

**Butler County Board of Elections
Regular Board Meeting Minutes
September 9, 2024**


The Butler County Board of Elections met on Monday, September 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 several members of the public.

Chairman Cloud presented Document 1, Bills. Member penska moved to approve the bills on Document 1; seconded by Member Hall. Member Hall asked for more information about the purchased ethernet switch. Deputy Director Corbin explained it is an upgraded switch to improve reporting times on election night. Roll Call:

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



Regular Board Meeting Bills
Butler County Board of Elections


Chairman


Director

Grand Total \$ 64,452.47

Account / Vendor / Description	Amount
520000 - OFFICE SUPPLIES	
JOS BERNING PRINTING	
OFFICE SUPPLIES	\$99.00
JOS BERNING PRINTING Total	\$99.00
520000 - OFFICE SUPPLIES Total	
	\$99.00
521000 - POSTAGE	
PITNEY BOWES BANK I	
POSTAGE SUPPLIES	\$5,000.00
PITNEY BOWES BANK I Total	\$5,000.00
UNITED STATES POSTAL	
POSTAGE SUPPLIES	\$40,000.00
UNITED STATES POSTAL Total	\$40,000.00
521000 - POSTAGE Total	
	\$45,000.00
524000 - GAS/FUEL/OIL	
VOYAGER FLEET SYSTEM	
FUEL SUPPLIES	\$47.54
VOYAGER FLEET SYSTEM Total	\$47.54
524000 - GAS/FUEL/OIL Total	
	\$47.54
525100 - SOFTWARE/HARDWARE EQUIP	
DOMINION VOTING SYST	
SWITCH-ETHERNET	\$1,331.19
DOMINION VOTING SYST Total	\$1,331.19
525100 - SOFTWARE/HARDWARE EQUIP Total	
	\$1,331.19
529000 - OTHER MATERIALS/SUPPLIES	
AGNES A MYERS	
REIMBURSEMENT TEAM BUILDING SUPPLIES	\$19.65
AGNES A MYERS Total	\$19.65
AMAZON CAPITAL SERVI	
ELECTION SUPPLIES	\$263.47
PEO APPRECIATION SUPPLIES	\$261.93
AMAZON CAPITAL SERVI Total	\$525.40
DOMINION VOTING SYST	

Bills

Account / Vendor / Description	Amount
4 SCANNER ROLLERS	\$750.65
DOMINION VOTING SYST Total	\$750.65
JOSEPH P ANDREWS	
REIMBURSEMENT HDMI CABLE	\$42.58
JOSEPH P ANDREWS Total	\$42.58
MENARDS	
ELECTION SUPPLIES	\$29.23
MENARDS Total	\$29.23
NICOLE UNZICKER	
REIMBURSEMENT PEO APPRECIATION SUPPLIES	\$367.79
NICOLE UNZICKER Total	\$367.79
ODP BUSINESS SOLUTIO	
ELECTION SUPPLIES	\$63.85
ODP BUSINESS SOLUTIO Total	\$63.85
QUALITY PUBLISHING C	
40,000 HELP WANTED INSERTS	\$841.32
QUALITY PUBLISHING C Total	\$841.32
US BANK	
PEO APPRECIATION SUPPLIES	\$873.96
PEO APPRECIATION PINS	\$958.68
US BANK Total	\$1,832.64
529000 - OTHER MATERIALS/SUPPLIES Total	\$4,473.11
530075 - TECHNOLOGY SUPPORT	
CADRE COMPUTER RESOU	
FORTIGATE FIREWALL SUPPORT	\$1,079.00
CADRE COMPUTER RESOU Total	\$1,079.00
ESSVR LLC	
AUG VOTER FILE MAINTENANCE	\$7,981.67
ESSVR LLC Total	\$7,981.67
VERIZON WIRELESS	
2024 WIRELESS SUPPORT	\$29.48
VERIZON WIRELESS Total	\$29.48
530075 - TECHNOLOGY SUPPORT Total	\$9,090.15
530310 - RENTAL - EQUIPMENT	
PITNEY BOWES GLOBAL	
3RD QUARTER LEASE AND MAINTENANCE	\$1,973.19
PITNEY BOWES GLOBAL Total	\$1,973.19
530310 - RENTAL - EQUIPMENT Total	\$1,973.19
530500 - TRAVEL & TRAIN EXPENSE	
TODD HALL	
MEAL AND MILEAGE. 6.24.24.SOS	\$217.66
TODD HALL Total	\$217.66
530500 - TRAVEL & TRAIN EXPENSE Total	\$217.66

Bills

Account / Vendor / Description	Amount
530550 - EMPLOYEE JOB RELATED MILEAGE	
KATELAND J ROBINSON	
MILEAGE, MIDDLETOWN RECRUITMENT	\$18.76
KATELAND J ROBINSON Total	\$18.76
ZACHARY TURNER	
MILEAGE, MIDDLETOWN RECRUITMENT	\$18.76
ZACHARY TURNER Total	\$18.76
530550 - EMPLOYEE JOB RELATED MILEAGE Total	\$37.52
536000 - OTHER CONTRACT SVCS	
FEDEX	
SHIPMENT TO SOS	\$104.27
FEDEX Total	\$104.27
JOHNSON CONTROLS FIR	
FIRE ALARM MONITORING	\$55.00
INTRUSION MONITORING	\$42.00
JOHNSON CONTROLS FIR Total	\$97.00
MILLENNIUM BUSINESS	
FLEX COPIES	\$396.34
MILLENNIUM BUSINESS Total	\$396.34
SECURITY LOCK COMPAN	
LABOR AND INSTALLATION ACCESS CONTROL	\$536.50
SECURITY LOCK COMPAN Total	\$536.50
US BANK	
VAN TRACKING SERVICE	\$9.00
US BANK Total	\$9.00
VFP FIRE SYSTEMS	
INSTALLATION OF INTRUSION ALARM	\$1,040.00
VFP FIRE SYSTEMS Total	\$1,040.00
536000 - OTHER CONTRACT SVCS Total	\$2,183.11
Grand Total	\$64,452.47

Chairman Cloud presented Document 2, the minutes of the August 12, 2024, meeting. Member Hall moved to approve the August 12, 2024, meeting minutes on Document 2; seconded by Member penska. Roll Call:

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

Member penska moved to approve the August 19, 2024, meeting minutes on Document 3; seconded by Member Wunnenberg. Roll Call:

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

Member Wunnenberg moved to approve the September 4, 2024, meeting minutes on Document 4; 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 acknowledged receipt of the following directives.

- 2024-18 House Bill 33 (HB 33) and the Data Analysis Transparency Archive Act (DATA Act) Implementation
- 2024-19 2024 General Voter Records Maintenance Program
- 2024-20 Ballots for November 5, 2024, General Election
- 2024-21 Enforcement of Absent Voter's Ballot Provisions and Compliance with State and Federal Laws
- 2024-22 Expedited Canvass and Certification of the November 5, 2024, General Election

Director Unzicker explained that Directive 2024-21 requires voters to sign an attestation form when returning a ballot for another allowed individual. She informed the Board that the required notices have been posted on the drop box. She said there are some unanswered questions, and the office is waiting for more information from the state.

Director Unzicker explained that Directive 2024-22 requires some changes to our board meeting schedule which will be provided at a later date.

Under New Business Deputy Director Corbin presented 1,414 Precinct Election Officials to be appointed to the 2024-2025 term per O.R.C. 3501.22(A) on Document 5. Member Hall asked how many PEOs are needed for the November Election. Deputy Director stated 1,168 PEOs are needed to staff the polling locations. Member Hall moved to appoint the Precinct Election Officials in Document 5 to the 2024-2025 term; 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 presented Document 6 Application for Records Disposal. She informed the board that the retention has been met for all the documents listed. Member penska moved to approve the Application for Records Disposal on Document 6; seconded by Member Wunnenberg. Roll call:

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

All in favor; motion carried.

Deputy Director Corbin provided an update from the last board meeting about the 2025 Operating Budget. There was a question from the board members asking what items add up to account for the additional payroll difference between 2021 and 2025. He explained some of the costs are related to the following items, cost of living adjustments, staff reorganization, additional sheriff deputy support, expected retirement buyouts, additional overtime and additional PEO pay. Additional PEO pay is to prepare for the possibility of needed to pay PEOs for working in a special election in May of 2025. Member Hall moved to approve the 2025 operating budget submission on Document 7; 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 explained Document 8 is an amended document from the September 4, 2024, Special Board Meeting. The form stated the incorrect reason of "Challenge of Right to Vote" but should have read, "Correction of Registration list." The elector who submitted the forms brought this to the attention of the Director and asked if a resubmission was needed. After speaking with the Prosecutor's office, it was determined a new submission was not needed but the Board should amend the document. Director Unzicker explained the Board does not have the ability to remove or require the listed individuals to vote a provisional ballot. With the information in the Ohio Elections Official Manual Directives, and an opinion from the County Prosecutor's office, federal law supersedes state law for this scenario. If there is a change in the law or directives, then new procedures would be followed in accordance with that change. Member Hall moved to approve the amended Document 8; 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 said she was asked about why the Board does not say the pledge of allegiance before the board meetings. She explained that she reached out to other Boards of Elections and found that about half do say the pledge at their meetings and the other do not. Member Hall moved to say the pledge of allegiance after the call to order each meeting; seconded by Member penska. Roll call:

Chairman Cloud	yea
Member penska	no
Member Hall	yea
Member Wunnenberg	yea

All in favor; motion carried.

Under Old Business Director Unzicker addressed two comments from the previous regular meeting.

Ms. Bailey gave a statement regarding some of the voter role maintenance she has been working on with the director from Warren County, Ohio. Although, not claiming perfectly clean

voter rolls in her county, she feels that the director has worked with her and was “encouraged by the director’s willingness to use a provisional status when registration data is missing, and the elector has been unreachable.”

I reached out to the director of Warren County and multiple other directors in the southwest region of the state to collaborate and find new ways of working with the public in providing the information requested and to confirm we are requiring a provisional ballot to be used for the same reasons.

We were able to replicate, to the best of our system’s ability, the public search platform that is used in some of the other counties. Even though this module is not available with our current registration system, we were able to add a link to our website for an excel download that is updated daily by a member of our staff. Our database administrators were able to provide the information that is included in the other counties public search and were even able to provide additional information that is asked for in numerous public record request, which doesn’t appear to be available in the public search provided by the other registration vendors.

However, during the conversation with the Director of Warren County, he wanted to address the provisional status Ms. Bailey mentioned in her statement and provide the correct scenarios of when it is used. He confirmed their office only uses the provisional status for place holder birthdates (1/1/1800), any voter that has an acknowledgment card returned undeliverable and if a voter was mistakenly registered at a business. He also wanted to reiterate that they have never deleted any voters outside of the NVRA process or off any lists provided to them by the public. However, they will generate an additional notice and mail to the persons identified on the list provided by the public that allegedly have issues. The comment made by the visitor of “the private meetings surrounded by computer monitors and where they looked up problems and fixed them on the spot when possible” was clarified by the director of Warren County. He stated that he was able to log into the public facing search tool that is available on their website from his desk and at no time have let Ms. Bailey or any member of the public see an unredacted version of their VR system.

The Butler County Board of Elections appreciates Ms. Bailey visiting our board meeting and providing her experiences in Warren County. Although the director of Warren County provided clarification on some of the comments made, we reviewed the information they provide in their public search and are confident that we’ve added a tool to our website that offers similar, and even enhanced, details. This ensures greater transparency of the records we maintain, in addition to the frequent record requests we fulfill.

Public Comment regarding the removal of voters currently in the NCOA process and Voters who are identified with a BMV mismatch flag.

Mrs. Niederlehner presented a question and a comment regarding the following:

The 25 challenged voters who were removed by the board on July 5, 2024, and the challenges that were filed after were insufficient.

The board granted the challenge of the first 25 voters for allegedly being registered in another state. However, after the board received the legal opinion from our county prosecutor’s office, it was determined that the board could not act on the voters who are challenged and are currently in the NCOA process that is outlined in Federal law in the NVRA. The legal interpretation concluded that federal law supersedes state law regarding the cancellation of a voter that is currently scheduled for removal through that federal process. Although I feel there are valid points raised in the comments from the public, it would take a successful court ruling or other authority before there will be a change in opinion of the law.

The 25 voters who were removed prior to the legal opinion and guidance received by the prosecutor’s office, were sent a notice of their voter cancellation due to a challenge by a

qualified elector and were also provided the opportunity to reregister if the voter felt they were cancelled in error. However, from the time that our office obtained the legal opinion from the prosecutor's office, any voter challenged that is identified under the Federal NVRA confirmation process will be deemed insufficient due to the board being prohibited from taking any action under the guidance of our prosecutor's office.

A comment was also made that the board denied 28 challenges whose registrations are flagged when certain information in the voter's record does not match BMV/SSA records. The board follows Ohio Secretary of State Directive 2023-24, which states:

Section 4.07 Bureau of Motor Vehicles Voter Registration Transactions OVERVIEW Pursuant to the Help America Vote Act (HAVA), the National Voter Registration Act (NVRA), and the Ohio Revised Code, all boards of elections must mail confirmation notices to certain electors as part of a uniform and nondiscriminatory voter records Chapter 4: Voter Registration 101 information verification program prescribed by the Secretary of State.⁴⁷ To assist boards of elections with the Bureau of Motor Vehicle and Social Security Administration (BMV/SSA) Voter Records Information Verification Program, the Ohio Secretary of State's Office will regularly send each board a BMV/SSA Voter Record Information Verification Packet. This electronic packet will notify the board if any of the following information in a new registration needs clarification or updating: 1. Driver's License Number (DLN) could not be verified, 2. Last Name (LN) could not be verified, 3. First Name (FN) could not be verified, 4. Date of Birth (DOB) could not be verified, 5. Last Four Digits of Social Security number (SSN4) could not be verified, and/or 6. Whether the elector has been identified as deceased. Boards of elections must use the information contained in the electronic packet to mail a Confirmation Notice, along with Confirmation Return Notice form, to any elector identified in the packet unless, upon review of the board's records, the information could not be matched as a result of a data entry error by the board of elections. The Notice and accompanying Return Notice must be sent within 10 days of the receipt of the packet or other notification that further clarification or updating is needed for a particular voter registrant. Voter Information Confirmation Notices and Return Notices issued under the ongoing verification program must be on forms prescribed by the Secretary of State (Form 10-C or Form 10-D). Note: A county board of elections is not required to issue a confirmation notice if the nonmatch is the result of a different data entry formatting convention (for example, "O'Brien" compared to "OBRIEN") or a data entry error by the board of elections. Boards may not remove the names of voters from their official list of voters solely because relevant information in a county's voter registration system does not match identification information maintained by the BMV or SSA. Boards may remove the names of ineligible voters from their official list of voters as authorized in this Section.

What to Do When Board DOES NOT Receive a Completed "Return Notice" of Voter Information Confirmation: If the voter registrant fails to return the postage pre-paid Voter Information Confirmation Return Notice or otherwise fails to confirm the relevant information within the county's voter registration system, then the board of elections must leave the mark or flag on the voter's record. Once a voter registrant's voter registration record is flagged for failure to return a completed Return Notice of Voter Information Confirmation, the board must maintain its records with the voter registrant's information flagged in the county voter registration database with a notation of the date the notice was mailed to the voter registrant. If the voter registrant fails for a period of four years (that includes two federal elections, occurring in November of even-numbered years) to update their registration or vote, then the board shall cancel the voter registrant's registration and make a notation of the date of cancellation. If a Voter Information Confirmation Notice or Return Notice is sent to a voter registrant to whom the board already has sent such a notice under the NVRA, the original four-year period from the mailing of the prior notice is used to compute the retention period for the county voter database, even though a subsequent Notice under this Section is mailed and not returned.

Under General Office Updates Director Unzicker said temporary staff members have started working and have returned with their knowledge and experience to help both the full-time staff and the new temporary workers.

Deputy Director Corbin added that the staff is currently entering thousands of absentee ballot requests as the applications sent out by the Ohio Secretary of State are now coming back into the office.

Chairman Cloud asked if there was anyone who wanted to make a public comment. Three citizens presented comments to the Board.

With no further business, Member Hall moved to adjourn the meeting; seconded by Member Wunnenberg. 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 09:31 a.m.

Frank Cloud, Chairman

Nicole Unzicker, Director

Todd Hall, Member

Chris Wunnenberg III, Member

mariann penska, Member