

**Butler County Board of Elections
Special Board Meeting Minutes
October 10, 2024**

The Butler County Board of Elections met on Thursday, October 10, 2024, at 9:04 a.m., for a special meeting. Roll call was taken, and present were Chairman Frank Cloud, Member mariann penska, Member Chris Wunnenberg III, Director Nicole Unzicker, Deputy Director Eric Corbin, Secretary of State Regional Liaison Kenny Henning, Mike Steele and Steve Chaffin.

Member penska lead the pledge of allegiance.

Director Unzicker said there is one item of business on the agenda which is to review the 257 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 read from Document 1, "The registration deadline for the November 5, 2024, Presidential General Election was Monday, October 7, 2024. Boards of Elections in Ohio have until the 14th day before the election, Tuesday, October 22, 2024, to resolve duplicate registrations. We are very familiar with the duplicate process and deadlines. Additionally, per directive 2024-14 we are required to be at 0% on Friday, October 11, 2024, for the second round of absentee applications mailed from the Secretary of State. Our office has always met the deadlines and have reached the 0% duplicate requirement set by the Secretary of State in all previous elections and will continue meeting that requirement for this election as well. Some of the voters listed would have had their records resolved through the normal duplicate process which is currently ongoing as counties around the state are entering registrations that were received before the deadline but were not able to be entered on the same day.

Some of the "potential duplicate" records did share common attributes, such as the same first name, the same last name, and the same date of birth, but are completely different voters. For example, the voters listed in the table below do match on three data points but have different driver's licenses, Social Security Numbers, and middle name."

She then explained how the two sample voters listed do share the same first name, last name and date of birth, but do not match on the other relevant fields.

Director Unzicker explained List 1A contains voters who according to the form 257 are, "potential duplicate voters" that were able to be resolved through the normal duplicate process. She added that the duplicate process is ongoing and there are changes taking place across the state currently until the deadline of tomorrow. The 161 names on List 1A were able to be resolved. Member penska moved to grant the Correction of Registration List 1A; seconded by Member Wunnenberg. Roll call:

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

All in favor; motion carried.

Director Unzicker explained List 1B contains voters who according to the form 257 are, “potential duplicate voters” that were not able to be resolved. She said many of these voters were not able to be matched on one or more data points. There are some voters who are duplicate voters within Butler County which is a normal occurrence. However, when the voter has provided two different forms of identification on two different registration forms, the office must enter the data as it is on the registration card. The duplicate cannot be resolved in this situation, but the voter has been notified as any other voter would be and has not returned the notice. She added that many of the voters on List 1B were simply different voters who did not have matching identification. Member penska moved to deny the correction of registration List 1B of 345 voters; seconded by Member Wunnenberg. Roll call:

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

All in favor; motion carried.

Deputy Director Corbin explained List 2 contains voters who according to the form 257 are, “backdated registrations” which were able to be resolved. He said this is an interesting case that is going to cause some confusion going forward. Some registration dates were changed in error which have now been fixed.

He added that with the implementation of the DATA Act the county boards of elections are now required to use the voter’s original registration date. When a voter moves from one county to another the voter’s new county board of elections will need to use the voter’s original registration date from the previous county. So, it will be a common occurrence in Ohio for a voter’s registration date to go backwards in time as updates are submitted. Director Unzicker said the registration date is going to be the original registration date from the first time the voter registered but when a voter updates, they will be given an “activity” date. Member Wunnenberg clarified that when a voter updates their registration, the registration date will stay the same, but the activity date will change. Deputy Director Corbin gave an example about how going forward, a voter moving from one county to another will have a registration date earlier than the date the voter moved to the new county. He also added that another issue that will cause confusion is that the bill states county boards of elections will need to send their data at 4PM each day, but that is not when the office closes especially when working later in the evening before an election. He said there will be a learning curve as voter records can change from one day to another. Member penska asked, if a voter fills out a new registration form and dates it January 1, of the current year, but the form does not get to the Board of Elections until days later, what is their registration date? Deputy Director Corbin said he does not have all the scenarios memorized yet and would need to look at the list. For example, he said if a registration comes through the mail the date of the postmark is the “activity” date the voter would receive. It will be a change in the process of registration as before the office never needed to keep the envelope a registration arrived in to use the date of the postmark. Director Unzicker explained that there is also a change to the dates for provisional ballots because voters who cast a provisional ballot used to receive the date of the election but now, they will receive the date of the board meeting when the election is certified. Deputy Director Corbin also mentioned another issue where the BMV will send a voter’s registration electronically which will update the voter’s records, and then days later the Board of Elections will receive a paper copy of the same registration which will again change the activity date. Member penska moved to grant the correction of registration List 2 of 7 voters; seconded by Member Wunnenberg. Roll call:

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

All in favor; motion carried.

Deputy Director Corbin explained List 3A and 3B contain voters who according to the form 257 have, “unusual date of birth changes.” He said there were some data entry errors on the 5 voters on list 3A, which were corrected. However, on List 3B upon close review some voters provided different dates of birth on different registration cards. For example, the first

registration had the correct date of birth, the second registration had an incorrect date of birth, and the third time the voter registered they used the correct date of birth again.

Director Unzicker explained one of the voter's whose date of birth changed over time was challenging to figure out because an error was made on the original registration card from 1972 where the date of registration was entered instead of the correct date of birth that was listed on the registration card.

Member penska moved to grant the correction of registration List 3A of 5 voters; seconded by Member Wunnenberg. Roll call:

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

All in favor; motion carried.

Member penska moved to deny the correction of registration List 3B of 7 voters; seconded by Member Wunnenberg. Roll call:

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

All in favor; motion carried.

Director Unzicker explained the last item on page 4 of Document 1 is to inform the Board that the Correction of Registration List filed on September 25, 2024, did not have a board meeting because the challenges were found to be insufficient by the Director and the Deputy Director in accordance with the Ohio Elections Official Manual. She explained that the voters listed with these 257 forms are either in the NCOA process or have a BMV flag but are considered fully eligible voters by Ohio Secretary of State Directive. She noted that Secretary of State LaRose sent a letter to state leaders proposing additional legislation after this election to expand the provisional process but does not have the authority to do so on his own, similar to how the Butler County Board of Elections does not have the authority to remove voters or implement a new provisional process.

Secretary of State Regional Liaison Kenny Henning added that all states run their elections differently and the county clerk in North Carolina is not permitted to send the information required by Ohio.

Director Unzicker mentioned that the two voters from North Carolina whose registration cards were provided in the filing had redacted signatures because the voter's signature is protected information in North Carolina. Ohio requires the signature to be present for a voter's registration to be cancelled. Director Unzicker said she is working with the North Carolina clerk to see if there was a way to release that information to Butler County so the voter registrations can be cancelled.

Director Unzicker also stated that the voters included with the form 257 were checked to see if the voter did vote in the same election in both states. None of the voters have voted in both states, but if one were to be found they would absolutely be referred to the state and prosecutor's office for further investigation.

Deputy Director Corbin added that the office is aware, as well as the Secretary of States office, that different boards of elections are coming to different conclusions on these 257 forms and hopes that the board can work together with the Secretary of State to release more guidance so there can be uniform application of the law across the state.

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)

Note:

The registration deadline for the November 5, 2024 Presidential General Election was Monday, October 7, 2024. Boards of Elections in Ohio have until the 14th day before the election, Tuesday, October 22, 2024, to resolve duplicate registrations. We are very familiar with the duplicate process and deadlines. Additionally, per directive 2024-14 we are required to be at 0% on Friday, October 11, 2024, for the second round of absentee applications mailed from the Secretary of State. Our office has always met the deadlines and have reached the 0% duplicate requirement set by the Secretary of State in all previous elections and will continue meeting that requirement for this election as well. Some of the voters listed would have had their records resolved through the normal duplicate process which is currently ongoing as counties around the state are entering registrations that were received before the deadline but were not able to be entered on the same day.

Some of the "potential duplicate" records did share common attributes, such as the same first name, the same last name, and the same date of birth, but are completely different voters. For example, the voters listed in the table below do match on three data points but have different driver's licenses, Social Security Numbers, and Middle Name.

Voter Data Field	Voter 1	Voter 2	Match
County	BUTLER	FRANKLIN	No
ID Number	OH0021449006	OH0022538328	No
Last Name	MILLER	MILLER	Yes
First Name	KENNETH	KENNETH	Yes
Middle Name	ROBERT	JOSIAH	No
Date of Birth	03/04/1993	03/04/1993	Yes
Last 4 Social Security	****	****	No
Driver's License	*****	*****	No
Address	4116 ROOSEVELT BLVD	2406 BRIERS DR APT D	No
City, State Zip	MIDDLETOWN, OHIO 45044	COLUMBUS, OHIO 43209	No

Correction of Registration List 1A – Potential Duplicate Voters – Resolved

The voters listed on List 1A have been resolved with other Ohio counties in accordance with our duplicate process as stated in the Ohio Elections Official Manual and are no longer duplicate records.

Grant Correction of Registration List (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.

Deny Correction of Registration List

- No Action

Correction of Registration List 1B – Potential Duplicate Voters – Not Resolved

The voters listed on List 1B are unable to be resolved with the records maintained by the Board of Elections. These records did not match on at least one to three data points including PII.

Grant Correction of Registration List

- (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.

Deny Correction of Registration List (Recommended)

- No Action – The voter identification provided by the voter and maintained by the Butler County Board of Elections did not match the records on file with the other Board of Elections.

Correction of Registration List 2 – “Backdated Registrations” – Resolved

The voters listed on List 2 were reviewed and determined to require corrections to the voters’ records to reflect the correct registration/activity dates.

Grant Correction of Registration List (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.

Deny Correction of Registration List

- No Action – The voter identification provided by the voter and maintained by the Butler County Board of Elections did not match the records on file with the other Board of Elections.

Correction of Registration List 3A – “Unusual Date of Birth Changes” – Resolved

The voters listed on List 3A were reviewed and determined to have entry errors that were corrected on the voters’ records.

Grant Correction of Registration List (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.

Deny Correction of Registration List

- No Action – The voter identification provided by the voter and maintained by the Butler County Board of Elections did not match the records on file with the other Board of Elections.

Correction of Registration List 3B – “Unusual Date of Birth Changes” – Not Resolved

The voters listed on List 3B were reviewed and determined the date of birth was correct and did not need to be amended.

Grant Correction of Registration List

- (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.

Deny Correction of Registration List (Recommended)

- No Action – The voter identification provided by the voter and maintained by the Butler County Board of Elections did not match the records on file with the other Board of Elections.

Insufficient Correction of Registration List; Form 257 - No Board Action Required

EOM Section 4.15

"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.

Correction of Registration List of Precinct "listed" Ward "listed" filed September 25, 2024

Reason(s) for insufficiency:

- Form 257 Challenge of Right to Vote and Correction of Registration list was submitted as a request to correct the Precinct and Ward as listed for the individuals described on the submission.
 - All precinct and wards are correct for the individuals listed
- The voters in question have been confirmed as qualified electors by the Secretary of State under Directive 2023-24 and, as such, are required to remain on the voter rolls and are eligible voters.
 - *"Like a voter with an "active" status code, a voter with an "inactive" or "active-confirmation" voter status code is a fully qualified elector and eligible to engage in the activities of a registered voter (i.e., sign a petition, request an absentee ballot, etc.) and appears in the pollbook on Election Day"*
- The Butler County Board of Elections has been advised by the County Prosecutors office that the Board does not have the authority to make changes to these registrations.

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

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

The meeting was adjourned at approximately 9:31 a.m.

Frank Cloud, Chairman

Nicole Unzicker, Director

ABSENT

Todd Hall, Member

Chris Wunnenberg III, Member

mariann penska, Member