

Butler County Board of Elections
Regular Board Meeting Minutes
May 13, 2024

The Butler County Board of Elections met on Monday, May 13, 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, Kenny Henning Regional Liaison from the Ohio Secretary of State, and several members of the public.

Chairman Cloud presented Document 1, Bills. Member Hall moved to approve the bills on Document 1; seconded by Member penska. Roll Call:

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

All in favor; motion carried.



**Regular Board Meeting Bills
Butler County Board of Elections**


Chairman


Director

Grand Total \$ 73,833.50

Account / Vendor / Description	Amount
529000 - OTHER MATERIALS/SUPPLIES	
AMAZON CAPITAL SERVI	
ELECTION SUPPLIES	\$311.19
AMAZON CAPITAL SERVI Total	\$311.19
ODP BUSINESS Solutio	
PRECINCT LISTS	\$1,733.34
ODP BUSINESS Solutio Total	\$1,733.34
US BANK	
ELECTION SUPPLIES.MEALS	\$1,553.57
US BANK Total	\$1,553.57
529000 - OTHER MATERIALS/SUPPLIES Total	\$3,598.10
530075 - TECHNOLOGY SUPPORT	
ESSVR LLC	
MAR 2024 VOTER FILE MAINTENANCE	\$7,749.19
FEB 2024 VOTER FILE MAINTENANCE	\$7,749.19
APR 2024 VOTER FILE MAINTENANCE	\$7,749.19
ESSVR LLC Total	\$23,247.57
530075 - TECHNOLOGY SUPPORT Total	\$23,247.57
530310 - RENTAL - EQUIPMENT	
GREAT AMERICA FINANC	
2ND QTR 2024 RENTAL LEASE	\$1,337.97
GREAT AMERICA FINANC Total	\$1,337.97
530310 - RENTAL - EQUIPMENT Total	\$1,337.97
536000 - OTHER CONTRACT SVCS	
APG OFFICE FURNISHIN	
ADDED PANELING AND SURFACE SHELF	\$1,490.34
APG OFFICE FURNISHIN Total	\$1,490.34
COX FIRST MEDIA	
LEGAL ADS, MARCH 19TH 2024	\$649.80
COX FIRST MEDIA Total	\$649.80
GRAPHIC VILLAGE LLC	
BALLOT PRINT AND MAIL	\$12,688.45
GRAPHIC VILLAGE LLC Total	\$12,688.45

Bills

Account / Vendor / Description	Amount
H5 TRAFFIC SAFETY LL	
PARKING LOT SIGNS AND MARKINGS	\$12,905.00
H5 TRAFFIC SAFETY LL Total	\$12,905.00
HAMILTON CHRISTIAN C	
RENTAL FEES	\$250.00
HAMILTON CHRISTIAN C Total	\$250.00
HAMILTON CITY SCHOOL	
CUSTODIAL FEES	\$1,072.50
HAMILTON CITY SCHOOL Total	\$1,072.50
MIAMI UNIVERSITY	
CUSTODIAL FEES	\$300.00
MIAMI UNIVERSITY Total	\$300.00
MILLENNIUM BUSINESS	
FLEX COPIES	\$644.77
MILLENNIUM BUSINESS Total	\$644.77
MONROE CHURCH OF THE	
RENTAL FEES	\$150.00
MONROE CHURCH OF THE Total	\$150.00
NORTH FAIRFIELD BAPT	
RENTAL FEES	\$300.00
NORTH FAIRFIELD BAPT Total	\$300.00
POASTTOWN FIRST CHUR	
RENTAL FEES	\$200.00
POASTTOWN FIRST CHUR Total	\$200.00
TRACKMAIL SOLUTIONS	
TRACKING BALLOT SERVICE	\$14,999.00
TRACKMAIL SOLUTIONS Total	\$14,999.00
536000 - OTHER CONTRACT SVCS Total	\$45,649.86
Grand Total	\$73,833.50

Chairman Cloud presented Document 2, the minutes of the April 1, 2024, meeting. Member penska moved to approve the April 1, 2024, meeting minutes on Document 2; seconded by Member Wunnenberg. Roll Call:

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

All in favor; motion carried.

Chairman Cloud presented Document 3, the minutes of the April 9, 2024, meeting. Member penska moved to approve the April 9, 2024, meeting minutes on Document 2; seconded by Member Wunnenberg. Roll Call:

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

All in favor; motion carried.

Chairman Cloud presented Document 4, the minutes of the April 22, 2024, meeting. Member penska moved to approve the April 22, 2024, meeting minutes on Document 4; seconded by Member Wunnenberg. Roll Call:

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

All in favor; motion carried.

Director Unzicker acknowledged receipt of the following directives.

- 2024-05, Ballot for June 11, 2024 Special Congressional General Election in the 6th Congressional District – **Not Applicable**.
- 2024-06, Data Collection, Notice, and Cancellation Procedures for Completion of 2020 National Change of Address (NCOA) Process and Past Due Cancellations

Director Unzicker commented on Directive 2024-06 about how the staff is excited to receive this directive which allows the board to remove some past-due inactive registrations that have been unable to be cancelled for some time. This will result in more accurate voter rolls.

Director Unzicker acknowledged receipt of the following memoranda.

- Organizational Meeting of Major Political Party County Central Committee – **Not Applicable**

Under New Business, Deputy Director Corbin asked the board members to approve the Chargeback for the March 19, 2024 Primary Election on Document 5. He explained the total number is lower because in even years, only ballots and advertising can be charged back. Member penska moved to approve the chargeback from the March 19, 2024 Primary Election on Document 5; seconded by Member Wunnenberg. Roll Call:

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

All in favor; motion carried.

Under Old Business Director Unzicker explained that her and Deputy Director Corbin would like to discuss some items that had been raised during the public comment portion of past meetings.

Director Unzicker stated,

Public Comment: A former PEO commented that he was asked to remove his American flag hat and veteran pin.

Response: Director Unzicker and Deputy Director Corbin have no record of a complaint made of Mr. Hammond being asked to remove a hat for having an American Flag or veteran pin. The Board of Elections has not and would not train members of our staff, Location Supervisors, or our Precinct Election officials to ask someone to remove any apparel that simply shows the American flag or a sign of their military service.

The following guidance was provided by the Secretary of State which is used as a reference in training of our PEO's.

No one, including precinct election officials, should attempt to promote or oppose a candidate or ballot issue while in the polling location. **The following three types of attire and paraphernalia are prohibited in a polling location and its surrounding neutral zone:**

1. Attire and paraphernalia displaying the name of a political party;
2. Attire and paraphernalia displaying the name of a candidate; and
3. Attire and paraphernalia demonstrating support of or opposition to a ballot question or issue.

Public Comment: An email was sent in 2022 to all PEOs with their email addresses in the "To:" field.

Response: An internal memo was sent to all staff members regarding the importance and proper use of the "BCC" field. The employee who incorrectly sent an email to all PEO's in the "To" Field instead of the "BCC" field is no longer employed at the Butler County Board of Elections.

Public Comment: BMV – Non-Citizen's asked to register to vote while applying for DL or State ID

Response: Director Unzicker called multiple local BMV locations and requested clarification of the process their clerks use for registering voters when someone is applying for a driver's license or state identification. All Locations stated the same process. A person must submit the required documentation as to whether they are a US Citizen or non-US Citizen when applying for a driver's license or state identification. That documentation is recorded at the BMV and noted in their system either as a US Citizen or non-US Citizen. The screen that prompts for voter registration is only displayed to the clerk if the appropriate documentation is provided and a checkmark verifying the person is a US Citizen is notated. If the documentation provided and notation shows the person is a non-US Citizen, no prompt or screen option is provided to the clerk or the person applying, asking them to register to vote.

Public Comment: Notice of Logic and Accuracy

Response: Public notice of the Logic and Accuracy (L&A) testing date is provided at least 24hrs prior to Public L&A for each election. For the upcoming election this should take place in mid to late October.

Public Comment: Formal response given for the information packet received by member of the public

Response: Butler County Board of Elections received a packet similar to packets received by other boards of elections throughout the state that included sourced and unsourced data, questions, and comments on October 10, 2022.

- After administering the November 2022 General Election:
- The Board of Elections conducted research and found some clerical entry errors that calculated to 0.01% of the registered voters in Butler County. These errors were corrected, and additional auditing steps were implemented after hand entry of the registration information.
- UPS addresses used for a voter registration address were notated in the report and corrected by the Board of Elections staff in the voter registration database.
- The other questions pertaining to voter registration and voter history were clarified and explained in detail while referencing the Elections Official Manual and clarification of terms that were used interchangeably in the report such as "Ballots Cast" and "Ballots Counted".
- The Butler County Board of Elections Directors responded on January 31, 2023, to the report with a four-page letter addressed to Mrs. Niederlehner regarding her questions and concerns of what she deemed as suspicious registrations and voter history information for the November 2020 General Election.

Public Comment: The Butler County Board of Elections should conduct a hand counted election in November of 2024

Response: in response to this comment the Board of Elections conducted a mock hand count and created the analysis below.



Hand Count Analysis May 13, 2024

Introduction

Each Election Day the voters of Butler County select candidates to serve in public office and determine the outcome of questions and issues placed on the ballot that determine how local decisions will be made. These votes are cast either in-person early at the Board of Elections during the early voting period, through the mail, or at a polling location on Election Day. All three of these methods document a hard-copy paper record of each voter's selections. These paper ballots are used after each election when conducting the post-election audit. "A post-election audit is a comprehensive review of the results of one or more contests in an election to ensure that the results reported by the board of elections are accurate."¹ All post-election audits since 2008 in Butler County have been well above the 99.5% accuracy requirement.

Prior to each election the Board of Elections staff rigorously programs, proofs and tests the voting equipment to ensure voter's selections are recorded accurately. Public Logic and Accuracy testing is required by Ohio Secretary of State Directive 2023-05 and is open to visitors.² This testing allows voters to independently make selections and receive feedback when filling out their ballots, such as not allowing a voter to "over vote" a race. When the polling locations close at 7:30PM on Election Day the results drives can be uploaded and tabulated in just seconds once they arrive at the Board of Elections. As Precinct Election Officials return to the Board of Elections, results can be posted to the website and sent to the Secretary of State within minutes.

This automated and centralized counting method allows for much faster, more accurate and more cost-effective method of canvassing the vote after an election, especially in Butler County, a large voting district with over 250,000 registered voters.

The Butler County Board of Elections conducted a mock hand count to estimate the cost and test some of the logistical changes that would be required to conduct a countywide hand count. **There are additional steps, procedures, materials, time, and or space considerations to take into account before conducting a full hand count that may not be addressed in this document.**

Considerations

The considerations below assume a similar turnout to the November 3, 2020, Presidential Election which had 256,930 registered voters, 187,828 ballots cast and 59 contests in Butler County. Although some of the considerations are discussed below, there is more than one way to conduct a hand count and this document does not consider all possibilities.

Logistics

A full hand count of paper ballots involves multiple logistical challenges including additional supplies, procedures, staffing, fatigue, human error, and consistency issues.

Supplies

Tally sheets would need to be provided to the counters for each set of about 50 ballots. The November 3, 2020, Presidential Election included 59 separate contests which means 50 ballots would require 59 pages of tally marks. This would require a minimum of 3,757 tally books, each with 59 pages, for a total of 221,637 pages to tally 187,828 ballots. Other supplies would include secrecy envelopes, marking utensils, ballot bags, and binder clips at a minimum.

¹ Ohio Secretary of State [Directive 2023-31](#)

² Ohio Secretary of State [Directive 2023-25](#)

Procedures

There are several processes in place that have been streamlined over several years to be more accurate and efficient that would need to change to conduct a hand count.

Staffing

Each election Butler County needs about 1,200 Precinct Election Officials which are reimbursed at just over \$200.00 to attend a three-hour training class, a meeting at the polling location the night before the election and work a thirteen-hour day plus the time needed to open and close the polling location. If Precinct Election Officials were employed to hand count the ballots cast at their polling location, they would start counting after working a full thirteen-hour election day and continuously count until every ballot has been tallied and reconciled. This would significantly increase the difficulty of recruiting community members to serve at the polling locations and would require additional training to the program that is currently in place.

The additional people involved in the counting process could also have negative impacts on the canvassing of the vote. The more people handling ballots could introduce opportunities for ballots to be misplaced, miscounted, or tampered with during handling.

Fatigue

Fatigue after a long day could cause errors for those hand counting the ballots. If the ballots were hand counted centrally at the Board of Elections fatigue would still be a factor due to the expected time frame required for counting. Staff hired for a hand count could be difficult to retain until the hand count is completed due to the monotony of the task and fatigue from continuous work.

Human Error

Human error is a factor that must be considered during a hand count. The Board of Elections staff is aware of this risk from experience gained through conducting recounts and post-election audits where the hand count of even a single race can result in human error. When a race is counted incorrectly or the number of votes and ballots do not reconcile, the batch must be recounted doubling the time required for those ballots.

After all ballots are counted and reconciled there would be another opportunity for human error as tally sheets are then used to calculate the cumulative results at the polling location and then again at the Board of Elections to determine the results countywide.

Among the list of human error possibilities, illegible handwriting could result in incorrect calculations of results and incorrect results being hand keyed into a computer for posting results to the website.

Consistency

Using the estimated times for the mock hand count, hundreds or thousands of counters would be needed to complete a countywide hand count in a reasonable amount of time. This means there would be several varying ways the marks made on ballots could be interpreted. This could cause disagreements between counters leading to difficulty in completing the hand count. Voters do not always completely fill in the ovals as the instructions on the ballot specify. Check marks, X's, scribbles, and other markings can be difficult to interpret.

With a central count scanner, there is one set of rules used by the tabulation software to count the ballot markings. This ensures that ballots are counted in a consistent and fair manner. When using the tabulation system if there is a ballot that contains a mark which cannot be verified by the software, such as an oval that is filled in and crossed out or a handwritten note by the voter, it is held to be adjudicated by the Director and Deputy Director. If the Directors are not able to resolve the marking, the ballot is reviewed and resolved by the four-member bipartisan board in a public meeting.

Other Considerations

Voting Machines

The use of voting machines in polling locations has several advantages. The voting machines:

- are ADA accessible and promote inclusion for voters of all abilities.
- do not allow voter to make mistakes such as over voting.
- warn voters when a contest is undervoted.
- allow for faster selections on a screen than using a pen to fill in ovals on paper ballots.
- eliminate Precinct Election Official error when handing out paper ballots by use of properly programmed electronic pollbooks and voting machines.

Counting Votes After the Polls Close on Election Night

Ohio law does not allow for tabulation prior to 7:30pm on election day after the polling locations close. This means in addition to the counting that would take place at polling locations, there would need to be hundreds of people located at the Board of Elections to count early ballots on election night.

Polling locations may not be willing or able to accommodate the continuing counting of ballots through the night or in the days after the election. Additional fees could be charged to the Board of Elections and scheduling issues could easily arise as rooms in schools would be occupied in the days after an election.

Write-in Votes

Tabulating write-in votes is an issue that arose after the mock hand count was underway that was not fully considered because there were no ballots in the mock hand count that included a write-in contest. Currently write-in votes are flagged by the tabulation software and reviewed by a bipartisan team of elections officials. During the review process the bipartisan team will determine if the name that was written on the ballot is one of the registered write-in candidates for the contest. If so, the candidate is assigned a vote, if not the vote is marked as, "not a registered write-in candidate."

Methodology

A batch of 50 ballots from the March 19, 2024 Presidential Primary Election was selected to be counted by hand. This batch included paper ballots cast through the mail from various precincts. Each counting team in the hand count was composed of 2 people, 1 democrat and 1 republican.

Hand Count Procedure

The items in the table below have been estimated using the results of our mock hand count performed by the members of the Board of Election staff. The steps are an overview of the process, were a full hand count to take place, each step would need to be more stringently tested and refined on a larger scale to account for variances and unknown complications. Variances could be caused by differences in ballots, counting staff, write-in candidates and other considerations as mentioned above.

Step	Action	Estimated Time
Steps required for each batch to be counted		
1	Count envelopes containing ballots	0h 6m
2	Remove ballots from envelopes	0h 6m
3	Identify each individual ballot	0h 2m
4	Sort ballots by precinct (and party in primary elections)	0h 2m
5	Count and make batches of 50 ballots per precinct	0h 2m
6	Record the ballot identification numbers in the batch on the tally sheet	0h 3m
7	Mark the selection for each race from each ballot on the tally sheet	2h 0m
8	Reconcile the number of votes cast in each race adds up to the number of ballots in the batch	0h 5m
	Total per batch of 50 ballots	2h 26m

Steps to aggregate results at the polling locations		
9	Reconcile the number of ballots to the pollbook	0h 30m
10	Aggregate the results by combining the totals of each tally sheet	0h 30m
	Total	1h 0m
Steps to aggregate results at the Board of Elections		
11	Hand key results into the reporting system to be posted online	3h 0m

The times included in this table do not account for the following situations and it is very likely there are other unknown considerations that need to be accounted for in a real-world application.

- Breaks to eat, sleep, or use the restroom
- Additional time needed when one or more items do not reconcile

Results

Total Ballots counted = 150
Number of contests = 63
Mistakes = 8
Rate of mistakes = $8/150 = 5.33\%$
Average count time = 2h 14m

Mistakes

After the hand count was conducted, the results from each team were compared to the results from the scanned tally using the existing tabulation system. Eight mistakes were found on the tally sheets out of the 150 ballots that were hand counted. "When the difference between votes cast for a declared winning nominee, candidate, question or issue, and a declared losing nominee, candidate, question or issue is equal to or less than one-half of one percent (0.5%) of the total votes cast in the candidate contest, question, or issue"³ and automatic recount must take place. With an error rate of 5.33% during the mock hand count, this means an automatic recount may or may not be triggered correctly. The error could cause a recount or make it appear that a candidate or issue was decided by more than 0.5%.

Estimated Count Times

The average amount of time required for a team to count 50 ballots in the mock hand count was 2 hours and 14 minutes. While planning for the November 5, 2024, Presidential General Election, Butler County expects voter turnout to be about 72% or approximately 184,000 voters and ballots cast. Considering the distribution of precincts and polling locations as well as using the Precinct Election Officials who will have been working since 5:30am on Election Day, the smallest polling locations could take over 9 hours to count their ballots while the largest locations could take as long as 50 plus hours.

This estimate of polling locations finishing a hand count between 9 and 50 hours assumes a perfect count where no batches have to be recounted and all batches reconcile on the first attempt. No additional time was added to the estimate to account for unknown issues or concerns. These time predictions also assume no rest periods and that the process does not break down for some reason. It is unrealistic to expect Precinct Election Officials to work 13 hours on Election Day and then to count for another 9-50 hours. The voters in Butler County would be waiting days to see the unofficial results of the election.

A rough estimate shows it would take the PEOs 8,631 hours distributed across 85 polling locations to count all the batches of 50 ballots. With all four PEOs from each precinct counting this would amount to a total of 34,524 manhours.

³ Ohio Secretary of State [Directive 2023-31](#)

Estimated Additional Costs

Below is a non-exhaustive list of additional supplies that would be necessary to conduct a full hand count of the November 5, 2024, Presidential General Election. The staffing line does not account for overtime or breaks for those counting the ballots.

Item	Quantity	Unit Price	Extended	
Tally books	6,050	\$ 0.31	\$ 1,875.50	
Envelopes	275,000	\$ 0.79	\$ 217,250.00	
Paper Ballots	258,670	\$ 0.35	\$ 90,534.50	
Additional Staffing 1x	34,524	\$ 15.00	\$ 517,860.00	
Total			\$ 827,520.00	

Conclusion

Hand counting ballots, especially in a large jurisdiction such as Butler County and in a high turnout election, will cause significant delays in reporting the outcomes of each contest on the ballot. While using the current voting system, which is certified by both the Federal Election Assistance Commission and the Ohio Board of Voting Machine Examiners, results can be calculated by machine in minutes. Currently the main delay is reporting results if waiting for the Precinct Election Officials to drive from their polling locations across the county to the Board of Elections, which is a step that would still be involved in a hand count. A hand count would take days longer to tabulate than the current process which only takes hours.

The second main concern with hand counts is the accuracy rate. Currently the system in place in Butler County has a high rate of accuracy which has been demonstrated through post-election audits that are open to the public to observe. Simple human errors and variances between how different people read marks can cause a major issue in making sure all ballots are counted in a uniform way. Each team who counted ballots in the mock hand count made at least one mistake while counting only 50 ballots. After the last presidential election, the post-election audit contained over 10,600 ballots and found an accuracy rate of 100%.

Rigorous testing takes place prior to the election to ensure ballots are programed correctly and will tabulate as expected. Public Logic and Accuracy testing is available for the public to attend and learn about the safeguards in place prior to each election. The Butler County Board of Elections is confident in the processes and systems that are currently in use.

Resources & News Reports

Below are some of the resources used to inform this mock hand count procedure and analysis.

Resources

Ballot Hand Counts Lead to Inaccuracy

<https://votingrightslab.org/2024/02/27/ballot-hand-counts-lead-to-inaccuracy/>

Election Night Hand Counts: Realities and Risks

<https://verifiedvoting.org/publication/hand-counts-nov-2023/>

Hand Counted Paper Ballots

<https://verifiedvoting.org/election-system/hand-counted-paper-ballots/>

Hand-Counting Votes: A Proven Bad Idea

<https://www.brennancenter.org/our-work/analysis-opinion/hand-counting-votes-proven-bad-idea>

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

The meeting was adjourned at approximately 09:49 a.m.

Frank Cloud, Chairman

Nicole Unzicker, Director

Todd Hall, Member

Chris Wunnenberg III, Member

mariann penska, Member