

**Butler County Board of Elections
Special Board Meeting Minutes
September 4, 2024**

The Butler County Board of Elections met on Wednesday, September 4, 2024, at 9:00 a.m., for a special meeting. Roll call was taken, and present were Chairman Frank Cloud, Member mariann penska, Member Hall, Member Chris Wunnenberg III, Director Nicole Unzicker, Deputy Director Eric Corbin Michael Pitman from the Journal News and Butler County resident Gail Niederlehner.

Director Unzicker said there is one item of business on the agenda which is to vote on the Challenge of Right to Vote and Correction of Registration List forms that were filed. She explained that Document 1 contains the relevant ORC which references the challenge of right to vote process and the requirements of the Board, challenger and voters. She explained the next packet contains the information of the voters and the third document contains copies of the original challenge forms.

Director Unzicker explained that the first challenge was filed against voters who have two space characters in a name field. She explained there are fifteen voters listed who have two space characters in one of the name fields in their voter registration files. She said the extra spaces have been removed. Member penska moved to grant the challenge of voters listed under, "Challenge 1 – Voters with Two Space Characters in a Name Field – Resolved"; seconded by Member Hall. Roll call:

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

All in favor; motion carried.

Director Unzicker explained the voters listed under the next section is insufficient challenges as determined by the Director and Deputy Director. Voters were listed under, "Challenge 2 – Potential Out of State Challenges – No Board Action Required" for potentially being registered to vote out of state. The office has determined that the federal law supersedes the state law in regard to the NCOA process, which prohibits the Board from cancelling any voters who are currently in that process. The Board must follow and allow the process of the NVRA to remove those voters as outlined in federal law. The voters in question have been confirmed as eligible by the Secretary of State under Directive 2023-24 and, as such, are required to remain on the voter rolls. Although the points raised in the challenge are valid, a change in legislation or a court decision would be needed to be able to remove these voters from the rolls.

Challenges Filed Pursuant to R.C. 3503.24

A qualified elector may file an application for correction or challenge either in person or by mail with the office of the board of elections. A challenger must 1) use Secretary of State Form 257, 2) file the application or challenge no later than 30 days before an election, 3) state the reasons for the application or challenge, and 4) sign under the penalty of election falsification.

ORC 3503.24, Application for correction of precinct registration list or challenge of right to vote.

(B) On receiving an application or challenge filed under this section, the board of elections promptly shall review the board's records. If the board is able to determine that an application or challenge should be granted or denied solely on the basis of the records maintained by the board, the board immediately shall vote to grant or deny that application or challenge.

If the board is not able to determine whether an application or challenge should be granted or denied solely on the basis of the records maintained by the board, the director shall promptly set a time and date for a hearing before the board. The hearing shall be held, and the application or challenge shall be decided, no later than ten days after the board receives the application or challenge. The director shall send written notice to any elector whose right to vote is challenged and to any person whose name is alleged to have been omitted from a registration list. The notice shall inform the person of the time and date of the hearing, and of the person's right to appear and testify, call witnesses, and be represented by counsel. The notice shall be sent by first class mail no later than three days before the day of any scheduled hearing. Except as otherwise provided in division (D) of this section, the director shall also provide the person who filed the application or challenge with such written notice of the date and time of the hearing.

(C) If the board decides that any such person is not entitled to have the person's name on the registration list, the person's name shall be removed from the list and the person's registration forms canceled. If the board decides that the name of any such person should appear on the registration list, it shall be added to the list, and the person's registration forms placed in the proper registration files. All such corrections and additions shall be made on a copy of the precinct lists, which shall constitute the poll lists, to be furnished to the respective precincts with other election supplies on the day preceding the election, to be used by the election officials in receiving the signatures of voters and in checking against the registration forms.

Required Board Action

(See next page)

Challenge 1 – Voters with Two Space Characters in a Name Field – Resolved

The voter records attached have been resolved by removing the extra space character from the voter's registration file. A search through the whole voter registration system was conducted to address any other voters who may have two space characters in a name field.

Grant Challenge (Recommended)

- (C) If the board decides that any such person is not entitled to have the person's name on the registration list, the person's name shall be removed from the list and the person's registration forms canceled. If the board decides that the name of any such person should appear on the registration list, it shall be added to the list, and the person's registration forms placed in the proper registration files.

Deny Challenge

- No Action

Insufficient Challenges Filed

EOM Section 4.15 Challenge of Right to Vote

"Does the challenge state sufficient reasons for the application for challenge?"

The director and deputy director must complete an initial review of the reasons for the application or challenge as filed on Form 257 by considering whether the party filing the challenge has alleged sufficient information to sustain a successful challenge. As a part of this administrative process, the director and deputy director will review the face of the document as filed. If the director and deputy director determine that, even if proven to be true, the reasons alleged would not be sufficient to grant the challenge, the challenge is insufficient and cannot proceed. Any disagreement between the director and deputy director must be resolved by a vote of the Board.

Challenge 2 – Potential Out of State Challenges – No Board Action Required

The challenges submitted and labeled as Challenge 3, were challenged because on the basis that the voters have received an NCOA or Supplemental notice and are registered and voting in another state and/or because the voters have registered to vote in another state.

- Federal law does not allow for the removal of a voter's registration without two federal elections passing without the voter voting and the voter not answering the notifications. Per Federal law there is a process in place and followed by the Secretary of State directives that are provided to the Boards of Elections to notify voters and remove the identified voters, either during the NCOA or Supplemental process.
- Challenges were reviewed by the prosecutor's office and their assessment of federal law having supremacy stands. The points raised are valid but would require a successful court ruling or other authority before there would be a change of opinion.

Deputy Director Corbin presented a draft operating budget to the Board members for consideration. He explained the budget currently has a decrease of 10.2% which is comparable to previous budgets submitted for odd numbered years. Member Hall asked for the Directors to bring clarification to the next meeting which accounts for the increase in salary since 2021.

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 yea
Member Wunnenberg yea

All in favor; motion carried.

The meeting was adjourned at approximately 9:12 a.m.

Frank Cloud, Chairman

Nicole Unzicker, Director

Todd Hall, Member

Chris Wunnenberg III, Member

mariann penska, Member