS. PENSKA: Okay.

16 MR. HALL: That's where I'm at.
17 Sorry.

18 THE CHAIRMAN: I understand.

19 Next up.

20 MS. PENSKA: Well, so much for
21 efficiency, but go ahead.

22 MR. HALL: That's why I said,
23 normally --

24 MR. CORBIN: I just checked the
25 letter that we sent out. The letter says

1 9:00 a.m.

2 MS. UNZICKER: Oh, it does say

3 9:00 a.m.? Okay.

4 MR. CORBIN: I'm happy to show it to
5 you.

6 MS. UNZICKER: Thank you for
7 checking.

8 THE CHAIRMAN: We talked about that
9 last week when we had our meeting, but --

10 MS. UNZICKER: Did we originally
11 have it set for 9:30?

12 THE CHAIRMAN: We may have.

13 MR. HALL: We had said 9:30 at the
14 last meeting.

15 THE CHAIRMAN: We talked about 9:30,
16 yeah.

17 MR. HALL: That's what I have in my
18 schedule for --

19 THE CHAIRMAN: But the letters you
20 sent out says 9:00 a.m.?

21 MR. CORBIN: Correct.

22 MR. HALL: Was that advertised to
23 the public?

24 MR. CORBIN: It was to the candidate
25 and protester.

1 MR. HALL: But if it's a public
2 meeting --

3 MR. CORBIN: The only place that we
4 post it to the public was on this, the
5 agenda.

6 THE CHAIRMAN: On the agenda.

7 MS. PENSKA: The only place we would
8 have talked about 9:30 would have been on
9 the meeting minutes from last week or --
10 yeah.

11 THE CHAIRMAN: Well, let's go ahead
12 and hold off on that right now.

13 Just go to our next item.

14 MR. HALL: Thank you.

15 MS. UNZICKER: Absolutely.

16 We have a -- oh, go ahead.

17 MR. CORBIN: I think we have some
18 data that we would like to discuss with
19 the Board in executive session.

20 MS. UNZICKER: For personnel?

21 THE CHAIRMAN: Personnel. Okay.

22 MR. HALL: Are we doing the cost of
23 living?

24 THE CHAIRMAN: Yeah.

25 MR. HALL: Okay.

1 THE CHAIRMAN: So we need a motion.

2 MS. PENSKA: For personnel?

3 THE CHAIRMAN: Yeah.

4 MS. PENSKA: Make a motion to go in
5 executive session for personnel issue,
6 ORC 121.22G1.

7 THE CHAIRMAN: Wait a minute. Wait
8 a minute. Never mind. You said it
9 right. Okay.

10 We have a motion. Do we have a
11 second?

12 MR. HALL: Second.

13 THE CHAIRMAN: We have a motion and
14 a second for the Board to stand in
15 executive session regarding personnel.

16 Role call, please.

17 MR. CORBIN: Chairman Cloud?

18 THE CHAIRMAN: Aye.

19 MR. CORBIN: Member Penska?

20 MS. PENSKA: Yes.

21 MR. CORBIN: Member Hall?

22 MR. HALL: Yes.

23 MR. CORBIN: Member Wunnenberg?

24 MR. WUNNENBERG: Yes.

25 THE CHAIRMAN: The Board will stand

1 in executive session.

2 (The Board deliberated in executive
3 session.)

4 THE CHAIRMAN: The Board will stand
5 back in session. At this time we'll
6 conduct a candidate protest hearing.

7 The Butler County Board of Elections
8 will come to order for the public hearing
9 scheduled for 9:30 a.m. on the 9th day of
10 January, 2024, on the protest of the
11 Board's January 2nd, 2024 decision to
12 certify the candidacy of Zachary Stacy to
13 the March 19, 2024 primary election
14 ballot.

15 Roll call, please.

16 MR. CORBIN: Chairman Cloud?

17 THE CHAIRMAN: Here.

18 MR. CORBIN: Member Penska?

19 MS. PENSKA: Here.

20 MR. CORBIN: Member Hall?

21 MR. HALL: Yes.

22 MR. CORBIN: Member Wunnenberg?

23 MR. WUNNENBERG: Here.

24 THE CHAIRMAN: All right. On
25 December 18th, 2023, Zachary Stacy filed

1 a petition to run as a republican
2 candidate for the office of the state
3 representative of the 46th Ohio House
4 district.

5 On December 20 of 2023, Mr. Stacy
6 filed a written statement requesting to
7 withdraw consideration of his earlier
8 filing before filing new petitions for
9 the same office.

10 On December 29th, 2023, our office
11 received a protest of Zachary Stacy's
12 candidacy under ORC 3513.05 citing three
13 separate arguments.

14 This protest hearing is for the
15 purpose of hearing testimony and taking
16 evidence on the issues relevant to the
17 determination of Zachary Stacy's
18 candidacy.

19 The Board is aware that both parties
20 may be represented by counsel.

21 And if counsel is present today,
22 would counsel please introduce
23 themselves?

24 The Ohio Revised Code is devoid of
25 instructions on how to proceed on this

1 hearing, so it will be conducted so as to
2 provide due process to all concerned.

3 The protester, Kent Keller, II, will
4 go first and may give a brief opening
5 statement if he so chooses.

6 Other interested parties will also
7 be given the same opportunity to be heard
8 if they choose, after the protester, Kent
9 Keller, II, has presented all the
10 evidence and testimony desired.

11 Okay. Do you want to -- Mr. Keller?

12 UNIDENTIFIED PERSON: No.

13 THE CHAIRMAN: No?

14 MR. HALL: For the record, it
15 doesn't appear that Mr. Keller, II, is
16 here.

17 THE CHAIRMAN: Is there any other
18 party that would like -- to give
19 testimony in this?

20 MR. THOMAS HALL: Is this where I
21 could say a few words?

22 THE CHAIRMAN: Excuse me?

23 MR. THOMAS HALL: Could I say a few
24 words as a public comment?

25 THE CHAIRMAN: Sure.

1 State your name, please.

2 MR. THOMAS HALL: Yes, sir. Thomas
3 Hall.

4 Do you need my address as well?

5 MR. WUNNENBERG: Uh-huh.

6 MR. THOMAS HALL: 6364 Trenton
7 Franklin Road, Middletown, Ohio.

8 THE CHAIRMAN: Go ahead, sir.

9 MR. THOMAS HALL: Okay. Good
10 morning. Thank you, members of the
11 Board, for your time and consideration
12 into this. And thank you for allowing me
13 to speak on behalf of public comment.

14 MR. WUNNENBERG: Are you testifying
15 as a witness or a comment?

16 MR. THOMAS HALL: Just a public
17 comment, I believe.

18 THE CHAIRMAN: Public comment.

19 MR. WUNNENBERG: So, therefore, not
20 sworn.

21 MR. THOMAS HALL: I believe that the
22 members of the Board have received the
23 protest letter and the reasons for why
24 the protest letter was submitted.

25 You know, when running for office,

1 this is obviously the most important step
2 that we can take, is filling out our
3 petitions correctly.

4 And we -- I believe, and as a
5 witness to the sworn letter -- you said
6 he did withdraw on the 18th's petitions?

7 THE CHAIRMAN: Uh-huh.

8 MR. THOMAS HALL: Okay. So that
9 would, basically, just take my arguments
10 all the way down to Exhibit B's petition,
11 which Exhibit B's petitions --

12 MR. HALL: Are you referencing
13 Mr. Keller's letter?

14 MR. THOMAS HALL: The letter in the
15 exhibits, yes, that was provided to the
16 Board.

17 MR. HALL: Okay. You said it will
18 take you to where?

19 MR. THOMAS HALL: Exhibit B, which
20 is the petitions filed on December 20th.

21 THE CHAIRMAN: Where is that in
22 here? I just want to make sure I get the
23 right one.

24 MR. THOMAS HALL: Yeah, yeah, yeah.

25 THE CHAIRMAN: 20th?

1 MS. PENSKA: 29th, right?

2 MR. CORBIN: Petitions were filed on
3 the 20th.

4 MS. PENSKA: On the 20th.

5 MR. THOMAS HALL: Yeah, yeah.
6 Sorry.

7 MR. HALL: I want to make sure we're
8 all on the same page before we talk about
9 something.

10 THE CHAIRMAN: That's why I'm
11 getting to the right place.

12 MR. HALL: Are you referencing --

13 MR. THOMAS HALL: It should be in
14 the petitions that were filed on
15 December 20th at 3:19 p.m.

16 MR. HALL: Well, mine aren't Bates.

17 MS. UNZICKER: Right at the top,
18 yes.

19 MR. HALL: Got it.

20 THE CHAIRMAN: Wait a minute.

21 MR. WUNNENBERG: Are you presenting
22 testimony?

23 MR. THOMAS HALL: I --

24 THE CHAIRMAN: You said you're
25 making public comment. If you're

1 presenting testimony, I need to swear you
2 in.

3 MS. PENSKA: Let's swear him in just
4 in case, because that might go from one
5 to another.

6 MR. THOMAS HALL: Yeah, whatever I
7 need to do.

8 THE CHAIRMAN: I'm just trying to
9 get to the right place.

10 MR. THOMAS HALL: Oh, no, no. I
11 apologize.

12 MS. UNZICKER: There you go.

13 THE CHAIRMAN: First let's do this.

14 (Witness duly sworn.)

15 MR. THOMAS HALL: Sorry about that.

16 THE CHAIRMAN: That's all right.

17 MR. THOMAS HALL: So on
18 December 20th petitions -- not the first
19 page that is presented, that page we
20 believe is correct, but on the page --
21 Section 2 --

22 MR. WUNNENBERG: Hold on. Excuse
23 me. Who's we? You got a mouse in your
24 pocket?

25 Who says -- you said we believe

1 there's an issue. Who is we? Are you
2 talking about you?

3 MR. THOMAS HALL: I'm saying from
4 the letter. From the letter from the --
5 information that was provided to you. So
6 I don't know how --

7 THE CHAIRMAN: Are you talking about
8 the letter from Kent Keller?

9 MR. THOMAS HALL: Yes. From the
10 letter that was provided.

11 MR. WUNNENBERG: So you're making
12 testimony on the letter that was provided
13 by Kent?

14 MR. THOMAS HALL: Yes. Yes.

15 MR. WUNNENBERG: Okay.

16 THE CHAIRMAN: I will make a comment
17 that we received this. And just to let
18 everyone know, that this letter will be
19 submitted as evidence in this hearing.

20 MR. THOMAS HALL: Yes. Yes.

21 MR. WUNNENBERG: All right.

22 MR. THOMAS HALL: So Section 2 of
23 the petitions, in the address line on the
24 front says 640 Hamilton Road. On the --
25 that petition contains ten signatures.

1 The next set of -- Section 3. It
2 also contains 640 Hamilton Road. That is
3 not the correct address. Hamilton
4 Lebanon Road should be the address.

5 There is a Hamilton Road in Lebanon.
6 There is a Hamilton Road in Liberty
7 Township. There's a Hamilton Middletown
8 Road. There's a Hamilton Mason Road. So
9 that's one of the things we wanted to
10 point out on those 17 signatures that
11 were submitted on December 20th of
12 petitions, which is Exhibit B, which
13 contains 61 signatures.

14 MR. HALL: Just so I'm crystal clear
15 here, you're saying Mr. Stacy wrote down
16 640 Hamilton Road and he lives on 640
17 Hamilton Lebanon Road?

18 MR. THOMAS HALL: That is correct.

19 MR. HALL: Okay.

20 MR. THOMAS HALL: And that is
21 important because there is a Hamilton
22 Road in Butler County. There's Hamilton
23 Road in Warren County. There's a
24 Hamilton Mason Road. There's a Hamilton
25 Middletown Road. There is differing

1 roads.

2 THE CHAIRMAN: I have a question for
3 you.

4 MR. THOMAS HALL: Yes.

5 THE CHAIRMAN: Okay. After the
6 Hamilton Road, is there a Hamilton Road
7 in Monroe, Ohio?

8 MR. HALL: That was my question.

9 MR. THOMAS HALL: No.

10 MS. PENSKA: What was that question?

11 THE CHAIRMAN: Is there a Hamilton
12 Road in Monroe, Ohio?

13 MR. WUNNENBERG: It's Hamilton
14 Lebanon Road.

15 THE CHAIRMAN: It's Hamilton Lebanon
16 Road. And there is no Hamilton Road in
17 Monroe?

18 MR. THOMAS HALL: To my knowledge,
19 there is no Hamilton Road in Monroe,
20 Ohio. There is a Hamilton Road, I
21 believe, in Liberty Township. There's a
22 Hamilton Road in Lebanon. There's --
23 again, Hamilton Mason, Hamilton
24 Middletown, but there's not -- so the
25 addresses do not match from petition to

1 petition. That is one of the claims that
2 I wanted to make apparent today.

3 I was unaware of the withdraw that
4 he did on the 18th, so I will not touch
5 anything other than that today.

6 THE CHAIRMAN: All right. Thank
7 you.

8 MR. THOMAS HALL: Sorry about the
9 confusion.

10 MR. HALL: No. We're not confused
11 now.

12 MR. THOMAS HALL: I've never done
13 this before.

14 THE CHAIRMAN: I just wanted to make
15 sure everybody's --

16 MR. THOMAS HALL: Yeah. No, no, no.

17 THE CHAIRMAN: Because it sounds to
18 me like you're giving testimony, not a
19 public comment.

20 MR. THOMAS HALL: Well, I'm used to
21 giving testimony. I'm just not used to
22 doing this, so I apologize to the Board.

23 THE CHAIRMAN: No problem.

24 MR. HALL: The other items were a
25 moot point, this was --

1 THE CHAIRMAN: That's the only item
2 that's valid.

3 MR. HALL: This is your item that
4 you say is valid?

5 MR. THOMAS HALL: That's the only
6 item -- because I wasn't aware of the
7 withdraw of the 18th petitions. Several
8 of the other arguments pertain to the
9 18th and filing twice without
10 withdrawing, so that's why.

11 MR. HALL: I just want to make sure
12 I understand.

13 MS. PENSKA: So technically you're
14 actually testifying on behalf of
15 Mr. Keller and the letter that he
16 presented, correct?

17 MR. THOMAS HALL: That would be
18 correct.

19 THE CHAIRMAN: I think he's
20 testified on the evidence that was
21 presented.

22 MS. PENSKA: Yeah, yeah.

23 MR. THOMAS HALL: Yeah.

24 THE CHAIRMAN: Yeah.

25 MR. THOMAS HALL: Again, rookie.

1 Apologize.

2 THE CHAIRMAN: Rookie? You have --

3 MR. THOMAS HALL: Well, rookie in
4 this regard.

5 MS. PENSKA: You can put that rookie
6 stuff down.

7 MR. HALL: You're a trained
8 professional.

9 MS. PENSKA: I'm not taking that
10 one.

11 MR. HALL: Okay.

12 THE CHAIRMAN: Okay. The other
13 thing that we have here, we do have a
14 letter that was sent to us from Zachary
15 Stacy. We can number that as Document 2
16 for this public hearing and it will be
17 entered into the record.

18 Do you think I need to read this?

19 MR. HALL: I would like to or you
20 can, just because we've had testimony
21 on --

22 MR. WUNNENBERG: I think it's
23 interesting that his address is 640
24 Hamilton L. Road.

25 THE CHAIRMAN: Yeah. I've seen

1 that.

2 We will provide you with a copy of
3 this, also.

4 MR. HALL: Do you want me to read
5 it?

6 THE CHAIRMAN: Go ahead.

7 MR. HALL: We received an email for
8 Zachary Stacy, candidate for the 46 House
9 District of Ohio, dated 1/4/23, 640
10 Hamilton L. Road, Monroe, Ohio, 45050,
11 (513)525-0165, zachforohio46@gmail.com.

12 The letter states as follows:
13 Esteemed board members of the Butler
14 County BOE, on January 3rd I was notified
15 by email of a letter of protest that was
16 filed by -- filed by Kent Keller, II, on
17 December 29, 2023.

18 In this email from -- in this email
19 from Mr. Brian Hester, I was provided
20 with a time-stamped letter, copies of my
21 petitions and details of the processes
22 that would follow the filing of this
23 protest.

24 I was informed of the hearing that
25 was set for January 9th, 2023 (sic),

1 during the board of elections meeting on
2 January 2nd, 2023 (sic) following my
3 certification by the BOE.

4 Unfortunately, due to prescheduled
5 business training for my employer, I will
6 be out of town that week and will not be
7 able to attend the meeting on
8 January 9th. I was informed by BOE staff
9 that if I were to request the meeting be
10 rescheduled for a later date, they would
11 do their best to accommodate the request,
12 but I declined that offer.

13 I am fully aware of the complaints
14 made by Mr. Keller regarding my alleged
15 double filing of the declaration of
16 candidacy and the alleged use of multiple
17 voting addresses by myself on my part
18 petitions, sighting (sic) the Ohio
19 Revised Code and his basis for these
20 complaints.

21 First, I would like to commend
22 Mr. Keller for his dedication to his
23 district. Most individuals do not take
24 so much interest in their community and
25 government, and it is always refreshing

1 to see people who are willing to engage.

2 On that matter of the filing of the
3 declaration of candidacy, I was informed
4 that Mr. Keller was made aware of and
5 provided with a copy of my written
6 request to withdraw my previous filing.
7 I will consider this matter settled.

8 Moving on to the issue of my written
9 address; on every part petition --

10 MR. WUNNENBERG: Sorry.

11 MR. HALL: Moving on to the issue of
12 my written address; on every part
13 petition, I have provided my valid
14 address. For example, the way it was
15 written, abbreviated, spelled, et cetera,
16 would in no way affect the voter who
17 signed the petition knowing who I am,
18 what office I'm running for or what
19 document they were signing.

20 Furthermore, my home address is a
21 matter of public record and can be easily
22 obtained by any resident if there
23 happened to be any question.

24 I am confident in the decision by
25 the Butler County BOE to certify me on

1 January 2nd, 2023 (sic) was the right
2 decision. I fully trust in the decades
3 of combined experience of all BOE staff
4 and Board members.

5 I am confident in knowing that each
6 member of the staff and each Board member
7 will serve with commitment and integrity.
8 In my opinion, the alleged violations
9 contained in the letter of protest filed
10 by Mr. Keller call into question the
11 judgment of a very experienced and
12 transparent Board of Elections. I simply
13 must disagree with Mr. Keller's
14 sentiment.

15 I look forward to seeing a fair
16 process play out for the residents of the
17 46th District and place myself in the
18 very capable hands of the Butler County
19 Board of Elections.

20 Thank you to our Board members, BOE
21 staff, and Mr. Keller for their time
22 spent on this matter.

23 Warm regards, Zachary R. Stacy.

24 And Mr. Stacy did sign this with a
25 signature that does match his signature

1 registration that I have in front of me.

2 MR. WUNNENBERG: Where are we
3 proceeding?

4 THE CHAIRMAN: I'm going to proceed
5 with 13 right now.

6 MR. HALL: Number 13?

7 THE CHAIRMAN: Yeah. The Board of
8 Elections has now heard all testimony,
9 accepted all evidence to be considered in
10 deliberations. The parties have had an
11 opportunity to present testimony and
12 cross-examine witnesses. Any individual
13 who wishes to testify has been given the
14 opportunity.

15 The parties here, do you agree to
16 the things that I've written here?

17 At this time the Chair will
18 entertain a motion and a second to close
19 the public hearing so that the Board of
20 Elections may begin deliberations.

21 Call for the vote.

22 MR. WUNNENBERG: I move to close the
23 public hearing.

24 MS. PENSKA: Second.

25 THE CHAIRMAN: I have a motion and a

1 second.

2 Any comments, questions?

3 Roll call, please.

4 MR. CORBIN: Chairman Cloud?

5 THE CHAIRMAN: Aye.

6 MR. CORBIN: Member Penska?

7 MS. PENSKA: Yes.

8 MR. CORBIN: Member Hall?

9 MR. HALL: I had a question or a
10 comment. I didn't jump out fast enough.

11 THE CHAIRMAN: Okay. Go ahead.

12 MR. HALL: I apologize,
13 Mr. Chairman.

14 We had a guest. I just wanted to
15 make sure that we didn't miss you.

16 THE CHAIRMAN: I asked.

17 MR. HALL: -- before. I know --
18 before we close.

19 MR. HERMAN: No. I have no comment.

20 MR. HALL: That's all I needed. I
21 just wanted to make sure.

22 Sorry.

23 Yes.

24 MR. CORBIN: Member Wunnenberg?

25 MR. WUNNENBERG: Yes.

1 THE CHAIRMAN: Motion carries.

2 I will now entertain a motion for
3 the Board of Elections members to
4 deliberate in public or in private.

5 MS. PENSKA: I make a motion to
6 deliberate in private.

7 THE CHAIRMAN: Do I have a second?

8 MR. HALL: Make a motion to
9 deliberate in --

10 THE CHAIRMAN: Wait a minute.

11 MR. HALL: No, I don't have a
12 second.

13 THE CHAIRMAN: The Board -- it will
14 die for lack of a second.

15 MR. HALL: Make a motion to
16 deliberate in public.

17 MR. WUNNENBERG: Second.

18 THE CHAIRMAN: I have a motion and a
19 second to deliberate in public.

20 MS. PENSKA: You didn't jump in fast
21 enough.

22 MR. WUNNENBERG: I know. I was
23 going to do that.

24 THE CHAIRMAN: I have a motion and a
25 second.

1 Roll call, please.

2 MR. CORBIN: Chairman Cloud?

3 THE CHAIRMAN: Aye.

4 MR. CORBIN: Member Penska?

5 MS. PENSKA: Yes.

6 MR. CORBIN: Member Hall?

7 MR. HALL: Yes.

8 MR. CORBIN: Member Wunnenberg?

9 MR. WUNNENBERG: Yes.

10 THE CHAIRMAN: Motion carries. The
11 Board will now deliberate.

12 What do we have here?

13 MR. HALL: So if I'm understanding
14 correctly, we had some issues from
15 Mr. Keller. And most of them, all but
16 one, is a moot point after hearing
17 testimony.

18 Would everybody agree with that?

19 Okay. So really what we're dealing
20 with -- the only issue that we're dealing
21 with is a function of Mr. Stacy writing
22 640 Hamilton Road, Monroe, Ohio instead
23 of Hamilton Lebanon Road, Ohio.

24 Is that -- is everybody on the same
25 page with that?

1 THE CHAIRMAN: Yeah.

2 MS. PENSKA: Uh-huh.

3 MR. HALL: Okay. And Mr. Keller
4 cited some -- a lot of ORC verbiage.

5 Did he -- which paragraph was his
6 reference to what we're specifically
7 talking about since most of it doesn't
8 apply at this point? Was it the
9 second-to-last paragraph that starts with
10 finally?

11 MR. CORBIN: Yes.

12 THE CHAIRMAN: It looks like to me.

13 MR. HALL: So it does say the
14 inability or refusal to use a consistent,
15 uniform voting address for the declared
16 candidacy constitutes as failure to
17 substantially comply with the
18 requirements of Chapter 3513. I assume
19 that's ORC only to -- yeah. It says
20 right there, of the Revised Code.

21 So I guess my question is, does ORC
22 3513 require the candidate to use a
23 consistent, uniform voting address?

24 MR. CORBIN: Usually -- I feel when
25 we talk about errors with candidate

1 petitions, the prosecutor guides us in
2 the sense of would someone have been
3 misled by the petition. So it's a
4 phrasing that we've heard a lot.

5 So if a -- for example, if a
6 candidate circulated a petition where
7 they had not filled out any of the
8 information prior, you could mislead
9 because you don't know what name or
10 address they're going to assign up there.

11 MS. UNZICKER: The prosecutor's
12 response to us was that it would be
13 fact-oriented and subject for discussion
14 to the Board, so --

15 MR. HALL: Oh, okay.

16 MS. UNZICKER: So it's nothing that
17 they can strick -- have stricken from the
18 petition itself, but that it was just not
19 strictly complied with. But it would be
20 left up to the Board for discussion.

21 MR. WUNNENBERG: That's an --

22 MR. HALL: Interpretation.

23 MR. WUNNENBERG: Yeah. Basically,
24 is the flaw or inconsistencies something
25 that we feel --

1 MR. HALL: Major.

2 MR. WUNNENBERG: -- would impact
3 anybody who was signing a petition.

4 I mean, apparently, the use of
5 Hamilton L. is accepted by the postal
6 service as a -- as Hamilton Lebanon when
7 you got the right ZIP code number on it
8 and you write Hamilton with that ZIP code
9 on it, in Monroe.

10 THE CHAIRMAN: That's where it's
11 going.

12 MR. HALL: Would it make it there?
13 It would?

14 MR. WUNNENBERG: Oh, yeah.

15 MR. HALL: Because I resided at the
16 address 9650 Cincinnati Columbus Road --

17 MR. WUNNENBERG: Right.

18 MR. HALL: -- and I never once wrote
19 I lived at 9650 Cincinnati Road.

20 MR. WUNNENBERG: Right.

21 MR. HALL: And I don't know that if
22 I mailed to 9650 Cincinnati Road it would
23 show up at 9650 Cincinnati Columbus Road.

24 MR. WUNNENBERG: Well, that's
25 because there's Cincinnati Dayton Road,

1 there's Cincinnati -- there's lots of --

2 MR. HALL: There's lots of Hamilton
3 Roads as well.

4 MR. WUNNENBERG: Well, I don't know
5 in Monroe if there is a Hamilton Road.
6 There is no Hamilton Road that I know
7 of --

8 THE CHAIRMAN: Not that I know of.

9 MR. WUNNENBERG: -- in Lebanon. And
10 apparently there's only a Hamilton
11 Lebanon Road in Lebanon, so --

12 MR. HALL: I don't disagree.

13 THE CHAIRMAN: ZIP code pretty much
14 sorts mail at the post office.

15 MR. HALL: I don't disagree because
16 it says Monroe after it.

17 MR. WUNNENBERG: I was going by the
18 ZIP, not Monroe.

19 MR. HALL: Well, there you go. Is
20 that Monroe ZIP code or is that Lebanon
21 ZIP code?

22 THE CHAIRMAN: That's Monroe.

23 MR. WUNNENBERG: That's Monroe.

24 MR. HALL: For sure, 45050?

25 MS. PENSKA: Uh-huh.

1 MR. HALL: Okay. Because I know
2 there is some crossing between Liberty
3 and Monroe on ZIPs, I believe.

4 MR. WUNNENBERG: Yeah. Most of that
5 is -- it was prior to Liberty being
6 established as it was.

7 MS. PENSKA: And because it's
8 several ZIP codes you can put whether or
9 not you live in Middletown or Liberty
10 Township or whatever, yeah.

11 MR. HALL: What did the prosecutor
12 say again?

13 MS. UNZICKER: Their response was
14 others would be -- and they wrote in
15 speaking of the first two, that there was
16 nothing there because of the withdraw for
17 those. But others will be fact-oriented
18 and subject to discussion by the Board
19 and how it is concerning the two versions
20 of the candidate's address.

21 MR. HALL: Yeah. I don't see where
22 the voters could have been misled. If
23 there was another Hamilton -- I guess is
24 there another Hamilton Road in Monroe, is
25 my question for the day?

1 MS. UNZICKER: I don't know that
2 specifically, but I can look it up and
3 verify with the post office.

4 MR. CORBIN: From a quick search in
5 our database for street names, for just
6 Hamilton, it does show up in Trenton --
7 Trenton precincts, Hamilton precincts,
8 and Liberty precincts.

9 MR. HALL: Not Monroe?

10 MR. CORBIN: Correct.

11 MR. HALL: And were all these
12 signatures obtained out of -- well,
13 these -- this is kind of convoluted for
14 me a little bit, guys. They were all
15 obtained out of Madison Township.

16 MS. PENSKA: There's nine. Of the
17 total ones that we have, there's nine
18 from Monroe out of all the signatures.

19 MR. HALL: And then there's seven
20 out of Middletown?

21 MR. CORBIN: They're from the 46th
22 District.

23 MR. HALL: I understand. See what
24 I'm saying?

25 MS. PENSKA: So is your point that

1 somebody from Middletown wouldn't be
2 misled by not being Hamilton Lebanon,
3 correct, because they don't even know
4 or --

5 MR. HALL: No. It makes it worse.
6 If you lived in Monroe --

7 MR. WUNNENBERG: You'd know.

8 MS. PENSKA: Got it.

9 MR. HALL: If I lived in Monroe, I
10 would think that that was Hamilton
11 Lebanon Road. If I lived in Middletown
12 or Madison, it would start to confuse me
13 because I live in a different area.

14 THE CHAIRMAN: Well, let's get to
15 the point. It also says on the petition
16 for state representative, republican 46th
17 House District.

18 MR. HALL: Oh, there you go. So
19 it's 46th.

20 THE CHAIRMAN: Uh-huh.

21 MR. HALL: So that would qualify it
22 specifically as --

23 THE CHAIRMAN: Most people that sign
24 a petition know what house district they
25 sit in.

1 MR. HALL: Good point. Well stated.

2 The thing that I'm just really
3 struggling with is, I lived on Cincinnati
4 Columbus Road for 25 years and never once
5 in my entire 25 years did I ever write
6 that I lived on Cincinnati Road.

7 So I guess we have to ask -- it's
8 Hamilton Road here, it's Hamilton L. Road
9 here, and it's Hamilton Lebanon Road
10 here, and, you know, I use four different
11 signatures so I can only assume that he's
12 using three different addresses.

13 MS. PENSKA: And for me I think
14 putting Hamilton Lebanon Road versus
15 Hamilton Road is not misleading in the
16 fact that he is in the 46th District.

17 MR. HALL: Well, type in 640
18 Hamilton Road in Google maps and just see
19 what it does to me just for -- well,
20 there's also a Hamilton New London.

21 THE CHAIRMAN: And if you live in
22 Hamilton, that's known as New London
23 Road.

24 MR. WUNNENBERG: Right.

25 MR. HALL: I get it.

1 THE CHAIRMAN: To me, like I said,
2 I'm going by the ZIP that's listed on the
3 petition, plus it is for the 46th House
4 District.

5 MR. HALL: I get it. And when I
6 type in 640 Hamilton Road, Monroe, Ohio,
7 45050, I get zero search found. But I
8 understand the ZIP code and the 46th.

9 THE CHAIRMAN: Anybody have anything
10 else on that?

11 MS. PENSKA: Uh-uh.

12 THE CHAIRMAN: At this time, the
13 Chairman will announce that the Board of
14 Elections has completed its deliberations
15 and the Chair will entertain a motion and
16 a second for either part -- either to --
17 that the petition satisfies the
18 requirement or does not satisfy the
19 requirement.

20 MR. WUNNENBERG: I make a motion to
21 accept the petition, that the petition as
22 submitted meets the requirements.

23 The flaws were not such that it
24 would confuse anyone signing the
25 petition. And, therefore, I move that we

1 approve the petitions.

2 MS. PENSKA: Second.

3 THE CHAIRMAN: We have a motion and
4 a second to approve that the petition
5 candidacy of Zachary Stacy satisfies the
6 requirements, it is valid.

7 Is there any other comments or
8 questions?

9 Roll call, please.

10 MR. CORBIN: Chairman Cloud?

11 THE CHAIRMAN: Aye.

12 MR. CORBIN: Member Penska?

13 MS. PENSKA: Yes.

14 MR. CORBIN: Member Hall?

15 MR. HALL: No.

16 MR. CORBIN: Member Wunnenberg?

17 MR. WUNNENBERG: Yes.

18 THE CHAIRMAN: The motion carries.

19 At this time we will close the
20 public hearing part of this.

21 MS. PENSKA: Make a motion to close
22 the public hearing.

23 MR. WUNNENBERG: Second.

24 THE CHAIRMAN: We have a motion and
25 a second.

1 Roll call, please.

2 MR. CORBIN: Chairman Cloud?

3 THE CHAIRMAN: Aye.

4 MR. CORBIN: Member Penska?

5 MS. PENSKA: Yes.

6 MR. CORBIN: Member Hall?

7 MR. HALL: Yes.

8 MR. CORBIN: Member Wunnenberg?

9 MR. WUNNENBERG: Yes.

10 THE CHAIRMAN: The public portion
11 will be closed.

12 MS. PENSKA: Can I make a motion
13 that we go back into executive session
14 for personnel reason under ORC 121.22G1?

15 MR. HALL: Second.

16 THE CHAIRMAN: We have a motion and
17 a second for the Board to stand back in
18 executive session regarding personnel.

19 Roll call, please.

20 MR. CORBIN: Chairman Cloud?

21 THE CHAIRMAN: Aye.

22 MR. CORBIN: Member Penska?

23 MS. PENSKA: Yes.

24 MR. CORBIN: Member Hall?

25 MR. HALL: Yes.

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MR. CORBIN: Member Wunnenberg?

MR. WUNNENBERG: Yes.

THE CHAIRMAN: The motion carries.

- - -

(THE BOARD WENT INTO EXECUTIVE SESSION AND THE
PUBLIC HEARING ADJOURNED AT 10:05 A.M.)

- - -

Member Wunnenberg moved to go into Executive Session to discuss personnel according to O.R.C. 121.22(G)(1) at 10:05 a.m.; seconded by Member Hall. Roll Call:

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

At 11:02 a.m. Chairman Cloud stated the board is back in session.

Member Hall moved to approve the budgeted cost of living adjustment as approved by the County Commissioners effective on the start date of the next pay period, January 12, 2024; seconded by Member penska. Roll Call:

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

Director Unzicker gave an update about the delivery of the new electronic pollbooks which should arrive on January 19, 2024. Chairman Cloud asked if there would be enough time to deploy the new pollbooks for the next election. Director Unzicker and Deputy Director Corbin stated the upgraded pollbooks will be implemented for use in the March Primary.

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

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

The meeting was adjourned at approximately 11:04 a.m.

Frank Cloud, Chairman

Nicole Unzicker, Director

Todd Hall, Member

Chris Wunnenberg III, Member

mariann penska, Member